



Fairview Estates (Housing) Limited, 50 Lancaster Road, Enfield, Middlesex, EN2 0BY
Tel: (020) 8366 1271 Fax: (020) 8366 0189 DX: 90635 ENFIELD

Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Our Ref: *FNH 425*
Your Ref: *PP-07825932*
Email: robert.mgrieve@fairview.co.uk

30 April 2019

Dear Sir/Madam,

RE: Section 96a Application to Planning Permission 2016/6891/P for land at 1-6 Centric Close London NW1 7EP.

I refer to the planning permission 2016/6891/P granted on the 29th September 2017 at the above site.

This Section 96A application seeks to make a minor amend to Drawing Reference 16041 A (P00)_221 P01 (listed as part Condition 2) to adjust the size of the windows on the northern flank elevation to match the size of the windows shown on the approved floorplans. (Drawings Reference 16041 A (P00)_102 to 107 inclusive).

The rest of this letter provides further detail on the amendment being sought, why the changes are necessary and why the application should be considered as non-material amendment.

Proposed Amendments

This application seeks the following non-material amendment to Planning Permission 2016/6891/P.

Condition 2

Substitute drawing approved drawing 16041 A (P00)_221 P02 for revised drawing 16041 A (P00)_221 P02a. The revised drawing alters the size of the windows shown on the northern flank elevation in order to match the size of the windows shown on the following approved floorplans drawings:

- 16041 A (P00)_102 Rev P02
- 16041 A (P00)_103 Rev P02
- 16041 A (P00)_104 Rev P02
- 16041 A (P00)_105 Rev P02
- 16041 A (P00)_106 Rev P02
- 16041 A (P00)_107 Rev P02

The amendment results in the width windows on the northern flank elevation increasing from 50cm to 85cm (35cm increase) which accords with the approved floor plans.

Again we consider that this change does not constitute a material amendment for the reasons set out below.

Non Material Amendment

Section 96A of the Town and Country Planning Act 1990 details a Local Planning Authority power to make a change to a planning permission if they are satisfied the change is not material.

The Town and Country Planning Act 1990 continues, in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made via the Section 96A process. We can confirm that there have been no previous S96A amendments to the original permission. Therefore, the Local Planning Authority only needs to consider the effect of the changes set out above.

Typically there are four test which are used to assess whether a change is material. These tests are as follows:

- Is the proposed change inconsequential in terms of its scale in relation to the original approval?
- Would the proposed change result in a detrimental impact either visually or in terms of amenity?
- Would the interest of any third party or body be disadvantaged in any way?
- and
- Would the amendment be contrary to any policy of Council?

The Sections below demonstrate how the proposed amendment complies with each of these tests and is therefore non-material.

Is the proposed change inconsequential in terms of its scale in relation to the original approval?

The proposed amendment to Planning Permission 2016/6891/P seeks to address an inconsistency between the approved floor plans and the northern elevation. We therefore contend that the submitted window configuration has already been assessed by the Council and considered to be acceptable as evidenced by the approved floor plans. The proposed amend does not alter the position of the windows on the north elevation and any impact on the amenity of neighbouring residents can be mitigated by the obscure the glazing secured by Condition 23.

This proposed change are inconsequential in terms of scale in comparison to the original approval and therefore should not be considered as material.

Would the proposed change result in a detrimental impact either visually or in terms of amenity?

The proposed amendment would not result in any different/greater impacts from those generated from the original permission. The amended windows do not cause any impacts to neighbouring residents which were not already created by original approved development.

As stated in the reason provide for Condition 23, obscure glass is necessary to safeguard the amenities of adjoining premises. This Condition therefore acknowledges that the windows on the north flank elevation will have some impact on the neighbouring amenity if adequate mitigation is not include. We contend the slight amendment to these windows would therefore not result in any different impact from those generated, assessed and considered acceptable within the original permission.

Moreover, Condition 23 provides mitigation to the northern flank elevation ensuring that the amenity of residents on Oval Road is protected. The extended width of the windows would also not be noticeable when considered in relation to the entire northern elevation.

Would the interest of any third party or body be disadvantaged in any way?

The proposed amendments are minor and will not materially change the design of the building. Additionally no windows are being added, lost or moved on the northern elevation and the 35cm increase to the width of the windows will not be noticeable when considered as part of the northern elevation as a whole.

Protection to the amenity of residents on Oval Road will be provided by fully obscuring the glazing on these windows. Which enhances the mitigation measures required by Condition 23.

We therefore, do not consider any third party or body will be disadvantaged by the proposals.

Would the amendment be contrary to any policy of Council?

The proposed amendment are not contrary to any adopted policy. Local Plan Policy A1 seeks to protect the quality of life of occupiers and neighbours. The amended windows will increase the amount daylight/sunlight entering the bedrooms improving the quality of life of future occupiers. Additionally the amendment to Condition 23 will protect the amenity of the existing residents on Oval Road by obscuring the entirety of the window. Thereby improving on mitigation measure previously considered

acceptable by the Council. We therefore considered the proposed amendments comply with Local Policy.

Additionally, we wish to note that a S96A application is a more straightforward process, would avoid the need for a new permission to be issued and a Deed of Variation to be produced.

For the reasons set out above we content that the proposed amendments are non-material.

Conclusion

This application seeks to address an in inconsistency between the approved floor plans and the approved elevations which shows different sized windows on the northern flank elevation. Additionally, the application seeks to amend Condition 23 to provide full obscurely glazed windows on the flank elevation.

Should you require clarification or additional information, please do not hesitate to contact me.

Yours Sincerely

A handwritten signature in blue ink, reading "R. Mackenzie-Grieve".

Robert Mackenzie-Grieve
Senior Planner
Fairview New Homes

Encl. as detailed above