

Delegated Report	Application Address	Expiry Date:	09/09/2013
	80 Charlotte Street & 65 Whitfield Street London W1T 4QP	Consultation Expiry Date:	N/A
Officer		Application Number(s)	
Gavin Sexton		2013/5152/P	
Proposal(s)			
Non material amendment to planning permission granted on 16/03/12 (Ref: 2010/6873/P for 'seven storey extension to the Chitty Street elevation and two additional storeys in association with the existing office use (Use Class B1); the creation of new public open space; change of use from office to create flexible units at ground and lower ground floor levels; creation of 19 residential units (Use Class C3) at 67-69 Whitfield St; erection of two additional floors to create 36 residential units and erection of a 3 storey residential building at 14 Charlotte Mews' (abbreviated). Amendments relate to wording of condition 6 (contaminated land).			
Recommendation(s):	Grant non-material amendment		
Application Type:	Non Material Amendments		
Site Description			
<p><u>80 Charlotte Street</u> is the whole of the city block defined by Charlotte Street, Howland Street, Whitfield Street and Chitty Street. The block is all in B1 use and is occupied by a single tenant; the Saatchi and Saatchi advertising agency.</p> <p><u>65 Whitfield Street</u> is a four storey plus basement 1950s office building, in B1 use although only the ground floor is currently occupied. This part of the site also includes 14 Charlotte Mews, a much altered three-storey Victorian building. This part of the site is also in the Charlotte Street Conservation Area.</p>			
Relevant History (most recent first)			
<p>2013/1876/P: Non-material amendment granted for <i>“Non material amendment to planning permission granted on 16/03/12 (Ref: 2010/6873/P for 'seven storey extension to the Chitty Street elevation and two additional storeys in association with the existing office use (Use Class B1); the creation of new public open space; change of use from office to create flexible units at ground and lower ground floor levels; creation of 19 residential units (Use Class C3) at 67-69 Whitfield St; erection of two additional floors to create 36 residential units and erection of a 3 storey residential building at 14 Charlotte Mews' (abbreviated). Amendments relate to infill of lift area and projection of elevation, all to rear of 65 Whitfield Street building. “</i></p> <p>2013/1877/P: Approval granted on 2nd May 2013 for condition 6b (ground investigation results and remediation measures).</p> <p>2012/6778/P, 2012/6822/P, 2012/6823/P, 2012/6824/P, 2012/6825/P: Approval granted for various applications to discharge conditions 19 (hard and soft landscaping), 3 (corner detailing), 5 (cycle storage), 10 (green roof details) and 11a, b, e (shopfront and offices, external materials, design and appearance of roofs).</p> <p>2012/5283/P approval granted on 29/10/2012 for condition 6 (a) (ground contamination investigation).</p>			

16th March 2012 : Consent was **granted** by the Mayor of London for application 2010/6873/P subject to conditions and a s106 legal agreement.

Assessment

The applicant is seeking to vary the wording of condition 6 of the consent.

The current condition is :

“No development shall take place until:

- a) The applicant has submitted a programme of ground investigation for the presence of soil and groundwater contamination and landfill gas for approval by the Council; and*
- b) The investigation has been carried out in accordance with the approved details and the results and remediation measures (if necessary) have been submitted to and approved by the Council. All approved remediation measures shall be implemented strictly in accordance with the approved details.*
- c) All approved remediation measures shall be implemented strictly in accordance with the approved details and a verification report shall be submitted and approved by the Council.*

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policy DP26 of Camden Council’s Development Policies, and London Plan policy 5.21.”

The applicant wishes to make the following change (removals and additions as highlighted):

“No development shall take place until:

- a) The applicant has submitted a programme of ground investigation for the presence of soil and groundwater contamination and landfill gas for approval by the Council; and*
- b) The investigation has been carried out in accordance with the approved details and the results and remediation measures (if necessary) have been submitted to and approved by the Council. All approved remediation measures shall be implemented strictly in accordance with the approved details.*
- ~~*c) All approved remediation measures shall be implemented strictly in accordance with the approved details and a verification report shall be submitted and approved by the Council*~~

Following the commencement of development, the remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policy DP26 of Camden Council’s Development Policies, and London Plan policy 5.21”

Parts a and b of the condition (see site history) have already been discharged and all that remains of the condition is to submit the post-remediation verification report for approval. The changes only relate to a clarification of the requirement to adhere to the approved remediation measures and the submission of a remediation report prior to occupation. The changes are non-material. The council’s contaminated land officer has agreed with this assessment.

Recommend: approve non-material amendment

Note: the legal agreement attached to the original permission, amended by the deed of variation agreed under permission 2013/1876/P, identify that s96 applications do not require deeds of variation to the original s106.