

Mrs Camille Soor
20 Air Street
London
W1B 5AN

Application Ref: **2019/3364/P**
Please ask for: **Jonathan McClue**
Telephone: 020 7974 **4908**

6 August 2019

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Grant of Non-Material Amendments to planning permission

Address:

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

Proposal: Amendment of planning condition 2 (Approved Plans list) of 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), namely to allow the introduction of a Health and Wellness Centre (for residents of the development only) and associated plant space; removal of steps to play area; removal of seven private car parking spaces; additional length of ramp; relocation of cycle stores and waste storage and changes to podium and basement slabs.

Drawing Nos: Superseded drawings: (1660_P2_00_) P100 P2; P101 P2; P200 P2; P203 P2; P300 P2; P301 P2; P302 P2.

Approved drawings: (32875_4-A-P2-) 03-PL2-00; 03-PL2-01; 04-PL2-02 Rev A; 04-PL2-03; 04-PL2-05; 05-PL2-00; 05-PL2-03.

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.2 of planning permission 2013/3807/P dated 30/03/2015 shall be replaced with the following condition:

Replacement condition 2:

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; P098-101 P2; P103 P1; P114 P3; P200-201 P1; P300-301 P1.

(11159_P1_(00)_) P020-023 P1; P098-114 P2; P150-151 P1; P152-157 P2; P158 P1; P159-162 P2; P163 P1; P164-166 P2; P167 P1; P200-202 P2; P203 P1; P300-301 P1; P302-303 P2.

(11159_P1_(00)_) P400-402 P1; P403-404 P2; P500 P1.

(1660_P2_00_) P010 P1; P020-23 P2; P102-111 P2; P150-156 P1; P160-P162 P2; P202 P2; P401-402 P1; P403 P2; P500 P1.

(32875_4-A-P2-) 03-PL2-00; 03-PL2-01; 04-PL2-02 Rev A; 04-PL2-03; 04-PL2-05; 05-PL2-00; 05-PL2-03.

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, 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 resident's lounge and Health and Wellness Centre on the Proposed GA Plan, shall remain in ancillary use to the occupiers of the development and not be used for a separate or independent use, such as a gymnasium open to outside residents or as self-contained residential flats.

Reason: The conversion of the ancillary spaces into independent uses 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 provision 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 letter and NMA-2 Amendments Pack - Comparison Document: Consented vs Proposed. It results in the altering of condition 2 (to update the approved drawing numbers) and the creation of a new condition (no.51) to prevent ancillary residential spaces being converted into self-contained uses.

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.

Land use and internal changes-

A number of internal changes are proposed to the basement and ground floor. The main changes include the conversion of ancillary residential space into a Health and Wellness Centre and changes to waste and cycle storage. This would largely result from the loss of private car parking spaces, which is welcomed. The disabled spaces would remain. Overall the changes are considered to be non-material as the uses would remain ancillary to the residential portion of the development. The Council's Waste and Transport Officers support the changes to the storage areas, which are not changing in quantum.

The Health and Wellness Centre would be used by residents of the development only. Its use would be controlled via the insertion of a new planning condition (no.51) restricting it to ancillary use to the approved residential units. Any external use of the facility would be a breach of planning control and subject to planning enforcement. The commercial floorspace (A3) would not be materially affected.

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 continue to be effective following this NMA approval.

External alterations-

The external changes are limited to minor changes to ground levels and the front boundary treatment on Phoenix Place. The changes are considered minor and acceptable in terms of design and amenity impact.

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-

Minor basement works are proposed and a Basement Impact Assessment was submitted in support of the scheme. Neither the alterations nor impacts to the basement are considered to be material in the context of the original basement, which extends over the majority of the site and is double storey in parts.

Residential amenity-

The building is not increasing in footprint, height or massing. It is therefore considered that there would be no material change to the impact on neighbouring amenity in terms of daylight/sunlight, privacy or outlook.

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 and Waste-

Car and cycle parking numbers are being retained and their quantum and details are secured via planning condition and legal obligations.

Legal agreement-

The NMA does not form a full planning permission and must be implemented in conjunction with the main permission ref 2013/3807/P granted on 30th March 2015. It must conform with all the planning conditions on the original decision notice as well as the signed legal agreement.

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 Mount Pleasant Association, Transport for London and the London Borough of Islington. The GLA were not consulted 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. One objection was received from an adjoining occupier in relation to cycle parking, which are subject to further planning conditions. It is considered that the layout is improved over the original approval and the numbers would be the same.

The site's history was considered as part of the determination of the application.

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 any 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.

- 2 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.

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

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