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London Borough of Camden
Planning and Building Development
5 Pancras Square
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FAO: David Peres Da Costa

09 April 2024

Our ref: LJW/ANE/KHU/AJA/HJH/J10381

Your ref: 2022/1515/P // PP-12964717

Dear Sir,

Belgrove House, Belgrove Street, London, WC1H 8AA
Town and Country Planning Act 1990 (as amended) – Section 96A
Application for Non-Material Amendment

We write on behalf of our client, Eelam Properties Limited, to submit an application for a non-material amendment under Section 96A of the Town and Country Planning Act 1990 to secure approval for a non-material amendment to the planning permission ref. 2022/1515/P (which amended ref. 2020/3881/P) at Belgrove House, Belgrove Street, London, WC1H 8AA (The 'Site')

Section 96A empowers local planning authorities to make changes to planning permissions where they are satisfied that the change is non-material. There is no statutory definition of what non-material and Planning Practice Guidance explains that this is because it will depend on the context of the overall scheme in any given case. It is contended that these are an entirely non-material change in the context of the approved scheme.

Background

Planning permission (ref. 2020/3881/P) was granted on 01 November 2021 for the:

“Redevelopment of Belgrove House as a part 5 part 10 storey building plus 2 basement levels for use as office and research and laboratory floorspace; with café, flexible retail and office floorspace at ground floor; an auditorium at basement; incorporating step free entrance to Kings Cross Underground station in place of two entrance boxes along Euston Road; together with terraces at fourth and fifth floor levels, servicing, cycle storage and facilities, refuse storage and other ancillary and associated works.”

On 24 January 2022, a non-material amendment application (ref. 2021/6296/P) was approved for the increase of the area demised to LUL at ground and basement level to incorporate a retail kiosk and revisions to the stair width. On 21 October 2022, a further non-material amendment application (ref. 2022/4139/P) was approved for the removal of an unregistered land parcel.

On 20 February 2023, planning permission was granted (ref. 2022/1515/P) for the:

“Variation of condition 2 (approved drawings) of planning permission 2020/3881/P granted

01/11/2021 for the 'Redevelopment of Belgrove House as a part 5 part 10 storey building plus 2 basement levels for use as office and research and laboratory floorspace; with café, flexible retail and office floorspace at ground floor; an auditorium at basement; incorporating step free entrance to Kings Cross Underground station in place of two entrance boxes along Euston Road; together with terraces at fourth and fifth floor levels, servicing, cycle storage and facilities, refuse storage and other ancillary and associated works';

NAMELY, minor design changes to external façade treatment and Euston Road entrance; changes to cycle store entrance at ground floor and public realm; internal alterations to layout across various floors; and changes to PVs and plant layout at roof"

The Proposals

This application therefore seeks to amend planning permission ref. 2022/1515/P for:

"Amendments to planning permission ref. 2022/1515/P at Belgrove House, WC1H 8AA; NAMELY re-wording of Condition 4 to allow the details of the emergency generator to be submitted to and approved in writing to the Council prior to the fit out of the building."

Condition 4 – Emergency Generators

Condition 4 attached to planning permission ref. 2022/1515/P states the following:

"Prior to commencement of the superstructure, details of the emergency generators shall be submitted to and approved by the Local Planning Authority in writing.

Such details to include specification, type, location and exhaust mechanisms for the plant and consideration of application of alternative low-NOx/renewable energy technologies.

Emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an unplanned/unforeseen loss of power.

Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Noise emitted from any emergency plant and generators hereby permitted shall not increase the representative/typical assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises."

Following the submission of planning ref. 2023/3552/P, it was determined that the information required to discharge Condition 4 would not be available prior to the commencement of the superstructure due to the operator not being able to obtain the relevant permit from the Environment Agency until later on in the construction programme.

Therefore, it has been agreed with the planning case officer at London Borough of Camden (via email) that the wording of Condition 4 is to be amended to change the trigger to prior to fit out of the building to allow time for the operator to obtain the relevant permit. To confirm, it is proposed that Condition 4 is amended to the following:

“Prior to the fit-out of the building, details of the emergency generators shall be submitted to and approved by the Local Planning Authority in writing.

Such details to include specification, type, location and exhaust mechanisms for the plant and consideration of application of alternative low-NOx/renewable energy technologies.

Emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an unplanned/unforeseen loss of power.

Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Noise emitted from any emergency plant and generators hereby permitted shall not increase the representative/typical assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.”

Application Documentation

In accordance with the validation requirements of the London Borough of Camden, alongside this Covering Letter, we hereby enclose the following documentation to discharge this condition:

- Application Form, prepared by Gerald Eve LLP; and
- Covering Letter (this document), prepared by Gerald Eve LLP;

Summary

This approval of details application has been submitted via the Planning Portal. The requisite approval of details application fee of £363.00 (including the £70.00 Planning Portal service charge) has been made concurrent to the submission of this application by our client and will follow in due course.

We look forward to confirmation of the registration and subsequent validation of this approval of details application shortly. In the meantime, should you have any queries, please do not hesitate to contact Katie Hughes (020 3486 3494) or Harry Howat (020 3486 3724) of this office.

Yours faithfully,



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