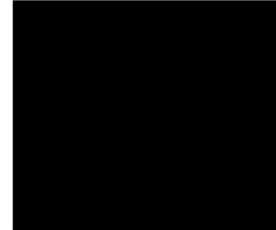


29 May 2020



Development Management
London Borough of Camden
2nd Floor
Pancras Square
5 Pancras Road
London
N1C 4AG



FOR THE ATTENTION OF : David Fowler

Dear Sir

**Royal Free Hospital Pears Building
Pond Street
London
NW3 2QG**

Submission of Application for a NON MATERIAL AMENDMENT to Planning Permission ref 2014/6845/P approved by the LPA on 25 April 2016

Planning Portal Reference PP-08755822

On behalf of the applicant, Royal Free Charity Developments Ltd, please find enclosed an application for a Section 96A Non-Material Amendment to Planning Permission LPA ref 2014/6845/P approved by the LPA on 25 April 2016 in respect of development at the above site.

A non-material amendment is sought for:

"Non-material amendment to planning permission 2014/6845/P approved by the LPA on 25 April 2016 namely :

Alterations to existing low level wall surrounding trees at south western tip of site at the junction of Rosslyn Hill, Rowland Street and Hampstead Green footpath, namely retention the existing brick wall and replacement of the concrete wall with a low level concrete edge, with a no dig footing. Repairs to existing brick wall with a stone coping detail.

In support of this application, we enclose the following documents:

- *Application Form*
- *Site Location Plan*
- *Proposed Drawings*
- *Previously Approved Drawings*





The alterations proposed by this application are considered to comprise a 'non material amendment'. Within the guidance set out in the Planning Practice Guidance (2014), there is no statutory definition of a 'non-material amendment'.

It states that the nature of the amendment will depend on the context of the overall scheme, as an amendment that is non-material in one context may be material in another. Section 96A of the Town and Country Planning Act 1990 (as amended) allows a non-material amendment to be made to an existing planning permission via a simple application procedure with a quick decision time.

We consider that having regard to the scope, scale and extent of the development granted planning permission, the nature and extent of these amendments are Non- Material in terms of their limited scale, scope and effect upon the development as a whole.

Application Background

Condition 5 of the original planning 2016 planning permission stated:

Condition 5 (Hard and Soft landscaping)

Prior to commencement of development (excluding demolition and site preparation works), full details of hard and soft landscaping, lighting and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. Such details shall include the proposed alterations of the adjoining public footpath, proposed replacement memorial garden and appropriate biodiversity enhancements including provision of forage for bats. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping and biodiversity which contributes to the visual amenity and ecology of the area, in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Policies.

This Condition was originally discharged by the LPA by way of the Decision Notice dated 26 October 2016 under reference number 2016/2783/P.

This Condition 5 was then resubmitted and discharged for a second time by the LPA by way of the Decision Notice dated 10 September 2019, under reference number 2018/2457/P

Those 2019 revisions did not change the fundamental approach or design philosophy of the landscaping scheme already approved. Rather they are a combination of a number of minor changes to individual elements of the scheme. They also seek to regularise the effects of a Non-Material Amendment Application approved by the LPA under ref: 2017/4229/P dated. This NMA related to the footpath public footpath located between the new Pears building and the existing St Stephen's Church, Hampstead Hill School and Hampstead Green.

Current NMA Proposal

This application for a Non-Material Amendment, seeks to make a minor change to a previously consented boundary treatment in the south west corner of the site and its proximity to existing mature trees which are to be retained and protected. These trees are protected by a TPO.

The area of interest is located in the south west corner of the application site, adjacent to the junction of Hampstead Lane footpath, Rosslyn Hill and Rowland Street, opposite The George Public House.



Area prior to development in 2012



Area during construction in July 2020

Images courtesy of Google Maps

The original planning permission, condition discharge details and NMA relating to footpath all sought to protect retain these trees to ensure an acceptable interaction between the trees and the surface treatments.

Design Change

The design around the TPO Area on the SW corner has been updated to incorporate a number of changes to safeguard the existing TPO trees. In the consented scheme and approved details the proposal was to install a new concrete wall and remove the existing brick wall.

This is now no longer a feasible option and a modest change is required.

When the approved design details were reviewed in detail further, as part of the detailed construction specification work, it became apparent that removing the existing brick wall would be problematic without compromising the TPO Root Protection Zone.

In places, the base level of the trees and wall were upwards of 800mm above the existing footpath level. Removal of the wall would have resulted in exposed roots, requiring further retention and remedial works at a busy interface with the public realm. In short, the removal of the existing wall could cause damage and harm to the trees, which is obviously to be avoided at all costs.



In light of this, the design team has been required to formulate an alternative solution to ensure that the intervention of the hard and soft landscaping treatments does not affect the long term future of these important trees.

The updated proposal retains the existing brick wall and replaces the concrete wall with a low level concrete edge, with a no dig footing. The alignment of the wall would be as the consented scheme.

The brick wall would be repaired with a new Yorkstone cope, bricks would be repaired & repointed with repainted railings. The Yorkstone cope will permit incidental seating.


The area between the existing wall and pavement edge will have flush Yorkstone infill.

The benefit to the scheme is that the existing TPO trees will be safeguarded and RPZ ground levels behind will not be changed. This group of trees was identified at the start of the project as an important consideration in the design, with the trees being safeguarded to provide a mature setting for the building. Building the wall as the consented scheme would have compromised the TPO trees.


The trees are still subject to protection measures during the wider course of construction.

Relevant consented drawings:


These drawings were approved by the discharge of Condition 5;


 1372-GA-101-10 Gen Arr 1 of 3


 1372-PP-301-03 Planting plan 1 of 3


 1372-SE-200-07 Elevations A and B


Proposed Drawings


 MSS_008-DT-SE-208_PLANNING


 MSS_008-DT-SE-212_PLANNING

 MSS_008-DT-SE-213_PLANNING

 MSS_008-DT-SE-214_PLANNING

 MSS_008-DT-SE-215_PLANNING

 MSS_008-DT-SE-216_PLANNING

 MSS_Pears Building_SW Wall_PLANNING

I trust that the enclosed is sufficient for you to register and validate the application. However, should you require any additional information, please do not hesitate to contact David Whittington (020 7557 9997 & 07717 897465).

Yours faithfully



David Whittington
Director