

London Borough of Camden

Development Management

Submitted via planning portal

27th March 2023

Dear Sirs

**Non material amendment to planning application 2018/2316/P. Land fronting Stephenson Way (to the rear of 222 Euston Road adjacent to 210 Euston Road), London NW1 2DA**

On behalf of the applicant, Churchgate Ltd, we hereby submit an application under S96A of the Town and Country Planning Act for a non material amendment in relation to the above planning permission. The approved development was described as follows:

*"Erection of a 7-storey building plus basement for student accommodation use with 78 rooms of accommodation on the upper floors including shared amenity space at ground and sixth floor level and terrace at 6th floor level fronting Stephenson Way (Sui Generis). Retention of the vehicular easement from Stephenson Way to the rear of 222 Euston Road."*

Section 96A allows a non material amendment to be made to an existing planning permission via an application procedure. No definition is given as to what constitutes a non material amendment as this will vary on a case by case basis.

In making a decision on such an application, the Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section.

Following the detailed design of the scheme in order to prepare and discharge the prior to commencement conditions, it became apparent there has been a change to the fire regulations since the issuing of the decision, which has necessitated a second staircase to be provided within the building to meet with current requirements.

Furthermore, UKPN confirmed that there is insufficient capacity in the network currently running through Stephenson Way to meet requirements and they therefore required a dedicated substation for the building.

Given the associated changes to the internal layout this has resulted in a reduction of 78 rooms to 72 rooms. In anticipation of this an NMA was granted on 2nd March 2023 to remove reference to the number of units within the description of development.

We now submit a further NMA for the minor changes, which are largely internal. Whilst as referred to above, the amended internal layout has been led by the requirements for an additional staircase and UKPN substation, the scale, mass and design of the consented scheme has been retained and only very minor external changes are proposed to accommodate the layout alterations within.

Along with the proposed plans (one set with revision clouds and one set without) a design document produced by Darling Architects is also enclosed which provides a comparison of the proposed and consented scheme side by side for each plan.

### Amendments

The main design changes are as follows

- Secondary stair core added to comply with building state act and revised building regulations since the original approval.
- Increased plant areas within the basement and ground level due to the provision of a new UKPN substation added internally to comply with revised building regulations.
- Reduction in numbers of studios from 78 to 72 rooms due to secondary stair core and removal of threedio's on the recommendations of the fire consultant as a result of revised building regulations, but still maintaining minimum room sizes required .
- Relocation of platform lift to rear facade to allow for access to the bin store due to new stair location
- Minor correction to existing ground floor level to reflect the actual street level due to inaccurate original topographic survey.
- Minor amendments to internal floor levels due to detailed structural design but no overall effect to height
- Minor changes to fenestration at ground level to accommodate the UKPN substation.

As outlined above, the majority of these changes are internal. The key minor external changes are

- The roof plant enclosure has shifted 400mm to the west
- The lift overrun has been moved to the east
- Minor fenestration changes to windows and openings at ground floor level and windows at sixth floor level.

### Materiality

The main issues relating to the non material amendment are the effect that it would have on the character of the area and the impact that it would have on the amenity for the occupants surrounding residential properties. In deciding whether proposed changes can be considered to be non material, careful consideration needs to be given to the following points:

1. Do the proposed changes differ in substance from the development that was granted planning permission?

The development as approved will not be materially altered as part of this application. There is no change to the overall footprint, mass or height of the building. The changes are principally internal and therefore will have no effect on the external appearance or approved built form. The minor amendment to the location of the lift overrun will not be visible from street level and would not have any impact on neighbouring amenity. Furthermore the external fenestration changes will not impact upon the character and appearance of the street scene or neighbouring amenity. Indeed they will be barely perceptible.

It is therefore considered that the proposed alterations will not impact upon the overall layout or design of the scheme, nor will they have a detrimental impact upon the streetscene or visual and residential amenities of the neighbouring properties.

2. Would acceptance of the proposed changes as a non material amendment deprive those who should have been consulted from such additional consultation?

Neighbours will not be affected by the proposed changes, given they are largely internal, and as such neighbour notification regarding the proposed alterations is not considered necessary.

3. Does the cumulative impact of a series of non material amendments result in a development that is quite different from the original permission?

The proposed amendments will not lead to the scheme differing from the development originally approved as detailed above. As such, it is considered that the proposed amendments will not have any detrimental impact in terms of the impact on the street scene or the wider area that the buildings lies within.

As described above, the overall scheme in terms of its scale, height, design and function remain as permitted. Furthermore we consider the changes proposed will have no impact on any matter of planning importance when compared to the original permission and can therefore be supported and approved.

We trust the above is non controversial. However if you have any queries relating to the submission, please do not hesitate to contact me.

Yours sincerely,

Clare Preece  
Planning Director  
Fuller Long Limited