

Jonathan Marginson  
DP9  
100 Pall Mall  
LONDON  
SW1Y 5NQ

Application Ref: **2012/2045/P**  
Please ask for: **Conor McDonagh**  
Telephone: 020 7974 **2566**

13 December 2012

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)  
Town and Country Planning (Development Management Procedure) Order 2010  
Town and Country Planning (Applications) Regulations 1988

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**73 - 75 Charlotte Street  
34-38 Tottenham Street and 4 Tottenham Mews  
London  
W1T**

Proposal:

Erection of a part 3/4/5 & 6 storey building plus basement level for a mixed use development comprising of 11 residential units (Class C3) and 253sqm of office (Class B1) floorspace at part basement and ground floor level, following demolition of existing buildings at 73-75 Charlotte Street & 34-38 Tottenham Street and 4 Tottenham Mews.

Drawing Nos: (Prefix P10.) 00, 01, 10 - 17, 20, 21, 22, 30; (Prefix P20.) 00, 10 -17; (Prefix P30.) 01, 02, 03, 04; (Prefix P40.) 01, 02; (Prefix P50.) 01, 02 rev A, 03, 04 rev B, 05, 06.

Documents: Design and Access Statement by DSHDA; Planning Statement and Appendices by DP9; Townscape, Visual Impact and Heritage Report by Peter Stewart Consultancy; Environmental Performance Statement by GDM; Air Quality Assessment by Arup; Code for Sustainable Homes pre-assessment by MLM; Daylight and Sunlight Report by gia; Internal Daylight and Sunlight Report by gia; Basement Impact Assessment by Elliotwood; Transport Statement by Clewlow Consulting (all dated April 2012); Acoustic Report rev01 by Alan Saunders Assoc. and A Survey of the Use of Black or Dark Brick by



DSDHA dated August 2012.

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 this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: (Prefix P10.) 00, 01, 10 - 17, 20, 21, 22, 30; (Prefix P20.) 00, 10 -17; (Prefix P30.) 01, 02, 03, 04; (Prefix P40.) 01, 02; (Prefix P50.) 01, 02 rev A, 03, 04 rev B, 05, 06.

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

- 3 Detailed drawings and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door including shopfronts at a scale of 1:10 with typical glazing bar details at 1:1.

b) Typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.

c) Samples and manufacturer's details of new facing materials including windows and door frames, glazing, Juliette balconies, balustrades, ventilation grilles, timber cladding, infill and spandrel panels and any other facing materials.

d) A sample panel of each of the 3 brickwork types, no less than 1m by 1m demonstrating the proposed colour, texture, face-bond, pointing, expansion joints and vertical and horizontal banding, shall be erected on site for inspection for the local planning authority and maintained for the duration of the works.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the Council.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Before the relevant part of the development is first occupied, the proposed cycle storage areas hereby approved shall be provided and fitted out in their entirety and permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 and DP18 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The lifetime homes features and facilities and all passenger lifts as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to first occupation of any of the new residential units and shall be permanently maintained and retained thereafter.

Reason: To ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Before the relevant part of the development is first occupied, the refuse and recycling storage facilities, as shown on the drawings hereby approved, shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies CS5 and CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct

impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive facade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the area in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Prior to commencement on the relevant part of the development hereby approved details of sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:1999):

Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast)  
Living Rooms (07.00-23.00 hrs) 30 dB LAeq,  
Kitchens, bathrooms, WC compartments and utility rooms  
(07.00 -23.00 hrs) 45 dB LAeq

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and implemented prior to the first occupation of the development and shall be maintained as such thereafter.

Reason: To safeguard the amenities of the proposed residential flats in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 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 Council 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 policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 3 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 are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall,

Argyle Street, WC1H 8EQ.

- 5 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.
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ
- 7 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 8 You are advised that the brick samples required under condition 3 of this permission will need to be reported to the members briefing panel prior to formal discharge of the condition.
- 9 Your attention is drawn to the fact that the Development Control Committee's resolution to grant permission contains the Council's agreement to the creation of a 'market housing credit' arising from this planning permission, having a total value of 1,572sqm, (measured as gross external area of market residential floorspace) which can only be redeemed in compliance with relevant policies. The creation of a 'market housing credit' does not place any obligation on the Council in terms of its decision-making in relation to any future application or site, however it is agreed that 577sqm of the credit may now be used as the off-site housing provision as required by the same applicant's planning consent at Central Cross (reference: 2012/2232/P) so that the development of Central Cross may proceed in parallel with the development at 73 Charlotte Street but the latter must be completed and made available for occupation prior to the occupation of the new commercial floorspace at Central Cross.
- 10 Reasons for granting planning permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework policies with particular regard to CS1 - Distribution of growth, CS3 - Other highly accessible areas, CS5 - Managing the impact of growth and development, CS6 - Providing quality homes CS7 - Promoting Camden's centres and shops, CS8 - Promoting a successful and inclusive Camden economy, CS9 - Achieving a successful Central London, CS10 - Supporting community facilities and services, CS11 - Promoting sustainable and efficient travel, CS13 - Tackling climate change through promoting higher environmental standards, CS14 - Promoting high quality places and conserving our heritage, CS15 - Protecting and improving our parks and open spaces and encouraging biodiversity, CS16 - Improving Camden's health and well-being, CS17

- Making Camden a safer place, CS18 - Dealing with our waste and encouraging recycling, CS19 - Delivering and monitoring the Core Strategy, DP1 - Mixed use development, DP2 - Making full use of Camden's capacity for housing, DP3 - Contributions to the supply of affordable housing, DP4 - Minimising the loss of affordable homes, DP5 - Homes of different sizes, DP6 - Lifetime homes and wheelchair housing, DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses, DP13 - Employment premises and sites, DP15 - Community and leisure uses, DP16 - The transport implications of development, DP17 - Walking, cycling and public transport, DP18 - Parking standards and limiting the availability of car parking, DP19 - Managing the impact of parking, DP20 - Movement of goods and materials, DP21 - Development connecting to the highway network, DP22 - Promoting sustainable design and construction, DP23 - Water, DP24 - Securing high quality design, DP25 - Conserving Camden's heritage, DP26 - Managing the impact of development on occupiers and neighbours,

11 Reasons for granting planning permission continued...

DP27 - Basements and lightwells, DP28 - Noise and Vibration, DP29 - Improving access, DP30 - Shopfronts, DP31 - Provisions of, and improvement to, open space and outdoor sport and recreation facilities and DP32 - Air quality and Camden's Clear Zone. Furthermore the proposal accords with the specific policy requirements in respect of the following principal considerations:- The loss of D1 from this particular site can be accepted given the planning benefits that would come about from the proposed scheme including new residential, comprising affordable and family sized units that will strengthen a mixed and inclusive community in this part of Fitzrovia. The internal accommodation would be of a good quality and standard of design. The existing office floor space would be replaced with flexible office space with a new active frontage to Charlotte Street. The proposal also secures the delivery of affordable housing at Suffolk House, where 2 units of social rent associated with the proposal will be provided. The creation of a 'market housing credit' at the site is in accordance with policy and would help secure the early delivery of high quality housing in Fitzrovia. The design and appearance of the new building is of a high quality and the choice of facing materials have been carefully considered in order to respond positively to the character and appearance of other buildings of value in the conservation area. The new build would not cause any material harm to neighbouring privacy, daylight, sunlight and outlook.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

**Disclaimer**

***This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444***