



FAO: Ewan Campbell  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

1 December 2023  
CONFIDENTIAL

Dear Ewan,

## **256 GRAY'S INN ROAD, WC1X 8LD – NON-MATERIAL AMENDMENT TO CONDITION 41 OF PLANNING PERMISSION 2021/1809/P**

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On behalf of our client, University College London, please find enclosed an application for a non-material amendment to remove condition 41 of planning permission 2021/1809/P.

### **Background**

The application site at 256 Gray's Inn Road comprises a 1.207ha parcel of land bounded to the west by Gray's Inn Road, to the north by the Calthorpe Project and the New Calthorpe Estate, to the east by Langton Close and to the south by Trinity Court and St Andrew's Gardens.

Full planning permission for the partial redevelopment of the site including the former Royal Free Hospital (Plot 1), Eastman Dental Clinic (Plot 2); Levy Wing (Plot 3), Frances Gardner House and Riddell Memorial Fountain to create a medical research outpatient facility and academic floorspace was granted on 10 March 2020 (Ref: 2019/2879/P).

Planning permission 2020/5791/P, granted on 21 June 2021, amended 2019/2879/P to extend to the Plot 3 basement, along with smaller extensions at the front and rear of the Plot 1 basement.

On 18 April 2023, planning permission 2021/1809/P was granted for further amendments to the development approved by 2019/2879/P and 2020/5791/P, including amendments to Plot 1 (former Royal Free Hospital Building) to amend the lecture theatre east facade; east facade updates (locations of doors); north west corner facade (change of detailing); facade level changes; firefighting lift; Alexandra Wing demolition and construction methodology); lowering height of link between Alexandra building and Plot 1, relocation of vent, new low level vent, altering the flue number and design, additional demolition and construction details, and changes to flues on Plot 1.

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## Condition 41

Condition 41 requires details of rainwater harvesting as outlined below:

*“Rainwater recycling: Prior to the commencement of the superstructure to each Plot, details of the rainwater recycling proposals shall be submitted to the local planning authority and approved in writing. The development shall thereafter be constructed in accordance with the approved details.*

*Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policy CC3 of the Camden Local Plan 2017”.*

The original planning application (approved under planning permission 2019/2879/P) did not include rainwater harvesting as part of the proposed scheme. In its Stage 1 report, the GLA asked the applicant to give further consideration to water harvesting and reuse to reduce consumption of wholesome water across the entire development site.

Whilst consideration to rainwater harvesting was given at this stage, the advice from the sustainability consultant was that it was not an effective solution for the scheme:

*“Recycling and rainwater harvesting are promoted by BREEAM and local planning policy as ways of reducing demand for mains water. Our past experience suggests rainwater harvesting and grey water recycling are generally not a cost-effective way of meeting non-potable demand in buildings and has only a marginal environmental benefit, and often creates a maintenance burden. This analysis is in line with the Environmental Agency Report SC0900181 on the limitations of rainwater and greywater recycling systems. The costs of installing decentralised water systems and the additional space that would be required mean that neither technology is deemed to be an effective solution”.*

Instead of incorporating rainwater harvesting, the design for Plot 1 incorporates the following water efficiency measures:

- Water efficient sanitary appliances, such as low volume cisterns and auto shut off taps;
- Solenoid valves on presence detection to shut off WC blocks when not in use;
- Water metering and flow measurement on all systems connected to water mains. These meters are linked to the Building Management Systems (BMS) which enables UCL Facilities Management (FM) teams to closely monitor water consumption across the building, take action to closely manage water consumption, set targets for water consumption, monitor and identify leaks.
- In accordance with the BREEAM credit MAN-04 handover, a detailed handover and commissioning process will be undertaken to ensure UCL FM teams are aware of these measures.
- The following BREEAM credits are targeted for the scheme:
  - WAT-01 water consumption;
  - WAT-02 water monitoring;
  - WAT-03 leak detection;

- WAT-03 flow control devices (solenoid valves); and
- WAT-04 water efficient equipment.

The above ensures that water efficiency is prioritised as part of the scheme using more effective measures than rainwater harvesting.

In summary, the use of rainwater harvesting has been carefully considered as part of the proposal and it was determined that it would not be viable in terms of being cost-effective and would only have a marginal environmental benefit, creating a maintenance burden. Therefore, to meet the needs of Policy CC3 of the Camden Local Plan 2017, as required under condition 41, and ensure the development contributes to minimising the need for further water infrastructure in an area of water stress, more effective measures have been taken as outlined above to ensure water efficiency.

Neither Policy CC3 of the Camden Local Plan nor Policy SI5 of the London Plan require rainwater harvesting as a specific measure. Policy SI5 states that development proposals “should incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help achieve lower water consumption rates and to maximise future-proofing”. Policy CC3 requires development to “incorporate water efficiency measures”. The incorporation of other water efficiency measures as identified above is in compliance with these policies.

The development meets the standard of 105 litres or less per head per day and achieves the BREEAM excellent standard for Wat 01 as required by Policy SI5.

The detailed drainage strategy for the site has already been agreed under condition 36. This approved drainage strategy meets the sustainable drainage requirements in both Policy CC3 in the Camden Local Plan and Policy SI13 of the London Plan without rainwater harvesting.

Therefore, we seek a non-material amendment to planning permission 2021/1809/P to remove condition 41.

## **Procedural Context**

A Section 96a amendment can be used to make any amendment to a planning permission providing the local planning authority is satisfied that the amendment is not material.

Section 96a of the Town and Country Planning Act states that:

- (1) A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.
- (2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.
- (3) The power conferred by subsection (1) includes power —
  - a) to impose new conditions;
  - b) (b) to remove or alter existing conditions.

The wording of s96a specifically includes the ability to add, alter or remove conditions, but importantly there are no limitations on how s96a can be used for, providing the local planning authority is satisfied that the change is not material.



The National Planning Policy Guidance confirms that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme. As such, there is no standard definition as to what comprises a non-material amendment. It must be considered on an individual case-by-case basis at the discretion of the local planning authority.

## Conclusions

We trust the above is clear in setting out reasons for the removal of condition 41 in relation to planning permission 2021/1809/P and why this is a non-material change in the context of the other water efficiency measures that have been incorporated. I look forward to receiving confirmation in agreement with the above. Please do not hesitate to contact me or my colleagues Simon Roberts or Anna Stott, should you have any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tarleen Kaur'.

Tarleen Kaur  
Assistant Planner