

SADAarchitecture

15th August 2019

RE: 1 HAMPSHIRE STREET, LONDON, NW5 2TE.

Dear Sir / Madam

I am instructed by my Client to make a submission to vary condition 2 of Planning Permission Ref: **2017/2883/P**

The original permission was granted for:

Redevelopment of the site to provide 4 storey building with 334 sqm of commercial floorspace (Class B1) and 16 residential units (6 x 2-bed, 6 x 1-bed and 4 x 3-bed) (Class C3) with terraces at front and rear following demolition of existing photographic studio (Class B1c).

Condition 2 of the planning permission reads as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan (100 P.01) Existing drawings: 210 P.01; 211 P.01; 220 P.01; 230 P.01;

Proposed drawings: 101 P.04; 310 P.07; 311 P.05; 312 P.05; 313 P.06; 314 P.04; 410 P.02; 500 P.03; 510 P.05; 511 P.02; 512 P.02; 513 P.02; 710 P.03;

Supporting documents: Area Schedule dated 2017.04.10; Daylight and Sunlight Study (Neighbouring Properties) prepared by Right of Light Consulting dated 28 April 2017; Daylight and Sunlight Study (Within Development) prepared by Right of Light Consulting dated 28 April 2017; Assessment Of Economic Viability prepared by Bidwells dated May 2017; Sustainable Drainage Systems and Flood Risk Assessment Report prepared by BE dated 17 July 2017; Tree Constraints Plan CCL 09675; Arboricultural Report prepared by Crown Consultants 20 April 2017; Tree schedule; Transport Statement prepared by Ardent dated May 2017; Energy and Sustainability Statement incl appendices prepared by BE dated 18/05/2017; Built Heritage Statement prepared by CGMS dated May 2017; Zero Carbon Homes Offset Payments; Design and Access Statement prepared by SADA Architecture dated May 2017; Planning statement; Mann Smith Viability Report dated 1/8/17; Supplementary DAS prepared by SADA Architecture dated September 2017; Domestic Overheating Assessment prepared by BE dated 17/5/17; Bauder Intensive Substrate technical data sheet 21-10-2015; Appendix C Green Roof Flow Capacity Calculations submitted 09/02/2018; Brownfield Estimation Of Peak Flow Rate Of Runoff submitted 09/02/2018; Bauder General Maintenance Information; Attenuation Storage Volume submitted 09/02/2018

Reason: For the avoidance of doubt and in the interest of proper planning.

It is proposed to vary this condition with the substitution of drawings, where the only changes are revisions to the internal floorplans to provide for improved layouts to the residential units, and the omission of the rear external walkways providing access to the flats.

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Below is a brief description of the changes to the layouts:

An additional Lift / Stair Core has been added to the scheme which has allowed for the elimination of the rear balcony access routes to the flats, thereby providing improved and more secure layouts to the residential units. On Ground floor level, the cycle and refuse stores have been relocated to the rear of the building, which has freed up some shop frontage, allowing for an additional commercial unit to be added.

On the upper floors, the unit mix will be almost the same, with the exception of two 1b1p units becoming 1b2p units, and two 3b5p units becoming 3b4p units. The below table shows the differences in the unit mix.

Unit Type	Consented Scheme	Section 73 Scheme
1b 1p	6	5
1b 2p	0	1
2b 3p	6	6
3b 4p	1	3
3b 5p	3	1
Total	16	16

The drawings that have been revised are as follows:

- Floor Plans showing the revised layouts.
- Rear elevation and section have been updated to show the omission of the rear balcony access.
- Front Elevation with obscured glazing omitted from the portion of the shop front that was previously the commercial refuse store.

Legal Framework & Guidance:

Section 73 of the 1990 Act makes provision for, “the determination of applications to develop land without compliance with conditions previously attached”.

By section 73(2);

“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

Accordingly, pursuant to section 73(2)(a), a local planning authority may grant planning permission subject to conditions that differ from those attached to a previous permission and the legal power enjoyed by local planning authorities pursuant to section 73 of the 1990 Act is broad.

The Government has published guidance within its National Planning Practice Guidance (“NPPG”) stating that;

“An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.”

and,

“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”

As such, application of Central Government’s Practice Guidance may limit the extent to which changes to proposed development may be effected pursuant to section 73 of the 1990 Act7.

Application of Legal Principles and Guidance:

The proposed changes are not fundamental alterations of the proposal, and will not affect its impact on the neighboring properties. As these applications are subject to full consultation, the views of the neighboring properties to the change will be sought and therefore no prejudice can arise from the use of S73A

The condition is to be varied by the renumbering of the consented drawings, which as the retained architect is the same, means only that a consequential revision number be added to the condition.

Amendment Sought:

We propose the condition be amended to read as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan (100 P.01) Existing drawings: 210 P.01; 211 P.01; 220 P.01; 230 P.01;

Proposed drawings: 101 P.04; 310 P.08; 311 P.06; 312 P.06; 313 P.07; 314 P.04; 410 P.04; 500 P.03; 510 P.06; 511 P.02; 512 P.02; 513 P.03; 710 P.03;

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Conclusion:

By reference to Planning Practice Guidance noted above, the proposed changes may be described as a minor material amendment. In particular;

(i) the proposed changes generate no significantly different impact (to the previously-approved Scheme) whether in terms of impact on the character and appearance of the area, the local highway network, residential or neighbouring occupiers' amenity, or any other recognised interest

For all of those reasons, the Council may

(i) accept as valid and determine the application made pursuant to section 73 of the 1990 Act, and,

(ii) conclude that the proposed changes comprise minor amendments to the Scheme

We trust that everything is in order and look forward to your response in due course. Should you have any comments, or require any further information, please don't hesitate to contact me.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Cormac Cleary', is written over a light blue rectangular background.

Cormac Cleary BArchSc DipArch MRAl ARB
For and on behalf of the SADA Architecture.