



Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London WC1E 9JE

10 February 2022

Dear Sir / Madam,

Morrisons Superstore and Petrol Filling Station, Camden Goods Yard, Chalk Farm Road, London, NW1 8EH (the Site)

Application pursuant to Section 96A of the Town and Country Planning Act 1990 (as amended) for a non-material amendment to Planning Permission 2020/3116/P dated 3 December 2020

We, St George West London Limited, write to you in respect of the Site and submit an application pursuant to s96A of the Town and Country Planning Act 1990 (as amended) (**the 1990 Act**) for a non-material amendment to planning permission 2020/3116/P granted 3 December 2020.

This application has been submitted through the planning portal on 10 February 2022 reference **PP-11034912**.

1. Planning Background

- 1.1 Planning permission was granted for the Site on 15th June 2018 (reference 2017/3847/P) (**the Original Permission**) for the following development:

"Redevelopment of petrol filling station site to include the erection of a new building of up to six storeys and up to 11,243 sq m GEA floorspace to accommodate a petrol filling station (Sui Generis use), flexible retail/food & drink floorspace (Class A1, A3 uses), Class B1 floorspace and a winter garden; with cycle parking, public green space, public toilets and other associated works and highways works; all following demolition of existing building petrol filling station. Use of part ground/1st floors as a foodstore (Class A1 use) with associated car parking for a temporary period of up to thirty months.

Redevelopment of the main supermarket site to include the erection of seven buildings (Blocks A, B, C, D, E1, E2, F) of up to 14 storeys accommodating up to 573 homes (389 market and 184 affordable in up to 60,568 sq m GEA of residential floorspace) together with up to 28,345 sq m GEA non-residential floorspace comprising foodstore (class A1), flexible retail/food & drink (Class A1/A3), office and workshop (Class B1a

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and B1c), community centre (Class D2), roof level of 'Block B' for food and plant growing/production facility including small scale brewing and distilling (Sui Generis use); with associated ancillary office, storage, education, training, cafe and restaurant activities; together with new streets and squares; hard and soft landscaping and play space; lifts; public cycle parking and cycle hire facility and other associated works, including removal of existing surface level car parking and retaining walls, road junction alterations; all following demolition of foodstore"

- 1.2 The Original Permission was varied pursuant to s96A of the Town and Country Planning Act 1990 (**1990 Act**) on 6 February 2019 and 4 July 2019 under references 2019/0153/P and 2019/2962/P respectively.
- 1.3 On 24 December 2019, the description of development was amended pursuant to section 96A of the 1990 Act (decision reference 2019/6301/P) (**the First DoD S96A**) as follows:

"Redevelopment of petrol filling station site to include the erection of a new building of up to six storeys and up to 11,243 sq m GEA floorspace to accommodate a petrol filling station (Sui Generis use), flexible retail/food & drink floorspace (Class A1, A3 uses), Class B1 floorspace and a winter garden; with cycle parking, public green space, public toilets and other associated works and highways works; all following demolition of existing building petrol filling station. Use for a foodstore (Class A1 use) with associated car parking for a temporary period.

Redevelopment of the main supermarket site to include the erection of seven buildings (Blocks A, B, C, D, E1, E2, F) of up to 14 storeys accommodating up to 573 homes (389 market and 184 affordable in up to 60,568 sq m GEA of residential floorspace) together with up to 28,345 sq m GEA non-residential floorspace comprising foodstore (class A1), flexible retail/food & drink (Class A1/A3), office and workshop (Class B1a and B1c), community centre (Class D2), roof level of 'Block B' for food and plant growing/production facility including small scale brewing and distilling (Sui Generis use); with associated ancillary office, storage, education, training, cafe and restaurant activities; together with new streets and squares; hard and soft landscaping and play space; lifts; public cycle parking and cycle hire facility and other associated works, including removal of existing surface level car parking and retaining walls, road junction alterations; all following demolition of foodstore"

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- 1.4 Following the grant of the First DoD S96A, planning permission was granted on 5 May 2020 pursuant to section 73 of 1990 Act (reference 2020/0034/P) to vary Condition 4 (approved drawings) of the Original Permission (as amended by the First DoD S96A) to permit a single storey temporary food store on the Petrol Filling Station part of the Site with associated parking, servicing, access and landscaping (**the First S73 Permission**).
- 1.5 Following the grant of the First S73 Permission, on 9 July 2020 the description of development was amended pursuant to section 96A of the 1990 Act (decision reference 2020/2786/P) (**the Second DoD S96A**) as follows:
- “Redevelopment of petrol filling station site to include the erection of a new building of to accommodate a petrol filling station (Sui Generis use), flexible retail/food & drink floorspace (Class A1, A3 uses) , Class B1 floorspace and a winter garden; with cycle parking, public green space, public toilets and other associated works and highways works; all following demolition of existing building petrol filling station. Use for a foodstore (Class A1 use) with associated car parking for a temporary period.*
- Redevelopment of the main supermarket site to include the erection of seven buildings (Blocks A, B, C, D, E1, E2, F) together with non-residential floorspace comprising foodstore (class A1), flexible retail/food & drink (Class A1/A3), office and workshop (Class B1a and B1c), community centre (Class D2), roof level of 'Block B' for food and plant growing/production facility including small scale brewing and distilling (Sui Generis use); with associated ancillary office, storage, education, training, cafe and restaurant activities; together with new streets and squares; hard and soft landscaping and play space; lifts; public cycle parking and cycle hire facility and other associated works, including removal of existing surface level car parking and retaining walls, road junction alterations; all following demolition of foodstore” (**the Current Description**)*
- 1.6 As part of the Second DoD S96A, the relevant storey heights, unit numbers and floorspace figures were added to the First S73 Permission as a new Condition 73.
- 1.7 Following the grant of the Second DoD S96A, planning permission was granted on 3 December 2020 pursuant to section 73 of 1990 Act (reference 2020/3116/P) to vary Conditions 3 (approved drawings) and 73 (number and mix of residential units) of the First S73 Permission (as amended by the Second DoD S96A) to allow additional storeys across buildings A, B, C and F creating 71 additional residential units, associated elevational changes, the relocation of the concierge to Block A, and alterations to basement and landscaping (**the Second S73 Permission**).

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- 1.8 The Current Description is therefore the description of development for the Second S73 Permission.

2. Reason for this S96A application

- 2.1 St George proposes to submit a further application pursuant to section 73 of the 1990 Act to amend the Second S73 Permission, which includes amongst other things the removal of the petrol filling station use from the ground floor of the PFS site. This is due to be submitted shortly.
- 2.2 In light of the decision in *Finney v Welsh Ministers [2019] EWCA Civ 1868*, where the Court of Appeal held that the description of development cannot be amended pursuant to s73 of the 1990 Act, the Current Description needs to be amended pursuant to s96A of the 1990 Act in order to facilitate the upcoming s73 application.
- 2.3 As before, this change would be non-material because the changes amount to a rewording of the Second S73 Permission decision notice. It does not constitute a change to the development (i.e. it is a simple restructuring of the Second S73 Permission).
- 2.4 This is the same approach taken previously for the Site (as evidenced above) and therefore has been agreed with the London Borough of Camden as acceptable.
- 2.5 As before, we consider that this change would be non-material because the changes amount to a rewording of the Second S73 Permission decision notice, where the details removed from the description of development are incorporated into a new condition containing these details is added to the permission. This does not constitute a change to the development (i.e. it is a simple restructuring of the Second S73 Permission).

3. Revised Description

- 3.1 A proposed revised description of development for the Second S73 Permission is set out below:

“Redevelopment of petrol filling station site to include the erection of a new building to accommodate flexible retail/food & drink floorspace (Class A1, A3 uses) , Class B1 floorspace and a winter garden; with cycle parking, public space, public toilets and other associated works and highways works; all following demolition of existing petrol filling station. Use for a foodstore (Class A1 use) with associated car parking for a temporary period.

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*Redevelopment of the main supermarket site to include the erection of seven buildings (Blocks A, B, C, D, E1, E2, F) for new homes (Class C3 market and affordable) together with non-residential floorspace comprising foodstore (class A1), flexible retail/food & drink (Class A1/A3), office and workshop (Class B1a and B1c), community centre (Class D2), roof level of 'Block B' for food and plant growing/production facility including small scale brewing and distilling (Sui Generis use); with associated ancillary office, storage, education, training, cafe and restaurant activities; together with new streets and squares; hard and soft landscaping and play space; lifts; public cycle parking and cycle hire facility and other associated works, including removal of existing surface level car parking and retaining walls, road junction alterations; all following demolition of foodstore" (**the Revised Description**).*

- 3.2 As previously agreed with the Council, it is proposed that the details removed from the Current Description (i.e the reference to the petrol filling station use) should form a new planning condition to be attached to the Second S73 Permission pursuant to this application as below:-

Additional Condition [74]

"The new building provided as part of the redevelopment of the petrol filling station site shall also accommodate a petrol filling station (Sui Generis use)"

- 3.3 Alternatively, if the Council considers that the details removed from the Current Description could be incorporated into an existing condition attached to the Section S73 Permission then this would also be acceptable and still within the remit of this S96A application.
- 3.4 As this application has been submitted electronically, payment of the £262 application fee has been made via the planning portal. We trust that the above and enclosed documents are in order and would be grateful if you could confirm as such, as well as confirming receipt of this letter and enclosures at the earliest opportunity.

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Should you have any queries please do not hesitate to contact me
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Yours faithfully.



Richard Syddall
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