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114-116 Charing Cross Road  
London  
WC2H 0JR

Application Ref: **2017/2267/P**  
Please ask for: **Jonathan McClue**  
Telephone: 020 7974 **4908**

17 May 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Grant of Non Material Amendments to planning permission**

Address:  
**71 Endell Street**  
**London**  
**WC2H 9AJ**

Proposal: Removal of Condition 4 (obscure glazing) of planning permission 2012/6861/P (as amended by 2015/3800/P) dated 31/03/2015 (for creation of 7 affordable units).

Drawing Nos: 1793PLEX022-LP; (1414\_31\_)400-405; Cover letter dated 19/04/2017 and email from Ian Chalk dated 11/04/2017.

The Council has considered your application and decided to grant permission.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

Informative(s):

- 1 Reasons for removing condition 4.

S.96A of the Town and Country Planning Act 1990 allows local planning authorities to make a change to any planning permission relating to land in their area if they



are satisfied that the change is not material. This includes the power to remove or alter existing conditions.

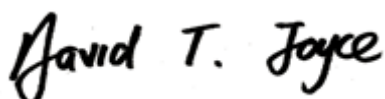
The original approval (2012/6861/P dated 31/03/2015) requires the majority of the windows within the development to be obscurely glazed and fixed shut up to a height of 1.7m above floor level under condition 4. Since this approval the layout of the units has been substantially changed through a Minor Material Amendment granted under 2015/3800/P dated 15/02/2017. In addition to this change the works have been substantially completed on-site which has allowed Officers to view all aspects of the development as it will be occupied. Judgements on overlooking can therefore be definitively made.

The removal of condition 4 is non-material as the amendments to the layout of the units has resolved a number of the anticipated overlooking issues; there would be no material change to any pre-existing overlooking issues as the units are new and unoccupied; a number of the units are now dual aspect giving occupiers the option to close blinds to certain windows if they elect to; a Housing Association (Soho Housing Ltd) has now taken over the site and agreed that they can manage any future overlooking impacts through the future provision of blinds and/or an opaque film if necessary and no surrounding occupiers would be impacted by overlooking given their location and proximity to the windows. Furthermore, many of the units are single aspect looking over an intimate courtyard. The removal of the condition would significantly improve light and outlook for prospective occupiers with each individual having the option to close their blinds if they preferred an enhanced privacy over additional light. Any individual could also request an opaque film for their window from the Housing Association as a matter of preference.

- 2 You are advised that this decision relates only to the removal of condition 4 of the substantive permission granted on 31/03/2015 under reference number 2012/6861/P (as amended by 2015/3800/P dated 15/02/2017) which required a number of the approved windows to be obscurely glazed. The approval is bound by all the conditions and the legal agreement attached to that permission.

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



David Joyce  
Director of Regeneration and Planning

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