

Our ref: T3452.4



TEMPLE

LEADERS IN ENVIRONMENT,
PLANNING & SUSTAINABILITY.

24th June 2021

Planning and Development Team
Camden Council
5 Pancras Square
London
N1C 4AG

Dear Sir/ Madam,

Former Middlesex Hospital Annex, 44 Cleveland Street, W1T 4JT: Application for Non-Material Amendment (S96a) to Planning Permission 2018/1584/P to change the description of development.

We act on behalf of University College London Hospitals Charity ("the Applicant") in relation to the redevelopment of the former Middlesex Hospital Annex at 44 Cleveland Street ("the Site").

The Site was granted planning permission on 15 January 2018 reference 2017/0414/P ("the 2018 Permission"), subject to a section 106 agreement. The 2018 permission was subject to an application made under section 73 of the Town and Country Planning Act 1990 ("the Act"), granted on 30 September 2019 reference 2018/1584/P ("the 2019 Permission"). The MHA Site is currently being developed pursuant to the 2019 Permission.

The description of development of the 2019 Permission is below:

"Variation of condition 2 (approved drawings) and removal of condition 3 (demolition contract) of planning permission ref 2017/0414/P (dated 15th Jan 2018) for refurbishment of the Workhouse and North/South Houses and redevelopment of the remainder of the site, to provide a mixed-use development comprising 50 residential units and commercial space; namely to increase extent of basement to incorporate MRI scanners with 3 no. external quench pipes, internal modifications to affordable housing layouts, change of mix of market tenure housing to create 3 no. additional units, alterations to South House to incorporate community room and North House to increase floorspace and provide basement level courtyards, alterations to rooftop plant area, fenestration of new build, cycle parking, access and landscaping."

The Applicant seeks to amend the above description of development through a Non-Material Amendment application. This letter sets out the case for this application and prior engagement between the Applicant and the Council.

Finney vs Welsh Ministers

Officers are aware that the Court of Appeal ruling in relation to Finney vs Welsh Ministers (May 2020) concluded that in essence, s73 applications can be used to vary or remove planning conditions, and does not facilitate the previous practice, in some circumstances, of amending the description of development of a planning permission.

On the 19th of May 2021, the Applicant discussed the issue with Officers in relation to the 2019 Permission because it intends to submit a s73 application for changes to the 2019 Permission.

That s73 application is now made concurrent with this application. It would be appropriate to amend the current description of development via S96a. S96a is an appropriate route for doing so because it allows for changes in the description of development of a planning permission (as non-material) while ensuring that, as specified in the relevant conditions, it does not change anything in terms of what was granted planning permission. Not following such a route, would make the s73 procedure redundant in such circumstances which clearly is not the intention of the regulations.

For clarity, it was also agreed in the meeting on 19th May 2021 that the list of drawings and documents shown on the 2019 Permission itself do not form part of the Description even though the document itself if formatted in a way that suggests otherwise.

Proposed Changes

Under S96a of the Act, the Applicant requires a change to the description of development on the 2019 Permission. The proposed new description of development is:

“Refurbishment of the Workhouse and North/South Houses and redevelopment of the remainder of the site, to provide a mixed-use development comprising residential units and commercial space; basement accommodation, external quench pipes, a community room, rooftop plant, cycle parking, access and landscaping [Variation of condition 2 (approved drawings) and removal of condition 3 (demolition contract) of planning permission ref 2017/0414/P (dated 15th Jan 2018)].”

This application also includes (plans):

- Site Location Plan

Given the above, we trust that this application is acceptable and that it can be approved without delay.

Yours sincerely



Jenny Keith
Consultant

Encl.