

SPECIAL DELIVERY

Ms Eimear Heavey
Senior Planning Officer
Development Management
London Borough of Camden
Town Hall
Judd Street
LONDON
WC1H 8ND

22598/A5/GS

28 October 2014

Dear Ms Heavey,

SECTION 73A APPLICATION: 368-372 FINCHLEY ROAD, LONDON, NW3 7AJ

We write on behalf of our client Tandridge Developments Limited ("the Applicant") to the London Borough of Camden ("the Council") regarding the redevelopment of 368-372 Finchley Road, London, NW3 7AJ ("the Site"). As you know, planning permission (ref: 2012/1822/P) was granted on 8 July 2013 for the following development ("the Extant Permission") (see **Appendix 1**):

Erection of 2 x four storey plus basement buildings, with a glazed infill extension for the provision of 22 residential units (4 x affordable & 18 x market) (following demolition of existing residential care homes).

The Extant Permission has been subject to a number of subsequent applications to vary the details that were originally approved as part of the Extant Permission. The key applications relevant to these proposals are described below.

Planning History

The Extant Permission was successfully varied in September 2014 following the Council's approval of an application for Minor Material Amendments¹ (ref: 2014/1632/P), which comprised an enlargement to the basement floorspace to be used for the purposes of ancillary domestic storage.

An earlier application for Minor Material Amendments (ref: 2013/6319/P) was refused by the Council on 24 January 2014. The application proposed enlargements to the basement but for the purposes of car parking rather than domestic storage, along with minor alterations to the elevations of the building. This application is now subject to an appeal (appeal ref: APP/X5210/A/14/2222537). It is taken as read that the Council is familiar with the background to this application and the reasons for its refusal. These details are not therefore repeated herein.

Most recently, an application for Non-Material Amendments (ref: 2014/3464/P) was refused by the Council on 2 August 2014. The application proposed alterations to the elevations of the Extant Permission in an effort to resolve the concerns expressed by the Council in refusing application 2013/6319/P. The application was, however, refused on the basis that the proposed alterations to

¹ Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended)

the elevations went beyond what the Council considered to constitute Non-Material Amendments to the Extant Permission (as amended). It should, however, be noted that the Council did not cite the impact of the proposed alterations as being unacceptable in planning terms but considered the changes were too significant to be considered as non-material that did not benefit from more extensive public consultation.

Following discussions with case officer and noting Informative 1 of the Council's Decision Notice, dated 22 August 2014 (see **Appendix 2**), the Council has encouraged the submission of a further Minor Material Amendment application in order to resolve the outstanding issues with the elevations of the development that is currently being built out.

Proposed Development

In response to the advice of Planning Officers, this application proposes Minor Material Amendments to the Extant Permission (as amended) by way of a variation to the approved drawings (Condition 2). For the sake of clarity, these amendments are the same as those previously refused as part of the Non-Material Amendment application (ref: 2014/3464/P), with the exception of the omission of the pedestrian walkway over the ramped vehicular access as shown on the ground floor plan and an enlargement of the basement as shown on Section C-C drawing. This is to account for the alterations already approved by the Council under application 2014/1632/P. We would therefore suggest the following description of development for this application:

Variation of Condition 2 of planning permission 2012/1822/P dated 08/07/2013 (as amended by application 2014/1632/P dated 02/09/2014) 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 ('the Proposed Development').

Construction work has commenced on site and is now at an advanced stage. This application is therefore proposed under Section 73A of the Town and Country Planning Act 1990 (as amended) in order to regularise the current disparity between the approved planning drawings and the building being constructed on site.

The Minor Material Amendments to the approved drawings proposed as part of the above can be summarised as follows:

- Ground Floor: Change in configuration of panels in sliding doors and windows and removal of a window;
- First 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;
- Second Floor: High level windows changed to full length and change in configuration of panels in door and hinged doors to be changed to sliding doors along with reconfiguration of circulation space in lobby;
- Third Floor: Removal and change in width of windows and change from hinged doors to sliding doors and reconfiguration in layout of apartments;
- Elevations:
 - 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 three windows to one at each level;
 - To account for more accurate GPS land survey and incorporate acoustic, fire and insulation requirements, increase in the height of the building by 440mm. This is as a result of an additional 75mm per floor build-up to achieve level access to the

- roof terraces and the necessary acoustic and fire insulation² and the additional of a further 215mm to the roof parapet; and
- Reconfiguration of arrangement of materials on third floor level to account for agreed external material details, as approved under discharge of condition 3 application 2013/6463/P.

The above Minor Material Amendments seek to re-instate the architectural features identified in the refused Section 73 application (ref: 2013/6319/P) as being of merit and important to the overall design approach. To help identify and provide clarity on the rationale that underpinned why these changes were proposed, David Miller Architects have annotated each of the proposed changes on the drawings that accompany this letter. In addition, a detailed itemised schedule that provides the technical justification behind each change is included at **Appendix 3**.

We have set out in the table below the drawings that were listed as approved on the decision notice for the Extant Permission (as amended by application 2014/1632/P) and the new revised drawings numbers that are proposed under this application.

Table 1: Minor Material Amendment Application Revised Drawing Schedule	
<i>Approved Extant Permission Drawings</i>	<i>Revised Drawings</i>
104_GA_00 P5 - General Arrangement Ground Floor as Proposed*	104_GA_00 P6 - General Arrangement Ground Floor as Proposed
104_GA_01 P2 – First Floor Plan as Proposed	FIN-DMA-ALL-01-GA-A3-122 Rev E – First Floor Area Plan
104_GA_02 P2 – Second Floor Plan as Proposed	FIN-DMA-ALL-01-GA-A3-123 Rev E – Second Floor Area Plan
104_GA_03 P2 – Third Floor Plan as Proposed	FIN-DMA-ALL-01-GA-A3-124 Rev E – Third Floor Area Plan
104_GE_01 P3 – General Arrangement Elevations	FIN-DMA-ALL-SL-ELV-A3-207 Rev G – Proposed Elevation Sheet 1
	FIN-DMA-ALL-SL-ELV-A3-208 Rev G – Proposed Elevation Sheet 2
104_GS_02 P4 – General Sections: Section CC*	104_GS_02 P5 – Proposed Sections
N/A – Additional Drawings	FIN-DMA-ALL-01-DET-A3-433 Rev A – Special Window Details – West Elevation
	FIN-DMA-ALL-01-DET-A3-434 Rev A – Special Window Details – North Elevation

* Amended following the approval of Minor Material Amendment application 2014/1632/P

Deed of Variation to the Section 106 Agreement

A Deed of Variation to the Section 106 Agreement will need to be prepared in conjunction with the Council's Legal Services following confirmation that the application has been validated in order to revise the description of development outlined in the original Section 106 and ensure consistency with the revised drawings described above.

² The Delegated Officer Report that accompanied application 2014/3464/P alleges that the third floor has increased in width. David Miller Architects have carefully overlaid the approved and proposed drawings and confirm that the width of the third floor remains as per the Extant Permission.

We would be grateful if you could firstly, inform your legal team of this as soon as possible so to avoid delaying the application process and secondly, to provide us with contact details for the appropriate Officer in the Council's Legal Services once the application has been validated so we can make appropriate arrangements with them.

Alternatively, the Applicant's solicitors would be pleased to prepare the Deed of Variation in the form of a Unilateral Undertaking, if this would be more agreeable to the Council and help to speed up the application process. We would welcome the opportunity to discuss the most suitable approach with you.

Application Documents

We subsequently have the pleasure of enclosing an application for Minor Material Amendments to the drawings that were approved under the above planning permission.

Two hard copies and one CD of the following documents are hereby enclosed for your consideration:

- Covering Letter;
- Application Form;
- Set of consented drawings under application 2012/1822/P, as varied under application 2014/1632/P;
- Proposed architectural drawings including annotations of the proposed amendments for ease of reference prepared by David Miller Architects;
- Itemised Schedule of Amendments to the Extant Permission prepared by David Miller Architects (**Appendix 3**);
- Copy of Extant Permission Decision Notice (2012/1822/P) (**Appendix 1**); and
- Copy of Non-Material Amendment Application Decision Notice (2014/3464/P) & Delegated Officer Report (**Appendix 2**).

In accordance with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) England Regulations 2008 (as amended in 2013), a cheque for £195 also accompanies this application.

In conclusion, the Applicant respectfully requests that the proposals mentioned above are considered by the Council to be a Minor Material Amendment to the Extant Permission and permission is granted for a variation to Condition 2 along with a Deed of Variation to the existing Section 106 Agreement.

We would also like to take this opportunity to make clear that we would like to work with you in order to gain a consensus of opinion in relation to the proposed approach before the application is determined. We would therefore be pleased to meet with you once the application is validated in order to discuss the proposed amendments and respond to any queries you may have.

We trust this information is sufficient for your purposes and look forward to discussing these matters further. If in the meantime you require any further information, please do not hesitate to contact me.

Yours sincerely



GARY STEVENS

Associate

Enc.

Appendix 1 – Decision Notice 2012/1822/P

Paul Keenan
21st Architecture
21st Architecture Ltd
314 Goswell Road
London
EC1V 7AF

Application Ref: **2012/1822/P**
Please ask for: **Nicola Tulley**
Telephone: 020 7974 **2527**

8 July 2013

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
368-372 Finchley Road
London
NW3 7AJ

Proposal:

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).

Drawing Nos: Site Location Plan 104_S01 P1; 104_S02 P2; 104_parking P1; 104_SK01 P1; 104_SK02 P2; 104_SK03 P1; 104_SK04 P1; 104_GE_01 P3; 104_GS_01 P3; 104_GS_02 P3; 104_GA_00 P4; 104_GA_-01 P4; 104_GA_01 P2; 104_GA_02 P2; 104_GA_03 P2; 100 E; 104_LTH_GA_00_DDA_A REV; 104_LTH_GA_00_DDA_B REV P5; 104_LTH_GA_00_HAB_A REV P1; 104_LTH_GA_00_HAB_B REV P1; 104_LTH_GA_00 REV P4; 104_LTH_GA_01_REV_P3 P4; 104_LTH_GA_02_REV_P3 P4; 104_LTH_GA_03_REV_P3 P5; 104_LTH_10_REV_P3 P4; Daylight & Sunlight Addendum Report by BVP 21/01/2012; Environmental Noise Survey and PPG24 Assessment by Hann Tucker Associates 10 Nov 2011; Energy Strategy by Metropolis Green March 2012; Transport Statement by WSP March 2012; Ecology Walkover Survey by Land Use Consultants 31 August 2011; Lifetime Homes Criteria statement; Bat Survey by Ecology Network Sept 2011; Air Quality Assessment by Air Quality Consultants Nov



2011; Air Quality Assessment: Camden, Kay Court CHP September 2012 by Air Quality Consultants; Sustainable Design & Construction Statement by Metropolis green March 2012; Basement Impact, Geotechnical and Land Contamination Assessment (February 2012); Crime Impact Statement April 2012; Schedule of Dialogue with Camden March 2012; Design & Access Statement March 2012; Response to London Borough of Camden Comments (dated July 2012); Supplementary Information on Application 2012/1822/P August 2012.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 104_S01 P1; 104_S02 P2; 104_parking P1; 104_SK01 P1; 104_SK02 P2; 104_SK03 P1; 104_SK04 P1; 104_GE_01 P3; 104_GS_01 P3; 104_GS_02 P3; 104_GA_00 P4; 104_GA_-01 P4; 104_GA_01 P2; 104_GA_02 P2; 104_GA_03 P2; 100 E; 104_LTH_GA_00_DDA_A REV; 104_LTH_GA_00_DDA_B REV P5; 104_LTH_GA_00_HAB_A REV P1; 104_LTH_GA_00_HAB_B REV P1; 104_LTH_GA_00 REV P4; 104_LTH_GA_01_REV_P3 P4; 104_LTH_GA_02_REV_P3 P4; 104_LTH_GA_03_REV_P3 P5; 104_LTH_10_REV_P3 P4; Daylight & Sunlight Addendum Report by BVP 21/01/2012; Environmental Noise Survey and PPG24 Assessment by Hann Tucker Associates 10 Nov 2011; Energy Strategy by Metropolis Green March 2012; Transport Statement by WSP March 2012; Ecology Walkover Survey by Land Use Consultants 31 August 2011; Lifetime Homes Criteria statement; Bat Survey by Ecology Network Sept 2011; Air Quality Assessment by Air Quality Consultants Nov 2011; Air Quality Assessment: Camden, Kay Court CHP September 2012 by Air Quality Consultants; Sustainable Design & Construction Statement by Metropolis green March 2012; Basement Impact, Geotechnical and Land Contamination Assessment (February 2012); Crime Impact Statement April 2012; Schedule of Dialogue with Camden March 2012; Design & Access Statement March 2012; Response to London Borough of Camden Comments (dated July 2012); Supplementary Information on Application 2012/1822/P August 2012.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 Detailed drawings and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.

b) Typical details of new railings and balustrade at a scale of 1:10, with finials at 1:1, including method of fixing.

c) Windows and doors should be designed to provide adequate ventilation in accordance with Building Regulation Approved Document L1: Conservation of fuel and power in dwellings, and Approved Document F: Ventilation of buildings.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 [and DP25 if in CA] of the London Borough of Camden Local Development Framework Development Policies.

- 5 A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 [and DP25 if in CA] of the London Borough of Camden Local Development Framework Development Policies.

- 6 No development shall take place until full details of hard and soft landscaping (including planting to provide visual screening along the rear boundary of the site) and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14, of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 7 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development or, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14, of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing site. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 9 Before the use commences, an acoustic report, prepared by a suitably qualified professional, detailing any plant with an external breakout and demonstrating how the Council's noise requirements will be met, shall be submitted to and approved by the Council in writing. The plant shall be provided with the necessary acoustic isolation and sound attenuation as recommended in the acoustic report and shall be maintained in accordance with the manufacturer's specifications. The acoustic isolation shall thereafter be maintained in effective order to the reasonable satisfaction of the Council.

Reason: To safeguard the amenities of the nearby premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 10 Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 11 The recommendations contained within the BIA (Basement Impact, Geotechnical and Land Contamination Assessment dated February 2012) shall be carried out in full accordance unless otherwise agreed in writing by the Local Planning Authority. The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 12 The use of the balconies and terraces on the rear elevation shall not commence until the screens, as shown on the approved drawings, have been constructed. The screens shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 13 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

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 CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 14 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a [1:100 year event with 30% provision for climate change] [demonstrating 50% attenuation of all runoff] [demonstrating greenfield levels of runoff]. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 15 Prior to commencement on the relevant part of the development hereby approved details of all external lighting to include location, design, specification, fittings and fixtures (including means of reducing light spillage) shall be submitted to and approved in writing by the local planning authority. The building shall not be occupied until the relevant approved details have been implemented. These works shall be permanently retained and maintained thereafter.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to conserve biodiversity by minimise light pollution in accordance with the requirements of policies CS14, CS15 of the London Borough of Camden LDF Core Strategy and DP24 of the London Borough of Camden LDF Development Policies.

- 16 No development shall commence until:
- (a) a written Preliminary Risk Assessment (PRA) and scheme of investigation has been submitted to and approved by the local planning authority; the PRA must take account of the historical and environmental context of the site and can be based on a desk study or the Enhanced Environmental Information Review detailed below; and
 - (b) following the approval detailed in paragraph (a), a written scheme of remediation measures has been submitted to and approved by the local planning authority.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 17 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials of the affordable block (to be made in consultation with Environmental Services) shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 18 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials of the market block (to be made in consultation with Environmental Services) shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 19 Construction work shall not begin until a scheme for protecting dwellings against noise from road traffic has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the future occupiers in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 20 Prior to commencement a plan showing details of bat bricks shall be submitted to and approved in writing by the local planning authority. The bat bricks shall be installed and fully provided in accordance with the approved details and thereafter retained and maintained in accordance with the approved scheme.

Reason:

To ensure that the development enhances the biodiversity of the site in accordance with policies CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP31 of the London Borough of Camden Local Development Framework Development Policies.

- 21 The details of the cycle parking as shown on approved drawings shall be submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be provided in its entirety prior to the first occupation of any of the

new units, and thereafter permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 22 The proposed wheelchair units as indicated on hereby approved plan 104_LTH_GA_00 shall be designed and fitted out in accordance with Camden's wheelchair design standards and shall be permanently retained and maintained thereafter.

Reason: To ensure that the wheelchair units would be capable of providing adequate amenity in accordance with policies: CS6 & DP6 of Camden's Local Development Framework 2010.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 4 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be ££204,750 (APPROX 4000sqm x £50). This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the Additional Information Requirement Form or other changing circumstances.
- 7 The development should comply with the GLA best practice (2006) in addition to ensuring that where mitigation of dust relies on water there should not be excess to contaminate local watercourses.
- 8 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 9 Reasons for granting planning permission.

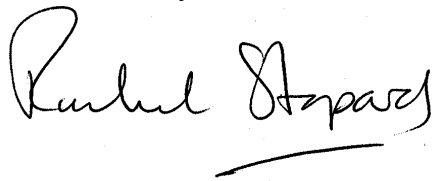
The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy with particular regard to: CS1 (Distribution of growth) CS4 (Areas of more limited change) CS5 (Managing the impact of growth and development) CS6 (Providing quality homes) CS8 (Promoting a successful and inclusive Camden economy) CS10 (Supporting community facilities and services) CS11 (Promoting sustainable and efficient travel) CS13 (Tackling climate change through promoting higher environmental standards) CS14 (Promoting high quality places and conserving our heritage) CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) CS16 (Improving Camden's health and well-being) CS17 (Making Camden a safer place) CS18 (Dealing with our waste and encouraging recycling) CS19 (Delivering and monitoring the Core Strategy) and with the London Borough of Camden Local Development Framework Development Policies with particular regard to: DP2 (Making full use of Camden's capacity for housing) DP3 (Contributions to the supply of affordable housing) DP5 (Homes of different sizes) DP6 (Lifetime homes and wheelchair homes) DP7 (Sheltered housing and care homes for older people) DP15 (Community and leisure uses) DP16 (The transport implications of development) DP17 (Walking, cycling and public transport) DP18 (Parking standards and limiting the availability of car parking) DP19 (Managing the impact of parking) DP20 (Movement of goods and materials) DP21 (Development connecting to the highway network) DP22 (Promoting sustainable design and construction) DP23 (Water) DP24 (Securing high quality design) DP25

(Conserving Camden's heritage) DP26 (Managing the impact of development on occupiers and neighbours) DP27 (Basements and lightwells) DP28 (Noise and vibration) DP29 (Improving access) DP31 (Provision of, and improvements to, open space, sport and recreation) DP32 (Air quality and Camd

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard
Director of Culture & Environment

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It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: www.camden.gov.uk/dmfeedback. We will use the information you give us to help improve our services.

Appendix 2 – Decision Notice & Delegated Officer Report 2014/3464/P

Mr Gary Stevens
Barton Willmore LLP
7 Soho Square
LONDON
W1D 3QB

Application Ref: **2014/3464/P**
Please ask for: **Eimear Heavey**
Telephone: 020 7974 **2949**

22 August 2014

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Refusal of Non Material Amendments to planning permission

Address:
368-372 Finchley Road
London
NW3 7AJ

Proposal: 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.

Drawing Nos: 433Rev A; 434 Rev A; 122 Rev E; 123 Rev E; 124 Rev E; 104-GA-00 Rev P5; 104-GS-02 Rev P4; 207 Rev F & 208 Rev F.

Reason(s) for Refusal: The proposed amendments would result in significant alterations to the exterior of the property and therefore cannot be considered 'non-material' to the original planning permission 2012/1822/P granted 08/07/2013

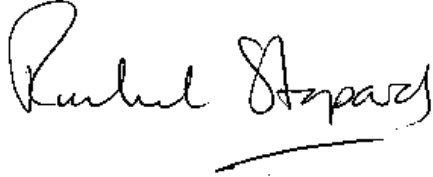
Informative(s):

- 1 Amendments to the approved drawings which would result in a material change to the appearance of the building should be sought using the s73 application (minor material amendment) process.



In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard
Director of Culture & Environment

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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: <small>*Please Specify</small>		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 Frogna 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.

Appendix 3 - Itemised Schedule of Amendments to the Extant Permission

Planning App:
2012/1822/P

Date:
01.05.14

Job Title:
368 - 372 FINCHLEY ROAD, LONDON NW3

Revision
REV A - 14.02.14
REV B - 03.04.14
REV C - 06.05.14
REV D - 27.10.14

Title:
DESCRIPTION OF CHANGES MADE TO
APPROVED PLANNING ELEVATIONS

Amendment Number	Description of Amendment	Justification of Amendment
Drawing Number 104_GA_00 - Ground Floor Plan		
1	Sliding door changed from a three pane configuration to a two pane	To Allow For Clear Accessible Door Widths
2	Sliding door changed from a three pane configuration to a two pane	To Allow For Clear Accessible Door Widths
3	Sliding door changed from a three pane configuration to a two pane	To Allow For Clear Accessible Door Widths
4	Window Removed	Approved Location Of Windows clashes With Internal layout plan. Window removed to avoid clash with bathroom.
Drawing Number FIN-DMA-ALL-01-GA-A3-122 - First Floor Plan		
1	Window Width Matches Approved Drawing Window Reveal - Decorative Fenestration Pattern To Reveal	Additional drawing FIN-DMA-ALL-01-DET-A3-434 - SPECIAL WINDOW DETAILS - NORTH ELEVATION -A has been prepared to show the detail to this window reveal
2	Sliding Door Changed From A Three Pane Configuration To A Two Pane	To Allow For Clear Accessible Door Widths
3	Window Width Matches Approved Drawing Decorative Fenestration Pattern To Reveal	Additional drawing FIN-DMA-ALL-01-DET-A3-433 - SPECIAL WINDOW DETAILS - WEST ELEVATION-A has been prepared to show the detail to this window reveal
4	Window Width Larger Approved Drawing Width Enlarged To Rationalise Fenestration Pattern	Additional drawing FIN-DMA-ALL-01-DET-A3-433 - SPECIAL WINDOW DETAILS - WEST ELEVATION-A has been prepared to show the detail to this window reveal
5	Window Width Matches Approved Drawing Decorative Fenestration Pattern To Reveal	Additional drawing FIN-DMA-ALL-01-DET-A3-433 - SPECIAL WINDOW DETAILS - WEST ELEVATION-A has been prepared to show the detail to this window reveal
6	External Glazed Door Changed From Hinged Doors To Sliding To Achieve More Space On Balcony Sliding Door Changed From A Three Pane Configuration To A Two Pane To Allow For Clear Accessible Door Width	To Allow For Clear Accessible Door Widths

Amendment Number	Description of Amendment	Justification of Amendment
7	Circulation Reconfigured For Fire Precaution Measures.	Additional Lobbies Needed For Fire Escape Purposes
8	External Glazed Door Changed From Hinged Doors To Sliding To Achieve More Space On Balcony Sliding Door Changed From A Three Pane Configuration To A Two Pane To Allow For Clear Accessible Door Widths	To Allow For Clear Accessible Door Widths
9	External Glazed Door Changed From Hinged Doors To Sliding To Achieve More Space On Balcony Sliding Door Changed From A Three Pane Configuration To A Two Pane To Allow For Clear Accessible Door Widths	To Allow For Clear Accessible Door Widths
10	Window Removed	Window not required internally and clashes with location of layout
11	External Glazed Door Changed From hinged Doors	To Sliding To Achieve More Space On Balcony
12	Bedroom Window Enlarged From High Level Window To Full Length Window	To Allow More Light Into Bedroom Space
13	External Glazed Door Changed From Hinged Doors To Sliding	To achieve more space on the balcony
14	External Glazed Door Changed From Hinged Doors To Sliding	
15	Window central transom removed in keeping with the facade.	To keep the panes consistent as this does not reflect elsewhere on the elevation throughout the design.
Drawing Number FIN-DMA-ALL-01-GA-A3-123 - Second Floor Plan		
1	Window changed from two high level windows to one large high level window to match approved elevations	REF: Approved drawings: 104_GA_02_P2 SECOND FLOOR shows two high level windows and not as per 104_GE_01_P3 ELEVATIONS that shows one large high level window
2	Circulation Reconfigured For Fire Precaution Measures. Additional Lobbies Needed For Fire Escape Purposes	Additional Lobbies Needed For Fire Escape Purposes
3	External glazed door changed From hinged doors to sliding	To Allow For Clear Accessible Door Widths and better space on the balcony
4	External glazed door changed From hinged doors to sliding	To Allow For Clear Accessible Door Widths
5	Unit changed from a quadruple pane door to a double pane - External Glazed Door Changed From Swing Doors to sliding door	To fit in with the internal layout
6	Window central transom removed in keeping with the facade.	To keep the panes consistent as this does not reflect elsewhere on the elevation throughout the design.

Amendment Number	Description of Amendment	Justification of Amendment
Drawing Number FIN-DMA-ALL-01-GA-A3-124 - Third Floor Plan		
1	Window removed as there is a clash with the internal partition/ layout	Changes have been made to make the apartment more saleable
2	External glazed door changed from hinged doors to sliding	To Allow For Clear Accessible Door Widths and better space on the balcony
3	Circulation Reconfigured for fire precaution measures.	Additional Lobbies Needed For Fire Escape Purposes
4	External glazed door changed from hinged doors to Sliding	To allow for clear accessible door widths and better space on the balcony
5	Layout Of Apartment Changed Due To Awkwardness Of Approved Plan	Changes have been made to make the apartment more saleable
6	Window removed due to layout changes within apartment	Changes have been made to make the apartment more saleable
7	Window removed	Window clashes with revised internal layout of apartment
8	External glazed door changed From hinged doors to Sliding	To allow for clear accessible door widths and better space on the balcony
9	External glazed door changed From hinged doors to Sliding	
10	External glazed door changed From hinged doors to Sliding	To allow for clear accessible door widths
11	External glazed door changed From hinged doors to Sliding	
12	Additional Window	To Allow Light Into Space
Drawing Number FIN-DMA-ALL-SL-ELV-A3-207- Elevation Sheet 1		
1	Revised window location proposed to prevent clashing	to prevent clashing with internal walls and clash with balcony
2	window bottom pane added	To allow for more light into the bedroom. Window type in keeping with the rest of the façade
3	Window Removed	Due to the layout and having the bathroom positioned on the elevation with a floor to ceiling window to the west elevation was rationalised to allow for the bed room to face the window on the west elevation instead. See attached comparisons. Due to this change and also that the approved plan does not match the elevation the partition will hit the window. For this reason the window was removed.
4	Window Width Matches Approved Drawing Window Reveal - Decorative Fenestration Pattern To Reveal	Additional drawing FIN-DMA-ALL-01-DET-A3-434 - SPECIAL WINDOW DETAILS - NORTH ELEVATION -A has been prepared to show the detail to this window reveal
5	Proposed Change To Window Type	In keeping with the Façade

Amendment Number	Description of Amendment	Justification of Amendment
6	Addition Of Bat Brick To The Façade	As Per Approved Planning Condition 20
7	Proposed Additional Window	To Increase Quality Of Internal light
8	Proposed Change To Window Type	In Keeping With The Façade
	(See additional note 27,28,30 all elevations and sections)	
Drawing Number FIN-DMA-ALL-SL-ELV-A3-208- Elevation Sheet 2		
9	Window Central Transom Removed	In Keeping With The Façade
10	Unit Changed From A Quadruple Pane Door To A Double Sliding Door	To Fit Within Internal Layout
11	Addition Of Bat Brick To The Façade	As Per Approved Planning Condition 20
12	Window Removed	To align with internal layout
13	Sliding Door Removed	Ref: Approved Drawing: 104_GA_00_P4 - Ground floor shows only 4 doors and not 5 as per 104_GE_01_P3 - Elevations that shows five doors. Five doors would not work with the approved floor plans
14	External Glazed unit changed from one quadruple pane door to two double sliding door	To fit within Internal Layout
15	PV'S Shown On Roof As Per Approved Planning Drawings	PV on roof on approved planning elevations show a 35 degree PV pitch where as the revised drawings show a 15 degree pitch. an Additional drawing has been prepared to show the view of the PV from ground level. drawing REF: FIN-DMA-ALL-SL-SEC-A3-294 - SECTION SHOWING VIEW OF PV PANELS FROM PAVEMENT LEVEL-A.
16	Window Width Matches Approved Drawing Decorative Fenestration Pattern To Reveal	Approved Drawing shows decorative Fenestration Pattern. REF: Reveal shown on drawing FIN-DMA-ALL-01-DET-A3-433 - SPECIAL WINDOW DETAILS - WEST ELEVATION-A
17	Entrance door Change from Single Door To Double Door	In Keeping With Façade
18	Sliding Door Changed From A Three Pane Configuration To A Two Pane Configuration	To Allow Clear Fully Accessible Door Clear Width
19	Window width larger than approved planning elevation	To Rationalise Elevation
20	Windows Removed	Window not required internally
21	Proposed Fully Glazed link bridge – Rationalised link bridge from 3 windows, one at each level to a fully glazed curtain walling system	To allow more light into the space as it is set back from the west elevation and also to soften the appearance of the link bridge – Glazing treatment will hide edges of floor slab.
	(See additional note 27,28,30 all elevations and sections)	

Amendment Number	Description of Amendment	Justification of Amendment
Drawing Number 104_GS_02 - Proposed Sections		
22	Revised window location proposed to prevent clashing	to prevent clashing with internal walls and clash with balcony - Window type to match others
23	Window Removed	It clashes with kitchen internally
24	Rationalised Window Set	Rationalised to match others
25	Window Removed	Window not required internally
26	Proposed additional high level window	To Increase quality of internal light
	(See additional note 27,28,30 all elevations and sections)	
Notes to all elevations and Section (FIN-DMA-ALL-SL-ELV-A3-207, FIN-DMA-ALL-SL-ELV-A3-208 and 104_GS_02)		
27	Additional 75mm floor build-up per floor from 1st to third	to achieve level access to terraces and to achieve correct acoustic, fire and insulation
28	Additional 215 mm to roof parapet	To allow for insulation to roof and green roof layer
30	Approved document shows horizontal terracotta panels. Revised elevation issued for condition 3 materials and details to elevation shows Vertical Terracotta panels.	Elevations materials approved with Discharge of Condition 3. Application Ref: 2013/6463/P Date 19/11/13

ALL SLIDING DOORS DESIGNED TO ALLOW FOR LEVEL ACCESS ON ALL FLOORS