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London Borough of Camden
Planning and Building Development
5 Pancras Square
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FAO: Laura Dorbeck

25 July 2022

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

Your ref: 2020/3880/P // PP-11422849

Dear Sir / Madam,

Acorn House, 314-320 Gray's Inn Road, London, WC1X 8DP
Town and Country Planning Act 1990 (as amended) – Section 96A
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 a non-material amendment to vary the wording of Condition 18 attached to the proposed development at the Site, as previously approved under planning permission ref. 2020/3880/P (as amended by 2022/1776/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:

“Redevelopment of Acorn House as a part 6, part 10 storey mixed-use building with 33 affordable homes (with external play space 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.”

On 06 July 2022, a non-material amendment application (ref. 2022/1776/P) was approved for the omission of approved lower basement level, various changes to the internal layouts, addition of a central air vent and associated louvre at Level 09, changes to rooflights, changes to the play space enclosure, new plant access hatch at Level 10, changes to the layout of two-bed four-person apartments and an increase in the size of Level 01 balconies.

The Proposals

This application seeks to amend the wording of Condition 18 attached to the planning permission (ref. 2020/3880/P) following discussions relating to the capacity to accommodate the originally proposed blue roof and attenuation tank volumes at the Site. The original wording of the conditions states the following:

“Prior to commencement of development, full details of the sustainable drainage system including at least 32.75m³ of blue roof and 10m³ of either additional blue roof or attenuation tank shall be submitted to and approved in writing by the local planning authority.

The details to include (as necessary) a revised drainage statement, SuDS pro- forma and supporting evidence.

Such a system should be designed to accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change such that flooding does not occur in any part of a building or in any utility plant susceptible to water, and shall demonstrate the runoff rates approved by the Local Planning Authority.

The details shall include the proposed lifetime maintenance plan for each element.

All such systems shall thereafter be retained and maintained in accordance with the approved details.”

The principle of this non-material amendment application has been discussed with Camden prior to the submission of this application. The rationale for the amended wording is set out below.

With reference to the Fire Safety Strategy, 322410-01 (dated May 2022), only Level 9 and Level 10 are suitable to implement elements of blue roof, as other roof spaces are deemed as usable space and would not achieve the required Class A2, s1 d0 (non-combustible in Scotland and of limited combustibility in England and Wales with little or no smoke and no flaming droplets and particles produced within the first 10 minutes of exposure to fire).

Therefore, the final blue roof volume has been reduced from 32.75m³ to 31.5m³. The areas not captured by the blue roof will be routed to the attenuation tank located on the lower ground level and will provide 20m³ of attenuation for the remaining catchment area. As such, we propose to amend the wording of the condition as follows:

“Prior to the commencement of development, full details of the sustainable drainage system including at least 31.5m³ of blue roof and 20m³ of attenuation tank shall be submitted to and approved in writing by the local planning authority.

The details to include (as necessary) a revised drainage statement, SuDS pro- forma and supporting evidence.

Such a system should be designed to accommodate all storms up to and including a 1:100-year storm with a 40% provision for climate change such that flooding does not occur in any part of a building or in any utility plant susceptible to water, and shall demonstrate the runoff rates approved by the Local Planning Authority.

The details shall include the proposed lifetime maintenance plan for each element.

All such systems shall thereafter be retained and maintained in accordance with the approved details.”

The submitted documentation outlines the details of the sustainable drainage system proposed which includes a blue roof system, an attenuation tank, and green roofs. Detailed figures and calculations have been provided in the appendices at the end of the document. Accordingly, we enclose the relevant details in respect of providing information on the proposed drainage strategy at Acorn House which confirms the requirement for the non-material amendment for your formal approval.

Application Documentation

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

- Application Form, prepared by Gerald Eve LLP; and
- Drainage Strategy (dated July 2022), prepared by AKT II.

Summary

This approval of details application has been submitted via the Planning Portal. The requisite approval of details application fee of £234.00 (including the £32.20 Planning Portal service charge) has been made concurrent to the submission of this application by our client and will follow in due course.

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

Yours faithfully,



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