

Application ref: 2020/5647/P
Contact: Patrick Marfleet
Tel: 020 7974 1222
Email: Patrick.Marfleet@camden.gov.uk
Date: 19 January 2022

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Knight Frank LLP
55 Baker Street
London
W1U 8AN

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:

7 A

B

C Bayham Street

London

NW1 0EY

Proposal:

Variation of conditions 2 (approved plans), 5 (waste storage), 9 (SUDs), 14 (green roofs and living walls), 24 (bird and bat boxes) and removal of conditions 11 (CHP), 12 (CHP stack) and 16 (greywater recycling) of planning permission 2018/3647/P dated 28/08/2020 (Demolition of existing office buildings (B1) and erection of 5 storey (plus two storey basement) building comprising mixed office (B1) and hotel (C1) use).

Drawing Nos:

Superseded:

D_PA_P-0401 PL-03, D-PL-P-0204 P-03, D_PL_E-0203, P-03, D_PL_E-0202 P-04, D-PL-P-0201 PL-03, D_PA_P-0108 PL-03, D_PA_P-0107 PL-03, D_PA_P-0106 PL-03, D_PA_P-0105 PL-03, D_PA_P-0104 PL-03, D_PA_P-0103 PL-05, D_PA_P-0102 PL-04, D_PA_P-0101 PL-03, D-PL-P-5300 P-01, D-PL-P-5200 P-01, D-PL-P-5100 P-01, D-PL-P-0402 P-03, D-PL-P-0302 PL-02, D-PL-P-0301P-01, PL-E-0401, D-PL-P-5111 Rev P-01, D-PL-P-5112 Rev P-01, D-PL-P-5120 Rev P-01, D-PL-P-5201 Rev P-01, D-PL-P-5202 Rev P-01, D-PL-P-5203 Rev P-01, D-PL-P-5204 Rev P-01, D-PL-P-5205 Rev P-01, D-PL-P-5220 Rev P-01, D-PL-P-5301 Rev P-01, D-PL-P-5302 Rev P-01, D-PL-P-5303 Rev P-01, D-PL-P-5304 Rev P-01, D-PL-P-5305 Rev P-01, D-PL-

Amended:

(1783) A-000-001, A-000-002, A-100-097 P0, A-100-098 P2, A-100-099 P2, A-100-000 P3, A-100-001 P3, A-100-002 P2, A-100-003 P1, A-100-004 P3, A-100-005 P2, A-110-001 P6, A-110-002 P2, A-110-003 P3, A-110-004 P3, A-120-001 P3, A-120-002 P3, A-120-003 P3, A-120-004 P1, A-120-010, A-120-011, A-120-012 P1

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 permission reference 2018/3647/P dated 28/08/2020.

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: (1783) A-000-001, A-000-002, A-100-097 P0, A-100-098 P2, A-100-099 P2, A-100-000 P3, A-100-001 P3, A-100-002 P2, A-100-003 P1, A-100-004 P3, A-100-005 P2, A-110-001 P6, A-110-002 P2, A-110-003 P3, A-110-004 P3, A-120-001 P3, A-120-002 P3, A-120-003 P3, A-120-004 P1, A-120-010, A-120-011, A-120-012 P1

Background Papers and Supporting Documents: Dexter Moren Associates Section 73 Proposed Scheme Amendments Rev G October 2021, Campbell Reith BIA audit Rev D1 dated November 2018, Campbell Reith BIA audit Rev F1 dated February 2019, GL Hearn Sequential Assessment dated 15/01/2019, Transport Assessment Rev 11 dated November 2018, GL Hearn Financial Viability Assessment dated 17/08/2018, White Bridge financial feasibility study dated August 2018, GL Hearn cover letter dated 31/07/2018, Ecology Report dated 23/07/2018, Heritage Collective heritage statement and addendum dated July 2018, Sandy Brown noise report dated 26/07/2018, Waste Strategy Report dated 24/07/2018, Statement of Community Involvement dated July 2018, GL Hearn Planning Statement dated July 2018, Ensphere Draft Construction Management Plan dated July 2018, Land Stability Assessment dated February 2018, Hydrogeological and Hydrological Assessment dated July 2018, Archaeology Desk Based Assessment dated May 2018, Air Quality Assessment dated 24/07/2018, BPS FVA audit 02/11/2018, Report VA3259.210513.NIA2; Ensphere Energy Statement (November 2020); Ensphere Sustainability Statement (November 2020) Updated Daylight, Sunlight and Overshadowing Report (January 2021).

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before

the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.

b) Typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.

c) Samples and manufacturer's details at a scale of 1:10, of all facing materials including windows and door frames, glazing, and brickwork with a full scale sample panel of brickwork, spandrel panel and glazing elements of no less than 1m by 1m including junction window opening demonstrating the proposed colour, texture, face-bond and pointing.

A sample panel of all facing materials should be erected on-site and approved by the Council before the relevant parts of the work are commenced and the development shall be carried out in accordance with the approval given.

The relevant part of the works shall then be carried in accordance with the approved details

Reason: To safeguard the appearance of the premises and the character of the surrounding conservation area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the building.

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 Camden Local Plan 2017.

- 5 Prior to commencement of any development other than works of demolition, site clearance, preparation piling and underpinning, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently 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 of the Camden Local Plan.

- 6 No flat roofs within the development hereby approved shall be used as amenity terrace areas.

Reason: To safeguard the amenities of the future occupiers and adjoining neighbours in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 7 The approved hotel bar shall not be open to the general public outside the following times: 7:00am to 11:00pm Monday to Sunday and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4 and TC2 of the Camden Local Plan 2017.

- 8 The proposed first, second and third floor windows on the north and south elevations of the development, and east and west facing atrium windows hereby approved shall be obscure glazed and permanently retained as such.

Reason: To ensure that the amenity of occupiers of neighbouring residential properties in the area is not adversely affected by overlooking in accordance with Policy A1 of the Camden Local Plan 2017.

- 9 Prior to commencement of any development other than works of demolition, site clearance, preparation piling and underpinning, details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. 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 and CC3 of the Camden Local Plan 2017.

- 10 The proposed air quality monitors shall be implemented in accordance with the details approved under permission ref 2020/4595/P dated 09/12/2020.

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.

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.

- 11 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements policies A1 and CC4 of the Camden Local Plan 2017.

- 12 Prior to commencement of any development other than works of demolition,

site clearance & preparation, a detailed plan of the biodiverse substrate roofs in the areas indicated on the approved roof plans shall be submitted to and approved by the local planning authority. The details shall include species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the biodiverse roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The biodiverse roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

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

- 13 Prior to first occupation of the building, 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. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall also be provided. 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 policies CC1 and CC2 of the Camden Local Plan 2017.

- 14 Prior to commencement of any development other than works of demolition, site clearance & preparation, a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing.

Site investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

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.

- 15 In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk

assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11), and where mitigation is necessary a scheme of remediation must be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.

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.

- 16 Prior to occupation of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with Policy A1 of the Camden Local Plan 2017.

- 17 Prior to the commencement of the approved cafe use, full details of the ventilation system for the extraction and dispersal of cooking odours including details of the flue, method of odour control and maintenance regime shall be submitted to and approved by the Local Planning Authority in writing.

The extraction system should terminate unimpeded in a vertical direction at least 1m above the eaves level of the building. The use shall be carried out in full accordance with the approved details.

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

- 18 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.

- 19 Prior to first occupation of the development, 22 long stay cycle spaces shall be provided in their entirety and permanently retained thereafter.

Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with policies T1 and T3 of the Camden Local Plan 2017.

- 20 No impact piling to commence until a piling method statement, prepared in consultation with Thames Water or the relevant statutory undertaker, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works, has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy A5 of the Camden Local Plan 2017.

- 21 Prior to commencement of any development other than works of demolition, site clearance, preparation, piling and underpinning a plan showing details of biodiversity enhancements on the building (including details of bird and bat boxes) appropriate to the development's location, scale and design shall be submitted to and approved in writing by the local planning authority. The measures 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 and in accordance with policy A3 of the Camden Local Plan 2017.

- 22 The development shall be constructed in complete accordance with the details demonstrating that a total of 6 bedrooms will be provided to full wheelchair accessible standards.

Reason: To ensure that the internal layout of the building makes sufficient provision for the needs of people with disabilities in accordance with the requirements of policy 4.5 of the London Plan 2016 and Policy C6 of the 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant

licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 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.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 6 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.

- 7 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 8 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk.
- 9 With regard to the wording 'Prior to commencement of any development other than works of demolition, site clearance & preparation' within the above conditions, for the purposes of this decision notice, this excludes works of basement excavation and laying of the basement slab.

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 2021.

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