

Application for removal or variation of a condition following grant of
planning permission. Town and Country Planning Act 1990.
Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	
Suffix	
Property name	Botwellears House, Rear of 25 Botwell Lane, Hayes
Address line 1	Botwellears House, Rear of 25 Botwell Lane
Address line 2	
Address line 3	
Town/city	Hayes
Postcode	UB3 2AB
Description of site location must be completed if postcode is not known:	
Easting (x)	509777
Northing (y)	179911
Description	

To remove condition 1 of approved application 1644/APP/2020/1061 approved on 7 July 2020. This condition required completion of the approved changes within 6 months of the permission, i.e. by 8 January 2021. Contractors have advised the work cannot be carried out safely without disturbing residential tenants who have leases entitling them to 4 months residence following the renewal of their leases, and two months additional notice beyond that. In addition, I understand that the Government has amended the Town and Country Planning Act 1990 regarding time limitations in recent planning consents that allow starting dates for planning conditions to be deferred to start before 1 May 2021. While Mr Sabaratnam intends to start work as soon as he can, in the meantime we would be grateful if the condition could be altered to take account of my clients legal responsibilities with his tenants and the government's advice that time limitations should change to having started by 1 May 2021. He is continuing to negotiate with contractors to find a way to protect tenants in situ beneath while perhaps moving out one tenancy at a time into short term accommodation but we do not yet know if this will be possible either.

2. Applicant Details

Title	Mr
First name	K
Surname	Sabaratnam
Company name	Maybank Properties
Address line 1	77, Paxford Road
Address line 2	Wembley

2. Applicant Details

Address line 3	
Town/city	London Borough of Brent
Country	United Kingdom
Postcode	HA0 3RJ

Are you an agent acting on behalf of the applicant? ☒ Yes ☐ No

Primary number	
Secondary number	
Fax number	
Email address	

3. Agent Details

Title	Ms
First name	Fiona
Surname	Brooke
Company name	Fiona Brooke & Partners
Address line 1	25 Amersham Hill Gardens
Address line 2	
Address line 3	
Town/city	HIGH WYCOMBE
Country	United Kingdom
Postcode	HP13 6QR
Primary number	
Secondary number	
Fax number	
Email	

4. Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Part change of use of ground floor professional services and part change of use to create ground floor 1 bed self contained flat. Two storey extensions to first and second floor flats (part retrospective)

Reference number
1644/APP/2020/1061

Date of decision (date must be pre-application submission)	07/07/2020
--	------------

Please state the condition number(s) to which this application relates

4. Description of the Proposal

Condition number(s)

1

Has the development already started?

☐ Yes ☒ No

5. Condition(s) - Removal/Variation

Please state why you wish the condition(s) to be removed or changed

The current 4 apartments (A, B, C and D Botwellears House) have residents who have one year leases, many recently renewed. The residents have 4 month break clauses and are entitled to 2 further months notice after the four months under Section 21 of Part 1 of the Housing Act 1988 as amended under Part 3 of the Housing Act 1996. If the residents refuse to leave, their eviction could be challenged causing further delay. A structural engineer has been engaged to prepare building regulation drawings for submission and these must be approved before work can start. Potential contractors have expressed concern at making alterations while tenants are in residence, so it is impossible for the work to all have been completed by the condition one date, 6 months from the planning approval date 7 July 2020 (i.e. by 8 January 2021).

While Mr Sabaratnam intends to start work as soon as he can, he is continuing to negotiate with contractors to find a way to protect tenants in situ while perhaps moving out one tenancy at a time into short term accommodation but we do not yet know if this will be possible either.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

We wish the condition to be changed to match the government (post Covid) announcement - planning permission deadlines to be extended by UK government requiring time constraints to allow starting dates to be deferred to start before 1 May 2021.

6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☐ Yes ☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First name

Surname

Reference

Date (Must be pre-application submission)

Details of the pre-application advice received

Thank you for your email. It would be necessary to submit an application to vary condition 1 of the planning permission to allow for an extension of time to complete the works. I would recommend submitting a formal application. The application for vary the condition application forms can be found on the Planning portal

8. Ownership Certificates and Agricultural Land Declaration

CERTIFICATE OF OWNERSHIP - CERTIFICATE A - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

*** 'owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run. ** 'agricultural holding' has the meaning given by**

8. Ownership Certificates and Agricultural Land Declaration

reference to the definition of 'agricultural tenant' in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person role

- ☐ The applicant
- ☒ The agent

Title

First name

Surname

Declaration date (DD/MM/YYYY)

☒ Declaration made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application)