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Dear Sir/Madam

16 Avenue Road, NW8 6BP
Section 73 Application for Minor Material Amendment

On behalf of the applicant, Ms Lin Zhu, we submit an application for minor amendments to an existing planning permission.

Background

Planning permission was granted on 5 June 2017 (Ref: 2016/5375/P) for the following development at the above named site:

Erection of a 2 storey (plus basement and loft), 7 bed dwellinghouse (C3) and associated re-landscaping following the demolition of existing house.

Following the discharging of pre-commencement planning conditions (Ref: 2020/0830/P, dated 15 May 2020) and obligations, this planning permission was implemented in May and June 2020 through the installation of a number of piles that will form part of the consented development's foundations.

This implementation was formally confirmed through the issuing of a Certificate of Lawful Existing Development dated 15 June 2020 (Ref: 2020/2446/P). As such, the consent is extant in perpetuity and approved works can be continued.

In the time since the application was formally implemented, a programme of design review has been ongoing to ensure the buildability and usability of the approved scheme. This has resulted in a number of changes being proposed relative to the approved scheme, predominantly internal to the building but with some limited changes externally predominantly relating to the exacting positioning of windows within the approved elevations.

It is also proposed to update the landscaping around the approved building relative to that which was previously assessed and found acceptable.

This application is therefore made to regularise these limited changes to the approved development.

Proposed Amendments

The following amendments relative to the approved scheme are now proposed:

<i>Reorientation of the approved car lift on the front driveway, to remain within the approved basement box</i>
<i>Re-positioning of the lightwell to the rear of the building</i>
<i>Amendments to position of some windows on side and rear elevations to reflect minor internal layout changes</i>
<i>Addition of ventilation duct enclosures within landscaped areas</i>
<i>Minor revisions to sub-basement floor slab</i>

The basis and reasoning for these amendments are discussed below. Significantly, more detailed information is also provided within the Design Statement prepared by SHH Architects that forms part of this submission.

Proposed Minor Material Amendment

In accordance with the Planning Practice Guidance section '*Flexible options for planning permissions*' the recommended route for dealing with minor material amendments after permission has been granted is through a S.73 application, which allows changes to conditions.

The guidance advises that an application for minor material amendments can be made through a S.73 application to change a condition listing approved plans. The guidance advises that local authorities should impose a condition listing approved plans on permissions as it would facilitate the use of S.73 to make minor material amendments.

As such, in addition to this covering statement the following documents are submitted:

- *Completed application forms with necessary certificates;*
- *CIL Additional Information Form;*
- *A copy of the current planning permission reference: 2016/5375/P, to which these amendments relate;*
- *Location Plan at scale 1:1250;*
- *Relevant replacement drawings which demonstrate the proposed amendments, including additional comparison drawings, prepared by SHH Architects;*
- *Design and Access Statement, prepared by SHH Architects;*
- *Daylight and Sunlight Note, prepared by Brook Vincent and Partners;*
- *Structural Technical Note, prepared by Ross & Partners; and*
- *Updated Landscaping Details, prepared by Bowles & Wyer.*

Each of these addendum reports consider the proposed amendments relative to the approved and extant development.

The relevant application fee of £234 (plus £28 administrative fee) will be paid via the Planning Portal.

If approved, it is acknowledged that a Deed of Variation will also be required to the associated S106 Legal Agreement relevant to this development in order to ensure that the range of previously agreed planning obligations will remain linked to the revised planning permission that may be granted.

Proposed Alterations

Condition 3 of the current planning permission states that:

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

(Prefix 1611-FE-): 100 rev A, 011 rev 0, 012 rev 0, 013 rev 0, 014 rev 0; 210 rev F, 211 rev P, 212 rev R, 213 rev K, 214 rev G, 220 rev G, 221 rev G, 225 rev L; 261 rev 0, 262 rev 0, 263 rev 0.

Supporting Documents: Arboricultural Assessment report ref WCEL/PEW/AIA/0708:16 rev 1 (dated Sept 2016); Ecological Appraisal report (dated Sept 2016); Draft Landscaping report (dated 9th Sept 2016); Noise Impact Assessment report ref 2932_001R_1-0 (dated Sept 2016); Areas Scheme report rev L (dated 29 Sept 2016); Sustainability Strategy ref 1609-27ba (dated 30 Sept 2016); Daylight and Sunlight report ref 11004 (dated Sept 2016); Strategic Summary of Mechanical and Electrical Building Services report (dated 30 Sept 2016); Planning Statement (dated Sept 2016); Design and Access statement (prepared by Wolfe architects Sept 2016); Structural Engineering Report and Subterranean Construction Method Statement rev P3 (dated Sept 2016); Drainage Strategy and SuDS Statement rev P2 (dated Sept 2016); Flood Risk Assessment rev P2 (dated Sept 2016); Desk Study & Basement Impact Assessment 116255/R1.1 (dated Sept 2016); Parking Provision assessment (160729-05a); Indicative front garden landscape plan (dated 25/08/16).

As such, it is **proposed to amend Condition 3** in order to replace those drawings that reflect the changes that have been proposed to the approved scheme.

Specifically, the following drawings will be replaced:

Drawing Title	Approved Reference	Proposed Reference	Replacement
Proposed Sub Basement Plan	1611-FE-210 rev F	(932)215_PL01	
Proposed Basement Plan	1611-FE-211 rev P	(932)216_PL01	
Proposed Ground Floor Plan	1611-FE-212 rev R	(932)217_PL01	
Proposed First and Second Floor Plan	1611-FE-213 rev K	(932)218_PL01	
Proposed Roof Plan	1611-FE-214 Rev G	(932)219_PL01	
Proposed Front and Rear Elevations	1611-FE-220 Rev G	(932)222_PL01	
Proposed Side Elevations	1611-FE-221 Rev G		
Proposed Section A-A and B-B	1611-FE-225 Rev L	(932)226_PL01	
Comparative – Existing and Proposed Basement Plan	1611-FE-261 Rev 0	n/a, not relevant to revised proposal	
Comparative – Existing and Proposed Ground Floor Plan	1611-FE-262 Rev 0	n/a, not relevant to revised proposal	
Comparative – Existing and Proposed First and Second Floor Plans	1611-FE-263 Rev 0	n/a, not relevant to revised proposal	

In addition to the direct replacement drawings set out above, some additional drawings are now provided in order to provide a clear comparison between the approved and proposed development. These are as follows:

Drawing Title	Reference
Comparison Sub Basement Plan	(932)210_PL01
Comparison Basement Plan	(932)211_PL01
Comparison Ground Floor Plan	(932)212_PL01
Comparison First and Second Floor Plans	(932)213_PL01
Comparison Roof Plan	(932)214_PL01
Comparison Front and Rear Elevations	(932)220_PL01
Comparison Side Elevations	(932)221_PL01
Comparison Sections A-A and B-B	(932)225_PL01

All other drawings (existing and demolition drawings) will be unchanged from the current approval.

Assessment of the Proposed Alterations

Reorientation of the Approved Car Lift on the Front Driveway

The approved development included a car lift positioned at an angle to the main dwelling. Detailed design development and further discussion with manufacturers of such lifts have suggested that this structure cannot be feasibly operated in the form previously approved.

As such, it is proposed to now orientate the car lift so that it is parallel to the approved building. This allows for full access to and from the storage areas within the basement.

There is no change in the number of vehicles that could be parked on-site as a result of the proposed amendment. The layout of the driveway and landscaping options for the front garden have been updated to ensure that vehicle capacity is unchanged.

Relocation of the Lightwell to the Rear of the Building

To the rear of the approved dwelling, the proposed lightwell has been reconfigured compared to the approved layout. It has been repositioned to ensure that it is now better integrated with the house overall.

Although only a minor change and visible only from private viewpoints, it is considered that this has a small positive impact upon the building overall. Internal layouts have been altered to respond to the change to the lightwell but this results in no material change to the amenity enjoyed.

As with the reorientation of the approved car lift on the front driveway, landscaping proposals have also been updated to reflect the minor revision to the position of the lightwell.

Internal Layout Changes and Associated Amendments to Position of some Windows on Side and Rear Elevations

In finalising the buildability of the property, some minor internal alterations have also resulted in the need for minor changes to the position of some windows within the building. These changes are all very small and the overall pattern of fenestration is not materially different from that approved.

The most publically visible element of this building is the front elevation to the street. No changes to fenestration are proposed to the front elevation and as such the appearance of the property in public views will not be altered.

A change from a single to double front door, within the same approved opening, is not considered to constitute a material alteration relative to the approved elevation.

This amendments are all discussed in more detail within the submitted Design and Access Statement prepared by SHH Architects.

Ventilation Duct Enclosures

It has been confirmed as a requirement to provide some ventilation extracts from the basement. These have been integrated into the landscaping to both the front and rear of the property and will not have a material impact upon the overall appearance of the building.

Sub-Basement Floor Slab

Minor changes have been proposed to the position and layout of the basement slab in the area around the services void to serve the swimming pool. This has not resulted in any increased area but simply a relocation of some elements within the overall approved basement 'box'.

The structural effect of this change has been reassessed by appropriate engineers who have confirmed that this will not alter the technical results within the existing approved Basement Impact Assessment. There will be no material change relative to the approved scheme.

Please the submitted report prepared by Ross & Partners for more detail on this matter.

Summary

The amendments proposed all seek to refine and enhance the development relative to the approved approach and have resulted from design development through the course of preparing for the construction of the new house.

The overall appearance and architectural approach to the new house are unchanged compared to the approved scheme. The overall design intent will still be delivered and these minimal changes are all part of ensuring deliverability of the property in a usable form.

There will also be no material change to the appearance of the building in public views from Avenue Road. The development will still delivery a high quality home that is an improvement to the local streetscene compared to the existing property.

These limited changes are therefore acceptable in the context of the previously approved development.

It is acknowledged that a Deed of Variation to the existing S106 Agreement will be required to secure this amendment. It would be helpful if such a document could be discussed as part of the determination of this application.

I trust that everything is in order. Should you need to discuss this application further, please do not hesitate to contact me as set out at the head of this letter.

Yours faithfully

A handwritten signature in black ink, appearing to read "NJ Dexter". The signature is stylized with a large "N" and "J" and a more fluid, cursive "Dexter".

Nigel Dexter
Associate