

Our ref: JN/KJ/25540

Your ref: PP-10360032

Date: 2 November 2021



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FAO: Kate Henry

Dear Kate

**NON-MATERIAL AMENDMENT (SECTION 96A) TO PLANNING PERMISSION 2013/5947/P
THE GREENWOOD CENTRE, GREENWOOD PLACE & HIGHGATE DAY CENTRE, LONDON NW5**

On behalf of GML (Highgate Road), please find enclosed an application for the non-material amendment (Section 96A) to planning permission ref. 2013/5947/P at the above site. Planning permission was granted on 18 June 2014 for the:

“Demolition of existing buildings and redevelopment to provide: a new 3,228sqm (GIA) Centre for Independent Living (CIL) (Class D1) comprising 3 storeys plus basement at Greenwood Place; a part 5 part 7 storey mixed-use development at Highgate Road comprising 42 residential units (including 8 supported affordable housing units) and 100sqm (GIA) social enterprise in flexible retail, restaurant/café, office or community use (Classes A1/A3/B1/D1) at ground floor level; highway improvements to Greenwood Place, and associated plant, landscaping, servicing and disabled car parking.”

Following discussions with officers, this application seeks to amend Planning Condition 11. This letter outlines the proposed amendment, the rationale and assesses it against planning policy and other material considerations.

Proposed Amendments

This application seeks to revise the wording of Planning Condition 11 in order to enable demolition and enabling works to take place prior to discharging the condition. Accordingly it is proposed to amend the condition as follows (with deletions in red and additions in green):

“No ~~development~~ (excluding demolition and enabling works) shall take place at the ~~work shall commence on the~~ Highgate Road Residential Building until a detailed scheme for noise insulation and/or mitigation has first been submitted to and approved in writing by the local planning in respect of the following:

- a) a scheme of sound insulation and attenuated ventilation so as to ensure that noise from external sources shall not exceed 30dB(A) LAeq (23:00-07:00 hours) in any habitable room*
- b) sound mitigation measures to be incorporated to terraces and balconies such that the external noise climate does not exceed 55dB LAeq,t*

The buildings shall not be occupied until completed fully in accordance with such scheme(s) as will have been approved.”

The National Planning Practice Framework (NPPF, 2021) sets out a strategic planning policy framework which planning policies and decisions are to be in accordance with. It is supported by the online National Planning Practice Guidance (NPPG) which provides further detail on various matters.

Paragraph 57 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

Non-material amendments to planning permissions are secured through Section 96A applications. The NPPG outlines that the Council must be satisfied that the amendment sought is non-material in order to grant a Section 96A amendment. However, there is no statutory definition of 'non-material' as it will be dependent on the context of the overall scheme (ref: 17a-002-20140306). It further confirms that a Local Authority must have regard to the effect of the change, together with any previous changes made under a Section 96A (ref: 17a-008-20140306).

The London Borough of Camden's (LBC) Development Plan comprises the London Plan (2021), Camden Local Plan (2017), and other supporting planning guidance documents (SPGs).

The proposed changes to the stated condition are considered in further detail including in the context of whether they will have a material impact on the overall development and accordingly whether a Section 96A application is appropriate, and whether the conditions themselves meet the tests set out within the NPPG.

Planning Assessment

The proposed amendment to Condition 11 is for the slight rewording of the condition. There is no change to its requirements or the timescales of the condition, which continues to confirm that the details are to be discharged prior to the commencement of the development (excluding demolition and enabling works).

The proposed change should therefore be considered non-material, and accordingly appropriate for a Section 96A application.

Planning Summary

The proposed revisions to Condition 11 pursuant to planning permission ref. 2013/5947/P are required to enable demolition works to commence on site without prejudicing the function of the condition. It is considered that these amendments are non-material and so can be secured through a Section 96A application.

Accordingly, the following documents have been submitted:

- Planning Application Form & Certificates; and,
- Site Location Plan.

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The planning application fee has been calculated to be £234, which has been paid online via. the Planning Portal.

We look forward to receiving confirmation of the application's validation. Should you have any queries please do not hesitate to contact me on the details below.

Yours sincerely,

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Principal Planner

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for RPS Consulting Services Ltd

Enc.