

Our ref: Q30150
Email: gregory.markes@quod.com
Date: 28 February 2020



FAO: Kristina Smith
London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town hall, Judd Street
London,
WC1H 9JE

Dear Kristina,

LAND BOUNDED BY HAVERSTOCK ROAD, WELLESLEY ROAD AND VICARS ROAD INCLUDING NOS 121-211 BACTON LOW RISE ESTATE 113A, 115 AND 117 WELLESLEY ROAD AND 2-16 VICARS ROAD, GOSPEL OAK, LONDON, NW5

APPLICATION UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR A NON-MATERIAL AMENDMENT TO FULL PLANNING PERMISSION REFERENCE 2012/6338/P (AS AMENDED BY PLANNING PERMISSIONS 2014/3633/P, 2015/1189/P AND 2016/5358/P).

On behalf of the London Borough of Camden ('LBC') 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 2012/6338/P (as amended by planning permissions 2014/3633/P, 2015/1189/P and 2016/5358/P).

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

Accordingly, the following have been submitted to the Council via Planning Portal in support of the application:

- This Covering Letter;
- Site location plan;
- 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 Bacton Low Rise Estate, NW5. The site benefits from full planning permission (2012/6338/P as amended by planning permissions 2014/3633/P, 2015/1189/P and 2016/5358/P). Successive non-material amendments to the extant planning permission mean that the description of development approved on 25 April 2013 is for:

Variation of conditions: 3 (detailed drawings), 6 (overlooking), 7 (refuse & recycling), 9 (cycle storage), 10 (car parking), 11 (Electric vehicle charging points), 12 (car club bay), 13 (motorcycle parking), 23 (Wheelchair units), 25 (contaminated land measures), 26 (biodiverse roofs), 27 (bird and bat details), 28 (lighting strategy), 29 (landscaping details), 32 (building foundations), 34 (drainage details), 36 (CCTV strategy), 37 (car club parking), 40 (re-appraisal of financial viability), 43 (energy efficiency), 44 (code for sustainable homes), 45 (car free), 47 (construction management plan) and 58 and 59 (approved plans) of planning permission 2012/6338/P dated 25/04/2013 (as amended by planning permissions 2014/3633/P and 2015/1189/P) (for the redevelopment of Bacton Low Rise Estate, Gospel Oak District Housing Office and Vicar's Road workshops following the demolition of all existing buildings, to provide a total of 294 residential units and associated works), as well as adding a condition 61 (levels plans), namely to; provide 20 additional Class C3 residential units (19 market and 1 intermediate units), alter the housing mix, reconfigure the employment floorspace, deliver the outstanding parts of the development as a single phase, various external alterations and reconfigurations, revise the on-site car parking provision and the amount of cycle storage, and associated works.

Application proposals

Under this Section 96A application, LBC propose to amend the approved description of development to simplify the description of development, remove the quantum and unit mix of residential dwellings and employment units being delivered so that the description of development will read:

“Redevelopment of Bacton Low Rise Estate, Gospel Oak District Housing Office and Vicar’s Road workshops following the demolition of all existing buildings, to provide, within buildings ranging from 2-8 storeys in height, Class C3 residential units, employment units (Class B1), new and altered public realm, landscaping, vehicular and pedestrian links/accesses, vehicular and cycle parking, bin storage and associated works”

In order to provide clarity and assurance of what the planning permission would allow, we propose the insertion of a new planning condition that would contain details of the quantum and unit mix of the residential and employment units. We propose the following condition wording:

Condition A

Compliance – Unit and accommodation schedule

The development hereby permitted shall comprise the following uses and floorspaces:

Use	Tenure	Approved quantum
Residential (C3)	Market	196
	Intermediate	11
	Social	107
Employment (B1)	N/A	259sqm

It is proposed that the same reason is given for Condition A as for existing Condition 58, i.e. ‘For the avoidance of doubt and in the interest 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 2013 full planning permission (LPA ref. 2012/6338/P as amended by planning permissions 2014/3633/P, 2015/1189/P and 2016/5358/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 proposed changes are only to vary the description of development and insert a new condition, and are considered to be non-material.



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 black ink that reads "gjbmarkes".

Gregory Markes
Planner