



Nora-Andreea Constantinescu
LB Camden
Planning Team

06th February 2023

By Email

Ref. HM22-1038

Dear Nora,

317 Finchley Road, London

Please find enclosed a package of revised material which seeks, Under Section 73 of the Town and Country Planning Act, to vary Condition 2 of planning permission reference 2016/2910/P. This submission provides additional information as requested to address significant changes to planning policy since planning permission was granted on 7th March 2017. This submission comprises:

1. Updated Plan Package by Groupwork;
2. Updated Fire Report by Hydrock;
3. Updated Sustainability and Energy statement by Webb Yates ;
4. Daylight and Sunlight reassessment of the units that have been amended in layout to improve fire safety by BV &P; and
5. Additional work in relation to the discharge of condition 18 on SUDS which is relevant to the implemented permission and this amended scheme if granted.

You will be aware that since planning permission was granted, the pre commencement conditions have been fully discharged and the building substantially completed. The construction has been significantly delayed due to difficulties with Covid.

We are currently working through the viability of the amended scheme as there are significant additional costs relative to the fire improvements and increase in basement size required to ensure energy connection. These were not considered during the previous application viability assessment and could not have been foreseen.

The Current Development

The planning application has been legally implemented and the building structure and envelope is substantially complete. Work to date includes:

- Completed piling;
- Basement and lower ground floor completed;
- All below ground drainage installed and completed;
- Full concrete frame constructed;
- All building structure complete;

- Incoming services currently being installed;
- Building envelope under construction with all materials procured;
- All fitout and mechanical and electrical plant fully designed and procured;
- Glazing procured and currently being installed;
- All fitout and mechanical and electrical plant final design issued and procured;
- All drainage routes and design complete and co-ordinated with the completed structure.

The building is therefore substantially complete and whilst it is a legitimate requirement to address up to date policies in the consideration of the application, the amendments that could be achieved are severely limited by the building's substantial completion.

The Amendments Sought

This S73 application has been submitted primarily to regularise an increase in size to the lower ground floor and basement to facilitate a new substation at the request of the UK Power Networks. A revised access was also required to enable access to the substation from the Finchley Road. This part of the application is retrospective.

Other changes sought are primarily in response to changes in fire regulations to make the building safer, together with some minor exterior changes.

The submission is accompanied by a Technical Note by Groupwork Architects which provides a description of the amendments sought, which can be summarised as:

1. Amendment to footprint of Basement and Lower ground plan (retrospective);
2. Modification to Billy Fury Way stair (retrospective);
3. Modification to the finish of external walls behind stone super-structure;
4. Dimensions of stone Columns and Lintels;
5. Re-composition of stair core glazing;
6. Structural steel bracings between columns and lintels; and
7. Internal layout re-arrangement to meet current fire safety regulations.

Design Changes

Items 1-6 are described within the Groupwork Planning Note. Fire changes are fully described in the report from Hydrock.

A set of internal layouts are provided to check compliance with Condition 24 and 25 relating to M4 (2) and M4 (3) provision.

Documents are also provided to demonstrate compliance with Condition 18 SUDS.

Sustainability and Energy Assessment

The amended scheme has been assessed against the up to date energy and sustainability provisions of the London Plan contained within Policy S1 2. It should be noted that the scheme's sustainability was assessed during the original application and the required carbon offset payment has been made.

The attached sustainability statement provides a summary of the scheme against the considerations of Policy S1 2. The building envelope is substantially complete and materials for completion have been ordered and are arriving at site. The scheme was designed to meet the energy hierarchy at the time and the scheme provides for a gas fired CHP as was advised at the time. The building layout, services and structure has been designed and built in this regard. Consideration has been given to electrical based heat pump systems, but it is not possible to design these into the scheme at this stage.

The scheme has therefore been assessed against London Plan sustainability and energy policies but it is not possible to substantially change the energy and sustainability strategy to meet updated guidance, however, the report concludes that the building still performs well.

Fire Safety Changes

Regarding fire safety in planning, since the approval of the original scheme there have been two significant changes. The first is the requirement at application submission to submit a Gateway One form and the second is the introduction of Policy D12 in the London Plan to address fire safety, requiring all major development proposals to submit a Fire Statement.

The application is a "relevant building" in relation to the updated fire regulations. With regard to the requirement to submit a full fire statement, the regulations are clear that it does not apply to S73 applications.

What are the exemptions to the requirement to submit a fire statement with an application for permission?

"Applications for planning permission will be exempt from the requirement to submit a fire statement where:

- the application is for a material change in use of a relevant building and the material change of use would result in the building no longer being a relevant building
- the application is for a material change in use of land or buildings within the curtilage of a relevant building and the material change of use would not result in the provision of one or more relevant buildings
- the application is for outline planning permission
- the application is for permission to develop land without compliance with conditions under section 73 of the Town and Country Planning Act 1990"

Despite updates to fire regulations, it has always been a requirement to address fire safety. The amended regulations seek to front load this process into the planning system, rather than building regulations, to ensure that fire safety is considered at the earliest stage.

Under building regulations, during construction the Applicant's team have been in detailed discussions with Building Regulation and the London Fire Brigade. Prior to work starting, the scheme was initially signed off by London Fire Brigade, but during the build process new fire consultants, Hydrock, were instructed. Hydrock advised that improvements should be made to the fire strategy and proposed a significantly improved fire strategy.

Post Grenfell, LFB has sought additional work to support the proposed improvements to fire safety measures, including CFT monitoring. The amended plans provide for the changes required including internal layouts of the scheme amended to facilitate a redesigned main stair core (to include smoke ventilation shaft and smoke lobbies and fire rated doors and their associated MEP.

Revised MEP equipment is accommodated with a new associated ventilation shaft. The scheme is now fully sprinklered with sprinklers in each apartment and amended plant room for pipe work and tanks.

Apartment layouts have been amended due to the introduction of smoke lobbies and the penthouse apartment has been amended to meet up to date fire regulations.

These changes are all addressed in the Hydrock Technical Note on Fire which seeks to address policy D12 of the London Plan.

Assessment of Daylight and Sunlight

As requested, the amended units have been tested to ensure that there is no detriment with regard to levels of light.

The revised layout still ensures that all the proposed units would receive good level of daylight and sunlight. The results confirm that the results for daylight and sunlight for the current scheme exceed or achieve equivalent to BRE's recommendation and in for one living room would achieve sunlight marginally below the recommended value during the winter months but exceed the recommended value annually. A good outcome has therefore been achieved

SUDS

Please find attached the updated SuDS report for Finchley road which has the updated calculations required to discharge condition 18.

In response to queries from the Council the enclosed report provides for 1 in 100 year calculations plus 40%.

The increase in the flow rate depending on how full the tank is (with a maximum of 5l/s when the tank is full) is noted.

Regarding 50% betterment in the 1 in 1 or 1 in 30 year events, the updated report addresses this in the tables, with 74.5% betterment for the 1 in 30 year, 83.7% for the 1 in 100 year and 37.5% betterment is met for the 1 in 1 year storm. As mentioned previously, due to the limitations in using a pump as the control the flowrate from the site is set at the minimum agreed flowrate of 5l/s for all rainfall events and as such it is difficult to meet the requirement of 50% for the 1 in 1 year event. The scheme does however far exceed the minimum 50% requirement for all the other rainfall events

The updated report provides the requested calculations to back up the summary tables in the report.



Regarding opportunities to maximise water interception and or reuse, and specifically a rainwater tank, has not been addressed in this response. There are significant areas of planting/gardens on the roof terraces which intercept the rainfall in those areas (please see attached information from the landscape architect) which have been maximised for those terraced areas. It is not possible to provide further planting on the roof area due to the PV and plant requirements for the building. IT should be noted that the building is substantially completed. With regards to rainwater harvesting as the site was heavily constrained it is difficult to fit in a additional rainwater harvesting tank of a suitable size. In addition, rainwater harvesting cannot be relied on for below ground attenuation during storm events as there is a risk the rainwater harvesting tank would be full during a rainfall event.

Conclusions

We hope that this submission enables the S73 application to be registered. We understand that a S73 consent, if granted, will issue a new permission. We will therefore require a Deed of Variation. Within this process we will be seeking to address the revised viability of the scheme due to significantly increased build requirements that could not have been anticipated. We will be in touch shortly in this regard.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Holly Mitchell'.

Holly Mitchell

Director

Encs.