

FAO: John Nicholls
Camden Council
Planning and Building Development
5 Pancras Square
London
N1C 4AG

10th July 2024

Dear John,

Town And Country Planning Act 1990 (As Amended)
P08829 - 22 Upper Woburn Place London, WC1H OHW
Section s96a application to vary condition 3 scheduled to planning permission 2017/4663/P dated 2nd October 2017.

On behalf of the applicant, Moreland Newman (UK) Limited, we submit a Section 96a application which seeks to vary condition 3 scheduled to planning permission 2017/4663/P, namely to allow for a change of manufacture windows for the rear, sides and internal well.

The application has been submitted via the Planning Portal under the reference PP-13168995 along with the application fee.

In addition to this Planning Statement, the following information supports the application:

- Application Form
- CIL Form
- Site Location Plan
- Copy of approved plans from planning permission 2017/4663/P: Drawing Nos; 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, Design and Access Statement.
- Proposed Plan (Drawing No. MMA-402P1), prepared by Fresson & Tee Limited.

Planning History and Context

Planning Permission 2017/4663/P was granted on the 2nd October 2017 for the following:

“Replacement of all windows across all elevations to existing block of flats (Class C3).”

Accordingly, permission was granted subject to the following relevant condition:

Condition 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002,003, 004, 005, 006, 007, 008, 009 and 010

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

Following approval of 2017/4663/P a Non-Material Amendment (2022/0559/P) was granted on 28th June 2022.

OLD CHURCH COURT, CLAYLANDS ROAD, LONDON SW8 1NZ

T 020 7556 1500 / www.rolfe-judd.co.uk

Rolfe Judd Holdings Limited. Registration No.4198298 / Rolfe Judd Architecture Limited. Registration No.1439773 / Rolfe Judd Planning Limited. Registration No.2741774
Registered at the above address

This S96a application was sought “to change the manufacture of the windows for the rear, sides and internal wells as granted under planning permission reference 2017/4663/P”.

As part of this application the originally approved drawing no. 009_Window details was replaced with “20220201 Endsleigh Court Product Proposal R1”. The replacement drawing/document detailed the specifications of different manufactured windows (58BW ST Steel replacement system) and where these windows were to be installed across building.

Application Proposal

The applicant is presently undertaking refurbishment works to improve the quality and attractiveness of the office accommodation to a future tenancy. As part of this work, the applicant would like to replace the windows, particularly enabling the installation of double glazing. It is not however entirely clear whether the relevant windows were part of the 2017 consent given that the description of development was for the replacement of all windows on the elevations but a corresponding plan for the applicant’s windows has not been identified.

Subsequently, this proposal seeks to clarify approval for the installation of the aluminium (58BW ST Steel replacement system) windows on the relevant elevations of the property thus enabling the windows to be upgraded in-line with the other facades of the building.

The replacement document (20220201 Endsleigh Court Product Proposal R1) included the marked up elevations shown below, that confirm that elevation F has permission for the aluminium windows approved under 2022/0559/P.



Figure 1: Drawing 008 included in 20220201 Endsleigh Court Product Proposal R1

As confirmed in the informative 1 of decision notice of the NMA (2022/0559/P) the original consent (2017/4663/P) was part implemented with the front elevation (elevation A shown in figure 1) windows being replaced. It is understood from a site visit undertaken on 20th June 2024, that windows along the relevant elevations E and F were replaced with the relevant window details as approved in accordance with the relevant permissions.

As the proposed windows are similar in appearance the unified appearance between the proposed and upper floors will remain. Furthermore, the windows located on the lightwell elevations will not be visible from longer views and will only be seen from limited windows in Endsleigh Court.

This s96A application seeks to amend condition 3 to approve the elevations shown in drawing no.MMA-402P1. For ease of reference, we would suggest that condition 3 is reworded as:

“The development hereby permitted shall be carried out in accordance with the following approved plans: 001,002, 003, 004, 005,006, 007, 008, window details 1-20, 010, Design and access Statement, and drawing no.MMA-402P1”.

Non-material Amendment Considerations

As detailed within the National Planning Practical Guidance, there is no statutory definition of ‘non-material’ as it is deemed to be very much dependent upon the context of each scheme – an amendment that is non-material in one context may be material in another. Whilst the local planning authority (LPA) must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A of the TCPA 1990, LPA’s are encouraged to take a pragmatic and reasonable approach to ensure the delivery of development.

Further to the above and whilst recognised as not being a statutory definition, the then Department of Communities and Local Government (DCLG) (now Department for Levelling Up, Housing and Communities) issued guidance on the determination of non-material amendments in 2009 following the introduction of S.96A into the TCPA 1990. The guidance stated that the following should be considered when determining a non-material amendment:

- The proposed change would be inconsequential in terms of its scale (magnitude, degree etc.) in relation to the original approval;
- The proposed change would not result in a detrimental impact either visually or in terms of amenity;
- The interests of any third party or body who participated in or were informed of the original decision would not be disadvantaged in any way;
- The amendment would not be contrary to any policy of the LPA; and
- The development’s red line boundary would remain unchanged.

The proposed amendments are non-material in nature and do not have any material impact on the land use operation or visual amenity of the property. The proposed amendments to the internal well of the light well will not materially alter the physical manifestation of the overall approved development under 2017/4663/P. It should also be noted that the proposed alteration cannot be seen from street level or from longer views across the property. The works also fall under the description of development of the original consent given that ‘all elevations’ were identified to have their windows replaced. Therefore, the proposed amendments are non-material.

Heritage

The proposed alterations to internal lightwell are not visible from street level or across longer views and therefore do not impact upon the Bloomsbury Conservation Area or the setting of the adjacent listed buildings.

Furthermore, the proposed replacement windows will closely match the window installed under 2017/4663/P and the existing windows in place. The proposed windows are considered to cause no detrimental impact on either the character or appearance of the Bloomsbury Conservation Area. This is confirmed in the decision notice of 2017/4663/P, with informative 1 stating that the reason for granting permission was because "*The proposed windows sit in the existing openings and match the existing form of casement openings and general fenestration. As such the replacement is not considered to be detrimental to the character of the building or that of the wider conservation area*".

As with the original planning application, the proposed alterations are in compliance with the NPPF and Camden Local Plan Policies D1 (Design) and D2 (Heritage). There is no material change in the planning assessment as a result of the proposed.

Summary

The proposed amendments to the lightwell elevations are *de-minimis* and will have a neutral impact on the character and appearance of the conservation area and surrounding heritage assets whilst delivering environmental enhancements to the host property and improving the borough's office stock.

We trust that the submitted information is sufficient to validate our clients application and we look forward to a swift and positive outcome. Should you have any questions or wish to arrange a site visit, please do not hesitate to contact the undersigned.

Yours faithfully,

Ellis Heath

Ellis Heath BSc (Hons) MA
Planner
Rolfe Judd Planning Limited