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2016

Section 73 Supporting Statement

227A Gray's Inn Road, London, WC1X 8QF

Iceni Projects Limited on behalf of
Regal GI Limited

December 2016

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ON BEHALF OF REGAL GI
LIMITED

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Section 73 Supporting Statement
227A GRAY'S INN ROAD, LONDON, WC1X 8QF

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2. INTRODUCTION

- 2.1 This application has been prepared on behalf of Regal GI Limited (the “Applicant”), and proposes to secure a minor material amendment under Section 73 of the Town and Country Planning Act 1990 (as amended) to the mixed use redevelopment scheme at 277A Gray’s Inn Road, London, WC1X 8QF.
- 2.2 The original scheme was granted planning permission on 10 October 2014 (LPA ref. 2014/4267/P), and was subsequently varied by planning permission reference 2015/2285/P on 31 July 2015. These consents provide the basis for the demolition of existing buildings and the comprehensive mixed-use redevelopment of the site to provide 60 residential units, ground and lower ground offices, ground level café and gallery uses and associated access and landscaping works.
- 2.3 This Section 73 application has arisen as a result of buildability issues. The majority of these amendments occur on the ground and lower ground floors, along with minor alterations to elevations and material choices.
- 2.4 The description of development for this Minor Material Amendment (MMA) application is as follows:

Minor Material Amendment to original consent 2014/4267/P (as amended by 2015/2285/P) to vary Condition 2 by replacing a list of approved plans in order to allow; revised arrangement of the basement, rearrangement of the non-residential floorspace on the lower ground and ground levels including the alteration of the consented café/gallery (Class A3) space to a flexible café/gallery/retail/office (Class A3/A1/B1) space, alteration to the Sustainable Urban Drainage Strategy, minor amendments to elevation design and treatment, minor changes to design of Birkenhead Estate wall; discharging Conditions 3 and 10, re-discharging Conditions 6, 9a, 17, 20-22, 24 and 26-27; and varying Conditions 13.

- 2.5 This Supporting Statement identifies and addresses the main planning considerations associated with the proposed minor material amendment.
- 2.6 The statement is structured as follows:
- Section 2 describes the application site and its planning context;
 - Section 3 outlines the planning policy framework for determining the application;
 - Section 4 outlines the scope of amendments proposed;
 - Section 5 details the substitution of plans proposed;
 - Section 6 details the scope and reasons for varying conditions;

- Section 7 details the conditions proposed to be discharged and re-discharged;
- Section 8 sets out the amended Section 106 deed of variation.
- Section 9 concludes that the proposals outlined above should be granted permission

2.7 Appendices to this statement comprise:

- Appendix A.1 – List of Application Submission Documents.
- Appendix A.2 – Planning History.

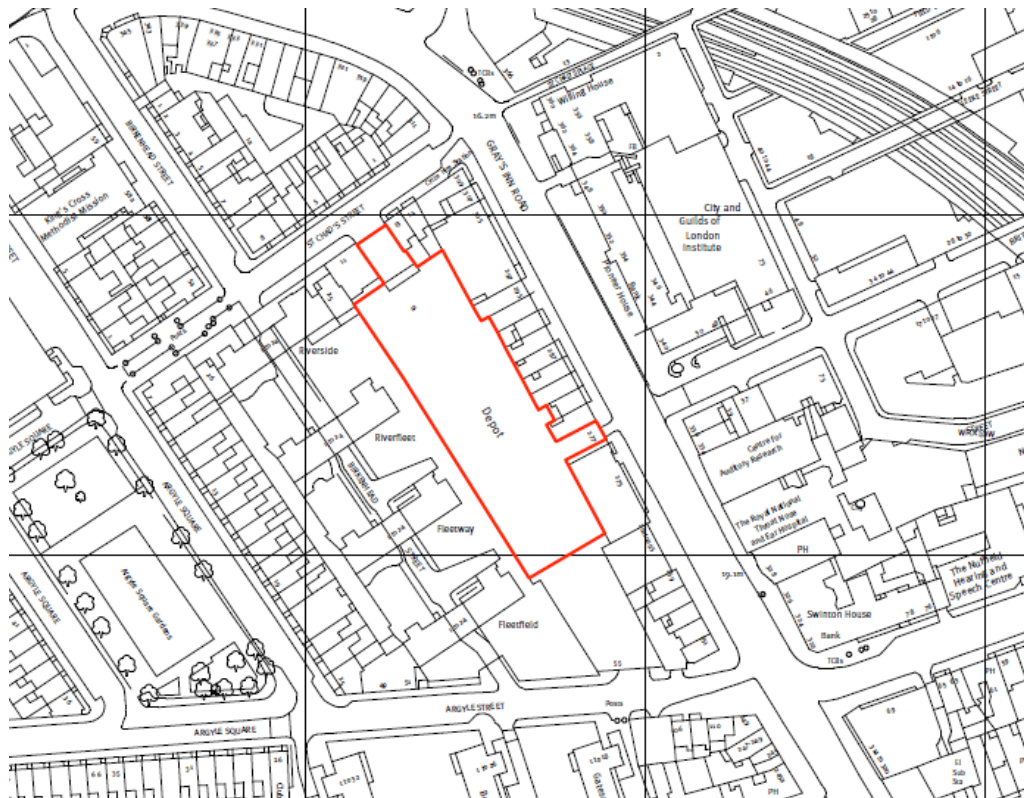
3. CONTEXT TO THIS APPLICATION

3.1 This section describes the application site, provides an overview of its planning history and summarises pre-application consultation discussions with officers.

Application Site

3.2 The application site is known as 227A Gray's Inn Road, London WC1X 8QF. The site is approximately 2,853 sqm in size and is located within the administrative boundary of the London Borough of Camden. A Site Location Plan is provided at **Figure 2.1**.

Figure 2.1 Site Location Plan



Source: Planning application reference 2014/4267/P

3.3 The site is accessed via 12 St Chad's Street and 277a Gray's Inn Road. The site has an 'Excellent' Public Transport Accessibility Level rating of 6b. The nearest station is Kings Cross/St Pancras, located to the north of the site, whilst the nearest bus stops are located on Gray's Inn Road.

3.4 Prior to the commencement of works on site in accordance with planning permission references 2014/4267/P and 2015/2285/P, the site contained one large, single storey industrial warehouse building, a single storey ancillary office building and a basement area where an electrical substation

was located. The site was allocated for a residential-led mixed use redevelopment in local policy and was last used as a temporary parking station in order to keep it safe and secure until works commenced.

- 3.5 Work started on site in 2015 and the construction programme is underway with the majority of the superstructure's frame having been built.

Planning History

- 3.6 The relevant planning history for the site is in relation to the comprehensive redevelopment scheme and subsequent amendments:

- Planning application reference 2014/4267/P was granted consent on 10 October 2014 for the demolition of the existing warehouse and ancillary buildings and the comprehensive mixed use redevelopment of the site to provide 60 residential units, ground and lower level office space, ground level café and gallery uses and associated access and landscaping works.
- Following the early stages of design development, it became apparent that the provision of all necessary services and plant and compliance with necessary building regulations and standards resulted in the overall height of the building needing to increase. Consequently, a Section 73 amendment to the approved drawings condition was sought. Planning permission was subsequently granted on 31 July 2015 under reference number 2015/2285/P to accommodate this change.
- The decision notice issued with planning permission 2015/2285/P did not result in a new and comprehensive decision notice that encompassed all of the conditions attached to the original permission; instead it only amended the wording of condition 2. As such, the approved plans for the redevelopment of the site are governed by planning permission reference 2015/2285/P, with the remainder of the other conditions governing the construction of the scheme and its operation, provided on the decision notice for planning permission reference 2014/4267/P. A Deed of Variation links the two consents.
- A number of planning conditions have also been discharged. A full list of this relevant planning history is provided in a table at **Appendix A2**.

Pre-application Discussions

- 3.7 The scope and detail of this application has been subject to pre-application discussions with officers during on site meetings and via written correspondence.

- 3.8 A formal pre-application meeting was held with officers on 16 February 2016, which was subsequently followed by an on-site meeting on 19 April 2016, where officers were invited to view various samples and initial construction works.
- 3.9 Following this, email correspondence with officers during June and July 2016 confirmed the scope of amendments.
- 3.10 This application is therefore submitted in accordance with these outcomes from pre-application consultation.

4. FRAMEWORK FOR DETERMINING THIS APPLICATION

4.1 This section outlines the legislative framework for the assessment and determination of this application made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended).

Proposed Minor Material Amendments

4.2 At the national level, Central Government produces guidance in the form of the National Planning Policy Framework (NPPF) (March 2012), which is read together with National Planning Practice Guidance (NPPG) (2014).

4.3 The NPPF is supported by the NPPG, which provides guidance to how applications made under Section 73 for minor material amendments should be considered. Paragraph 17 of the NPPG advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development that is not substantially different from the one which has been approved.

4.4 At Paragraph 19, the NPPG continues that when considering an application under Section 73, Local Planning Authorities must consider the development plan and other material considerations, under Section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local Planning Authorities (LPAs) should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

4.5 A number of minor amendments are proposed to the consented scheme. These include:

- Revised design of the basement;
- Revised plant room design;
- The rearrangement of the non-residential floorspace on the lower ground and ground levels including the alteration of the consented café/gallery (Class A3) space to a flexible café/gallery/retail/office (Class A3/A1/B1) space;
- Alteration to the Sustainable Urban Drainage Strategy (SUDS);
- Minor elevational changes;
- Use of alternative materials;
- Minor changes to the composition of the Birkenhead Estate wall;
- Modification to the landscaping; and

- Alteration to the cycle parking.

4.6 These internal and external alterations proposed would not result in a development that is not substantially different from that which has previously been approved. In this context, it is considered that the proposed amendment to the development constitutes a minor amendment to the approved scheme.

Policy Framework

4.7 This section provides an overview of national and local planning policy and guidance relevant to the consideration of the proposed minor material amendments.

4.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

National Planning Policy Framework

4.9 The NPPF and the NPPG set out the Government's planning policies for England and how these are expected to be applied.

4.10 The key theme throughout the NPPF is the presumption in favour of sustainable development. Paragraph 14 of the NPPF states the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. In terms of decision taking, this means approving development proposals that accord with the Development Plan without delay and granting planning permission where the Development Plan is absent, silent or relevant policies are out of date, unless adverse impacts would significantly and demonstrably outweigh the benefits of the proposals.

4.11 Guidance to LPAs is to approach decision-taking in a positive way (Paragraph 186) and in doing so, decision takers at every level should look for solutions rather than problems (Paragraph 187).

The Development Plan

4.12 The statutory Development Plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act (2004) is the adopted Camden Core Strategy (2010), the adopted Camden Development Policies (2010) and the London Plan and associated alterations.

Other Relevant Planning Policy

4.13 The London Borough of Camden has a number of supplementary planning documents entitled Camden Planning Guidance (CPG), which provide further information to support local policies and form a material consideration in planning decisions.

Emerging Policy

- 4.14 The London Borough of Camden is in the process of preparing a new Local Plan to supersede the Core Strategy and Development Policies, so forms part of the Development Plan. The draft Local Plan was subject to examination during October 2016 and will carry material weight in the decision making process.
- 4.15 It is also noted that during the assessment of the original planning application in 2014, the draft Local Plan was not in existence. Appropriate consideration for these emerging policies have been given in this application.

5. SCOPE OF AMENDMENTS

5.1 This section details the scope of amendments sought to the consented scheme. It should be read in conjunction with the supporting documentation and plans prepared by Waugh Thistleton Architects.

5.2 These amendments include:

- Revised arrangement of design of the basement;
- The rearrangement of the non-residential floorspace on the lower ground and ground levels including the alteration of the consented café/gallery (Class A3) space to a flexible café/gallery/retail/office (Class A3/A1/B1) space;
- Alteration to the Sustainable Urban Drainage Strategy (SUDS);
- Minor amendments to elevation design and treatment; and
- Minor changes to the composition of the Birkenhead Estate wall.

5.3 The scheme also seeks to discharge the following planning conditions attached to planning permission 2014/4267/P:

- Condition 3 – Materials; and
- Condition 10 – Cycle parking.

5.4 A number of conditions that have previously been discharged are also proposed to be re-discharged to enable the Council to issue a consolidated decision notice. These conditions include:

- Condition 6 – Landscaping;
- Condition 9a – Contamination;
- Condition 17 – Piling;
- Condition 20 – Appointment of qualified engineer;
- Condition 21 – Living roofs;
- Condition 22 – Habitat Management Plan;
- Condition 24 – Noise;

- Condition 26 – Basement works method statement / report; and
- Condition 27 – Tree protection details.

5.5 And finally, the associated Deed of Variation also seeks to satisfy the following obligations from the original Section 106 agreement:

- Clause 4.8.2 – Levels;
- Clause 4.18.1 and 4.18.2 – Office Plan; and
- Clause 4.19.1 – Public Access Plan

5.6 These are discussed in turn below.

Rearrangement of the basement level

5.7 As part of detailed design development of the scheme, it became apparent that the consented scheme did not make appropriate provision for below ground structures for the new building.

5.8 Specifically, the walls of the basement level were not thick enough in order to provide suitable retaining support as well as thermal performance. There are also some instances where provision for no new basement walls were proposed.

5.9 Consequently, the basement design has been modified to accommodate larger walls to ensure the structural stability and thermal performance of the basement will be ensured. These changes are necessary in order to ensure the scheme can be built. It is also noted that increasing the size of the basement walls has reduced the overall area of office floorspace, which is discussed further below.

5.10 These changes are necessary in order to build the scheme and are considered to be consistent with Policy DP 22 and DP27 of the Development Management Policies which seek to promote sustainable design and construction and the appropriate design and construction of basements.

5.11 The submitted documentation and plans from Waugh Thistleton Architects provides further detail on the basement level.

Revised plant room design

5.12 The location of the plant room as part of the consented scheme was identified as being undeliverable as part of the detailed design process. As such, the location of the plant room has changed.

- 5.13 The main driver for the revised location of this plant room was the need to provide an appropriate path for the flue of the large communal boiler. The communal boiler will provide heating for the residential units as part of the scheme and is a key driver of the sustainability benefits of the scheme.
- 5.14 The consented plant room resulted in the flue for the communal boiler to take a series of bends in order to exit the building as the plant room was not located under the tallest element of the building.
- 5.15 The proposed change results in the plant room to be relocated closer to the tallest core within the building ensuring a more efficient path for the communal boiler flue.
- 5.16 The submitted documentation and plans from Waugh Thistleton Architects provides further detail on the revised plant room location.

Alterations to the non-residential floorspace at the lower ground and ground levels

- 5.17 Alterations to the lower ground and ground level non-residential floorspace is proposed as part of the rearrangements to the basement design and plant room location.
- 5.18 At the basement level, there was insufficient space left for the thickness of basement walls in order to ensure the basement was structurally sound and met thermal insulation requirements. This was coupled with the revised plant room location. Consequently, the total quantum of office floorspace was lost. However, a number of efficiencies have been identified through the reconfiguration of the basement level in order to 'win' additional floorspace to minimise the overall loss.
- 5.19 The reconfiguration of this floorspace included the relocation of the office cycle room to the north, the modification of the shape of the private residential cycle room, a reduction in the size of the ancillary gym, the provision of a cycle store to the ground floor level and the alteration to the SUDS strategy to remove water storage from the basement.
- 5.20 These basement level changes also resulted in changes at the ground floor level in order to gain additional office floorspace. The changes at the ground floor level include moving the front elevation of the non-residential space forward words the undercroft, the rationalisation of bin stores and a minor modification to the café/gallery space.
- 5.21 It is also proposed for the consented gallery/café use (Class A3) on the ground level to be modified to a flexible use of gallery/café/retail/office (Class A3/A1/B1). The main driver of this is to ensure an appropriate level of flexibility for the space in order to attract a greater range of future occupiers. See supporting marketing statement for further justification.

- 5.22 Overall, the necessary basement design and plant room changes resulted in the loss of 112 sqm GIA of non-residential floorspace. However, 60.1 sqm GIA have been gained as part of the modifications listed above, resulting in the net reduction of non-residential floorspace by 51.95 sqm GIA.
- 5.23 It is considered that these changes, including the flexible use provisions for the gallery/café/retail/office space on the ground floor, is in accordance with Policy CS 7 of the Core Strategy and Policy DP 13 of the Development Management Policies which seek to ensure appropriate employment floorspace is provided.
- 5.24 The submitted documentation and plans from Waugh Thistleton Architects provides further detail on the proposed alterations to the ground floor level.

Alteration to the Sustainable Urban Drainage Strategy

- 5.25 As part of the suite of modifications to the design of the basement level, the SUDS design has also been altered in order to minimise the loss of floorspace. This has occurred by relocating water attenuation tanks from the basement to the roof levels of the scheme via a blue roof scheme.
- 5.26 The use of 'egg crate' layers atop the roofs of the scheme forms the basis of the blue roof scheme. The layer allows rainwater to be controlled and appropriately released from the site into the surrounding drainage network.
- 5.27 This blue roof design results in the same volume of water storage as the consented scheme to remain. It also results in the same flow rate of release as the consented scheme to remain unaltered.
- 5.28 These changes are considered to be in accordance with Policy DP22 and DP23 of the Development Management Policies which seeks to promote sustainable design and to ensure development appropriate manages water.
- 5.29 Further information regarding the revised strategy is provided within an engineering letter prepared by XC02 Energy and in the documentation and plans provided by Waugh Thistleton Architects.

Minor elevational changes

- 5.30 A number of minor external elevational changes are proposed due to a number of reasons including design life, procurement, maintenance and general efficiencies.
- 5.31 The changes are detailed within the submitted documentation and plans provided by Waugh Thistleton Architects and include the following:

- Amendments to the material selection, including the replacement of consented aluminium with zinc as the metal cladding and the removal of concrete elements with brick due to practical reasons;
- The simplification of the elevations via the removal of the visual complexity of the elevation brought about by the use of varied brick and bonding colours;
- Improved deliverability of the scheme through the provision of adequate rainwater downpipes, the provision of more appropriate glazing including opaque treatments and the provision of fixed maintenance access;
- The provision of maintenance cat ladders to facilitate safe and regular maintenance access to the upper roof levels; and
- The provision of plant for emergency smoke ventilation in order to meet the site wide fire strategy.

5.32 These elevational changes are considered to improve the design outcomes of the scheme and are therefore consistent with the objectives of Policy CS14 of the Core Strategy and Policy DP24 of the Development Management Policies which promote high quality design.

Alterations to the composition of the Birkenhead Estate wall

5.33 The composition of the Birkenhead Estate wall will be altered as part of the proposed changes to the approved scheme.

5.34 The approved scheme would have resulted in the Birkenhead Wall to be finished with bricks reclaimed from the former warehouse and the use of 'Hit and Miss' holes in the wall. However, both of these features are no longer considered suitable. The reclaimed bricks have now been impounded due to the contractor who was storing them having gone into liquidation. The 'Hit and Miss' treatment is also considered to result in a number of security issues due to the ability for intruders to get access into private terraces / balconies of the residential units.

5.35 It is now proposed to construct the wall as a simple brick wall using the same bricks from the remainder of the development.

5.36 Further information regarding this revised composition is provided in the submitted information package from Waugh Thistleton Architects.

Alteration to cycle parking

5.37 As part of the thickening of the basement structure for the reasons set out above, the relocation of cycle parking locations has occurred. These include the rationalisation of the basement level office

cycle parking store and the moving of the residential cycle parking store from the basement level to the ground floor level to the 'undercroft' area.

- 5.38 Relocating the residential cycle parking store is considered to have a number of benefits. These include the chance for greater usage, as the store would be near the entrance to residential units, saving on the need to access the basement level. Similarly, potential damage to lifts due to bicycles being transferred from the basement to the ground level under the consented scheme will be removed as part of the proposal.
- 5.39 The resulting cycle parking provision meets all of the requirements of the London Plan and London Borough of Camden cycle parking policy.
- 5.40 The submitted documentation and plans from Waugh Thistleton Architects provides further detail on the proposed alterations to the consented cycle parking.

6. SUBSTITUTION OF PLANS

6.1 Drawings and supporting documents will need to be substituted in order to secure the following amendments to the scheme:

- Rearrangement to the basement level;
- Revised plant room location;
- Alteration to non-residential floorspace at the ground and lower ground levels;
- Alteration to SUDS;
- Elevational changes;
- Modification to the composition of the Birkenhead Estate Wall; and
- Altered cycle parking provision.

6.2 Condition 2, as varied under the MMA granted permission on 31 July 2015 (LPA ref. 2015/2285/P), secures the approved drawings and supporting documents. It currently states:

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings approved subsequently by the local planning authority pursuant to conditions on this decision notice:

Drawings:

Prefix 126- 0100, 0200, 0201, 0202, 0301, 0302, 0303, 0401, 0402, 0403, 0404, 0900, 0901, 0902, 0903, 0904, 1101, 1200A, 1201A, 1202B, 1203B, 1204B, 1205B, 1206A, 1207B, 1208B, 1209, 1301A, 1302B, 1303B, 1304B, 1305B, 1306B, 1401C, 1402A, 1403A, 1404C, 1405C, 1406D, 1501A, 1502A, 1503A, 1504A, 1505A, 1506B, 1507, 1508B, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1621, 1622, Landscape hardworks 055-055_300A, Landscape softworks 055-055_300A and 1_529-SK-150622-Level Changes.

Supporting documents:

Daylight/Sunlight Assessment, by GVA Schatunowski Brooks June 2014; Letter from Ian Absolon (GVA Schatunowski Brooks) dated 18th August 2014 re Sunlight/Daylight with accompanying sheet 'Job 13 - Amenity results new wall height'; Design and Access Statement, prepared by Material Architects; Letter from Andy Robertson (Peter Brett

Associates) 26th June 2014 re Flood risk assessment with associated appendices. Letter from J W S Mayes (Spencer Mayes) dated 27th August 2014 re SUDs proposal; Heritage Statement June 2014 by KM Heritage; Landscape Design Statement Revision A 15th August 2014 by Tyrens-Mesh Partnerships; Marketing Report by Gerald Eve LLP ref Shay/AD/G6215; Transport Statement June 2014 by Icen Projects; Energy Statement by Environ June 2014 refUK11-19893; Sustainability Statement by Environ June 2014 refUK11-19893; Code for Sustainable Homes and BREEAM Pre-assessment by Environ June 2014 refUK11-19893; Ecological Assessment by Environ June 2014 UK1119893; Air Quality Assessment by Environ June 2014 ref UK11-19893; Noise Assessment by Sharps Redmore, No 1414511 (dated 26th June 2014); Basement Impact Assessment Rev 02 by Pringeur James; Phase 1 Desk stop study report (ref. 12138) by Herts & Essex Site investigations; Mechanical and Electrical Services Report Planning Issue Rev01 by Spencer Mayes.

- 6.3 The drawing schedule provided by Waugh Thistleton Architects details the plan numbers that are to be updated, allowing this condition to be modified.
- 6.4 Additionally, the updated SUDS letter from XC02 Energy will supersede the previous document prepared by Spencer Mayes.

7. VARYING CONDITIONS

- 7.1 As part of the proposed amendments to the scheme, the varying of Conditions 13 and 23 are necessary. Condition 13 relates to the ground floor non-residential uses and Condition 23 relates to the SUDS scheme.

Condition 13

- 7.2 Condition 13 states:

Prior to commencement of development, (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition) principal details of the extract ventilating system associated with the ground floor food and drink uses hereby approved, shall be submitted to and approved in writing by the Local Planning Authority.

Such details to include routing of ducts and discharge points and associated acoustic isolation and sound and vibration attenuation measures and an Acoustic Impact report prepared by a suitably qualified and experienced acoustic engineer which sets out how the equipment would meet the council's published noise and vibration standards.

The equipment shall be installed in accordance with the details thus approved and acoustic isolation shall thereafter be maintained in accordance with the manufacturers' recommendations.

In the event of no satisfactory ventilation being provided, no primary cooking shall take place on the premises.

- 7.3 It is proposed to vary this condition to the following wording:

~~*Prior to commencement of development, (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition) principal details of the extract ventilating system associated with the ground floor food and drink uses hereby approved, shall be submitted to and approved in writing by the Local Planning Authority.*~~

~~*Such details to include routing of ducts and discharge points and associated acoustic isolation and sound and vibration attenuation measures and an Acoustic Impact report prepared by a suitably qualified and experienced acoustic engineer which sets out how the equipment would meet the council's published noise and vibration standards.*~~

~~The equipment shall be installed in accordance with the details thus approved and acoustic isolation shall thereafter be maintained in accordance with the manufacturers' recommendations.~~

~~In the event of no satisfactory ventilation being provided, no primary cooking shall take place on the premises.~~

In the event that the ground floor unit is used as a café (Use Class A3 / A1) then the principal details of the extract ventilating system associated with the ground floor food and drink uses hereby approved, shall be submitted to and approved in writing by the Local Planning Authority.

Such details to include routing of ducts and discharge points and associated acoustic isolation and sound and vibration attenuation measures and an Acoustic Impact report prepared by a suitably qualified and experienced acoustic engineer which sets out how the equipment would meet the council's published noise and vibration standards.

~~The equipment shall be installed in accordance with the details thus approved and acoustic isolation shall thereafter be maintained in accordance with the manufacturers' recommendations.~~

~~In the event of no satisfactory ventilation being provided, no primary cooking shall take place on the premises.~~

- 7.4 This change is necessary in order to accommodate the alteration of the ground floor space from an A1/A3 space to a flexible A1/A3/B1 space. There may not be a requirement to provide a kitchen should a B1 use be provided, for example, so the re-wording of the condition factors this in.

Condition 23

- 7.5 Condition 23 states:

Prior to first occupation of the development, a system of sustainable urban drainage shall be installed in accordance with the recommendations of the letter from J W S Mayes (Spencer Mayes) dated 27th August 2014 re SUDs proposal hereby approved, in order to ensure a maximum site runoff rate of 22.2l/s in the event a 1:100 year storm with 30% provision for climate change. The system shall thereafter be retained and maintained.

- 7.6 It is proposed to vary this condition to the following wording:

~~Prior to first occupation of the development, a system of sustainable urban drainage shall be installed in accordance with the recommendations of the letter from J W S Mayes (Spencer Mayes) dated 27th August 2014 re SUDs proposal hereby approved, in order to ensure a maximum site runoff rate of 22.2l/s in the event a 1:100 year storm with 30% provision for climate change. The system shall thereafter be retained and maintained.~~

Prior to first occupation of the development, a system of sustainable urban drainage shall be installed in accordance with the recommendations of the letter from R Choi (XC02 Energy Ltd) dated 25th February 2016 re 227a Grays Inn Road - SUDs proposal hereby approved, in order to ensure a maximum site runoff rate of 22.2l/s in the event a 1:100 year storm with 30% provision for climate change. The system shall thereafter be retained and maintained.

- 7.7 As noted in Section 4, the revised SUDS design has occurred as part of the reconfiguration of the basement level. The new design, which will include an 'egg crate' blue roof system will result in the same capacity as the previous scheme, will result in the same runoff rate of 22.2l/s in a 1:100 year storm event and has 30% provision for climate changed.
- 7.8 Further information regarding the revised SUDS design is submitted in support of this application.

8. DISCHARGING CONDITIONS

8.1 This section of the application seeks for the approval of details reserved by numerous conditions pursuant to planning permission 2014/4267/P, in relation to the mixed use redevelopment of the site.

8.2 A number of conditions have already been discharged in relation to this permission (refer to **Appendix A2**), with this application seeking to discharge the conditions listed in the table below as part of this wider Section 73 application.

Condition	General Requirement	Comment
3	Materials	The revised selection of materials and finishes as detailed within this document and attachments provides satisfactory detail for the discharge of this condition.
10	Cycle parking	This application provides details of the revised location of the cycle parking locations and provides the detail required to enable the Council to discharge this condition.

8.3 As noted in the table above, two conditions are proposed to be discharged as part of this Section 73 application. All three of these conditions are attached to planning permission reference 2014/4267/P. These are addressed below.

Condition 3 – Materials

8.4 Condition 3 relates to the detail of the materials and finishes of the scheme, requiring the provision of detailed drawings, samples and manufacturers drawings to be approved by the Local Planning Authority before the relevant part of the development can be commenced.

8.5 Condition 3 states:

Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Plan, elevation and section drawings, including fascia, pilasters and glazing panels of the new shop fronts at a scale of 1:10;

c) Typical plan, elevation and section drawings of balustrading to terraces and balconies;

d) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

8.6 Waugh Thistleton Architects have provided this relevant information and documentation in supporting packages submitted with this application. Specifically, this information includes:

- Detailed plans and sections at a scale of 1:10 of all windows, ventilation grills, external doors and gates;
- Detailed plans and sections at a scale of 1:10 of new shopfronts, including detail of the fascia, pilaster and glazing to these shopfronts;
- Detailed drawings of the balustrading provided to each terrace and balcony; and
- Manufacturer's specifications for all brick and facing materials.

8.7 Additionally, as part of on-site meetings in April 2016, samples of the materials were viewed by officers, where it was agreed in principle to their suitability. It was also agreed that these samples would be built into the buildings on site in order to ensure the final materials would match what would be agreed and approved by the Council.

Condition 10 – Cycle Parking

8.8 As identified in Section 4 of this Statement, the location of cycle parking facilities has been altered as a result of the necessary reconfiguration of the basement level. This has resulted in the provision of the resident's cycle parking on the ground floor level in the 'undercroft' area. The overall quantum of cycle parking is consistent with London Plan and London Borough of Camden policy requirements.

8.9 As the location and number of cycle parking spaces have been confirmed as part of this detailed design process, it is proposed to discharge Condition 10 of planning permission 2014/4267/P.

8.10 Condition 10 states:

Before the development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition) commences, details of secure and covered cycle storage area for 192 cycles shall be submitted to and approved by the local planning authority. The approved storage areas shall be provided in their entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 8.11 Waugh Thistleton Architects have prepared a set of drawings and associated information providing the relevant detail to discharge this condition. This documentation details the location and number of cycle spaces provided throughout the development.

Re-discharge of conditions

- 8.12 The following conditions have been previously discharged and have been re-submitted to enable the Council to issue a consolidated decision notice:

- Condition 6 – Landscaping;
- Condition 9a – Contamination;
- Condition 17 – Piling;
- Condition 20 – Appointment of qualified engineer;
- Condition 21 – Living roofs;
- Condition 22 – Habitat Management Plan;
- Condition 24 – Noise;
- Condition 26 – Basement works method statement / report; and
- Condition 27 – Tree protection details.

- 8.13 All details previously approved together with the corresponding decision notices have been resubmitted.

9. SECTION 106 DEED OF VARIATION

9.1 A Deed of Variation is proposed to tie this MMA to the original consent and subsequent amendments.

9.2 This application also seeks to satisfy the following obligations:

- Clause 4.8.2 – Levels;
- Clause 4.18.1 and 4.18.2 – Office Plan; and
- Clause 4.19.1 – Public Access Plan.

A1. SUPPORTING DOCUMENTATION

A1.1 The following has been submitted in support of this application:

- Documentation Packages from Waugh Thistleton Architects, including:
 - Summary of Amendments Document;
 - Office Changes Pack;
 - Brick Detailing Pack;
 - Concrete Elements Pack;
 - Typical Window Details Pack;
 - Typical External Door Details Pack;
 - Architectural Metal Work Pack;
 - Office Elevations;
 - Elevations;
 - Ground Floor and Basement Plans;
 - Public Realm Plans;
 - Cycle Storage Plans;
 - Office Configuration Plans;
 - SUDS Strategy Pack;
 - Accommodation Schedule;
- Public Access Plan, prepared by Icen Projects;
- Landscape Lighting Document, prepared by Tyrens UK;
- Sustainable Urban Drainage Strategy Letter, prepared by XC02 Energy;
- Commercial Space Marketability Letter, prepared by JLL;
- Previous Approval of Detail Packages, including:

- Condition 6, 21 and 22:
 - Landscape Report, prepared by Tyrens UK;
 - Covering Letter, prepared by Icen Projects;
 - Habitat Management Plan, prepared by Environ;
 - Decision Notice (for reference purposes);
- Condition 9a:
 - Ground Investigation Report, prepared by Soil Consultants;
 - Phase 2 Site Investigation and GQRA, prepared by Terragen Environmental Consultants Limited;
 - Risk Management Strategy, prepared by Terragen Environmental Consultants Limited;
 - Covering Letter, prepared Icen Projects;
- Condition 9b:
 - Ground Investigation Report, prepared by Soil Consultants;
 - Phase 2 Site Investigation and GQRA, prepared by Terragen Environmental Consultants Limited;
 - Risk Management Strategy, prepared by Terragen Environmental Consultants Limited;
 - Covering Letter, prepared Icen Projects;
 - Decision Notice (for reference purposes);
- Condition 17:
 - Risk Assessment and Method Statement, prepared by Burras Ltd;
 - Piling General Arrangement Plan, prepared by Pringuer-James;
 - Thames Water Asset Location Search;
 - Thames Water Sewer Flooding History;
 - Email Correspondence with Thames Water;

- Covering Letter, prepared Icen Projects;
- Decision Notice (for reference purposes);
- Condition 20 and 26:
 - Structural Design Statement, prepared by Pringuer-James;
 - Letter from Pringuer James to London Borough of Camden;
 - Deed of Appointment;
 - Covering Letter, prepared Icen Projects;
 - Decision Notice (for reference purposes);
- Condition 24:
 - Preliminary Residential Internal Building Fabric Report, prepared by Hann Tucker Associates;
 - Acoustic Report, prepared by Sharps Redmore;
 - Acoustic Vent details;
 - Covering Letter, prepared Icen Projects;
 - Decision Notice (for reference purposes);
- Condition 27:
 - Tree Protection Plan, prepared by Ian Keen Limited;
 - Covering Letter, prepared Icen Projects;
 - Decision Notice (for reference purposes).

A2. PLANNING HISTORY

LPA ref.	Type of Application	Description of Development	Decision	Decision Date
2015/6011/P	AOD	Partial approval of Condition 9(b) (written scheme of remediation measures prior to commencement only) of planning permission 2014/4267/P dated 10/10/2014 for demolition of existing building and comprehensive mixed-use redevelopment of the site to residential use with ancillary basement gym, offices, café/gallery and associated works.	Granted	9 November 2015
2015/4118/P	AOD	Details pursuant to Condition 17 (piling) of planning permission 2014/4267/P, dated 10/10/14, for demolition of existing building and comprehensive mixed-use redevelopment of the site to provide 60 residential units (including 14 affordable flats) comprising: 56 units arranged around the new open space (seven x 2 storey houses plus lower-ground floor, 49 x flats in 3, 7 and 8 storey blocks plus lower-ground floor) and 4 flats in a 4 storey plus lower-ground building on St Chads street, with ancillary basement gym; with offices at ground and lower-ground floor, café/gallery (Class A1/Class A3) at ground floor, together with cycle parking, access, landscaping, boundary treatments and associated works.	Granted	28 July 2015
2015/3091/P	AOD	Details pursuant to Condition 24 (Acoustic Report) of planning permission (2014/4267/P) dated 10/10/2014 for demolition of existing building and comprehensive mixed-use redevelopment of the site to residential use with ancillary basement gym, offices, café/gallery and associated works.	Granted	10 June 2015
2015/2874/P	AOD	Discharge of conditions 20 (appointment of qualified engineer) and 26 (basement works method statement/report) granted under reference 2014/4267/P dated 10/10/14.	Granted	10 June 2015
2015/2511/P	AOD	Details of written programme of ground investigation required by condition 9(a) of planning permission 2014/4267/P dated 10/10/2014 (for demolition of existing building and comprehensive mixed-use redevelopment of the site to residential use with ancillary basement gym, offices, café/gallery and associated works)	Granted	19 May 2015

LPA ref.	Type of Application	Description of Development	Decision	Decision Date
2015/2285/P	MMA	Variation of Condition 2 of planning permission 2014/4267/P, dated 10 October 2014 (demolition of existing building and comprehensive mixed-use redevelopment of the site to provide 60 residential units (including 14 affordable flats) comprising: 56 units arranged around the new open space (seven x 2 storey houses plus lower-ground floor, 49 x flats in 3, 7 and 8 storey blocks plus lower-ground floor) and 4 flats in a 4 storey plus lower-ground building on St Chads Street, with ancillary basement gym; with offices at ground and lower-ground floor, café/gallery (Class A1/Class A3) at ground floor, together with cycle parking, access, landscaping, boundary treatments and associated works) to allow minor material amendment to increase building height	Granted	31 July 2015
2015/2283/P	AOD	Details of landscaping, living roofs and ecology required by conditions 6, 21 & 22 of planning permission 2014/4267/P dated 10/10/2014 (for demolition of existing building and comprehensive mixed-use redevelopment of the site to provide 60 residential units	Granted	13 May 2015
2014/6798/P	AOD	Details of tree protection as required by condition 27 of planning permission 2014/4267/P granted on 10/10/14 (for comprehensive mixed-use redevelopment of the site).	Granted	14 November 2014
2014/4267/P	FULL	Demolition of existing building and comprehensive mixed-use redevelopment of the site to provide 60 residential units (including 14 affordable flats) comprising: 56 units arranged around the new open space (seven x 2 storey houses plus lower-ground floor, 49 x flats in 3, 7 and 8 storey blocks plus lower-ground floor) and 4 flats in a 4 storey plus lower-ground building on St Chads street, with ancillary basement gym; with offices at ground and lower ground floor, café/gallery (Class A1/Class A3) at ground floor, together with cycle parking, access, landscaping, boundary treatments and associated works.	Granted	10 October 2014