

Application ref: 2022/1297/P  
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**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

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[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Mr. Simon Firth  
29 Earlham Street  
London  
WC2H 9LS

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement**

Address:

**51 Calthorpe Street  
London  
WC1X 0HH**

Proposal:

Variation of Condition 2 (Approved Plans) granted under planning reference 2018/1142/P dated 26/01/22 for (Change of use from offices (Class B1a) to create a mixed use scheme of office use (Class B1a) and 8 self-contained flats (Class C3) (2x 1 bed, 4x 2 bed and 2x 3 bed); mansard roof extension to main building; roof extension to rear part of building; creation of internal mezzanine floors; excavation to create basement; associated works) to involve changes: consolidating the design of the mansard roof, enabling lift access at third floor level and minor changes to the layout of some of the flats in the building.

Drawing Nos: 1308.S73.001, 939M-048, 939M-050, 939M-052, 939M-108 Rev 1, Existing Basement, Existing Right-hand side, Existing First floor, Existing Front Elevation, Existing Ground Floor, Existing north rear elevation, Existing Roof plan, Existing Section plans, 939-600 External envelope section, 1308-PA-108, 1308-PA-109 REV H, 1308-PA-110, 1308-PA-111, 1308-PA-112, 1308-PA-113, 1308-PA-114, 1308-PA-200, 1308-PA-201, 1308-PA-300, 1308-PA-301, 1308-PA-302, 1308-PA-303, 1308-PA-304, 1308-PA-305, 1308-PA-306, 1308-PA-307, Minor Material Amendment Statement 1308-PA, 939M-501 Rev 1, 939M-502 Rev 1, 939M-503 Rev 1, 939M-504 Rev 1, 939M-505 Rev 1, 939M-506 Rev 1, 939M-507 Rev 1, 939M.401, 939M.402, 939M.403, 939M.404, 939-500 Rev 1, Construction management plan Feb 2018, Daylight and Sunlight Assessment Jan 2017, Design and Access Statement Feb 2018, Flood risk assessment Volume 1 Feb 2018, Flood risk assessment Volume 2 Feb 2018,

Update for Groundwater monitoring, Heritage Statement, Planning Statement, Sound Insulation Strategy Report Feb 2018, Basement Impact Assessment RM/CS/P12-385/22 Rev G, H and I Create Consulting Engineers, Basement Impact Assessment Audit Sept 2019, Noise Impact Assessment - Rev A, Air Quality Assessment Rev C, Life Cycle Assessment Breeam, Breeam Report 2018 NC, 5118 - Energy Assessment 2008 - 2021(Amended).

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref xxxx/xxxx/x dated xx/xx/xx.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 For the purposes of this decision, condition no.2 of planning permission 2018/1142/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans- 1308.S73.001, 939M-048, 939M-050, 939M-052, 939M-108 Rev 1, Existing Basement, Existing Right-hand side, Existing First floor, Existing Front Elevation, Existing Ground Floor, Existing north rear elevation, Existing Roof plan, Existing Section plans, 939-600 External envelope section, 1308-PA-108, 1308-PA-109 REV H, 1308-PA-110, 1308-PA-111, 1308-PA-112, 1308-PA-113, 1308-PA-114, 1308-PA-200, 1308-PA-201, 1308-PA-300, 1308-PA-301, 1308-PA-302, 1308-PA-303, 1308-PA-304, 1308-PA-305, 1308-PA-306, 1308-PA-307, Minor Material Amendment Statement 1308-PA, 939M-501 Rev 1, 939M-502 Rev 1, 939M-503 Rev 1, 939M-504 Rev 1, 939M-505 Rev 1, 939M-506 Rev 1, 939M-507 Rev 1, 939M.401, 939M.402, 939M.403, 939M.404, 939-500 Rev 1, Construction management plan Feb 2018, Daylight and Sunlight Assessment Jan 2017, Design and Access Statement Feb 2018, Flood risk assessment Volume 1 Feb 2018, Flood risk assessment Volume 2 Feb 2018, Update for Groundwater monitoring, Heritage Statement, Planning Statement, Sound Insulation Strategy Report Feb 2018, Basement Impact Assessment RM/CS/P12-385/22 Rev G, H and I Create Consulting Engineers, Basement Impact Assessment Audit Sept 2019, Noise Impact Assessment - Rev A, Air Quality Assessment Rev C, Life Cycle Assessment Breeam, Breeam Report 2018 NC, 5118 - Energy Assessment 2008 - 2021(Amended).

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The waste storage facility shall be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter in full working order.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of Policy CC5 of the Camden Local Plan 2017.

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Before the development commences, details of secure and covered cycle storage area for the following shall be submitted to and approved by the local planning authority:

- 27 long-stay spaces
  - 3 short-stay cycle parking spaces with either a 'Camden M' or 'Sheffield' stand installed in the private forecourt of the property.

The approved facilities shall thereafter be provided in their entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of Policy T1 of the Camden Local Plan 2017.

- 7 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 8 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the construction phase of the development hereby approved shall be required to meet Stage IIIB of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the construction phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

- 9 Prior to commencement of development, full details in respect of the living roof on the shown on the roof plan and the new rear green wall details shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
  - ii. elevations and sections at a scale of 1:100 & 1:20 with manufacturers details demonstrating the construction and materials used for the area of green roof and green wall, showing a variation of substrate, depth with peaks and troughs
  - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 10 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

11 The following windows shall be obscurely glazed and non-openable below a height of 1.7m.

- Lower ground floor, rear-facing windows (north elevation)
- All side-facing windows facing towards Pakenham Street (west elevation) from ground floor upwards
- Side facing windows facing towards the Hilton Hotel (east elevation)

The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of Policy A1 of the Camden Local Plan 2017.

12 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with Policy A4 of the Camden Local Plan 2017.

13 The works hereby approved shall be carried out in accordance with the methods outlined in the Basement Impact Assessment (as amended).

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of Policy A5 of the Camden Local Plan 2017

14 Prior to the commencement of work for each section of the development or stage in the development as may be agreed in writing by the Local Planning Authority (LPA) a scheme including the following components to address the risk associated with site contamination shall be submitted to and approved in writing by the LPA.

A) A preliminary risk assessment which identifies all previous uses, potential contaminants associated with those uses (including asbestos, landfill gas, ground water contaminants); a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

C) The results of the investigation and detailed risk assessment referred to in (b) and, based on these, in the event that remediation measures are identified necessary, a remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

D) A verification report demonstrating the works set out in the remediation strategy have been undertaken.

Any investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11). In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported immediately to the LPA.

For the avoidance of doubt, this condition can be discharged on a section by section basis.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.

- 15 Prior to commencement of the proposed works, full details of the mechanical ventilation system including air inlet locations and an appropriate NO2 filtration system shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads or any other emission sources and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy 7.14.

Informative(s):

- 1 Reasons for granting permission:  
Planning permission is sought for minor material amendment to planning permission ref. 2018/1142/P. The following changes are proposed:
- " Consolidation of design to create a the mansard roof at the rear roof level
  - " Lift extension to third floor level which would create a overrun of 855mm
  - " Various changes to the layouts of the flats
  - " Provision of secure cycle storage within the basement
  - " Reduction in scale of basement floor office space (to 97sqm)

Land use

Amendments to the proposed scheme from the previous permission involve a gross floorspace gain of 41sqm. The reconfigured flat layouts would not affect the mix of the flats, the larger floorplans (of flats 4, 5, 6, 7 & 8) would be an improvement on the original layouts and provide a better quality of accommodation. Due to the larger floor plans and roof extension alteration there will be an overall uplift of residential floorspace of 41sqm on the original 688sqm taking the total to 729sqm. Given this the proposal would exceed the threshold set out in policy H2 of the Camden Local Plan and so the requirement for residential provision is triggered and the original housing contribution would need to be altered; based on the 729 sqm housing GIA

given in the minor material amendment statement, the PIL is calculated as follows:  $14\% \times 729 \text{ sqm} \times \text{£}5,000 \text{ per sqm} = \text{£}510,300$ . This amount will be secured via Dead of Variation Agreement.

The proposal shows the whole floor of the excavated basement to be deemed not to be feasible on technical grounds and so is being reduced to 97sqm of useable space consisting exclusively of plant space and cycle storage. Given the previous consent the applicants can still use the space within the basement as office space once deemed feasible, the reduced office space would be considered acceptable.

#### Design

Consolidation of design to create a the mansard roof at the rear roof level  
The consented roof extension forms two types of roof styles which intersect into each other. The proposed changes would involve incorporating the two intersections of the two roof styles to form a mansard roof form across the rear elevation of the third floor. This would create a traditional roof form to replace a wall of glazed windows. This would tie in comfortably with the existing roof and match the existing rear windows and have slate tiles to the match the existing roof and adjacent terraces. Although this alteration would enlarge the roof form, it is not likely that it would be widely visible from the street scene or any public views, therefore it is not considered to be harmful to the character or appearance of the existing building or the surrounding area.

#### Lift extension to third floor level

Within the consented scheme the residential lift reached the second floor level, which is where the entrance to flat 8 would be located. As the majority of the accommodation for this flat is on the third floor it is now considered for there to be a direct lift access area to the third floor (using a keypad and a personal identification number). In order to provide this, there would be a lift overrun of approximately 855mm above the proposed roofline positioned centrally on the roof. Given the modest projection and siting central within the roof the proposed overrun would not be widely visible in short and long views and if clad in zinc the structure would read as though it is placed behind the building rather than placed on top. Material samples of the cladding should be submitted as part of the samples of material condition applied to the planning permission.

- 2 Modest changes have been made to all the flats proposed. Flat Nos. 2 and 3 have decreased in size slightly decreased in size and flat Nos. 4, 5, 6, 7 and 8 have all increased in size. This is due to structural works throughout the building, thicker walls, removal of chimneys and extension of mansard roof. The reconfiguration will not impact the mix of flats, all the flats would still exceed the national space standards and therefore would still be considered a an acceptable mix of units.

Overall, the proposed works would be in keeping with the character and appearance of the host building and the wider area and it is considered that the proposal would preserve and enhance the character and appearance of the Bloomsbury Conservation Area. It is also considered that there would be no harm caused to the setting of the adjacent terrace of listed buildings. The application is therefore considered to be acceptable in this regard.

### Amenity

The overall bulk and massing of the resultant building is identical to that approved within the previous application and therefore it is not considered that the proposed mansard roof above the main part of the host building would cause undue harm to neighbouring properties. There are no windows on the hotel building close enough to the proposed mansard roof to be affected. Similarly, the proposed mansard roof would not be visible from any windows at No. 49 Calthorpe Street. It may be visible in sideways views from the properties on Pakenham Street, but not at sufficient close range so as to unduly harm the outlook from these properties.

The proposed roof extension to the rear part of the building would be visible from the hotel, the adjacent properties on Calthorpe Street and also the properties on Pakenham Street; however, it is not considered that it would cause undue harm to the outlook from these properties. The amended rear extension would be no taller than the tallest part of the existing mansard wall at the end of the host building, the extensions would be set in from the existing western side elevation by 0.9 metres and it would be set in from the existing eastern side elevation by 1 metre. This would serve to reduce the overall scale and bulk of the rear of the host building and would prevent the resultant building from appearing overbearing when viewed from neighbouring properties.

### Cycle parking

The cycle parking which was approved within the ground floor and lower ground floor has now been moved to the basement level so that it is not accessed directly off the residential access corridor which would be contrary to part B of the building regulations which does not allow for ancillary accommodation accessed via a protected lobby within a small stair building. The amended total residential provision would be 19 (17 long stay + 2 shot stay). The total area of the proposed office will be 590.7sqm so the total provision would be 9 (8 long stay + 1 short stay). The amended provision of cycle parking would be considered acceptable, however officers would need to see exactly where these additional spaces would be placed. Therefore a condition securing full details of the cycle parking facilities would still need to be submitted to and approved by the council and the same condition can ensure that the cycle facility is retained in perpetuity.

No objections were received following statutory consultation. The planning history of the site and surrounding area were taken into account when coming to this decision.

As such, the proposal is in general accordance with Policies A1, A4, CC1, CC2, D1, E2, H2, T1 and T2 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2021 and the National Planning Policy Framework 2021.

### Summary of Deed of Variation Planning Obligations

- " Payment in lieu of affordable housing contribution (£510,300)
- " Construction Management Plan and a CMP implementation support contribution (£7,565)
- 3 " Car free
- " The carbon offset payment cost (£55,026)
- " Approval in Principle (AIP) and assessment fee (£1,800)
- " Highways works contribution (£7,048)



- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 7 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.
- 8 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer