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7 December 2009

**Delivered by Post**

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Dear Neil

**37-63 FORTUNE GREEN ROAD, LONDON NW6 1DR  
APPLICATION UNDER S.73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS  
AMENDED)  
AMENDMENT TO CONDITION 19 OF PLANNING PERMISSION 2003/1858/P**

I act on behalf of Sager House (Hampstead) Limited, who own the above site, and hereby submit a planning application under Section 73 of the Act to seek an amendment to Condition 19 of the above planning permission.

The application seeks to extend the delivery hours to the existing A1, A2 and A3 units at 37-63 Fortune Green Road to allow deliveries between 10:00 and 16:00 hours on Sunday and public holidays.

Therefore, please find enclosed the appropriate application fee and four copies of the following information:

- planning application form, duly signed and completed;
- Drawing no. SAGL1000-01: Site Location Plan;
- Design and Access Statement, by Turley Associates; and
- Noise Impact Assessment, by KR Associates.

I also enclose a copy of drawing no. P-000-1010 Rev G: Ground Floor Plan approved on 24 July 2009 (pursuant to Condition 6A of the planning permission) for ease of reference and for information purposes only.

In addition, I would be grateful if you could consider the contents of this letter.

## **The Site**

The site is located at nos. 37-63 Fortune Green Road, and is currently under development. Please refer to the enclosed Design and Access Statement for a more detailed description.

## **Background**

Conditional planning permission was granted at appeal on 17<sup>th</sup> February 2005 for the redevelopment of the site to provide a part 4 part 5 storey building, including a gym (Class D2) in part of the basement and ground floor, and five ground floor commercial units (Class A1, A2 or A3). The development has been implemented and is now nearing completion.

Condition 19 of the permission restricts delivery hours, stating that:

*"Deliveries to the gymnasium and Class A1 and A3 units shall only take place between 08:00 and 10:00 hours Mondays to Saturdays and not at all on Sundays or public holidays."*

## **Proposal**

It is proposed to relax delivery hours to the commercial units within the development to allow deliveries on Sundays and public holidays at times that they will not cause disturbance to existing and future residents. We would propose that the condition be reworded to read:

*"Deliveries to the gymnasium and Class A1 and A3 units shall only take place between 08:00 and 10:00 hours Mondays to Saturdays and 10:00 to 16:00 on Sundays and public holidays."*

## **Planning Considerations**

Our client wishes to extend the delivery hours for the commercial units in order to increase the likelihood of finding an occupier for the units and in order to provide a more flexible service regime. The extended hours would allow deliveries to be staggered, which would help to reduce traffic congestion and assist in the Development's operation.

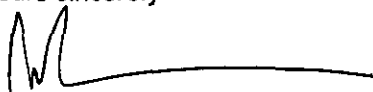
In order to assess the likely impact of these deliveries and ensure compliance with the Council's policies on residential amenity, a comprehensive Noise Impact Assessment has been prepared by KR Associates. The methodology and content of the assessment was agreed with Dr. John Anani of the Environmental Health team prior to the commissioning of the report. Dr. Anani confirmed on 1 December that the information and format of the report submitted herein was satisfactory.

Following extensive measurements and a mock delivery in accordance with Department for Transport Guidance (2004) and BS 4142:1997, the report concludes that between the hours of 10 am and 4 pm on Sundays, the noise generated by deliveries against the background noise would be unlikely to give rise to complaints.

Therefore, the proposal is entirely compliant with PPG24 – Planning and Noise, as well as Policy SD6(d) and Appendix 1 of the adopted Camden Unitary Development Plan (2006), Policy CS5 of the Camden Core Strategy (Proposed Submission stage), and Policies DP28 & 28 of the Camden Development Policies (Proposed Submission stage).

I trust that the above is sufficient for your purposes, and look forward to hearing from you that the application has been registered in due course. In the meantime, please do not hesitate to contact me at this office should you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AM' followed by a long horizontal stroke.

**Andrew Maunder**  
**Planner**

cc: Sager House (Hampstead) Ltd.