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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF. 2022/2855/P
(UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED)**

CENTRAL SOMERS TOWN, CAMDEN, LONDON, NW1

Dear Mr Lawlor,

We write to you on behalf of our client, the London Borough of Camden Community Investment Programme Team (CIP Team) (hereafter: the 'Applicant'), in relation to the submission of an application (under S96 of the Town and Country Planning Act 1990 (as amended)) to make a non-material amendment to planning permission ref. 2022/2855/P relating to Central Somers Town, covering land at Polygon Road Open Space, Edith Neville Primary School 174 Ossulston Street and Purchase Street Open Space, NW1 1EE ('the site').

The proposed amendments are outlined in detail below.

CENTRAL SOMERS TOWN PROJECT

The proposed amendments relate to Plots 5 and 6, which form a part of the Central Somers Town redevelopment and regeneration project.

The wider site area is approximately 2.2 ha and the site is at the heart of Somers Town, a residential neighbourhood in Camden, which lies to the north of Euston Road (beyond the Francis Crick Institute and British Library) and is between St Pancras station, to the east and Euston station, to the west.

The project is led by the CIP Team and delivers a range of public benefits as part of an approved regeneration strategy, including improvements to the public realm, a replacement primary school (constructed), nursery, play facilities and community hall and new market and affordable housing, with

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106 homes for sale and 44 affordable homes, all of which will be social rented units. Central to the development is the re-provision of public open space across the site. This space will be greatly improved as a result of the proposals and there will be no net loss of area following completion of the scheme.

The Central Somers Town project is self-funding, with the receipts from the private sale housing reinvested in the delivery of educational and community facilities (such as Edith Neville Primary School), affordable housing and public open space, in line with the wider vision for the Somers Town area.

THE SITE

Plots 5 and 6 are referred to as Purchase Street Apartments North and Purchase Street Apartments South respectively (refer to Figure 1, below). Once completed, these Plots will be directly adjacent to the Purchase Street Open Space and bounded by existing residential properties on Hampden Close to the north, and Coopers Lane to the east.

The Purchase Street Open Space within the site is designated as Local Green Space. In addition, Polygon Road Open Space is located to the west, Regent's Park (Designated Open Space – Metropolitan Open Land) is 1km to the west and the Regent's Canal (Designated Open Space) is less than 500m to the North.

The site is immediately adjacent to the Kings Cross and St. Pancras Conservation Area and there are a number of listed buildings in the vicinity. These include the Grade I listed Kings Cross and St Pancras stations, the Grade II listed Georgian terraces on Charrington Street, the 1930s Grade II listed Ossulston Estate and the recently Grade I listed British Library.

The site is located within Flood Risk Zone 1 (the lowest risk).

The surrounding area is predominantly characterised by residential land use; however, there are also a large number of community facilities and public or communal green spaces distributed around the area, including the relocated Edith Neville Primary school. This site sits within the context a wide range of commercial and research uses including the internationally significant Francis Crick Institute. The stations and Euston Road are a hub for commercial activity and the Kings Cross development has substantially increased the Class E land use in the area as well as the residential population. The site sits within the Knowledge Quarter Innovation District, which is the area within one mile of King's Cross featuring a range of knowledge economy floorspace and pipeline developments.

Commercial activity is relatively limited within Somers Town itself and is generally clustered outside the neighbourhood, around the southern and western boundaries on Euston Rd and Eversholt Street and the southern section of Chalton Street, which has a range of retail and cafe spaces and has a regular market three days a week.

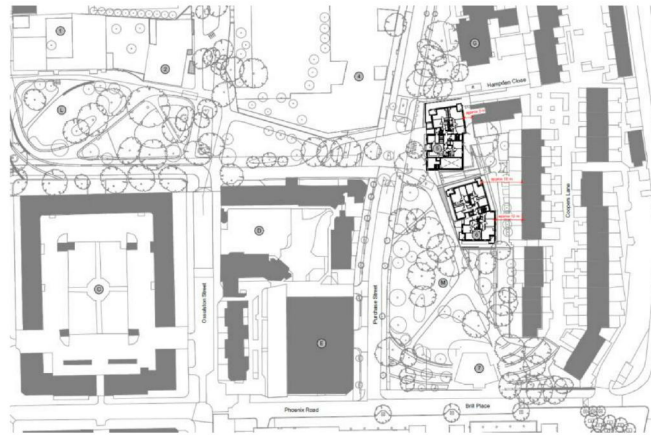


Figure 1: Extract from Proposed Site Plan showing Plots 5 and 6, prepared by Levitt Bernstein (submitted under ref. 2022/2855/P)

CONSENTED PROPOSALS

LB Camden granted planning permission (**Application ref. 2015/2704/P**) for the wider Central Somers Town masterplan on 14 October 2016 for the following development:

“Demolition of existing buildings and the provision of approximately 2,190sq.m replacement school (Use Class D1); approximately 1,765sq.m of community facilities (Use Class D1); approximately 207sq.m of flexible Use Class A1/A2/A3/D1 floorspace and 136 residential units (Use Class C3) over 7 buildings ranging from 3 to 25 storeys in height comprising: Plot 1: Community uses at ground floor (Use Class D1) (approximately 1,554sq.m) to including demolition of existing buildings and the provision of approximately 2,190sq.m replacement school (Use Class D1); approximately 1,765sq.m of community facilities (Use Class D1); approximately 207sq.m of flexible Use Class A1/A2/A3/D1 floorspace and 136 residential units (Use Class C3) over 7 buildings ranging from 3 to 25 storeys in height comprising: Plot 1: Community uses at ground floor (Use Class D1) (approximately 1,554sq.m) to include a children's nursery and community play facility with 10no. residential units above; Plot 2: 35 residential units over flexible A1/A2/A3/D1 floorspace at ground level (approximately 137sq.m); Plot 3: Extension of Grade II listed terrace to provide 3no. dwellings; Plot 4: Replacement school (Use Class D1) ; Plot 5: 20no. residential units over a replacement community hall (Use Class D1) (approximately 211sq.m); Plot 6: 14no. residential units; and Plot 7: 54no. residential units over flexible A1/A2/A3/D1 floorspace at ground level (approximately 70sq.m). Provision of 11,765 sqm of public open space along with associated highways works and landscaping.” (“original planning permission”)

Subsequently, the following amendments have been made to the original planning permission (Application ref. 2015/2704/P):

- **Application ref. 2019/5882/P** – Minor material amendment to Plot 7 comprising revised façade design, uplift of 14 residential units, ground floor layout changes, updated Energy Strategy (together with associated NMA to change the description of development pursuant to the Finney case). Granted – 01 July 2020.

- **Application ref. 2020/4631/P** – Minor material amendment to Condition 137 in relation to the building’s cooling strategy. Granted Subject to a Section 106 Legal Agreement – 23 April 2021.
- **Application ref. 2022/2855/P** – Minor material amendment to amend Condition 2, Condition 3, Condition 18, Condition 26, Condition 27 and Condition 82 to make alterations to building footprints, layout of the accommodation and changes to elevations of Plots 5 and 6. Granted Subject to a Section 106 Legal Agreement – 24 November 2022. (“the extant planning permission”)

For procedural reasons, this was supported by an NMA application (Application ref. 2022/2659/P) to amend the description of development. Granted – 04 July 2022.

PROPOSED NON-MATERIAL AMENDMENTS

The current proposal is for the following non-material amendments to the most recently consented scheme, 2022/2855/P:

1. Change brick coping to metal coping

The consented brick coping along the upper roofline for both Plots 5 and 6 are to be amended to metal coping and the colour would match the consented brickwork.

2. Change metal rainscreen panels around inset balconies to brickwork

The consented metal rainscreen panels around inset balconies are to be amended to flush brickwork panels, with facing brickwork to be in contrasting colour with the general building brickwork.

3. Removal of glazed bricks to retaining wall and replacement with white brick

The consented glazed brick will be replaced with a white brick and light mortar, which will perform the same function i.e. to maximise daylight levels into lower ground flats via the light wells.

4. Change metal decking on balconies to paving slabs

Porcelain paving slabs proposed in a choice of sand or cement colour finish.

5. Replace concrete finish around Community Hall with brickwork

The consented concrete finish around the Community Hall will be replaced with a lighter brick to reflect and to align with the originally envisaged materiality (on the original permission).

PLANNING PROCESS

In accordance with National Planning Practice Guidance (2023), where modifications to an extant permission would be fundamental or substantial, a new planning application would be required. However, where less than substantial changes are proposed, these may be addressed through a non-material or minor-material amendment, at the Local Planning Authority’s discretion.

Section 96a of the Town and Country Planning Act 1990 (as amended) gives Local Planning Authorities (“LPA”) the power to make a change to any planning permission if the LPA is satisfied that the change is non-material. In deciding whether a change is material, the LPA must have regard to the effect of the change on the planning permission originally granted. There is no statutory definition of what constitutes

'non-material' and this is dependent on the context of the overall scheme and the specific circumstances of the case.

It is our considered view that the proposed changes can be appropriately addressed as non-material amendments under Section 96a.

The proposed changes are of a limited nature, comprising limited substitutions of broadly similar materials, which will complement the overall architectural design and maintain its integrity. The proposed changes do not give rise to matters of public interest that would require consultation. When considering the extent of proposed changes in the context of the wider consented proposals, the proposed changes are considered 'non-material' and therefore can be determined via a S96a application to the extant planning permission (ref. 2022/2855/P).

Please note that in order to reflect the changes to the consented drawings (under ref. 2022/2855/P), the wording and drawing references included in Condition 2 – Approved Drawings is required to be updated as part of the non-material amendment decision – an updated drawing schedule accompanies this submission.

SUBMISSION DOCUMENTS

The S96a planning submission is accompanied by the following documents:

- Application Form and Ownership Certificates
- Planning Cover Letter, prepared by Turley (this document)
- Central Somers Town, Phase 2, Plots 5&6 Design Document, prepared by Levitt Bernstein
- A suite of consented and proposed floorplans, elevation and section drawings, prepared by Levitt Bernstein, with accompanying drawing schedule.

[REDACTED]

We trust that the information provided sufficient to enable the council to validate and permit this application for non-material amendments and look forward to receiving confirmation of this at the earliest opportunity. In the meantime, please contact me or my colleague Oliver Jefferson [REDACTED] at these offices if you have any queries.

Yours sincerely

[REDACTED]

Kinari Tsuchida
Assistant Planner

[REDACTED]