

16 August 2023

The Savills logo consists of the word "savills" in a lowercase, red, sans-serif font, positioned on a solid yellow rectangular background.

Regeneration and Planning
Culture and Environment
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Joe Oakden
E: joseph.oakden@savills.com
DL: +44 (0) 7977 030 125

33 Margaret Street W1G 0JD
T: +44 (0) 20 7499 8644
F: +44 (0) 20 7495 3773
savills.com

Dear Sir/Madam,

**369-377 KENTISH TOWN ROAD, LONDON, NW5 2TJ
APPLICATION FOR A NON-MATERIAL AMENDMENT (S96A) TO PLANNING PERMISSION REFERENCE
2019/0910/P DATED 12TH MARCH 2020**

On behalf of the applicant, KTR Carwash Project Ltd, Savills have been instructed to prepare and submit this application seeking non-material amendments (NMA) to planning permission reference 2019/0910/P under Section 96a of the Town and Country Planning Act 1990 (as amended) relating to the site at 369-377 Kentish Town Road, London, NW5 2TJ.

This application seeks amendment to the consented basement plan and section to allow for a reduction in the scale of excavation. This application is made following the approval of a non-material amendment to the planning permission which altered the description of development to allow for the change proposed as part of this S96a application to be made, as previously discussed with officers. A copy of the previous S96a decision notice (2023/2713/P) is enclosed for reference.

This Planning Cover Letter discusses the background to the site and sets out the proposed non-material amendments sought. This document should be read in conjunction with the supporting application documentation, listed as follows:

- The completed application form (completed via the Planning Portal);
- Relevant approved drawings, prepared by DMFK Architects;
- Amended drawings, prepared by DMFK Architects;
- Archaeological Desk Based Assessment Addendum Note, dated April 2023, prepared by Savills;
- Civil Engineering Addendum Note, dated July 2023, prepared by Price & Myers;
- Basement Impact Assessment Addendum, dated August 2023, prepared by CGL;
- Copy of the approved decision notice (reference 2019/0910/P), dated 12th March 2020;
- Copy of Certificate of Lawful Existing Use or Development (CLEUD) (reference 2023/2654/P) confirming lawful implementation, dated 27th July 2023; and
- Copy of decision notice allowing non-material amendments relating to the description of development (reference 2023/2713/P), dated 7th August 2023.

The relevant application fee (£234 + service charge) will be paid under separate cover via the Planning Portal.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Background

Planning permission was granted on 12th March 2020 (reference 2019/0910/P) for the following development:

Redevelopment including change of use from car wash (Sui Generis) and erection of part six and part seven storey building plus basement to provide 14 flats (10 x 2-bed units and 4 x 1-bed) (Class C3) at 1st floor and above (with terraces at 5th floor rear and 6th floor level (north elevation); and retail (Class A1) or restaurant (Class A3) use at ground and basement level incorporating widened pavement to Kentish Town Road.

The permission and this application relates to the site shown below.

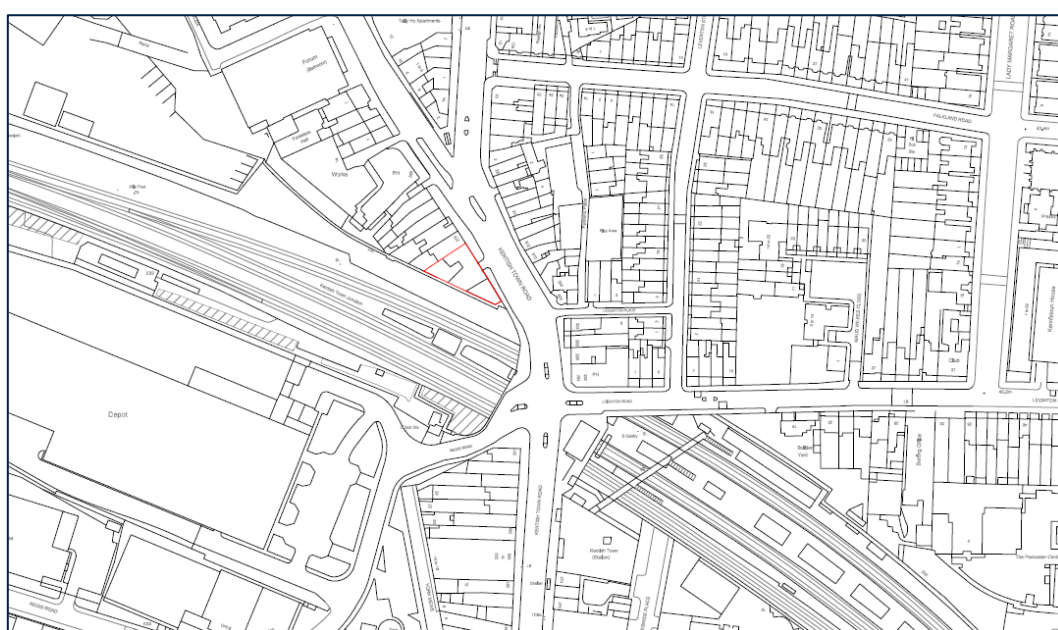


Figure 1- Site Location Plan

Material operations on site commenced prior to the 12th March 2023 and the planning consent is therefore extant. This was confirmed by a lawful development certificate granted by the Council on 27th July 2023 (reference 2023/2654/P).

Non-material amendments to the description of approved development were granted by the Council on 7th August 2023 (reference 2023/2713/P). The approved description of development is as follows:

Redevelopment including change of use from car wash (Sui Generis) and erection of part six and part seven storey building plus basement to provide 14 flats (Class C3) at 1st floor and above (with terrace at 5th floor rear and 6th floor level (north elevation); and retail (Class E(a)) or restaurant (Class E(b)) use below incorporating widened pavement to Kentish Town Road.

Proposals

The proposed amendment sought is limited to the reduction in the size of the basement and associated excavation only. No alterations are proposed above ground nor to any other floor levels within the building.

The basement floor level will be reduced in size and the consented commercial floor area at this level is to be removed. The basement floor level will be contained towards the northern end of the building and will

accommodate plant equipment, the inclusion of a sprinkler tank to support life safety systems, as well as the residential bike store accessed via a lift.

The proposed change will not impact upon any of the principles of the approved development however this application is made to regularise the approved drawings relative to the non-material amendments being proposed. The amendments make no changes above ground and there will be no change to the external appearance of the building. The following updated drawings demonstrate the proposed amendments:

Drawing Title	Approved Reference No.	Proposed Reference No.
Proposed Plans- Basement	A90 A	AO90 B
Proposed Section BB	A151 A	A151 B

In addition to the updated drawings, addendum notes to the following documents have been provided which demonstrate that the findings of the original documentation consented remain unchanged by the amended proposals. These are listed as follows and should be referenced within the consented documents as part of any future non-material amendment approval:

- Archaeological Desk Based Assessment Addendum Note, dated April 2023, prepared by Savills;
- Civil Engineering Addendum Note, dated July 2023, prepared by Price & Myers (to address the consented Flood Risk Assessment and Surface Water Drainage Strategy);
- Basement Impact Assessment Addendum, dated August 2023, prepared by CGL.

All other previously approved drawings and documents remain unaffected by the proposed amendments and remain valid without change.

Changes to the consented decision notice

The changes proposed as part of this application will amend the list of approved drawings and documents (listed on page 1 and 2 of the original decision notice) as well as condition 2. In addition, notwithstanding the fact that the remaining drawings do not change, it should be noted that whilst the approved documents on the decision notice correctly list the approved ground floor plan reference number (A100 D), condition 2 lists a previous version of this drawing (A100 C). It is therefore requested that this is addressed as part of this application.

The non-material amendment should therefore update the decision notice as follows:

- The list of “proposed drawings” and “supporting documents” should be updated so as to include the following drawings and documents:

AO90B
A151B

Archaeological Desk Based Assessment Addendum Note, dated April 2023, prepared by Savills;
Civil Engineering Addendum Note, dated July 2023, prepared by Price & Myers;
Basement Impact Assessment Addendum, dated August 2023, prepared by CGL

- The following drawings shall be deleted from the list of “proposed drawings” listed at the start of the planning permission:

A90A
A151A

- The list of “approved drawings” and “supporting documents” in condition 2 shall be updated so as to include the following drawings and documents:

**A100D
AO90B
A151B**

**Archaeological Desk Based Assessment Addendum Note, dated April 2023, prepared by Savills;
Civil Engineering Addendum Note, dated July 2023, prepared by Price & Myers;
Basement Impact Assessment Addendum, dated August 2023, prepared by CGL**

- The following drawings shall be deleted from condition 2:

**A100C
A90A
A151A**

Assessment

Within the guidance set out in the Planning Practice Guidance there is no statutory definition of a 'non-material amendment'. It states that the nature of the amendment will depend on the context of the overall scheme, as an amendment that is non-material in one context may be material in another.

Section 96A of the Town and Country Planning Act 1990 (as amended) allows a non-material amendment to be made to an existing planning permission via a simple application procedure with a quick decision time.

In this case, the amendments proposed will not change the approved scheme in terms of the overall number of residential units proposed, nor the type of consented commercial uses. In addition, the change make no alteration to any external element of the building, and above ground the building will be identical to that which has been previously consented.

The change proposed relates solely to the basement level of the building only and will reduce the amount of excavation required. The change will result in the removal of commercial floorspace at this level, however the consented floor area for this use at ground floor level remains unaltered.

The amendment does not change any of the principles of the approved development and will ultimately result in a reduction in construction disruption caused by the scale of basement excavation.

Given the overall scale of the approved development, this very limited below ground change will be non-material.

The proposed change has been discussed with officers prior to the submission of this application and a non-material amendment application was considered to be an appropriate mechanism to regularise this position. In addition, the applicant has engaged in pre-application discussions with London Underground Limited regarding the proposed amendment who have confirmed that they have no concern or require any further involvement.

Conclusions

The extent of the changes proposed are non-material and would not conflict with adopted planning policy, nor would they have any material effect on the scope of the planning permission. As such, the change would represent a non-material change which can be considered under Section 96a of the Town and Country Planning Act 1990 (as amended).

I trust that the enclosed is sufficient to validate and determine this application and I look forward to receiving written confirmation in due course.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Joe Oakden".

Joe Oakden MPLAN MRTPI
Savills (UK) Ltd