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By Planning Portal only
PP-07820652
let.008.JB.DP.28920003

30 April 2019

Dear David

**THE HOPE PROJECT, CAMDEN, LONDON NW1
NON MATERIAL AMENDMENT TO PLANNING PERMISSION REF
2018/4035/P**

On behalf of the Hope Lease Limited, we are pleased to submit an application for a Non Material Amendment to the approved plans listed under Condition 3 of planning permission reference 2018/4035/P.

The application comprises this cover letter and the following documents listed below:

- Completed and signed application forms and certificates;
- Site Location Plan ref. 0001;
- Proposed Sub Basement Plan ref. 098 Rev. G;
- Proposed Basement Plan ref. 099 Rev. I;
- Proposed Ground Floor Plan ref. 100 Rev. G;

For Information:

- Fire Smoke Duct Details Section ref. 510;
- Fire Smoke Duct Details Detail 02 ref. 511;
- Fire Smoke Duct Details Detail 01 ref. 512;
- Fire Smoke Duct Details Plan Detail 02 Ref. 513;
- Fire Smoke Duct Details Plan Detail 01 Ref. 514; and
- Fire Safety Strategy Report for KOKO (page 13) ref. S17033412 Issue No. 2.

The requisite application fee of £234 has been paid directly to the Council via the Planning Portal (PP-07820652).

Proposed amendments

Whilst carrying out ongoing detailed design development, the project team has identified a number of small changes that require capturing. As such, a non-material amendment is necessary to amend the approved drawings in order to facilitate the safe occupation of the approved development.

To facilitate this, we formally request that the following approved drawings are substituted for the following replacement drawings:

Description	Consented drawing	Proposed drawing
Proposed Sub Basement Plan	Ref. 098 Rev. F	Ref. 098 Rev. G
Proposed Basement Plan	Ref. 099 Rev. H	Ref. 099 Rev. I
Proposed Ground Plan	Ref. 100 Rev. F	Ref. 100 Rev. G

Additional detailed section drawings, together with the associated Fire Safety Strategy Report for the approved development are submitted for information.

The proposed amendments relate to the installation of a new smoke outlet vent at the Bayham Street elevation (within our client's ownership); and re-purposing the existing pavement light at Crowndale Road for the same purpose.

The existing sub-basement and the extension approved by planning permission ref. 2018/4035/P is greater than 3m below the adjacent access level, and therefore require natural ventilation equivalent to 2.5% of the sub-basement floor area. It is therefore proposed to re-purpose the existing pavement light at Crowndale Road; and install a new smoke outlet at Bayham Street to achieve the required ventilation area.

With reference to Figure 6 from the enclosed Fire Safety Strategy Report, cross-flow between the two ventilation areas is achieved via utilisation of the sub-basement to create a route for air, essentially allowing it to act as a large plenum.

On arrival, fire service personnel would break-out the basement lights and open the door between the existing and extended basement to activate natural smoke clearance driven by the buoyancy of the high temperature smoke.

The existing sub-basement, which originally had no ventilation, is now provided with a means for smoke clearance as a result of the re-purposed pavement light on Crowndale Road.

This has all been agreed in principle with Building Control.

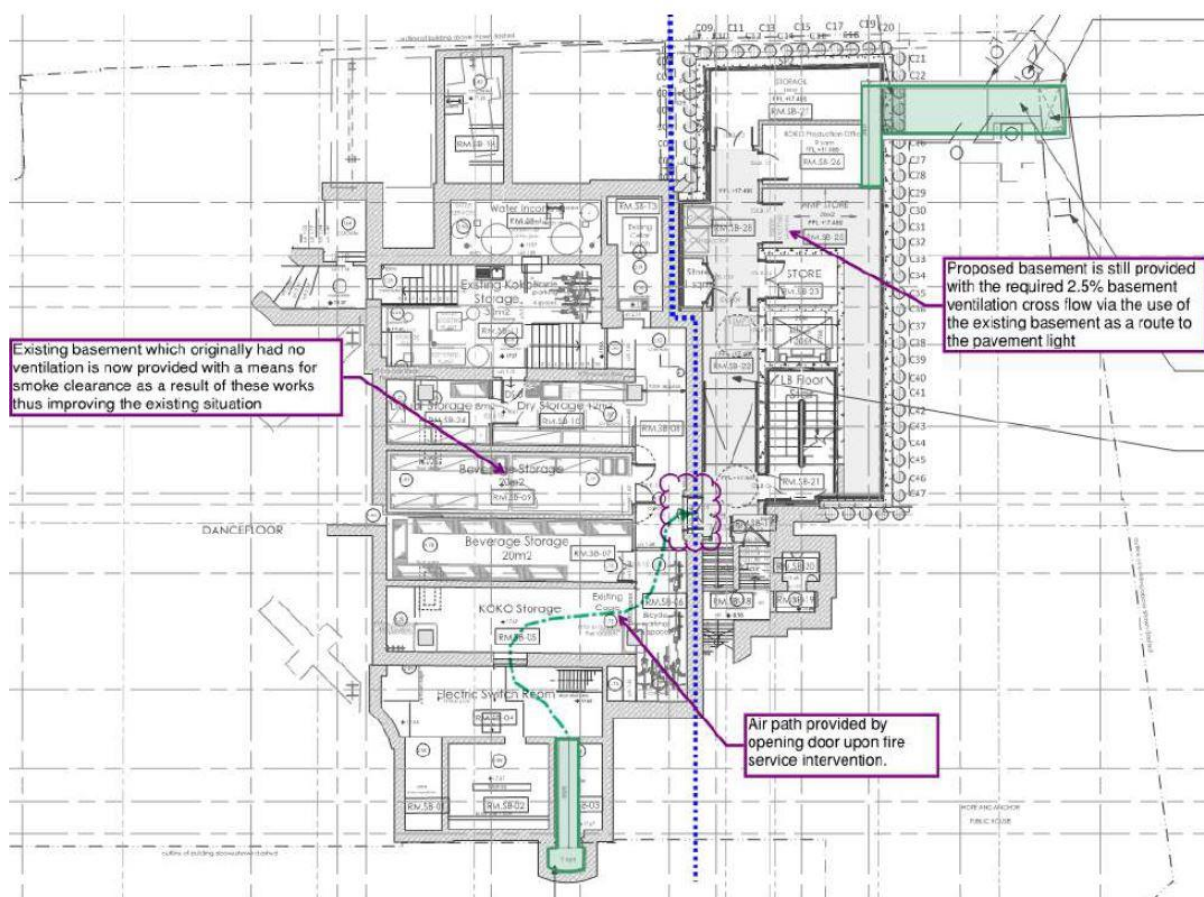


Figure 6: Sub-basement – Basement smoke ventilation scheme

The proposed changes are extremely minor, and as such, the amendments are evidently non-material in the context of the approved development.

Non Material Amendments

Section 96A of the Town and Country Planning Act 1990 (as amended in 2008) gives the local planning authority the power to make non-material changes to planning permissions. Section 96A(3b) allows the local planning authority to alter existing conditions through a Section 96A application, and states:

“S96A Power to make non-material changes to planning permission

- (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.
- (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.

- (3) The power conferred by subsection (1) includes power
 - a. To impose new conditions;
 - b. To remove or alter existing conditions
- (4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission relates.

There is no statutory definition of 'non material' as it will be dependent on the context of the overall scheme. The Planning Practice Guidance ("PPG") states that an amendment that is non-material in one context may be material in another. It confirms that the local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under S96A.

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 on the planning permissions as originally granted. Guidance found in various local planning authorities suggests that a non material change might be one that:

- Does not vary significantly from what was described on the planning permission;
- Does not conflict with any conditions on the planning permission;
- Does not breach planning policy;
- Does not significantly move the external envelope outward;
- Does not increase the height of the buildings; and/or
- Does not introduce or move windows or other openings that could affect other properties.

From assessing the proposed amendments against the guidance above, it is clear that these extremely minor amendments do not result in a development which is different from the description of development previously approved under planning permission ref. 2018/4035/P.

The proposed amendments do not conflict with any of the conditions or the aims of planning policy. Furthermore, there is no change to the uses or quantum of floorspace; none of the buildings move closer to the boundaries; none of the buildings get bigger; and the alterations would not have any adverse impact on any future or neighbouring occupiers – they would actually ensure the safe occupation of the approved development.

In light of the above, it should be concluded that the proposed amendments are non material.

Conclusion

We trust that you have sufficient information to validate and determine this planning application, but please do not hesitate to contact me if you need any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jamie Bryant', with a stylized, cursive script.

Jamie Bryant

Enc: As listed above