

Christopher Smith  
Regeneration and Planning  
London Borough of Camden  
5 St Pancras Square  
London  
N1C 4AG

**11 September 2024**

Dear Christopher,

**Morrisons Superstore and Petrol Filling Station, Camden Goods Yard, Chalk Farm Road, London, NW1 8EH (*the Site*)**

**Application pursuant to S96A of the Town and Country Planning Act 1990 (as amended) for a non-material amendment to Planning Permission 2022/3646/P dated 29 March 2023.**

We, St George West London Ltd, write to you in respect of the Site and submit an application pursuant to S96A of the Town and Country Planning Act 1990 (as amended) (*the 1990 Act*) for a non-material amendment to planning permission 2022/3646/P granted 29 March 2023.

This application has been submitted through the planning portal on 2 September 2024 reference **PP-13364881**.

This NMA seeks to make the following changes to the Planning Permission:

- Item 1 Minor amendment to the approved description of development
- Item 2 Minor ground floor fenestration detail and internal layouts to Block A relating to resident facilities, workshops and back of house areas.

**1. Enclosed Information**

1.1 Alongside this covering letter, the following set of documents are submitted in support of this application:

- Completed Application Form
- Existing Site Location Plan
- Approved Plans
- Proposed Plans

**2. Planning Background**

2.1 Planning permission was granted for the Site on 15th June 2018 (ref: 2017/3847/P) (***the Original Permission***).

2.2 The Original Permission was varied pursuant to S96A of the Town and Country Planning Act 1990 (***1990 Act***) on 6 February 2019 and 4 July 2019 under references 2019/0153/P and 2019/2962/P respectively.

- 2.3 On 24 December 2019, the description of development (DoD) was amended pursuant to S96A of the 1990 Act (ref: 2019/6301/P) **(the First DoD S96A)**.
- 2.4 Following the grant of the First DoD, planning permission was granted on 5 May 2020 a S73 application (ref: 2020/0034/P) was granted approval for variation of Condition 4 (approved drawings) for redevelopment of the Petrol Filling Station site and main supermarket site; namely for a single storey temporary food store on the Petrol Filling Station site with associated parking, servicing, access and landscaping **(the First S73 Permission)**.
- 2.5 Following the grant of the First S73 Permission, on 9 July 2020 the description of development was amended pursuant to S96A of the 1990 Act (ref: 2020/2786/P) **(the Second DoD S96A)**.
- 2.6 As part of the Second DoD S96A, the relevant storey heights, unit numbers and floorspace figures were added to the first S73 Permission as a new Condition 73.
- 2.7 Following the grant of the Second DoD S96A, planning permission was granted on 3 December 2020 pursuant to S73 of 1990 Act (ref: 2020/3116/P) to vary Conditions 3 (approved drawings) and 73 (number and mix of residential units) of the First S73 Permission (as amended by the Second DoD S96A) to allow additional storeys across buildings A, B, C and F creating 71 additional residential units, associated elevational changes, the relocation of the concierge to Block A, and alterations to basement and landscaping **(the Second S73 Permission)**.
- 2.8 Following the grant of the Second S73 Permission, on 23 February 2022, the description of development of the planning permission was amended pursuant to S96A of the 1990 Act (ref: 2022/0673/P) **(the Third DoD S96A)**.
- 2.9 A S96A non-material amendment was approved by LBC on 20 December 2022 (ref: 2022/4273/P) which made amendments to the facades and fenestration of Blocks A, B and C; relocation of substation from Block C to Block B and replacement of Block C substation with retail (Class E); alterations to roof plant enclosure and parapet of Block A; installation of 2nd lift for Urban Farm, alterations to cycle parking and internal plant, alterations to roof and south terrace balustrade of Block B.
- 2.10 Following the grant of the Third DoD S96A, planning permission was granted on 29 March 2023 pursuant to S73 of 1990 Act (ref: 2022/3646/P) to vary Conditions 3, 5, 6 (approved drawings) and 36 (PFS retail) of the Second S73 Permission (as amended by the Third DoD S96A) to make amendments to the PFS only including replacement of the petrol filling station with electric vehicle charging station, to create additional office floorspace (Class E) and remove access road; reconfiguration of plant and cycle parking **(the Third S73 Permission)**.
- 2.11 On 1 December 2023, the description of development of the planning permission was amended pursuant to S96A of the 1990 Act (ref: 2023/2596/P) **(the Fourth DoD S96A)** to the following:

*Redevelopment of petrol filling station (PFS) site to include the erection of a new building to accommodate flexible retail/food & drink floorspace (Class A1, A3 uses), Class B1 floorspace and a winter garden; with cycle parking, public space, public toilets and other associated works and highways works; all following demolition of existing petrol filling station. Use for a foodstore (Class A1 use) with associated car parking for a temporary period.*

*Redevelopment of the main supermarket site to include the erection of seven buildings (Blocks A, B, C, D, E1, E2, F) for new homes (Class C3 market and affordable) together with non-*

*residential floorspace comprising foodstore (Class A1), flexible retail/food & drink (Class A1/A3), office and workshop (Class B1a and B1c), community centre (Class D2), roof level of 'Block B' for food and plant growing/production facility including small scale brewing and distilling (Sui Generis use); with associated ancillary office, storage, education, training, cafe and restaurant activities; together with new streets and squares; hard and soft landscaping and play space; lifts; public cycle parking and cycle hire facility and other associated works, including removal of existing surface level car parking and retaining walls, road junction alterations; all following demolition of foodstore (**Current Description**)".*

### **3. Reason for this S96A application: Change to Description of Development (Item 1)**

- 3.1 St George proposes to submit a further application pursuant to S73 of the 1990 Act to amend the Third S73 Permission, which includes the removal of the 'winter garden' from the east elevation of the PFS site. This is understood to be acceptable in principle. A further S73 application is due to be submitted shortly.
- 3.2 In light of the decision in *Finney v Welsh Ministers [2019] EWCA Civ 1868*, where the Court of Appeal held that the description of development cannot be amended pursuant to S73 of the 1990 Act, the Current Description needs to be amended pursuant to S96A of the 1990 Act in order to facilitate the upcoming S73 application.
- 3.3 This approach has been taken previously for the Site (as evidenced above) and agreed with the London Borough of Camden as acceptable.

### **4. Revised Description of Development (Item 1)**

- 4.1 A proposed Revised Description of development for the Third S73 Permission is set out below with the proposed amendment in red:

*Redevelopment of petrol filling station (PFS) site to include the erection of a new building to accommodate flexible retail/food & drink floorspace (Class A1, A3 uses), Class B1 floorspace ~~and a winter garden~~; with cycle parking, public space, public toilets and other associated works and highways works; all following demolition of existing petrol filling station. Use for a foodstore (Class A1 use) with associated car parking for a temporary period.*

*Redevelopment of the main supermarket site to include the erection of seven buildings (Blocks A, B, C, D, E1, E2, F) for new homes (Class C3 market and affordable) together with non-residential floorspace comprising foodstore (Class A1), flexible retail/food & drink (Class A1/A3), office and workshop (Class B1a and B1c), community centre (Class D2), roof level of 'Block B' for food and plant growing/production facility (Sui Generis use); with associated ancillary office, storage, education, training, cafe and restaurant activities; together with new streets and squares; hard and soft landscaping and play space; lifts; public cycle parking and cycle hire facility and other associated works, including removal of existing surface level car parking and retaining walls, road junction alterations; all following demolition of food store (**the Revised Description**).*

### **5. Minor Changes to Block A Plans (Item 2)**

In pre-application discussions 1 August 2024, St George took officers through a proposed non-material changes to floor layouts on Level 00 and 00 Podium in Block A and the north west and south east elevations. The proposals are summarised below:

**5.1 Level 00:**

- 5.1.1 Residential and commercial bin stores improved to fit the new layout following an operational review.
- 5.1.2 Concierge store area added.
- 5.1.3 Door between plant and bike store added to enable servicing and maintenance.

**5.2 Level 00 Podium:**

- 5.2.1 Concierge desk moved from rear of Block A to the front of Block A providing a single consolidated point of service for resident facilities and concierge services.
- 5.2.2 Minor repositioning of the resident entrance front door off Stephenson Street more closely aligned with the original CGY permission.
- 5.2.3 Insertion of means of escape access to rear at ground floor between the first two workshops.
- 5.2.4 Increase in workshop unit floor area by c. 40 sqm due to the relocation of the concierge.

**5.3** The proposed layout alterations and use of the spaces are minor amendments to the consented scheme which maximise the use of space and improve access for residents and the concierge team.

**5.4** The rationale for the required change is as follows:

- 5.4.1 The relocation of the concierge desk to the rear of Block A will enable residents to have one single entry point for both the concierge and resident's facilities off the north elevation from Stephenson Street.
- 5.4.2 The minor re-positioning of the resident entrance front door off Stephenson Street will improve internal circulation and visibility for accessing the concierge and resident's facilities in Block A.
- 5.4.3 Under Part B fire regulations, we are required to provide a secondary means of escape and therefore a fire escape corridor is required to be inserted at the ground floor between the first two workshops.
- 5.4.4 The relocation of the concierge provides the opportunity to increase the size of one of the workshops by c. 40sqm with resulting socio economic benefit due to providing more floor space for SMEs to operate from within. The number of workshops remain three in number, however a wider range of sizes for workshop occupiers will be provided.

**5.5** The principle of the proposed changes were discussed and agreed in pre-application discussions on 1 August 2024.

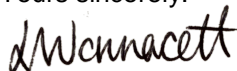
5.6 The following table sets out the consented and proposed plans submitted in this application:

Drawing Title	Drawing Number	
	Approved	Proposed
Block A – Level 00	13508-AR-A1_2-L00-00-100 (Rev P02)	13508-AR-A1_2-L00-00-100 (Rev P03)
Block A – Level 00 Podium	13508-AR-A1_2-L00-00-101 (Rev P02)	13508-AR-A1_2-L00-00-101 (Rev P03)
Block A – North West Elevation	13508-R-A1_2-E-NW-04-141 (Rev P02)	13508-R-A1_2-E-NW-04-141 (Rev P03)
Block A – South East Elevation	13508-SR-A1_2-E-SE-04-142 (Rev P02)	13508-SR-A1_2-E-SE-04-142 (Rev P03)

This application has been submitted electronically, payment of the £293 + VAT application fee has been made via the Planning Portal. We trust that the above and enclosed documents are in order and would be grateful if you could confirm as such, as well as confirming receipt of this letter and enclosures at the earliest opportunity.

Should you have any queries please do not hesitate to contact me [lucy.wonnacott@stgeorgeplc.com](mailto:lucy.wonnacott@stgeorgeplc.com)

Yours sincerely.



**Lucy Wonnacott**  
 Assistant Land and Planning Manager  
 St George plc