

London Borough of Camden

Development Management

Submitted via planning portal

25th September 2023

Dear Sirs

**Non material amendment to vary the wording of condition 11 of planning application 2018/2316/P. Land fronting Stephenson Way (to the rear of 222 Euston Road adjacent to 210 Euston Road), London NW1 2DA**

On behalf of the applicant, Churchgate Ltd, we hereby submit an application under S96A of the Town and Country Planning Act for a non material amendment to vary the wording of Condition 11 in relation to the above planning permission for new student accommodation. The Condition reads as follows:

“No development shall take place until full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance and have been in place for 3 months prior to the proposed implementation date. The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.”

Section 96A allows a non material amendment to be made to an existing planning permission via an application procedure. No definition is given as to what constitutes a non material amendment as this will vary on a case by case basis.

In making a decision on such an application, the Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section.

Amendment

As we have discussed, in order for the planning permission to be lawfully implemented, we need to amend the timing as to when condition 11 takes effect. To implement the permission, it is proposed to undertake piling to form the basement which will create minimal dust. We therefore suggest altering the wording of the condition to the following:

“Other than minor works to facilitate the implementation of the planning permission such as piling, no further development shall take place until full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance and have been in place for 3 months prior to the proposed implementation date. The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.”

## Materiality

The main issues relating to the non material amendment are the effect that it would have either on the character of the area and/or the amenity for the occupants surrounding residential properties. In deciding whether proposed changes can be considered to be non material, careful consideration needs to be given to the following points:

1. Do the proposed changes differ in substance from the development that was granted planning permission?

The development as approved will not be altered as part of this application. There is no change to the approved plans, only the timing of when the condition would bite.

2. Would acceptance of the proposed changes as a non material amendment deprive those who should have been consulted from such additional consultation?

Local residents will not be affected by the proposed change, and as such neighbour notification regarding the proposed alterations is not considered necessary.

3. Does the cumulative impact of a series of non material amendments result in a development that is quite different from the original permission?

The proposed amendment will not lead to the scheme differing from the development originally approved.

In light of the above, it is considered that the variation to the wording as suggested is a non material amendment when compared to the original permission and should therefore be supported and approved. In this regard no changes are proposed at this stage to the approved drawings,

We trust the above is non controversial. However if you have any queries relating to the submission, please do not hesitate to contact me.

Yours sincerely,

Clare Preece  
Planning Director  
Fuller Long Limited