

<b>Delegated Report (Members Briefing)</b>	<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>02/08/2021</b>
	N/A	<b>Consultation Expiry Date:</b>	<b>N/A</b>
<b>Officer</b>		<b>Application Number(s)</b>	
Kristina Smith		2021/3265/P	
<b>Application Address</b>		<b>Drawing Numbers</b>	
140-146 Camden Street London NW1 9PF		Refer to draft decision notice	
<b>Proposal(s)</b>			
Alterations including amendments to ground floor layout involving replacement of 20sqm residential floorspace with commercial space, provision of door on Bonny St and increased height of balustrading as a non-material amendment to planning permission ref. 2020/3219/P dated 17/03/2021 (an amendment to planning permission ref. 2014/7908/P dated 11/05/2016) for demolition of existing buildings and erection of 1 - 8 storey building plus basement comprising 2,026sqm of commercial floorspace and 52 residential units			
<b>Recommendation(s):</b>	<b>Grant Non-Material Amendment</b>		
<b>Application Type:</b>	<b>Non-Material Amendment</b>		

<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. of responses	<b>03</b>	No. of objections	<b>03</b>
<b>Summary of consultation responses:</b>  <i>Officer response in italics</i>	<p>Due to the application type, no press advert or site notices were published as there is no statutory consultation required.</p> <p>3 objections have been received from neighbouring residents on the following grounds:</p> <ol style="list-style-type: none"> <li>1. Introduction of door leads to removal of void to canal side level and associated recess in the GF elevation and its replacement by a bland flat frontage, removes articulation.</li> <li>2. Would now have no street level articulation to relieve its scale and presence</li> <li>3. The new door, despite being labelled as an Emergency Exit on the plans, is the only external door serving this unit from the public domain. It will perforce become the primary and principal entrance to the newly demised commercial space</li> <li>4. The risk of a new tenant who may rely on numerous and frequent pick-ups and deliveries is very high and go against LB Camden efforts to reduce traffic in the area</li> <li>5. Conditions should be added that address deliveries, loading bay restrictions and operating hours of unit 2.</li> </ol> <p><u>Officer response:</u></p> <ol style="list-style-type: none"> <li>1. <i>Please refer to design section of report</i></li> <li>2. <i>As above</i></li> <li>3. <i>There is no objection to a new door in this location – please refer to Land Use and Amenity section for justification</i></li> <li>4. <i>Please refer to Land Use and Amenity section of report</i></li> <li>5. <i>As above</i></li> </ol>			
<b>Local groups comments:</b>	<p>TRACT (Tenants Residents Associations, Camden Town) object to the above application on the following grounds:</p> <ul style="list-style-type: none"> <li>• New door on to Bonny Street leads to risk of unit being let to a business that requires significant vehicular movements on Bonny Street. A 24/7 e-commerce type of operation will negatively impact this relatively quiet street.</li> <li>• If minded to approve application, the following conditions should be added to protect residents:</li> </ul> <ol style="list-style-type: none"> <li>1. All normal business deliveries such as post, couriers etc should be from Camden Street and not Bonny Street. All other deliveries and pick-ups should remain as set out in the original approved planning.</li> <li>2. The operating hours of the new commercial unit 2 should be limited to normal business hours (say 07:00-20:00hrs) with limited late or weekend hours to avoid the possibility of a 24/7 operating e-commerce type business or dark kitchens.</li> <li>3. No waiting of delivery vehicles of any type outside normal business hours including electric cycles and any other vehicle used by delivery operatives.</li> </ol> <p><u>Officer response:</u> <i>please refer to Land use and Amenity section of report</i></p>			
<b>Site Description</b>				

Implementation of planning permission ref. 2020/3219/P is underway and the superstructure is substantially complete.

The site is bound by Camden Street to the west, Bonny Street to the north, and the Regents Canal to the south. The canal towpath is designated as public open space.

There are two large buildings in the vicinity of the site. Shirley House, occupied by the British Transport Policy, is a 7 storey building to the south of the site on the north-eastern corner of Camden Street and Camden Road. Regent's Canalside, a recently completed residential development, is a 4 – 7 storey building to the east of the site on Camden Road (formerly known as Twyman House). The 4 storey element of Regent's Canalside directly adjoins the subject site. Morgan House directly abuts the north east of the site. No's 2-8 Bonny Street form a terrace of 19<sup>th</sup> century grade II listed buildings.

The site is located outside, but close to the boundary of, the Camden Town Centre.

The site is located within the Regent's Canal Conservation Area and adjoins the Jeffrey's Street Conservation Area to the north.

## Relevant History

### Original Permission

**2014/7908/P** - Demolition of existing buildings, excavation of extension to existing single storey basement and erection of 1 - 8 storey building comprising 2,026sqm of commercial floorspace (flexible B1 use class) and 52 residential units (4 x studio, 19 x 1-bed, 18 x 2-bed and 11 x 3-bed C3 use class) with associated landscaping – **Granted subject to a section 106 legal agreement 11/05/2016.**

### Subsequent s.73 / s.96a applications

**2017/1407/P** - Variation of condition 25 (demolition and construction contracts) of planning permission 2014/7908/P dated 11/05/2016 (for demolition of existing buildings, excavation of extension to existing single storey basement and erection of 1 - 8 storey building comprising 2,026sqm of commercial floorspace (flexible B1 use class) and 52 residential units (4 x studio, 19 x 1-bed, 18 x 2-bed and 11 x 3-bed C3 use class) with associated landscaping.) namely to allow for separate contracts for demolition and construction of the development. **Variation of condition granted subject to a section 106 Deed of Variation 28/11/2017 – N.B. This scheme has been implemented.**

**2017/6720/P** - Alterations to Block A lightwell and railings, omission of GF balcony, removal of courtyard lightwell, repositioning of Block B access, re-arrangement of wheelchair unit at GF, lighting design, addition of private terraces in courtyard, security fencing, commercial access repositioned, GF recess omitted, stair access to communal terrace added, changes to window design and faience columns and repositioning of lift – **Non-material amendment approved on 9/2/2018**

**2019/3403/P** - Variation of condition 2 (approved plans) and removal of condition 12 (lifetime homes) of planning permission ref. 2017/1407/P (dated 28/11/19) for Demolition of existing buildings and erection of 1 - 8 storey building (plus basement excavation) comprising 2,026sqm of commercial floorspace (flexible B1 use class) and 52 residential units with associated landscaping, namely to amend housing mix; internal reconfiguration to create larger unit sizes and reduce cores; relocation of wheelchair unit, plant, refuse and cycle store and associated elevational alterations at ground floor level. **Granted Subject to a Section 106 Legal Agreement 10/09/2019**

**2019/5155/P** - Variation of condition 2 (approved plans) and condition 7 (energy strategy) of planning permission ref. 2019/3403/P dated 10/09/2019 (for variation of condition 2 and removal of condition 12 of planning permission ref 2017/1407/P dated 28/11/2017 for variation of condition 25 of planning permission ref 2014/7908/P dated 11/05/2016 for Demolition of the existing buildings and erection of 1 - 8 storey building (plus basement excavation) comprising 2,026sqm of commercial floorspace (flexible B1 use class) and 52 residential units with associated landscaping), namely to convert from

CHP to ASHP with associated relocation of plant rooms and to alter elevations. **Granted Subject to a Section 106 Legal Agreement 10/07/2020**

**2020/3219/P** - Variation of condition 2 (approved plans) of planning permission ref. 2014/7908/P (as later amended by planning permission ref. 2017/1407/P dated 28/11/19, 2019/3403/P dated 10/09/2019 and 2019/5155/P dated 10/07/2020) for Demolition of the existing buildings and erection of 1 - 8 storey building (plus basement excavation) comprising 2,026sqm of commercial floorspace (flexible B1 use class) and 52 residential units with associated landscaping, namely to introduce projecting balconies on the southern (canalside) and eastern (courtyard) elevations only and remove green wall - **Granted Subject to a Section 106 Legal Agreement 17/03/2021**

### **Previous applications on site**

**8903552** - Demolition of existing single storey building and erection of new five storey building. **Refused 25/04/1990.**

Reasons for refusal included loss of light, excessive floorspace for area, contrary to office policy, impact on conservation area.

### **Relevant policies**

#### **Town and Country Planning Act 1990**

The only consideration in determining an application for a Non-Material Amendment is whether the proposed amendments are non-material or not. As such, planning policy is not applied.

### **Assessment**

#### **1. Proposal / Background**

1.1. The application has been submitted under section 96a of the Town and Country Planning Act 1990 and seeks to make a number of non-material amendments to planning permission ref. 2014/7908/P (as later amended by planning permission refs. 2017/1407/P, 2019/3403/P, 2019/5155/P and 2020/3219/P), including:

- Change of use of 20 sqm of ground floor from Block C residential lobby (Class C3) to commercial floorspace
- Replacement of window with 'emergency exit' door along Bonny Street located in place of an existing lightwell and relocation of internal staircase in association with creating two commercial units (one at ground floor (Commercial unit 1) and another at lower ground floor level (Commercial unit 2)) rather than a single unit spanning two floors
- Increased railing heights of roof terraces from 1.5m to 1.7m for privacy reasons
- Minor amendments to ground floor doors to residential entrance of Block C and substation

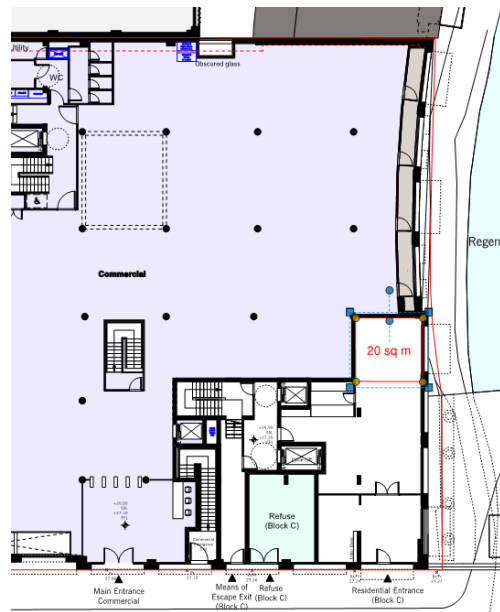
#### **2. Assessment**

2.1. The main considerations in the assessment of the application are:

- Land use
- Design
- Amenity

## Land use

2.2. Whilst the change of use of part of the residential lobby would technically be a loss of residential floorspace, it can be seen from the plan below that this is effectively redundant space and its loss would not impact on housing provision in terms of unit numbers or sizes of unit. It is considered to be better used as commercial floorspace and therefore the change of use is acceptable.



2.3. The consented commercial unit at ground and lower ground floor has been divided into two commercial units of the same use class. This does not constitute development as it involves internal reconfiguration and insertion of internal partitions only with no change of use. The additional door would serve as emergency exit only reflected by outward opening doors which are required by Building Regulations for fire doors. The primary entrance to commercial unit 2 would be a consented door on Bonny Street.

2.4. The consented land use is commercial and specifically B1 which comprised business activities that could take place in a residential area without harm to amenity. From 1st September 2020, use Class B1 was superseded by Class E by an amendment to the Use Class Order. However, for permissions already granted, the consented use class must be implemented before the planning unit can benefit from changing to any of the other uses permitted under Class E. Consultation responses refer to risk of the commercial unit being used by e-commerce businesses with a high volume of deliveries; however, this use would not be permitted by Use Class B1. Depending on the type of operation it is also unlikely to be permitted by Class E and therefore require further planning consent at which point the transport and amenity impact would be assessed.

## Design

2.5. Officers have reviewed all proposed alterations against the original permission and consider that the proposed amendments satisfactorily preserve the quality and design of the original scheme and would preserve the character and appearance of the wider Conservation Area.

2.6. In elevation, the differences would be subtle. The consented situation involves the building line being set back behind a small lightwell finished with black metal railings with the elevation punctuated by two windows. In the proposed situation, the lightwell would be removed so the building line would continue on the same plane along the Bonny Street elevation. The elevation would continue to be punctuated by two openings of the same size only one would be a door to a lobby serving Commercial Unit 2 and the other would continue to be a window. The articulated brickwork around the window / door openings would remain. It is necessary to remove the lightwell in order to gain access to the new door from the street. The lightwell served the

basement office floor. Given its small scale it would have had a limited impact on the daylight levels received by the lower ground floor which will continue to be served by generous canal-facing windows that would provide sufficient daylight.

- 2.7. At fifth floor level, the height of the balustrades to the roof terrace would increase from 1.1m to 1.7m. The consented situation involved a metal balustrade and in locations where overlooking required mitigation, sections of 1.7m obscure glazing. In discussions regarding the discharge of condition 14 (privacy screens), a more desirable and coherent design solution has been decided on which involves running a metal semi-permeable balustrade of 1.7m down the whole length of the terrace and omitting the obscure glazing. A clear glazed screen would run behind the metal balustrade to ensure compliance with Building Control. The additional height would not appear overly dominant or have a material impact on the appearance of the building
- 2.8. Elsewhere, minor changes are proposed to the style of door at ground floor level to the substation and residential entrance to Block C which are considered negligible and would have no impact on the appearance of the building.

### **Amenity**

- 2.9. The parent permission is subject to a section 106 agreement that requires the submission of a Servicing Management Plan. All commercial space will be subject to the SMP and once submitted it will be assessed against those principles already established. As such the provision of a new door onto Bonny Street, which would be used for emergency exit only, would not increase the amount of deliveries and servicing to Bonny Street compared to the existing situation.
- 2.10. Consultation responses have requested additional controls to be applied. However, there is no scope under a Non-Material Amendment application to apply additional controls. Were additional controls considered necessary or reasonable then officers would have required the alterations to be made under a section 73 application. However, in this instance – given the external works involve the insertion of a door only and permission is not required to provide internal partitions to separate one planning unit into two smaller planning units of the same use class – no additional controls are thought to be appropriate.

### **3. Recommendation**

- 3.1. Grant Non-Material Amendment

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 23<sup>rd</sup> August 2021, 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'.***