

DP9  
100 Pall Mall  
London  
SW1Y 5NQ

Application Ref: **2018/0817/P**  
Please ask for: **Jonathan McClue**  
Telephone: 020 7974 4908

01 May 2018

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

**Grant of Non-Material Amendments to planning permission subject to Section 106  
Unilateral Undertaking**

Address:

**Land to west of Royal Mail Sorting office bounded by Phoenix Place  
Mount Pleasant  
Gough Street & Calthorpe Street  
Camden WC1.**

Proposal:

Amendment of planning conditions 2(Approved Plans list), 21(Green/Brown Roofs) and 30 and 31 (both Unit Flipping details), to updated relevant drawing numbers, to planning permission 2013/3807/P granted on 30th March 2015 by the Greater London Authority (for new buildings of 5-15 storeys, 345 dwellings, flexible retail and community floorspace and associated works (summary)). THE CHANGES to the approved scheme include the rearrangement of internal layouts of residential units and cores A3 to A7; alterations to basement layout; amendments to the approved residential unit mix (including 3 additional affordable rent units and 3 less private units and dwelling size mix within the private tenure); changes to building elevations and landscaping/amenity spaces.

Drawing Nos:

Superseded drawings: (11159\_MP\_(00)\_)P098-101; P103; P114; P200-201; P300-301, (11159\_P1\_(00)\_)P098-114; P150-151 P1; P152; P153-157 P2; P158 P1; P159-162 P2; P163 P1; P164-166 P2; P167 P1; P200-203; P300-303; P403 P2.

Approved drawings: (32875-P-01-)B00 Rev P03; G00 Rev P03; G01 Rev P02; 003 Rev P02; 014 Rev P02, (32875-P-03-)B00 Rev P03; G00 Rev P04; G01 Rev P03; 001-003 Rev P03; 004 Rev P02; 005 Rev P03; 006 Rev P04; 007 Rev P03; 008 Rev P04; 009-010 Rev P03; 011-012 Rev P04; 013 Rev P03; 014 Rev P02, (32875-05-)001-003 Rev P04; 004-005 Rev P05; 006 Rev P06; 007- 012 Rev P04; 013 Rev P03.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above **subject to** the conclusion of a Section 106 Unilateral Undertaking.

For the purposes of this decision, condition no.2 of planning permission 2013/3807/P dated 30/03/2015 shall be replaced with the following condition:

The development hereby approved shall, unless reserved for approval within another condition attached to this decision or within an associated legal agreement, be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:

#### Building plans

(11159\_MP\_(00)\_ )P001 P2; P002 P2; P003 P1; P010 P2; P011 P2; P012 P1; P015 P2.

(32875-P-01-)B00 Rev P03; G00 Rev P03; G01 Rev P02; 003 Rev P02; 014 Rev P02.

(11159\_P1\_(00)\_ )P020-23 P1.

(32875-P-03-)B00 Rev P03; G00 Rev P04; G01 Rev P03; 001-003 Rev P03; 004 Rev P02; 005 Rev P03; 006 Rev P04; 007 Rev P03; 008 Rev P04; 009-010 Rev P03; 011-012 Rev P04; 013 Rev P03; 014 Rev P02.

(11159\_P1\_(00)\_ )P400-402 P1; 404 P2; P500 P1.

(32875-05-)001-003 Rev P04; 004-005 Rev P05; 006 Rev P06; 007- 012 Rev P04; 013 Rev P03.

(1660|P2|(00)|)P010 P1; P020-23 P2; P100-111 P2; P150-156 P1; P160-162 P2; P200-203 P2; P300-302 P2; P401-402 P1; P403 P2; P500 P1.

#### Landscaping plans

(LL435\_MP\_(00)\_ )040 P3; 050 P2; 100 P2; 114 P3; 150 P3.

(LL435\_P1\_(00)\_ )151 P2; 100 P2.

(LL435\_P2\_ (00) \_ )100 P2; 110 P2.

Reason: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended, for the avoidance of doubt and in the interest of proper planning.

For the purposes of this decision, condition no.21 of planning permission 2013/3807/P dated 30/03/2015 shall be replaced with the following condition:

Notwithstanding the approved plans, full details in respect of the green/brown roofs should be submitted to and approved by the Local Planning Authority before the relevant Section of the development commences.

The biodiversity (green/brown) roof(s) shall be:

- a) biodiversity based with extensive substrate base (depth 80-150mm);
- b) laid out in accordance with the plans hereby approved; and
- c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

This condition can be discharged on a Section by Section basis.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies 5.3, 5.10, 5.11 and 7.10 of the London Plan (Consolidated with Alterations since 2011 and policies DP22, DP23 and DP32 of the London Borough of Camden Development Policies 2010.

For the purposes of this decision, condition no.30 of planning permission 2013/3807/P dated 30/03/2015 shall be replaced with the following condition:

The layout of units A2.01.01 and A2.01.02 shall be positioned with the living rooms to the courtyard elevation as shown in the approved drawings (including drawing no. 32875-P-03-G01 Rev P03).

Reason: To ensure an acceptable level of residential amenity in accordance with policy 3.5 of the London Plan (Consolidated with Alterations since 2011) and policy DP26 of the London Borough of Camden Development Policies 2010.

For the purposes of this decision, condition no.31 of planning permission 2013/3807/P dated 30/03/2015 shall be replaced with the following condition:

The detailed layout of Block A shall be completed in accordance with the approved drawings (including drawing no.s (32875- P-03-)G00-013).

Reason: To ensure an appropriate distribution of affordable housing in accordance with policy 3.8 of the London Plan (Consolidated with Alterations since 2011) and policy DP3 of the London Borough of Camden Development Policies 2010.

For the purposes of this decision, an additional planning condition (no.51) would be added to planning permission 2013/3807/P dated 30/03/2015:

New planning condition 51:

The ancillary residential spaces annotated on the approved drawings, including the lower ground level cinema; upper ground level gym, concierge, lounge (with meeting room) and resident's amenity spaces/rooms on Levels 04 and 06, shall remain in ancillary use to the occupiers of the development and not be converted into self-contained residential flats.

Reason: The conversion of the ancillary spaces into flats would be a material change to the development requiring planning permission. Any creation of residential units would need to be assessed under planning policy (including policies G1, H1, H4, H6, H7, A1 and D1 of the Camden Local Plan 2017) and require further affordable housing and acceptable living conditions.

Informative(s):

1 Reason for granting approval.

This non-material amendment (NMA) includes a number of changes to the approved development as listed in the description and set out within the applicant's covering letters. It results in the altering of conditions 2 (to update the approved drawing numbers), 21 (to allow green/brown roof details to not be confined to the previously approved details) and 30 and 31 (to ensure the details are in accordance with the approved details).

Government guidance states that there is no statutory definition of 'non-material'. The National Planning Practice Guidance (NPPG) makes it clear that this is because whether changes are non-material is dependent on the context of the overall scheme. The subject scheme is a large major development providing more than 39,547sqm of floorspace and the creation of a new urban block. Any proposed changes must be considered in this context. The submitted changes do not include

a material change of use, there are no material changes to the floor area of the development or its uses, the buildings are not increasing in footprint, size or height, there are no changes to the numbers of residential units and there are no changes that would materially impact the external appearance of the approval or introduce material neighbouring amenity impacts. No new material planning considerations are raised.

While an extensive amount of amendments are proposed throughout the scheme, the main proposals/impacts are concentrated on within the assessment below. All of the changes to the original scheme have been assessed in detail by officers.

#### Land use and internal changes

A number of internal changes are proposed, including the removal and relocation of cores and changes to the layout throughout the building. The quantum of residential units remains as approved, as would the levels of floorspace dedicated to each tenure. 3 private units would be transferred to affordable rent to maintain the approved amount of affordable floorspace. This is considered to be a non-material change that is welcomed as it would improve the affordable housing offer. The provision of additional affordable rent units are secured by a Unilateral Undertaking (UU).

The dwelling size mix is being altered within the private tenure. This results from redistributing oversized units and the reduction of cores. While there would be an increase in the total number (13) of bedrooms and potential occupiers within the development, this is considered non-material in the context of the approved scheme. Ancillary spaces would result from the reconfigurations of floorspace. This would create amenity areas for residents including a cinema, gym, concierge, lounge (with meeting room) and resident's amenity spaces/rooms. The creation of these spaces is considered a non-material amendment subject to the insertion of a new planning condition (51) restricting them to ancillary use (i.e. they cannot be converted into residential units without planning permission).

The quality of living accommodation for prospective occupiers would be maintained and in places improved, most notably for the ground level affordable units as the main habitable rooms have been orientated to face the internal courtyard. Changes to the affordable block would improve management and affordability for these units, which is welcomed. These amendments have resulted in the updating of conditions 30 and 31 to secure the details. Communal amenity space would be maintained across the building and while there would be a creation of space adjacent to core A2, this would be adjacent to an existing terrace and provide benefit to occupiers within the affordable tenure. On balance, this change would be acceptable.

The commercial floorspaces would not be materially affected. While there is a small reduction in quantum overall (8sqm), the number, size and layout of the units are not materially changing.

- 2 Further to the above, there are a range of planning conditions and legal obligations attached to the original permission to control the internal aspects of the development. These would all be in place following the granting of the NMA.

### External alterations

The external changes mostly include rationalising the approved scheme and correcting discrepancies. The most significant changes are to the entrances/cores and the internal courtyard elevations. Overall the cumulative external amendments, in the context of the original approval of buildings that are up to 15 storeys high, are not considered to materially alter its appearance, character, height, scale or massing. The proposed amendments are mostly to the detailed design of the proposal and the final appearance of the development is largely controlled by a series of planning conditions (including materials, landscaping, plant equipment, PV etc.) that require further details to be approved by the Council. Therefore, many of the detailed elements are reserved for formal submission to be scrutinised under the Approval of Details procedure.

### Basement

The subterranean footprint is being reduced over the approved scheme. While the location of the basement would change, most notably it is closer to the pavement on Phoenix Place, the applicant has secured an Approval in Principle from the Council's Highways Department. Furthermore, a covering letter has been submitted by the appointed engineers confirming that the basement's impact would not be materially changing.

### Residential amenity

The building is not increasing in footprint, height or massing. It is therefore considered that there would not be a material change to the impact on neighbouring amenity in terms of daylight/sunlight, overbearing or loss of outlook impacts. No new habitable windows, terraces or balconies are being introduced or materially altered in a way that would impact on prospective or adjoining occupiers. Details of plant are reserved for planning condition.

The nature, size and quantum of the uses are not being materially altered. There would be no material increase in noise, general disturbance or scale of use.

### Transport

Car and cycle parking numbers are being retained and their quantum and details are secured via planning condition and legal obligations. As the basement is reducing in footprint, it is likely that the construction process would be shorter than the original permission. In any event, these details are already secured via a Construction Management Plan within the S106 legal agreement relating to the extant permission.

### Consultation

Provisions relating to statutory consultation and publicity do not apply to NMAs. Notwithstanding this, local planning authorities have discretion in whether and how they inform interested parties or seek their views. Given the history of the scheme, consultation was undertaken by formally notifying the Greater London Authority (GLA), the Mount Pleasant Association (MPA), Transport for London (TfL) and the London Borough of Islington (LBI). In addition, site notices were displayed and a press release was made.

The GLA offered no formal comments since its powers to intervene does not extend to NMAs, with their remit limited to applications made under Section 73 of the Act for

minor-material amendments. The MPA did not respond with any comments.

TfL responded on 12/03/2018 stating that they support the improvements to the cycle parking and otherwise raise no comments or objections.

LBI responded with comments on 10/04/2018. These have been duly considered. It is noted that LBI have been provided with the draft UU for comments as requested.

No other third party comments have been received.

### 3 Conclusion

On this basis the proposed amendments, individually and when considered cumulatively, are considered to constitute non-material amendments in the context of the original approved scheme. It is considered that the changes would not materially alter the appearance of the building, the nature and scale of the development nor would it result in a significant increase to neighbouring amenity impacts.

The NMA is considered acceptable on balance, and it does not set a precedent for amendments to this part of the site or any other part of the wider development (over Camden and LBI) being considered non-material. Any future applications would be judged on their own merits. Future changes to the scheme would be considered having regard to the amendments approved under this NMA.

4 You are advised that this decision relates only to the changes described above and shall only be read in the context of the substantive permission granted on 30/03/2015, under reference number 2013/3807/P and is bound by all the conditions and legal obligations attached to that permission.

5 A UU has been agreed as part of this NMA to secure additional affordable housing and amend the following within the original S106 dated 27 March 2015: the affordable housing schedule, the affordable housing plans and Viability Review 1 (VR1).

The additional affordable housing includes the conversion of 3 market housing units to affordable rent to maintain the level of affordable floorspace within the approved scheme. 4 units of intermediate housing are secured as intermediate rent housing, which is the Borough's preferred intermediate housing product. These changes are considered non-material and improve the affordable housing provision of the original scheme.

The changes within the NMA resulted in amendments to the affordable housing schedule and the floorplans within the S106. Therefore, the UU has updated these to supplement the original legal agreement. This was necessary as these elements of the scheme changed.

VR1 has been amended within the UU so that any surplus is shared 100% with Camden and LBI. Furthermore, the review date has been brought forward. These changes to VR1 mean that any viability impacts of the proposed NMA can be appropriately analysed with any surplus being met with improvements to the

scheme.

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

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

David Joyce  
Director of Regeneration and Planning