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Regeneration and Planning
London Borough of Camden
Camden Town Hall
London
WC1H 8ND

9 June 2023

Dear Sofie,

CAMDEN GOODS YARD, CHALK FARM ROAD, NW1 8EH
NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF: 2022/3646/P S.96A
TOWN AND COUNTRY PLANNING ACT 1990

Further to our pre-application discussions, we write enclosing an application for non-material amendments (“NMA”) to the S73 planning permission for the Camden Goods Yard project (ref: 2022/3646/P) (the “Planning Permission”) under Section 96A of the Town and Country Planning Act 1990.

This NMA seeks to make the following five changes to the Planning Permission:

- a. Amendments to the approved description of development (as set by the S96a dated 23 February 2022 (reference 2022/0673/P):
 - i. Capture updates from the Planning Permission (‘PFS’ and ‘Class E’)
 - ii. Reference the current use classes (as introduced 1 September 2020).
- b. Update the use class references (with associated references to current regulations for completeness) of the permitted uses in the following conditions :
 - i. Condition 33 – PFS: food and drink uses hours of opening (Phase 1b).
 - ii. Condition 36 – PFS Retail (former Class A3) (Phase 1b)
 - iii. Condition 37 – Main Site: food & drink
 - iv. Condition 67 – Temporary Foodstore (Phase 1a): Removal of PD rights
 - v. Condition 68 – Temporary Foodstore (Phase 1a): Removal of PD rights
- c. Minor change to the approval trigger for Condition 19.
- d. Minor change to the wording of Condition 46 to specify the residential blocks that the condition relates to, for clarity.
- e. Update to one approved section plan for Block A to pick up a minor elevational change.

1. Planning Considerations

- 1.1 S96A of the Town and Country Planning Act 1990 gives the local planning authority the power to make non-material changes to planning permissions. There is no statutory definition of 'non-material'. It is a matter of fact and degree dependent on the context of the whole development as approved.
- 1.2 St George has engaged with LBC through the pre-app process on 30 March 2023 and 16 May 2023. During these discussions with officers the principle was agreed that the amendments proposed through this application are acceptable and are not considered to be material to the approved scheme therefore can be dealt with by way of a non-material amendment application.

2. Enclosed Information

2.1 Alongside this covering letter the following set of documents are submitted in support of this application:

- Completed application form
- Existing Location Plan
- Approved Drawing
- Proposed Drawing

2.2 The following table sets out the approved and proposed plans submitted as part of this application to update one section drawing for Block A:

Drawing Title	Drawing Number	
	Approved	Proposed
Block A Section FF	13508-A-LXX-05-156 (P02)	13508-A-LXX-05-156 (P03)

2.3 On 29 March 2023, a Section 73 application (ref: 2022/3646/P) was approved which included amendments to the PFS site only: Replacement of petrol filling station with electric vehicle charging station; increase in height and footprint to create additional Office floorspace (Class E) and remove access road; reconfiguration of plant and cycle parking.

3. Proposed Non-Material Amendment

3.1 This NMA seeks to make the following amendments to the Planning Permission. These amendments have been agreed in principle with LBC through pre-application discussions.

Change to Description of Development (including Planning History)

3.2 Planning permission was granted for the Site on 15th June 2018 (reference 2017/3847/P) **(the Original Permission)**

- 3.3 The Original Permission was varied pursuant to s96A of the Town and Country Planning Act 1990 (**1990 Act**) on 6 February 2019 and 4 July 2019 under references 2019/0153/P and 2019/2962/P respectively.
- 3.4 On 24 December 2019, the description of development was amended pursuant to section 96A of the 1990 Act (decision reference 2019/6301/P) (**the First DoD S96A**).
- 3.5 Following the grant of the First DoD S96A, planning permission was granted on 5 May 2020 pursuant to section 73 of 1990 Act (reference 2020/0034/P) to vary Condition 4 (approved drawings) of the Original Permission (as amended by the First DoD S96A) to permit a single storey temporary food store on the Petrol Filling Station part of the Site with associated parking, servicing, access and landscaping (**the First S73 Permission**).
- 3.6 Following the grant of the First S73 Permission, on 9 July 2020 the description of development was amended pursuant to section 96A of the 1990 Act (decision reference 2020/2786/P) (**the Second DoD S96A**).
- 3.7 As part of the Second DoD S96A, the relevant storey heights, unit numbers and floorspace figures were added to the First S73 Permission as a new Condition 73.
- 3.8 Following the grant of the Second DoD S96A, planning permission was granted on 3 December 2020 pursuant to section 73 of 1990 Act (reference 2020/3116/P) to vary Conditions 3 (approved drawings) and 73 (number and mix of residential units) of the First S73 Permission (as amended by the Second DoD S96A) to allow additional storeys across buildings A, B, C and F creating 71 additional residential units, associated elevational changes, the relocation of the concierge to Block A, and alterations to basement and landscaping (**the Second S73 Permission**).
- 3.9 Following the grant of the Second S73 Permission, on 23 February 2022 the description of development was amended pursuant to section 96A of the 1990 Act (decision reference 2022/0673/P) (**the Third DoD S96A**) as follows:

“Redevelopment of petrol filling station site to include the erection of a new building to accommodate flexible retail/food & drink floorspace (Class A1, A3 uses), Class B1 floorspace and a winter garden; with cycle parking, public space, public toilets and other associated works and highways works; all following demolition of existing petrol filling station. Use for a foodstore (Class A1 use) with associated car parking for a temporary period.

- 3.10 *Redevelopment of the main supermarket site to include the erection of seven buildings (Blocks A, B, C, D, E1, E2, F) for new homes (Class C3 market and affordable) together with non-residential floorspace comprising foodstore (class A1), flexible retail/food & drink (Class A1/A3), office and workshop (Class B1a and B1c), community centre (Class D2), roof level of 'Block B' for food and plant growing/production facility including small scale brewing and distilling (Sui Generis use); with associated ancillary office, storage, education, training, cafe and restaurant*

*activities; together with new streets and squares; hard and soft landscaping and play space; lifts; public cycle parking and cycle hire facility and other associated works, including removal of existing surface level car parking and retaining walls, road junction alterations; all following demolition of foodstore” (the **Current Description**).*

- 3.11 Following the grant of the Third DoD S96a, planning permission was granted on 29 March 2023 pursuant to section 73 of 1990 Act (reference 2022/3646/P) to vary Conditions 3, 5, 6 (approved drawings) and 36 (PFS retail) of the Second S73 Permission (as amended by the Third DoD S96A) to make amendments to the PFS only including replacement of the petrol filling station with electric vehicle charging station, to create additional office floorspace (Class E) and remove access road; reconfiguration of plant and cycle parking (**the Third S73 Permission**).
- 3.12 The Current Description is therefore the description of development for the Third S73 Permission.
- 3.13 Following the grant of the Third S73 Permission St George wishes to:
- 3.13.1 Update the Current Description to capture references to ‘PFS’.
- 3.13.2 Update the use classes references in the Current Description (to reflect those introduced 1 September 2020).
- 3.14 The principle of the proposed changes have been agreed through pre-app discussions with LBC planning officers.
- 3.15 The revised description of development for the Third S73 Permission, with changes highlighted and picking up the requirements set out in 4.11, is as follows:

“Redevelopment of petrol filling station (PFS) site to include the erection of a new building to accommodate flexible retail/food & drink floorspace (~~Class A1, A3, and office Class B1~~ floorspace (all Class E), and a winter garden; with cycle parking, public space, public toilets and other associated works and highways works; all following demolition of existing petrol filling station. Use for a foodstore (Class EA1 use) with associated car parking for a temporary period.

Redevelopment of the main supermarket site to include the erection of seven buildings (Blocks A, B, C, D, E1, E2, F) for new homes (Class C3 market and affordable) together with non-residential floorspace comprising foodstore (~~Class E~~ Class EA1), flexible retail/food & drink (Class EA1/A3), office and workshop (Class EB1a and B1c), community centre (Class FD2), roof level of 'Block B' for food and plant growing/production facility including small scale brewing and distilling (Sui Generis use); with associated ancillary office, storage, education, training, cafe and restaurant activities; together with new streets and squares; hard and soft landscaping and play space; lifts; public cycle parking and cycle hire facility and other associated works, including removal of existing surface level car parking and

retaining walls, road junction alterations; all following demolition of foodstore.” (the Revised Description).

Changes to Planning Condition Wording

3.16 Following the changes introduced to the use classes 1 September 2020 we need to make the following changes indicated to the four following planning conditions to reference the current use classes (and the associated regulations where relevant):

36 PFS retail (Phase 1b)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country [Planning \(General Permitted Development\) \(England\) Order 2015](#), or any statutory instrument revoking and re-enacting those Orders, the following applies to the retail/food and drink uses in the PFS building:

- a. *No fewer than 2 of the commercial units at ground floor (identified as Retail 1, 2, 3 and 4 in the accommodation schedule hereby approved) and no fewer than 4 of the total commercial units within the PFS -site (identified as Retail 1, 2, 3, 4 at ground floor; Café at 1st floor; Restaurant at 3rd floor in the accommodation schedule hereby approved) shall be occupied by retail uses.*
- b. *The four commercial units numbered 'retail 1, 2, 3 and 4' shall not be enlarged to occupy more than 4 bays of the street frontage*
- c. *The PFS convenience store shall not be merged with any other floorspace which occupies a bay on the street frontage*

Reason: To ensure that the future occupation of the premises does not lead to an over concentration of food and drink uses in the area, to support the retail function and character of the Town Centre and to protect local amenity from the impacts of food and drink uses, in accordance with policies G1, A1, A4 and TC2 of the Camden Local Plan 2017.

37 Main Site: food & drink

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), or any ~~provision equivalent to that Class in any~~ statutory instrument revoking and re-enacting that Order, no more than 2 of the units within the Main Site land parcel identified as 'retail' on the Masterplan Ground Floor plan (1095_00_07_100) hereby approved shall be occupied by food and drink uses (for consumption on the premises).

Reason: To ensure that the future occupation of the premises does not lead to an over concentration of food and drink uses in the area, to support the retail function and character of the Town Centre and to protect local amenity from the impacts of food and drink uses, in accordance with policies G1, A1, A4 and TC2 of the Camden Local Plan 2017.

67 Temporary Foodstore (Phase 1a): Removal of PD rights

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order ~~1995 as amended by the (No. 2) (England) Order 2008~~ 2015 or any Order revoking and re-enacting that Order, no development within Part 2 (Class A) (the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017.

68 Temporary Foodstore (Phase 1a): Removal of PD rights

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order ~~1995 as amended by the (No. 2) (England) Order 2008~~ 2015 or any Order revoking and re-enacting that Order, no development within Part 7 (Class B) (erection or construction of a trolley store within the curtilage of a shop) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017.

- 3.17 This NMA application also seeks to vary slightly the trigger for Condition 19 (Adaptable Homes) from 'superstructure' to a slightly later stage of construction works 'internal fit out'. We raised the request to update the wording and proposed that the trigger was changes to 'building envelope' at pre-app discussions with officers 30.03.23. Subsequent further discussion with our site team on the proposed trigger and buildings involved has led to us requesting this slightly as follows (Blocks A, B, C and F having been discharged (ref: 2022/3441/P):

19 Adaptable homes

Prior to commencement of the ~~internal fit out superstructure~~ of each of Blocks D, E1 and E2, details confirming which residential units within the relevant block would be designed and constructed in accordance with Building Regulations Part M4 (2) shall be submitted to and approved in writing by the local planning authority. Such details shall relate to no fewer than 561 flats identified in the Design & Access Statement para 8.12.1 chapter hereby approved.

The development shall be carried out in accordance with the approved details approved on 10/11/2022 under reference 2022/3441/P for Blocks A, B, C, and F only or other such details which have been submitted to and approved in writing by the local planning authority.

All such flats shall be constructed in accordance with the details as approved.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of Policy H6 of the Camden Local Plan 2017.

- 3.18 The change specifying all the residential blocks in the development is requested to provide clarity where forthcoming applications for partial discharge are to be made. This has been agreed in principle as part of pre-app discussions.

46 Water consumption

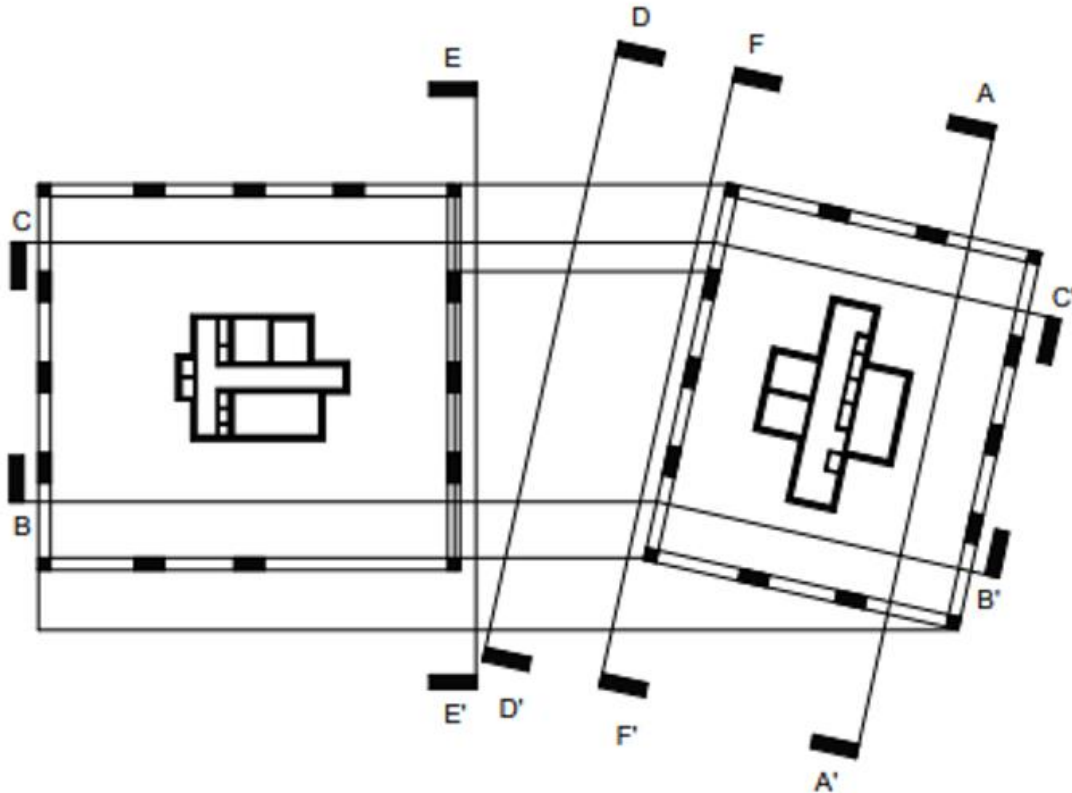
The new build residential units within ~~the development~~ Blocks A, B, C, D, F, E1 and E2 hereby approved shall achieve a maximum internal water use of 105 litres/person/day, plus an allowance of 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policy CC3 of the Camden Local Plan 2017.

Minor Changes to Section Drawing – Block A (Spandrel Panels)

- 3.19 In pre-app discussions 30 March 2023 we took officers through the approved Block A Section FF plan (13508-A-LXX-05-156 P02) and the need to capture a minor spandrel panel detail which should have been included as part of the S96A application approved 20 December 2022 (ref: 2022/4273/P).
- 3.20 The same spandrel detail is already captured in approved Section D-D - which shows a virtually the same sectional detail - approved as part of ref 2022/4273/P (see section location diagram below). The principle having been approved for

Section D-D the updated plan 13508-A-LXX-05-156 P03, this application formalises this minor update and regularises the design position. This minor update has been discussed as acceptable in principle.



Block A section location diagram

A payment for £234 + VAT to cover the requisite application fee has been made online via the Planning Portal. Planning Portal Ref: PP-12067881.

I trust that the information provided will enable this NMA to be validated and I look forward to confirmation in due course. If you have any queries or require further detail to determine this application please do contact me on 020 7471 4444 or richard.syddall@stgeorgeplc.com.

Yours sincerely.



Richard Syddall
Senior Development Manager
St George West London Limited (SGWL)