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## F.A.O Adam Greenhalgh

31 January 2023

Dear Adam

**KINGSWAY HOUSE, 103 KINGSWAY, LONDON, WC2B 6QX  
SECTION 73 TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION REF. 2016/3432/P**

On behalf of our client, GMS Estates (“the Applicant”), please find enclosed an application (“the / this Application”) made under Section 73 of the Town and Country Planning Act 1990, for a minor material amendment (“MMA”) to the planning permission ref. 2016/3432/P at Kingsway House, 103 Kingsway, London, WC2B 6QX (“the Site”) approved on 23 November 2017 for the following development:

*“Demolition of 6th and 7th floors and lift overrun and replacement with double mansard roof and set back 8th floor, with roof terrace above; internal reconfiguration to provide additional office (Class B1a) and retail floor space (Class A1/A3)”.*

This minor-material amendment proposes the following description of development:

*“Variation of condition two (approved plans) of planning permission ref: 2016/3432/P dated 23 November 2017 for the demolition of 6th and 7th floors and lift overrun and replacement with double mansard roof and set back 8th floor, with roof terrace above; internal reconfiguration to provide additional office (Class B1a) and retail floor space (Class A1/A3). Namely the alterations to the ground floor shopfronts, relocation of office entrance to Kingsway, addition of a UKPN substation at ground floor, adjustments to roof level plant, amendments to rear elevation windows from the fourth floor upwards and internal alterations.”*

In addition to this letter, the following documents are submitted as part of this Application:

1. Completed S73 Application Form and duly signed Certificate, prepared by Montagu Evans;
2. Schedule of Application Documents, prepared by Montagu Evans;
3. Site Location Plan prepared by Emrys Architects;
4. Application Drawing Schedule prepared by Montagu Evans;
5. Approved and Proposed Drawings, prepared by Emrys Architects;
6. Design and Access Statement, prepared by Emrys Architects; and
7. Technical Note on Energy, Sustainability and Noise, prepared by Hilson Moran.

## BACKGROUND

Since the grant of planning permission for the development of the Site, the Applicant has discharged all pre-commencement planning conditions and S106 obligations. On 16 April 2021, LB Camden granted a Certificate of Lawful Existing Development (Application Ref. 2021/1368/P) confirming that works comprising a material operation within Section 56(4) of the Town and Country Planning Act 1990 had been undertaken, thereby lawfully implementing planning permission ref. 2016/3432/P.

Since the implementation of the planning permission, the design team have progressed the detailed design and it has become clear that amendments to the consented scheme are necessary to ensure adherence with current Building Regulations, Fire Regulations, building control requirements and to address UKPN statutory requirements. In addition to this, other amendments are also proposed which seek to improve upon the consented scheme which are set out in detail below.

An NMA application comprising the proposed changes was submitted in December 2021, however the Council considered the changes to be material largely due to the extent of the external amendments and their impact on the building and surrounding area.

A pre-application meeting was later held on 27 May 2022 with Planning Officer Adam Greenhalgh and Design and Conservation Officer Alan Wito, which provided the opportunity to further discuss the proposed amendments to the consented scheme. The feedback which was received has been carefully considered and has enabled the scheme to be developed by the design team. It was agreed during the meeting that some of the proposed changes are material, therefore we have captured all the necessary amendments within this MMA Application.

## THE PROPOSED AMENDMENTS

The proposed changes to the consented scheme can be summarised as follows:

### *Lower Ground Floor*

- Additional survey information has revealed further existing basement floor space (under Great Queen Street). As such, a revised 'Existing Lower Ground Floor Plan is submitted as part of this application to formalise this;
- An additional no. 22 cycle spaces to be provided (over and above the consented scheme) to bring the scheme up to date with the current London Plan cycle parking requirements (no. 48 cycle parking spaces in total) alongside larger shower and locker provision;
- General core, lifts and staircase reconfiguration;
- Larger plant space, designed to accommodate fire mist system, pump sets and UPS battery room to replace roof level generator;
- Addition of DDA WC and shower; and
- Relocation of the bin store to the ground floor and goods lift replaced with straight stair to basement.

### *Ground Floor*

- Relocation of the office reception to Kingsway (consistent with the existing entrance location) and addition of a canopy to highlight the office reception entrance;
- Changes to the consented shopfronts to introduce a traditional design on all elevations a transom lights with louvered grilles and stall risers;

- A UKPN substation has been added to the Parker Street along with the introduction of louvers to the ground floor elevation to serve the substation and the installation of decorative grilles to screen the louvres;
- Removal of the ground floor goods lift;
- Bin store relocated from basement to the ground floor;
- General core, lifts and staircase reconfiguration to facilitate the relocated office reception, new fire standards, means of escape from the building etc; and
- Primary means of escape now a single means of escape via Parker Street.

#### *Floors 01 - Roof*

- General core, lifts and staircase reconfiguration to facilitate the relocated office reception, new fire standards, means of escape from the building etc.
- Amendment to the windows to the rear elevation of the building from the 4<sup>th</sup> floor upwards to serve the revised firefighting lift lobby and revised stair core;
- Relocation of the doors onto the external terrace on the eighth floor; and
- Rationalised roof level plant resulting in an overall reduction in the height of the consented plant zone by 290mm, within the consented plant zone enclosure footprint.

No changes are proposed to the fenestration of the upper windows to the main elevation fronting Kingsway or the Parker Street or Great Queen Street elevations.

A Design and Access Statement prepared by Emery Architects has been submitted in support of this application which explains the proposed scheme amendments in detail.

## **ASSESSMENT OF PROPOSED AMENDMENTS**

### **Design and Appearance**

#### *Ground Floor Amendments*

As stated above, the proposed amendments to the ground floor that result in changes to the external appearance of the building from the consented scheme include:

- Retention of the office entrance to the building on Kingsway and addition of a canopy to highlight the office reception entrance;
- Amendment to the Great Queen Street elevation to provide two bays of retail frontage;
- amendments to the consented shopfront designs on all elevations;
- introduction of a UKPN substation to Parker Street which will include louvres and decorative grilles; and
- introduction of glazed doors to the bike, bin and means of escape doors on Parker Street.

With regards to existing shopfront, there is no consistent uniform appearance at the ground floor of the building, while the overall character and appearance of the existing shopfronts does not contribute to the character and appearance of the Kingsway Conservation Area.

Camden Local Plan Policy D3 (Shopfronts) states that the “*when determining proposals for shopfront development the Council will consider:*

- a. the design of the shopfront or feature, including its details and materials;*

- b. *the existing character, architectural and historic merit and design of the building and its shopfront;*
- c. *the relationship between the shopfront and the upper floors of the building and surrounding properties, including the relationship between the shopfront and any forecourt or lightwell;*
- d. *the general characteristics of shopfronts in the area;*
- e. *community safety and the contribution made by shopfronts to natural surveillance; and*
- f. *the degree of accessibility.”*

Camden Planning Guidance (Design) Paragraph 6.13 sets out the following general principles of shopfront design:

- *“Shopfronts should respect the design, character and proportions of the building within which they are situated and respect the character of the street.*
- *Shopfronts should always be considered as part of a unified design of the whole building and should respect the character of adjacent properties.*
- *Any corporate “house styles” or branding should be appropriately and sensitively adapted to respond to and fit in with the context of the building or surrounding street.*
- *The materials and proportions of shopfronts should be sensitively chosen to be appropriate to the host building and surrounding context.*
- *Shopfronts should be designed to add visual interest, quality and vitality to the street scene.*
- *Any signage or lettering should be uncluttered and respect the character and design of the building.*
- *Any security safeguards should be unobtrusively incorporated.*
- *All shopfronts should be designed to provide access into the premises for all (For further guidance on designing accessible buildings please see CPG Access).”*

Kingsway House is identified as making a positive contribution to the Kingsway Conservation Area in the Camden Conservation Area Statement (December 2001). The proposed shopfront design has been carefully considered to reflect other traditional shopfronts within Camden and the Kingsway Conservation Area. The revised design would incorporate traditional features including a consistent transom and stall risers and utilise high quality materials, improving upon the consented design. The revised design would also ensure the retail units were not dominated by overbearing signage as the transom lights would limit the proliferation of new signage.

The proposed elevations are not considered to be materially different from the consented scheme as they maintain the same level of glazed and active frontage as the consented scheme and maintain the overall proportions of the consented layout on each elevation.

On Parker Street, glazed doors are proposed for the bike and bin store alongside a widened means of escape. The introduction of a UKPN substation is also proposed to Parker Street. The addition of the substation is a result of UKPN design requirements imposed upon the scheme and is a necessary requirement. The design team has worked hard to incorporate this additional element into the Parker Street elevation and proposes decorative metal grilles over the substation louvres to soften the visual impact and deliver a compatible addition to the overall elevation.

During the pre-application meeting with the Council in May 2022, officers acknowledged the UKPN requirement and indicated its likely acceptability in these circumstances. The design approach is considered to preserve the appearance of the building and the Kingsway Conservation Area. The Applicant is therefore of the view that the proposed revisions to the scheme to accommodate this requirement can be supported.

The Applicant would accept a planning condition requiring samples of the final proposed decorative grilles, consistent with condition 4 attached to the consented scheme.

On Kingsway, the primary entrance to the building is now proposed to be relocated to the same location as the existing entrance. This change is considered to deliver improved legibility to the appearance and operation of the ground floor, reflecting the secondary frontage designation Kingsway is subject to within the Local Plan.

In response to the pre-application advice received regarding visual consistency along the Kingsway facade, the scheme also proposes the addition of an entrance canopy to the office reception to signify its location and purpose whilst respecting the visual cohesion of the shopfronts from the street. The scheme has further responded to the feedback by ensuring the continuation of the stall risers across the entire Kingsway façade and decorative louvres over the reception glazing.

Overall, the revised design is considered to adhere with Camden Policy D3 and to be sympathetic to the character and appearance of the Kingsway Conservation Area while enhancing the host building and surrounding area.

The pre-application advice noted that most of the proposed ground floor external changes were considered acceptable in design terms, and now having positively responded to the feedback the Applicant considers that the entirety of the ground floor amendments should be capable of support by the Council.

#### *Roof Level Amendments*

Since the granting of planning permission for the original scheme, new fire and building regulations has required the introduction of a sprinkler system. In addition, new Government health and safety guidelines for ventilation in the office workplace requires a larger AHU than that which was provided as part of the consented scheme. Consequently, the new larger AHU would result in additional space requirements at roof level.

Following Officer's pre-application advice in May 2022, the design team have worked hard to efficiently re-design the rooftop plant arrangement to reduce the plant screen massing, specifically when viewed from the north. The revised design now proposes the replacement of the roof plant generator by a uninterrupted power supply ("UPS") battery system located in the basement, resulting in a loss of net floorspace within the basement.

This revised design would result in an overall reduction in the height of the plant enclosure by 290mm, however the enclosure would be re-profiled to provide more space for plant. The proposed plant enclosure would be consistent with the footprint of the consented enclosure.

While the proposed finish to the rooftop plant enclosure would be aluminium panels and louvres coloured with RAL 9006 (as detailed within the Design and Access Statement), the Applicant will accept a planning condition requiring the submission of final details/samples for approval.

Updated proposed elevations have been provided as part of this Application alongside updated townscape views. The views demonstrate that, looking south along Kingsway, the changes to the profile of the plant enclosure are very minor in nature and the revised design is a significant improvement from the pre-application scheme. As a result, the view from the north along Kingsway is much more consistent with the consented scheme and directly addresses the pre-application feedback from Council officers.

In conclusion, while the proposed changes to the plant enclosure at roof level result in minor-material changes in the appearance of the plant enclosure from the consented scheme, there would be no greater visual impact

from the revised plant enclosure design. The proposed changes at roof level are not considered to have any greater impact on the character and appearance of the Kingsway Conservation Area than the consented scheme and would deliver a resolved roof profile for the proposed scheme. It is therefore concluded that the changes to the rooftop plant enclosure are acceptable.

### **Energy, BREEAM and Noise**

Hilson Moran, the design team engineers, have undertaken a review of the revised scheme design against the original scheme on energy, sustainability and acoustic grounds. A technical statement is submitted in support of this application confirming that there would be no change to the scheme performance regarding energy and BREEAM and that the acoustic levels will not exceed those level specified in condition 6 of the original permission.

As such, the Applicant would accept the re-imposition of a planning condition regarding noise levels consistent with condition 6 of approved planning permission.

### **Floorspace Changes**

As stated above, further surveys of the existing building have identified additional existing floorspace at basement level which was not reflected as part of the existing plans for the consented scheme. As such, an updated existing basement plan (drawing reference *1415-0100-AP-001\_P02 - Existing Lower Ground Floor Plan*) is submitted as part of this application to reflect this additional existing area.

The Design and Access Statement submitted with this application contains an updated area schedule which illustrates that the proposed scheme changes will result in a reduction of 106 sqm gross internal area (GIA), primarily due to the introduction of the UKPN substation and the requirement to provide thicker basement perimeter walls to achieve sufficient Grade 3 waterproofing.

### **Planning Benefits**

A summary of the planning benefits that the proposed changes would deliver over and above the consented scheme are set out below:

- Ensuring the proposed development is fit for purpose as a modern commercial building that adheres to the requisite building and fire safety standards;
- Providing enhanced shopfront design to the ground floor, to ensure a more traditional shopfront appearance that enhances the Kingsway Conservation Area;
- Provision of additional cycle parking provision, in accordance with the London Plan;
- Relocates the main entrance to the building's office floors to a much more appropriate location on Kingsway; and
- Will ensure avoidance of potential unattractive retrofitted plant when the new MEES energy performance regulations are introduced.

### **Summary**

The proposed amendments to the consented scheme are necessary to ensure the scheme accords with up-to-date fire and building regulations, addresses UKPN operational requirements and ensures the scheme is practically deliverable.

The proposed scheme changes, which have been refined to directly address pre-application feedback received in May 2022, are not considered to give rise to any additional unacceptable material impacts over and above the consented scheme. The Application is considered to wholly accord with the relevant policies of the adopted development plan, as well as being consistent with national planning policy and material considerations. On balance, the Application would give rise to planning benefits which are considered to outweigh any harm. We therefore ask that the Application is granted planning permission accordingly.

The Application is made under Section 73 of the Town and Country Planning Act 1990 as it is agreed between the Applicant and Camden Officers that the nature and scale of the proposed amendments would not result in development that is greater than a minor material change from that originally approved.

## CLOSING

This application has been submitted online via the Planning Portal under reference **PP-11756124**. The required application fee of £234 (plus service charge) has also been paid online via the planning portal.

We trust this information is sufficient to enable validation and determination of this application without delay. If you have any outstanding queries on this matter, please do not hesitate to contact Anthony Brogan ([anthony.brogan@montagu-evans.co.uk](mailto:anthony.brogan@montagu-evans.co.uk) / 07826 947 255) or Jeremy Evershed ([jeremy.evershed@montagu-evans.co.uk](mailto:jeremy.evershed@montagu-evans.co.uk) / 07818 012407) at this office in the first instance.

Yours sincerely,



**MONTAGU EVANS LLP**

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