

JOB002058/MG/EG/SC/EC

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8 May 2025

**Planning Portal Reference: PP-13995544**

Dear Geoff,

**LEEGATE SHOPPING CENTRE, LEEGATE, LONDON, SE12  
SECTION 96A TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF:  
DC/22/126997**

On behalf of London Square Developments Ltd ("the Applicant"), please find enclosed an application ("the Application") under Section 96a of the Town and Country Planning Act 1990 (As Amended) for a non-material amendment to planning permission ref: DC/22/126997, relating to Leegate Shopping Centre, Lee Green, SE12.

Planning permission (ref. DC/22/126997) was granted on 1 November 2024 for the redevelopment of the Site. The description of development is as follows:

*"Proposed development at Leegate Shopping Centre SE12, bounded by Burnt Ash Road, Eltham Road, Leyland Road and Carston Close, for the demolition of existing buildings, and the construction of buildings up to 15-storeys (including basement level) to provide a comprehensive mixed use development including residential (Use Class C3), flexible commercial floorspace (Use Class E), a community centre (Use Class F2) and a public house (Sui Generis), together with associated public realm, landscaping and highways improvements, vehicular access, car parking and servicing arrangements, cycle parking and stores, and all other ancillary works."*

The original permission has not yet been implemented. The Applicant is in the process of preparing an application for a Section 73 Application to the extant consent. To facilitate this, the Applicant is thereby seeking amendments to the wording of the description of development as follows:

*"Proposed development at Leegate Shopping Centre SE12, bounded by Burnt Ash Road, Eltham Road, Leyland Road and Carston Close, for the demolition of existing buildings, and the construction of buildings **up to 15-storeys (including basement level)** to provide a comprehensive mixed use development including residential (Use Class C3), flexible commercial floorspace (Use Class E), a community centre (Use Class F2) and a public house (Sui Generis), together with associated public realm, landscaping and highways improvements, vehicular access, car parking and servicing arrangements, cycle parking and stores, and all other ancillary works."*

The original permission was pursued by a different applicant (GHL (Leegate) Limited). Following grant of planning permission in November 2024, the Applicant acquired the Site in early 2025. To ensure the scheme remains deliverable, the Applicant is seeking changes to the extant permission via a forthcoming Section 73 application, which will include (inter alia) changes to the consented building heights.

A Section 73 permission cannot be granted where it includes a condition which conflicts with the description of development of the original permission, as established in the case of *Test Valley BC v. Fiske* [2024] EWCA Civ 1541. Therefore, the Applicant is seeking to amend the description of development by removing the words 'up to 15-storeys (including basement level)' to allow the abovementioned amendments to come forward. This approach has been agreed with London Borough of Lewisham officers in advance of submitting this S96a application.

The principle of the use of an application under Section 96a of the Act to amend the description of development has been considered (and confirmed lawful) in the case of *Finney v Welsh Ministers & Ors* [2019] EWCA Civ 1868.

### **ADMINISTRATIVE MATTERS**

The application fee of £383 (including £85 Planning Portal administration fee) has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (Statutory Instrument No.2920) (As Amended) and payment has been made online.

We trust the above and enclosed is in order and will allow you to issue confirmation of the validation of the Application. However, if you have any outstanding queries or should you require any further information please do not hesitate to contact Mark Gibney ([mark.gibney@montagu-evans.co.uk](mailto:mark.gibney@montagu-evans.co.uk)), Emma Gill ([emma.gill@montagu-evans.co.uk](mailto:emma.gill@montagu-evans.co.uk)) Sophie Carty ([sophie.carty@montagu-evans.co.uk](mailto:sophie.carty@montagu-evans.co.uk)) or Elsa Camara ([elsa.camara@montagu-evans.co.uk](mailto:elsa.camara@montagu-evans.co.uk)) at this office.

Yours sincerely,



**MONTAGU EVANS LLP**

**Enc.**