

11th March 2021



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Anthony Frendo

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Dear Sir/Madam,

**SUBMISSION OF AN APPLICATION FOR NON-MATERIAL AMENDMENTS (S96A) AT:
15 WEDDERBURN ROAD, LONDON, NW3 5QS**

I write in support of an S96A application for non-material amendments to planning permission 2017/1006/P which, by decision notice dated 15 March 2018, consented the following development:

Change of use from three residential flats to two residential flats (Class C3); extension of lower ground floor level with lightwells and excavation of new basement level; erection of a single storey rear extension at lower ground floor level with terrace and 2 single storey side extensions at lower and ground floors; minor alterations to the north, west and south elevations and front boundary treatment.

Condition 7 of the planning permission states the following:

Prior to the commencement of works on site, tree protection measures shall be installed in accordance with the Indigo Surveys arboricultural report ref. 17238/A2_AIA_REV.A and tree protection plan ref 13891/TPP/01 Rev A. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with these approved protection details.

It has subsequently been discovered that the approved tree protection plan did not properly take into account the basement outline and therefore indicated a tree protection zone that excluded any building work directly over a corner of the basement at the front of the property, which is clearly an error otherwise it wouldn't be possible to construct the approved basement in its entirety.

In view of the above, Indigo Surveys have reduced the tree protection plan in size and amended the method statement to mitigate any potential issues. This is detailed within the enclosed report.

Proposed Non-Material Amendment

Section 96A of the Town and Country Planning Act 1990 (as amended) allows a non-material amendment (NMA) to be made to an existing planning permission via a simple application procedure with a quick decision time. There is no statutory definition for what constitutes an NMA, but the NPPG states that whether an amendment is material will ultimately depend on the nature and context of the overall scheme (Paragraph: 002 Reference ID: 17a-002-20140306).

The proposed change to the tree protection plan is non-material as it has no material impact on the approved development and no new material planning considerations arise. All trees will still be protected during

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construction which is the intention of condition 7. The only difference is that the protection plan is being adjusted to enable the approved development to be constructed, which is clearly necessary and reasonable. We also think it would be reasonable for the tree protection measures to be implemented in phases to coincide with the relevant phase of construction, which could be reflected in the re-worded condition. The re-worded condition will also need to replace the reference to the old arboricultural report and protection plan, and replace them with those submitted under this application.

If you have any queries or would like to discuss any of the above, please do not hesitate to contact me in the first instance.

Yours faithfully,



Anthony Frendo BA (Hons) MSc MRTPI
Associate Director
Planning