

David Williams
Planning Resolution Ltd
Thorncroft Manor
Thorncroft Drive
Leatherhead
KT22 8JB

Application Ref: **2018/5646/P**
Please ask for: **Charles Thuaire**
Telephone: 020 7974 **5867**

15 April 2019

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Grant of Non-Material Amendments to planning permission

Address:
4 Wild Court & 75 Kingsway
London
WC2B

Proposal: Removal of condition 13 (air quality monitors) of planning permission dated 22/03/2018 ref 2017/6808/P (for Variation of Condition 19 (development in accordance with approved plans) of planning permission ref 2017/1611/P dated 23/11/2017 (for Change of use from private college on Wild Court and retail unit on Kingsway and erection of new 7th and 8th floor roof extensions to provide a new 3909sqm 211 bedroom hotel, plus reinstatement of commercial entrance and ancillary café onto Kingsway, and new plant and PV panels on roof), namely to omit approved 8th floor, reduce approved 7th floor and alter layout of roof plant and PV panels with installation of new enclosure, in association with reduction of hotel size to 196 rooms and 3678sqm GIA).

Drawing Nos: Site plan 005-EXS01-P2; letter from Planning Resolution dated 13.11.18

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

For the purposes of this decision, condition no.18 of planning permission 2018/5646/P shall be replaced with the following condition:

REPLACEMENT CONDITION 18

The development hereby permitted shall be carried out in accordance with the



following approved plans -

ExS01-P3; ExGAB1, ExGAB0, ExGALG, ExGAGF, ExGAMEZ, ExGA01, ExGA02, ExGA03, ExGA04, ExGA05, ExGA06, ExGA07, ExGARF; ExGE01, ExGE02, ExGE03; ExGS01, ExGS02-P2, ExGS03.

GAB1-P1, GALG-P2, GAGF-P2, GAMEZ-P1, GA01-P2, GA02-P2, GA03-P2, GA04-P2, GA05-P2, GA06-P3, GA07-P3, GA08-P2, GARF-P3; GAB1/acc, GALG/acc, GAGF/acc, GAMEZ/acc, GA01/acc, GA02/acc, GA03/acc, GA04/acc, GA05/acc, GA06/acc, GA07/acc, GA08/acc, GARF/acc; GE01-P2, GE02-P3, GE03-P3; GS01-P3, GS02-P3, GS03; dW01.

Planning Statement by Planning Resolution; letter from Kensington College of Business dated 5.7.17; revised floorspace table in letter from Planning Resolution dated 6.6.17; Design and Access Statement by Harper Downie Architects; Addendum Design and Access Statement by TT Architects dated December 2017; Historic Buildings Report by Donald Insall Associates; Sustainable Design and Construction Statement dated December 2017 by Building Services Design; Energy & Renewables Statement Revision 3 dated 12.12.17 by Building Services Design; BREEAM Pre-Assessment dated 24.1.17 by Gareth Costello; Transport Statement Revision 01 dated December 2017 by Traffic Dynamics; Delivery and Servicing Plan Revision 01 dated December 2017 by Traffic Dynamics; Travel Plan Revision 01 dated December 2017 by Traffic Dynamics; Acoustic and Vibration Survey by Hoare Lea; Historic Environment Assessment by MOLA; Operation Management Plan by Z Hotels Ltd; Air Quality Assessment dated December 2017 by Air Quality Consultants; Traffic Generation note by Traffic Dynamics dated 21.6.17.

Site plan 005-EXS01-P2; letter from Planning Resolution dated 13.11.18.

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

Informative(s):

1 Reason for granting approval-

Condition 13 of the permission ref 2017/6808/P stated that 'No development shall take place until full details of the air quality monitors have been submitted to and approved by the local planning authority in writing...'

The Air Quality Assessment for the original scheme had previously carried out a construction dust risk assessment which concluded that demolition and construction works at the site would be associated with a low risk in terms of dust impacts at receptors. The GLA guidance on the control of dust during demolition and construction advises that for low risk sites, a log of complaints is kept. However, this guidance differs from condition 13 which required a more stringent approach of placing air quality monitors prior to construction works.

The Council's Sustainability officer has reviewed further information and correspondence about this AQ monitoring condition and agrees that an error was made by referring to the wrong results table, as the final table shows that the construction phase is assessed as Low Risk, not Medium Risk. Thus, the recommendation for Medium Risk mitigation was incorrect and there was no need for the AQ monitoring condition. The Council's Sustainability officer thus recommends that the baseline dust monitoring condition 13 be removed. The dust

mitigation and monitoring measures appropriate to Low Risk sites will be secured in the Construction Management Plan as required by the S106, involving usual daily visual inspections, preventative approach, etc.

The removal of this condition will still ensure that the development complies with GLA guidance on air quality and safeguards the amenities of the adjoining premises and the area generally.

S96a of the Act gives the power to make non-material changes to planning permission. The power conferred by subsection (1) includes power to (a) to impose new conditions, and (b) to remove or alter existing conditions. On this basis, the removal of condition 13 can be considered 'non-material' as it was attached in error and thus serves no planning purpose.

The full impact of the scheme has already been assessed by virtue of the previous approval granted on 22/03/2018 ref 2017/6808/P. In the context of the permitted scheme, it is considered that the amendment would not have any material effect on the approved development in terms of neighbour impact. It is considered that the removal of the superfluous condition can therefore be regarded as a non-material variation of the approved scheme.

- 2 You are advised that this decision relates only to the changes set out in the description and on the application form and shall only be read in the context of the substantive permission granted on 22/03/2018 ref 2017/6808/P and is bound by all the conditions (except condition 13) and obligations attached to that permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

Yours faithfully



Daniel Pope
Chief Planning Officer

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk/planning.