

Savills  
33 Margaret Street  
London  
W1G 0JD

Application Ref: **2017/1206/P**  
Please ask for: **Robert Lester**  
Telephone: 020 7974 **2188**

15 August 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted subject to a Section 106 Legal Agreement and Warning of Enforcement Action**

Address:

**1-5 Kings Cross Bridge  
281 Pentonville Road and 368 Grays Inn Road  
London  
N1 9NW**

Proposal:

Variation of Condition 2 (approved plans) of planning permission reference: 2014/0371/P dated 26/08/2014 (for the erection of a three storey building comprising retail/restaurant (Class A1/A3) at ground floor and office (Class B1a) at first and second floors and roof top plant, following demolition of existing building) to amend the access from street to basement levels; raise the ground floor slab to allow access to underground tunnels; provision of basement services (cycle/refuse storage); alterations to upper floor layout; infill of approved void between first and second floor levels; provision of a full length facade to the ground floor elevation facing Kings Cross Bridge; revised materials for office entrance on Grays Inn Road and an increase in the height of approved plant screen, and Variation of Condition 3 (method statement) to allow some above ground development to commence prior to the submission/approval of the method statement for development proposed below ground level.

Drawing Nos: Existing Plans - Site Plan ref. P01; Basement Plan ref. P02; Ground Floor Plan ref. P03; Roof Level Plan ref. P04; Tunnel Level ref. P05; Elevation South ref. P06; Elevation East ref. P07; Elevation North ref. P08; Typical Cross Section ref. P09; Typical

Executive Director Supporting Communities

Long Section ref. P10;

Demolition Plans - Basement Plan ref. P20; Ground Floor Plan ref. P21; Roof Plan ref. P22; Elevation South ref. P23; Elevation East ref. P24; Elevation North ref. P25; Section East-Westref. P26; Section North-South ref. P27;

Proposed Plans - Basement Plan ref. P30 H; Ground Floor Plan ref. P31 H; First Floor Plan ref. P32 F; Second Floor Plan ref. P33 F; Roof Plan ref. P34 G; Plant Level Plan ref. P35 G; Elevation South ref. P36 E; Elevation East ref. P37 E; Elevation North ref. P38 F; Section Short ref. P39 F; Section Stairs ref. P40 E; Ground Floor Plan Retail ref. P41 C;

Documents - Planning Statement prepared by Savills (dated Jan 2013); Transport Statement prepared by TPP Consulting (dated Dec 2013); Air Quality Assessment prepared by Ramboll (dated Dec 2013); BREEAM Pre-Assessment prepared by dsa Engineering (dated Nov 2013); Energy and Sustainability Statement prepared by dsa Engineering (dated Nov 2013); Daylight and Sunlight Assessment prepared by Savills (dated 16 Dec 2013); External Building Fabric and Plant Assessment prepared by RBA Acoustics (ref 5686/EBF); and Vibration and Re-Radiated Noise Assessment prepared by RBA Acoustics (ref 5686/VIB); Design and Access Statement by Latitude (ref: 1209\_13.11.22) & Design and Access Statement by Latitude (1209\_07\_15\_Rev A), Email from Savills (dated 17/03/2014).

The Council has considered your application and decided to grant permission subject to the following condition(s):

Conditions and Reasons:

- 1 The development hereby permitted must be begun not later than the end of three years from the 26th August 2014

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 For the purposes of this decision, condition 2 (approved plans) of planning permission 2014/0371/P dated 26th August 2014 shall be replaced with the following condition:

#### REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Plans - Site Plan ref. P01; Basement Plan ref. P02; Ground Floor Plan ref. P03; Roof Level Plan ref. P04; Tunnel Level ref. P05; Elevation South ref. P06; Elevation East ref. P07; Elevation North ref. P08; Typical Cross Section ref. P09; Typical Long Section ref. P10;

Demolition Plans - Basement Plan ref. P20; Ground Floor Plan ref. P21; Roof Plan ref. P22; Elevation South ref. P23; Elevation East ref. P24; Elevation North ref. P25; Section East-Westref. P26; Section North-South ref. P27;

Proposed Plans - Basement Plan ref. P30 H; Ground Floor Plan ref. P31 H; First Floor Plan ref. P32 F; Second Floor Plan ref. P33 F; Roof Plan ref. P34 G; Plant Level Plan ref. P35 G; Elevation South ref. P36 E; Elevation East ref. P37 E; Elevation North ref. P38 F; Section Short ref. P39 F; Section Stairs ref. P40 E; Ground Floor Plan Retail ref. P41 C;

Documents - Planning Statement prepared by Savills (dated Jan 2013); Transport Statement prepared by TPP Consulting (dated Dec 2013); Air Quality Assessment prepared by Ramboll (dated Dec 2013); BREEAM Pre-Assessment prepared by dsa Engineering (dated Nov 2013); Energy and Sustainability Statement prepared by dsa Engineering (dated Nov 2013); Daylight and Sunlight Assessment prepared by Savills (dated 16 Dec 2013); External Building Fabric and Plant Assessment prepared by RBA Acoustics (ref 5686/EBF); and Vibration and Re-Radiated Noise Assessment prepared by RBA Acoustics (ref 5686/VIB); Design and Access Statement by Latitude (ref: 1209\_13.11.22) & Design and Access Statement by Latitude (1209\_07\_15\_Rev A), Email from Savills (dated 17/03/2014).

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

- 3 No construction below ground level shall take place until a detailed design and method statement for all foundations and other development proposed below ground level which takes account of the adjoining operations and structures of London Underground, has been submitted to and approved by the local planning authority in consultation with the relevant rail infrastructure undertaker. The development shall thereafter be carried out in accordance with the approved design and method statements.

Reason: To ensure that the development does not impact on existing transport infrastructure in accordance with the requirements of policy DP17 of the London Borough of Camden Local Development Framework Development Policies and emerging policy T3 of the London Borough of Camden Local Plan.

- 4 The A1/A3 use hereby permitted shall not be carried out outside the following times: 07:00 - Midnight Mondays to Saturdays and 08:00 - 23:30 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP12 and DP26 of the London Borough of Camden Local Development Framework Development Policies and emerging policies A1, A4 and TC4 of the London Borough of Camden Local Plan.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of

plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and emerging policy A1, A4 and TC4 of the London Borough of Camden Local Plan.

- 6 Prior to first occupation of the building, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies and emerging policies CC1 and CC2 of the London Borough of Camden Local Plan.

- 7 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

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 policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies and emerging policies D1 and D2 of the London Borough of Camden Local Plan.

- 8 No doors shall open out onto the public highway apart from the doors for the bin store and TfL access shown on the drawings hereby approved.

Reason: To safeguard the public highways surrounding the site in accordance with the requirements of policies DP21 and DP29 of the London Borough of Camden Local Development Framework Development Policies and emerging policies A1 and T1 of the London Borough of Camden Local Plan.

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

- a) Plan, elevation and section drawings, including jambs, head and cill, of all new

external windows and doors at a scale of 1:20 with typical glazing bar details at 1:1.

b) Samples and manufacturer's details of new facing materials including windows and door frames, glazing, natural stone and metal cladding with a full scale sample panel of all stone facing finishes of no less than 1m by 1m including junction with window opening demonstrating the proposed colour, texture, face-bond and pointing.

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

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies and emerging policies D1 and D2 of the London Borough of Camden Local Plan.

- 10 Prior to the first use of the premises for an A3 use hereby permitted, full details of a scheme for ventilation, including manufacturers specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall be maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and emerging policies A1, A4 and TC4 of the London Borough of Camden Local Plan.

- 11 The cycle storage provision shown on the approved plans and documents shall be provided at the site prior to the first occupation of any of the new office floorspace, 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 and emerging policy T1 of the London Borough of Camden Local Plan.

- 12 The vibration and noise attenuation measures set out in the Vibration and ReRadiatedNoise Assessment prepared by RBA Acoustics (ref 5686/VIB) shall be carried out in accordance with the document hereby approved.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and emerging policies A1, A4 and TC4 of the London Borough of Camden Local Plan

- 13 Details of refuse storage and management arrangements for the site shall be submitted to and approved in writing by the local planning authority prior to the first use of the development. The development shall thereafter be implemented only in accordance with the approved details.

Reason: To ensure the development has adequate refuse storage and management arrangements in the interests of local amenity and highway safety in accordance with policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies and emerging policies A1, CC5 and T4 of the London Borough of Camden Local Plan.

#### Informative(s):

- 1 Reasons for granting permission.

The external alterations include the alterations to the roof top plant enclosure comprising a minor increase in its height, alterations to the facade of the ground floor elevation facing Kings Cross Bridge to provide a fully glazed frontage for the ground floor commercial unit, a revised profile to the top of the recessed link on the Pentonville Road elevation, alterations to the office entrance on Grays Inn Road including a full height glazed section with metal mesh finish and the provision of a mullion on Grey's Inn Road.

The approved access to the underground tunnels and refuse storage located on the eastern elevation facing Kings Cross Bridge would be removed and replacement access to the underground tunnels would be provided from Pentonville Road. The approved secondary office escape stair which exited onto Pentonville Road would be removed and replaced with a secondary access to basement level.

Alterations to the internal layout are proposed including the provision of basement level services and storage for the office and restaurant/retail uses comprising cycle/refuse storage and services including lift shaft/switch room and water booster room. These amendments propose no increase in the size of the basement. The ground floor slab would also be raised by approx. 700mm to allow sufficient headroom below to allow access to the underground tunnels.

The internal alterations also include amendments to provide a larger office reception at ground floor level with a new ground - second floor atrium, alterations to the location and layout of the stair and lift access core and toilets and the infilling

of the approved void at first and second floor levels.

The proposed variation of Condition 3 (method statement) would allow some above ground development to commence prior to the submission/approval of the method statement for development proposed below ground level.

The amended scheme proposes the same mix of uses as the approved permission with flexible retail/restaurant use at ground floor level and office use at first and second floor level. The amended scheme would provide 128 sq. m additional office floorspace due to the infilling of the void at first and second floor levels.

- 2 The acceptability of the scheme in land use terms remains as per the approved permission.. The additional office floorspace provided in the amended scheme would not compromise the mix of uses overall and would not conflict with the land use requirements for the site.

The proposed minor material amendments to the design would enhance the appearance of the development. The new fully glazed frontage at ground floor level on the Kings Cross Bridge elevation would provide a continuous active frontage for the ground floor commercial unit. The alterations to the office access on the Grays Inn Road elevation would provide a distinctive recessed vertical glazed link to the adjacent building containing a new triple level atrium for the office reception. This would be constructed from high quality Okatech glass with dark-umber metal mesh.

The roof top plant enclosure is set back on the roof of the building and the minor increase in its height by 0.6 m would not result in a significant increase in the scale or bulk of the building. The other external alterations including the revised profile to the top of the recessed link on the Pentonville Road elevation and additional mullion on the Grays Inn Road elevation would complement the original design. Overall, the amended design would respect the character, setting, context and form of the building and neighbouring buildings and would preserve the character of the conservation area. The amendments would also not result in any harmful impact on the amenity of neighbouring properties.

The amendments would not result in significant changes to the approved scheme in transport terms. The main transport related amendment would be an increase in on-site cycle parking provision. The approved scheme provided 6 cycle parking spaces at ground floor level for the office use and 4 off-site cycle parking spaces on the highway outside the adjacent Scala building for the ground floor commercial use. The revised scheme would provide 10 cycle parking spaces in the basement for the office use together with the 4 off-site cycle parking spaces previously secured. Although this would represent a shortfall against policy requirements, it is noted that this is a highly constrained site and the amended scheme would increase the level on-site cycle parking provision overall compared to the previous approval.

The refuse storage has been relocated to basement level. There would be adequate refuse storage capacity, however due its location at basement level a planning condition requiring details of refuse management and collection

arrangements will be required prior to the first use of the development.

- 3 The provision of basement level cycle storage for the office use would not provide level access (as the lift would not go to basement level) a disabled shower would be provided at first floor level and cycle storage could also be provided for disabled persons at upper floor level which will have lift access. A platform lift would be provided for the ground floor commercial unit to ensure that level access is still provided.

The application also proposes the Variation of Condition 3 (method statement) to allow some above ground development to commence prior to the submission/approval of the method statement for development proposed below ground level. This is considered to be acceptable as a method statement for above ground works (demolition) has been submitted and agreed by London Underground. An amendment to the legal agreement is also proposed to add a clause stating that above ground development shall only take place in accordance with a method statement which has been agreed with London Underground.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The comments received and 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 G1, C6, E1, E2, A1, A2, A3, A4, D1, D2, D3, CC1, CC2, CC3, CC4, CC5, TC1, TC2, TC4, T1, T2, T3, T4 and DM1 of the London Borough of Camden Local Plan. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/councilcontacts/environment/cont-act-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 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.



- 6 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/councilcontacts/environment/contact-street-environment-services.en>.
- 7 This consent is without prejudice to, and shall not be construed as derogating from, any of the rights, powers, and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular, shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended). In particular your attention is drawn to the need to obtain permission for any part of the structure which overhangs the public highway (including footway). Permission should be sought from the Council's Engineering Service Network Management Team, Town Hall, Argyle Street WC1H 8EQ, (tel: 020 7974 2410) or email [highwayengineering@camden.gov.uk](mailto:highwayengineering@camden.gov.uk).
- 8 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-andrecycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 9 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk).
- 10 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 11 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL). The increase in floorspace on this s.73 minor material amendment application (compared to the original permission ref 2014/0371/P dated 26/08/2014) would be subject to Camden CIL.
- 12 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

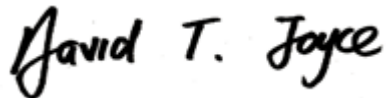
### **ENFORCEMENT ACTION TO BE TAKEN**

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control

You can find advice in regard to your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce  
Director of Regeneration and Planning