

9<sup>th</sup> October 2023

Ref: 14.546

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Planning Department  
London Borough of Camden  
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Dear Sir/ Madam,

**Re: Hall School, 23 Crossfield Road, NW3 4NU – Non-material permission ref: 2022/4408/P**

We have been instructed on behalf of our client, The Hall School, to submit an application pursuant to Section 96A of the Town and Country Planning Act (non-material amendments) (S96a) to amend the wording of Condition 12 (Sustainable Drainage System) of planning permission ref: 2022/4408/P. The appropriate fee has been paid directly to London Borough of Camden (LBC).

Planning permission ref. 2022/4408/P was granted on the 5<sup>th</sup> July 2023 for the following development:

*“Extension of existing single storey extension to existing 'Wathen Hall' building with new floor level, following demolition of existing first floor structure, installation of plant and enclosure at roof level to Centenary Building and new PV panels, all to school (Class Use F.1).”*

Planning permission ref. 2022/4408/P follows a number of applications for similar development at the School, including, ref. 106/6319/P and a variation of conditions application to the original permission ref. 2019/1325/P. The development permitted under ref. 2022/4408/P represented a significant reduction in terms of scale of development from those previous submissions.

Planning permission ref.2022/4408/P included the demolition and rebuilding of the rear Wathen Hall extension and involved the retention of the existing lower ground floor structure and addition of another level at ground floor with a curved green roof above with a dormer window with louvres for ventilation, facing the south side of the plot and no.24. The scale and extent of the structure were largely maintained from the previous permission, with the decision notice citing 323sqm for the entire structure.

Condition 12 on the decision notice relates to the Green Roof and states *“The system shall include 323m2 of green roof as stated in the approved drawings...”*. It is important to note that the approved drawings do not make reference to the green roof being 323m2. It is understood that this figure has been taken out of context and therefore the wording needs to be updated to reflect what has been approved under ref.2022/4408/P and therefore what can be implemented.

The full wording of Condition 12 is set out below:

*The sustainable drainage system as approved in 2190008 - Flood Risk Assessment & Sustainable Drainage Statement by Elliotwood shall be installed as part of the development to accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change, such that flooding does not occur in any part of a building or in any utility plant susceptible to water and to achieve run-off rates of 5.5l/s. The system shall include 323m<sup>2</sup> of green roof as stated in the approved drawings and shall thereafter retained and maintained in accordance with the approved maintenance plan.*

*Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan Policies.*

The proposed wording of Condition 12 is set out below:

*The sustainable drainage system as approved in 2190008 - Flood Risk Assessment & Sustainable Drainage Statement by Elliotwood shall be installed as part of the development to accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change, such that flooding does not occur in any part of a building or in any utility plant susceptible to water and to achieve run-off rates of 5.5l/s. The system shall include the provision of a green roof as stated in the approved drawings and shall thereafter be retained and maintained in accordance with the approved maintenance plan.*

*Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan Policies.*

The proposed amendments result in the removal of the quoted figure of 323m<sup>2</sup> of green roof from Condition 12 to align with the approved drawings for the granted planning permission. The inclusion of 323m<sup>2</sup> in the wording of Condition 12 is not justified as the figure has been lifted from previous applications for the site.

Details to discharge Condition 9 in relation to the proposed Living Roof has been submitted for the Council's consideration (ref: PP-12492208). The detailed drawings submitted for Condition 9 show that greening of the roof has been maximized and that it is not achievable to provide 323m<sup>2</sup> of green roof at Hall School. In addition, the drawings clearly indicate that the proposed surface area of the living green roof in Condition 9 would not impact the drainage scheme permitted for this development.

As a result, we are submitting this s96a application to the original permission to amend the wording of Condition 12 (Sustainable Drainage System), to accord with the green roof detailed drawings we have submitted to the Council for the discharge of Condition 9.

### **Procedural Matters**

As you will be aware, Section 96A empowers a local planning authority to make any change to a planning permission as long as it is satisfied "that the change is not material" (Section 96A(1)). The Section 96A power extends to amendments to the description of development, changes to approved documents and amendments to conditions, including the imposition of new conditions or removal of existing conditions (Section 96A(3)).

The materiality of the proposed change must be assessed having regard to the existing permission as

a whole, including the effect of any existing conditions. In deciding whether the change is material, the local planning authority must take into consideration any previous changes under Section 96A. This is the first Non-Material Amendment (NMA) on the Site, therefore this is not applicable in this instance.

“Materiality” must be assessed by reference to whether the change is material in planning terms, i.e. whether it materially affects the planning merits or otherwise of the scheme. In this instance, the proposed change must be considered in the context of the extension to the existing single storey extension with new floor level as well as the installation of plant and enclosure at roof level to Centenary Building and new PV panels, following the demolition of the existing first floor structure of the School. The scale of development directly correlates to the scale of amendments that can be made before those changes are considered material.

### **Summary of Change**

The changes to the wording of Condition 12 will not result in any perceived change to the approved drawings. This application seeks to amend the wording as this is not in line with the approved drawings. The provision of 323m<sup>2</sup> of green roof at Hall School is not practical and did not form part of the approved drawings, therefore we consider this amendment to be non-material.

### **Conclusion**

In order to proceed with this development, it is imperative that the rewording of Condition 12 is updated to reflect what has been approved and what can be provided on site. As mentioned previously, the detailed drawings submitted to discharge Condition 9 (Living Roof) will have no impact on the permitted drainage scheme.

Overall, this amendment is very small in nature and is consistent with the original design intent. It has been demonstrated that this amendment will not have any material impact on the planning permission as a whole and as such, can be dealt with via S96a.

We trust that you have all the information that you need to approve this amendment, however, please do not hesitate to get in touch if you have any queries or require any further information.

Yours sincerely

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