

Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Our ref: APL-374

20<sup>th</sup> May 2024

Dear Sir/ Madam,

**Amendments to condition 7 of approved planning application reference:  
2023/0383/P at 551-557 Finchley Road, London, NW3 7BJ**

On behalf of our client, please find the enclosed application under Section 96a of the Town and Country Planning Act (TCPA) (1990) (as amended) for a non-material amendment to planning permission 2023/0383/P. The application seeks permission to amend Condition 7 (Accessibility).

### Relevant Planning History

The original (parent consent) reference 2020/5444/P granted planning permission on 24 December 2021 for the following development:

*Part change of use from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, remodelling and restoration of front facade, amenity space, cycle parking and associated works (Site does not include 1st to 3rd floor of 551 Finchley Road).*

This consent was amended by non-material amendment (Section 96a of the TCPA) application reference 2022/3596/P on 31<sup>st</sup> October 2022. This approved amendment to condition 7 changed the condition to refer to M4 (2) of the Part M of the building regulations, as opposed to M4 (3). This permission granted consent for the following:

*Amendments (changes to condition 7 wording to secure two adaptable units to Part M4(2) standard rather than Part M4(3)(2)(a)) to planning permission ref: 2020/5444/P granted 24/12/2021 for the Part change of use from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, remodelling and restoration of front facade, amenity space, cycle parking and associated works. (My emphasis added)*

A further consent, to make material amendments (Section 73) to the original consent was approved under reference 2023/0383/P to vary the approved plans. This was granted 13<sup>th</sup> December 2023. This application is the subject of this application and approved the following development:

*Variation of condition 2 (approved drawings) of planning permission 2020/5444/P approved 24/12/2021 for the part change of use from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, remodelling and restoration of front facade, amenity space, cycle parking and associated works; namely, changes to approved dwelling mix and internal layouts, reduction in commercial floorspace and minor changes to elevations.*

## Proposed Variation of Condition

This application seeks amendments to condition 7 of planning permission reference 2023/0383/P. The amendments aim to specify the appropriate unit names and ensure they are developed in accordance with the correct part of the Part M of the Building Regulations.

The existing condition 7 of 2023/0383/P states the following:

*'All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (1) with units 3A and 3B designed and constructed in accordance with Building Regulations 2010 Part M4 (3) adaptable.*

*Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the Camden Local Plan 2017.'*

Both units 3A and 3B no longer exist on the new approved layout, therefore this condition is not only erroneous but could not be enforced. As set out in the previous Section 96a consent (2022/3596/P), the two units were also to be amended from M4 (3) to M4 (2); this change has therefore been previously approved by the local authority. Furthermore, this is also confirmed in 'Informative 1' for the S73 application (2023/0383/P, the subject of this application, which states in paragraph 4:

*The dwellings would continue to provide a good standard of accommodation and two M4(2) compliant flats would be provided as per the original approval in the*

*approved floor plans submitted to the application under Section 73. (My emphasis added)*

This condition (7) therefore appears to be erroneous and has not been amended to accord with the new plans.

Two units G1 and G2 on the plans approved under the Section 73 application (2023/0383/P) are M4 (2) compliant and therefore can be substituted for units 3A and 3B, which are included in the condition (which as noted above no longer exist on the plans for 2023/0383/P). The units can be seen on Figure 1 below:



Figure 1 - (GROUND FLOOR - PROPOSED), Dwg No 22-055-A-151

Therefore, condition 7 of planning permission ref: 2023/0383/P should be amended to reflect the new wording below (amended text underlined):

**New wording of condition 7:**

*‘All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (1) with units G1 and G2 designed and constructed in accordance with Building Regulations Part M4 (2).’*

*Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the Camden Local Plan 2017.’*

## Summary

The amendments to condition 7 of planning approval reference 2023/0383/P, to refer to M4 (2), have been previously approved under an earlier 96a application.

Furthermore, 2 replacement units are proposed in place of units 3a and 3b (both of which do not exist on the new approved layout).

In accordance with the above, we therefore respectfully request that the application to amend Condition 7 to be approved.

If you require further information, please contact us on the details at the head of this letter.

Yours faithfully

*William Docherty*

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