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Regeneration and Planning
Culture and Environment
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Nigel Dexter
E: ndexter@savills.com
DL: +44 (0) 20 7420 6374
F: +44 (0) 20 7016 3769

33 Margaret Street
London W1G 0JD
T: +44 (0) 20 7499 8644
savills.com

Dear Sir/Madam

**Panther House, 38 Mount Pleasant and Brain Yard, 156-164 Gray's Inn Road, WC1X
Section 73 Application for Minor Material Amendment**

On behalf of the applicant, Panther House Developments Limited, we submit an application for minor amendments to an existing planning permission.

Background

Planning permission was granted on 1 November 2017 (Ref: 2015/6955/P) for:

Redevelopment of the site following partial demolition of Panther House and Brain Yard buildings, partial demolition of 160-164 Gray's Inn Road and demolition of 156 Gray's Inn Road. Proposals would result in part 4 storey, part 7 storey (plus plant and basement) buildings at Panther House and Brain Yard for predominantly employment (B1) uses (including 1450sq.m of subsidised workspaces) and a new 7 storey (plus plant and basement) building at 156-164 Gray's Inn Road behind the retained facade of 160-164 Gray's Inn Road to provide flexible retail/restaurant (A1/3) uses at ground and basement levels with 15 self-contained residential units (C3) (including 3 Intermediate Rent flats) at the upper levels. Associated landscaping, plant and public realm works

Following the discharging of pre-commencement planning conditions, this planning permission was implemented in June 2020 through the installation of a number of piles that will form part of the consented development's foundations.

This implementation was formally confirmed through the issuing of a Certificate of Lawful Existing Development dated 21 October 2020 (Ref: 2020/3268/P). As such, the consent is extant in perpetuity and approved works can be continued.

Since the original planning permission was granted in 2017, an alternative proposal for redevelopment of the site was submitted to the LPA and a resolution to grant planning permission was granted by the LPA's Planning Committee in April 2020 (Ref: 2019/4478/P).

Development of the site is now proceeding under the original 2017 planning permission (Ref: 2015/6955/P). As part of ongoing design review and development, opportunities to update and enhance the approved development have been considered. These are now being proposed as formal amendments to the approved development through an application in accordance with Section 73 of the Town and Country Planning Act 1990 (as amended) to seek minor material amendments to the approved scheme.

This application is made following pre-application discussions with planning and design officers with two meetings to discuss the range of potential alterations being held in October and December 2020. The amendments now proposed have evolved in light of the comments and advice provided by officers in those meetings.

Proposed Amendments

The following amendments relative to the approved scheme are now proposed:

<ul style="list-style-type: none"> - Omission of approved 'Lower Ground Floor 2' (partial second basement level below the Brain Yard building with approved affordable workspace area re-provided in enhanced location at Lower Ground Floor level through reduction in area of previously approved retail uses at that level;
<ul style="list-style-type: none"> - Relocation of the approved main office entrance and reception from Mount Pleasant to the centre of the site in order to create a central hub for entrance to both commercial and affordable workspace areas. <ul style="list-style-type: none"> o <i>This change also leads to associated alterations to the retained Mount Pleasant elevation of Panther House, notably a reduction in the quantum of existing material to be removed, and to the appearance of the pedestrianised route through the site;</i>
<ul style="list-style-type: none"> - To the approved building fronting onto Gray's Inn Road: <ul style="list-style-type: none"> o <i>Externally, the rear elevation facing into the site is proposed to be constructed in brick instead of the approved pre-cast concrete;</i> o <i>Internally, efficiency changes to the lift and stair core result in adjustments to individual flat layouts but no change to the mix of residential units compared to that previously approved;</i>
<ul style="list-style-type: none"> - To the approved development of the Brain Yard building at the centre of the site: <ul style="list-style-type: none"> o <i>The content of the approved plant room at fourth floor level will be consolidated into a single plant enclosure at the Panther House roof level. This allows the approved massing to be re-utilised for relocated office accommodation;</i> o <i>The approved elevational treatment of glazed curtaining walling at second to fourth floor levels will be replaced with a more solid weathered steel with punched window openings that reflects the industrial character of the site;</i>
<ul style="list-style-type: none"> - To the approved alteration and extension of Panther House itself: <ul style="list-style-type: none"> o <i>Externally, revisions to the massing and materials proposed at levels 4 and 5 on the Mount Pleasant elevation to simply the overall roof design and present greater coherence with the materials used in Brain Yard and the existing Panther House building;</i> o <i>Internally, changes to layouts to support greater flexibility and provide for uplifts in cycle storage and changing facilities relative to the approved development.</i>

The proposed amendments result from an overall architectural review of the approved development given the time that has passed since planning permission was confirmed. This process was also influenced by seeking to respond to the impacts of the Covid pandemic and ensuring that the buildings offer support for greater flexibility and usability within a secure environment post-pandemic.

The basis and reasoning for these amendments are discussed below. Significantly, more detailed information is also provided within the Design Statement prepared by AHMM that forms part of this submission.

Proposed Minor Material Amendment

In accordance with the Planning Practice Guidance section '*Flexible options for planning permissions*' the recommended route for dealing with minor material amendments after permission has been granted is through a S.73 application, which allows changes to conditions.

The guidance advises that an application for minor material amendments can be made through a S.73 application to change a condition listing approved plans. The guidance advises that local authorities should impose a condition listing approved plans on permissions as it would facilitate the use of S.73 to make minor material amendments.

As such, in addition to this covering statement the following documents are submitted:

- *Completed application forms with necessary certificates;*
- *CIL Additional Information Form;*
- *A copy of the current planning permission reference: 2015/6955/P, to which these amendments relate;*
- *Location Plan at scale 1:1250;*
- *Relevant approved drawings from planning permission reference: 2015/6955/P;*
- *Relevant replacement drawings which demonstrate the proposed amendments, prepared by AHMM;*
- *Design Statement, prepared by AHMM;*
- *Daylight and Sunlight Addendum Report, prepared by GIA;*
- *Energy Addendum Report, prepared by MTT;*
- *Heritage Assessment Addendum Report, prepared by KMHeritage; and*
- *Acoustic and Plant Noise Addendum, prepared by Hann Tucker Associates.*

Each of these addendum reports assessing the impacts of the proposed amendments relative to the approved and extant development.

The relevant application fee of £234 (plus £25 administrative fee) will be paid via the Planning Portal.

If approved, it is acknowledged that a Deed of Variation will also be required to the associated S106 Legal Agreement relevant to this development in order to ensure that the range of previously agreed planning obligations will remain linked to the revised planning permission that may be granted.

Proposed Alterations

Condition 2 of the current planning permission states that:

The development hereby permitted shall be carried out in accordance with the following approved plans OS Map Scale 1:1250; (Existing Drawings [01] P001, P099-105, P200-206 and P301-304 Rev 02); (Demolition Drawings [12] P099- 106); (Proposed Drawings [00] P098 Rev 00, P099-107 Rev 03, and P200-206 Rev 02); Design and Access Statement dated 08/12/2015; Planning Statement dated December 2015; Heritage and townscape appraisal dated December 2015 and Addendum dated May 2016; Environmental Noise Survey and Noise Impact Assessment Report (22233/NIA1) dated 10/08/2015; Air Quality Assessment (LP/CC/P15-908/01) dated November 2015; Historic environment assessment dated December 2015; Structural Report and Basement Impact Assessment dated 04/12/2015; Basement Impact Assessment Report dated March 2016; Flood Risk Assessment and Surface Water Drainage Statement (5501/001/R01) dated November 2015; Statement of Community Involvement December 2015; Sustainability and energy report dated 08/12/2015; Draft Workplace Travel Plan dated December 2015; Transport Statement dated December 2015; Phase 1 Preliminary Risk Assessment dated August 2015; Arboricultural Report (151224- PD-11) dated January 2016; Preliminary Ecological Appraisal Report dated January 2016; Public Realm Security Features & Design Elements; Financial Viability Assessment Report; Planning Application Addendum 2; Structural Report and Basement Impact Assessment Issue 2 dated 09/01/2017 and Daylight and Sunlight (ref: 9109) dated 09/01/2017.

As such, it is **proposed to amend Condition 2** in order to replace those drawings that reflect the changes that have been proposed to the approved scheme.

Specifically, the following drawings will be replaced:

Drawing Title	Approved Reference	Proposed Reference	Replacement
Proposed Lower Ground Floor 2 Plan	[00] P098 Rev 00	n/a, no longer required and removed from drawing pack	
Proposed Lower Ground Floor Plan	[00] P099 Rev 03	[00] P099 Rev 04	
Proposed Ground Floor Plan	[00] P100 Rev 03	[00] P100 Rev 04	
Proposed 1 st Floor Plan	[00] P101 Rev 03	[00] P101 Rev 04	
Proposed 2 nd Floor Plan	[00] P102 Rev 03	[00] P102 Rev 04	
Proposed 3 rd Floor Plan	[00] P103 Rev 03	[00] P103 Rev 04	
Proposed 4 th Floor Plan	[00] P104 Rev 03	[00] P104 Rev 04	
Proposed 5 th Floor Plan	[00] P105 Rev 03	[00] P105 Rev 04	
Proposed 6 th Floor Plan	[00] P106 Rev 03	[00] P106 Rev 04	
Proposed 7 th Floor Plan	[00] P107 Rev 03	[00] P107 Rev 04	
Proposed Townscape Elevations	[00] P200 Rev 02	[00] P200 Rev 03	
Proposed GIR West Elevation	[00] P201 Rev 02	[00] P201 Rev 03	
Proposed GIR East Elevation	[00] P202 Rev 02	[00] P202 Rev 03	
Proposed Panther West Elevation	[00] P203 Rev 02	[00] P203 Rev 03	
Proposed Panther East Elevation	n/a	[00] P204 Rev 02	
Proposed North Elevation	n/a	[00] P205 Rev 03	
Proposed South Elevation	n/a	[00] P206 Rev 03	

Note: The following previously submitted drawings were not listed on the formal decision notice but are included for completeness and clarity		
Section AA	[00] P301 Rev 02	[00] P301 Rev 03
Section BB	[00] P302 Rev 02	[00] P302 Rev 03
Section CC	[00] P303 Rev 02	[00] P303 Rev 03
Section DD	[00] P304 Rev 02	[00] P304 Rev 03

Some additional elevations have been provided to offer additional clarity and context for the amendments. All other drawings (existing and demolition drawings) will be unchanged from the current approval.

Assessment of the Proposed Alterations

Omission of Approved Lower Ground Floor 2 and Enhancement of Affordable Workspace

As approved, there is an area below the Brain Yard building providing a second level of subterranean floorspace, connected to the floor level above to form part of the approved affordable workspace. It is now proposed to omit that additional level and relocate all of the affordable workspace into a rationalised lower ground floor level.

In order to maintain the overall capacity of the affordable workspace (in line with that already approved by the LPA), it is proposed to extend this use into the approved lower ground floor level below the Gray's Inn Road building. This would replace the previously approved retail and restaurant uses in this location. This approach results in an overall enhancement to the quality of the affordable workspace with improved lighting and ventilation compared to the approved position. The rationalisation of the space, with removal of accesses between the different levels, also allows a small uplift in occupancy of the affordable workspace from 137 individuals to 143 individuals on the same basis of occupancy of 1 person per 8 sq m NIA of floorspace as was the case for the original application.

With regard to the change of use of spaces at the lower ground floor level from retail uses to workspace uses, this is a response to the changing demand for these types of uses at lower ground floor levels in the post-pandemic world. Ongoing commercial review has highlighted reduced demand for retail floorspace at lower ground floor level and as such this space is proposed to be better utilised for provision of the workspace.

It should also be stressed that at ground floor level facing onto Gray's Inn Road, all retail units will be maintained as approved to ensure that full active frontages to the street are maintained in this location. These units will provide a range of sizes with flexibility of use such that they will continue to be of commercial interest to a range of potential occupiers and make full use of their presence directly onto the street. As viewed from the street in terms of access and activity, this change will not alter the retail offer to Gray's Inn Road relative to the approved development.

The recent changes made to the Use Classes Order mean that there is no longer a differentiation in terms of the uses classes that office, retail and restaurant uses fall into. If considered afresh today, all of these uses would fall within Class E and no planning permission would be required to move between these different uses or alter the relative quantum of each use within the approved commercial floorspace.

Given this, the proposed change in the location of the affordable workspace in place of the previously approved secondary areas of the retail spaces will not significantly impact upon the approved development.

The other benefit of this change is that by omitting the second lower ground floor level it will reduce the level of basement excavation that will be required on-site during the construction phase. Compared to the approved scheme, this will mean a reduction in construction impacts.

The S106 Obligations will remain in place, requiring a Detailed Basement Construction Plan to be submitted and approved prior to any works relating to the construction of the new basement level commencing. This therefore continues to provide full assessment and analysis of the works at basement level and will take into account the reduced amount of subterranean elements that are now being proposed.

Overall, given both the reduced element of basement construction and the enhancement of the quality of accommodation for affordable workspace within the development this is a positive improvement for the development.

Relocation of Main Office Entrance

As approved, the entrance to the main commercial office space is located at the base of Panther House immediately adjacent to Mount Pleasant. It is now proposed to locate that entrance, together with an enhanced reception, at the centre of the site. This will create a hub for the commercial aspects of the site with the dedicated entrances to both affordable and commercial workspaces immediately opposite each other with equal prominence and visibility within the site..

In terms of the flows of visitors and workers to the site, this approach will offer more encouragement for movement through the site using the approved pedestrian route. This will be a further benefit to the creation of this new walking route and encouraging activity and animation in the courtyard areas.

Additionally, the relocation of the main office entrance means a reduction in the amount of original fabric that is required to be removed from the existing elevations of Panther House. Though the approved approach was considered to be acceptable in heritage terms, this further reduction is another benefit and reflects the updated design approach to celebrate the industrial character of the site as much as possible.

This is further discussed within the Heritage Assessment Addendum Report, prepared by KMHeritage, that is submitted as part of this application and is clearly acknowledged as a benefit arising from the proposed amendments.

As a part of the relocation of the office entrance, it is also proposed to further upgrade the landscaping of the pedestrian walkway and courtyard areas. In line with the existing permission, final details of the landscaping will be assessed through the discharge of the relevant planning condition.

Overall, this change will further enhance the approved development, support the integration of the refurbished and new-build elements of the development and further encourage the interaction of different visitors, employees and residents in the development through the focus of access to the centre of the site.

Gray's Inn Road Building – External Changes

Proposed amendments to the elevations of the approved Gray's Inn Road building are limited to the rear elevation facing into the development's courtyard space. No changes are proposed to the front elevation and as such the appearance of the building will be unchanged in the public realm.

As approved, the rear elevation was to be constructed in pre-cast concrete. Following design review, it is now proposed to construct this elevation in brick with some minor associated amendments to fenestration patterns that reflect this revised approach.

This approach is intended to deliver greater continuity in materials around the open courtyard that is a central feature of the development. This will further enhance the space and encourage use by both residents and those working or visiting the commercial spaces. The colour of the brick will be very similar to the previously approved material and as such the overall appearance of the elevation when viewed from any distance will not differ significantly from the approved position.

Due to the rationalisation of the internal core to the building, there is a minor amendment to the position of the plant enclosure at roof level. This does not change the appearance of the roof level in key views and as such as no material impact upon the development.

Overall, these changes reflect the updated design rationale for the development to create greater coherence between individual buildings across the site. As per the existing permission, final details of all materials will need to be separately approved through the discharge of the relevant conditions prior to relevant works taking place.

Gray's Inn Road Building – Internal Changes

Within the residential block, a rationalisation of the stair and lift core has been proposed to improve the overall efficiency of this space as well as enhancing the main access from the pedestrian walkway. This change results in minor alterations to the layout of the residential units relative to that shown on approved drawings.

There is no change to the overall mix of units being proposed. This mix remains as per the approved and extant permission. Additionally, all units will meet or exceed the required minimum space standards. These changes will therefore not have a material impact upon the proposed development.

Although not impacting upon the internal or external appearance of the residential aspect of the development, a technical review of the energy strategy for the residential units has been undertaken given the time that has passed since the original application was made. This is set out in detail within the Energy Addendum Report, prepared by MTT, that forms part of this submission.

In summary, it is now proposed to utilise electrical heat pumps in place of the previously proposed gas-fired boilers to provide heating to the residential units. This approach results in an improvement within the development's sustainability performance when compared to the approved scheme.

Specifically, the overall development is now estimated to deliver a 22.6% reduction in carbon emissions versus the Part L baseline compared to the 20% reduction achieved by the development as currently approved. This revised approach to sustainability is therefore a further positive enhancement of the approved development.

Brain Yard – Relocation of Plant

As approved, there is a proposed plant enclosure on the roof of the extended Brain Yard building. This sits at the equivalent of fourth floor level.

A full review of the technical requirements of the development have confirmed that it is now possible to consolidate the necessary plant equipment into a single enclosure on the main roof level of Panther House. As a result, it is proposed to reuse this approved space above Brain Yard to provide enhanced workspace and amenity space for those working within the building.

The relocation of the plant away from this location not only has visual benefits for those looking onto this part of the site (discussed further below with regard to the proposed revised elevation) but will also increase the distance between residential properties and the plant equipment. This will have mean an amenity benefit for local residents.

A note on acoustics prepared by Hann Tucker Associates emphasises this point. As also noted in that statement, the performance of all plant equipment will be controlled by the existing planning conditions to ensure that noise levels are maintained such that they will not cause disturbance to local residents.

Given the ongoing control of acoustic performance and the aesthetic improvements resulting from the relocation of the plant equipment, this will be a further positive enhancement of the approved development.

Brain Yard – Revised Elevation Treatment

Similarly to the rear elevation of the Gray's Inn Road building that it faces, it is proposed to amend the western elevation of the extended Brain Yard building (above the retained existing building) in order to further harmonise this element with both the host buildings and the updated design rationale for the development overall.

The approved elevational treatment of glazed curtiling walling at second to fourth floor levels will be replaced with a more solid weathered steel with punched window openings that reflects the industrial character of the site. This is analysed in greater detail within AHMM's Design Statement.

As noted, this revised approach results in an enhanced relationship between the existing building maintained on-site and the extended element proposed above it. When combined with the proposed changes to the appearance of the extensions to Panther House (discussed further below), this supports a greater harmonisation across the various buildings on the site. The updated elevation to the Gray's Inn Road building is another element of this same approach.

Additionally, the revised materials significantly reduce the amount of glazing across this element. The reduction is from circa 40% of the elevation being glazed to circa 20% of the elevation being glazed which is a further positive enhancement of the relationship between this elevation and neighbouring residential buildings.

Whilst the approved elevation was considered to be acceptable in this location, this revised approach will further reduce any potential for overlooking, or even the perception of overlooking, between the commercial elements of the development and the adjacent residential accommodation both inside and outside of the site. This revised elevation treatment therefore also offers enhancements in terms of ensuring residential amenity.

This proposed amendment therefore offers a further positive refinement of approved development both in terms of appearance and how it sits with reference to neighbouring properties.

Panther House – Roof Level Changes

It is proposed to rationalise and enhance the massing and appearance of the approved extension above Panther House, most particularly on its Mount Pleasant elevation. This relates to both the overall massing proposed and the elevational treatment.

With regard to the massing, a number of comparison images are provided within AHMM's Design Statement, using both previously agreed key views and some additional perspectives. As well as greater coherence between the shape of each of the proposed levels, there is also a reduction in massing towards the front of the Mount Pleasant elevation with the balance pushed back towards the centre of the site.

In conjunction with the proposed changes in materials (discussed in more detail below), this revised approach to Panther House is considered to provide a better balance between the existing and new build elements to ensure greater coherence between the different parts.

Given the updates to the proposed massing, a revised assessment of the relationship between the building and neighbouring properties in terms of daylight and sunlight has been undertaken. This is presented in more detail within the Daylight and Sunlight Addendum Report, prepared by GIA, that forms part of this submission.

The updated daylight and sunlight assessment concludes that the impacts of the revised scheme are materially similar to those attributed to the approved development and as such no additional material harm will be caused as a result of the updated design. This positive conclusion therefore sits alongside the architectural benefits of the revised approach.

With regard to the elevational treatment, a similar approach to that suggested for the Brain Yard building is also proposed for adoption on Panther House. Specifically, the approved curtain walling is proposed to be replaced with weathered steel (or similar) with punched window openings. This would be used across the approved extensions at third, fourth and fifth floor levels.

As with the proposed changes to the Brain Yard building, this alternative material offers an enhanced relationship between the new build elements and the more traditional industrial / warehouse elements of Panther House below.

It is acknowledged that, of the elevational amendments now being proposed, this is the element that will be most visible within public views. Like all proposed amendments, this change has been assessed by KMHeritage within the submitted Heritage Assessment Addendum Report. This notes:

“The changes to the upper office levels of Panther House result in a more nuanced roofscape to Mount Pleasant and an improved visual effect on the eastern context of the site...”

“...we conclude the proposed development, as further amended, will preserve and enhance the character and appearance of the Hatton Garden Conservation Area and the setting of the Bloomsbury Conservation Area by virtue of the positive effect that the development will have on these conservation areas”

Given the above, this proposed change is a positive further enhancement of the approved development and its contribution to the appearance, setting and character of the immediate local area

Panther House – Internal Changes

As a result of the range of design changes discussed above, this has also resulted in changes to the internal layouts of the workspace areas within Panther House. These revisions draw predominantly from the relocation of the main reception area and the reorganisation of the upper levels of the building.

In addition to the relocation of the main reception space to the centre of the site to create a new workspace hub entrance, resulting in a reorganisation of the ground floor around this movement, these changes have resulted from a detailed review of what is required from office accommodation in a post-Covid pandemic world. This review was undertaken by AHMM and a summary of their process and recommendations is provided as an appendix to the Design Statement submitted.

That review was clear that ensuring adequate space for all, enhanced entrances and significant space to allow circulation will all be even more important elements of office accommodation going forward. As a result, the proposed layouts have been updated to reflect these requirements and also ensure that the greatest flexibility for the use of these spaces for different functions are inherent to this building.

In short, these changes are intended to ensure that Panther House meets commercial demands for the requirements of office accommodation going forward such that the scheme can be successful in the long-term and be an ongoing contributor to the supply of workspace for the borough.

Whilst internal alterations of this type are non-material to the overall development as approved, these layout changes are a further reflection of the detailed review undertaken to ensure that the proposed workspace can reflect likely demands for today and into the future as opposed to the priorities noted when the scheme was originally prepared in 2015. These therefore enhance the overall flexibility and usability of the development.

Summary

The amendments proposed all seek to refine and enhance the development relative to the approved approach. In terms of design, elevations and massing have been refined to provide enhanced integration between existing buildings and extension elements. There is also a greater coherence between the building across the site.

These changes further enhance the package of benefits and improvements that the original planning permission delivers.

In terms of layout, the revised proposals support greater flexibility for the use of the building. The increased integration of the affordable and commercial workspace cores also creates greater linkages between different potential occupiers in a new hub at the centre of the site that will also encourage greater use of the pedestrian walkway and associated courtyards.

In all parts of the proposed changes, the potential to further boost the quality of design and maintain and enhance the heritage of Panther House has also been a driver of the updated proposals. This has been achieved in terms of reducing the amount of original fabric that is being removed and also adopting a revised approach to materials that directly reflect the existing industrial aesthetic of the site.

In doing this, the existing package of benefits arising from the scheme are maintained and in many cases also further enhanced. The development delivers a mixed use development, a mix of market and affordable residential units, an enhanced offer in terms of the affordable workspace, improved facilities to support all users of the site, an enhancement to the external courtyard space and further improvements to the new pedestrian route through the site.

This will therefore ensure the development's contribution to office, retail and residential provision into the future.

I trust that everything is in order. Should you need to discuss this application further, please do not hesitate to contact me as set out at the head of this letter.

Yours faithfully

A handwritten signature in black ink that reads "Nigel Dexter". The signature is stylized and written in a cursive-like font.

Nigel Dexter
Associate