

FAO Charles Thuairé  
Senior Planning Officer  
Development Management  
Camden Council  
5 Pancras Square  
London  
N1C 4AG

19 Maltings Place  
169 Tower Bridge Road  
London SE1 3JB  
Telephone  
020 7089 2121  
info@tibbalds.co.uk  
www.tibbalds.co.uk

Dear Charles,

## **Bartram's Convent, Rowland Hill, London NW3 2AD (ref. 2014/6449/P)**

### **Application under Section 96A of the Town and Country Planning Act to vary planning condition no. 9**

On behalf of our client, Pegasus Life, we enclose a S96A application for non-material amendments to the wording of the above planning condition.

#### **Planning Background**

On the 28<sup>th</sup> of November 2015, the above referenced site received planning permission (under application reference no: 2014/6449/P) for the following works:

*“Demolition of the existing student hostel building (Sui Generis) and replacement with a part 4, 6, 7, 10 storey building plus basement to provide extra-care accommodation for older people (Class C3), comprising 60 flats and associated communal facilities including restaurant, lounges, health and well-being facility and staff facilities, plus basement level car parking, cycle and mobility scooter parking, basement and 10th floor plant, ground floor communal gardens, and 3rd and 6th floor roof terraces.”*

Condition 9 currently requires:

*“The development shall not be occupied until the whole of the car parking provision shown on the approved drawings is provided. Thereafter the whole of the car parking provision shall be retained and used for no purpose other than for the parking of vehicles of the occupants and users of the development.”*

Since planning permission for 2014/6449/P was consented, the manufacturer has developed a new technology and generation of car stacked system. The change is from a conveyor belt system to a hydraulic system. The hydraulic system has

#### **Directors**

**Jane Dann**  
BA MA(UD) DipArch MRTPI  
**Jennifer Ross**  
BA(Hons) MRTPI  
**Sue Rowlands**  
BA(Hons) DipArch  
MA(UD) RIBA MRTPI  
**Hilary Satchwell**  
BA(Hons) DipArch RIBA

#### **Associate Directors**

**Katja Stille**  
BA(Hons) DipArch MA(UD)  
**Jon Herbert**  
BSc (Hons) Dip TP MRTPI  
**Matt Shillito**  
BA MSc DipUD MRTPI

#### **Associates**

**Lizzie Cowan**  
BArch(Hons) MSc  
**Claire Perrott**  
BA(Hons) DipArch RIBA

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**Urban Design Limited**  
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Company number 4877097

been developed and is in final testing.

The final commissioning will exceed the initial occupation dates but will improve operations and reduce downtimes and failures once in operation. The hydraulic system will also be more robust and will reduce maintenance and the risk of product breakdown.

Consequently, we wish to vary the wording of planning condition no. 9 to enable the construction works and occupation of the development to proceed, with details for the car stacker system being required upon completion of the development.

Accordingly, please find below the proposed revised wording as follows:

Condition 9 proposed wording:

*“The whole of the car parking provision shown on the approved drawings shall be provided no later than at the completion of the development. Thereafter the whole of the car parking provision shall be retained and used for no purpose other than for the parking of vehicles of the occupants and users of the development.”*

## **Deed of Variation**

In order for the Section 106 Legal Agreement to comply with the proposed change in wording of planning condition no. 9, a Deed of Variation application will be required, to vary the wording of Clause 4.7.3 to match the timing trigger for compliance i.e. changing it to: *“after the completion of the development.”*

A separate application will be taken forward by the applicant’s lawyers, in order to ensure this variation takes place appropriately.

## **Application Submission Material**

In pursuit of this application, the following documents have been submitted via the Planning Portal (under ref. no: PP-07010410).

- Cover Letter; including Planning Statement (this document); and
- A Site Plan.

A payment of £234.00, to cover the cost of the S96A planning application has been made by credit card.

We look forward to receiving confirmation that the application has been validated. However, should you require any further information please do not hesitate to contact the undersigned.

Yours faithfully

**For Tibbalds Planning and Urban Design**

A handwritten signature in black ink, appearing to read 'Senan Seaton Kelly', with a horizontal line underneath.

Senan Seaton Kelly

**Planner**

[senan.seaton-kelly@tibbalds.co.uk](mailto:senan.seaton-kelly@tibbalds.co.uk)

**Direct dial: 020 3598 3968**