

Application ref: 2022/3596/P  
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Date: 31 October 2022

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Clarks Barn, Bassetsbury Lane  
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United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Grant of Non-Material Amendments to planning permission**

Address:

**551-557 Finchley Road  
London  
NW3 7BJ**

Proposal: Amendments (changes to condition 7 wording to secure two adaptable units to Part M4(2) standard rather than Part M4(3)(2)(a)) to planning permission ref: 2020/5444/P granted 24/12/2021 for the Part change of use from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, remodelling and restoration of front facade, amenity space, cycle parking and associated works.

Drawing Nos: SK04, Letter dated 22 August 2022.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

For the purposes of this decision, condition no.7 of planning permission 2020/5444/P shall be replaced with the following condition:

### **REPLACEMENT CONDITION 7**

All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (1) with units 3A and 3B designed and constructed in

accordance with Building Regulations Part M4 (2).

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 H6 of the Camden Local Plan 2017 and policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

Informative(s):

1 Reasons for granting permission

Permission is sought to amend the wording of condition 7 which currently requires all residential units to be designed and constructed in accordance with Building Regulations Part M4(1) with units 3A and 3B designed and constructed in accordance with Building Regulations Part M4(3) adaptable.

Part M4(1) (visitable dwellings) is a requirement of new dwellings, and expects reasonable provision to be made for people to gain access to and use the dwelling and its facilities. Part M4(3) (wheelchair user dwellings) is an optional requirement and in addition to the requirements of Part M4(1), requires the provision to be sufficient to (a) allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs (adaptable); or (b) meet the needs of occupants who use wheelchairs (adapted).

Since permission was granted, detailed design work has proceeded which has established that it would not be possible to provide two units to Part M4(3) (adaptable) standards. This is due to the fact that the proposals involve the conversion of an existing historic building with a number of level changes and inadequate room sizes. Although units 3a and 3b are on a lift-accessible floor, there is insufficient room for a turning circle to enable access into the units, and for the bathroom to be of a sufficient size the consequence would be a reduction in the size of bedrooms and living rooms such that they would not meet the required space standards.

Given the proposals involve the conversion of an existing building, it is accepted that the proposed units could not be converted to meet this standard without requiring additional extension which itself would be unlikely to be acceptable on design / heritage grounds. It is therefore suggested that condition 7 is varied to require these two units to meet Part M4(2) (accessible and adaptable dwellings) standards instead. This part of the Building Regulations is also an optional requirement, which in addition to the requirements of Part M4(1), states that the provision must be sufficient to (a) meet the needs of occupants with differing needs, including some older or disabled people; and (b) to allow adaption of the dwelling to meet the changing needs of occupants over time.

Given there is no policy requirement to meet these targets for converted buildings (as opposed to new builds) and the condition was imposed to secure standards which were originally thought possible to meet, there is no objection to the amendments to the standards secured. The revised wording would ensure the development continued to provide flexibility for the accessibility of future occupiers

and their changing needs over time, in accordance with the requirements of policy H6 of the Camden Local Plan 2017 and the original intentions of condition 7.

The proposed amendments are considered to be non-material as they do not change the nature or description of development; do not change the application site area, the height of the approved extension; do not result in changes to external details that would materially compromise the overall design of the building or materially impact on the character and appearance of the area; do not change windows or doors in any elevation facing any neighbour which may raise issues of greater visual intrusion, loss of light or feeling of enclosure; and do not materially impact on any neighbours or other statutory and non-statutory bodies.

Given the nature of the application as a non-material amendment to a previously approved scheme, no neighbour consultations were undertaken. No responses were received prior to determination. The site's planning history was taken into account when coming to this decision. The full impact of the proposed development has already been assessed by virtue of the approved scheme granted on 24/12/2021 under reference 2020/5444/P.

- 2 You are advised that this decision relates only to the changes highlighted in the description and on the application form and shall only be read in the context of the substantive permission granted on 24/12/2021 under reference number 2020/5444/P and is bound by all the conditions and obligations attached to that permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

Yours faithfully

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

Daniel Pope  
Chief Planning Officer

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