

**Our ref: 00349**

20 Farringdon Street  
London, EC4A 4AB  
T +44 20 3691 0500

Date: 8 July 2024

FAO: Alex Kresovic  
Planning Department  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AG

Dear Alex,

**NON-MATERIAL AMENDMENT (SECTION 96A) TO PLANNING PERMISSION 2023/1288/P  
THE GREEN WOOD CENTRE, GREENWOOD PLACE & HIGHGATE DAY CENTRE, LONDON NW5**

On behalf of GML (Highgate Road), please find enclosed an application for the non-material amendment (s96A) to planning permission ref. 2023/1288/P at the above site. Planning permission was granted on 13 September 2023 for the following development:

*“Variation of Condition 2 (approved plans) of planning permission reference 2022/1603/P, dated 02/03/2023 (which itself amended 2013/5947/P, dated 18/06/2014, as amended by 2015/3151/P, 2016/0936/P, 2017/0363/P, 2017/01518/P, 2021/5384/P and 2022/0929/P) (for: Demolition of existing buildings and redevelopment to provide: a new Centre for Independent Living at Greenwood Place; and mixed-use development at Highgate Road comprising residential units, including supported affordable housing units, and social enterprise space; highway improvements; plant, landscaping; servicing; disabled car parking etc.). Amendments to Highgate Road site to include elevational changes (replacement of winter gardens with balconies; Crittal-style windows; changes to brick detailing and brick types)”*

Following discussions with officers, this application seeks to amend Planning Conditions 2 and 27. This letter outlines the proposed amendments, the rationale and assesses them against planning policy and other materials considerations.

**Planning Condition 2**

This application seeks to revise the wording of Planning Condition 2 to allow for a minor revision to the layout of the fifth-floor communal terrace. The revision is proposed to resolve potential issues with privacy/overlooking between the communal terrace and the private balcony (immediately adjacent). The revised arrangement proposes an angled boundary between the two which is considered to provide greater privacy to the private terrace.

Accordingly, it is proposed to amend the condition as follows:

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

*HR-AHR-B1-00-DR-A-11-001 Rev C1; HR-AHR-B1-00-DR-A-11-000 Rev C1; HR-AHR-B1-ZZ-DR-A-PL-100 Rev C1; HR-AHR-B1-ZZ-DR-A-PL-200 Rev C1; HR-AHR-B1-ZZ-DR-A-PL-201 Rev C1; HR-AHR-B1-00-DR-A-20-100 Rev C7; HR-AHR-B1-01-DR-A-20-101 Rev C2; HR-AHR-B1-02-DR-A-20-102 Rev C2; HR-AHR-B1-03-DR-A-20-103 Rev C2; HR-AHR-B1-04-DR-A-20-104 Rev C2; ~~HR-AHR-~~*

~~B1-05-DR-A-20-105 Rev C2~~; ~~HR-AHR-B1-05-DR-A-20-005 Rev C4~~; HR-AHR-B1-06-DR-A-20-106 Rev C2; ~~HR-AHR-B1-07-DR-A-20-107 Rev C2~~; ~~HR-AHR-B1-07-DR-A-20-007 Rev C3~~; HR-AHR-B1-B1-DR-A-20-099 Rev C3; HR-AHR-B1-ZZ-DR-A-20-221 Rev C4; HR-AHR-B1-ZZ-DR-A-20-222 Rev C4; HR-AHR-B1-ZZ-DR-A-20-223 Rev C4; HR-AHR-B1-ZZ-DR-A-20-224 Rev C4; HR-AHR-B1-ZZ-DR-A-20-311 Rev C3; HR-AHR-B1-ZZ-DR-A-20-312 Rev C3; 3888-LB-ZZ-00-DP-L-200103 Rev C02; Planning Statement (RPS), dated March 2022; Design and Access Statement Addendum (AHR), dated March 2022; Air Quality Assessment (eb7), dated 21/12/2022; Arboricultural Statement (CBA Trees), dated January 2023; Tree Survey Report (CBA Trees), dated November 2021; Desk Study & Basement Impact Assessment Report (GEA, dated March 2022; Ground Investigation, Basement Impact Assessment & Ground Movement Analysis Report Rev 2 (GEA), dated August 2022; Flood Risk Assessment Rev P02 (engineeria), dated 02/09/2022; Drainage Statement Rev P02 (engineeria), dated 02/09/2022; Landscape Strategy Report (Levitt Bernstein), dated March 2022; Site Investigation Proposal (GEA) < date January 2022; Daylight and Sunlight Report (Schroeders Begg), dated March 2022; Supplementary Daylight & Sunlight Report (Schroeders Begg), dated July 2022; Energy Statement (eb7), dated 11/03/2022; Osborn Associates letter response to Health and Safety Executive, dated 22/06/2022; Planning Condition 11 Discharge (Anderson Acoustics), dated March 2022; Viability Study (Turner Morum), dated April 2022; Construction / Demolition Management Plan Version 6, dated 12/07/2022; Letter from The PES (re Energy and sustainability statement), dated 21/12/2022; Supplementary Daylight & Sunlight Report No. 2 ref: 2096/H (schroeders begg), dated February 2023; Design & Access Statement (s73) (AHR), dated March 2023; Built Heritage Statement (RPS), dated March 2023; Planning Statement (RPS), dated March 2023; Fire Safety Strategy Report (Osborn Associated), dated August 2022 Edition A; Noise Impact Assessment (Anderson Acoustics), dated February 2023.

*Reason: For the avoidance of doubt and in the interest of proper planning.*

## **Planning Condition 27**

The wording of this condition changed when the decision notice was issued for planning permission ref. 2023/1288/P. This was because the condition was discharged under planning application ref. 2023/1437/P on 20 July 2023, prior to the determination of planning application ref. 2023/1288/P which was granted on 13 September 2023. As the details were discharged, it was decided to update the condition to a compliance condition.

Since the discharge of those details, it has become necessary to change the ASHP supplier. This is due to the fact that certain components (fluids) are being phased out over the next 10 years which due to maintenance requirements would require the replacement of the ASHPs. To avoid this, a new MEP strategy has been developed to meet/ exceed the outputs of the previously approved MEP strategy.

It is therefore necessary to “re-discharge” this condition with the new details. This application therefore seeks to revert the wording of Planning Condition 27 to its original form (pursuant to planning permission ref. 2022/1603/P). This would then allow the new details to be submitted to the Council for approval.

### **Current form – deletion:**

*The air source heat pumps shall be installed in full accordance with the details approved under application reference 2023/1437/P, dated 20/07/2023, and shall be permanently retained and maintained thereafter.*

### **Original form - insertion:**

*Prior to commencement of above-ground works, details, drawings and data sheets showing the location, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving of the air source heat pumps and associated equipment to be installed on the building, shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a metering details including estimated costs to occupants and commitment to monitor performance of the system post construction. A site-specific lifetime maintenance schedule for each*

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*system, including safe access arrangements, shall be provided. The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.*

## **Planning Policy**

The National Planning Practice Framework (NPPF, 2023) sets out a strategic planning policy framework which planning policies and decisions are to be in accordance with. It is supported by the online National Planning Practice Guidance (NPPG) which provides further detail on various matters.

Paragraph 56 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

Non-material amendments to planning permissions are secured through Section 96A applications. The NPPG outlines that the Council must be satisfied that the amendment sought is non-material in order to grant a Section 96A amendment. However, there is no statutory definition of 'non-material' as it will be dependent on the context of the overall scheme (ref: 17a-002-20140306). It further confirms that a Local Authority must have regard to the effect of the change, together with any previous changes made under a Section 96A (ref: 17a-008-20140306).

The London Borough of Camden's (LBC) Development Plan comprises the London Plan (2021), Camden Local Plan (2017), and other supporting planning guidance documents (SPGs).

The proposed changes to the stated conditions are considered in further detail including in the context of whether they will have a material impact on the overall development and accordingly whether a Section 96A application is appropriate, and whether the conditions themselves meet the tests set out within the NPPG.

## **Planning Assessment**

The proposed amendment to Condition 2 allows for changes to the layout of the communal terrace areas. The proposed changes will not conflict with any internal/ external space requirement, are considered to improve the scheme overall and will not be discernible in elevation and/ or from the public realm. They are not therefore considered to have any material impact to the scheme overall.

The proposed amendment to Condition 27 reverts the wording of the condition to its original form. This is entirely a non-material change and does not alter the previously approved details. Further submissions will be required to discharge the proposed changes to the MEP strategy.

The proposed changes individually and/ or cumulatively are considered to be non-materials, and accordingly appropriate for a Section 96A application.

## **Submission Documents**

The following documents have been submitted:

- Planning Application Form & Certificates;
- Site Location Plan;
- HR-AHR-B1-05-DR-A-20-105 Rev C3;
- HR-AHR-B1-07-DR-A-20-107 Rev C3.

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The planning application fee has been calculated to be £XX, which has been paid online via. the Planning Portal.

We look forward to receiving confirmation of the application's validation. Should you have any queries please do not hesitate to contact me.

Yours sincerely,  
for RPS Consulting Services Ltd

**Nash, Jorge**  
Associate Director - Planning  
jorge.nash@rps.tetrattech.com  
+44208 232 3596