

**Our ref:** Q221012  
**Your ref:**  
**Email:** Phillip.Murphy@quod.com  
**Date:** 27 March 2023



Mr David Joyce  
Director of Regeneration & Planning  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AG

Dear David

## Town and Country Planning Act 1990 (As Amended)

### Submission under S96A for Non-Material Amendments to Full Planning Permission Ref No 2018/6350/P at Jewish Community Centre, 341-351 Finchley Road, London, NW3 6ET

I write on behalf of my client, JW3 Trust Limited (hereafter “the Applicant”), to submit under Section 96A (“S96A”) of the Town and Country Planning Act 1990 (As Amended) (“1990 Act”) for non-material amendments to Full Planning Permission Ref No 2018/6350/P granted in May 2019 for erection of a metal framed piazza canopy structure at the lower ground floor of the Jewish Community Centre, 341-351 Finchley Road, London, NW3 6ET.

Please find enclosed the following documents in support of these S96A applications, submitted via Planning Portal (PP-11994740):

- Completed and signed Application Form;
- This Covering Letter; and
- Updated drawings to supersede previous versions as per **Document 1** of this Covering Letter;

## Background

Full Planning Permission Ref 2018/6350/P was granted in May 2019 for the following development:

*Erection of a metal framed piazza canopy structure at the lower ground floor of the community centre (Class D1 use).*

Condition 1 of the permission requires the development to be begun before 14<sup>th</sup> May 2022, which was secured through the installation of foundations for the structure 2<sup>nd</sup> May 2022.

Condition 3 requires the structure to be erected in accordance with a specific set of plans, as follows:

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*The development hereby permitted shall be carried out in accordance with the following approved plans:*

*(896)001\_PL01; 010\_PL01; 011\_PL01; 020\_PL01; 021\_PL01; 201\_PL01; 202\_PL01; 203\_PL01; 204\_PL01; 205\_PL01; 211\_PL01; 212\_PL01; 213\_PL02; 214\_PL02; 215\_PL02; 301\_PL01; 302\_PL01; 331\_PL02; 400\_PL02; 332\_PL02; 401\_PL01; Design and access statement produced by SHH dated 21st December 2018; Structural appraisal produced by engineers HRW dated 13th December 2018.*

*Reason: For the avoidance of doubt and in the interest of proper planning.*

## **Proposed Amendments**

The Applicant is proposing non-material amendments to the approved drawings associated with planning permission Ref No 2018/6350/P Condition 3. The proposed amendments to the canopy structure are as follows:

- Cross bracing beams have been removed from the roof structure;
- Cable cross bracing removed on one structural bay on south west elevation;
- Repositioning of the LED lights on the underside of the fabric canopy roof;
- Amendments to the detailing of the window frames on the upper section of canopy structure; and
- Retractable side coverings replaced by a fabric blind system.

The amendments do not change the overall height of the canopy and it remains in line with the consented scheme. The pavers, doors and windows continue to be in alignment with the consented scheme.

In light of the proposed non material amendments Condition 3 should be amended to read:

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

*(896)001\_PL01; 010\_PL01; 011\_PL01; 201\_PL01; 202\_PL01; 203\_PL01; 204\_PL01; 205\_PL01; 211\_PL01; 212\_PL01; 301\_PL01; 302\_PL01; 400\_PL02; 401\_PL01; BAB-JW3-Site-Plan-001; BAB-JW3-Site-Plan-002; BAB-JW3-Site-Plan-Section-003; BAB-JW3-Pergola-Plan-004; BAB-JW3-Pergola-Elevation-005; BAB-JW3-Pergola-Elevation-Section1-006; BAB-*



*JW3-Pergola-Elevation-Section2-007; Design and access statement produced by SHH dated 21st December 2018; Structural appraisal produced by engineers HRW dated 13th December 2018.*

*Reason: For the avoidance of doubt and in the interest of proper planning.*

## **Assessment**

S96A of the 1990 Act gives power to local planning authorities (in England) to make non-material amendments to planning permissions. S96A(2) states:

*“In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.”*

Further guidance on making a S96A non-material amendment to a planning permission is provided in the National Planning Practice Guidance (NPPG) (March 2014 as amended). When considering the definition of a non-material amendment the guidance states:

*“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990” (Para. 002 Ref. ID: 17a-002-20140306).”*

The minor design revisions proposed clearly fall within the ambit of 'non material' with the height, width and length dimensions of the structure remaining as originally consented.

Given their nature and the high-quality design that is maintained, the proposed amendments under both S96A applications do not, individually, or cumulatively, represent a material alteration to what was previously approved.

I look forward to discussing the proposed amendments with the case officer.

Yours sincerely

Phil Murphy  
Senior Director



**Document 1 – Drawings to be updated under condition 3 of Ref No 2018/6350/P:**

Plans to be superseded	Plan name	Plans to be approved	Plan name
<del>(896)020_PL04</del>	Ground Floor - Proposed	BAB-JW3-Site-Plan-001	Site Plan Lower Level
<del>(896)021_PL04</del>	Mezzanine Floor - Proposed	BAB-JW3-Site-Plan-002	Site Plan upper Level
<del>(896)214_PL02</del>	NW Elevation Through Courtyard - Proposed	BAB-JW3-Pergola-Elevation-Section1-006	NW Section Through Courtyard
<del>(896)332_PL02</del>	Section B proposed	BAB-JW3-Pergola-Elevation-Section1-006	NW Section Through Courtyard
<del>(896)331_PL04</del>	Section A Proposed	BAB-JW3-Pergola-Elevation-Section2-007	NE Section Through Courtyard
<del>(896)215_PL02</del>	SW Elevation Through Courtyard - Proposed	BAB-JW3-Pergola-Elevation-Section2-007	NE Section Through Courtyard
<del>(896)213_PL04</del>	NE Elevation Through Courtyard - Proposed	BAB-JW3-Pergola-Elevation-Section2-007	NE Section Through Courtyard
N/A	N/A	BAB-JW3-Site-Plan-Section-003	Floor Plan (New Plan)
N/A	N/A	BAB-JW3-Pergola-Plan-004	Roof Plan (New Plan)
N/A	N/A	BAB-JW3-Pergola-Elevation-005	Elevations (New Plan)
N/A	N/A	BAB-JW3-Pergola-Side-Closeures-008	Schedule Of Enclosures, Doors, & Windows (New Plan)
(896)401_PL01	Structural Frame Details	N/A	N/A
(896)400_PL02	Proposed Bike Shelter Plan	N/A	N/A
(896)010_PL01	Existing Ground Floor	N/A	N/A
(896)011_PL01	Existing Mezzanine Floor	N/A	N/A
(896)201_PL01	Existing Finchley Road Elevation	N/A	N/A
(896)202_PL01	Existing Lymington Road Elevation	N/A	N/A



(896)203_PL01	Existing NE Elevation Through Courtyard	N/A	N/A
(896)204_PL01	Existing NW Elevation Through Courtyard	N/A	N/A
(896)205_PL01	Existing SW Elevation Through Courtyard	N/A	N/A
(896)301_PL01	Existing Section A	N/A	N/A
(896)302_PL01	Existing Section B		
(896)001_PL01	Location and Site Plans	N/A	N/A
(896)212_PL01	Proposed Lymington Road Elevation	N/A	N/A