

Application ref: 2022/1609/P
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Grant of Non-Material Amendments to planning permission

Address:
100 Avenue Road
London
Camden
NW3 3HF

Proposal: Alterations including (in summary) reconfiguration of residential units and access corridors and hallways; removal of back-of-house goods lifts and reconfiguration of service spaces; alterations to services on roof of lower block; alterations to residential amenity area at 23rd floor level; relocation of openable windows; rearrangement of amenity space at first floor level of main tower; relocation of access doors at ground floor level; reconfiguration of landscaping at base of main tower; reconfiguration of bin stores and substation accesses; reconfiguration of retail and community space to planning permission granted under reference 2014/1617/P (allowed by appeal under APP/X5210/W/14/3001616 dated 18/02/2016 and as varied by 2016/2048/P dated 10/05/2016, 2018/4239/P dated 04/08/2020 and 2019/1405/P dated 07/05/2019) for: demolition of existing building and redevelopment for a 24 storey building and a part 7 part 5 storey building comprising a total of 184 residential units (Class C3) and up to 1,041sqm of flexible retail/financial or professional or café/restaurant floorspace (Classes A1/A2/A3) inclusive of part sui generis floorspace for potential new London Underground station access fronting Avenue Road and up to 1,350sqm for community use (class D1) with associated works including enlargement of existing basement level to contain disabled car parking spaces and cycle parking, landscaping and access improvements.

Drawing Nos: Approved drawings:

(SC_GRID_0_A_PL)099 P6; 100 P7; 101 P4; 102 P4; 105 P5; 106 P4; 107 P4; 108 P3;
113 P3; 119 P3; 121 P3; 123 P3; 124 P3; 200 P4; 201 P5; 202 P6; 203 P6; 204 P5; 205

P6; 206 P6; 207 P6; 210 P3; 211 P3; 213 P4; 214 P4; 401 P3; 402 P4; 403 P3; 404 P4; 405 P4; 406 P4.

Superseded drawings:

(SC_GRID_0_A_PL)099 P5; 100 P5; 101 P3; 102 P3; 105 P4; 106 P3; 107 P3; 108 P2; 113 P2; 119 P2; 121 P2; 123 P2; 124 P2; 200 P3; 201 P4; 202 P4; 203 P4; 204 P4; 205 P4; 206 P4; 207 P4; 210 P2; 211 P2; 213 P3; 214 P3; 401 P2; 402 P3; 403 P2; 404 P3; 405 P3; 406 P3.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

For the purposes of this decision, condition no. of planning permission 2014/1617/P (allowed by appeal under APP/X5210/W/14/3001616 dated 18/02/2016) shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the approved plans listed below.

SC_GRID_0_A_PL099 P6; SC_GRID_0_A_PL100 P7; SC_GRID_0_A_PL101 P4; SC_GRID_0_A_PL102 P4; SC_GRID_0_A_PL105 P5; SC_GRID_0_A_PL106 P4; SC_GRID_0_A_PL107 P4; SC_GRID_0_A_PL108 P3; SC_GRID_0_A_PL113 P3; SC_GRID_0_A_PL119 P3; SC_GRID_0_A_PL121 P3; SC_GRID_0_A_PL123 P3; SC_GRID_0_A_PL124 P3; SC_GRID_0_A_PL200 P4; SC_GRID_0_A_PL201 P5; SC_GRID_0_A_PL202 P6; SC_GRID_0_A_PL203 P6; SC_GRID_0_A_PL204 P5; SC_GRID_0_A_PL205 P6; SC_GRID_0_A_PL206 P6; SC_GRID_0_A_PL207 P6; SC_GRID_0_A_PL210 P3; SC_GRID_0_A_PL211 P3; SC_GRID_0_A_PL213 P4; SC_GRID_0_A_PL214 P4; SC_GRID_0_A_PL401 P3; SC_GRID_0_A_PL402 P4; SC_GRID_0_A_PL403 P3; SC_GRID_0_A_PL404 P4; SC_GRID_0_A_PL405 P4; SC_GRID_0_A_PL406 P4 and PL_161 P1, PL_162 P1, PL_163 P1, PL_164 P1, PL_170 P1, PL_171 P1, PL_172 P1, PL_173 P1, LL443-100-001 P1, LL443-100-002 P2, LL443-100-003 P1, LL443-100-004 P1, LL443-100-005 P2, LL443-100006 P1, LL443-100-007 P1, LL443-100-100, LL443-200-101.

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

Informative(s):

- 1 Reasons for granting permission.

The proposed non-material amendments consolidate amendments made under 2018/4239/P dated 04/08/2020 along with some further internal and external alterations. In summary the changes include reconfiguration of back-of-house service spaces; alterations to layout of services on roof of lower block; alterations to layout of residential amenity area at 23rd floor level of tower; relocation of some

openable windows; rearrangement of amenity space at first floor level of tower; relocation of some access doors at ground floor level; reconfiguration of landscaping at base of tower; reconfiguration of bin stores and substation accesses at ground floor level; internal reconfiguration of proposed layout of retail space at ground floor level; internal reconfiguration of proposed layout of community space; removal of level 7 external communal amenity terrace of lower block for discount market rent (DMR) units.

Summary of position

Government guidance states that there is no statutory definition of 'non-material'. The National Planning Practice Guidance (NPPG) makes it clear that this is because whether changes are non-material is dependent on the context of the overall scheme. It is noted that the original approval includes the redevelopment of the site to provide two new buildings, a 24 storey tower block and a 7 storey lower block. 184 residential units were consented along with 1,041m² of flexible A1/A2/A3 space and 1,350m² of community use. The subject scheme is therefore a large major development providing a very tall tower and a significant quantum of floorspace. Any proposed changes must be considered in this context and as the NPPG mentions, an amendment that is non-material in one context may be material in another. For a change to be considered material in the context of the original permission, officers are of the view that they need to be significant, in that they would materially alter the approved large scale development. In considering whether an amendment is non-material, the Council must consider the relationship between the proposed change(s) and the scheme overall. In this case the Council considers that the proposed changes are non-material in the context of the large scale development that has been consented.

There are no material changes to the floor area of the development or its uses, the buildings are not increasing in size, height or scale, there are no changes to the numbers of residential units or their tenancy type (which is controlled via legal agreement) and there are no changes that would materially impact the external appearance of the approval or introduce material neighbouring amenity impacts. No new material planning considerations are raised. The changes largely relate to the detailed design of the scheme, both internally and externally.

Internal changes

On balance, the internal changes are considered to be minor in the context of the scheme. There are a range of planning conditions and legal obligations attached to the original permission to control the internal aspects of the development. These would all be in place following the granting of any non-material amendment and no amendments to them are proposed. This includes details such as an acoustic report (condition 5), condition 8 states that no more than 1,100m² GEA shall be used for classes A1-A3, cycle parking details are required by condition 23 and waste and recycling details are required as a legal obligation.

External changes

The external changes to the buildings, in the context of the original approval of buildings that are 24 and 7 storeys high, are not considered to materially alter its appearance, character, height, scale or massing. The proposed amendments are largely to the detailed design of the proposal and are non-material in that they do not significantly alter the approved building.

- 2 Furthermore, the final appearance of the buildings and the resulting scheme is largely controlled by a series of planning conditions that require further details to be approved by the Council. These include landscaping details (condition 3), facing materials (condition 18), shopfront details (condition 19) and external lighting (condition 22).

Removal of roof terrace

The proposals involve the removal of a communal terrace on level 7 of the lower block, which would be used by DMR residents only. It is proposed to be used for PVs. This is the uppermost level of the lower block and directly faces Avenue Road, there are no flats on this level (it is the main roof), an existing large communal terrace for DMR residents (facing the Swiss Cottage Open Space) would remain on level 5 and all the DMR units have their own private external space. On balance this amendment is considered non-material and acceptable.

Residential amenity

The buildings are not increasing in footprint, height or massing. It is therefore considered that there would not be a material change to the impact on neighbouring amenity in terms of daylight/sunlight, overbearing or loss of outlook impacts. No new habitable windows, terraces or balconies are being introduced or materially altered. Officers consider that overlooking and privacy impacts are not being increased over the approved scheme.

The nature, size and quantum of the uses are not being materially altered. There would be no material increase in noise, general disturbance or scale of use.

Conclusion

On this basis the proposed amendments, individually and when considered cumulatively, are considered to constitute non-material amendments in the context of the original approved scheme. It is considered that the changes would not materially alter the appearance of the buildings, the nature and scale of the development nor would it result in a significant increase to neighbouring amenity impacts.

- 3 You are advised that this decision relates only to the changes highlighted on the plans and/or set out in the description and on the application form and shall only be read in the context of the substantive permission granted under reference 2014/1617/P (allowed by appeal under APP/X5210/W/14/3001616 dated 18/02/2016) and is bound by all the conditions and obligations attached to that permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is centered at the top of the page.

Daniel Pope
Chief Planning Officer

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