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**Date:** 27 July 2022



London Borough of Camden  
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WC1H 9JE

For the attention of David Peres da Costa  
By Email

Dear David

## Minor-material amendment to planning application 2017/4472/P

### 117-122 Kiln Place, London NW5 4AP

We are instructed by our client, the London Borough of Camden to submit an application under section 73 of the Town and Country Planning Act 1990 (as amended) ('TCPA'). Please find enclosed a minor-material amendment (MMA) to vary condition 3 of planning permission 2017/4472/P (the 'Extant Permission') at Kiln Place Estate, Camden ('the Site').

## 1 Planning History

Planning permission (ref: 2017/4472/P) was originally approved by London Borough of Camden on 11<sup>th</sup> December 2017 for the:

*"Replacement of the existing timber louvre screen with low front garden walls and private amenity space including alteration to landscaping and provision of communal pathway".*

## 2 Proposals

This application seeks to make an amendment to the wording of condition 3 to refer to approved plans to show the area to no longer be developed as part of the Extant Permission.

The amended condition wording is set out below. The **bold green** wording shows the wording to be added and ~~red struck through~~ shows wording to be removed.

"The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement prepared by Peter Barber Architects dated July 2017, Cover letters prepared by Quod dated 4/08/17 **and 14/07/22**; 116\_L\_001 rev M; 116\_L\_01X PO3; Site location plan (116B\_P\_00X PO2); 116B\_L\_01P PO3; ~~116B\_E\_01 PO3~~, **116B\_E\_01 P06 and 116MMA\_L\_100 P04**".

The Extant Planning Permission specified that the boundary treatments enclosing the new front gardens would be brick walls. It is now proposed to construct these boundary treatments from timber





'hit and miss fencing', as shown on drawing reference: Kiln Place Existing & Proposed Elevations 116B\_E\_01 (Rev. P06).

It should be noted that the drawing referenced "Kiln Place Ground Floor Plan 1of2 116\_L\_001 (Rev. M)" relates to works beyond the red line boundary of the application and was originally submitted for information purposes to demonstrate how works beyond the site boundary would 'dovetail' the works proposed. It is therefore suggested that it be removed from the wording of condition 3 as its inclusion would render the condition unenforceable, failing to meet the relevant tests for planning conditions set out at paragraph 55 of the National Planning Policy Framework (2021).

This MMA application is submitted alongside a full application (planning portal reference PP-11386934). The corresponding full application is seeking permission to provide 121 and 122 Kiln Place with private outdoor amenity space akin to that 117-120 Kiln Place. In order to provide the residents of 121 and 122 with private amenity space whilst still retaining access to the rest of block 117-164 Kiln Place, it is necessary to deliver a walkway over the existing void between units 122 and 133.

It is important to ensure that the new full application and the Extant Permission can be implemented in harmony – without conflict. To ensure this, this minor material amendment seeks a minor adjustment to the wording of condition 3 associated with the Extant Permission. The new plans will remove the areas of overlap from the two permissions from the Extant Permission which are no longer proposed to be developed pursuant to the Extant Permission. Rather, the detail for that part of the Site will be set out as part of the new, full application (planning portal reference PP-11386934).

### **3 Rationale for application**

Paragraph 018 (Reference ID: 17a-018-20140306) (Revision date: 06.03.2014) of the Planning Practice Guidance states that:

*"There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved".*

None of the amendments proposed to the Extant Permission will result in a substantially different development from the one which has been approved (ref: 2017/4472/P).

### **4 Application and supporting information**

This application is made under S.73 of the TCPA and is supported by the following information in line with Camden's Local Area Requirements for Planning Applications (July 2018):

- Application Form;
- Council Own Development Form;



- 116MMA\_L\_100 P04;
- 116B\_E\_01 P06;
- Site Location Plan; and
- This supporting letter.

The application fee of £234.00, plus associated service charge, has been paid via Planning Portal.

## 5 Summary

The proposed modifications to condition 3 would result in a better development, which will improve the amenity for residents at 121 and 122 Kiln Place. The scale and nature of the development is not substantially different from the one which has been previously approved. The proposed amendments will help secure a high standard of design and will serve to meet the needs of existing residents, according with all relevant adopted planning policy.

We trust the enclosed is sufficient for you to validate the application and we look forward to receiving confirmation of this in due course. If for any reason this is not the case, please do get in touch.

Yours sincerely

Becky Smith  
Senior Planner

Enc. As above  
cc. Fai Byfield (LB Camden)