

**VIA EMAIL**

**Our ref: Euston TE/COM-0007834/MBFP**

**Date: 16/12/2024**

**The Chief Planning Officer  
Planning Solutions Team Planning & Regeneration  
London Borough of Camden Council  
2nd Floor  
5 Pancras Square  
Camden Town Hall  
London  
N1C 4AG**

**For the attention of Alex Kresovic**

Dear Sirs,

**Cellnex UK / Virgin Media 02**

**Development at: Euston TE, Euston Road, Camden, London, NW1 2BH. (Cellnex site ref: COM-0007834 Project ref: COM-0007834)**

**Section 96A of the Town and Country Planning Act 1990**

**Non-material amendment to planning permission in relation to approved application 2023/3933/P**

We refer to the above planning permission dated 21/12/2023 and approved NMA 2024/2366/P dated 26/04/2024.

**Non-Material Amendment Considerations**

Following a grant of planning permission, it may become necessary to make amendments to the permission. Where these are minor changes that do not materially alter the development as a whole, they may be classed as non-material variations; i.e. a further planning application is not required. Where any more significant changes are proposed that materially alter a development, a new application would be required.

As per section 96a of the Town and Country Planning Act 1990, local planning authorities are granted the power to make non-material amendments to existing planning permission, without requiring the submission of a new planning application.

The legislation states:

"A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material"

And;

"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted".

National Planning Practice Guidance: Flexible Options for Planning Permissions (2014) states that there is no statutory definition of 'non-material'. This is because there cannot be a set of prescriptive rules to what is or is not "material", as each case is different and must be considered on its individual merit. As such, it is the responsibility of each local planning authority to determine the definition on 'non-material'. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A.

A judgement on "materiality" in any particular case, should be one of fact and degree, taking into account the likely impact of the amendment on the local environment. Materiality should be considered against the development as a whole, not just part of it. Additionally, the basis for forming a judgement on materiality is always the original planning permission, with the cumulative effects of any previous amendments also being assessed against any original permission.

Please find attached drawings from the previous NMA 166657-03-100-MD026-Previous NMA Site Plan Proposed, 166657-03-150-MD026-Previous NMA NE Elevation Plan Proposed, 166657-03-150-MD026-Previous NMA NW Elevation Plan Proposed, 166657-03-150-MD026-Previous NMA SE Elevation Plan Proposed, 166657-03-150-MD026-Previous NMA SW Elevation Plan Proposed We have further attached revised drawings 166657-03-100-MD028-New Site Plan Proposed, 166657-03-150-MD028-New Elevation Plan Proposed.

Proposed which show the proposed revisions to the equipment:

The proposed amendment to the approved permission comprises the movement of steel grillage due the rooftop supporting beams were not suitable from the initial NMA and the steel grillage must now be moved to a suitable location. This is following the previous NMA that was approved on 26<sup>th</sup> of April 2024.

As can be seen on the amended plans, there would be no impact on the antenna heights changing as shown with the heights remaining at 28.115m.

In this instance, having assessed the proposed changes to that of the extant permission, it is considered that the proposal would constitute a Non-Material Amendment, as the changes would:

- be within the original application site boundary
- not require the imposition of additional planning conditions in order to make it acceptable
- not require any further neighbour notification to that of the extant permission
- not conflict with a change to the originally approved scheme, or conditions attached to the original planning permission which were required to mitigate a material impact identified through third-party representations made on the original proposal
- still comply with the relevant development plan policies against which the original proposal was assessed and would not require any further policies to be introduced as a result of the amendment.
- not compromise the overall design and appearance.

- see no material impact on any neighbours or other statutory and non-statutory bodies, with the resulting scheme remaining within the description of development on the decision notice
- not alter the nature or description of the development

On this basis we therefore seek this minor change as a non-material amendment under the provisions of S96A of the Town and Country Planning Act 1990, as amended. We hereby enclose:

- (i) The relevant number of the completed non-material amendment forms;
- (ii) Payment of relevant fee via planning portal
- (iii) Landowner notification
- (iv) ICNIRP

If you require any additional information to help you determine if the proposed amendment is non-material, then please do not hesitate to make contact.

We would appreciate your earliest written agreement to this matter, particularly given the importance of this site to the operator, and within the 28 days prescribed by The Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended. Please do not hesitate to contact the below to discuss any aspects of this letter or the plans in more detail.

Yours faithfully

*J. Hafiz*

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**On behalf of Cellnex UK**