

DP4771/PEH/TH

4th June 2018

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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 (the Applicant), 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 Conditions 9 and 23.

The development permitted by planning permission ref. 2013/3807/P, granted on 30th 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”

The development will be built in two phases known as Section P1 and Section P2. Non-material amendments to the permission were granted by the Council on 1st May 2018, which included alterations to Section P1 of the development (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 Conditions 9 and 23. 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 9 (SUDS)

Condition 9 currently states the following:

“Development shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) prepared by Waterman Transport and Development, presented in Appendix 14.1 of the Environmental Statement, dated April 2013, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to practical completion, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The run-off from the site should be reduced to no more than 71 l/s for the 1 in 100 year storm event.”

It is proposed to revise the trigger of the condition to ‘prior to superstructure works commencing on the relevant Section’ for the following reasons:

- Pre-application feedback from London Borough of Camden’s (LBC’s) Sustainability Officer on the draft SUDS strategy was that the applicant should target 40% climate change requirements and that detailed discussions/approval from Thames Water should be included.
- The Applicant intends to bring forward a landscaping scheme for approval under Condition 13 (which is a ‘prior to superstructure works’ Condition), which has a high proportion of green space. This will create a high quality visual environment but will also facilitate the attenuation levels on site to help achieve the 40% climate change requirements (the consented indicative level is 25%). The change in trigger will allow the Applicant to discuss the landscaping with LBC Officers in detail and enable the SUDS strategy to be developed in tandem to align with the landscaping scheme.
- The amendment to the trigger would allow the Applicant to secure approval from Thames Water for the drainage strategy they intend to build.

- The SUDS strategy will still have to be approved prior to any superstructure works commencing.
- The enclosed letter from Aecom dated 9th May 2018 confirms that delaying the submission of information for Condition 9 to a ‘prior to superstructure trigger point’ would pose no risk or constraints to the design development of the SUDS options in line with the requirements of the planning permission.

The Applicant has also previously agreed with Officers that Condition 9 can be discharged in parts relating to each Section of the development, to allow for the development to be built in phases. This is consistent with the approach allowed by the wording of other conditions, including (inter alia) Condition 8 (Water Supply – Thames Water), 10 (Basement Excavation), 13 (Landscaping) and Condition 23 (Lighting Strategy). As part of this application the Applicant is also proposing to amend the condition wording to provide further clarity that the condition can be discharged in parts.

It is therefore proposed to revise the wording of Condition 9 as follows to allow for this arrangement:

Condition 9 Proposed Revised Wording (Alterations in Red Text):

“~~Development~~ Superstructure works on the relevant Section shall not be commenced until a detailed surface water drainage scheme for the relevant part of the site, based on the agreed Flood Risk Assessment (FRA) prepared by Waterman Transport and Development, presented in Appendix 14.1 of the Environmental Statement, dated April 2013, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to practical completion, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The run-off from the site should be reduced to no more than 71 l/s for the 1 in 100 year storm event.

This Condition can be discharged on a Section by Section basis”

Condition 23 (Lighting Strategy)

Condition 23 currently states the following:

“Prior to the commencement of development (excluding works of demolition, site clearance and the erection of temporary structures) within the relevant Section, full details of a lighting strategy, to include information about potential ecological impacts, relating to the relevant Area, shall be submitted to, and approved in writing by the Local Planning Authority. The approved lighting strategy relating to the relevant Area shall thereafter be fully implemented prior to the first occupation of accommodation within that Area.”

It is proposed to amend the trigger to be ‘prior to superstructure works commencing on the relevant Section’ for the following reasons:

- The lighting strategy is very closely linked to the landscaping design which will be applied for at a later date (prior to superstructure works). The trigger amendment would avoid abortive works by preventing the need to produce a strategy at pre-

commencement stage that may have to be resubmitted at a later date depending what is approved for the landscaping.

- Linking the trigger of this condition to match the landscaping condition enables continuity between strategies.

Although the current wording already allows for the condition to be discharged in parts by Section, it is also proposed to add the same sentence contained within other conditions to confirm that the condition can be discharged on a Section by Section basis. It is therefore proposed to revise the wording of Condition 23 as follows to allow for this arrangement:

Condition 23 Proposed Revised Wording (Alterations in Red Text):

“Prior to ~~the~~ commencement of ~~superstructure works development (excluding works of demolition, site clearance and the erection of temporary structures)~~ within the relevant Section, full details of a lighting strategy, to include information about potential ecological impacts, relating to the relevant Area, shall be submitted to, and approved in writing by the Local Planning Authority. The approved lighting strategy relating to the relevant Area shall thereafter be fully implemented prior to the first occupation of accommodation within that Area.

This Condition can be discharged on a Section by Section basis”

The proposed revised trigger points for both conditions have been discussed and agreed in principle with Planning and Sustainability Officers at the Council. This application is submitted to seek the Council’s formal 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

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