

28th January 2025

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Dear Sir/Madam

**17-37 WILLIAM ROAD, LONDON, NW1 3ER
APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF. 2020/5473/P**

On behalf of our clients, Euston One Limited, Euston Two Limited, and William Road Properties Limited, please find enclosed an application submitted under Section 96a of the Town and Country Planning Act 1990 to amend planning permission reference 2020/5473/P relating to the redevelopment of 17-37 William Road, London, NW1 3ER (hereafter referred to as 'the Site').

Planning permission was granted via appeal in April 2023 (ref. 2020/5473/P) for the following ('the Consented Development'):

"Demolition (of No. 35-37) and redevelopment to provide a 15 storey (plus basement) building for use as student accommodation with affordable workspace (No. 17-33 Ground floor) and associated works."

The Consented Development has not yet been subject to any amendments and has not yet been implemented.

Proposed Amendments

This non-material amendment application ('the Application') proposes a series of minor amendments to the Consented Development ('the Proposed Amendments') which are principally required to address fire safety issues and legal title matters. The Proposed Amendments are minor in nature and will help to optimise the delivery of the Consented Development so that its recognised benefits can be delivered. A summary of the Proposed Amendments is set out below.

- **Minor internal and external alterations to the ground floor layout** – Alterations to the consented ground floor layout to address legal title issues. The proposed ground alterations will result in a minor reduction to the consented affordable workspace area from 1,212sqm (as per consented drawings) to 1,092sqm, comprising a negligible reduction of 9%. The proposed amendments will allow for the bin store to be retained in its existing location, addressing concerns raised by residents during the public inquiry. Externally, the materiality and architectural approach is to remain as consented.



- **Minor alterations to the circulation core and internal layouts** – Alterations to the circulation core and internal layouts to accommodate latest fire safety principles and introduce new student accommodation unit typologies and layouts. The alterations will result in a minor increase in student bedspaces from 206 beds to 225 beds. The total number of bedspaces will remain below the 239 bedspaces originally proposed.
- **Minor elevational alterations** – A series of minor elevational changes to accommodate the proposed internal alterations. The building height, architectural approach and materiality will remain as consented.

The Application is supported by a Design and Addendum Statement which provides a detailed overview of the Proposed Amendments.

Proposed Drawings

The Application seeks to supersede the original consented drawings with the following proposed drawings found in the table below:

Drawing Title	Consented Drawing No.	Proposed Drawing No.
Proposed Ground Floor Plan A	A295-MCO-BA-G0-DR-A-01100 R02	24156-56T-P4-00F-D-A-001
Proposed Ground Floor Plan B	A295-MCO-BB-G0-DR-A-01099 R02	24156-56T-P4-00F-D-A-002
Proposed Level 01-03 Floor Plan	A295-MCO-BA-01-DR-A-01101 R02	24158-56T-P4-01F-D-A-001
Proposed Level 04-05 Floor Plan	A295-MCO-BA-04-DR-A-01104 R02	24158-56T-P4-04F-D-A-001
Proposed Level 06-07 Floor Plan	A295-MCO-BA-06-DR-A-01106 R02	24158-56T-P4-06F-D-A-001
Proposed Level 08-13 Floor Plan	A295-MCO-BA-08-DR-A-01107 R02	24158-56T-P4-08F-D-A-001
Proposed Level 14 Floor Plan	A295-MCO-BA-14-DR-A-01114 R02	24158-56T-P4-14F-D-A-001
Proposed Roof Plan	A295-MCO-BA-15-DR-A-01115	24158-56T-P4-RFF-D-A-001
Proposed Basement Floor Plan	A295-MCO-BA-B0-DR-A-01091 R02	24158-56T-P4-B1F-D-A-001
Proposed Section AA	A295-MCO-XX-ZZ-DR-A-01301	24158-56T-P5-S01-D-A-001
Proposed Section BB	A295-MCO-XX-ZZ-DR-A-01302	24158-56T-P5-S02-D-A-001
Proposed Lower Level Bay Elevations & Sections	A295-MCO-BA-ZZ-DR-A-21101	24158-56T-P5-S03-D-A-001
Proposed Upper Level Bay Elevations & Sections	A295-MCO-BA-ZZ-DR-A-21102	24158-56T-P5-S04-D-A-001
Proposed North Elevation	A295-MCO-XX-ZZ-DR-A-01210 R02	24158-56T-P6-E01-D-A-001
Proposed West Elevation	A295-MCO-XX-ZZ-DR-A-01211	24158-56T-P6-E02-D-A-001
Proposed South Elevation	A295-MCO-XX-ZZ-DR-A-01212	24158-56T-P6-E03-D-A-001
Proposed East Elevation	A295-MCO-XX-ZZ-DR-A-01213	24158-56T-P6-E04-D-A-001



Assessment of Non-Material Amendment

Section 96a of the Town and Country Planning Act 1990 ('TCPA') allows for an LPA to grant changes to be made to any planning permission relating to land within their area so long as they are satisfied that the change is not material. Sub-section (2) of s96A states that *"in deciding whether a change is non-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."*

There is no statutory definition of 'non-material' as the materiality of any proposed amendments are dependent on the context of the overall permission to which the amendment is sought, and a consideration of any previous changes already consented.

The Planning Practice Guidance (PPG) 'Flexible options for planning permissions' identifies options for amending proposals that have planning permission. The guidance also sets out that there is no statutory definition of what constitutes a 'non-material' amendment as the level to which an alteration is material is dependent on the context of the overall scheme and how it relates to the original planning permission. The Guidance identifies that what may be non-material in one context may be material in another and therefore, it is for the Local Planning Authority to determine whether the amendment sought is non-material, under Section 96A of the TCPA 1990 (Paragraph: 002 Reference ID: 17a-002-20140306).

Here the context of the Proposed Amendments is the Consented Development, which is a major development delivering over 85,000 sq.ft of new floorspace across 15 storeys. The Proposed Amendments are minor in nature and primarily relate to internal layouts. Where external alterations are proposed, these would have a negligible impact on the external appearance of the Consented Development. As the Consented Development was originally assessed on the basis of 239 student bedspaces, the proposed increase to 225 bedspaces would not result in any material change to the conclusions set out in the original technical assessments and documentation which support the Consented Development. A schedule assessing the changes is included in Schedule 1 of this letter.

It is therefore considered that the Proposed Amendments are non-material in this instance.

Planning Submission

In addition to this covering letter, the following submission documents accompany the Application:

- Completed Non-Material Amendment Application Form, prepared by DP9;
- Consented and Proposed Drawings, prepared by Morris + Company and 56 Three Architects;
- Design and Access Statement Addendum, prepared by 56 Three Architects.

Please note a payment of £363 (including VAT and service charge) has been made online.

We trust this application can be duly registered and validated. Should you have any further questions, please do not hesitate to contact Emma Hardy or David Shiels of this office.

Yours faithfully,

DP9 Ltd.

DP9 Ltd.
Encs.



SCHEDULE 1 – ASSESSMENT OF PROPOSED AMENDMENTS



Proposed Amendment	Planning Consideration	Assessment
Increase in PBSA bedspaces from 206 to 225 bedspaces.	Principle of proposed increase in bedspaces	The proposed increase in bedspaces represents a 9% increase to the total number of bedspaces. However, crucially, the proposed increase to 225 bedspaces remains below the 239 bedspaces which the application originally proposed. The reduction to 206 bedspaces was introduced prior to the public inquiry however, all submission documents (which form the approved documents) still assess the scheme based on a 239 bedspace proposal. The impacts of more than 225 bedspaces have already been considered in the approved documents, and the change should therefore be considered non-material.
	Transport matters	The approved Transport Statement and other related transport documents assessed the scheme based on 239 bedspaces and deemed the proposal to be acceptable in transport terms. As a result, 225 bedspaces should still be considered acceptable in this regard. The proposed cycle parking provision remains London Plan compliant.
Provision of bedspaces at ground floor level.	Principle of ground floor bedspaces	The proposed amendments include the provision of two units at ground floor level. These units are not street facing and instead face onto the ground floor amenity area. To provide sufficient privacy, it is proposed to provide screening to the windows serving these units (similar to the windows subject to condition 10 of the planning permission). Alternatively, the communal amenity space could be subdivided to provide private amenity space for both ground floor units.
Minor internal and external alterations to the ground floor layout.	Design	Alterations to the consented ground floor layout are required to address legal title issues and would have minimal impact on the consented design.
	Relocation of bin store	The proposed amendment will allow for the bin store to be retained in its existing location, addressing concerns raised by residents during the public inquiry. In any case, condition 36 requires details of a revised refuse store location.
Minor reduction to the consented affordable workspace area from 1,212sqm to 1,092sqm.	Principle of proposed reduction	The proposed changes to the ground floor would result in a negligible reduction to the consented affordable workspace provision (9%), which is considered to be non-material in this instance.
Minor changes to elevations	Design	The proposed external alterations will maintain the same architectural approach and materiality. There would be no changes to the consented height or massing.
	Townscape	The proposed external alterations have been assessed and are considered to have a negligible impact in townscape terms.