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date: 07 March 2018



London Borough of Camden
Planning Department
2nd Floor, 5 Pancras Square
c/o Town Hall,
Judd Street
London
N1C 4AG

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
96A APPLICATION TO VARY TENURE OF FOUR UNITS PERMITTED THROUGH APPLICATION REF: 2013/1969/P AT 30 CAMDEN STREET NW1 0LG
SUBMITTED ON BEHALF OF THE LONDON BOROUGH OF CAMDEN (PROPERTY SERVICES).

a) Introduction

We are instructed by our client, London Borough of Camden ("LBC"), to submit an application under Section 96A of the Town and Country Planning Act 1990 (as amended) to vary the tenure of four units (from intermediate to social rent) previously permitted through planning permission ref: 2013/1969/P.

Planning permission (ref: 2013/1969/P) was originally approved by London Borough of Camden on 30 October 2015 for the *"Redevelopment of 30 Camden Street to provide a 3-4 storey block for 14 'affordable' selfcontained flats (5x1bed, 5x2bed and 4x3bed) plus 7 carspaces behind Camden Studios. Redevelopment of 67-72 Plender Street, Bayham Place Estate garages and Richard Cobden School changing rooms on Plender St to provide two 4-5 storey blocks for a new Class D1 community centre with changing rooms, replacement Class A1 retail units and 31 'market' selfcontained flats (12x1bed, 16x2bed and 3x3bed), plus new public open space and 2 disability parking spaces next to Bayham Place"*.

This application comprises the following information in line with the Council's validation requirements:

- Application Form, duly completed;
- Council Own Development Form, duly completed;
- Planning permission ref. 2013/1969/P;
- Site Location Plan (634-AP-0001 Rev B);
- Schedule listing which four units are proposed to become social rent; and
- This supporting letter.

A cheque for £234 made payable to 'Camden Council' is also enclosed for the prerequisite application fee.

The S96A planning approval which is sought does not qualify as a "planning permission" for the purpose of the Community Infrastructure Levy Regulations 2010 (as amended). It is exempt from CIL and will not result in any chargeable development. No CIL form is therefore required with this application.

Paragraph 002 (Reference ID: 17a-002-20140306) of the Planning Practice Guidance confirms:

“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme”.

(Revision date: 06.03.2014)

As explained in further detail below, the proposed changes will not result in a materially different development from the one which has been approved (ref: 2013/1969/P).

b) Proposed Non-Material Amendment

The LBC Property Services Department are keen to ensure the development at 30 Camden Street best meets the housing needs of the residents of the borough. It is therefore proposed to make a non-material amendment to the extant planning permission (ref: 2013/1969/P) to allow four of the currently approved intermediate units to be delivered as social rent units.

The unit mix approved for 30 Camden Street under the extant planning permission (ref: 2013/1969/P) is shown in Table 1 below.

Table 1: Approved Unit Mix at 30 Camden Street (ref: 2013/1969/P)

Approved Unit Mix at 30 Camden Street (2013/1969/P)		
	Intermediate (shared ownership)	Social Rent
1 bed	1	4
2 bed	2	3
3 bed	1	3
Total	4	10

Table 2 below shows proposed tenure mix subject to this application:

Table 2: Proposed Unit Mix at 30 Camden Street

Proposed Unit Mix at 30 Camden Street		
	Intermediate	Social Rent
1 bed	0	5
2 bed	0	5
3 bed	0	4
Total	0	14

To facilitate the above tenure mix change to be made, this application seeks to amend the wording of condition 37 of planning permission (ref: 2013/1969/P) as set out below. In addition to this, the S106 legal

agreement is proposed to be updated to clarify that no Intermediate housing is now proposed at 30 Camden Street, to update the eleventh schedule and remove the fifth schedule.

The wording of condition 37 of the extant planning permission (ref: 2013/1969/P) is proposed to be amended as follows:

“The residential units at 30 Camden Street hereby approved shall be occupied and retained as such in perpetuity as Affordable Housing ~~and Intermediate Housing~~, as defined in the London Plan, and shall not be available for market sale or rent”.

The 67-72 Plender Street part of the approved development was completed in April 2016. For clarity, this application does not seek to make any amendments to the Plender Street element of the planning permission (ref: 2013/1969/P).

c) Assessment of Non-Material Amendment

This non material amendment application proposes that condition 37 and the S106 legal agreement be varied to allow the four approved intermediate (shared ownership) units to be changed to social rent tenure.

The 67-72 Plender Street phase of the development was completed in April 2016 with the 30 Camden Street phase due to be completed later this year. However, since the extant planning permission (ref: 2013/1969/P) was approved, circumstances have altered such that the approved tenure mix set out in Table 1 above no longer is the most appropriate tenure mix to meeting local housing need. The high housing need for social rented units within this area necessitates an increase of social rented units.

The decision to apply for a revised tenure mix has been driven by Camden’s identified housing need and was approved by the Community Investment Programme (CIP) Board on 5th December 2017 and the Cabinet sub-group on 18th December 2018.

Paragraph 6.124 in the Camden Strategic Housing Market Assessment (February 2016) (‘SHMA’) clarifies that the borough has seen social rent fall to just 50 units delivered in 2014/15 from a peak of 342 in 2012/13. Paragraph 3.114 in the (‘SHMA’) clarifies that:

“...the impact of on-going welfare reform is likely to see even fewer benefit recipient households in the boroughs. Meanwhile, the potential for a higher number of right to buy sales from Registered Provider properties will potentially see even fewer households have their needs met in the social rented sector”.

Paragraph 3.115 in the SHMA (2016) concludes that the impact of welfare reform is likely to enhance a number of existing changes, including:

- Social rent and affordable rent will become increasingly difficult to deliver in Central London due to changes to the level of rents which can be charged and grant funding systems; and

- The level of need for social rent will not decline as many households cannot afford existing social rents, placing greater pressure on the existing social housing stock to meet the needs of those who cannot afford to live in any other tenure.

Policy H4: 'Maximising the supply of affordable housing' in the Camden Local Plan (2017) states that the guideline mix of affordable housing types is 60% social-affordable rented housing and 40% intermediate housing which is consistent with policy 3.11: 'Affordable housing targets' in the London Plan (2016). However, given the need for social rented units and the challenges to the future delivery of such units, as identified in the SHMA and summarised above, it is considered that the net increase of four social rented units at the expense of intermediate units is appropriate in this instance. In addition, the proposed non-material amendment would deliver two additional 2-bedroom and one additional 3-bedroom social rented units which are in high demand, as identified in Table 1: 'Dwelling Size Priorities' in the Camden Local Plan (2017).

The loss of the proposed shared ownership units is considered acceptable in accordance with paragraph 3.104 in the Camden Local Plan (2017) which acknowledges that whilst intermediate housing for shared-ownership can help households into owner occupation, in Camden it is rarely possible for providers to deliver shared ownership housing that would be affordable for households with incomes close to the median household income in the borough, and highly challenging to deliver schemes meeting the income thresholds set out in the London Plan (2016).

The Viability Assessment submitted in support of the original planning application (ref: 2013/1969/P) demonstrates that the development presented the maximum reasonable amount of affordable housing. The proposed amendments to tenure will not have improved the viability of the scheme and therefore it is considered that the amendment accords with Policy H4 in the Camden Local Plan (2017) and policy 3.12: 'Negotiating affordable housing on individual private residential and mixed use schemes' in the London Plan (2016).

Although the local planning authority is not to determine the application against the development plan under section 38(6) of the 2004 Act (and instead should be satisfied that the change is not material and have regard to the effect of the change on the planning permission as granted originally), the proposed amendments to the currently approved tenure mix do in any event still accord with all relevant local and regional planning policy.

d) Summary and Conclusions

This non-material amendment application seeks the variation of the S106 legal agreement and the amendment of condition 37 of planning permission (ref: 2013/1969/P) to allow the tenure of four currently approved intermediate units to change to social rent tenure. No physical amendments are sought to the design of these proposed units and no changes are proposed to any of the other units approved under the extant planning permission.

The proposed modifications cause no harm in planning terms. There would be no difference in the external appearance of the building and the overall design approach to the buildings remain as previously approved. Accordingly, it is considered that proposal is non-material in nature.



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We trust the enclosed is sufficient for you to validate the application and we look forward to receiving confirmation of this in due course. If for any reason this is not the case, please contact us immediately.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Aaron Brown".

Aaron Brown
Planner

