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Tessa Craig
Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London WC1H 8ND

14 February 2018

Our Ref: HGHL1024
LPA Ref: 2018/0702/P

Dear Tessa,

**RE: Land at Midland Crescent, Finchley Road, NW3 6NA
S.96A of the Town and Country Planning Act 1990 (as amended)**

Further to our email exchange on 13 February 2018, please find enclosed an application made on behalf of Stadium Capital Holdings to vary the wording of conditions 9 and 21 attached to planning permission 2014/5527/P. The application fee of £234 has been paid under separate cover. Further details are set out below.

Background

On 25 March 2015, full planning permission (2014/5527/P) was granted for the mixed use redevelopment of Land at Midland Crescent, subject to 25 conditions.

The approved description of development is as follows;

Redevelopment of the site by the erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3/A4/B1/D1 & D2) at lower basement and ground floor levels, 60 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings (Class C3).

The current application seeks to vary the wording of two of the conditions, namely conditions 9 (noise and vibration) and 21 (sustainable urban drainage system) by way of a non-material amendment (S.96A application).

Section 96A of the Town and County Planning Act 1990 (as amended) ('the Act') states as follows:

(1) 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.

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(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 reason for seeking this variation is to allow implementation works to take place prior to the submission and approval of further details as specified within the aforementioned conditions. The deferment of the submission of details in respect of noise and vibration and SuDs will not compromise the nature or extent of the works to which they relate. No physical changes to the approved development will arise from the variation of these conditions.

In consideration of the above tests, it is our opinion that the proposed amendments are not material in nature and would not 'tip the balance' in the decision-making process. It is therefore entirely appropriate for Officers to consider the amendments under S.96A of the Act.

The table below sets out the approved and proposed wording of each condition side by side for ease.

Approved Wording	Proposed Wording
<p>(9) Noise and Vibration</p> <p>Prior to commencement of development, details shall be submitted to and approved in writing by the local planning authority of how the building would be constructed and fitted out in order that the noise and vibration from neighbouring railway lines and Finchley Road that would be experienced by occupiers of the development would achieve 'good' internal room noise standards in accordance with the criteria of BS8233:1999 and vibration levels will meet a level that has a low probability of adverse comment and the assessment method shall be as specified in BS 6472:2008. The development shall thereafter not be carried out other than in complete compliance with the approved scheme and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.</p> <p>Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.</p>	<p>Prior to the laying of the first basement slab, details shall be submitted to and approved in writing by the local planning authority of how the building would be constructed and fitted out in order that the noise and vibration from neighbouring railway lines and Finchley Road that would be experienced by occupiers of the development would achieve 'good' internal room noise standards in accordance with the criteria of BS8233:1999 and vibration levels will meet a level that has a low probability of adverse comment and the assessment method shall be as specified in BS 6472:2008. The development shall thereafter not be carried out other than in complete compliance with the approved scheme and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.</p> <p>Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.</p>
<p>(21) SuDS</p>	

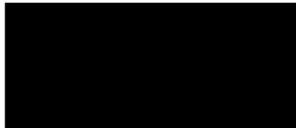


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Approved Wording	Proposed Wording
<p>Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change, demonstrating 50% attenuation of all runoff and demonstrating greenfield levels of runoff. The system shall be implemented as part of the development and thereafter retained and maintained.</p> <p>Reason: To reduce the rate of surface water runoff from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.</p>	<p>Prior to the laying of the first basement slab, details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change, demonstrating 50% attenuation of all runoff and demonstrating greenfield levels of runoff. The system shall be implemented as part of the development and thereafter retained and maintained.</p> <p>Reason: To reduce the rate of surface water runoff from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.</p>

I trust you have enough information to favorably determine this application.

Kind regards,



Elizabeth Woodall MRTPI
Senior Planner
HGH Planning