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London Borough of Camden
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13th December 2024

Dear Planning Department,

2 SWAIN'S LANE, LONDON, N6 6QS

**APPLICATION FOR MINOR-MATERIAL AMENDMENT TO PLANNING APPLICATION: 2019/5783/P –
DEMOLITION OF EXISTING BUILDINGS. ERECTION OF 3 STOREY BUILDING WITH RETAIL (CLASS E)
AT GROUND FLOOR AND 2X1BED FLATS AND 1X2BED (C3) ABOVE [REVISED DESIGN]**

SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

This application is submitted on behalf of the applicant, Srinath Properties Ltd. This application seeks a minor material amendment in relation to the development that was approved on 3rd August 2022 LPA ref: 2019/5783/P. The minor amendments seek to regularise some of differences of the built-out scheme and errors within the drawing package of the approved scheme. The approved drawings incorrectly show the neighbouring property, 4 Swains Lane, much lower than it is.

Further, the approved scheme was designed with London Stock brick, however, the scheme has been built out with Red Multi Gilt Stock brick to match the building opposite and other buildings Swain's Lane and the conservation area as a whole. Accordingly, minor alterations are proposed to rectify the height differences and brickwork. The application submission, made over the planning portal, is accompanied by the following:

- This Cover Letter;
- Site Location Plan;
- As-built drawings:
- Proposed drawings;
- Drainage and flood details; and
- Application form.

Accordingly, we trust the LPA have sufficient information to determine the application within the statutory 8 week determination period.

Governing Legislation

Section 73 of the Town and Country Planning Act 1990 provides:

1. A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is a minor material amendment.
2. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

As set out in the DCLG guidance 'Greater flexibility for planning permissions' there is no statutory definition of 'minor-material' as this is dependent on the context of the overall scheme, since what may be minor-material in one context may be material in another.

S73 exists as a mechanism for the removal/variation of conditions provided the change is deemed to be 'minor' when taken in context with the wider development. The approved drawings show the neighbouring property, 4 Swains Lane, shorter than reality and therefore, the as-built building does not align with the property at first floor level. It cannot have been the intention of the local planning authority to approve a scheme that does not align with the neighbouring property and therefore, minor alterations are required to improve the façade within the immediate context.

As the alterations are minor in nature and improves the aesthetic of the buildings, the changes should be deemed acceptable.

Planning permission reference 2019/5783/P (Appendix 1) was granted on 3rd August 2022 with the following description of development:

'Demolition of existing buildings. Erection of 3 storey building with retail (Class E) at ground floor and 2x1bed flats and 1x2bed (C3) above [revised design]'

Proposed variation of Condition 2 of planning permission 2019/5783/P

The decision notice contains Condition 2 that states:

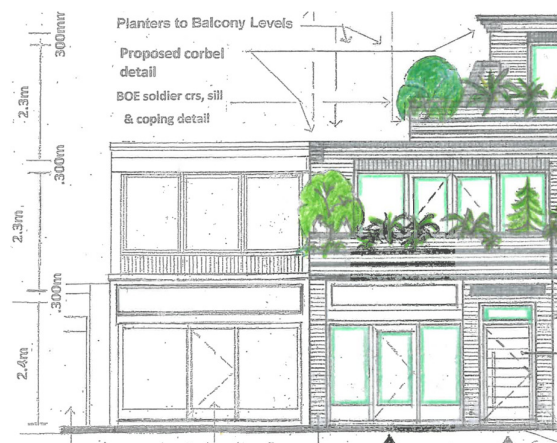
"The development hereby permitted shall be carried out in accordance with the following approved plans:

218/03: /02 Rev.B; /03 Rev.B; /04 Rev.B and /05 Rev.B.

219/03: /06 Rev.J; /07 Rev.H; /08 Rev.H; /09 Rev.H; /10 Rev.H; /11 Rev.H; SK1 and SK2 Rev.H.

Daylight Impact Report by Planning for Sustainability dated 29/10/21; Energy and Sustainability Statement by PBA dated March 2021 and two tier rack space requirements drawing by bike dock solutions."

The development has been mostly built out and the local planning authority have raised concerns over the height difference between the built scheme and the neighbouring property to the left, 4 Swain's Lane. The built out development is in accordance with the approved heights however, 4 Swain's Lane was incorrectly drawn by the previous architects. 4 Swain's Lane was drawn as 0.7 meters lower at first floor level then what exists, over 1 meter difference from the existing window and a 0.35-meter difference at ground floor level, the approved drawings are referenced below against what actually exists.



As approved



As Existing

Therefore, it cannot have been the intention of the local planning authority to approve a scheme that does not align with 4 Swain's Lane within a conservation area, creating an imbalance to the neighbouring properties and wider area.

Therefore, minor amendments are proposed to raise the existing parapet up to meet the parapet at 4 Swain's Lane at ground and first floor levels and the inclusion of 4 additional windows to align with the windows of 4 Swain's Lane.



As proposed

Amendment of Condition 2

Condition 2 of planning permission reference 2019/5783/P references compliance with the approved drawings. Minor alterations are proposed to align with the height of the neighbouring property and the change in the colour of the brickwork. Therefore, the Applicant proposes the revision of the drawing numbers within Condition 2. This would not be a material deviation from the approved scheme. Accordingly, it is proposed that the wording of Condition 2 is updated to reflect the approved plans.

Proposed Amendment to Condition 2:

The development hereby permitted shall be carried out in accordance with the following approved plans:

218/03: /02 Rev.B; /03 Rev.B; /04 Rev.B and /05 Rev.B.

219/03: /06 Rev.J; /07 Rev.H; /08 Rev.H; /09 Rev.H; /10 Rev.H; /11 Rev.H; SK1 and SK2 Rev.H.

P-100; P-101; P-200; P-201; P-500; P-501; P-600; P-601

Daylight Impact Report by Planning for Sustainability dated 29/10/21; Energy and Sustainability Statement by PBA dated March 2021 and two tier rack space requirements drawing by bike dock solutions.

Proposed removal of Condition 3 of planning permission 2019/5783/P

The decision notice contains Condition 3 that states:

“Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including plans, coloured elevations and sections at 1:10 of all new windows (including jambs, head and cill), doors, balustrades, parapets, and associated elements;

b) Plan, coloured elevation and section drawings, including fascia and glazing panels of the new shopfronts at a scale of 1:10;

c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site). Samples of materials to be provided at a suitable size (eg. 1x1m) and alongside all neighbouring materials;

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.”

The approved scheme proposed London Stock brick to match 4 Swain's Lane. However, the contractor believed that red brick would improve the overall design of the building and better fit into the surrounding context of the area and therefore, the scheme was built in Red Multi Gilt Stock.

Heritage

In accordance with the requirements of the National Planning Policy Framework (2023) this letter provides an analysis of the pre-existing and existing building on the site, the setting and the conservation area as a whole. It goes on to appraise the effects of the proposals upon that significance and the compliance of the proposals with relevant planning policy and guidance.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of particular relevance, placing a statutory duty upon decision makers to preserve or enhance the character and appearance of the Conservation Area.

This approach is considered to be consistent with the National Planning Policy Framework (2023) and in particular the staged process under paragraphs 200-204 to considering the impact of schemes, and weighing correctly weighted harm against public benefits.

Paragraph 200 of the NPPF requires applicants to describe the significance of any heritage assets affected by a proposal, to a proportionate level of detail.

The Statutory Development Plan meanwhile, is made up of the Camden Local Plan (2017). The core relevant policies from this policy document are as follows:

Policy D2 Heritage of the Local Plan requires

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designated heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

The relevant heritage asset for the consideration of this application is:

Dartmouth Park Conservation Area

Dartmouth Park Conservation Area, designated in February 1992. As outlined in the appraisal, the special interest of the Dartmouth Park Conservation Area lies in its "variety and complexity that charts the history of domestic architecture from the late eighteenth century to the present day" (paragraph 4.1). It includes terraces, contemporary housing estates, cottages, mansion blocks and villas. It has a semi-rural feel due to the prevalence of trees and gardens and the open boundary to Parliament Hill Fields. The area is mainly residential but the scattering of other uses are integral to its character.

The application site is situated within Sub-Area 8: St Albans Road. This is described within the appraisal as "*an area of early predominantly nineteenth century properties east of Highgate Road built on a more level area than its surroundings*" (paragraph 7.83). The entry states the following in relation to Swain's Lane:

"The north side of the western end of this road contains an unusual single storey curved shop parade, Nos.1-11A, which contributes substantially to the character of the area in design, scale and function

... Rising above it is the spire of St. Anne's Church ... The junction of Swains Lane, Highgate Road and Highgate West Hill is an important landmark in the area. The views along Highgate Road to the shopping frontage, the views along Swains Lane, the vista northwards towards St. Anne's Church and its attractive broach spire (visible over the singlestorey shops in Swains Lane), meet at this point." (paragraphs 7.95-7.96).

The appraisal indicates the variety of styles in the immediate surrounds of the application site. There are twentieth-century houses of mixed styles on the southern side of Swains Lane, including an Art Deco three-storey block of flats with metal windows and a rounded corner (No 16); and three-storey flats dating from the 1970s (No.18). There are also early Victorian buildings (semidetached, slate-roofed, stuccoed villas) on the opposite side of Swains Lane, to the south-east of the site (Nos 8, 12, 14). There is a group of two-storey detached and semi-detached houses of an Arts and Crafts character with tiled roofs (Nos 20 and 28-44 (even)). Nos. 15-25 fall within the Holly Lodge Estate Conservation Area and are considered in the following section.

The Dartmouth Park Conservation Area Appraisal notes two key views for Sub Area 8. The first is the view west from Highgate Road to Parliament Hill and Hampstead Heath. The second is the view north from Highgate Road to St Anne's Church, although the document notes that this view is obscured by trees in the summer (image 13).

Appendix 2 of the appraisal notes that Nos. 109 and 110 Highgate West Hill and Nos. 1, 3, 3a, 5, 7, 7a, 9, 11 and 11a (all within the site) are buildings that make a positive contribution to the character and appearance of the Conservation Area. It does note, however, that "this list is not intended to be read as a definitive statement, and the contribution that these buildings make will be reviewed periodically."

The Management Plan (Part 2) notes of new development "high quality design, appropriate scale, form and materials and high quality execution will be required of all new development." It also states that "the Council will normally expect all buildings that make a positive contribution to the character or appearance of the conservation area to be retained, unless their loss is considered to be justified."

Swain's Lane is built up of a number of different architectural styles, building forms, materials, brickwork, colour palette and ages. The Duke of St Albans pub is of a plain yellow brick and painted dark blue at ground floor; the pre-existing building at the site was of red brick; 1-11 Swains Lane is of red brick as recently approved under planning reference: 2013/6674/P; 4-8 Swains Lane is of London Stock brick; 10 Swain's Lane is of red brick; 12- 16 Swain's Lane is of light render and 15-25 Swain's Lane is of red brick and mock Tudor render/ detailing at first and second floor.

It is evident that there is no consistency in along Swain's Lane with a number of modern buildings in red brick. The as-built scheme has been built in Red Multi Gilt Stock and introduces a high quality building within the streetscape that fits in with the London Stock brick of 4 Swain's Lane and the red brick of 1-11 Swain's Lane. Therefore, it is deemed in keeping within the area and enhances the conservation area as a whole.

Windows/Doors

The windows and doors are IDSystems aluminium doors and windows in anthracite grey, as per the image of the as-built building below. IDSystems aluminium doors and windows were proposed under the discharge of condition, planning reference number: 2023/1143/P and the Officer's Report stated that:

“Part (a) of condition 3 requires the submission of detailed plans including coloured elevations and sections at 1:10 of all new windows (including jambs, head and cill), doors, balustrades, parapets, and associated elements.

These details have been reviewed by Council's Conservation Officer who has advised that the details provided are sufficient to discharge part (a) of condition 3.”



Photo of the front façade of the as-built building

The existing door and window at first floor will be removed and will be replaced with the windows and doors proposed under this application, that includes the revised alterations to align with the height of windows at 4 Swain's Lane.

As the building is for the most part built out, the condition therefore, is no longer required and the Applicant proposes the removal of the condition.

Proposed variation of Condition 4 of planning permission 2019/5783/P

The decision notice contains Condition 4 that states:

“Prior to commencement of the development, full details of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Measures to provide:

- internal water efficiency to target a consumption of no more than 105 litres per person per day)*
- water recycling equipment*
- sustainable drainage systems*

; and

b) Demonstration that the proposal will provide:

- internal measures to ensure the development has been designed to cope with potential flooding*
- external measures to reduce the risk of flooding*

The development shall thereafter proceed in accordance with the details thus approved.”

This Section 73 application is accompanied by drainage and flood details prepared by Innervision Design, that covers the required details under Condition 4 above and therefore, the applicant proposes the alteration of the condition as a general compliance condition.

Proposed Amendment to Condition 4:

Prior to occupation of the development, the approved measures to provide internal water efficiency to target a consumption of no more than 105 litres per person per day; water recycling equipment; sustainable drainage systems shall be installed. The development shall thereafter proceed in accordance with the details thus approved.

It is considered that the proposed amendment to the condition does not result in a deviation to the substance of the consented scheme.

I trust this letter is self-explanatory but if you have any questions do not hesitate to contact myself.

Yours sincerely,

A black rectangular redaction box covering the signature of Dean Slidel.

Dean Slidel