

Application ref: 2020/1547/P
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Date: 8 January 2021

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DP9 Ltd
Dp9 Planning Consultants
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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:

**Arthur Stanley House
40-50 Tottenham Street
London
Camden
W1T 4RN**

Proposal:

Variation of condition 2 (approved plans) of planning permission 2017/4306/P dated 30/08/18 (for refurbishment of the existing eight storey Arthur Stanley House, reconfiguration of the seventh floor and extension at the rear of the building and construction of a four storey plus basement new build element to the rear to enable a change of use from healthcare (Class D1) to a mixed use development comprising office floorspace (Class B1), flexible office (Class B1)/ healthcare (Class D1) and 10 residential units) namely amendments to the lightwell windows at basement level on Tottenham Street and massing of the north and west elevations to the rear of the building.

Drawing Nos: Superseded drawings:

15068_(00)_P091 P04, 15068_(00)_P098 P04 ,
15068_(00)_P099 P04, 15068_(00)_P100 P05 , 15068_(00)_P101 P04,
15068_(00)_P102 P04, 15068_(00)_P103 P04, 15068_(00)_P104 P04,
15068_(00)_P105 P04, 15068_(00)_P106 P04, 15068_(00)_P107 P04,
15068_(00)_P108 P04, 15068_(00)_P109 P04, 15068_(00)_P200 P04 P05,
15068_(00)_P201 P04, 15068_(00)_P202 P04, 15068_(00)_P203 P04,
15068_(00)_P204 P04, 15068_(00)_P220 P04, 15068_(00)_P221 P04,
15068_(00)_P222 P04, 15068_(00)_P223 P04.

Drawings for approval:

15068_(00)_P091 P05, 15068_(00)_P098 P05, 15068_(00)_P099 P05,
15068_(00)_P100 P06, 15068_(00)_P101 P05, 15068_(00)_P102 P05,
15068_(00)_P103 P05, 15068_(00)_P104 P05, 15068_(00)_P105 P05,
15068_(00)_P106 P05, 15068_(00)_P107 P05, 15068_(00)_P108 P05,
15068_(00)_P109 P05, 15068_(00)_P200, 15068_(00)_P201 P05, 15068_(00)_P202
P05, 15068_(00)_P203 P05, 15068_(00)_P204 P05, 15068_(00)_P220 P05,
15068_(00)_P221 P05, 15068_(00)_P222 P05, 15068_(00)_P223 P05.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

(00)_P091-P05; (00)_P098-P05; (00)_P099-P05; (00)_P100-P06; (00)_P101-P05; (00)_P102-P05; (00)_P103-P05; (00)_P104-P05; (00)_P105-P05;
(00)_P106-P05; (00)_P107-P05; (00)_P108-P05; (00)_P109-P05; (00)_P200-P05; (00)_P201-P05; (00)_P202-P05; (00)_P203-P05; (00)_P204-P05;
(00)_P220-P05; (00)_P221-P05; (00)_P222-P05; (00)_P223-P05; (00)_P224-P05; (00)_P225-P05; (00)_P230-P05; (00)_P231-P05; (00)_P301-P05;
(00)_P302-P05; (00)_P303-P04; Design and Access Statement by Allford Hall Monaghan Morris Architects dated July 2017; Design and Access Statement Addendum by Allford Hall Monaghan Morris Architects dated November 2017 and March 2018; Visual Impact and Heritage Assessment by Peter Stewart Consultancy dated July 2017; Planning Statement by DP9 dated July 2017; Drainage Strategy Report by Heyne Tillett Street Ltd dated 30 November 2017; Planning Noise and Vibration Report by Sandy Brown dated July 2017; Structural Planning Report by Heyne Tillett Street Ltd dated July 2017; Amendment to Structural Planning Report by Heyne Tillett Street Ltd dated November 2017; Construction Management Plan by Crosby Transport Planning dated July 2017; Statement of Community Involvement dated July 2017; Air Quality Assessment by Waterman dated July 2017; Transport Plan by Crosby Transport Planning dated July 2017; Sustainability and Energy Statement by Green Building Design Consultants and SRE dated July 2017; Addendum to Energy Statement by Thornton Reynolds dated 30 November 2017; Preliminary Ecology Appraisal by The Ecology Appraisal dated July 2017; Daylight & Sunlight Report by Point 2 Surveyors dated July 2017; Updated Daylight & Sunlight Report by Point 2 Surveyors dated March 2018; Letter on Internal Daylight Amenity by Point 2 Surveyors dated 3 April 2018; Daylight -window maps (P716/W/01, P716/W/03, P716/W/05, P716/W/02); BREEAM Pre-Assessment Review Planning Stage by ECiBE Ltd; Proposed area schedule by Allford Hall Monaghan Morris Architects dated 2 March 2018;

Basement Impact Assessment by CGL dated November 2017; and Basement Impact Assessment Audit by Campbell Reith dated January 2018.

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

- 3 The proposals shall be implemented in accordance with the details approved under planning reference 2020/3747/P dated 26 November 2020. All approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

4 Brick

- a) A sample panel of the facing brickwork (1.5 x 1.5 metres) demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority for the glazed bricks at ground floor level and the 'hit and miss' bricks for the rooftop plant, before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given.
- b) The proposals shall be built in accordance with the details for facing bricks approved under planning reference 2020/2891/P dated 26 November 2020.

The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Prior to construction of any above ground superstructure, full details of hard and soft landscaping and means of enclosure of all un-built, open areas and roof terraces shall be submitted to and approved by the local planning authority in writing. Details shall include samples of all ground surface materials and finishes.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

(Condition updated under 2018/5242/P).

Reason: To ensure that the development achieves a high quality of

landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 Unit 01.02 as indicated on the plan number (00)_P101-P03 hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (3). Evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the wheelchair units would be capable of providing adequate amenity in accordance with policy H6 of the London Borough of Camden Local Plan 2017.

- 9 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (1) and M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 (Housing choice and mix) of the London Borough of Camden Local Plan 2017.

- 10 The development shall be built in accordance with the details of a sustainable urban drainage system and scheme of maintenance approved under planning reference 2018/4294/P dated 12 December 2018. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies

CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 11 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 12 The office windows at fourth and fifth floor level on the north east elevation of the office extension which face onto the lightwell between the office and residential uses shall be obscurely glazed and fixed shut prior to first occupation of the development and permanently retained as such thereafter.

Reason: In order to prevent unreasonable overlooking of proposed residential units in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 13 Any piling must be undertaken in accordance with the terms of the approved piling method statement, approved under planning reference 2019/0719/P.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of Policy CC3 of the London Borough of Camden Local Plan 2017.

- 14 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 15 The development shall be carried out in accordance with the noise mitigation measures to ensure acceptable internal noise levels within the proposed residential units as set out in the Planning Noise and Vibration Report by Sandy Brown dated July 2017 and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 16 Prior to use of any plant full details of all plant, including details of sound attenuation and an acoustic report setting out how the equipment would meet

the Council's noise standards shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with any approval given and shall thereafter be maintained in effective order to the reasonable satisfaction of the local planning authority.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 17 The development shall be carried out in accordance with the details of the suitably qualified chartered engineer approved under planning reference 2018/4228/P dated 2 November 2018. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 18 The secure and covered cycle storage area for 72 cycles in respect of the commercial use and 18 cycles in respect of the residential use approved under planning reference 2018/4257/P dated 2 November 2018. All doors to access the cycle parking shall be automatic. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 19 Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers as shown on the drawings hereby approved shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 20 The living roofs shall be fully provided in accordance with the approved details under planning reference 2018/4257/P dated 2 November 2018, prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, CC4, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 21 Prior to first occupation of the buildings, detailed plans showing the location

and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 22 Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan (2016) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 23 The monitors approved under planning reference 2018/4259/P dated 3 January 2019, shall be installed, retained and maintained on site for the duration of the development in accordance with the details thus approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, D1 and CC4 of the London Borough of Camden Local Plan 2017.

- 24 Prior to commencement of development (excluding demolition and site preparation works), full details of the mechanical ventilation system including air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and the boiler stack and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy 7.14.

- 25 The remediation measures shall be implemented strictly in accordance with the scheme approved under planning reference 2018/4297/P dated 2 November 2018.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 With regard to condition 25 above the preliminary risk assessment is required in accordance with CLR11 model procedures for management of contaminated land and must include an appropriate scheme of investigation with a schedule of work detailing the proposed sampling and analysis strategy. You are advised that the London Borough of Camden offer an Enhanced Environmental Information Review available from the Contaminated Land Officer (who has access to the Council's historical land use data) on 020 7974 4444, or by email, <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-contaminated-land-officer.en>, and that this information can form the basis of a preliminary risk assessment. Further information is also available on the Council's Contaminated Land web pages at <http://www.camden.gov.uk/ccm/navigation/environment/pollution/contaminated-land/>, or from the Environment Agency at www.environment-agency.gov.uk.
- 4 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 5 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts

(Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

- 7 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 8 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 10 You are advised that if implemented, the alternative use permission hereby granted gives flexibility of use for 10 years from the date of this permission. After 10 years the lawful use would revert to whichever of the uses is taking place at the time.
- 11 You are advised that there are public sewers crossing or close to application site. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 12 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. You are advised to take account of this minimum pressure in the design of the proposed development.
- 13 You are advised to incorporate a non-return valve or other suitable device to avoid risk of backflow should the sewerage network surcharge to ground level during storm conditions.
- 14 You are reminded that conditions part 4 (glazed bricks at ground floor and 'hit and miss' brick for the rooftop plant), 6 (landscaping), 8 & 9 (M4 housing), 11 (water use), 16 (acoustic report), 21 (PV panels), 22 (bird and bat box details) and 24 (Mechanical ventilation system) of planning permission granted on 30th August 2018 (ref 2017/4306/P) are outstanding and require details to be submitted and approved.
- 15 Reasons for granting permission.

Introduction

The amendments are namely to amend the massing at the rear of the building at levels 03 to 07 on the north and west elevations and the excavation of the existing front lightwell on Tottenham Street to basement level.

Amending massing on north and west elevation

The mass would be relocated, but would remain the same.

Given the location at the rear, the changes would not be visible from the public realm.

There are no residential windows in close proximity that would be affected by this change.

Lightwell

The lightwell exists currently and there would therefore be no impact in conservation and design terms by dropping it further.

Campbell Reith, the Council's independent basement consultant, have assessed the proposals and consider the proposed excavation would have no adverse impacts and meets the criteria of CPG Basements.

Conclusion

No objections have been received to the section 73 application. A deed of variation to the section 106 agreement will be secured.

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

All of the above amendments are considered minor material amendments to the original application.

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.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer