

London Borough of Camden

Development Management

Submitted via planning portal

20th January 2023

Dear Sirs

Non material amendment to planning application 2018/2316/P. Land fronting Stephenson Way (to the rear of 222 Euston Road adjacent to 210 Euston Road), London NW1 2DA

On behalf of the applicant, Churchgate Ltd, we hereby submit an application under S96A of the Town and Country Planning Act for a non material amendment in relation to the above planning permission. The approved development was described as follows:

“Erection of a 7-storey building plus basement for student accommodation use with 78 rooms of accommodation on the upper floors including shared amenity space at ground and sixth floor level and terrace at 6th floor level fronting Stephenson Way (Sui Generis). Retention of the vehicular easement from Stephenson Way to the rear of 222 Euston Road.”

Section 96A allows a non material amendment to be made to an existing planning permission via an application procedure. No definition is given as to what constitutes a non material amendment as this will vary on a case by case basis.

In making a decision on such an application, the Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section.

Amendment

Following the detailed design of the scheme in order to prepare and discharge the prior to commencement conditions, it has become apparent there has been a change to the fire regulations since the issuing of the decision, which now requires a second staircase to be provided within the building. In reviewing the approved internal layout, this is likely to result in the loss of 1 or 2 units within the scheme. In the first instance, we therefore need to amend the description of the development to remove reference to the number of units, which currently states 78. We will then follow this up with a further amendment for the internal changes.

The amended description of development would read as follows:

“Erection of a 7 storey building plus basement for student accommodation use with rooms of accommodation on the upper floors including shared amenity space at ground and sixth floor level and terrace at 6th floor level fronting Stephenson Way (Sui Generis). Retention of the vehicular easement from Stephenson Way to the rear of 222 Euston Road. “

Materiality

The main issues relating to the non material amendment are the effect that it would have on the character of the area and the impact that it would have on the amenity for the occupants surrounding residential properties. In deciding whether proposed changes can be considered to be non material, careful consideration needs to be given to the following points:

1. Do the proposed changes differ in substance from the development that was granted planning permission?

The development as approved will not be altered as part of this application. There is no change to the approved plans, only the description of development.

2. Would acceptance of the proposed changes as a non material amendment deprive those who should have been consulted from such additional consultation?

Neighbours will not be affected by the proposed change, and as such neighbour notification regarding the proposed alterations is not considered necessary.

3. Does the cumulative impact of a series of non material amendments result in a development that is quite different from the original permission?

The proposed amendment will not lead to the scheme differing from the development originally approved.

In light of the above, it is considered that this small change in the description of the development is a non material amendment when compared to the original permission and can therefore be supported and approved. In this regard no changes are proposed at this stage to the approved drawings, with this matter being reserved for later consideration by the Council by way of a follow up submission either under Section 96A or Section 73 of the Act.

We trust the above is non controversial. However if you have any queries relating to the submission, please do not hesitate to contact me.

Yours sincerely,

Clare Preece
Planning Director
Fuller Long Limited