

Our ref: Q40227
Your ref: PP-09856383
Email: gregory.markes@quod.com
Date: 17 June 2021



Planning Development Control
Camden Council
5 Pancras Square
London
N1C 4AG

For the attention of David Peres da Costa
By Planning Portal

Dear David

Maitland Park (2014/5840/P as amended by 2015/6696/P and 2019/4998/P)

Application under Section 96a of the Town and Country Planning Act 1990 (as amended)

I am instructed by my client, the London Borough of Camden ('the Applicant'), to submit an application under Section 96a of the Town and Country Planning Act ('TCPA') 1990 (as amended) to propose non-material amendments to planning permission reference 2014/5840/P as amended by 2015/6696/P and 2019/4998/P, which collectively allows the comprehensive redevelopment of part of the Maitland Park estate. Specifically, permission is sought for the following:

Non-material amendments to planning permission 2014/5840/P dated 31/03/2015 as amended by 2015/6696/P dated 14/04/2016 and 2019/4998/P dated 25/09/2020 to amend Condition 2 of said permission; namely to allow: relocation of the proposed vents, rainwater pipes and entrance canopies, update the detailed brickwork from herringbone to basketweave, alter the windows and doorways, enlarge the M&E equipment housing and introduce additional doors to the TRA Hall.

This application has been submitted and the requisite fee of £234 paid via the Planning Portal (ref: PP-09856383). A full list of the documents and drawings submitted in support of this Application is provided at **Appendix 1** of this letter.

1 Planning history

Planning permission was originally granted by the London Borough of Camden acting as the Local Planning Authority ('LPA') on 31 March 2015 under application reference 2014/5840/P. This permission secured approval for the comprehensive redevelopment of part of the Maitland Park estate to provide 112 new residential units across 3 apartment blocks and a single, self-contained dwelling house. This permission was subsequently varied by permission reference 2015/6696/P on 14 April 2016, which allowed the redevelopment to progress separately to the multi-use games area ('MUGA'). A non-material amendment application was subsequently approved (reference 2020/0549/P) on 17 February 2020 to remove the number of units from the description of development.

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Most recently, a minor-material amendment application (reference 2019/4998/P) was approved on 25 September 2020. This secured amendments to, *inter alia*, the unit numbers (increasing to 119), unit mix, allocation of units and energy strategy. This permission constitutes the 'Extant Permission' (henceforth referred to as such). Since the grant of this planning permission, the development has entered the construction phase, and numerous submissions made pursuant to conditions attached to the Extant Permission.

2 Application proposals

A series of non-material amendments are sought to the Extant Permission. These amendments are set out in the **Schedule of Proposed Amendments** submitted in support of this application and I refer you to that document for full details. In summary, however, the proposed amendments are to incorporate changes to the elevations arising from progress made on the detailed design of the scheme and the fire safety strategy.

An assessment of these proposals is provided in **Section 5** below.

3 Proposed amendments to the Extant Permission

To 'enact' the proposed amendments, changes to Condition 2 of the Extant Permission would be necessary. Suggested wording for this is set out below:

For the purposes of this decision, condition no.2 of planning permission 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan; MPI_P01_PL02; MPI_P02_PL02; MPI_P03_PL12; MPI_P05_PL12; MPI_P06_PL12; MPI_P10_PL11; MPI_P11_PL15; MPI_P12_PL15; MPI_P13_PL15; MPI_P14_PL14; MPI_P15_PL14; MPI_P20_PL02; ~~MPI_P21_PL18 ;MPI_P22_PL12-MPR-ECE-AC-ZZ-EV-A-0300 P2; MPR-ECE-AC-ZZ-EV-A-0301 P3; MPR-ECE-AC-ZZ-EV-A-0302 P3; MPR-ECE-AC-ZZ-EV-A-0303 P2; MPR-ECE-AV-ZZ-EV-A-0300 P3; MPR-ECE-AV-ZZ-EV-A-0301 P2; MPR-ECE-AV-ZZ-EV-A-0302 P2; MPR-ECE-AV-ZZ-EV-A-0303 P3; MPI_P25_PL02; MPI_P26_PL16 ; MPR-ECE-AC-ZZ-EV-A-0305 P2; MPR-ECE-AC-ZZ-EV-A-0306 P2; MPI_P30_PL13; MPI_P31_PL12; MPI_P32_PL12 ;MPI_P33_PL12; MPI_P34_PL11; MPI_P35_PL11; MPI_P40_PL02; MPI_P42_PL14; MPI_P43_PL10; MPR-ECE-GT-ZZ-EV-A-0300 P2; MPR-ECE-GT-ZZ-EV-A-0301 P3; MPR-ECE-GT-ZZ-EV-A-0302 P2; MPR-ECE-GT-ZZ-EV-A-0303 P2; MPR-ECE-GH-ZZ-EV-A-0300 P3; MPR-ECE-GH-ZZ-EV-A-0301 P2; MPR-ECE-GH-ZZ-EV-A-0302 P2; MPR-ECE-GH-ZZ-EV-A-0303 P3; MPI_P45_PL02; MPI_P46_PL09; MPI_P100_PL11; MPI_P110_PL14; MPI_P120_PL12; MPI_P130_PL12;~~



MPI_P150_PL11; 122-LS04 Rev A; 122-LS05 Rev A; 122-LS06 Rev A; 122-LS07 Rev A; 122-LS08 Rev A; 122-LS09; 122-L03 Rev I; 122L04Rev L; 122-L05 Rev L; 122-L06 Rev L; Tree constraints existing layout; Tree constraints plan; Tree protection plan; Arboricultural Report by Crown consultants dated 5th June 2014; Tree schedule; Arboricultural Impact assessment by Crown consultants dated 1st April 2014; Daylight/sunlight Reports by Avison Young dated August 2014, September 2019 and February 2020; Drainage design strategy by Ramboll dated May 2014; Ecology Report by Ramboll dated July 2014; Ecology Statement by The Ecology Consultancy dated 26.09.2019; Energy Strategy by TGA dated 21 February 2020; Geotechnical and environmental desk study by Ramboll dated July 2014; Noise and vibration impact assessment by Ramboll dated July 2014; Transport Assessment by Ramboll dated May 2014; Planning Statements by Quod Planning dated July 2014 and 02 March 2020; Design and Access Statement by Cullinan Studios Revision H dated February 2020 and Financial Viability Assessment prepared by Beacon Partnership dated February 2020; MPI- P-502 PL10; 501 PL08; 500 PL08; Maitland Park - Home Quality Mark Assessment prepared by Envision dated 23/07/2020

4 Planning policy context

The Development plan has changed only in one regard since the Extant Permission was determined, being the recent adoption of the new London Plan (2021). This means that the statutory Development Plan for the Site now comprises the following:

- **The Camden Local Plan (2017);**
- **Site Allocations Plan;** and
- **The London Plan (2021).**

Whilst not part of the Development Plan for the Site, the **National Planning Policy Framework** ('NPPF') 2019 and the (National) **Planning Practice Guidance** ('NPPG') are material considerations for all planning applications. Planning guidance has been released by the LPA since the Extant Permission was granted. Considered relevant to the consideration of this application are the **Amenity CPG**, **Housing CPG** and **Design CPG**, all of which were approved in January 2021.

5 Planning assessment

As set out in s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. This section assesses the proposals set out in the **Schedule of Works** against the statutory Development Plan and the relevant material considerations set out in **Section 4**.

First though, it is appropriate to consider the materiality of the proposed amendments to the Extant Permission. S96A of the TCPA 1990 (as amended) gives power to local planning authorities (in England) to make non-material amendments ('NMAs') to planning permissions. S96A(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."

Additionally, S96A(3) gives the power *"to remove or alter existing conditions."*

Further guidance on making a NMA under s96a to a planning permission is provided in the 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).

In assessing the materiality of the proposed amendments, it is clear that the proposals would not alter any of the operative elements of the Extant Permission. The Extant Permission would continue to provide a residential-led redevelopment of the Maitland Park estate with no changes to the number, mix, tenure or allocation of the residential units. The alterations to the façade are not significant and would retain the overall appearance of the Extant Permission. The alterations would ensure that the scheme remains deliverable; fully operative and rational with regards to mechanical and electrical requirements; and fully in accordance with latest fire safety regulations. The non-materiality of the amendments are therefore clear and an application under s96a of the TCPA 1990 is appropriate to secure them.

The proposed amendments would not result in any lesser level of compliance or non-compliance with the Development Plan. The Extant Permission with the proposed non-material amendments would continue to represent high quality design in accordance with **Policy D1 Design** of the Camden Local Plan. Local amenity will continue to be protected through a combination of the in-built mitigation and the requirements of conditions attached to the Extant Permission, to which no amendments are proposed. The proposed development would therefore continue to be in accordance with Local Plan **Policy A1 Managing the impact of development** and **Policy A4 Noise and vibration**, and would be in accordance with London Plan **Policy D14 Noise**.

With regard to the Camden Planning Guidance ('CPG') documents on Design, Amenity and Housing, the proposed amendments reflect the Council's desire to secure 'design excellence' and protect residential amenity. The building services equipment will continue to be aesthetically incorporated into the building, as encouraged by the **Design CPG**. As stated above and in accordance with the **Amenity CPG**, impacts to amenity arising from noise and vibration will be mitigation through the existing planning conditions attached to the Extant Permission.

To summarise, the proposed amendments are considered to be non-material, from which it follows that the proposed development would continue to accord with the Development Plan. A review of the



relevant Development Plan policies confirms this. Therefore, in accordance with paragraph 11(c) of the NPPF, this application should be approved without delay.

6 Conclusion

I look forward to receiving confirmation that the Application has been validated. I trust that you have everything needed to ensure a timely determination of the Application. Should you have any queries or require any further information please do not hesitate in contacting me.

Yours sincerely



Gregory Markes
Planner

enc. Appendix 1 – submission schedule
cc. Dilan AlPasha (Camden CIP)



Appendix 1 – Submission schedule

Title	Author	Reference	Rev. / Date
Documents			
Application form	Quod	N/A	17 June 2021
Council's Own Development Form	Quod	N/A	14 June 2021
Cover Letter	Quod	N/A	17 June 2021
Schedule of Works	ECE Westworks	N/A	V1
Site Location Plan	Cullinan Studio	MPI-P_01	PL02
Plans – As Approved			
AC and AV – GA Elevations Sheet 2	Cullinan Studio	MPI-P_21	PL18
AC and AV – GA Elevations Sheet 2	Cullinan Studio	MPI-P_22	PL12
AC and AV - GA Sections Sheet 2	Cullinan Studio	MPI-P_26	PL16
GT – GA Elevations Sheet 2	Cullinan Studio	MPI-P_42	PL14
GT – GA Elevations Sheet 3	Cullinan Studio	MPI-P_43	PL10
Plans – As Proposed (for approval)			
Aspen Court – East Elevation	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0300	P2
Aspen Court – North Elevation	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0301	P3
Aspen Court – South Elevations	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0302	P3
Aspen Court – West Elevation	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0303	P2
Aspen Court – South Elevation Courtyard	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0305	P2
Aspen Court – North Elevations Courtyard	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0306	P2
Aspen Villas – East Elevation	ECE Westworks	MPR-ECE-AV-ZZ-EV-A-0300	P3
Aspen Villas – North Elevation	ECE Westworks	MPR-ECE-AV-ZZ-EV-A-0301	P2
Aspen Villas – South Elevation	ECE Westworks	MPR-ECE-AV-ZZ-EV-A-0302	P2
Aspen Villas – West Elevation	ECE Westworks	MPR-ECE-AV-ZZ-EV-A-0303	P3



Grafton Terrace – North Elevation	ECE Westworks	MPR-ECE-GT-ZZ-EV-A-0300	P2
Grafton Terrace – East Elevation	ECE Westworks	MPR-ECE-GT-ZZ-EV-A-0301	P3
Grafton Terrace – South Elevation	ECE Westworks	MPR-ECE-GT-ZZ-EV-A-0302	P2
Grafton Terrace – West Elevation	ECE Westworks	MPR-ECE-GT-ZZ-EV-A-0303	P2
Grafton House – North Elevation	ECE Westworks	MPR-ECE-GH-ZZ-EV-A-0300	P3
Grafton House – East Elevation	ECE Westworks	MPR-ECE-GH-ZZ-EV-A-0301	P2
Grafton House – South Elevation	ECE Westworks	MPR-ECE-GH-ZZ-EV-A-0302	P2
Grafton House – West Elevation	ECE Westworks	MPR-ECE-GH-ZZ-EV-A-0303	P3
Plan – as proposed (tracked, for information only)			
Aspen Court – East Elevation (tracked)	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0350	P2
Aspen Court – North Elevation (tracked)	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0351	P3
Aspen Court – South Elevations (tracked)	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0352	P3
Aspen Court – West Elevation (tracked)	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0353	P2
Aspen Court – South Elevation Courtyard (tracked)	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0355	P2
Aspen Court – North Elevations Courtyard (tracked)	ECE Westworks	MPR-ECE-AC-ZZ-EV-A-0356	P2
Aspen Villas – East Elevation (tracked)	ECE Westworks	MPR-ECE-AV-ZZ-EV-A-0350	P3
Aspen Villas – North Elevation (tracked)	ECE Westworks	MPR-ECE-AV-ZZ-EV-A-0351	P2
Aspen Villas – South Elevation (tracked)	ECE Westworks	MPR-ECE-AV-ZZ-EV-A-0352	P2
Aspen Villas – West Elevation (tracked)	ECE Westworks	MPR-ECE-AV-ZZ-EV-A-0353	P3



Grafton Terrace – North Elevation (tracked)	ECE Westworks	MPR-ECE-GT-ZZ-EV-A-0350	P2
Grafton Terrace – East Elevation (tracked)	ECE Westworks	MPR-ECE-GT-ZZ-EV-A-0351	P3
Grafton Terrace – South Elevation (tracked)	ECE Westworks	MPR-ECE-GT-ZZ-EV-A-0352	P2
Grafton Terrace – West Elevation (tracked)	ECE Westworks	MPR-ECE-GT-ZZ-EV-A-0353	P2
Grafton House – North Elevation (tracked)	ECE Westworks	MPR-ECE-GH-ZZ-EV-A-0350	P3
Grafton House – East Elevation (tracked)	ECE Westworks	MPR-ECE-GH-ZZ-EV-A-0351	P2
Grafton House – South Elevation (tracked)	ECE Westworks	MPR-ECE-GH-ZZ-EV-A-0352	P2
Grafton House – West Elevation (tracked)	ECE Westworks	MPR-ECE-GH-ZZ-EV-A-0353	P3