

Our Reference: 2514126.1

60 Gracechurch Street
London, EC3V 0HR

Development Management
Regeneration and Planning
London Borough of Camden
5 Prancas Square
London
N1C 4AG

Planning Portal Submission

13th February 2024

Dear Mr Kresovic,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – APPLICATION UNDER S96A:
NON-MATERIAL AMENDMENT(S)
156 WEST END LANE, WEST HAMPSTEAD, LONDON
PLANNING PORTAL REFERENCE: PP-12804386**

On behalf of our client, Astir Living Ltd, we submit the following application under S96A of the Town and Country Planning Act 1990:

*“Amendments to planning permission 2019/4140/P (dated 14th July 2021) which itself varied conditions 2, 9, 33, 44 and 46 of planning permission 2015/6455/P dated 23rd June 2017 for: Comprehensive redevelopment following demolition of all existing buildings to provide self-contained residential dwellings Class C3), flexible non-residential use (Class A-A3, D1, D2), employment floorspace (Class B1) and community meeting space (Class D1) in buildings ranging from 3 to 7 storeys. New vehicular access from West End Lane and provision of accessible car parking spaces. Provision of new public open space and widening of Potteries Path and associated cycle parking and landscaping), **namely** the relocation of the sub-station, switch room and meter room from lower ground floor of east building to ground floor of west building, associated reconfiguration of the ground floor of the west building and associated amendments to the elevations of the west building”.*

The following application documentation has been submitted via the Planning Portal:

- Completed application form.
- Cover Letter.
- As approved drawings prepared by CTA Architects.
- As proposed drawings prepared by CTA Architects.
- The appropriate application fee of £293.00 (plus Planning Portal service charge) has been paid via credit card.

Background to the application

The regeneration site at 156 West End Lane will play an integral role in supporting the future of West Hampstead as well as the wider borough. The high quality scheme, delivering new homes and supporting the retail and employment opportunities centred on West End Lane (2019/4140/P) is now progressing.

The electricity provider has an urgent requirement for the relocation of the sub-station, switch room and meter room from the plant room in the east building (lower ground floor) to the west building (ground floor). The spaces will be located alongside the other back-of-house facilities and accessed from the shared internal access route. This relocation has dictated a reconfiguration of the west building ground floor plan to meet the technical requirements of these spaces; and to ensure that the ground floor continues to deliver the approved commercial floorspace and back-of-house facilities.

The amendments to the ground floor of the west building have necessitated associated amendments to the approved elevations at ground floor. The sub-station will be accessed from within the loading bay (new double doors added), and new doors will allow direct access from the shared internal access route to the switch room and meter room.

What is a non-material amendment?

Section 96A (2) of the Town and Country Planning Act (1990) states that:

“In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change together with previous changes made under this section, on the planning permission as originally granted”.

The Government, in its guidance on non-material amendments has made it clear that there is no statutory definition of ‘non-material’. It is dependent on the context of the overall scheme; Local Planning Authorities must therefore be satisfied that the amendment sought is non-material in order to grant an application. As a general rule, for a change to be material it has to be of significance, of substance and of consequence.

The proposed non-material amendments

The proposed amendments are considered to fully accord with guidance on non-materiality: They are not individually or cumulatively significant, of substance or of consequence.

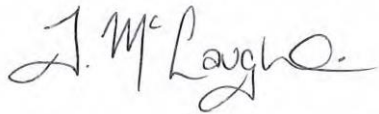
We consider the proposed amendments to be acceptable as non-material amendments as they:

- Do not change the nature or description of development on the decision notice.
- Do not change the application site area, increase the height of the building, or change the number of units.
- Do not result in changes to external details that would materially alter the appearance of the building, materially compromise the overall design of the building, or materially impact on the character and appearance of the adjacent Conservation Area.
- Do not materially 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 in any way.
- Do not materially impact on any neighbours or other statutory and non-statutory bodies.

We trust that we have provided you with sufficient information to validate and determine the application at the earliest opportunity. Should you require any additional information or have any questions, please do not hesitate to contact me.

We look forward to hearing from you in due course.

Yours sincerely,

A handwritten signature in black ink, reading "J. Mc Laughlin". The signature is written in a cursive style with a large initial "J" and a stylized "L".

Julie Mc Laughlin
Associate Director

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