

**Our ref:** Q40227  
**Email:** gregory.markes@quod.com  
**Date:** 29 January 2020



FAO: David Peres da Costa  
London Borough of Camden  
2<sup>nd</sup> Floor, 5 Pancras Square  
c/o Town hall, Judd Street  
London,  
WC1H 9JE

Dear David,

**LAND BOUND BY GRAFTON TERRACE, MAITLAND PARK VILLAS AND MAITLAND PARK, CONTAINING EXISTING TRA HALL AND GARAGES; AND LAND ADJACENT TO MAITLAND PARK VILLAS CONTAINING EXISTING ASPEN HOUSE, GYMNASIUM AND GARAGES**

**APPLICATION UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR A NON-MATERIAL AMENDMENT TO FULL PLANNING PERMISSION REFERENCE 2014/5840/P AS AMENDED BY 2015/6696/P**

On behalf of the London Borough of Camden ('LBC'), and further to recent discussions, please find enclosed an application pursuant to Section 96A of the Town and Country Planning Act 1990 (as amended).

The application seeks approval for a non-material amendment to full planning permission reference 2014/5840/P as amended by 2015/6696/P to vary the description of development and insert a planning condition.

The proposals have been prepared further to discussions with the LBC Planning team. The proposed amendments contained within the application hereby enclosed reflects the comments received as part of these discussions.

Accordingly, please find enclosed the following in support of the application, which has been submitted to the Council via Planning Portal:

- This Covering Letter
- Council Own Development form; and
- Completed Section 96A Application for Non-Material Amendment Application Form.

An application fee of £234 has been submitted online via the Planning Portal website.

### **Background**

The application site is located within the Maitland Park estate, NW3. The site benefits from full planning permission (2014/5840/P as amended by 2015/6696/P) approved on 31 March 2015 for:



*“Provision of 112 residential units and replacement Tenants and Residents Association hall across two sites with associated multi-use games area, landscape and associated works, following demolition of Aspen House, gymnasium and garages at Maitland Park Villas and TRA Hall and garages on Grafton Terrace.”*

### **Application proposals**

Under this Section 96A application, LBC propose to amend the approved description of development to remove the quantum of residential units being delivered as set out below:

*“Provision of ~~112~~ residential units and replacement Tenants and Residents Association hall across two sites with associated multi-use games area, landscape and associated works, following demolition of Aspen House, gymnasium and garages at Maitland Park Villas and TRA Hall and garages on Grafton Terrace.”*

So that after the proposed amendments the description of development will read:

*“Provision of residential units and replacement Tenants and Residents Association hall across two sites with associated multi-use games area, landscape and associated works, following demolition of Aspen House, gymnasium and garages at Maitland Park Villas and TRA Hall and garages on Grafton Terrace.”*

Alongside the proposed amendment to the Description of Development, it is proposed to secure the approved number of units via a new condition (Condition A) as set out below:

### **Condition A**

#### **Compliance: Number of residential units**

*The development hereby permitted shall comprise 112 residential units upon completion and be delivered in accordance with the approved plans set out in Condition 2 of this planning permission.*

It is proposed that the same reason is given for Condition A as for existing Condition 2, i.e. ‘for the avoidance of doubt and in the interests of proper planning.’

### **Assessment**

Section 96A of the Town and Country Planning Act 1990 (as amended) gives power to local planning authorities (in England) to make non-material amendments (NMA) to planning permissions. Section 96A(2) states:

*“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.”*

Further guidance on making a Section 96A NMA to a planning permission is provided in the National Planning Practice Guidance (NPPG) (March 2014 as amended). When considering the definition of an NMA the guidance states:

*"There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990"* (Para. 002 Ref. ID: 17a-002-20140306).

The amendments proposed under this Section 96A application do not alter what has been physically approved under the 2015 full planning permission (LPA ref. 2014/5840/P as amended by 2015/6696/P). On this basis, the proposals are considered to be non-material.

### Summary

This Section 96A application has been prepared following discussions with LBC. The changes propose a minor amendment to the description of development and a new condition that specifies the number of residential units that are to be delivered.

I look forward to receiving confirmation that the application has been validated. Please do not hesitate to contact me for any further information or assistance you may require.

Yours sincerely

A handwritten signature in blue ink, appearing to read "gjbmarkes".

Gregory Markes  
Planner