

S0W/615/NW6/26/1

04 July 2019

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Dear Elaine

Re: Variation of Condition 12 pursuant to Planning Permission 2016/5498/P at 73a Maygrove Road, London, NW6 2EG

On behalf of Granada Developments Limited - "the Applicant", we hereby submit a Section 73 planning application under the Town and Country Planning Act (1990) for the variation of condition 12 pursuant to planning permission 2016/5498/P at the above site.

On 11 June 2019, planning permission was approved for the following under 2016/5498/P:

"Erection of 4 storey building comprising 4 flats (3 x 2bed and 1 x 1bed), including balconies at ground, first and second floor levels on the southern elevation and associated cycle and bin stores."

The application has been submitted online via the Planning Portal (ref. PP-07975585), and is supported by the following documents:

- Application Form and Certificates signed and dated;
- Site Plan (Dwg. 219-CDA-ZZ-XX-DR-20-A-0106), and
- Supporting Statement (in the form of this letter).

The application fee of **£234** has been paid online to the London Borough of Camden.

The Proposal

Planning condition 12 currently states:

"Apartments 1, 2, 3, and 4, as indicated on plan number/s hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved in writing by the Local Planning Authority prior to occupation."

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of the Camden Local Plan 2017."

The purpose of the application is that the Applicant cannot deliver wheelchair accessible units to all apartments stated as the approved plans do not include a lift to access the upper units. It is not an option to install a platform lift on the existing stairs, in the adjoining block because the chair lift would need to overrun onto the stair landing in order for someone to safely get off the lift, this would then block the flat entrance door. Furthermore, if the chair lift was to be installed on the inside balustrade it would again have to overrun onto the stair landing and block the stair completely.

The lower ground floor unit (Apartment 1) can comply in full as it has level access but the three remaining units cannot. This represents 25% of the proposed units when generally only 10% of units are required to be fully wheel chair accessible (in accordance with Building Regulations Part M4(2)).

On this basis, the condition should be amended to ensure the Applicant complies with providing accessibility for 10% of the units as per the Building Regulation guidance. The revised condition is suggested below.

“Apartment 1 (lower ground floor flat), as indicated on plan number/s hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved in writing by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of the Camden Local Plan 2017.”

The above wording has been recommended by yourself, Ms. Quigley on 04 July 2017, via an email correspondence.

Planning Policy and Considerations

The revised wording would comply with both local and national policy whereby:

- Paragraph 55 of the National Planning policy Framework (2019) states that planning conditions should only be imposed where the condition(s) are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and
- Policy C6 of the Local Plan (2017) states that the Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities. The Council will expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all; and expect spaces, routes and facilities between buildings to be designed to be fully accessible.

Conclusion

After consideration of relevant planning policy at a national and local level and following recent consultation with the Council, it is considered that this application seeking a variation to the wording of condition 12 under planning permission 2016/5498/P would not result in inadequate access for all.

We trust that the information submitted is sufficient to ensure that the application can be registered and validated and look forward to receiving confirmation in due course. If you require any additional information please do not hesitate to contact me on the details below.

Yours sincerely,

Silas Willoughby
Silas Willoughby (Jul 4, 2019)

Silas Willoughby

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