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Date 21 July 2016  
Our ref 15199/MH/TB/11852432v2  
Your ref PP-05336304

Dear Zenab

**London Borough of Camden: 12 Elsworthy Road, London, NW3 3DJ – Non Material Amendment Pursuant to Planning Permission ref. 2012/4744/P**

On behalf of our client, Jonathan Hilliard, please find enclosed a Section 96a application for a non material amendment to vary the wording of Conditions 5, 7 and 8 pursuant to planning permission ref. 2012/4744/P, at 12 Elsworthy Road, London NW3 3DJ.

The application comprises the application form and this cover letter. The Council's application fee of £28 has been paid online via the planning portal. The fee has been determined in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended).

**Background**

Planning permission was granted on 20 August 2013 (ref. 2012/4744/P) for:

*"Enlargement of existing cellar to create a new basement storey, including creation of a front lightwell and a sunken courtyard to the rear, extension to existing rear raised terrace and erection of a conservatory at rear ground floor level (following removal of the existing conservatory), all in connection with existing single family dwellinghouse (Class C3)."*

The permission was granted subject to 9 conditions. Condition 1 required development to commence within three years of the date of permission. The planning permission therefore expires on 20 August 2016.

An application was submitted in May 2015 (ref. 2016/2269/P) to discharge the pre-commencement conditions comprising:

- 1 Conditions 5 'Chartered engineer';
- 2 Condition 6: 'Construction Method Statement, construction detailed designs and calculations';



- 3 Condition 7 'Site investigation tests, final engineering drawings, ground movement/heave analysis and temporary works drawings'; and
- 4 Condition 8 'CCTV survey of existing drainage'.

Revised information was submitted to the Council on 17 and 20 June 2016. The information submitted to discharge Condition 7 is subject to an independent review by Campbell Reith on behalf of the Council. The timescale for this review process has become protracted and the conditions may now not be dealt with prior to the expiry date for the planning permission.

### Proposed Non Material Amendment

Accordingly, this S96a application seeks to amend the wording of Conditions 5, 7 and 8 to allow development to commence prior to the discharge of the conditions in line with the approach taken for Condition 6. It is therefore proposed that the wording of the conditions is altered to require the details to be discharged prior to the commencement of **basement** works on site. In turn this will allow the commencement of development via the demolition of the existing conservatory (as identified in the description of development), which is not subject to the details required by the conditions.

To assist we set out below proposed revised condition wording (additions in bold):

- 1 Condition 5: "**Works directly associated with the construction of the basement** hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to supervise the construction works ~~throughout their duration~~, in accordance with the recommendations of the structural engineering details hereby approved. The appointment shall be confirmed in writing to the Council prior to the commencement of **works directly associated with the construction of the basement**. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works."
- 2 Condition 7: "**Prior to the commencement of works directly associated with the construction of the basement** the following information shall be submitted to and approved by the Council.
  - (a) The results of the proposed site investigation and laboratory testing to check for desiccation and the estimation of possible movement based thereon;
  - (b) The final engineering design drawings, including any resultant changes;
  - (c) The ground movement/heave analysis: and
  - (d) Temporary works design drawings and details.

*The relevant part of the works shall be carried out in accordance with the details thus approved.*

- 3 Condition 8: "**Prior to the commencement of works directly associated with the construction of the basement**, a CCTV survey of the existing drainage system, including any further investigation of leaks shall be submitted to the Council and approved. Any defects that are found as a result of this investigation shall be made good, including any possible voids created by wash out of the ground prior to any underpinning works."



Given the small scale nature of the proposed change to the wording of the conditions, to allow commencement prior to the expiry of the permission, it has been agreed with the Council that this amendment can be processed by way of a Section 96A application. This is in line with the Town and Country Planning Act (1990) under S.96A (1) which states that a local planning authority may make a change to planning permission relating to land in their area if they are satisfied that the change is non-material. Under S.96A(3) this includes the power to (a) impose new conditions; and (b) **remove of alter existing conditions.**

We trust that we have provided you with sufficient information to validate and approve the Non Material Amendment application. Should you require any additional information or have any questions, please do not hesitate to contact me or my colleague Owain Nedin.

Yours sincerely

A handwritten signature in blue ink that reads 'Tor Barrett'.

**Tor Barrett**  
Planner

Copy

Jonathan Hilliard