

DP4866/AM/JMP
12th April 2023

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Dear Mr. Greenhalgh,

**NETWORK BUILDING (95-100 TOTTENHAM COURT ROAD & 76-78 WHITFIELD STREET) AND 88 WHITFIELD STREET, LONDON, W1T 4TP – PERMISSION REF. 2020/5624/P
NON-MATERIAL AMENDMENT UNDER 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990**

On behalf of our client, Derwent London No. 6, please find enclosed with this letter an application made through Section 96a of the Town and Country Planning Act (1990) ('TCPA') for a non-material amendment ('NMA') to planning permission ref. 21/00454/FULMAJ.

The development consented by the permission, granted on the 12th April 2022, is as follows:

“Outline application for demolition of office building (95–100 TCR & 76-80 Whitfield St) and 7 flats (88 Whitfield Street) and construction of a new building to provide a maximum of 17746 sqm (GIA) of ‘commercial business and service’ floorspace (Use Class E) along with details of access, scale and landscaping and other works incidental to the application. Details of layout and appearance are reserved.”

The nature and scope of this NMA application has been discussed with the London Borough of Camden, including a review of draft material submitted with this application to understand the extent of the changes and the appropriateness of dealing with this by way of an NMA application. Following these discussions, the design changes are considered to represent an NMA to the approved scheme and as such this application is submitted under S96a of the Town and Country Planning Act 1990 (as amended).

Submitted with this NMA application is a 'Proposed Planting Design/Soft Landscape summary, prepared by FFLO, which sets out the series of amendments to the green roof that have arisen as part of detailed design development. In summary these amendments comprise:

- The omission of 162.5sqm of sedum roof planting;
- An increase of 80.5 sqm of ecologically high value planting, providing 434.9 sqm of ecologically high value planting overall; and,
- The reconfiguration of the living roof layout.



This NMA seeks to revise the wording of condition 16 of the consented planning permission to state the following:

'The building shall incorporate no less than 434 sqm of green roof of which no less than 300 sqm shall be intensive living roof/biodiverse roof with a substrate of 150-300mm.

Prior to first occupation the living roofs shall be completed in accordance with the details approved in the Planting Design/Soft Landscape Summary (dated 16th March 2023 by FFLO) and shall be permanently retained and maintained as such thereafter.'

This NMA application is submitted with the following material:

- Proposed Planting Design/Soft Landscape Summary
- Five Year Maintenance Management Plan, prepared by FFLO; and,
- Value to Wildlife Planting Specification Sheet, prepared by FFLO.

The consented permission includes strips of green roof along the east and west of the level 08 terraces. To comply with the best practice guidance detailed within the 'Fire Performance of Green Roofs and Walls' document, published by the Department for Communities and Local Government, gravel or hard landscaping fire breaks 500mm wide should be installed around all openings of the roof and vertical elements. As the green roof sits between the roof parapet and the vertical plant screen, fire breaks are required on either side. Once the provision of a 500mm fire break on either side has been included for, the width of the green roof was reduced significantly. FFLO, the landscape architects, advised that any type of green roof with this reduced width of growing medium is not viable and therefore the green roof needs to be removed in areas where this applies.

S96A of the TCPA allows for a Local Planning Authority to grant changes to be made to any planning permission relating to land within their area so long as they are satisfied that the change is not material. Sub-section (2) of s96A states that "in deciding whether a change is non-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."

There is no statutory definition of 'non-material' as the materiality of any proposed amendments are dependent on the context of the overall permission to which the amendment is sought, and a consideration of any previous changes already consented.

In this context, the series of amendments detailed within the Planting Design/Soft Landscape Summary that represent a non-material change to the approved application when taken as a whole. Importantly, the proposed amendments increase the urban greening factor score of the development from 0.24 to 0.32, thereby now complying with London Plan Policy G5 (Urban Greening).

This application has been submitted online under the Planning Portal (PP ref. PP-12073688) and a payment of £266.20 (including the processing fee) has been paid at the time of submission.

We trust that the information provided is sufficient in setting out the nature and appropriateness of the proposed NMA application and will allow you to progress the determination of this application. Please



do not hesitate to contact Alexandra Milne or Jack Playford of this office should you require any further information.

Yours sincerely,

DP9 Ltd.

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