

Date: 20/12/17

Your Ref: PP-06601982 (app ref: 2016/6323/P)

Our Ref: 12484/NMA

London Borough of Camden
2nd Floor
5 Pancras Square
c/o Town Hall, Judd Street
London
WC1H 9JE

Dear Mr Tulloch

16A LYNDHURST GARDENS, LONDON NW3 5NR**S96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)****APPLICATION FOR NON-MATERIAL AMENDMENT TO VARY THE APPROVED DRAWINGS UNDER
APPLICATION REF: 2016/6323/P AND VARIATION TO CONDITION 13 'LIFETIME HOMES'**

Dalton Warner Davis ("**DWD**") are instructed to submit an application for a Non Material Amendment ("**NMA**") under s96a of the Town and Country Planning Act 1990 (as amended) to amend the drawings listed on the decision notice for planning application reference 2016/6323/P and vary an attached planning condition at 16a Lyndhurst Gardens for:

"Variation of condition 2 (approved plans) of planning permission reference 2013/5916/P dated 29/10/14 (for erection of single storey, plus two storey basement, dwelling following demolition of existing dwelling) to allow for relocation of store room, bin store and bike store, increase in size of sub-basement and addition of lightwell at sub-basement level, and associated internal alterations."

The application for planning permission was approved on the 8th September 2017.

Background to this NMA

Planning Practice Guidance 'Flexible Options for Planning Permissions' advises that there is no statutory definition for what constitutes a 'non-material' amendment and that *"it will be dependent on the context of the overall scheme"*. The guidance advises that *"the local planning authority must be satisfied that the amendment sought is non-material in order to grant an application"*, that is to say that if the amendment sought would not substantially alter the approved development to such a degree that planning permission would have not originally been granted then the application made under s96a should be approved.

During the course of preparing detailed construction drawings a minor alteration to the approved design needs to be made to due to previously unknown construction constraints. The approved dwelling is accessed via a long private driveway that was proposed to be sloped downwards to the front

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door of the dwelling. The downward slope would create a level access from the street and would also satisfy criterion 2 of the Lifetime Homes standards that were adopted when the original application for the dwelling was approved, and which is a requirement of condition 13 on the decision notice of the most recent planning decision.

Development of the dwelling is underway and it has become evident that it is not possible to create the sloping driveway as initially thought. The driveway is providing foundation support for the adjacent dwellings and reducing its size and depth will compromise their structural stability.

The project architects have prepared an alternative access arrangement; one that maintains the existing driveway and its structural supporting features and includes a stepped access to the front door of the dwelling. In order to cater for future access adaptations sufficient space within the steps is provided for a platform lift to be installed which will provide occupiers or visitors with a level access from the street to the dwelling's entrance.

Submitted with this application is proposed site and ground floor plan ref: 4948 DE 01 Rev C1 which supersedes approved drawing DE 01, as listed on the decision notice dated 8th September 2017.

Variation to Condition 13: Lifetime Homes

Lifetime Homes is a concept of residential design that is best described in the Council's adopted Local Plan 2017 at paragraph 3.147 as *"dwellings specifically designed to support the changing needs arising through a family's lifecycle, incorporating features to help accommodate pregnancy, prams and pushchairs, injury, disability, and old age. These features also allow a dwelling to be easily adapted for even higher levels of accessibility in the future, if the need arises, allowing people to live in their own home for as much of their life as possible"*.

Lifetime Homes covers 16 design criteria that a dwelling must satisfy in order to comply and previously adopted development plan documents included the requirement for new dwellings to meet the Lifetime Homes criteria.

In March 2016, Building Regulations adopted many of the criteria for Lifetime Homes and these are contained within Approved Document M4(2). The requirement to comply with this building regulation document is optional; however planning conditions can ensure compulsory compliance.

Criterion 2 of the Lifetime Homes standard is titled 'Approach to dwelling from parking (distance, gradients and widths)' and requires a level access or gentle gradient from a car parking space to the dwelling's access. There is no material change between the Lifetime Homes access requirement and the more recent Building Regulations requirement with the exception that the Building Regulations states that *"features are provided to enable adaptations to be carried out in future to increase the accessibility and functionality of the dwelling"*. This is reflected in Local Plan paragraph 3.152 which recognises that a step-free access may not always be achievable.

Due to the reasons described above, it is not possible to provide a gently sloping gradient from the dwelling's access to the car parking space although it will be possible to install a platform lift within the stepped area in the future, if required.

The proposed stepped arrangement and provision for a platform lift has been confirmed as an acceptable arrangement by the appointed building control officer and their correspondence is enclosed with this letter.

We therefore propose that Condition 13 is re-worded so that the specific requirement for a step free access is omitted from the Lifetime Homes requirements. The Condition should therefore read as follows:

"The Lifetime Homes features and facilities, as indicated on the drawings and documents hereby approved, with the exception of requiring a step-free access to the approved dwelling, shall be provided prior to the first occupation of the new residential unit and shall remain permanently maintained and retained thereafter".

For the avoidance of doubt, the other listed Lifetime Homes criteria can be achieved.

If you have any queries regarding the proposed amendment please contact Alexander Chalkin at ac@dwdlp.com or 07780661060.

Yours faithfully

Alexander Chalkin
Senior Surveyor
Dalton Warner Davis LLP

Enc. Building Control Correspondence.

Alex Chalkin

From: Ayaka [REDACTED]
Sent: 24 February 2017 10:42
To: Michael Courtenay; Gian Kundi; Claire Walsh
Cc: Gethin Hooper
Subject: FW: Lyndhurst Gardens - Entrance Approach

FYI

Ayaka Suzuki
Architect

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From: Natalie Holness [mailto:[REDACTED]]
Sent: 23 February 2017 14:59
To: Ayaka Suzuki
Subject: RE: Lyndhurst Gardens - Entrance Approach

Ayaka,

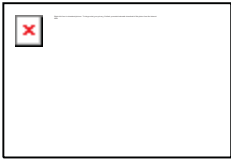
Further to our conversation I confirm your proposal for a stepped approach is acceptable.

Regards,

Natalie Holness MRICS BSc (Hons)
Senior Building Control Surveyor
M: 07884 231174

E: [REDACTED]

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From: Ayaka Suzuki [[mailto:](#) [REDACTED]]

Sent: 22 February 2017 16:24

To: Paul Eggleton [REDACTED]

Cc: Gethin Hooper <[REDACTED]> Tom Piggott [REDACTED]

Subject: Lyndhurst Gardens - Entrance Approach

Hello Paul,

I'm Ayaka – I joined the Vabel team recently, working with Gethin and Tom on Lyndhurst Gardens.

I have a query regarding the entrance approach to the house. We would be looking to comply with Part M4(1) / Lifetime Homes, but with the tree root protection zones, it is difficult to ramp the entire forecourt. The forecourt width is also too restricted to provide a narrow ramp, sufficient space for a parked car as well as space for getting on/off a car. Referring to Section 1 of M4(1), could this project be justified as too steep to provide a ramp and instead we comply with Section 1.8 "External stepped approach"? The total rise is 1050mm and we can comply with all the points in 1.8.

Please let me know your thoughts on this.

Thank you.

Best,

Ayaka

Ayaka Suzuki
Architect

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