

DWG/JT/DP2581

22<sup>nd</sup> May 2013

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**FAO: Mr Conor McDonagh**

Dear Mr Conor McDonagh,

**UCL HOWLAND STREET SITE, 46 CLEVELAND STREET, LONDON, W1P 4JF**  
**PLANNING PERMISISON REFERENCE: 2011/1944/P**

#### **APPLICATION FOR A NON-MATERIAL AMENDMENT**

We write on behalf of our client, UCL Estates, and in connection with Condition 5 of planning permission 2011/1944/P.

Permission 2011/1944/P was granted planning consent on the 31<sup>st</sup> August 2011. This permission was subject to a number of conditions, including Condition 5 relating to the colonnade ceiling art and the west elevation imagery art panel.

We propose to amend the wording of this condition by removing the reference to the west elevation. This is considered necessary as the proposed imagery panel for the west elevation is a departure from what condition 5 was originally intended. It was therefore agreed in our previous correspondence that a stand alone full planning application for a piece of public art is required for this element. This is considered necessary because such an image may impact upon the residential amenity opposite, consultation should therefore be undertaken on the proposal.

We therefore propose the following revised wording of Condition 5 as agreed with Officers:

*Prior to installation of the colonnade ceiling art ~~and the west elevation imagery art panel~~, full details including plans, elevations, sections (all at 1:20 scale) and method of illumination of all art and signage and content shall be submitted to the Local Planning Authority for approval in writing. The relevant parts of the works shall be carried out in accordance with the details thus approved and retained and maintained as such thereafter.*

The Town and Country Planning Act 1990 (as amended) Section 96A (1) states that *"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 (2) 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 proposed changes to the approved planning permission should therefore be assessed on the effect of the specific change and whether its effects are sufficient enough to deem the change as material. The proposed amendment to the wording of Condition 5 is considered to be a non-material change as the change does not impact upon the intent of the condition and still requires the installation of the colonnade ceiling art to be regularised via condition whilst allowing full details of the west elevation imagery art panel to be assessed via a full detailed application

As such we seek the approval of the non-material change to the wording of Condition 5 of the approved planning permission 2011/1944/P as detailed above under Section 96A of the Town and Country Planning Act (as amended).

The following material accompanies this letter and collectively comprises this application:

- Completed application form for a non-material amendment; and
- A cheque for £195 made payable to the London Borough of Camden.

We trust that the accompanying material is in order and look forward to confirmation that the application has been registered. Should you have any queries regarding the enclosed documents, please contact Jenny Turner or David Graham at the above office.

Yours sincerely,

DP9

**DP9**

Encs.