

DATED 7TH DECEMBER 2022

(1) EUSTON ROAD LIMITED

and

(2) THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF CAMDEN

A G R E E M E N T

relating to land known as

357 EUSTON ROAD AND 44 WARREN STREET LONDON NW1 3AL

pursuant to

Section 106 of the Town and Country Planning Act 1990 (as amended);

Section 16 of the Greater London Council (General Powers) Act 1974;

Section 111 of the Local Government Act 1972; and

Section 1(1) of the Localism Act 2011

Andrew Maughan
Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

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& 44 Warren Street (CF AH)
CLS/COM/NF/1800.2240
s106 Final

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THIS AGREEMENT is made the 7th day of December 2022

BETWEEN;

- A. **EUSTON ROAD LIMITED** (Co. Regn. No. 11233399) whose registered office is at 4 Elstree Way, Borehamwood WD6 1RN. (hereinafter called "the Owner") of the first part
- B. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

1. **WHEREAS**

- 1.1 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number 266674.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 A Planning Application for the development of the Property was submitted to the Council and validated on 13 May 2022 and the Council resolved to grant permission conditionally under reference number 2022/2077/P subject to the conclusion of this legal Agreement.
- 1.4 The Council is the local planning authority for the purposes of the Act, and is the local authority for the purposes of Section 16 of the Greater London Council (General Powers) Act 1974; Section 111 of the Local Government Act 1972; and Section 1(1) of the Localism Act 2011 for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.5 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.

2. DEFINITIONS

In this Agreement the following expressions (arranged in alphabetical order) shall unless the context otherwise requires have the following meanings:-

2.1	"the Act"	the Town and Country Planning Act 1990 (as amended)
2.2	"Affordable Housing"	low cost housing that meets the needs of people who cannot afford to occupy homes available in the open market in accordance with the National Planning Policy Framework and successor documents
2.3	"Affordable Housing Contribution"	the sum of £146,800.00 (one hundred and forty-six thousand and eight hundred pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement to be applied by the Council in the event of receipt towards the provision of Affordable Housing within the London Borough of Camden
2.4	"the Agreement"	this Planning Obligation made pursuant to Section 106 of the Act
2.5	"the Development"	<p>the change of use from office (Class E) to a single family dwelling (Class C3) with associated external changes to the entrances at ground floor level, replacement office floorspace at basement and ground floor level, and associated works as shown on drawing numbers:-</p> <p>Existing drawings: ER/WS - EX - 000, ER/WS - EX - 001, ER/WS - EX - 002, ER/WS - EX - 003, ER/WS - EX - 004, ER/WS - EX - 005, ER/WS - EX - 006, ER/WS - EX - 007, ER/WS - EX - 008, ER/WS - EX - 009, ER/WS - EX - 010.</p> <p>Proposed drawings: ER/WS - PP 020, ER/WS - PP 021, ER/WS - PP 022, ER/WS - PP 023 (as revised - received by the LPA 19/07/2022), ER/WS - PP 024, ER/WS - PP 025, ER/WS - PP 026, ER/WS - PP 027 (as revised, received by the LPA 01/08/2022), ER/WS - PP 030 (as revised - received by the LPA 27/06/2022), ER/WS - PP 031, ER/WS - PP 032, ER/WS - PP 033.</p>

		<p>Demolition drawings: ER/WS - DE - 011, ER/WS - DE - 012, ER/WS - DE - 013, ER/WS - DE - 014, ER/WS - DE - 015, ER/WS - DE - 016, ER/WS - DE - 017, ER/WS - DE - 018, ER/WS - DE - 019</p> <p>Documents: Design and Access Statement dated April 2022, Energy Statement ref: 22030-MEP-ZZ-ZZ-RP-YMEP-9000, cover letter dated 03/05/2022, Outline Fire Safety Strategy Report - Stage 2 dated March 2022, and Fire Statement dated 09/03/2022.</p>
2.6	"the Implementation Date"	the date of implementation of the Development by the carrying out of a material operation as defined in Section 56 of the Act and references to "Implementation" and "Implement" shall be construed accordingly
2.7	"Occupation Date"	the date when any part of the Development is occupied and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly
2.8	"the Parties"	mean the Council and the Owner
2.9	"the Planning Application"	a planning application in respect of the development of the Property submitted to the Council and validated on 13 May 2022 for which a resolution to grant permission has been passed conditionally under reference number 2022/2077/P subject to conclusion of this Agreement
2.10	"Planning Obligations Monitoring Officer"	a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to S106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof
2.11	"the Planning Permission"	a planning permission granted for the Development substantially in the draft form annexed hereto
2.12	"the Property"	the land known as 357 Euston Road & 44 Warren Street London NW1 3AL shaded grey on the plan annexed hereto
2.13	Resident Parking Bay	a parking place designated by the Council by an order under the Road Traffic Regulation Act 1984 or other relevant legislation for use by residents of the locality in which the Development is situated

2.14	Residents Parking Permit	a parking permit issued by the Council under section 45(2) of the Road Traffic Regulation Act 1984 allowing a vehicle to park in Residents Parking Bays
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3. **NOW THIS DEED WITNESSETH** as follows:-

- 3.1 This Agreement is made in pursuance of Section 106 of the Act, and is a planning obligation for the purposes of Section 106 as aforesaid, and is also made in pursuance of Section 16 of the Greater London Council (General Powers) Act 1974, Section 111 of the Local Government Act 1972 and Section 1(1) of the Localism Act 2011 and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 3.2 Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies, corporations and other artificial persons.
- 3.3 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute.
- 3.4 The clause and paragraph headings do not form part of this Agreement and shall not be taken into account in its construction of interpretation.
- 3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6, and 7 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.
- 3.6 The Council hereby agrees to grant the Planning Permission on the date hereof.

3.7 The Parties save where the context states otherwise shall include their successors in title.

3.8 The Parties acknowledge that the Development shall be treated as being permanently designated as "car free" housing in accordance with Clause 4.1 for all relevant purposes

4. **OBLIGATIONS OF THE OWNER**

The Owner hereby covenants with the Council as follows:-

4.1 **CAR FREE**

4.1.1 To ensure that prior to occupying any residential unit (being part of the Development) each new occupier of the Development is informed by the Owner of the Council's policy that they shall not be entitled (unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to:

- (i) be granted a Residents Parking Permit to park a vehicle in a Residents Parking Bay; and
- (ii) buy a contract to park within any car park owned, controlled or licensed by the Council.

4.1.2 Not to Occupy or use (or permit the Occupation or use of) any residential unit (being part of the Development) at any time during which the occupier of the residential unit holds a Residents Parking Permit to park a vehicle in a Residents Parking Bay or is permitted to park a vehicle in any car park owned, controlled or licensed by the Council unless the occupier is the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970).

4.1.3 The Owner for itself and its successors in title to the Property hereby acknowledges that the provision in Clause 4.1.1 and 4.1.2 in this Agreement shall continue to have effect in perpetuity.

4.1.4 On or prior to the Occupation Date the Owner shall inform the Council's Planning Obligations Monitoring Officer of the official unit numbers of the residential units forming part of the Development (as issued and agreed by the Council's Street Name and Numbering Department if relevant), identifying those residential units that in the Owner's opinion are affected by the Owner's obligation in Clause 4.1.1 and 4.1.2 of this Agreement.

4.2 AFFORDABLE HOUSING CONTRIBUTION

4.2.1 On or prior to the Implementation Date to pay to the Council the Affordable Housing Contribution in full.

4.2.2 Not to Implement or to permit Implementation until such time as the Council has received the Affordable Housing Contribution in full.

5. NOTICE TO THE COUNCIL/OTHER MATTERS

5.1 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place.

5.2 Within seven days following completion of the Development the Owner shall certify in writing to the Planning Obligations Monitoring Officer in the manner outlined at clause 6.1 hereof quoting planning reference 2022/2077/P the anticipated date upon which the Development will be ready for Occupation.

5.3 The Owner shall act in good faith and shall co-operate with the Council to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part of the Property or any requests to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.

5.4 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned herein and shall not

make any claim for compensation in respect of any condition restriction or provision imposed by this Agreement and further shall jointly and severally indemnify the Council for any expenses or liability arising to the Council in respect of breach by the Owner of any obligations contained herein save to the extent that any act or omission of the Council its employees or agents has caused or contributed to such expenses or liability. .

- 5.5 If satisfied as to the compliance of the Owner in respect of any obligation in this Agreement the Council shall (if requested to do so in writing and subject to payment of a fee of £1,000 in respect of each such obligation) provide through its Borough Solicitor a formal written certification of compliance, partial compliance or ongoing compliance (as and if appropriate) with the provisions of any such obligation.
- 5.6 Submission of any plan for approval by the Council under the terms of this Agreement shall be made by the Owner to the Council sending the full document and any appendices in electronic format (where practicable) to the Planning Obligations Monitoring Officer referring to the names dates and Parties to this Agreement and citing the specific clause of this Agreement to which such plan relates quoting the Planning Permission reference 2022/2077/P.
- 5.7 Payment of any contribution pursuant to Clause 4 of this Agreement shall be made by the Owner to the Council sending the full amount via electronic transfer (where practicable) The owner shall notify the Planning Obligations Monitoring Officer that payment has been made referring to names date and Parties to this Agreement and citing the specific clause of this Agreement to which such contribution relates quoting the planning reference 2022/2077/P. Electronic Transfer be made directly to National Westminster Bank of Hampstead Village, Enfield Customer Service Centre, PO Box 145 Baird Road Middlesex EN1 1FN quoting Sort Code 50-30-03 and London Borough of Camden General Account no. 24299480.
- 5.8 All consideration given in accordance with the terms of this Agreement shall be exclusive of any value added tax properly payable in respect thereof and all parties other than the Council shall pay and indemnify the Council against any such value added tax properly payable on any sums paid to the Council under this Agreement upon presentation of an appropriate value added tax invoice addressed to the Owner.

- 5.9 Any sums referred to in this Agreement as payable or to be applied by any party other than the Council under this Agreement shall be paid or applied TOGETHER WITH if such payment or application is made more than three months from the date of this Agreement a further sum ("A") being equal to the original sum payable ("B") multiplied by a figure being a fraction of which the All Items of Retail Prices ("the AllRP") figure last published by the Office for National Statistics at the date hereof is the denominator ("X") and the last AllRP figure published before the date such payment or application is made ("Y") less the last published AllRP figure at the date hereof ("X") is the numerator so that

$$A = B \times \frac{(Y-X)}{X}$$

- 5.10 All costs and expenses payable to the Council under this Agreement shall bear interest at the rate of 4% above the Base Rate of the National Westminster Bank plc from time to time being charged from the date such payment is due until payment is made.

6. **IT IS HEREBY AGREED AND DECLARED** by the Parties hereto that:-

- 6.1 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval or agreement to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and Parties to the Agreement and shall cite the clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Planning Obligations Officer, Placeshaping Service, Urban Design and Development Team, 2nd Floor, 5 Pancras Square, London, N1C 4AJ and sent to [planning obligations on PlanningObligations@camden.gov.uk](mailto:planningobligations@camden.gov.uk) quoting the planning reference number 2022/2077/P and in the case of any notice or approval or agreement from the Council this shall be signed by a representative of the Council's Environment Department.

- 6.2 This Agreement shall be registered as a Local Land Charge.

- 6.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Agreement on or prior to the date of completion of the Agreement.
- 6.4 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.
- 6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.
- 6.6 Neither the Owner nor their successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.
- 6.7 For the avoidance of doubt the provisions of this Agreement (other than those contained in this sub-clause) shall not have any effect until this Agreement has been dated.
- 6.8 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of Development this Agreement shall forthwith determine and cease to have effect.

7. **RIGHTS OF THIRD PARTIES**

- 7.1 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and
the Owner has executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY)
EUSTON ROAD LIMITED)
acting by a Director and Its Secretary)
or by two Directors)

..... [Redacted Signature]

Dire [Redacted Signature]

.....
Director/Secretary

THE COMMON SEAL OF THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF CAMDEN was hereunto)
Affixed by Order:-)



.....
[Redacted Signature]

Authorised Signatory

Ros Alexander
Principal Lawyer

Schedule 1
Plan



**Schedule 2
Draft Planning Permission**



Application ref: 2022/2077/P
Contact:
Tel: 020 7974
Date: 23 November 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

Iceni Projects
Da Vinci House
44 Saffron Hill
London
EC1N 8FH

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
357 Euston Road & 44 Warren Street
London
NW1 3AL

Proposal:
Change of use from office (Class E) to a residential maisonette (Class C3) with associated external changes to the entrances at ground floor level, replacement office floorspace at basement and ground floor level, and associated works.

Drawing Nos:
Existing drawings: ER/WS - EX - 000, ER/WS - EX - 001, ER/WS - EX - 002, ER/WS - EX - 003, ER/WS - EX - 004, ER/WS - EX - 005, ER/WS - EX - 006, ER/WS - EX - 007, ER/WS - EX - 008, ER/WS - EX - 009, ER/WS - EX - 010.

Proposed drawings: ER/WS - PP 020, ER/WS - PP 021, ER/WS - PP 022, ER/WS - PP 023 (as revised - received by the LPA 19/07/2022), ER/WS - PP 024, ER/WS - PP 025, ER/WS - PP 026, ER/WS - PP 027 (as revised, received by the LPA 01/08/2022), ER/WS - PP 030 (as revised - received by the LPA 27/06/2022), ER/WS - PP 031, ER/WS - PP 032, ER/WS - PP 033.

Demolition drawings: ER/WS - DE - 011, ER/WS - DE - 012, ER/WS - DE - 013, ER/WS - DE - 014, ER/WS - DE - 015, ER/WS - DE - 016, ER/WS - DE - 017, ER/WS - DE - 018, ER/WS - DE - 019

Documents: Design and Access Statement dated April 2022, Energy Statement ref: 22030-MEP-ZZ-ZZ-RP-YMEP-9000, cover letter dated 03/05/2022, Outline Fire Safety Strategy Report - Stage 2 dated March 2022, and Fire Statement dated 09/03/2022.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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:

Proposed drawings: ER/WS - PP 020, ER/WS - PP 021, ER/WS - PP 022, ER/WS - PP 023 (as revised - received by the LPA 19/07/2022), ER/WS - PP 024, ER/WS - PP 025, ER/WS - PP 026, ER/WS - PP 027 (as revised, received by the LPA 01/08/2022), ER/WS - PP 030 (as revised - received by the LPA 27/06/2022), ER/WS - PP 031, ER/WS - PP 032, ER/WS - PP 033.

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Documents: Design and Access Statement dated April 2022, Energy Statement ref: 22030-MEP-ZZ-ZZ-RP-YMEP-9000, cover letter dated 03/05/2022, Outline Fire Safety Strategy Report - Stage 2 dated March 2022, and Fire Statement dated 09/03/2022.

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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

- 4 Prior to occupation of any relevant part of the development, the applicant will have constructed and implemented all the measures contained in the Energy statement ref: 22030-MEP-ZZ-ZZ-RP-YMEP-9000 hereby approved, to achieve at least a 46% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy, and a 6% reduction in carbon dioxide emissions through renewable technologies. All such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to commencement of development excluding site preparation work:
 - a) A basic Air Quality Assessment, including any appropriate mitigation, shall be submitted to and approved by the local planning authority in writing.
 - b) If required, the full details of any 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 safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, D1 and CC4 of the London Borough of Camden Local Plan 2017.

- 6 All refuse and recycling bins, delivery cages, trolleys and any other items linked to deliveries and collection in association with the development hereby permitted are to be stored within the building and only brought out onto the public highway when deliveries are being made or refuse collected and returned to within the building immediately thereafter.

Reason: In the interests of visual amenity and to prevent obstruction and inconvenience to users of the public highways, in accordance with policies D1, A1, CC5 and T1 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the occupation of the development, the cycle storage areas hereby approved (including 4 spaces for the office accommodation and 3 spaces for the residential units) shall be provided in their entirety prior to the first occupation of the development, 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.

- 8 All external doorways, except for fire doors or for access to utilities, should not open outwards towards the public highway/footway/courtyard spaces. The proposed doors must either open inwards or have a sliding door so they do not restrict the flow of pedestrians or risk being opened onto those passing by.

Reason: In order to enhance the free flow of pedestrian movement and promote highway safety and amenity in accordance with policies D1 and T1 of the London

Borough of Camden Local Plan 2017.

- 9 The development hereby approved shall achieve a maximum internal water use of 110 litres/person/day. The dwelling shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 10 The roof terrace shall only be used for amenity purposes within the area shown shaded grey on the roof plan ER/WS - PP 027 (as revised, received by the LPA 01/08/2022) hereby approved.

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

- 11 Before the use commences, sound insulation shall be provided for the building in accordance with a scheme to be first approved by the local planning authority in writing. The internal noise levels in the dwelling hereby approved shall not exceed indoor ambient noise levels in unoccupied rooms of 35dB(A) LAeq,16hour (07:00-23:00 hours) and 30dB(A) LAeq, 8hour (23:00-07:00 hours) and individual noise events shall not normally exceed 45dB LAm_{ax} during the night (23:00-07:00 hours). The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of future occupiers of the development in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The existing building is in use as offices from first to third floor levels (approx. 350sqm), with the basement and ground levels in use as ancillary storage space (approx. 250sqm). Planning permission was previously granted (ref: 2015/5928/P) for the demolition of the existing building and the erection of a new building to provide 9 residential flats and 198sqm of office floorspace (a total loss of approximately 400sqm business floorspace). The current proposals would retain the existing building which is welcomed and strongly supported by the Council's sustainability policies, with office floorspace at ground and basement level and one residential dwelling unit at 1st to 3rd floors.

The loss of Class B8 storage space was previously considered acceptable as the site was classed as a 'category 3 site', which are generally small, isolated premises

with poor access on narrow streets, no goods lift, little or no space for servicing, incompatible neighbours (mostly residential) and located at lower ground or basement level. Given this situation has not changed, the loss of storage space is still considered acceptable.

The loss of almost half of the existing office space was also accepted for the following reasons: the premises would require significant investment to bring it up to modern standards, there is no lift, and the offices are vacant and had been marketed for over 12 months with no interest. Furthermore, the re-provided office space was considered to be of a higher standard with lift access and disabled toilet. The current proposals would retain a greater proportion of office use - 262sqm - and would again provide a replacement offer of a higher standard. The loss of office floorspace is therefore acceptable.

The provision of a new residential unit at the site is welcomed, as housing is the priority land use of the Local Plan. The dwelling would be a large five bedroom home which is identified as a lower priority dwelling size by policy H7. However, it is also noted that Bloomsbury is identified as one of four wards with a low proportion of large dwellings and where the Council aims to provide more larger homes. As such, the provision of a large home in this location is acceptable.

The proposed dwelling would significantly exceed the nationally described space standards for floor areas, and would have an acceptable level of access to daylight/sunlight and outlook with a large area of outside amenity space at roof level. As such, it would provide a high quality of living accommodation for future residents and is acceptable in this regard.

The development is required to make a contribution to affordable housing under Policy H4 due to the creation of 367sqm new housing, which is above the policy threshold of 100sqm. An uplift of 367sqm has the potential to provide 4 new homes, equating to a requirement for 8% affordable housing based on the sliding scale of 2% per dwelling. Given the site has capacity for fewer than 10 dwellings, a payment- in-lieu of affordable housing is acceptable and would be secured by S106 agreement. This is calculated at £146,800 (367sqm x 8% x £5,000).

- 2 The proposals involve mostly interior alterations, with the only external alterations being replacement windows to match the existing to the upper levels, replacement of the ground floor facades fronting Euston Road and Warren Street and new balustrades at roof level. The new entrances would be very similar in design and appearance to the existing, and would therefore preserve the appearance of the building and the streetscene. New balustrades would be introduced at roof level but these have been set back behind the parapets so they would not be highly visible from street level.

Neither of the adjoining properties, nos. 355 or 359, have residential uses within them. The closest residential units to the site are directly opposite at no. 29 Warren Street and no. 24 Conway Street. In terms of overlooking, the proposal would not introduce any new windows or extensions, and as such would have limited impact in terms of loss of daylight, sunlight, outlook or privacy. An external terrace is proposed at roof level which will be set back from the Warren Street elevation by 7.6m to ensure that use of the terrace would not result in harmful overlooking or noise disturbance. The extent of the terrace area will be secured by condition.

In terms of transport impacts, the development would be secured as car-free by S106 agreement to prevent future occupiers from obtaining on-street parking permits. Cycle parking stores are provided at ground floor level which would be secure, covered and step free. Four spaces would be provided for the office use and three for the residential dwelling which meet London Plan standards. These are secured by condition. The Council's Transport Planner has confirmed that given the limited nature of the proposed works, a Construction Management Plan would not be necessary.

As a minor development involving the refurbishment of an existing building, the development is expected to make the greatest possible reductions in carbon emissions through following the steps in the energy hierarchy and to incorporate renewable energy technologies where possible. The development incorporates passive energy efficiency measures including mechanical ventilation with heat recovery, low energy LED lighting, new efficient glazing, low carbon electric heaters, and lighting sensors. Renewables are provided in the form of a small solar PV system at roof level to deliver a 6% reduction in CO2 emissions. Overall, the development would provide a total reduction of 46.93% in carbon emissions which shall be secured by condition.

Given the proposed development would not involve any external extensions and only limited alterations, and there is no plant or equipment proposed, the proposed development would be unlikely to impact upon local air quality. However, given the location on Euston Road, it would be introducing new sensitive receptors (residential use) into an area of poor air and noise quality. As such, a basic air quality assessment and details of necessary mitigation measures, including appropriate sound insulation and mechanical ventilation system, shall be secured by condition.

No comments were received prior to determination. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies H1, H4, H6, H7, E1, E2, D1, A1, A4, CC1, CC2, CC3, CC4, T1 and T2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 3 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).
- 4 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, 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.

- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 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. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.
- 8 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.
- 9 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.

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:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Supporting Communities Directorate