

**Our ref:** Q210508  
**Your ref:**  
**Email:** daniel.rosson@quod.com  
**Date:** 17<sup>th</sup> December 2024



Miriam Baptist  
London Borough of Camden  
2<sup>nd</sup> Floor  
5 Pancras Square  
King Cross  
London  
N1C 4AG

Dear Miriam,

## **CAMDEN GOODS YARD, MORRISONS SUPERSTORE AND PETROL FILLING STATION, CHALK FARM ROAD, LONDON, NW1 8EH**

### **APPLICATION FOR NON-MATERIAL AMENDMENT UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

On behalf of Berkeley St George ('the Applicant'), please find enclosed an application for a non-material amendment ('NMA') to Planning Permission ref. 2022/3646/P pursuant to Section 96A of the Town and Country Planning Act 1990 (as amended).

Planning Permission ref. 2022/3646/P is subject to a Section 106 Legal Agreement dated 29<sup>th</sup> March 2023, and the Decision Notice (See Appendix 1) attached a total of 74 planning conditions.

This NMA application seeks to remove Condition 70 (Temporary Foodstore (Phase 1a): Duration), which limits the duration of the temporary foodstore to 50 months from first occupation. If the London Borough of Camden (LBC) are minded to approve planning application ref. 2024/4324/P, which seeks to extend the duration of the temporary foodstore from 50 months to 75 months, the deletion of Condition 70 is necessary to avoid any potential planning condition breaches.

The following documents are submitted in support of this NMA application:

- Completed Application Form and Completed Article 10 Notice;
- Site Location Plan (ref. 1095\_00\_07\_001 (Rev P2)) and;
- This Covering Letter

The fee of £363.00 (incl. Service Charge and VAT) to cover the requisite planning application fee has been paid online via the Planning Portal under reference PP-13612113.



## Planning History

On 15 June 2018 full planning permission (ref: 2017/3847/P) was granted (the “Original Permission”) for the redevelopment of the 3.26 hectare site known as Camden Goods Yard, located off Chalk Farm Road.

Subsequently, a S96a non-material amendment was approved by Camden Council on 6th February 2019 (2019/0153/P). This altered the wording of Conditions 47, 48 49 to split out the requirements from these conditions into the PFS and Main Site.

On 5 May 2020 a Section 73 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. This planning permission for the temporary supermarket which inserted a phase (Phase 1a) enabling the acceleration and delivery of the CGY scheme. This phase is pertinent to the proposed changes in this application.

On 3 December 2020, a Section 73 application (ref: 2020/3116/P) was granted for variation of Conditions 3 (approved drawings) and 73 (number and mix of residential units) of planning permission 2020/0034/P for 71 additional homes.

On 20 December 2022, a S96a non-material amendment (ref: 2022/4273/P) was approved which included amendments to 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.

On 29 March 2023, a Section 73 application (ref: 2022/3646/P) was approved which included amendments to the PFS site only: Replacement of petrol filling station with electric vehicle charging station; increase in height and footprint to create additional Office floorspace (Class E) and remove access road; reconfiguration of plant and cycle parking.

A planning application (ref. 2024/4323/P) was validated on 11th October 2024 which seeks permission to extend the temporary use of the Morrisons retail foodstore on the Petrol Filing Station parcel from 50 to 75 months. Whilst it is yet to be determined, it is pertinent to the context of this application.

## Proposed Changes

The wording of Condition 70 (Temporary Foodstore (Phase 1a): Duration) pursuant to planning permission (2022/3646/P) currently states:



*“The use of the temporary foodstore hereby permitted shall be discontinued, on or before 50 months from the date of occupation”.*

*This NMA application proposes to delete Condition 70 from the Decision Notice subject to approval of application ref. 2024/4323. It is envisaged that a condition should be attached to the new application ref. 2024/4323/P which controls the duration of the temporary store up to 75 months. This will provide continuity in approach stipulating the permitted duration of the Morrisons Temporary Store which has been implemented and opened in February 2021.”*

## **Non-Material Amendments**

Section 96a of the Town and Country Act 1990 (as amended) confirms that:

*“a local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. 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. The power conferred by subsection includes power (a) to impose new conditions; and (b) **to remove** or alter existing conditions.”* (our emphasis in **bold** and underlined).

Furthermore, the National Planning Practice Guidance (NPPG) advises that there is no formal definition of a non-material amendment and explains:

*“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.”*

The change the subject of this NMA is simply a procedural point to ensure there is no conflict between the extant planning permission (ref. 2024/4323/P) and, subject of approval of application ref. 2024/4323/P in respect of a planning condition which controls the duration of the temporary foodstore.

No changes are proposed to the design or quantum of development and therefore the planning analysis and conclusions remain the same.

## **Conclusion**

We trust that the enclosed information provides you with all the information you require to approve this NMA application, and we look forward to receiving confirmation of receipt and validation in due course.



Yours sincerely,

Daniel Rosson  
Senior Planner

enc.

cc.



## Appendix 1 – Decision Notice (2022/3646/P)