

DP4771/PEH/TH

22<sup>nd</sup> February 2018

Mr Jonathan McClue  
Regeneration and Planning  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AG

DP9 Ltd  
100 Pall Mall  
London SW1Y 5NQ

Registered No. 05092507

telephone 020 7004 1700  
facsimile 020 7004 1790

www.dp9.co.uk

Dear Jonathan,

**MOUNT PLEASANT – LAND TO WEST OF ROYAL MAIL SORTING OFFICE  
BOUNDED BY PHOENIX PLACE, MOUNT PLEASANT, GOUGH STREET AND  
CALTHORPE ST, CAMDEN, WC1**

**APPLICATION FOR NON-MATERIAL AMENDMENTS (SECTION 96A) IN RESPECT  
OF PLANNING PERMISSION REF. 2013/3807/P**

On behalf of our client Taylor Wimpey Central London (TWCL), please find enclosed with this letter an application made through Section 96a of the Town and Council Planning Act (1990) for non-material amendments to planning permission ref. 2013/3807/P relating to Condition 14.

The development permitted by planning permission ref. 2013/3807/P, granted on 30<sup>th</sup> March 2015, is as follows:

*“Comprehensive redevelopment, following the demolition of existing buildings, to construct four new buildings ranging from 5 to 15 storeys (above basement level) in height, to provide 38,724sqm (GIA) of residential floorspace (345 dwellings) (Class C3), 823sqm (GIA) of flexible retail and community floorspace (Use Classes A1, A2, A3, D1 or D2), with associated energy centre, waste and storage areas, basement level residential car parking (54 spaces), the re-provision of Royal Mail staff car parking (approx. 196 spaces) cycle parking, residential cycle parking (431 spaces) hard and soft landscaping to provide public and private areas of open space, alterations to the public highway and all other necessary excavation and enabling works”*

Non-material amendments to the permission were granted by the Council on 25<sup>th</sup> July 2017, which included minor alterations to the layout at basement level (ref. 2017/2518/P). A non-material amendment application is currently pending the Council’s consideration which concerns proposed amendments to Block A (ref. 2018/0817/P).

As set out in Planning Practice Guidance ‘Flexible options for planning permissions’, new issues may arise after planning permission has been granted, which require modification of the approved proposals. An application for non-material amendments is an option open to applicants to amend a proposal that has planning permission, providing the local planning authority is satisfied that the amendments sought are non-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 Section 96a of the Act, on the planning permission as originally granted. There is no statutory definition. Whether a proposed amendment is a non-material amendment is case specific, due to the individual nature of each development. Each scheme and proposed amendment will need to be considered on its own merits, but a general test is whether or not changes would result in the development becoming contrary to planning policies or impact upon one or more important material considerations in the determination of the application.

Non-material amendments can be used to alter the description of development and to add/delete or amend conditions. This application seeks to alter the way in which the development is controlled on the existing decision notice through amendments to Condition 14. These amendments are considered necessary to allow the flexibility envisaged in Planning Practice Guidance to ensure the decision notice is structured in such a way so as to accommodate potential new issues that may arise after planning permission has been granted.

#### Condition 14

Condition 14 currently states the following:

*“Notwithstanding the approved plans, no super-structure works on any Section shall take place until full details of the revised treatment of Phoenix Place (the road) have been submitted to and approved by the Local Planning Authority. Such details shall include section plans, inclusive design assessment, materials, planting and street furniture. Any requirements in terms of the proposed TfL quietway shall also be set out, in consultation with Transport for London and the Local Planning Authority. The works shall not be carried out otherwise than in accordance with the details thus approved. The information submitted shall accord with or be reflected in the equivalent details included within landscaping plans, lighting strategy details and CCTV/Security Lighting details to be discharged by condition.”*

Following meetings between LBC Highways Officers and the applicant on 16<sup>th</sup> October 2017 and 23<sup>rd</sup> November 2017, LBC Highways Department has confirmed they wish to undertake the detailed design of Phoenix Place themselves at a later stage of the development. It is therefore proposed to revise the wording of Condition 14 as follows to allow for this arrangement:

#### Condition 14 Proposed Revised Wording (Alterations in Red Text):

*“Notwithstanding the approved plans, no super-structure works on any Section shall take place until ~~full~~ **preliminary** details of the revised treatment of Phoenix Place (the road) have been submitted to and approved by the Local Planning Authority. Such details shall include section plans, inclusive design assessment, materials, planting, and street furniture. ~~Any requirements in terms of the proposed TfL quietway shall also be set out, in consultation with Transport for London and the Local Planning Authority. The works shall not be carried out otherwise than in accordance with the details thus approved.~~ The information submitted shall accord with or be*

*reflected in the equivalent details included within landscaping plans, lighting strategy details and CCTV / Security Lighting details to be discharged by condition.”*

The revised condition wording is supported by Planning and Highways Officers at the Council. This application is submitted to seek the Council’s confirmation that the proposed amendments are non-material and to secure approval for the revised condition wording.

We look forward to receiving confirmation of receipt and validation of the application. Should you require any further information, please contact Tom Hawkley of this office at the above address.

Yours sincerely,

DP9 Ltd

**DP9 Ltd**

Enc.