

# Rear of 1-3 Britannia Street - 2019/5869/P

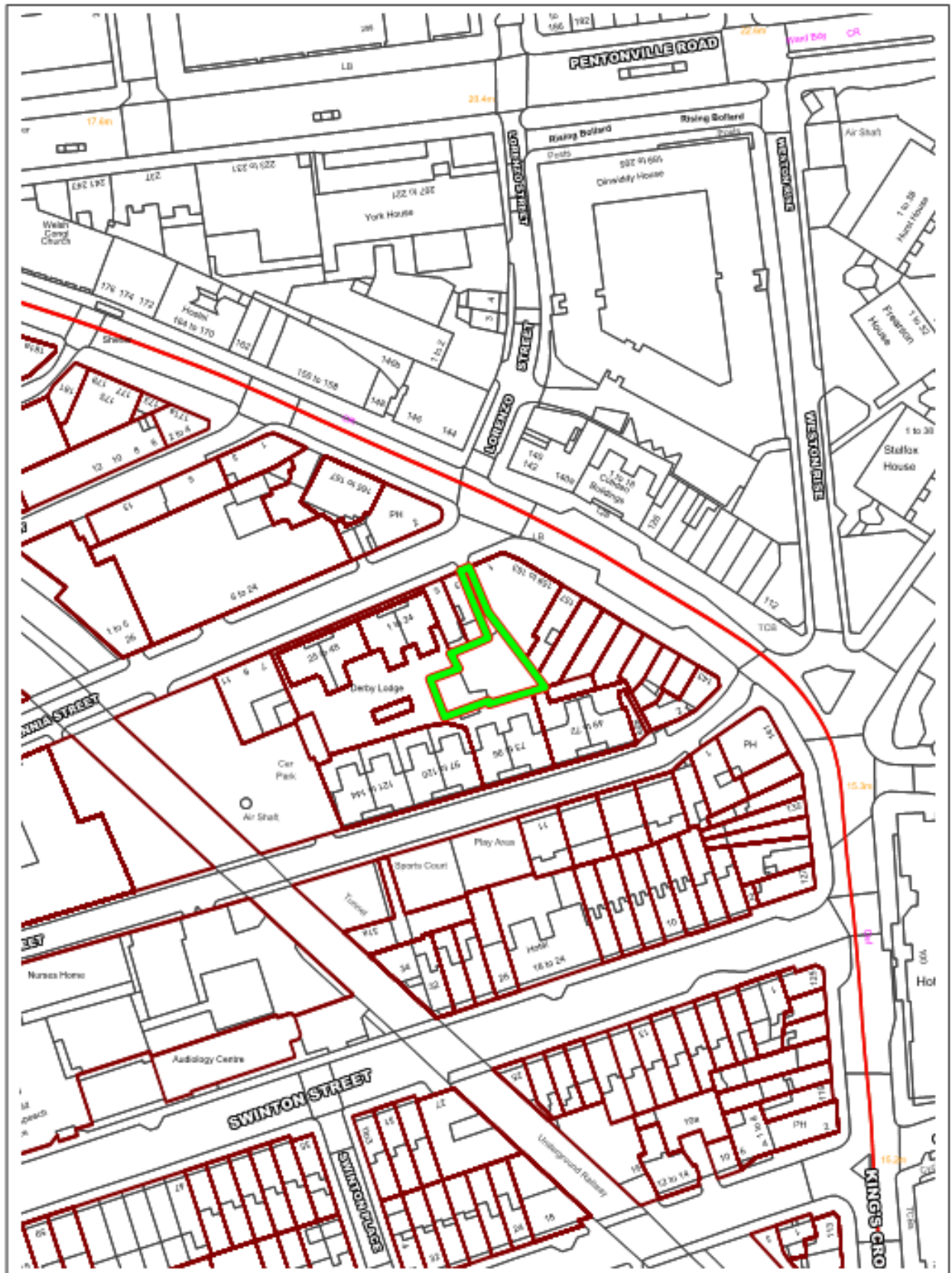




Photo 1: Previously approved building. Brick infill panels can be seen to the left and are marked in red. These will be replaced with obscured glazing. Derby Lodge residential windows are outlined in blue.

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>16/01/2020</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>17/01/2020</b>
<b>Officer</b>			<b>Application Numbers</b>	
Laura Hazelton			2019/5869/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Rear of 1-3 Britannia Street London WC1X 9BN			Please refer to decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposals</b>				
Amendments (including minor changes to window openings and fire escape door location, introduction of mansafe matting to roof, replacement of infill brickwork panel on 1st and 2nd floor with obscured glazing) to planning permission ref 2016/6356/P dated 17/04/2018 for the 'Demolition of 2 storey light industrial building (B1c use) and redevelopment of the site including the erection of a 3 storey plus basement building to provide office (B1a use) at ground, 1st and 2nd floors and flexible gallery (D1 use)/office use at basement level. The installation of sedum green roofs and provision of associated cycle parking, waste storage and plant'.				
<b>Recommendations:</b>		Grant non-material amendments		
<b>Application Type:</b>		Non-Material Amendments		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>04</b>	No. of objections	<b>04</b>
			No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>For non-material amendment applications, the requirement on the local authority is not to assess the planning merits of the proposal but whether or not the amendments proposed are materially different from what was previously approved. Consequently, there is no requirement for the Council to consult on such applications.</p> <p>Nevertheless, 4 objections have been received from residents of Derby Lodge and the Derby Lodge TRA. Their objections are summarised as follows:</p> <ul style="list-style-type: none"> <li>• The replacement obscure glazing will have a negative effect on all our living space.</li> <li>• The proposed glazing would send light directly into neighbouring bedrooms.</li> <li>• Offices will be open 24/7 with no guarantee the lights will be turned off, and will need to stay on for after-hours cleaning.</li> <li>• The previous brick infill panel was included to protect residents' privacy and protect from light pollution. These principles should not be overturned.</li> </ul> <p><i>Officer response</i></p> <p><i>These concerns are discussed below in paragraphs 2.4 and 2.5.</i></p>					
<b>CAAC comments:</b>	None					

## Site Description

The application site is located on the Southern side of King's Cross Road, on a land-locked site behind a row of 3-storey terraces which front Britannia Street and King's Cross Road. Access onto the site is via a mews opening between Nos.1 and 3 Britannia Street which opens up to a larger piece of land to the rear.

The previous building on site was equivalent to 2 storeys and constructed from yellow stock brick and has a double pitched roof covered by corrugated sheets and glazed roof lights. The site is not visible from the public realm at street level, apart from a pair of black-painted wooden stable doors to the Britannia Street frontage, alluding to the site's former use as a light industrial warehouse.

Planning permission was granted in 2018 for the demolition of the existing building and erection of a three storey plus basement building (reference 2016/6356/P – see history section below). Works have commenced and are progressing on site.

The site is surrounded by Grade II Listed buildings at Nos.49-144 Wicklow Street and Nos.1-48 Britannia Street. The site is also located within the Kings Cross St Pancras Conservation Area, and the adjacent terrace group at Nos.3-5 Britannia Street and Nos.149-163 King's Cross Road have been identified as buildings that make a positive contribution to the wider Conservation Area.

## Relevant History

**2016/6356/P** - Demolition of 2 storey light industrial building (B1c use) and redevelopment of the site including the erection of a 3 storey plus basement building to provide office (B1a use) at ground, 1st and 2nd floors and flexible gallery (D1 use)/office use at basement level. The installation of sedum green roofs and provision of associated cycle parking, waste storage and plant. Granted subject to S106 legal agreement dated 17/04/2018.

**2020/0030/P** - Variation of condition 2 (approved drawings) of planning permission ref: 2016/6356/P dated 17/04/2018 for the demolition of 2 storey light industrial building (B1c use) and redevelopment of the site including the erection of a 3 storey plus basement building to provide office (B1a use) and flexible gallery (D1 use)/office use at basement level (abbreviated); namely, the addition of a green wall, planter boxes, and amendment to design of entrance door. Pending determination.

## Relevant Legislation

Town and Country Planning (Development Management Procedure) (England) Order 2015

Town and Country Planning Act 1990 – Section 96A(2)

## Assessment

### 1.0 Proposal

1.1 This application seeks to make a non-material amendment to planning permission granted on 17/04/2018 (reference 2016/6356/P) for the following works:

*Demolition of 2 storey light industrial building (B1c use) and redevelopment of the site including the erection of a 3 storey plus basement building to provide office (B1a use) at ground, 1st and 2nd floors and flexible gallery (D1 use)/office use at basement level. The installation of sedum green roofs and provision of associated cycle parking, waste storage and plant.*

1.2 The proposed amendments include the following:

- Reconfiguration of window openings and amended glazing configuration;
- Relocation of ground floor fire escape door;
- Introduction of mansafe matting to roof; and
- Replacement of infill brickwork panel on first and second floor of south west elevation with obscured glazing.

### 2.0 Non-material amendment

2.1 For non-material amendment applications, the requirement on the local authority is not to assess the planning merits of the proposal but whether or not the amendments proposed are materially different from what was previously approved.

2.2 Within the National Planning Policy Guidance on Non Material Amendments, there is no statutory definition of 'non material'. It states that "it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another". Section 96A(2) of the Town and Country Planning Act 1990 states that "In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted".

2.3 Under the Town and Country Planning (Development Management Procedure) (England) Order 2010 there is no requirement for the Council to formally consult on Non Material Amendment applications. The Planning Authority has the discretion in whether and how they choose to inform other interested parties. In this instance, the Council is satisfied that due to the scale and effect of the non-material amendment in consideration of the scheme as a whole, there is no need to conduct any publicity on the application as the scale and effect of the alterations are minor and not material when considered within the context of the permission as a whole.

2.4 Nevertheless, four objections have been received from neighbouring residents at Derby Lodge. The objections are in relation to the replacement of the previously approved brick infill panels at first and second floor and their replacement with obscure glazing and the potential impact on neighbouring amenity as a result of lightspill. Given the location of the window openings and the relationship between the two buildings, the amendments are not considered to result in light disturbance to neighbouring occupants. The window openings would be set back and recessed and would not directly face the south and east facing windows of the Derby Lodge flats. Furthermore, condition 19 of the original consent remains to be discharged which requires a lightspill mitigation plan to be submitted for approval by the Council which would include the window openings to the south west elevation:

*Prior to commencement of use, a light spill mitigation plan shall be submitted to and approved in writing by the Council in consultation with local residents. The use shall thereafter not be carried out other than in accordance with such plan as has been approved.*

*Reason: To safeguard the amenities of the adjoining premises in accordance with the requirements of Policy A1 of the Camden Local Plan 2017.*

- 2.5 In design terms, the windows would match the design of the rest of the fenestration on the south west elevation and would have limited impact on the overall design and appearance of the previously approved scheme, and would actually be more in keeping than the previously proposed brick infills.
- 2.6 The new mansafe matting would sit flush with the roof, and would run in parallel with the roof ridges. It would not be visible, and would not impact the appearance of the approved building.
- 2.7 The proposed changes to the glazing are minor and include a reduction in the number of window openings and slight repositioning of window openings at ground and first floor level and the relocation of the fire escape door one metre to the left of the previously approved position. The proposed changes are in keeping with the approved design and would not impact the aesthetic of the approved scheme.
- 2.8 As such, the proposed amendments are considered non-material and it is recommended that the application is approved.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 20<sup>th</sup> April 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2019/5869/P  
Contact: Laura Hazelton  
Tel: 020 7974 1017  
Date: 1 April 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Marek Wojciechowski Architects  
66-68  
Margaret Street  
London  
W1W 8SR  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Grant of Non-Material Amendments to planning permission**

Address:

**Rear Of 1-3  
Britannia Street  
London  
WC1X 9BN**

Amendments (including minor changes to window openings and fire escape door location, introduction of mansafe matting to roof, replacement of infill brickwork panel on 1st and 2nd floor with obscured glazing) to planning permission ref 2016/6356/P dated 17/04/2018 for the 'Demolition of 2 storey light industrial building (B1c use) and redevelopment of the site including the erection of a 3 storey plus basement building to provide office (B1a use) at ground, 1st and 2nd floors and flexible gallery (D1 use)/office use at basement level. The installation of sedum green roofs and provision of associated cycle parking, waste storage and plant'.

Drawing Nos:

Superseded drawings: P\_01 rev P2, P\_02 rev P2, P\_03 rev B, P\_04 rev B, P\_05 rev B, P\_11 rev P2, P\_12 rev B, P\_13 rev B, P\_21 rev P2, P\_22 rev P2, P\_23 rev P2, P\_24 rev B, P\_25 rev B, P\_26 rev B.

Amended drawings: P\_01 rev P3, P\_02 rev P3, P\_03 rev C, P\_04 rev C, P\_05 rev C, P\_11 rev P3, P\_12 rev C, P\_13 rev C, P\_21 rev P3, P\_22 rev P3, P\_23 rev P3, P\_24 rev C, P\_25 rev C, P\_26 rev C.



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 2016/6356/P shall be replaced with the following condition:

**REPLACEMENT CONDITION 2**

The development hereby permitted shall be carried out in accordance with the following approved plans:

D\_01 rev P2, D\_02 rev P2, D\_03 rev P2, D\_04 rev P2, D\_11 rev P2, D\_12 rev P2, D\_13 rev P2, D\_21 rev P2, D\_22 rev P2, D\_23 rev P2, D\_24 rev P2, D\_25 rev P2.

E\_01 rev P1, E\_03 rev P1, E\_04 rev P1, E\_11 rev P1, E\_12 rev P1, E\_13 rev P1, E\_21 rev P1, E\_22 rev P1, E\_23 rev P1, E\_24 rev P1, E\_25 rev P1.

P\_00 rev P1, P\_01 rev P3, P\_02 rev P3, P\_03 rev C, P\_04 rev C, P\_05 rev C, P\_11 rev P3, P\_12 rev C, P\_13 rev C, P\_21 rev P3, P\_22 rev P3, P\_23 rev P3, P\_24 rev C, P\_25 rev C, P\_26 rev C, P\_30 rev B.

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

**Informative(s):**

- 1 You are advised that this decision relates only to the changes highlighted on the plans and shall only be read in the context of the substantive permission granted on 17/04/2018 under reference number 2016/6356/P and is bound by all the conditions 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

Director of Regeneration and Planning

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