

Ref: R00900/WT/KG
Planning Portal Ref: PP-12661591

Barnet Council
2 Bristol Avenue
Colindale
NW9 4EW

14th December 2023

Dear Sir / Madam,

NON-MATERIAL AMENDMENT (NMA) APPLICATION TO PLANNING PERMISSION REF. 23/3727/FUL:

“REPLACEMENT OF EXISTING CLADDING AND FACADE ALTERATIONS. RECONFIGURATION OF PARKING LAYOUT AND ONE OF THE ACCESS RAMPS. INTRODUCTION OF A TROLLEY BAY AND A NEW ACCESS GATE. (AMENDED DESCRIPTION)”

400 EDGWARE ROAD, CRICKLEWOOD, BARNET, NW2 6ND

I write on behalf of Cricklewood PropCo Ltd ('the Applicant'), to submit an application under Section 96a of the Town and Country Planning Act 1990 (as amended) in relation to a non-material change to planning permission reference 23/3727/FUL, at the above site.

Aside from this covering letter, the following information has been submitted as part of this non-material amendment ('NMA') application:

- The completed application forms.
- Site location plan (as approved), prepared by Threesixty Architects.
- Existing elevations (as approved) and Proposed Elevations, prepared by Threesixty Architects.
- Relevant planning application fee.

This application has been submitted online and the application fee paid as part of the submission via the Planning Portal.

Summary of Proposed Amendment

Planning permission ref. 23/3727/FUL was granted on 23rd October 2023 for the following:

“Replacement of existing cladding and facade alterations. Reconfiguration of parking layout and one of the access ramps. Introduction of a trolley bay and a new access gate.”

This application proposes an alteration to the upper section of the glazing on the eastern end of the

building's southern façade as approved, in order to balance the façade and increase the building's symmetry.

Non-material Amendment Considerations

As set out in the DCLG guidance 'Greater flexibility for planning permissions' there is no statutory definition of 'non-material' as this is dependent on the context of the overall scheme, since what may be non-material in one context may be material in another. In deciding whether a change is material, an authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted, and the scheme context. In allowing a non-material change, an authority may impose new conditions and remove or alter existing conditions.

It has been established in *Bernard Wheatcroft Ltd v SoS 1981* that "the main criterion is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation." The proposed amendments in this instance are negligible and do not give rise to any neighbouring amenity impacts, noticeable impact on the character or appearance of the proposed building, or any other implications that would warrant detailed public consultation. As such, it is considered that the proposals pass the test set out in *Wheatcroft* to be deemed non-material.

Proposed NMA Changes

The proposed amendments are required in order to improve the overall design of the building. The proposed alteration of the glazing and the new signage above it will improve the balance and symmetry of the south façade, improving the appearance of the building as viewed from Edgware Road.

This application is accompanied by an updated elevation drawing for the south façade, which demonstrates the limited scope of the alterations proposed.

These amendments have been reviewed in the context of National Planning Practice Guidance and are considered non-material to the consented scheme. The changes will not have any material impact on the development granted under the permission. Permission is therefore sought under S96a of the Town and Country Planning Act 1990. The proposed s96a changes are summarised below and shown in detail on the accompanying drawings.

The following amendments are sought:

1. Minor alterations to the approved south façade and elevation drawing.
2. Addition of 1no. drawing to the approved list of drawings in Condition 1.

Assessment

The proposed amendment is considered non-material in this instance for the following reasons:

Minor alterations to Elevations

The revised South Elevation represents a minor alteration to the Proposed Elevations which were approved with permission ref. 23/3727/FUL. The proposed change is shown in the two Figures below:

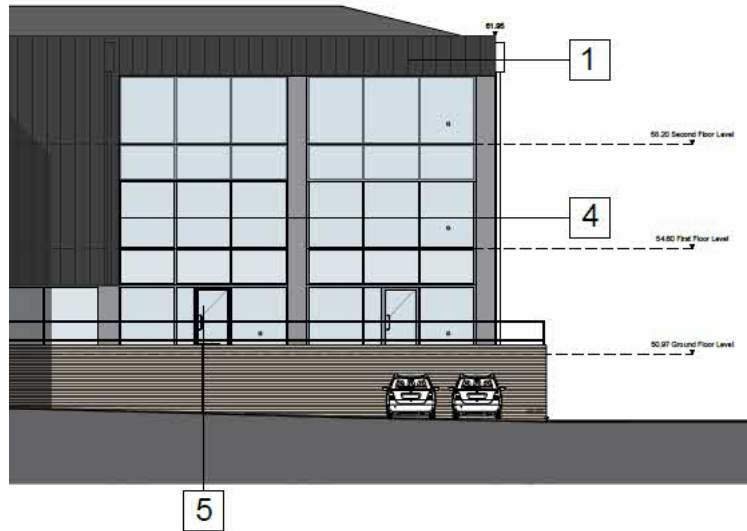


Figure 1 - Approved Elevation from 23/3727/FUL

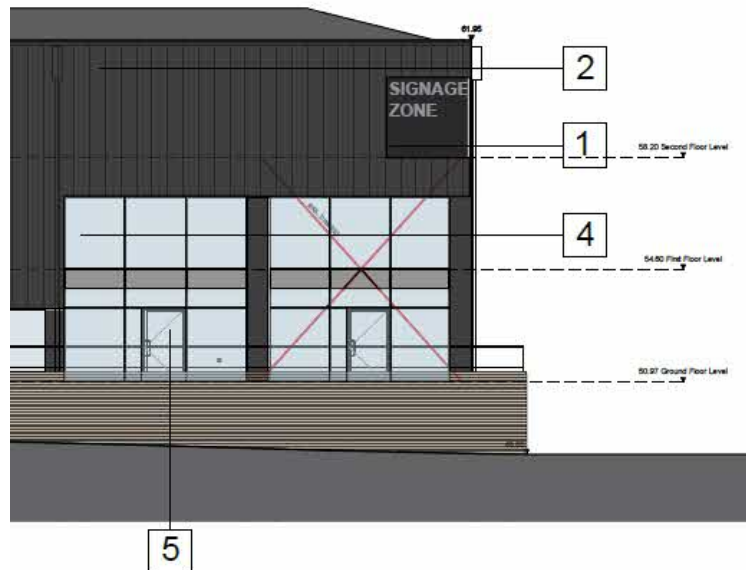


Figure 2 - Proposed Amendment to Elevation

The overall change to the appearance and character of the building is negligible and will have minimal material impact on the overall development. The purpose is to ensure a symmetry between the northernmost and southernmost glazing detail on the principal elevation facing Edgware Road. This will also assist in mitigating any impact of overheating of the building.

Amendment to list of approved drawings

At present Condition 1 reads as follows:

“The development hereby permitted shall be carried out in accordance with the following approved plans: 23032GA_10_002A, 23032GA_10_003B, 23032GA-D-006B, 23032GA_D_101A, 23032GA_D_102A, 23032GA-D-103, 23032GA_90_005, Stage 3 Design Statement, Planning Statement, dated 23 August 2023.”

This Non-material Amendment looks to alter the wording of this condition to include the revised south elevation, for reasons detailed above. The list of approved plans should now include document '23032GA_21_115A' which accompanies this application.

Conclusion

In conclusion, the amendments proposed within the context of the approved scheme do not materially affect the overall appearance of the scheme as consented under permission ref. 23/3727/FUL. On this basis, we trust the Council will agree this is a non-material amendment and is permissible under Section 96a of the Town and Country Planning Act 1990.

We trust that this application pack contains sufficient information to validate the application on receipt and we look forward to receiving your decision within the 28-day target determination period. If, in the interim, you have any queries please do not hesitate to contact either Sam Blacker [REDACTED] or myself at this office. I look forward to your formal acknowledgement of the application.

Yours faithfully,

[REDACTED]
Katy Greenwood
Planner
ROK Planning