



Our Ref: 02B826120
Your Ref: PP-07548767

16 January 2019

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

Dear Sir/Madam

**Section 73 of the Town and Country Planning Act 1990 (as amended)
Minor-Material Amendment to Planning Permission Ref: 2017/1169/P
Bracknell Gate Froggnal Lane London NW3 7EA**

We write on behalf of the Bracknell Gate Properties Ltd., 'the applicant', to submit a retrospective application under Section 73 of the Town and Country Planning Act 1990 (as amended) in relation to a minor-material amendment to planning permission ref: 2017/1169/P which granted the removal of existing coal lifts and adjacent balcony railings and installation of new balcony railing to match existing.

The application fee of £234.00 has been paid through the Planning Portal.

Background

On 21 June 2017, the London Borough of Camden granted planning permission (ref: 2017/1169/P) at Bracknell Gate, Froggnal Lane for:

"Removal of existing coal lifts and adjacent balcony railings and installation of new balcony railing to match existing."

The planning permission proposed the removal of the existing redundant coal lifts and replacement of existing balcony railings due to recurring defects, all located on the rear elevations of Blocks A, B and C.

Following the approval, works have commenced on site to implement the planning permission. Following removal of the coal lifts and existing balconies on Block C, the Structural Engineers have identified that structurally three of the 18 balconies cannot be directly replaced due to the unknown load capacity upon the lintels over the windows. This is an inherent fault of the existing arrangement which has already resulted in two of the lintels failing, as demonstrated within the photograph attached to the supporting letter prepared by Versi Associated Ltd.

The Structural Engineers have advised that they cannot be satisfied that the proposed reinforced concrete lintel would be capable of supporting the load from the balcony, and therefore would be susceptible to failure. Therefore, an amendment is required to enlarge the three balconies within Block C by 600mm for the supporting beam to sit on the pier between the

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windows. The remaining balconies will be built as originally permitted. This is the minimum required to ensure the balcony remains structurally sound.

Principle of a S.73 Application

National Planning Practise Guidance (NPPG) published by the Government on 6th March 2014 provides guidance on the purpose of the application of Section 73 of The Town and Country Planning Act 1990 in the context of minor material amendments to planning permissions (Ref ID: 17a-013-20140306). Its purpose is to provide flexibility to planning permissions where amendments sought are considered to be minor material in their nature.

An application can be made under Section 73 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek Minor Material Amendments to the approved development, where there is a relevant condition that can be varied to facilitate such changes.

Government Guidance does not explicitly set out what may be treated as a 'minor material amendment' but does, however, support the definition that such proposals "whose scale and nature results in a development which is not substantially different from the one which has been approved" (CLG, 2009).

In this respect, consideration has been given as to the effect of the amendments to the approved development, including whether it would:

- Result in a change that is minor in terms of its scale;
- Result in a change that is minor in terms of its impact on amenity and visual impact;
- Would comply with material planning considerations.

When determining a section 73 application it is noted that the original permission will have already been judged acceptable in principle. Therefore applications should be determined in accordance with section 38 (6) of the Planning and Compulsory Purchase Act (2004), in consideration of national and local policies or other material considerations which may have changed significantly since the original permission.

Discussions with Planning Officers prior to submission have confirmed an application for a Minor Material Amendment under Section 73 of the Town and Country Planning Act (1990) (as amended) would be appropriate procedure for the amendment sought.

Description of Development

'Minor Material Amendment to Condition 3 (Approved Documents) of Planning Permission 2017/1169/P for the removal of existing coal lifts and adjacent balcony railings and installation of new balcony railing to match existing, resulting in an amendment to the Application Description to reference an increase of 600mm to the three balconies within Block C.'

Application Package

The application has been submitted online via the Planning Portal (Ref: PP-07548767)

The application comprises this letter which sets out the background, justification and detail of the proposed amendments; amended plans; a supporting letter prepared by Versi Associates Ltd (Structural Engineers); a completed and signed application form and a copy of the original decision notice ref: 2017/1169/P.

Planning Policy Framework

As an application for a minor-material amendment, relevant development management policies remain a consideration in determining the acceptability of the proposed amendments in planning terms. Therefore, the following development plan is of relevance to this application:

- London Plan (2016)
- Camden Local Plan (2017)
- Camden Policies Map (2017)

The development plan for the borough has progressed since the original application was determined. The Camden Local Plan (2017) sets out the Council's planning policies and replaces the Core Strategy and Development Policies planning documents (adopted in 2010), against which the extant planning permission was assessed against. The relevant previous alongside the updated corresponding are as follows:

London Plan

- Policy 7.8 – Heritage Assets and Archaeology

Camden Core Strategy (2010)

- Policy CS14 – Promoting High Quality Places and Conserving our Heritage
(Replaced by Local Plan Policy D1 – Design and Policy D2 – Heritage)

Camden Development Management Policies (2020)

- Policy DP24 – Securing High Quality Design
(Replaced by Local Plan Policy D1 – Design)
- Policy DP25 – Conserving Camden's Heritage
(Replaced by Local Plan Policy D2 – Heritage)
- Policy DP26 – Managing the Impact of Development on Occupiers and Neighbours
(Replaced by Local Plan Policy A1 – Managing the Impact of Development)

Therefore, the policies which are relevant to this S73 application are as follows:

London Plan

- Policy 7.8 – Heritage Assets and Archaeology

Camden Local Plan (2017)

- Policy A1 – Managing the Impact of Development
- Policy D1 – Design
- Policy D2 – Heritage

Key Planning Considerations

It is noted that the principle of development has already been established by the previous planning permission (ref: 2017/1169/P). The scope of the proposed application is limited to amendments to the approved plans.

Policy A1 – Managing the Impact of Development, states:

'The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.

We will:

- Seek to ensure that the amenity of communities, occupiers and neighbours is protected;*
- Seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*
- Resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*
- Require mitigation measures where necessary.'*

The proposals only affect the three existing balconies within Block C, which have no frontage with the public highway, and therefore have no impact on neighbouring properties or amenity. By ensuring that the balconies are structurally sound, they can continue to operate in the manner for which they are intended, and therefore maintain the characteristics of the building and area.

Policy D1 – Design, states:

'The Council will seek to secure high quality design in development. The Council will require that development:

- a) Respects local context and character;*
- b) Preserves or enhances the historic environment and heritage assets in accordance with policy d2 heritage;*
- c) Is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d) Is of sustainable and durable construction and adaptable to different activities and land uses;*
- e) Comprises details and materials that are of high quality and complement the local character;*
- f) Integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g) Is inclusive and accessible for all;*
- h) Promotes health;*
- i) Is secure and designed to minimise crime and antisocial behaviour;*
- j) Responds to natural features and preserves gardens and other open space;*
- k) Incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping;*
- l) Incorporates outdoor amenity space;*
- m) Preserves strategic and local views;*
- n) For housing, provides a high standard of accommodation; and*
- o) Carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The designs for the three balconies seek a like-for-like replacement in appearance of the existing balconies; however a minor amendment is required to enlarge the balconies within Block C by 600mm for the supporting beam to sit on the pier between the windows. All other balconies will be built as originally permitted. These proposals ensure that the design reflects the existing heritage of the development, through sustainable construction; ensuring the façade is retained in the future.

Policy D2 – Heritage, states:

'The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designated heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site;*
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c) Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.*

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e) require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f) resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
- g) resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
- h) preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.'*

The proposals concern the rear elevation of the properties, and do not front onto the public highway. Therefore the limited minor amendments do not affect the character or appearance of the area, and ensure that the building can continue to function and make a positive contribution to the area.

Summary

This letter has been prepared on behalf of the Applicant to support a planning application submitted pursuant to a S73 application for 'minor material amendments' to the 2017 permission. This planning application seeks approval for amendments to the wording of the description of development and Condition 3, as the mechanism for the approval of revised plans.

The amendments are minor and follow the design previously approved, being appropriate in scale, similar in treatment and will have no impact on amenity, neighbouring properties of the surrounding area.

The proposed amendments are limited to a 600mm increase to three balconies on the rear elevation of Block C. This is a minor-material change in the context of the overall planning permission which granted the removal of the coal lifts and replacement of all balconies to all three of the Blocks. The change in balcony size is *de minimis* on the Block and will retain a uniform appearance. The extent of the change on this rear elevation would have no impact on local amenity and would not result in a significant alteration to the original planning permission. Therefore, the proposals accord with the relevant policies of the development plan.

This letter and enclosures demonstrate that the proposed amendment is a minor material change in the context of the original planning permission. We trust that this application can be validated and look forward to receiving your decision within the 8 week target determination period. However, should you require any further information, please contact me or my colleague Tom Anthony (0207 911 2836).

Yours sincerely,

A handwritten signature in black ink that reads "GVA." The letters are stylized and connected, with a period at the end.

Tim Sturgess
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For and on behalf of GVA Grimley Limited