

**Our ref:** Q080621  
**Your ref:** 2021/0191/P  
**Email:** matt.briant@quod.com  
**Date:** 9 September 2022



London Borough of Camden Council  
5 Pancras Square  
London  
N1C 4AG

For the attention of Jennifer Walsh

Dear Jennifer

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

### S96A NON-MATERIAL AMENDMENT APPLICATION IN RELATION TO PERMISSION REF. 2021/0191/P

### TAPLOW, BURNHAM, BRAY, DORNEY AND BLASHFORD TOWER BLOCKS, CHALCOTS ESTATE, SWISS COTTAGE, LONDON, NW3

#### Introduction

We are instructed by our client, the London Borough of Camden (“LBC”), to submit an application under Section 96A of the Town and Country Planning Act 1990 (as amended) to seek a Non-Material Amendment (“NMA”) to planning permission ref. 2021/0191/P. The NMA relates to minor changes to the design and openings of the windows of the four identical towers: Taplow, Burnham, Bray and Dorney. No changes are proposed to Blashford tower.

Planning permission (ref. 2021/0191/P) was granted by the LBC’s Planning Department on 6 May 2021 for:

*“Re-cladding of the five tower blocks (Taplow, Burnham, Bray, Dorney and Blashford) at the Chalcots Estate with a solid aluminium panel facade and associated external works, including fenestration changes, minor alterations and additions to louvres and the installation of an aluminium monorail to the parapet level of each tower block and the stair core of the Blashford tower block.”*

This submission for the NMA comprises the following documents:

- NMA application form, duly completed;
- Council Own Development Form, duly completed;



- Planning permission decision notice ref. 2021/0191/P;
- Site Location Plan (ref. 259493-ARUP-T0-ZZ-DR-YC-1001);
- Existing elevation drawings of example tower;
- Drawings approved under permission 2021/0191/P for example tower;
- Proposed (annotated) drawing set explaining the NMAs sought for example tower;
- This supporting letter.

The requisite fee of £266.20 (inc. VAT and service charge) for an NMA application will be made via the Planning Portal upon submission.

The S96A planning approval which is sought does not qualify as a “planning permission” for the purpose of the Community Infrastructure Levy 2010 (as amended). It is exempt from CIL and will not result in any chargeable development. No CIL form is therefore required with this application.

### **Proposed Non-Material Amendment**

Following the approval of permission 2021/01/91/P in 2021, engagement with residents has continued regularly through a combination of monthly virtual engagement sessions, smaller in-person and virtual drop-in sessions, door-step meetings and leaflet-drops. There is also a dedicated webpage and monthly newsletter providing project updates.

Sample windows have also been set up in the basement of Burnham tower for residents to view. All residents have received a summary booklet with illustrations of the proposed windows, and a more detailed booklet has also been made available to those who request it. The proposed windows have also been set up in two vacant flats, which will be made available for residents to view from 5th September 2022.

In response to recent feedback from residents, this application seeks approval for minor alterations to the approved window designs, approved under planning permission ref. 2021/0191/P.

### **Improved construction methodology**

Firstly, this NMA application has partly been driven by an alternative construction methodology for the replacement windows that would use ‘punch’ windows as opposed to those with existing permission. Punch windows are easier and quicker to install and can be fitted independently of the windows above and below whilst remaining watertight. Punch windows also allow contractors to work around the



residents, installing the windows in a single day<sup>1</sup> when convenient to them and with less disruption to residents. This provides a greater level of certainty over the works programme and affords residents with greater flexibility in when their replacement windows are installed.

To facilitate the punch window installation method, some minor changes are proposed, as follows:

- Increasing the upper frame width from 70mm to 125mm on all windows;
- Increasing the window transom from 70mm to 84mm on all windows except the large living room windows;
- Increasing the large living room transom from 70mm to 104mm; and
- Increasing the mullion width from 70mm to 112mm on the living room, kitchen and relevant bedroom windows.

All windows can be installed independently across the towers so even if a resident is unable to provide access to their flat, the installation teams can continue working by fitting windows elsewhere across the two towers that are being refurbished simultaneously. This method was successfully tested during the week commencing 6 June.

#### *Wider window profiles*

The profiles of the windows have been increased by 30mm (approx.) from the approved design (an example is shown in **Figure 1**). This is the result of a design output from the new installation method, with the slightly deeper profiles allowing the windows to be replaced individually.

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<sup>1</sup> This is the case for the window replacement, excluding the internal preparation work ahead of the replacement (e.g. removal of radiator, window sill, etc) and the decoration work following the window installation (new sill, new radiator, etc), each taking 2 to 3 days in total.



Figure 1 – Proposed window profiles



### Living room windows

During the consultation with the estate's residents, it was emphasised by several residents that the horizontal transom of the main living room windows (picture windows) looked insufficient given the size of the window pane, and could be perceived to be unsafe, particularly amongst those who are uncomfortable with heights. To address these concerns and reassure residents who may perceive a slimmer horizontal transom as not solid enough, this application seeks approval to increase the thickness of the horizontal transom of the picture window from 70mm to 104mm.

This revision is also proposed for safety reasons. The previous design required the internal profile of the window frame to have a protruding beam to provide adequate strength to support the larger picture window pane (see **Figure 1**). The proposed changes around the picture window remove the need for this beam, ensuring the horizontal transom is flush to the window and does not provide a ledge which can be climbed upon.



Figure 2 – Previous transom profile



Additionally, it is proposed to move the vertical mullion 10cm (approx.) towards the fixed-glass picture window pane. This would provide further comfort to residents in terms of safety, narrowing the picture window slightly, whilst also enlarging the adjacent opening window pane to improve ventilation in the living rooms and reduce the risk of overheating.

The proposed changes are minor in nature but would give the impression of a more robust frame, which will ease the concerns of residents who suffer with heights. We have sought to keep the fixed picture window as large as possible, maximising views whilst still allowing furniture to be placed in front of the fixed panel and not the opening section.

### **Kitchen windows**

As part of the post-decision consultation feedback, residents were keen to increase the ventilation in the kitchen due to overheating that can occur, particularly when cooking. Therefore, an additional opening is proposed to the kitchen windows, with the lower pane opening inwards (tilt window) to a restricted opening of no more than 100mm. To facilitate this change, the horizontal transom is proposed to increase in width from 70mm to 84mm.

### **Change to approved plans condition**

The decision notice for permission ref. 2021/0191/P (dated 6<sup>th</sup> May 2021) splits the approved plans condition across Conditions 2 and 3. The conditions read as follows:

2. *The development hereby permitted shall be carried out in accordance with the following approved plans:*



*Site location Plan; Planning Statement Q080621 15 January 2021; Appendix 1 - 5A; Design and Access Statement dated December 2020; Fire Safety Strategy for all 5 towers dated 6th August 2020; 259493-ARUP-T5-ZZ-DR-YC5223 Rev 01; 259493-ARUP-T5-ZZ-DR-YC-5236 Rev 01; 259493-ARUP-T5-ZZ-DR-YC-5237 Rev 01; 259493-ARUP-T5-ZZ-DR-YC-5238 Rev 01; 259493-ARUP-T5-ZZ-DR-YC-5234 Rev 01; 259493-ARUP-T5-ZZ-DR-YC-5235 Rev 01; 259493-ARUP-T5-ZZ-DR-YC-5236 Rev 01; 259493-ARUP-T5-ZZ-DR-YC5238 Rev 01; 259493-ARUP-T0-ZZ-DR-YC-5223-A Rev 01; 259493-ARUP-T0-ZZ-DR-YC-5223-B Rev 01; 259493-ARUP-T0-ZZ-DR-YC-5224 Rev 01; 259493-ARUP-T0-ZZ-DR-YC-5225-A Rev 01; 259493-ARUP-T0-ZZ-DR-YC5225-B Rev 01; 259493-ARUP-T0-ZZ-DR-YC-5238-A; 259493-ARUP-T0-ZZDR-YC-5239 Rev 01; 259493-ARUP-T0-ZZ-DR-YC-5240 Rev 01; 259493-ARUP-T0-ZZ-DR-YC-5241 Rev 01; 259493-ARUP-T0-ZZ-DR-YC-5250 Rev 01; 259493-ARUP-T0-ZZ-DR-YC-5251 Rev 01; 259493-ARUP-T1-ZZ-DR-YC5201 Rev 05; 259493-ARUP-T5-ZZ-DR-YC-3003 Rev 05; 259493-ARUP-T5-ZZ-DR-YC-3002 Rev 05; 259493-ARUP-T5-RF-DR-YC-3003 Rev 03; 259493-ARUP-T5-RF-DR-YC-3004 Rev 03; 259493-ARUP-T5-ZZ-DR-YC-3102 Rev 01; 259493-ARUP-T5-ZZ-DR-YC-3101 Rev 03; 259493-ARUP-T5-ZZ-DR-EX3201 Rev 02; 259493-ARUP-T5-ZZ-DR-EX-3202 Rev 03; 259493-ARUP-T5-ZZ-DR-EX-3203 Rev 02; 259493-ARUP-T5-ZZ-DR-EX-3204 Rev 02; 259493-ARUP-T5-ZZ-DR-YC-3205 Rev 04; 259493-ARUP-T5-ZZ-DR-EX-3206 Rev 01; 259493-ARUP-T5-ZZ-DR-YC-3201 Rev 05; 259493-ARUP-T5-ZZ-DR-YC-3202 Rev 05; 259493-ARUP-T5-ZZ-DR-YC-3203 Rev 04; 259493-ARUP-T5-ZZ-DRYC-3204 Rev 04; 259493-ARUP-T5-ZZ-DR-YC-3205 Rev 04; 259493-ARUP-T5-ZZ-DR-YC-3206 Rev 04; 2594259493-ARUP-T5-ZZ-DR-YC-520393-ARUP-T5-ZZ-DR-YC-3207; 259493-ARUP-T5-ZZ-DR-YC-5201 Rev 04; 259493-ARUP-T5-ZZ-DR-YC-5202 Rev 04; 259493-ARUP-T5-ZZ-DR-YC-5203 Rev 04; 259493-ARUP-T5-ZZ-DR-YC-5204 Rev 04; 259493-ARUP-T5-ZZ-DR-YC5205 Rev 04; 259493-ARUP-T5-ZZ-DR-YC-5206 Rev 04; 259493-ARUP-T5-ZZ-DR-YC-5207 Rev 02; 259493-ARUP-T5-ZZ-DR-YC-5208 Rev 01; 259493-ARUP-T3-ZZ-DR-YC-3001; 259493-ARUP-T3-ZZ-DR-YC-3002 Rev 06; 259493-ARUP-T3-ZZ-DR-YC-3003 Rev 01; 259493-ARUP-T3-ZZ-DR-YC-3004 Rev 01; 259493-ARUP-T3-ZZ-DR-YC-3104 Rev 01; 259493-ARUP-T1-ZZ-DRYC-3101 Rev 05; 259493-ARUP-T3-ZZ-DR-EX-3201 Rev 03; 259493-ARUP-T3-ZZ-DR-EX-3202 Rev 03; 259493-ARUP-T3-ZZ-DR-EX-3203 Rev 02; 259493-ARUP-T3-ZZ-DR-EX-3204 Rev 02; 259493-ARUP-T3-ZZ-DR-EX-3205 Rev 02; 259493-ARUP-T3-ZZ-DR-EX-3206 Rev 02; 259493-ARUP-T3-ZZ-DREX-3207 Rev 02; 259493-ARUP-T3-ZZ-DR-YC-3201 Rev 05; 259493-ARUP-T3-ZZ-DR-YC-3202 Rev 05; 259493-ARUP-T1-ZZ-DR-YC-3203 Rev 05; 259493-ARUP-T3-ZZ-DR-YC-3204 Rev 04; 259493-ARUP-T3-ZZ-DR-YC-3205 Rev 04; 259493-ARUP-T3-ZZ-DR-YC-3206 Rev 04; 259493-ARUP-T3-ZZ-DR-YC-3207 Rev 04; 259493-ARUP-T4-ZZ-DR-YC-1005 Rev 01; 259493-ARUP-T4-ZZ-DR-YC-3001; 259493-ARUP-T4-ZZ-DR-YC-3002 Rev 06; 259493-ARUP-T4-ZZ-DR-YC-3003 Rev 01; 259493-ARUP-T4-ZZ-DR-YC-3004 Rev 01; 259493-ARUP-T4-ZZ-DR-YC-3105 Rev 01; 259493-ARUP-T1-ZZ-DR-YC-3101 Rev 05; 259493-ARUP-T4-ZZ-DR-EX-3201 Rev 03; 259493-ARUP-T4-ZZ-DR-EX-3202 Rev 03; 259493-ARUP-T4-ZZ-DR-EX-3203*





Rev 02; 259493-ARUP-T4-ZZ-DR-EX-3204 Rev 02; 259493-ARUP-T4-ZZ-DR-EX-3205  
Rev 02; 259493-ARUP-T4-ZZ-DR-EX-3206 Rev 02; 259493-ARUP-T4-ZZ-DR-EX-3207  
Rev 02; 259493-ARUP-T4-ZZ-DR-YC-3201 Rev 05; 259493-ARUP-T4-ZZ-DR-YC-3202  
Rev 05;

3. *Plans continued:*

259493-ARUP-T1-ZZ-DR-YC-3203 Rev 05; 259493-ARUP-T4-ZZ-DR-YC-3204 Rev 04;  
259493-ARUP-T4-ZZ-DR-YC-3205 Rev 04; 259493-ARUP-T4-ZZ-DR-YC-3206 Rev 04;  
259493-ARUP-T4-ZZ-DR-YC-3207 Rev 04; 259493-ARUP-T1-ZZ-DR-YC-5201 Rev 05;  
259493-ARUP-T1-ZZ-DR-YC-5202 Rev 05; 259493-ARUP-T1-ZZ-DR-YC-5203 Rev 05;  
259493-ARUP-T1-ZZ-DR-YC-5204 Rev 05; 259493-ARUP-T1-ZZ-DR-YC-5205 Rev 05;  
259493-ARUP-T1-ZZ-DR-YC-5206 Rev 05; 259493-ARUP-T1-ZZ-DR-YC-3001; 259493-  
ARUP-T1-ZZ-DR-YC-3002 Rev 06; 259493-ARUP-T1-ZZ-DR-YC-3003 Rev 01; 259493-  
ARUP-T1-ZZ-DR-YC-3004 Rev 01; 259493-ARUP-T1-ZZ-DR-YC-3102 Rev 01; 259493-  
ARUP-T1-ZZ-DR-YC-3101 Rev 05; 259493-ARUP-T1-ZZ-DR-EX-3201 Rev 03; 259493-  
ARUP-T1-ZZ-DR-EX-3202 Rev 03; 259493-ARUP-T1-ZZ-DR-EX-3203 Rev 02; 259493-  
ARUP-T1-ZZ-DR-EX-3204 Rev 02; 259493-ARUP-T1-ZZ-DR-EX-3205 Rev 02; 259493-  
ARUP-T1-ZZ-DR-EX-3206 Rev 02; 259493-ARUP-T1-ZZ-DR-EX-3207 Rev 02; 259493-  
ARUP-T1-ZZ-DR-YC-3201 Rev 05; 259493-ARUP-T1-ZZ-DR-YC-3202 Rev 05; 259493-  
ARUP-T1-ZZ-DR-YC-3203 Rev 05; 259493-ARUP-T1-ZZ-DR-YC-3204 Rev 04; 259493-  
ARUP-T1-ZZ-DR-YC-3205 Rev 04; 259493-ARUP-T1-ZZ-DR-YC-3206 Rev 04; 259493-  
ARUP-T1-ZZ-DR-YC-3207 Rev 04; 259493-ARUP-T2-ZZ-DR-YC-1003 Rev 01; 259493-  
ARUP-T2-ZZ-DR-YC-3001; 259493-ARUP-T2-ZZ-DR-YC-3002 Rev 06; 259493-ARUP-  
T2-ZZ-DR-YC-3003 Rev 01; 259493-ARUP-T2-ZZ-DR-YC-3004 Rev 01; 259493-ARUP-  
T2-ZZ-DR-YC-3103 Rev 01; 259493-ARUP-T1-ZZ-DR-YC-3101 Rev 05; 259493-ARUP-  
T2-ZZ-DR-EX-3201 Rev 03; 259493-ARUP-T2-ZZ-DR-EX-3202 Rev 03; 259493-ARUP-  
T2-ZZ-DR-EX-3203 Rev 02; 259493-ARUP-T2-ZZ-DR-EX-3204 Rev 02; 259493-ARUP-  
T2-ZZ-DR-EX-3205 Rev 02; 259493-ARUP-T2-ZZ-DR-EX-3206 Rev 02; 259493-ARUP-  
T2-ZZ-DR-EX-3207 Rev 02; 259493-ARUP-T2-ZZ-DR-YC-3201 Rev 05; 259493-ARUP-  
T2-ZZ-DR-YC-3202 Rev 05; 259493-ARUP-T1-ZZ-DR-YC- 3203 Rev 05; 259493-ARUP-  
T2-ZZ-DR-YC-3204 Rev 04; 259493-ARUP-T2-ZZ-DR-YC-3205 Rev 04; 259493-ARUP-  
T2-ZZ-DR-YC-3206 Rev 04; 259493-ARUP-T2-ZZ-DR-YC-3207 Rev 04;

*Reason: For the avoidance of doubt and in the interest of proper planning.*

This NMA application proposes the variation of Condition 2 so it refers to all drawings, rather than splitting them across two conditions, but excludes drawings numbered 259493-ARUP-T0-ZZ-DR-YC-5250 Rev 01 and 259493-ARUP-T0-ZZ-DR-YC-5251 Rev 01 which show in greater detail the approved window design which is proposed to be superseded.



We then propose amending Condition 3 to refer to the proposed amendments to the window design and the associated highlighted changes. For the amended Condition 3, we propose the following wording:

3. *Notwithstanding the detail shown on the approved elevations, the window design of the four identical towers – Bray, Dorney, Burnham and Taplow – shall be carried out in accordance with the following approved plans:*

***[please refer to Appendix 1 for a list of proposed NMA plans].***

*Reason: For the avoidance of doubt and in the interest of proper planning.*

As agreed with the case officer, Jennifer Walsh, by email on 21 June 2022, only a single set of drawings showing the proposed alterations to one of the identical towers has been submitted, in the interests of brevity, but the changes are proposed across each of the identical towers – Taplow, Burnham, Bray and Dorney. We believe the proposed changes to Conditions 2 and 3 above enable the proposed NMA to be implemented across all four towers.





## Assessment of Non-Material Amendment

The Government's Planning Practice Guidance ('PPG', 2014) from Government advises that there is no statutory definition of 'non-material' because it will be dependent on the context of the overall scheme<sup>2</sup>. The local planning authority must therefore be satisfied that the amendment sought is non-material.

The proposed amendments to approved drawings listed under Conditions 2 and 3 are not considered to represent a material alternation to the overall scheme. The following points are considered to be of immediate relevance in this instance:

- The proposed amendments retain the purpose and spirit of the original condition;
- The proposal would remain consistent with the approved description of development set out on the full planning permission (ref. 2021/0191/P);
- There would be no alteration to the full planning permission (ref. 2021/0191/P) site boundary;
- There would be no change to the appearance of the proposed windows in terms of the style, finish and colour approved on application 2021/0191/P.
- The proposed amendments would not impact upon the principle of development or propose amendments that are material in the context of the approved development as a whole; and
- Following the proposed amendments, the development would continue to accord with relevant policies in the statutory development plan, the National Planning Policy Framework (2021) and other Government guidance.

Finally, the wording of the amended condition is considered to meet the tests set out in the PPG (March 2014, as updated) in relation to being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

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<sup>2</sup> PPG, Paragraph 002, Reference ID: 17a-002-20140306, revised 6 March 2014, Accessed 16 August 2022: <https://www.gov.uk/guidance/flexible-options-for-planning-permissions#Making-a-non-material-amendment>



## Summary and Conclusions

In summary, this application proposes changes to the windows of Taplow, Burnham, Bray and Dorney towers of the Chalcots Estate. No changes are proposed to Blashford tower. The proposed changes are based upon the feedback of residents and are proposed to provide comfort and a better quality of life for residents. The changes are minor in nature and are considered to be 'non-material'. There would be no change to the appearance of the proposed windows in terms of the style, finish and colour approved on application 2021/0191/P.

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 not hesitate to contact us.

Yours sincerely

A handwritten signature in black ink that reads "Matt Briant".

Matt Briant  
Senior Planner

enc.  
cc.



## APPENDIX 1 – SCHEDULE OF REVISED DRAWINGS

Drawing title	Revised drawing reference (NMA plan)
Proposed Elevation North	259493-ARUP-T2-ZZ-DR-YC-3201 Rev 06
Proposed Elevation South	259493-ARUP-T2-ZZ-DR-YC-3202 Rev 06
Proposed Elevation West	259493-ARUP-T2-ZZ-DR-YC-3203 Rev 06
Proposed Elevation East	259493-ARUP-T2-ZZ-DR-YC-3204 Rev 05
Proposed Elevations Internal East and West	259493-ARUP-T2-ZZ-DR-YC-3205 Rev 05
Proposed Elevations Internal North and South	259493-ARUP-T2-ZZ-DR-YC-3206 Rev 05
Proposed Elevations Internal North and South	259493-ARUP-T2-ZZ-DR-YC-3207 Rev 05
Bray, Burnham, Dorney, Taplow Towers Detailed Views Sheet 01	259493-ARUP-T1-ZZ-DR-YC-5201 Rev 06
Bray, Burnham, Dorney, Taplow Towers Detailed Views Sheet 02	259493-ARUP-T1-ZZ-DR-YC-5202 Rev 06
Bray, Burnham, Dorney, Taplow Towers Detailed Views Sheet 03	259493-ARUP-T1-ZZ-DR-YC-5203 Rev 06



Bray, Burnham, Dorney, Taplow Towers Detailed Views Sheet 04	259493-ARUP-T1-ZZ-DR- YC-5204 Rev 06
Bray, Burnham, Dorney, Taplow Towers Detailed Views Sheet 05	259493-ARUP-T1-ZZ-DR- YC-5205 Rev 06
Bray, Burnham, Dorney and Taplow Tower Window System Options Diagram - Podium level Type 1 (lowered sill level)	259493-ARUP-T0-ZZ-DR- YC-5250 Rev 02
Bray, Burnham, Dorney and Taplow Tower Window System Options Diagram - Podium level Type 2 (lowered sill level)	259493-ARUP-T0-ZZ-DR- YC-5251 Rev 02