

**LONDON BOROUGH OF CAMDEN APPLICATION REFERENCE: 2015/0391/P**

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**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**

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**ARTHUR STANLEY HOUSE, 40 TOTTENHAM STREET, LONDON, W1T 4RN**

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**DRAFT STATEMENT OF COMMON GROUND**

**BETWEEN THE APPELLANT AND LB CAMDEN**

**APRIL 2016**

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## **1.0 INTRODUCTION**

- 1.1 This Draft Statement of Common Ground is provided in relation to the appeal lodged by University College London Hospitals Charity (UCLHC) (“the Appellant”) following the refusal of planning application (reference 2015/0391/P) at Arthur Stanley House (“the Site”) by the London Borough of Camden (“LB Camden”) on 2 July 2015.
- 1.2 This Draft Statement of Common Ground has been produced by DP9 Ltd and Temple Group on behalf of the Appellant, and has been agreed with LB Camden. The Draft Statement is based on the material submitted with the application and references the officer’s report to the LB Camden Development Control Committee dated 25 June 2015.
- 1.3 The purpose of this Draft Statement is to set out information about the proposed development which the Appellant expects to be able to agree with LB Camden, and the areas of dispute between the Appellant and LB Camden.
- 1.4 The Appellant intends to work with the LB Camden to narrow down the areas of dispute as far as possible prior to the commencement of the Hearing. In this regard it is envisaged that a Final Statement of Common Ground will be agreed and signed between the two parties and submitted within five weeks of the start date in accordance with the Planning Appeals Procedural Guide (July 2015)

## **2.0 SITE DESCRIPTION**

### **The Site**

- 2.1 The Site is located within the Bloomsbury Ward in LB Camden. Situated on Tottenham Street, it lies east of Cleveland Street and west of Charlotte Street. The eastern elevation of the Site fronts Tottenham Mews.
- 2.2 The Site comprises a vacant hospital outpatient facility with ancillary offices. The existing building comprises 6,164sqm GEA. The Site was last in use in 2005/6 by University College London Hospital Trust, and has been vacant for approximately 10 years.
- 2.3 All of the services which ran from the Site were relocated to the main UCLH site on Euston Road in 2005/6.
- 2.4 Arthur Stanley House is an eight storey brick-faced post war block of limited architectural merit. The Site is located within the Charlotte Street Conservation Area, and is identified as a detractor in the Conservation Area Appraisal due to its scale and bulk.
- 2.5 The Site has a PTAL level of 6b. This is the highest PTAL rating.

### **The Surrounding Area**

- 2.6 The surrounding area contains a range of built forms and scales with traditional four storey terraced buildings to the south and more modern institutional blocks of a similar scale to the subject building directly to the north.
- 2.7 There are listed heritage assets within the vicinity of the Site. No.39 Tottenham Street (directly opposite the Site) is a Grade II Listed building. Two buildings along Goodge Place to the south of the Site are also Grade II Listed. North of the Site, the Grade II\* Listed BT Tower is also visible in the background in some street views of Arthur Stanley House.
- 2.8 The Site is identified in the Fitzrovia Area Action Plan (FAAP) as an opportunity site, as are several other sites in the vicinity, including Astor College (99 Charlotte Street),

Middlesex Hospital Annex (44 Cleveland Street) and Tottenham Mews Day Hospital (14-19 Tottenham Mews).

- 2.9 Tottenham Day Mews (directly to the north of the Site), was granted planning permission on 13 December 2012 for the demolition of the existing building and the erection of a five storey building, including basement level and roof top plant enclosure, to provide a Mental Health Resource Centre including recovery centre, consultation and activity rooms (Class D2) and 6 x 1 bed short stay bedrooms (Class C2) (planning permission reference 2012/4786/P).
- 2.10 Astor College further north of the Site also secured planning permission on 27 August 2015 (reference 2015/1139/P) for the refurbishment of existing student accommodation comprising 2 storey upper ground floor front extension and 8 storey rear extension to provide 60 additional bedrooms, and overcladding, creation of ground floor Class A3 café and the pedestrianisation of Bedford Passage.

### **Planning History**

- 2.11 Planning permission for the existing building was granted on 25 October 1962 (planning permission reference TP8221/C). The application was for the erection of an eight-storey building, plus basement for the use of the Department of Physical Medicine and the School of Physiotherapy of the Middlesex Hospital. The building was designed by TP Bennett.
- 2.12 Planning permission was granted on 26 April 2011 for external additions and alterations to include the installation of four exhaust flues, external chiller enclosure and acoustic louvres at roof level, along with alterations to the ground floor entrance canopy in association with the building being used as pathology labs (Class D1) (planning permission reference 2011/0939/P). This consent was not implemented.

### **3.0 PLANNING APPLICATION CHRONOLOGY**

#### **Pre-application Consultation**

- 3.1 Three formal pre-application meetings were held with LB Camden planning, housing and design officers in May, September and October 2014. A further meeting was held with the design officer at LB Camden to discuss the design approach to the elevations of the proposed building.
- 3.2 Public consultation events were held on 19 November and 22 November 2014 at Fitzrovia Community Centre.
- 3.3 Following the pre-application stage, amendments were made to the scheme proposals to responding to advice obtained from officers from LB Camden and as a result of public consultation comments.
- 3.4 The planning application was subject to a Planning Performance Agreement with LB Camden.

#### **Planning Application Submission (22 January 2015)**

- 3.5 The planning application proposed the refurbishment and redevelopment of the existing eight storey Arthur Stanley House for use as offices and private residential units. To the rear, a new build element was proposed fronting Tottenham Mews to provide residential and office accommodation.
- 3.6 The originally submitted planning application sought permission for:  
  
*Refurbishment and redevelopment of Arthur Stanley House to provide 5,487 sqm commercial (Class B1) floorspace and 1,976 sqm market residential (Class C3) floorspace, including; New build unit to the rear facing Tottenham Mews comprising 1,299 sqm market and affordable (Class C3) floorspace.*
- 3.7 The proposed scheme included 12 residential units: 10 market units and 2 affordable units.

- 3.8 The Llewelyn Davies design proposes that the frame of Arthur Stanley House is to be retained and then re-clad, with an extension to the rear. The chimney and the concrete frame loggia at seventh floor level are proposed to be removed. The façade will be re-clad with bricks, and new vertical proportions to the windows to create a new rhythm to the building, which is in keeping with the local area. The residential block on Tottenham Mews is proposed to be 5 storeys in height and has been designed to reflect the surrounding mews style properties.

#### **Revised Planning Application Scheme (28 April 2015)**

- 3.9 Following submission of the planning application the external design and internal layouts and residential mix were revised. In addition, clarifications regarding cycle parking spaces and the energy strategy were also submitted.
- 3.10 A summary of the full extent of the revisions to the planning application is provided in paragraph 2.5 at pages 3 and 4 of the LB Camden Development Control Committee Report. This is not considered to be in dispute.
- 3.11 The revised planning application proposals were for 5,075sqm GIA office floorspace (Class B1) and 1,853sqm GIA residential floorspace (Class C3). The proposed refurbished existing building will provide 6,146sqm GEA floorspace (excluding any extensions). The new building elements would have 1,333sqm GEA floorspace.

#### **Revised Planning Application Scheme (5 May 2015)**

- 3.12 Further amendments were made to the scheme in May 2015 comprising clarifications to ensure that the proposed development could meet the requisite Lifetime Homes standards.

#### **Inclusion of Flexible Class B1 / D1 Use**

- 3.13 On 20 May 2015 at the request of LB Camden a flexible Class B1 / D1 use at ground floor level was introduced to enable the future exploration of opportunities to use the space as a GP surgery.



### **Determination of Planning Application**

- 3.14 Officers recommended to the LB Camden Development Control Committee on 25 June 2015 that conditional planning permission be granted subject to completion of a S106 Agreement.
- 3.15 The LB Camden Development Control Committee resolved by majority to refuse planning permission at the meeting on 25 June 2015.
- 3.16 The Decision Notice issued by LB Camden on 2 July 2015 stated 11 reasons for refusal.

#### **4.0 THE PROPOSED DEVELOPMENT**

##### 4.1 The description of development is:

*Refurbishment of the existing eight storey Arthur Stanley House and new build element to the rear facing Tottenham Mews to enable a change of use from health care (Class D1) to a mixed use development comprising office floors space (Class B1), flexible office (Class B1/ health care (Class D1) floorspace at ground floor level and 12 residential units (Class C3) (market units: 1 x 1 bed; 8 x 2 bed; 1 x 3 bed) (affordable units: 2 x 3 bed) and associated landscaping fronting Tottenham Mews.*

##### 4.2 A full summary of the proposed development is set out in **Appendix 1**.

## **5.0 THE DEVELOPMENT PLAN & MATERIAL CONSIDERATIONS**

### **The Development Plan**

5.1 The Development Plan for the application consists of the following documents:

- The London Plan (The Spatial Development Strategy for London Consolidated with Alterations Since 2011) (adopted March 2015);
- Camden Core Strategy (adopted November 2010);
- Camden Development Policies (adopted November 2010); and
- Fitzrovia Area Action Plan (“FAAP”) (adopted March 2014).

### **Material Considerations**

5.2 In addition the following documents are relevant material considerations in the determination of planning applications:

- The National Planning Policy Framework (NPPF) (adopted March 2012);
- The Planning Practice Guidance (PPG) (first adopted March 2014, as amended);
- Camden Planning Guidance:
  - CPG1 – Design
  - CPG2 – Housing
  - CPG3 – Sustainability
  - CPG6 – Amenity
  - CPG7 – Transport
  - CPG8 – Planning Obligations

### **Heritage and conservation**

5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “*special attention shall be paid to the desirability of preserving or enhancing the character of appearance of that area*”. This statutory duty to pay special regard is a significant consideration in the determination of a planning application where improvements are proposed to the quality of the building and the where the proposal preserves or enhances the designated heritage asset, being in this case the conservation area.

## **6.0 DRAFT MATTERS AGREED BETWEEN THE PARTIES**

### **Housing mix**

- 6.1 Policy DP5 seeks the provision of at least 40% of market units to be 2 bed homes which are in very high demand and at least 50% of social rented units to be family sized (3 bed+). 80% of the market units would be 2 beds and 100% of the social rented units would be 3 beds. The proposal meets and exceeds the requirements of Policy DP5.

### **Quality of residential accommodation**

- 6.2 The proposed residential units meet and exceed the minimum floor area space standards set out in Camden Planning Guidance 2 and the London Plan.
- 6.3 Floor to ceiling heights meet or exceed the CPG2 and London Plan standards.
- 6.4 9 units benefit from private outdoor amenity space and all units have access to a 8sq.m 4<sup>th</sup> floor communal roof terrace.
- 6.5 11 of 12 units are dual aspect, the only single aspect unit (flat 6) faces east. This is compliant with CPG2.

### **Quality of office accommodation**

- 6.6 The office floorspace has been designed so that it could easily be divided into smaller offices within a number of floors having multiple entrances from the stair and lift core. As such it is considered that the proposal complies with Principle 4 of the FAAP which states new business development should be design to flexibly allow part of the property to be occupied by SMEs.

### **Design**

- 6.7 The existing building is recognised as being detrimental to the character and appearance of the conservation area.
- 6.8 The building is of little architectural merit.

- 6.9 The proposed development is considered to be an enhancement and will contextualise the converted Arthur Stanley House into its context of lower height and finer grain. The proposals are considered to enhance the character and appearance of the conservation area.

#### **Land Use - Proposed Office and Residential Mixed Use**

- 6.10 It is agreed that the proposed development would provide 2,021sqm GEA on site residential floorspace which exceeds the required residential floorspace provision required in accordance with Policy DP1 (666sqm GEA policy requirement).

#### **Affordable Housing**

- 6.11 The scheme provides 370sqm of affordable housing.
- 6.12 As far as the appeal proposal is concerned, the level of affordable housing proposed on site is considered to accord with the requirements of Policies CS6 and DP3.
- 6.13 It is agreed that a planning obligation could secure the provision of the on-site affordable units in accordance with Policy CS19, which would overcome reason for refusal 2.
- 6.14 The parties agree that reason for refusal 2 can be overcome by entering into a satisfactory legal agreement.

#### **Car-free Development**

- 6.15 No on site car parking is proposed as part of the proposed development.
- 6.16 It is agreed that a planning obligation could secure the development as a car free development in accordance with Policy CS11 and DP18.
- 6.17 The parties agree that reason for refusal 3 can be overcome by entering into a satisfactory legal agreement.

### **Construction Management Plan**

- 6.18 It is agreed that the submission of a full Construction Management Plan (CMP) could be secured through a planning obligation to address the requirements of policies CS5, CS11, DP20 and DP26.
- 6.19 The parties agree that reason for refusal 4 can be overcome by entering into a satisfactory legal agreement.

### **Public Highway Works and Public Realm and Environmental Improvements**

- 6.20 It is agreed that the site specific requirement for a financial contribution towards the repaving of the footway on Tottenham Street and Tottenham Mews adjacent to the Site and for resurfacing the carriageway on Tottenham Mews adjacent to the Site is able to be secured via a planning obligation.
- 6.21 It is agreed that a financial contribution towards public realm and environmental improvements cannot lawfully be secured via a planning obligation as the proposed contribution will be funded by CIL. Reason for refusal 5 can therefore be overcome by entering into a satisfactory legal agreement.

### **Work Place Travel Plan**

- 6.22 The proposed development included the submission of a draft Travel Plan prepared by Crosby Transport Planning.
- 6.23 It is agreed that a detailed Work Place Travel Plan could be secured via a planning obligation to set out measures to promote use of sustainable transport by future occupants.
- 6.24 Reason for refusal 6 can be overcome by entering into a satisfactory legal agreement to ensure that a Work Place Travel Plan would be submitted for approval in compliance with policies CS11, DP16 and DP17.

## **Sustainability**

- 6.25 The Stage 2 Sustainability Report prepared by Arup submitted as part of the planning application confirms that the proposed development would meet Code for Sustainable Homes Level 4, and would achieve at least 50% of the requisite un-weighted credits associated with energy, water and materials. The Report also confirms that the proposed development will achieve BREEAM ‘very good’ standards, and will exceed 60% of the un-weighted credits in the energy and water categories, and over 40% of the un-weighted credits in the materials categories.
- 6.26 It is agreed that reason for refusal 7 could be overcome by entering into a satisfactory legal agreement to ensure that the proposed sustainability and energy targets are achieved throughout the design stage and post construction.

## **Local Employment and apprenticeships**

- 6.27 A range of recruitment, apprenticeship and procurement measures can be secured by entering into a satisfactory legal agreement to provide a financial contribution of £31,500 towards training and employment and the submission of a local employment, skills and local supply plan.
- 6.28 Reason for refusal 9 could be overcome by entering into a satisfactory legal agreement to secure a contribution towards employment and apprenticeships.

## **Public Open Space**

- 6.29 It is challenging to provide open space on sites within densely built up areas and as such it is agreed, subject to the Council confirming compliance with regulation 123 of the Community Infrastructure Levy Regulations 2010 (see **Appendix 3** for further detail), that reason for refusal 10 can be overcome by entering into a satisfactory legal agreement to secure a site specific financial contribution towards public open space provision.

### **Energy Efficiency**

- 6.31 Reason for refusal 8 required a payment of financial contributions towards carbon offsetting and decentralised energy to be made; secured via a S106 Agreement.
- 6.32 The Appellant agrees to make these payments subject to the Council confirming that each will be compliant with regulation 123 of the Community Infrastructure Levy Regulations 2010.

### **Loss of healthcare facility**

- 6.33 The parties agree that all healthcare services previously provided at the Site were relocated in their entirety to the new University College Hospital on Euston Road in 2005/2006.
- 6.34 The Appellant considers the proposed loss of the healthcare facility is compliant with Policy DP15 criteria C as replacement facilities which meet the need of the local population have been provided.

### **Works undertaken on site**

- 6.35 The Council and the Appellant agree that the works undertaken on site to take down the chimney, remove the outbuildings to the rear of the site and strip the interior of the existing building do not require planning permission.

### **Conditions**

- 6.36 The Council and Appellant have agreed a list of suggested conditions. These conditions are attached as **Appendix 2**.

### **Section 106 Planning Obligations**

- 6.37 The S106 matters agreed in relation to the proposed Section 106 Agreement are set out in **Appendix 3** of this Statement.



## **7 MATTERS NOT IN AGREEMENT BETWEEN THE PARTIES**

### **Reason for Refusal 1**

- 7.1 The Council and the Appellant disagree regarding reason for refusal 1.
- 7.2 The Appellant considers that the arrangement of the proposed office and residential uses maximises the reasonable provision of residential use, taking account of the development plan policies and other material considerations.
- 7.3 The Council considers that whilst no objection is raised to the principle of providing an element of office use as part of a mixed use scheme on the site, the proposed development, on a site which is identified in the FAAP as an opportunity site for provision of permanent self-contained homes (including affordable homes), would fail to maximise the site's contribution to the supply of homes in the Borough which is the Council's preferred replacement use for the existing healthcare uses.

### **Reason for Refusal 11**

- 7.4 The Council and the Appellant disagree regarding reason for refusal 11.
- 7.5 It is the Appellant's position that a planning obligation to use reasonable endeavours to negotiate with NHS England with a view to leasing floorspace within the proposed development for use as a GP surgery at a rent commensurate with community use in the area would not meet any of the tests set out in regulation 122(2) of the CIL Regulations 2010. Regulation 122(2) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 7.6 The Appellant considers that the Council has not provided any evidence to demonstrate how a planning obligation in the above terms would satisfy each of the tests set out in

regulation 122(2). On this basis the Appellant does not agree to the provision of such a planning obligation. If the Council is able to produce evidence which it considers satisfies each of the tests set out in regulation 122(2) the Appellant will reconsider its position.

- 7.7 The Council considers the provision of floorspace to accommodate a GP practice at the development site is required in accordance with Camden policies CS10 and DP15. The Council has been informed by NHS England that a GP facility is needed in the local area. As agreed with the Appellant, the Council will produce the evidence requested to satisfy each of the tests set out in regulation 122(2).

### **Section 106 Planning Obligations**

- 7.8 A summary of the matters not agreed in relation to the proposed Section 106 Agreement are set out in **Appendix 3** of this Statement.

**8.0 DECLARATION**

8.1 The matters contained in this Statement of Common Ground have been agreed by the Appellant and LB Camden.

Signed on behalf of the Appellant:

Signed on behalf of LB Camden:

[insert signature]

[insert signature]

**Chris Beard**

**Michael Cassidy**

DP9 Limited on behalf of 1921 Mortimer  
Investment Limited acting as agent on  
behalf of University College London  
Hospitals Charity

LB Camden

Date: 08/04/2016

Date: 08/04/2016

## APPENDIX 1

### DEVELOPMENT SUMMARY

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#### 1. DESCRIPTION OF DEVELOPMENT

Refurbishment of the existing eight storey Arthur Stanley House and new build element to the rear facing Tottenham Mews to enable a change of use from health care (Class D1) to a mixed use development comprising office floors space (Class B1), flexible office (Class B1/health care (Class D1) floorspace at ground floor level and 12 residential units (Class C3) (market units: 1 x 1 bed; 8 x 2 bed; 1 x 3 bed) (affordable units: 2 x 3 bed) and associated landscaping fronting Tottenham Mews.

#### 2. FLOORSPACE SUMMARY

	<b>GEA</b>	<b>GIA</b>
<b>Existing floorspace (vacant Class D1)</b>	<b>6,164 sqm</b>	-
Proposed office floorspace	5,475.34	5,075 sqm
Proposed residential floorspace (Class C3)	2,021.19 sqm	1,853 sqm
<b>Total proposed floorspace (Classes B1 and C3)</b>	<b>7,496.53 sqm</b>	<b>6,928 sqm</b>

### 3. PROPOSED RESIDENTIAL UNIT MIX

<b>TENURE</b>	<b>1 BED</b>	<b>2 BED</b>	<b>3 BED</b>	<b>TOTAL</b>
Market	1	8	1	10
Affordable (social rent)	0	0	2	2
<b>Total</b>	1	8	3	12

### 4. KEY FACTS

Office amenity space	375.97sqm
Residential amenity space	224.86sqm
<b>Total amenity space</b>	600.83sqm
<b>Car parking spaces</b>	None
Office cycle parking spaces	71 spaces
Residential cycle parking spaces	26 spaces
<b>Total cycle parking spaces</b>	97 spaces
<b>Carbon dioxide emissions reduction</b>	24% improvement over Part L 2013

## APPENDIX 2 - SUGGESTED CONDITIONS

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: SP\_01-P2; SP\_02-P2; P\_XTG\_B2-P2; P\_XTG\_B1-P2; P\_XTG\_00-P2; P\_XTG\_01-P2; P\_XTG\_02-P2; P\_XTG\_03-P2; P\_XTG\_04-P2; P\_XTG\_05-P2; P\_XTG\_06-P2; P\_XTG\_07-P2; S\_XTG\_AA-P2; S\_XTG\_BB-P2; S\_XTG\_DD-P2; S\_XTG\_FF-P2; E\_XTG\_01-P1; E\_XTG\_02-P1; P\_A4\_B2-P7; P\_A4\_B1-P7; P\_A4\_00-P8; P\_A4\_01-P7; P\_A4\_02-P7; P\_A4\_03-P7; P\_A4\_04-P7; P\_A4\_05-P7; P\_A4\_06-P7; P\_A4\_07-P7; P\_A4\_08-P7; S\_A4\_AA-P5; S\_A4\_BB-P3; S\_A4\_CC-P3; S\_A4\_DD-P5; S\_A4\_EE-P2; S\_A4\_FF-P4; S\_A4\_GG-P3; E\_A4\_01-P3; E\_A4\_02-P5; DET\_F\_01-P2; DET\_F\_02-P2; LFT-001-P4; LFT-002-P4; LFT-003-P3; LFT-004-P3; LFT-005-P2; LFT-006-P2; LFT-007-P2; LFT-010-P3; LFT-011-P2; LFT-012-P2; LFT-013-P2; LFT-014-P2; P\_XTG\_LR-P1.

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

3. 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 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 at a scale of 1:10.
  - b) Typical details of all balustrades at a scale of 1:10.
  - c) Samples and manufacturer's details of all new facing materials including windows and door frames, glazing, balconies, balustrades and cladding.

Notwithstanding the plans hereby approved proposed balustrades to the 7th floor level

terrace and the inset balconies at first to 6th floor level shall be black painted metal railings.

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 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. A sample panel of the facing brickwork (1.5 x 1.5 metres) demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

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. No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

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.

6. No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas and roof terraces have been submitted to and approved by the local planning authority in writing. Details shall include samples of all ground surface materials and finishes. 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 policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

7. All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 & CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

8. The office windows from basement level to fourth floor level on the north east elevation of the office extension which face onto the lightwell between the office and residential uses shall be obscurely glazed and fixed shut prior to first occupation of the development and permanently retained as such thereafter.

Reason: In order to prevent unreasonable overlooking of Flats 2, 3, 7 and 9 in



accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

9. All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of 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.

10. Prior to commencement of development, detailed plans at a scale of 1:50 of flat 6 confirming that the layout is easily adaptable for wheelchair users shall be submitted to and approved in writing by the local planning authority.

The approved details shall be implemented in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of 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.

11. Prior to commencement of development details of a sustainable urban drainage system and scheme of maintenance shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff, demonstrating greenfield levels of runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the

impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

12. Prior to the commencement of development, a plan showing details of the green/brown roof including a section at scale 1:20, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green/brown roof 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 of maintenance.

Reason: To ensure that the brown roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

13. Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies.

14. Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers 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 adjoining premises and the area generally in accordance with the requirements of policy CS18 of the London Borough of Camden LDF Core Strategy and DP26 of the London Borough of Camden LDF Development Policies.

15. Prior to occupation of the development the cycle storage facilities intended for its occupiers (71 spaces for the office use and 26 spaces for the residential use) as shown on the drawings hereby approved shall be provided. All cycle storage facilities shall be 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 of the London Borough of Camden Local Development Framework Development Policies.

16. Prior to the commencement of any piling or foundation construction, a piling method statement shall be prepared in consultation with the relevant utility providers. The method statement shall detail the type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works. The method statement shall be submitted to and approved by the Local Planning Authority in writing.

The piling shall be undertaken in accordance with the approved method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy.

17. The development shall be carried out in accordance with the noise mitigation measures to ensure acceptable internal noise levels within the proposed residential units as set out in the Planning Noise Assessment by Turley dated January 2015 and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.

Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 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.

18. 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 façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally 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.

19. Prior to use of any plant full details of all plant, including details of sound attenuation and an acoustic report setting out how the equipment would meet the Council's noise standards shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with any approval given and shall thereafter be maintained in effective order to the reasonable satisfaction of the local planning authority.

Reason: To safeguard the amenities of the neighbouring premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

20. At least 28 days before development commences:

- a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and
  
- b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.

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 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 and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

## APPENDIX 3

### SECTION 106 PLANNING OBLIGATIONS

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#### Matters Agreed

- 1.1 The parties agree to the following planning obligations being secured by an agreement made under section 106 of the Town and Country Planning Act 1990:

	Obligation	Comment
1.	Provision of on-site affordable housing	The Appellant will agree to provide 2 x 3 bed units.  This will address Reason for Refusal 2.
2.	Ensuring the commercial and residential units are 'car-free'	The Appellant will agree to an obligation that requires it to inform all new residents of the development of the Council's policy that they shall not be entitled to apply for a residents parking permit.  This will address Reason for Refusal 3.
3.	Site specific highway improvements	The Appellant will agree to an obligation to pay a financial contribution towards the repaving of the footway on Tottenham Street and Tottenham Mews adjacent to the Site and for resurfacing the carriageway on Tottenham Mews adjacent to the Site.  This will address Reason for Refusal 5 as amended.

4.	Construction Management Plan	<p>The Appellant will agree to an obligation that requires it to submit to the Council for approval a Construction Management Plan.</p> <p>This will address Reason for Refusal 4.</p>
5.	Work Place Travel Plan	<p>The Appellant will agree to an obligation that requires it to submit to the Council for approval a Work Place Travel Plan.</p> <p>This will address Reason for Refusal 6.</p>
6.	Sustainability	<p>The Appellant will agree to submit a sustainability review at both the design and post-construction stages which demonstrates that the Development is capable of achieving the following:</p> <ul style="list-style-type: none"> <li>• the equivalent of Code for Sustainable Homes Level 4; and</li> <li>• BREEAM 'very good'.</li> </ul> <p>This will address Reason for Refusal 7.</p>
7.	Energy	<p>The Appellant will agree to an obligation to submit to the Council for approval an Energy Efficiency Plan.</p> <p>The Appellant will agree to an obligation to pay a carbon offsetting contribution and a decentralised energy contribution. The Appellant's agreement to pay these two contributions is subject to the Council confirming that there are not already five planning obligations in existence that relate to carbon offsetting and decentralised energy.</p> <p>This will address Reason for Refusal 8.</p>

8.	Local Employment and Training	<p>The Appellant will agree to an obligation to Provide local employment and training opportunities at the Development.</p> <p>The Appellant will also agree to pay a financial contribution towards training and employment.</p> <p>This will address Reason for Refusal 9</p>
9.	Open Space	<p>The Appellant will agree to an obligation requiring the payment of a financial contribution towards the provision of open space. The Appellant's agreement to pay this contribution is subject to the Council confirming that there are not already five planning obligations in existence that relate to the provision of open space and that the contribution will not be used towards a Parks Investment Plan Project (as referred to on the CIL Strategic Funding List (Feb 2015)) that has been identified to be funded from CIL.</p> <p>This will address Reason for Refusal 10.</p>



## **Matters Not Agreed GP Surgery**

- 1.2 Subject to what is set out at para 7.35 of this Statement of Common Ground, the Appellant does not currently agree to enter into a planning obligation in the terms set out in reason for refusal 11.