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20 April 2022

Our ref: LJW/ANE/KHU/HJH/U0010962

Your ref: 2020/3880/P // PP-11205183

Dear Madam,

**Town and Country Planning Act 1990 (as amended) – Section 96A
Acorn House, 314-320, Gray’s Inn Road, London, WC1X 8DP
Application for Non-Material Amendment**

We write on behalf of our client, Trinco Properties Limited, to submit an application for a non-material amendment under Section 96A of the Town and Country Planning Act 1990 to secure approval for non-material design amendments to the proposed development at the Site, as previously approved under planning permission ref. 2020/3880/P.

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

Background

Planning permission (ref: 2020/3880/P) was granted on 01 November 2021 for the following:

“Redevelopment of Acorn House as a part 6, part 10 storey mixed-use building with 33 affordable homes (with external playspace at level 6, a community room and terrace at level 9), affordable office space and retail unit at ground and basement level; together with cycle parking facilities and associated ancillary uses.”

The Proposals

Following the approval of the planning permission under application ref. 2020/3880/P, changes to the apartment ventilation strategy, simplification of the plant strategy at basement level, consultation with Newlon Housing Trust and technical design development have resulted in a series of scheme amendments. A summary of the proposed amendments are as follows:

- Omission of the Basement level due to changes in the MEP strategy;
- Omissions of LGF retail store with the relocation of the basement plant to LGF;
- Addition of central fresh air vent with a louvre added to Level 09 on the NE elevation;

- Minor changes to the apartment layouts;
- Change in the number and size of rooflights to the Level 01 maintenance terrace;
- The LGF retaining structure has been rationalised following further site investigations;
- Introduction of a new 2-bed, 4-person apartment layout to suit an affordable renter;
- Review of the CDM strategy has led to a change in the shape of the playspace enclosure at Level 06 to allow for safe facade access.
- Design development of the risers has resulted in a minor change to the NE facing wall at Level 09.
- Introduction of access hatch to Level 10 from the covered internal plant space.

All of the proposed amendments are shown in more detail within the supporting Non-Material Amendments Application Summary Document, prepared by Allford Hall Monaghan Morris. A Basement Impact Assessment (BIA) Note, prepared by AKT-II, has been submitted as part of this application. The note confirms that the reduction in the proposed basement depth, as a result of the omission of the approved basement, will not impact the approved BIA titled 4259_BIA Acorn House_BIA_rev03.

A Retail Feasibility Note, prepared by Savills UK Limited, also accompanies this submission and assesses the loss of the retail storage space at basement level from a commercial viability aspect. The note confirms that the loss of this retail storage space is not prejudicial to the viability of the retail unit as the ancillary accommodation provided at ground floor level is still sufficient provision to ensure that there is an attractive retail unit to let.

Further information of the proposed amendments is provided below.

Basement

A large proportion of the originally approved new basement level was to be used for a commercial sprinkler tank. However, following recent changes to the sprinkler regulations, it is now possible for this tank to be removed and use a combined sprinkler system for both the commercial and residential space. It is therefore proposed for the basement level to be removed as it is no longer required. This will reduce the construction programme, reduce nearby residential disturbance and also reduce the embodied carbon of the project.

Lower Ground Floor

The approved retail storage space at lower ground floor level is to become the plant space that was originally proposed at basement level that is to be removed as per above. The approved retail cycle storage area is also to be relocated to ground floor level; however, the number of cycle spaces is to remain the same. The internal layout of the lower ground floor is to be altered and a wider access to the office lift will be facilitated to improve the access to bike storage and periodic plant replacement.

Ground Floor

The approved soft spot and the entrance to the stair core is to be removed with the stair to be opened up at ground floor level to create a better connection with the adjacent residential entrance. As per the lower ground floor, there will be wider access to the office lift for improved bike storage access and periodic plant replacement. The layout of the office reception has also been altered following design development discussions.

Level 01

The amenity spaces of the three apartments to the rear of the building at Level 01 are to be increased. The rooflights are proposed to be reduced and their design altered to coordinate with this increased terrace space for the rear apartments, as well as the biodiverse roof and the office space below.

Level 01 – Level 08

An air vent has been included at Levels 01-08 to provide fresh air to apartments via the approved air vent on Level 09, as well as a mechanical ventilation system. Following a review and discussions with Newlon Housing Trust, the layouts of the apartments are to be amended. The affordable 2-bed, 4-person units at Levels 01-08 will now include a larger twin double room with one family bathroom. The intermediate units will remain as two double. All units are to have an open-plan layout which will aim to reduce circulation space and increase the living, kitchen and dining areas.

Level 06

Following further CDM strategy discussions, the layout playspace enclosure at Level 06 is to be changed. The eastern playspace screen is to be omitted to ensure that the required playspace area of approximately 100sqm is retained. A small area of the brown roof is also to become paved to facilitate safe access for façade maintenance.

Level 09

Additional area will be added to the community room at Level 09 to enable the introduction of a cleaner's store and toilet facilities. The central internal wall will be moved to the east due to the buildability issues of the risers adjacent to the wall. The acoustic louvres on the roof plant room are also to be removed as they are no longer required.

Roof Level

The arrangement of the photovoltaic panels are amended to ensure safe access for maintenance via the fall restraint system.

Summary

The proposed design amendments have been developed following technical design development discussions on consultations which have resulted in the above amendments being proposed at the Site. Following on-going discussions with Camden Council, the proposed amendments as part of this application are considered non-material in nature to the approved planning permission (ref. 2020/3880/P).

Application Documentation

To assist with the determination of the non-material amendment application, we enclose the following:

- Completed Application Form;
- Covering Letter (this document);
- Non-Material Amendments Application Summary Document, prepared by Alford Hall Monaghan Morris;
- Basement Impact Assessment Note, prepared by AKT-II; and
- Retail Feasibility Note, prepared by Savills UK Limited.

The application fee of £234 (plus £32.20 Planning Portal Service Charge) has been paid directly to the Planning Portal (ref. PP-11205183)

We look forward to confirmation of validation of this application shortly. Should you wish to discuss any aspect of this application, please do not hesitate to contact Katie Hughes (020 3486 3494) or Harry Howat (020 3486 3724) of this office.

Yours faithfully,

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