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29th August 2023

WC/AS/KH - 21/249
Via Planning Portal – Ref 12403574

Dear Sir,

GODWIN AND CROWDALE ESTATE, LONDON, NW1 1PA

SECTION 96A APPLICATION FOR AMENDMENTS TO CONDITION 13 OF THE ORIGINAL PERMISSION (LPA REF: 2020/3801/P)

On behalf of our client, the London Borough of Camden (LBC) ('The Applicant'), we enclose an application under Section 96A ('S96A') of the Town and Country Planning Act (as amended) ('the Act') for non-material amendments pursuant to planning permission ref: 2020/3801/P, which was granted planning permission on 14th May 2021 by the LBC Planning Department ('The Council'). The approved description of development is outlined below:

Erection of 10 x 3-storey terraced family-sized houses (10 x 4 bed) (Class C3).

This application relates to the wording of Condition 13 of this planning permission, which addresses landscaping and planting to the site.

In support of this application, the following documents are enclosed:

- Cover Letter;
- Site Location Plan;



a. Introduction

In accordance with the Government's planning practice guidance on flexible options for planning permissions (ID: 17a), an application for a non-material amendment can be submitted under S.96A of the Act. The key provisions of S.96A are set out below:

(3) The power conferred by subsection (1) includes power—

- (a) to impose new conditions;
- (b) to remove or alter existing conditions.

A local planning authority may make changes to any planning permission relating to land in their area if they are satisfied that the change is not material. This also includes the scope to amend the approved description of development.

Following conversations between the Council, the Applicant's Project Team and key stakeholders, the requirement for some very minimal tweaks to wording of the relevant compliance condition to address landscaping arrangements has arisen, to comply with Council best practice and the desires of local residents. Accordingly, this application seeks the approval of a non-material amendment to the wording of Condition 13 of planning permission 2020/3801/P.

This approach, under a s96A application, has been agreed within informal discussions between Icen Projects and officers at the Council prior to submission.

Further information on the proposed amendment is outlined in the subsequent *section b*.

b. Subject of this Section 96a Application

This is a Section 96a Application (S96A) for Non Material Amendments pursuant to Condition 13 which refers to landscaping and tree planting, of the existing granted permission LPA Ref: 2020/3801/P, dated 14th May 2021.

When considering a proposal for a non-material amendment, due regard must be given to the relevant National Planning Practice Guidance (NPPG); and Section 96a of the Town and Country Planning Act (1990) (as amended).

A S96a application allows applicants the ability to submit non-material amendments to an existing planning permission, providing that it is clear that the amended proposals do not result in any changes to the actual proposed development to which the planning permission relates and are not contrary to planning policy.

The following is a detailed summary of the proposed change to the planning permission, including discussion on the extent of the changes and the consideration as a non-material amendment.

Proposed Amendments

Amendment 1: Amendment to wording of condition 13.

Conditions 12 and 13 of the master permission jointly relate to landscaping and the detailed landscaping plans for the approved scheme. Condition 12, for which an application to discharge was submitted in August 2022 and validated under 2022/3627/P, presents the submitted plans for approval. These include, as required, 9 replacement trees of which at least three must be medium or large.

Condition 13 is a compliance condition which requires adherence with the details secured under condition 12, whilst also stipulating that:

“the landscaping shall include details of three London plane trees 12-14cm in diameter measured at 1m above the root ball to be planted in the area to the south of the new play area, and at least two other single-stemmed trees in communal areas”.

Over the past few months, the landscaping arrangements for the site have been subject to ongoing discussions between the Council's Development Team, their landscaping consultants (LUC) and the Council's Planning and Arboricultural team, as well as local residents, with the aim of bringing forward on the most desirable landscaping and tree planting strategy for a sensitive and important site for the Council.

The Council's Arboricultural Team have advised that London Plane trees are no longer preferred in new landscaping and planting regimes in the Borough and support a move away from this requirement. Furthermore, the Applicant has received feedback under the consultation relating to Condition 12, with Estate residents that London Plane trees create undesirable amenity impacts and an alternative

planting regime should be considered. Therefore, it is considered appropriate to remove this requirement from the wording of the condition.

It is also noted that there is a drafting error in the wording of this condition, with the relevant trees required to be 12-14cm **in circumference**, as opposed to diameter. It would not be possible to comply with this part of the condition as currently worded, therefore this would also be amended under this application.

Accordingly, in order to ensure that the revised landscaping plans can be discharged under Condition 12 and complied with appropriately, it is proposed that the wording of condition 13 be altered, to remove references to London Plane trees and correct this drafting error, with the condition reworded to the following:

All hard and soft landscaping works shall be carried out in accordance with the approved landscape details [by not later than the end of the planting season following completion of the development or any phase of the development] [, prior to the occupation for the permitted use of the development or any phase of the development], whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed and the proposed nine trees) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation. The landscaping shall include details of three trees 12-14cm in circumference measured at 1m above the root ball to be planted in the area to the south of the new play area, and at least two other single-stemmed trees in communal areas.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5 D1 and D2 of the London Borough of Camden Local Plan 2017.

The change in wording is subtle and would not result in a change to the development already approved. It would simply allow for appropriate changes to tree planting arrangements to be delivered and complied with. This change would also comply with planning policy. Therefore, it is considered that this amendment is a non-material amendment.

c. Conclusion

In summary, the proposed amendment is non-material in nature and is considered to be acceptable in planning terms. The proposal would not change the overall approved development, merely make one minor revision to one element of the scheme and would have a positive impact on the wider site. The changes would result in an overall improvement to the landscaping and planting regime and ensure full compliance across the relevant conditions.

Following submission of the information detailed above, we trust that you have sufficient information required to consider the proposed amendment to the wording of Condition 13 of permission 2020/3801/P. We look forward to receiving confirmation in writing.

Should you have any queries or wish to discuss any aspect of the application in further detail please do not hesitate to contact William Clutton [redacted] or Kieron Hodgson [redacted] of this office.

Yours faithfully

[redacted signature]

Iceni Projects Limited