

**Our ref:** Q40228  
**Your ref:** PP-08069601  
**Email:** [Leo.Cunningham-Baily@quod.com](mailto:Leo.Cunningham-Baily@quod.com)  
**Date:** 23 August 2019



FAO: David Peres De Costa  
London Borough of Camden  
2nd Floor, 5 Pancras Square  
c/o Town Hall, Judd Street  
London, WC1H 9JE

For the attention of David Peres De Costa

By email

Dear David

## **Kiln Place Estate (ref: 2014/6697/P, as amended by 2016/2651/P and 2017/4471/P)**

### **Application under section 73 of Town and Country Planning Act 1990 (as amended)**

We are instructed by our client, the London Borough of Camden to submit an application under section 73 of the Town and Country Planning Act 1990 (as amended) ('TCPA') to vary condition 2 and to add an new condition to planning permission ref: 2014/6697/P (as amended by 2016/2651/P and 2017/4471/P) (the 'Extant Permission').

#### **1 Planning history**

Planning permission (ref: 2014/6697/P) was originally approved by London Borough of Camden on 31 March 2015 for the:

*"Development of 15 residential units on 6 sites across Kiln Place estate, following demolition of foyer entrances and refuse storage area for blocks 1-64, 65-80, 81-96, 97-104, 105-116, 117-164 Kiln Place along with provision of new pathway and front entrances into lower maisonettes of 81-96 Kiln Place, enlargement and improvement of playground & landscaping, and other associated works".*

This planning permission (ref: 2014/6697/P) was subsequently amended by a minor material amendment application (ref: 2016/2651/P) made under s.73 of the TCPA. These minor variations were proposed to allow preparatory works to begin on site prior to the approval of some details previously reserved by conditions and were approved on 10 March 2017.

Subsequently, a further application (ref: 2017/4471/P) was made under s.73 of the TCPA to vary conditions 2 and 18 attached to planning permission ref: 2016/2651/P, thus securing minor amendments to the proposed design and the timing of the Service Management Plan details. This second minor material amendment application was approved on 04 June 2018.



## 2 Proposals

This application seeks to further vary the approved documents listed under condition 2 of the Extant Permission to secure a series of design amendments, as summarised below:

- Refuse stores.
- Wheelchair units and parking.
- Communal cycle storage.
- External amenity areas.
- Front gardens at Block 81-96.
- Road reconfiguration and bollard changes.
- Tree planting locations, quantities and species.
- Landscaping and provision of green roofs.

These amendments and the corresponding alterations required to the wording of condition 2 are detailed in the accompanying Planning Statement.

It is also proposed to amend the wider approach to refuse storage at Kiln Place. The intention is to continue to evolve the refuse strategy for the estate in collaboration with the Environmental Services and Estate Services at London Borough of Camden in the coming months. It is therefore proposed to add a condition to the Extant Permission requiring a review of the refuse strategy, and the approval of an updated strategy within 6 months of the date the first of the new residential units is occupied. The wording of this proposed new condition is provided in section 4 of the accompanying Planning Statement.

Paragraph 018 (Reference ID: 17a-018-20140306) (Revision date: 06.03.2014) of the Planning Practice Guidance states that:

*“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”.*

As explained in further detail in the accompanying Planning Statement, none of the amendments proposed to the Extant Permission will result in a substantially different development from the one which has been approved (ref: 2014/6697/P, as amended by 2016/2651/P and 2017/4471/P).

## 3 Application and supporting information

This application is made under s.73 of the TPCA and is supported by the following information in line with Camden's Local Area Requirements for Planning Applications (July 2018):

- Application Form, duly completed;

- Schedule of Notice Served to Accompany Application Form;
- Community Infrastructure Levy Form 0, duly completed;
- Community Infrastructure Levy Form 2, duly completed;
- Council Own Development Form, duly completed;
- Decision notices for previous applications (ref: 2014/6697/P (as amended by 2016/2651/P and 2017/4471/P).
- Site Location Plan;
- Revised drawings (as listed in Appendix A of the Planning Statement);
- Planning Statement;
- Proposed Tree Planting Location Assessment (produced by Tree Aware UK Ltd);
- Waste Strategy Note ('live' document); and
- This supporting letter.

The application fee of £234.00 has been paid via Planning Portal. The information supporting this application is consistent with our email correspondence on 12 July 2019 regarding deliverables for this application.

Under Article 9(4)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), a Design and Access Statement is not required to support an application to develop land without compliance with conditions previously attached (i.e. applications made under s.73 of the TCPA). On this basis, a Design and Access Statement has not been prepared.

#### **4 Tandem application for full planning permission**

A planning application is soon to be submitted and is intended to be determined in tandem with this Minor Material Amendment application. This is to secure planning permission for related works which fall beyond the red line boundary of the Extant Permission and therefore cannot be covered by this application under s.73 of the TCPA. These works relate to new refuse stores and are further detailed within the accompanying Waste Strategy Note.

It is politely requested that this Minor Material Amendment application and the impending full planning application (minor) be considered and determined in tandem to allow related works to be undertaken simultaneously.

#### **5 Summary**

The proposed modifications to condition 2 and the addition of a new condition regarding the refuse strategy would cause no harm in planning terms. There would be no significant difference in the external appearance of the buildings and the overall design approach would remain as previously approved. Accordingly, it is considered that the scale and nature of the development is not substantially different from the one which



has been previously approved. The proposed amendments will help secure a high standard of design and will serve to meet the needs of existing and future residents, according with all relevant adopted planning policy.

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

Leo Cunningham-Baily  
Associate

enc. Please refer to section 3 of this letter for enclosure list  
cc. Debra Constance - Construction Project Manager at London Borough of Camden