



Planning - Development Control
Camden Council
Camden Town Hall
London
WC1H 8ND

2 September 2021

Our ref:1186988.1

Dear Planning Team

**Application for a Non-Material Amendment
St Matthew's Lodge, Oakley Square NW1 1NB**

We act for the owner of the airspace lease at St Matthew's Lodge, Oakley Square NW1 1NB ("the Property") and we are applying for a S96A Non-Material Amendment ("NMA Application") to planning permission Ref: 2020/4606/P ("the Permission").

The requested amendments relate to (i) division of Apartment 7 on the 6th floor to provide an additional unit (x1 bed unit and x 2 bed unit) with connected layout changes; (ii) minor alterations to improve internal layouts of the other flats on the 5th and 6th floors (iii) minor changes to roof (lift overrun reduced in size, minor amendment to rooflights, and additional ASHP for new flat 8) and (iv) minor changes to the elevations (some of the bay window sizes and positions changed in line with the new internal layouts, extension height increased by 187mm, splay panels for balconies increased and window head reduced to align with ceilings).

The information submitted as part of this NMA Application comprises:

- This Covering Letter
- Location Plan
- Existing Plans
- Approved Plans

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- Amended Proposed Plans for NMA

Background

The Permission was granted on 8 January 2021 for: “*the construction of two additional storeys of new dwelling houses above an existing purpose-built, detached block of flats*” (“**the Development**”) under Class A of Schedule 2 Part 20 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (“the GPDO”).

The Permission has not yet been implemented.

Proposed Amendments

The internal alterations to divide Apartment 7 are required to meet accommodation needs better as it has been established that the larger penthouse arrangement would make affordability more difficult than for the proposed two smaller units. The two-bed unit has been positioned to ensure it benefits from a large private terrace and the new GIA is 78sqm. The one bed unit has 4 balconies and the internal unit area is 65sqm and well above the London plan standard of 50msq.

The proposals as part of this NMA planning application seek to amend the following section within the Permission as follows:

Current Drafting

Details approved by the local planning authority:

Drawing Nos: Cover letter prepared by Lewis Silkin with appendices; Design and Access Statement prepared by Echlin dated Sept 2020; Sunlight/Daylight Report by EAL dated August 2020; 2115-PL-112; 2115-PL-113; 2115-PL-114; 2115-PL-115; 2115-PL-116; 2115-PL-117 Rev A; 2115-PL-118 Rev A; 2115-PL-119 Rev A; 2115-PL-108 Rev A; 2115-PL-107 Rev A.

Proposed Drafting (changes in red)

Details approved by the local planning authority:

Drawing Nos: Cover letter prepared by Lewis Silkin with appendices; Design and Access Statement prepared by Echlin dated Sept 2020; Sunlight/Daylight Report by EAL dated August 2020; 2115-PL-112 ; 2115-PL-113 **Rev B**; 2115-PL-114 **Rev B**; 2115-PL-115 **Rev A**; 2115-PL-116 **Rev A**; 2115-PL-117 **Rev B**; 2115-PL-118 **Rev B**; 2115-PL-119 **Rev B**; 2115-PL-108 Rev A; 2115-PL-107 Rev A.

Legislation

Under 96A of the Town and Country Planning Act 1990 (as amended) (“**the 1990 Act**”) a local planning authority has power to make non-material changes to planning consents. This power includes the ability to change a planning consent and to alter planning conditions:

96A Power to make non-material changes to planning permission

(1) A local planning authority ... may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.

(2) 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 or permission in principle as originally granted.

(3) The power conferred by subsection (1) includes power to make a change to a planning permission —

(a) to impose new conditions;

(b) to remove or alter existing conditions.

(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission or permission in principle relates.

The definition of “planning permission” is defined within S336 of the 1990 Act as relating to any permission granted under Part III. S59 of Part III of the 1990 expressly states that planning permission may be granted by way of a development order. The Permission in this instance was granted under the provisions of the GDPO and as such the Council have the power to grant non-material changes to the Permission under S96A.

The 1990 Act does not provide a statutory definition of ‘non-material’ and it is down to the local planning authority to be satisfied that any amendment sought is ‘non-material’ taking into account the context of the overall scheme.

Planning Considerations

The Local Plan for Camden was adopted in July 2017. This remains up to date and contains the following relevant policies:

Policy H1 maximising housing supply

The Council aims to “secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and exceeding a target of 16,800 additional homes from 2016/17 - 2030/31, including 11,130 additional self-contained homes.”

The proposed division of Flat 7 better maximises space increasing the overall provision of new homes from 7 to 8.

Policy H7 mix of size of homes

The Council’s policy encourages a mix of units compliant with the Dwelling Size Priorities Table with providing a mix of low and high priority housing. The one-bed unit is of low priority and a two-bed unit is of high priority.

London Plan

The London Plan forms part of the Development Plan and at policy 3.5 sets minimum internal space standards. The proposed variation creates two flats that are both above the relevant thresholds. In respect of outdoor space, the two bed flat has a large terrace and access to the communal gardens and the smaller one-bed has four balconies (each balcony provides 1.5sqm so the cumulative balcony space is 6sqm - above the London Plan standard of 5sqm) together with access to the large communal gardens.

Camden Housing SPG (adopted January 2021)

The requirements for new homes in Chapter 9 of Camden’s SPG have also been taken into account and we can confirm that these are all met with the following points to note:

- Ceilings match the existing ceiling heights being 2.450m and above the minimum threshold of 2.3m;
- All habitable rooms have good outlook and levels of natural light. Bedroom 2/ study in apartment 8 is possibly the exception with an openable skylight providing natural light and ventilation.

Access

The proposed changes make no differences to access.

5. Conclusion

It is accordingly our view that the changes sought are non-material and are eligible for this 96A application.

We hope this letter and the supporting documents are sufficient to allow for approval of the NMA Application.

Yours faithfully

Lewis Silkin LLP.

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