

Ms Anna Snow  
Turley Associates Ltd  
25 Savile Row  
LONDON  
W1S 2ES

Application Ref: **2015/3800/P**  
Please ask for: **Jonathan McClue**  
Telephone: 020 7974 **4908**

15 February 2017

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:  
**71 Endell Street**  
**London**  
**WC2H 9AJ**

Proposal:

Variation of Condition 2 (approved plans) of planning permission 2012/6861/P dated 31/03/15 (for change of use from offices (Class B1a) to residential (Class C3) to provide 7 affordable units); namely for alterations to the internal configuration of the units (including a basement bedroom with new lightwell); changes to stairwells to provide external access; new fenestration and other internal and external alterations.

Drawing Nos: Revised Plans: (1414\_00\_) 200 Rev P2; 201 Rev P2; 202 Rev P2; 203 Rev P2; 204 Rev P2; 205 Rev P2; 230 Rev P2; 232 Rev P1; 233 Rev P1; 234 Rev P1; 260 Rev P2; 261 Rev P2; 262 Rev P1; 263 Rev P1; 264 Rev P2; 300 Rev P2; 301 Rev P2; 500 Rev P1; 501 Rev P1.

Superseded Plans: 1793PL022-00; 1793PL02201; 1793PL022-02; 1793PL022-03; 1793PL022-04; 1793PL022-05; 1793PL022-10; 1793PL022-11; 1793PL022-12; 1793PL022-13; 1793PL022-14; 1793PL022-20; 1793PL022-21 and Design and Access Statement prepared by Turley Associates dated December 2012.



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

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.2 of planning permission 2012/6861/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 2

1793PL001-CR; 1793PLEX022-LP; 1793PLEX022-OV; 1793PLEX022-00; 1793PLEX022-01; 1793PLEX022-02; 1793PLEX022-03; 1793PLEX022-04; 1793PLEX022-05; 1793PLEX022-10; 1793PLEX022-11; 1793PLEX022-12; 1793PLEX022-13; 1793PLEX022-14; (1414\_00\_) 200 Rev P2; 201 Rev P2; 202 Rev P2; 203 Rev P2; 204 Rev P2; 205 Rev P2; 230 Rev P2; 232 Rev P1; 233 Rev P1; 234 Rev P1; 260 Rev P2; 261 Rev P2; 262 Rev P1; 263 Rev P1; 264 Rev P2; 300 Rev P2; 301 Rev P2; 500 Rev P1; 501 Rev P1 and Planning Statement prepared by Turley Associates dated December 2012; Affordable Housing Statement prepared by GL Hearn dated 10 December 2012; Marketing Report prepared by Monmouth Dean dated December 2012.

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

Informative(s):

- 1 Reasons for granting permission.

The proposed changes to the approved drawings include a habitable room (bedroom 2 of unit 1) at existing basement level and creation of a lightwell; alterations to the courtyard layout; new steps and creation of doorway to unit 1 within the courtyard; removal of external staircases and creation of a new staircase; changes to the internal layout of the approved units; changes to fenestration; relocation of rooflights; replacement front gates and various minor internal and external alterations to improve the character and appearance of the host building and the standard of living accommodation for the approved affordable housing units.

The proposed external alterations are relatively minor within the context of the scheme and do not involve the extension or significant alteration to any part of the host building. The most significant alteration involves the removal of two multi-storey external staircases and the creation of a single staircase within the courtyard. The staircase is considered to be subservient to the main building and is constructed with a lightweight metal frame. The proposed lightwell would be located within the private courtyard and concealed by a brick upstand. The remainder of the changes are in keeping with the existing and surrounding buildings and would preserve the character and appearance of the Seven Dials Conservation Area. The building itself creates an internal courtyard with all the elevations facing each other. None of the elevations are visible within the public realm and they are not visually prominent from the surrounding area.

Overall the quality of the units would be significantly improved in terms of their size, layout and level of outlook. Internal corridors and communal staircases have been reduced in size to increase the amount of habitable living space and the units gain more aspects through their reorientation. The basement room would have an internal height of 2.43m and would have an adequate level of light and outlook through the front lightwell.

Due to the nature of the proposal it would not impact negatively on the amenity of the neighbouring occupiers by way of a loss of light or outlook. A new window would be created on the first floor side elevation of unit 1, however, this would face a blank gable and would not overlook any windows or external amenity spaces.

12 Sheffield stands would be provided which would comply with the requirements of the planning application. The dimensions of the stands conform to CPG7 - Transport.

The site's planning history and relevant appeals have been taken into account when coming to this decision. 1 objections and 2 comments were received from third parties. The objections were in relation to the affordable units being converted into luxury flats; security issues from the proposed staircase and the loss of original setts in the courtyard. The scheme is for affordable units which are secured via Section 106, the staircase was amended to remove the top flight (thereby not allowing access to the roof) and the proposal now retains some of the original setts.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies CS5, CS6 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP3, DP17, DP18, DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.5, 3.12, 6.9, 6.13, 7.4, 7.6 and 7.8 of the London Plan March 2015, consolidated with alterations since 2011, and paragraphs 14, 17, 47-55, 56-68 and 126-141 of the National Planning Policy Framework.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings and conditions as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive style with a large initial 'D'.

David Joyce  
Executive Director Supporting Communities

DATED

15 February

17  
2016

**(1) CONSOLIDATED PROPERTY CORPORATION LIMITED**

-and-

**(2) THE MAYOR AND THE BURGESSES OF  
THE LONDON BOROUGH OF CAMDEN**

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**DEED OF VARIATION**

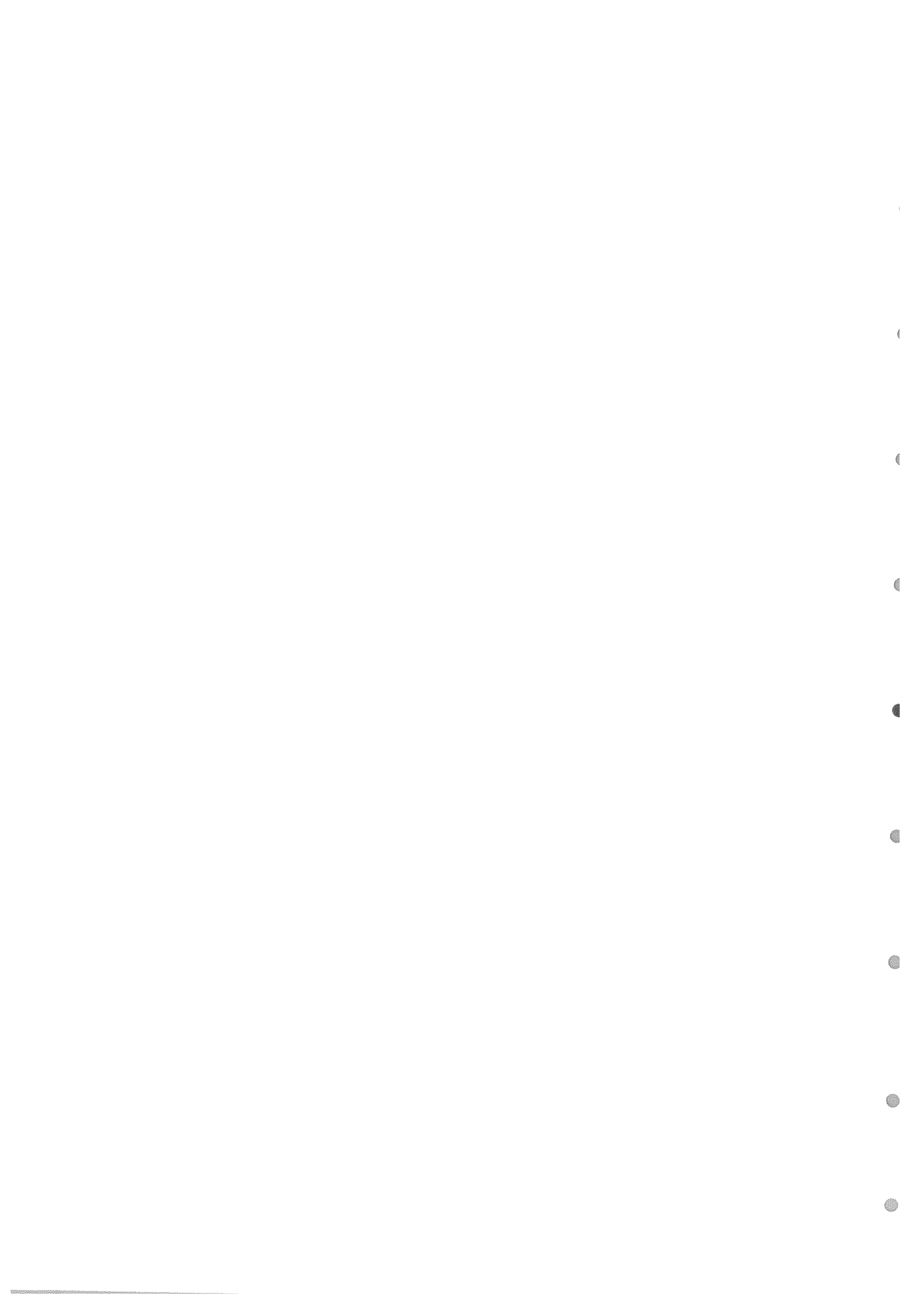
Relating to the Agreement dated 31 March 2015  
Between the Mayor and the Burgesses of the  
London Borough of Camden, Consolidated Developments Limited,  
Laurence Grant Kirschel, National Westminster Bank Plc  
and DB UK Bank Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**71 ENDELL STREET  
LONDON WC2H 9AJ**

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Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 1918  
Fax: 020 7974 2962

CLS/COM/FP/1781.599 (2015/3800/P)  
DoV v1 8.1.2015



THIS DEED is made on the 15<sup>th</sup> day of February

2016

**BETWEEN**

1. **CONSOLIDATED PROPERTY CORPORATION LIMITED** (Co. Regn. No. 1942105) whose registered office is at 131 Edgware Road London W2 2AP (hereinafter called "the Owner") of the first part
2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

**WHEREAS:**

- 1.1 The Council, Consolidated Developments Limited, Laurence Grant Kirschel, National Westminster Bank Plc and DB Bank Limited entered into the Existing Agreement.
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL627388.
- 1.3 The Owner is the freehold owner of and is interested in the Endell Street Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Endell Street Property should be restricted or regulated in accordance with this Deed.
- 1.5 A new Planning Application in respect of the Second Property and to amend the Original Planning Permission (reference number 2012/6861/P) was submitted to the Council by the Owner and validated on 2 July 2015 for which the Council resolved to grant permission conditionally under reference 2015/3800/P subject to the conclusion of this Deed.
- 1.6 This Deed of Variation is made by virtue of the Act Section 106A (as amended) and is a planning obligation for the purposes of that section.





2.8.2 "Existing Agreement" the Original Agreement as further varied by the deed of variation of the Original Agreement under section 106A of the Act dated 2016 made between the Council, the Owner, the Second Freeholder, the First Mortgagee and the Second Mortgagee

2.8.3 "Original Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 31 March 2015 made between the Council, Consolidated Developments Limited, Laurence Grant Kirschel, National Westminster Bank Plc and DB UK Bank Limited as varied by the deed of variation of the Original Agreement under section 106A of the Act dated 8 August 2016 made between the Council, the Owner, the Second Freeholder, the First Mortgagee and the Second Mortgagee.

2.8.4 "Original Planning Permission" means the planning permission granted by the Council on 31 March 2015 referenced 2012/6861/P allowing the change of use from offices (Class B1a) to residential (Class C3) to provide 7 affordable units (2 x 1 bedroom, 3 x 2 bedroom and 2 x 3 bedroom self-contained flats.

2.8.5 "Endell Street Property" means the property at 71 Endell Street London WC2 9AJ registered at the Land Registry with Title Absolute under title number NGL627388

### **3. VARIATION TO THE EXISTING AGREEMENT**

3.1 The following definition contained in the Existing Agreement shall be replaced as follows:

3.1.1 "the Endell Street  
Planning Application"

variation of Condition 2 (approved plans) of planning permission 2012/6861/P dated 31/03/15 (for change of use from offices (Class B1a) to residential (Class C3) to provide 7 affordable units); namely for alterations to the internal configuration of the units (including a basement bedroom with new lightwell); changes to stairwells to provide external access; new fenestration and other internal and external alterations. As shown on drawing numbers: Revised Plans: Revised Plans: (1414\_00\_) 200 Rev P2; 201 Rev P2; 202 Rev P2; 203 Rev P2; 204 Rev P2; 205 Rev P2; 230 Rev P2; 232 Rev P1; 233 Rev P1; 234 Rev P1; 260 Rev P2; 261 Rev P2; 262 Rev P1; 263 Rev P1; 264 Rev P2; 300 Rev P2; 301 Rev P2; 500 Rev P1; 501 Rev P1

Superseded Plans: 1793PL022-00; 1793PL02201; 1793PL022-02; 1793PL022-03; 1793PL022-04; 1793PL022-05; 1793PL022-10; 1793PL022-11; 1793PL022-12; 1793PL022-13; 1793PL022-14; 1793PL022-20; 1793PL022-21 and Design and Access Statement prepared by Turley Associates dated December 2012

3.2 The following definitions contained in the Existing Agreement shall be added as follows:

3.2.1 "New Endell  
Planning Permission"

the planning permission for the development under reference number 2015/3800/P to be

granted by the Council in the form of the draft annexed hereto

3.1.3 "Endell Street Property" means the property at 71 Endell Street London WC2 9AJ registered at the Land Registry with Title Absolute under title number NGL627388

3.2 The New Endell Planning Permission shall be added to the Sixth Schedule of the Original Agreement.

3.3 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

#### 4. **COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2015/3800/P.

#### 5 **PAYMENT OF THE COUNCIL'S LEGAL COSTS**

5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

#### 6. **REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge



Turley Associates Ltd  
25 Savile Row  
LONDON  
W1S 2ESApplication Ref: **2015/3800/P**

30 November 2016

Dear Sir/Madam

**DRAFT**

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**Address:  
**71 Endell Street**  
**London**  
**WC2H 9AJ**

**DECISION**

Proposal:  
Variation of Condition 2 (approved plans) of planning permission 2012/6861/P dated 31/03/15 (for change of use from offices (Class B1a) to residential (Class C3) to provide 7 affordable units); namely for alterations to the internal configuration of the units (including a basement bedroom with new lightwell); changes to stairwells to provide external access; new fenestration and other internal and external alterations.

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The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.2 of planning permission 2012/6861/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 2

1793PL001-CR; 1793PLEX022-LP; 1793PLEX022-OV; 1793PLEX022-00;  
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12; 1793PLEX022-13; 1793PLEX022-14; (1414 00 ) 200 Rev P2; 201 Rev P2; 202  
Rev P2; 203 Rev P2; 204 Rev P2; 205 Rev P2; 230 Rev P2; 232 Rev P1; 233 Rev  
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2012; Affordable Housing Statement prepared by GL Hearn dated 10 December  
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Reason: For the avoidance of doubt and in the interest of proper planning.

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buildings and would preserve the character and appearance of the Seven Dials Conservation Area. The building itself creates an internal courtyard with all the elevations facing each other. None of the elevations are visible within the public realm and they are not visually prominent from the surrounding area.

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Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies CS5, CS6 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP3, DP17, DP18, DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.5, 3.12, 6.9, 6.13, 7.4, 7.6 and 7.8 of the London Plan March 2015, consolidated with alterations since 2011, and paragraphs 14, 17, 47-55, 56-68 and 126-141 of the National Planning Policy Framework.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings and conditions as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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.

Yours faithfully

Supporting Communities Directorate

**DRAFT**

**DECISION**





DATED

15 February

2016<sup>17</sup>

(1) CONSOLIDATED PROPERTY CORPORATION LIMITED

-and-

(2) THE MAYOR AND THE BURGESSES OF  
THE LONDON BOROUGH OF CAMDEN

---

**DEED OF VARIATION**

Relating to the Agreement dated 31 March 2015  
Between the Mayor and the Burgesses of the  
London Borough of Camden, Consolidated Developments Limited,  
Laurence Grant Kirschel, National Westminster Bank Plc  
and DB UK Bank Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**71 ENDELL STREET  
LONDON WC2H 9AJ**

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Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 1918  
Fax: 020 7974 2962

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DoV v1 8.1.2015