

Delegated Report		Analysis sheet		Expiry Date:		18/06/2014	
		N/A / attached		Consultation Expiry Date:		N/A	
Officer				Application Number(s)			
Eimear Heavey				2014/3464/P			
Application Address				Drawing Numbers			
368-372 Finchley Road London NW3 7AJ				Refer to decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Amendments to windows, doors, lobby spaces, apartment layout, bat bricks to facades, and photovoltaic panels approved under planning permission (2012/1822/P) dated 08/07/2013.							
Recommendation(s):		Refuse					
Application Type:		Non Material Amendments					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		N/A					
CAAC/Local groups* comments: *Please Specify		N/A					
Site Description							
<p>The application site is located on the eastern side of Finchley Road, directly opposite the junction with Lyndale Avenue. The site is currently occupied by two buildings, known as Kay Court (residential care home). The northernmost building is an early twentieth century three storey building and was originally two semi-detached dwelling-houses. The southernmost building is a larger late nineteenth century three/four storey detached building. At present, both buildings are connected by a ground floor passage and external fire escape stair.</p> <p>Both sites 368-372 have been extended and altered and Number 368 has an existing single storey outbuilding. Dropped kerbs/crossovers have been created at both sites which can accommodate 8</p>							

parked vehicles.

The site is predominantly surrounded by two storey semi-detached/terraced dwellings to the north on Finchley Road and two storey dwellings at its rear boundary fronting Clorane and Briardale Gardens. The subject site is not within a designated conservation area but does back onto the boundary of Redington and Froggnal Conservation Area. There are no listed buildings in close proximity of the site.

The last use of the subject site was an elderly care home (use class C2) operated by Jewish Care from 1990 to August 2010. The prior use was a YMCA and Hostel 'Lyndale Hall YMCA Hostel'.

Relevant History

2012/1822/P – Planning permission was **granted** in July 2013 for 'Erection of 2x four storey plus basement buildings, with a glazed infill extension for the provision of 22 residential units (4x affordable & 18 market) (following demolition of existing residential care homes)'.
2013/6319/P – Planning permission was **refused** in January 2014 for 'Variation of condition 2 (development to be carried out in accordance with the approved plans) of planning permission dated 08/07/2013 (ref 2012/1822/P), for the erection of 2 x four storey plus basement buildings, with a glazed infill extension of the provision of 22 residential units (following demolition of existing residential care homes), namely to incorporate 10 car parking spaces (including 2 disabled) in the basement, improvement of pedestrian access at ground floor level and amendments at roof level'.

This decision has been appealed to the Planning Inspectorate

2014/0205/P – application submitted for removal of condition 9 (acoustic report) of planning permission granted on 08/07/2013 (ref: 2012/1822/P for the erection of 2 x four storey plus basement buildings, with a glazed infill extension for the provision of 22 residential units (4x affordable & 18 market)), due to the plant room and CHP unit located in the basement no longer feasible. **Awaiting S106 to be signed**

2014/1632/P – application submitted for Variation of condition 2 of planning permission 2012/1822/P dated 08/07/2013 for erection of 2 x 4 storey plus basement buildings to provide 22 residential units following demolition, namely; to enlarge the basement to accommodate 2 x disabled parking bays, gas and electric meters, cycle parking, staff area and ancillary storage space. **Awaiting S106 to be signed.**

2014/0209/P - Details of sample brickwork and wheelchair units as required by conditions 5 and 22 of planning permission ref 2012/1822/P (dated 15/10/2013) for the erection of 2x four storey plus basement buildings, with a glazed infill extension for the provision of 22 residential units (4x affordable & 18 market) (following demolition of existing residential care homes) **refused** due to lack of sufficient detail.

2014/3201/P - Details of sample brickwork as required by conditions 5 of planning permission 2012/1822/P (dated 15/10/2013) for the erection of 2x four storey plus basement buildings, with a glazed infill extension for the provision of 22 residential units (4x affordable & 18 market) (following demolition of existing residential care homes) **granted** July 2014.

2014/4337/P - Details of wheel chair units required by condition 22 of planning permission (2012/1822/P) dated 08/07/2013 for the erection of 2x four storey plus basement buildings, with a glazed infill extension for the provision of 22 residential units (4x affordable & 18 market) (following demolition of existing residential care homes) **granted** July 2014.

Relevant policies

LDF Core Strategy and Development Policies

CS5 - Managing the impact of growth and development
CS14 - Promoting high quality places and conserving our heritage
DP22 – Promoting sustainable design and construction
DP24 - Securing high quality design
DP25 - Conserving Camden’s heritage
DP26 - Managing the impact of development on occupiers and neighbours

Assessment

Section 96A of the Town and Country Planning Act 1990 (as amended) states that: “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”.

Whilst there is no statutory definition of ‘non-material’, the LPA must be satisfied that the amendment sought is non-material in order to grant an application.

In this instance the following amendments are proposed:

- Change in configuration of panels in sliding doors and windows; removal of a window (Ground floor)
- Change in configuration of panels in sliding doors and change from hinged doors to sliding doors along with enlargement of window widths/lengths and reconfiguration of circulation space in lobby. (First floor)
- High level windows changed to full length and change in configuration of panels in door; hinged doors to be changed to sliding doors along with reconfiguration of circulation space in lobby (second floor)
- Removal and change in width of windows; change from hinged doors to sliding doors and reconfiguration in layout of apartments (third floor)
- Addition of bat bricks and change to window type and double entrance door incorporated in place of single door entrance along with rationalisation of link bridge glazing from 3 windows to one at each level (elevational changes)

The proposed changes outlined above appear to be minor and would not affect the overall appearance of the approved scheme. It is also noted that the applicant has also confirmed by email that lowering the angle of the PV panels on the roof will not impact on the sustainability aspect of the scheme and the relevant credits will still be achieved.

Notwithstanding this, when the facades of the approved and proposed scheme are overlaid, further changes come to light which include an increase in height of the building, higher floor levels, wider top floor level and changes in materials to the second floor along with a variation to materials at roof level.

Consequently, the proposed changes, when taken cumulatively, are not considered to constitute non material amendments and would considerably alter the substance of the approved scheme. Therefore the changes cannot be considered as part of a non-material amendment application. Accordingly, this application will be refused.

Recommendation: Refuse non-material amendment.