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DAMR/PR/PD8664

CHARTERED SURVEYORS
5 Bolton Street
London W1J 8BA

30th January 2016

David Fowler
Planning – Development Control
Camden Council
Camden Town Hall
London
WC1H 8ND

Planning Portal Ref: PP-05792957

Dear Mr Fowler,

**HERBAL HOUSE, 10 BACK HILL, LONDON, EC1R 5LQ
APPLICATION FOR A MINOR-MATERIAL AMENDMENT TO PLANNING PERMISSION 2015/6052/P
(VARIATION TO PLANNING PERMISSION GRANTED UNDER 2014/3683/P)
S73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

We have been instructed by our client, Herbal House Investments Ltd, to seek approval for a minor-material amendment to planning permission 2015/6052/P under S73 of the Town and Country Planning Act ("The Act").

Planning application 2015/6052/P was itself a S73 application to vary the earlier planning permission (2014/3683/P) for the change of use of the building and its extension at roof level to create six residential dwellings.

2015/6052/P was approved by London Borough of Camden on 21st December 2015. The description of the development set out on the decision notice stated:

"Variation of condition 16 (development in accordance with approved plans) granted under reference 2014/3683/P dated 31/03/15 for change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations. The amendments are the infilling of the open lobby area up to the building line and the installation of new crittall windows at lower levels."

Guidance contained in the National Planning Practice Guidance ("NPPG"): Flexible Options for Planning Permissions (paragraph 16) is clear that the grant of a S73 application (to vary the terms of a preceding planning permission) constitutes a new planning permission. The works have been commenced on site and the planning permission implemented.

Subsequent to the grant of 2015/6052/P, an application was been made under reference 2016/3280/P for a non-material amendment under S96A of the Act which sought some minor changes to the reception entrance, minor internal changes and changes to the materials at 5th and 6th floors to incorporate Crittal windows in lieu of the approved curtain walling.

Our client was recently advised by officers that the external changes to the materials at 5th and 6th floor levels (incorporating Crittal windows) would, in their opinion, be a material change which is beyond the scope of S96 of the Act. Moreover, some further variation was sought and agreed in discussion with officers which sees the incorporation of more 'solid' cladding elements framing the glazing.

Accordingly, this application seeks to formalise the amendments to the 5th and 6th floor finish, incorporating the design update (with additional cladding) already discussed and agreed on an informal basis, under S73 of the Act.

The current non-material amendment application under S96A, 2016/3280/P, has been amended and all changes to the external finish of the 5th and 6th floors have been removed in favour of them being dealt with under this submission.

Amendments Sought

This application can accordingly be described as such:

"Variation of condition 1 (development in accordance with the approved plans) given under reference 2015/6052/P to allow amendments to the approved scheme being the use of Crittal style windows and solid panel cladding to the 5th and 6th floor extension"

The proposed amendments are set out in detail within the accompanying document compiled by BGY Architects dated 25th January 2017.

Discussion

The only proposed variation from the 'as approved' development is the use of an alternative finish to the exterior of the 5th and 6th floors. No other changes are proposed in this application to the resultant building

The proposals see the removal of the curtain walling approach approved under 2015/6052/P (which carried forward the design at upper floors from 2014/3683/P) in favour of a Crittal style glazing which reflects and complements the existing 'warehouse' appearance of the lower levels of the building.

Following discussions with planning and conservation officers in December 2016, it was agreed that solid panels would be incorporated to frame the glazing, creating an appropriate sense of proportion to the upper floors which relates appropriately to the floors below. The proposed changes will result in a high quality appearance to the upper floors.

Conclusion

The amendments presented herein are changes to the external finish at the upper floors only and are based upon the preferred approach discussed at pre-application stage. We trust therefore that these amendments can be dealt with expediently.

We politely request therefore that the London Borough of Camden accepts the changes set out in this letter and the accompanying plans and information as a minor amendment to planning permission 2015/6052/P under S73 of the Act.

[REDACTED]

We trust the above is sufficient for you to validate the application but if you do have any queries or require any further information please contact David Reid or Patrick Reedman of this office.

Yours sincerely,

[REDACTED]

Montagu Evans LLP