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09 May 2018

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PP REF. PP-06937004

Dear Sir/Madam,

**HERBAL HOUSE, 10 BLACK HILL, LONDON, EC1R 5EN
APPLICATION FOR NON-MATERIAL ADMENDMENT OF PLANNING PERMISSION 2017/0593/P UNDER
SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

On behalf of our client, Herbal House Developments Ltd, please find enclosed an application for a non-material amendment under S96A of the Town and Country Planning Act 1990 ("The Act") to amend details on approved drawings under Condition 10 placed upon planning permission ref. 2017/0593/P.

The description for the application is as follows:

"Non-material amendment to planning permission 2017/0593/P for amendments to the 5th and 6th floor residential layouts of Herbal House"

S96A provides an appropriate mechanism to make non-material amendments to planning conditions. S96A(3) confirms that the ability to make changes to a planning permission extends to the 'removal or alteration' of existing planning conditions.

This application seeks to amend Condition 10 to allow the substitution of amended drawings which take into account the proposed non-material change to the scheme. Details of the proposed amendment to the drawings are provided below.

The proposed re-wording of condition 10 is as follows:

"The development hereby permitted shall be carried out in accordance with the following approved plans: 863 S 01 Rev 00; 863-PL-EX-B2 Rev P1; 863-PL-EX-B1 Rev P1; 863-PL-EX-M0 Rev P1; 863-PL-EX-00 Rev P1; 863-PL-EX-01 Rev P1; 863-PL-EX-02 rev P1; 863-PL-EX-03 Rev P1; 863-PL-EX-04 Rev P1; 863-PL-EX-05 Rev P1; 863-PL-ES-AA Rev P1; 863-PL-ES-BB Rev P1; 860-PL-EE-01 Rev P1; 860-PL-EE-02 Rev P1; 863-PL-GA-B2 Rev P2 863-PL-GA-LG P3; 863-PLGA-00 Rev P8 ; 863-PL-GA-UG P6; 863-PL-GA-01 Rev P2 ; 863-PL-GA-02 Rev P2 ; 863-PL-GA-03 Rev P2; 863-PL-GA-04 Rev P2 ; 780-D5A-00-ZZ-DR-A-0023 RevP04 ; 863-PL-GA-RF Rev P3 ; 863-PL-GS-AA RevP2 ; 863-PL-GS-BBP4 ; 863-PL-GS-CC Rev P2 ; 860-PL-GE-01 P7; 860-PL-GE-02 P6; Design and Access Statement, dated 27th May 2014; Construction Method Statement, dated 1st March 2014; Daylight and Sunlight Report, dated 19th May 2014; Energy Performance Analysis, dated October 2014, produced by Waterman Building Services Limited; Heritage, Townscape and Visual Impact Assessment, dated May 2014; Acoustics Planning Report, dated May 2014; Sustainability Statement, dated May 2014; Transport Statement, dated May 2014; Air Quality Assessment, dated March 2014, produced by Waterman Energy, Environment & Design Limited; and Lifetime Homes Statement."

A list of the proposed changes is shown in **Appendix 1**.



Proposed Design Changes

Following discussions by the design team, the supporting planning drawing have been submitted to allow for an amendment to the residential layouts on the 5th and 6th floor which were approved under planning application 2017/0593/P.

The proposed amendment seeks to alter the residential layout of the apartments across the 5th and 6th floor in order for them to meet Building Regulation requirements for fire safety and escape provision.

It is noted that Condition 4 of planning permission 217/0593/P requires lifetime homes features and facilities to be provided as indicated on the approved drawing and documents.

Out of the six duplex apartments requiring layout amendments, five are fully compliant with Lifetime Homes and therefore will meet the requirements of Condition 4.

In the sixth duplex apartment, all Lifetime Homes features and facilities will be implemented in this unit except that the 'through lift' provision is omitted and the main living area is located at the upper level. Reason being, the apartment is smaller in size compared to the others and consequently is not viable in offering both a full Lifetime Homes specification and meeting Building Regulations for fire safety.

The submitted solution importantly meets Building Regulations Part B in terms of fire safety and escape provision.

To aid in the comparison of the consented scheme a supporting document has been prepared by the project architects to demonstrate the proposed layout amendments.

Due to the nature of the amendment, it is considered to be of a non-material nature and therefore can be considered under this S96A application.

Conclusion

The S96A application has been submitted to allow for a non-material amendment relating to the approved drawings under 2017/0593/P. The change is to the residential layout on the 5th and 6th floor.

The proposed amendment is considered non-material and as such is considered acceptable under this S96A application.

Application submission

The application fee of £234 has been calculated in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (Statutory Instrument No.2920). Payment has been made via the Planning Portal.

We trust that you will find the application documents in order and look forward to receiving the validation notice in due course. If you have any outstanding queries on this matter, please contact David Reid (0207 312 7415 / david.reid@montagu-evans.co.uk) or Sam Neal (020 7312 7468 / sam.neal@montagu-evans.co.uk) at this office in the first instance.

Yours sincerely

A black rectangular box redacting the signature of the sender.

MONTAGU EVANS LLP
Enc.

**APPENDIX 1 – LIST OF ORIGINAL AND AMENDED
DRAWINGS RELATING TO CONDITION 10**

Drawing Title	Original Approved Drawing Number	Amended Replacement Drawing Number
Fifth Floor Proposed	863-PL-GA-05 P7	780-D5A-00-ZZ-DR-A-0023 P04
Sixth Floor Proposed	863-PL-GA-06 P6	780-D5A-00-ZZ-DR-A-0023 P04