

Our Reference: 2514126.1

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

Planning Portal Submission

26th February 2024

Dear Mr Kresovic

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – APPLICATION UNDER S73:
VARY/REMOVE PLANNING CONDITIONS
156 WEST END LANE, WEST HAMPSTEAD, LONDON NW6 1SD
PLANNING PORTAL REFERENCE: PP-12829830**

On behalf of our client, Astir Living Ltd, we submit the following application under S73 of the Town and Country Planning Act 1990:

The application seeks to amend and confirm details of some conditions attached to the original planning permission for the regeneration scheme, to allow the scheme to be completed viably and occupied by both new local residents and businesses. It comprises:

Variation of Conditions 2 (approved plans), 41 (A3 hours), 43 (car parking details), 44 (cycle details) and 46 (unit numbers) and discharge of Conditions 9 (M4(3) units), 10 (M4(2) units), 28 (separation of ground floor non-residential space) and 44 (cycle details) of planning permission 2023/1716/P (dated 21st February 2024), which itself varied planning permission 2019/4140/P (dated 14th July 2021), which varied 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**, internal and external amendments to the west and east buildings, including reconfiguration of back-of-house areas (west building); amendments to M4 (3) units (west building); installation of retractable canopies along the south elevation (west building), the addition and omission of windows (east and west buildings), the addition of PVs on the roof (east building) and an increase in units (one) to 172 units. Variation of the A3 hours and amendment to the drawing number used in Condition 43; and approval of details of Conditions 9 and 10 (M4 (3) and M4 (2) units), Condition 28 (the separation of the ground floor non-residential space (west building)); and Condition 44 (cycle parking details).

In addition to this Cover Letter, the following application documentation has been submitted via the Planning Portal:

- Completed application form.
- Approved drawings prepared by Chapman Taylor Architects.
- Proposed drawings prepared by Chapman Taylor Architects.
- Comparison booklet prepared by Chapman Taylor 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 of 156 West End Lane plays an integral role in supporting the future of West Hampstead as well as the wider borough, delivering new homes of a variety of types, tenures and sizes and supporting the retail and local employment opportunities centred on West End Lane. As it progresses towards completion, it is essential that it reflects current requirements and provides the flexibility to ensure long-term sustainability and viability.

With construction progressing and the detailed requirements of both commercial tenants and the electricity distributor now known, necessary internal and external amendments have been identified to ensure their requirements are met and the scheme can deliver the wide variety of benefits to West Hampstead.

In addition, further technical design reviews (including those resulting from the layout of wheelchair accessible and adaptable homes complying with Building Control regulations) have necessitated changes to the M4(3) units (west building only), reconfiguration of approved commercial roof plant (west building) and the omission or addition of a small number of windows (both buildings). The reviews have also allowed for the addition of PVs on the roof of the east building. The application also seeks to vary the hours of the A3 use to make these commercial viably, and to provide the relevant details to discharge a number of conditions.

The proposed amendments are set out in Appendix A of this Cover Letter, and are also detailed within the accompanying "Comparison Booklet" prepared by Chapman Taylor Architects. Where no changes to the approved position are proposed, the drawing is not included within the Booklet or accompanying drawing schedule.

There are no changes proposed to the height, scale, or massing of the scheme as a result of the amendments.

The proposed variations and discharge of conditions

Condition 2 (Approved drawings and documents)

The application seeks to substitute the approved drawings with the proposed drawings.

A full schedule of drawings is set out in the Comparison Booklet prepared by Chapman Taylor Architects.

Condition 9 (M4 (3) units)

Condition 9 identifies by unit number the specific new homes provided to meet the requirements of Building Regulations Part M4(3)(2)(b) or Part M4(3)(2)(a).

The planning permission requires eight units to comply with Part M4(3)(2)(b) (accessible units) – all eight within the West Building - and ten units to comply with Part M4(3)(2)(a) (adaptable units) – five within the West Building and five within the East Building.

Following detailed technical design, and in consultation with Council Officers and Building Control, this application seeks to make a number of amendments to the approved M4(3) wheelchair units within

the West Building only. There are no proposed amendments to the five M4(3) units within the East Building.

Technical design development has confirmed that, for a variety of reasons, six of the eight approved wheelchair accessible [Part M4(3)(2)(b)] units cannot meet the specific requirements of an accessible unit. The reasons include being unable to achieve the required floor area for kitchen/living/dining areas, providing adequate wheelchair storage and creating appropriate kitchen counter lengths.

A number of design solutions have been explored, including adaptations which would have maintained the number of bedspaces in the units and resulted in compliance as wheelchair adaptable units [M4(3)(2)(a)] rather than wheelchair accessible units. This option was not supported by Council Officers, with the priority to be given to retaining the units as wheelchair accessible even where this necessitated other design alterations. As a consequence, amendments are now proposed which result in a small reduction in the overall number of bedrooms or size of bedrooms, as well as the removal of one kitchen window in two of the units. Recognising the challenges involved and implications of retaining the number of wheelchair accessible units, Officers have agreed to these changes.

The table below presents the approved and proposed position for retaining the accessible units in the west building.

M4 (3) (2) (b) UNITS IN WEST BLOCK (8 UNITS) APPROVED AND PROPOSED POSITION				
UNIT REF.	APPROVED	PROPOSED	APT TYPE	COMMENTS
W.01.03	3b/4p	2b/4p	A.03	Loss of one bedroom but maintains number of persons.
W.01.05	2b/4p	2b/3p	A.05	Second bedroom becomes a single as opposed to a double.
W.01.09	2b/3p	2b/3p	A.07	No changes to unit size. One window in the kitchen removed to accommodate required kitchen worktop.
W.01.10	1b/2p	1b/2p	A.08	No amendments proposed.
W.02.09	3b/4p	2b/4p	A.16	Loss of one bedroom but maintains number of persons.
W.02.11	2b/4p	2b/3p	A.05	Second bedroom becomes a single as opposed to a double.
W.02.15	2b/3p	2b/3p	A.07	No changes to unit size. One window in the kitchen removed to accommodate required kitchen worktop.
W.02.16	1b/2p	1b/2p	A.08	No amendments proposed.

Technical design development of the five adaptable wheelchair units [M4(3)(2)(a) units] in the West Building has also confirmed that in two units, the kitchen could not be adapted to meet Part M4 (3)(2)(b) requirements (as required by paragraph 3.34 and Table 3.4 of Part M Category 3 of the Building Regulations) without structural change and compromising bedrooms. As a result, changes to the internal layouts of these two units are proposed, reducing bedroom sizes in each. These modifications ensure that the homes can meet the changing needs of residents over time.

The amendments are detailed in the table below:

M4 (3) (2) (a) UNITS IN WEST BLOCK (5 UNITS) APPROVED AND PROPOSED POSITION				
UNIT REF.	APPROVED	PROPOSED	APT TYPE	COMMENTS
W.03.09	2b/4p	2b/4p	1.02	No amendments proposed.
W.03.11	2b/4p	2b/3p	1.04	Second bedroom becomes a single as opposed to a double.
W.04.09	2b/4p	2b/4p	1.02	No amendments proposed.
W.04.11	2b/4p	2b/3p	1.04	Second bedroom becomes a single as opposed to a double.
W.05.09	2b/3p	2b/3p	1.08	No amendments proposed.

In accordance with Condition 9, detailed layout plans for the wheelchair accessible and wheelchair adaptable units are submitted with this application and, accordingly, the application seeks confirmation of these layouts and formal discharge of Condition 9.

Condition 10 (M4 (2) units)

Condition 10 requires details of all other units to demonstrate compliance with Building Regulations Part M4 (2).

Full details of all other units have been submitted with this application and, accordingly, the application seeks confirmation of these details and formal discharge of Condition 10.

Condition 28 (Details of flexible non-residential space separation)

Condition 28 requires the submission and approval of a plan showing the separation of the “flexible non-residential floorspace” into a minimum of three separate units.

The non-flexible floorspace fronting West End Lane has been separated into four units, with an increase in floorspace from the approved position.

The separation of the space into four units will ensure that the scheme contributes appropriately to the character, function and vitality of the core retail frontage. The subdivision also ensures activation of each individual frontage, while respecting the existing character of the town centre.

Drawing number 0001-A-CTA-SKE-98-00-3010-A has been submitted for approval and accordingly, the application seeks formal discharge of Condition 28.

Condition 41 (A3 hours)

Condition 41 controls the hours of operation for any proposed “A3” use and states: *“The proposed A3 use hereby permitted shall not be carried out outside the following times 07:00 to 20:00 Monday to Friday, 08:00 to 20:00 on Saturday and 08:00 to 18:00 on Sunday and Bank Holidays”.*

In addition, an informative on the planning permission states that *“no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time”.*

It is readily apparent that the proposed hours by which time the A3 premises have to be fully closed with no activity – 8pm on Monday to Saturday evenings and 6pm on Sundays and Bank Holidays – is overly restrictive, out-of-keeping with similar uses within the locality, and likely to render the units unviable in the long-term.

West Hampstead Town Centre is a designated Growth Area, and West End Lane a busy high street and the main vehicular and pedestrian route through the designated town centre. It is characterised by ground floor commercial units with housing immediately above, and the majority of food and drink business (what was classed as “A3” and “A4” uses previously) have closing hours for patrons of 11pm and beyond each evening.

At 156 West End Lane, the street level businesses, including the “A3” use, are actually located below other non-residential uses (the first floor offices). In addition, protection for those residential uses from noise travelling from the non-residential uses below has already been secured by the Council with the approval of sound insulation requirements for the floor/ceilings/walls separating the commercial and residential elements (condition 37 approved by the Council on 27th April 2022 - 2022/0530/P). It is also noteworthy that condition 40 (Music noise levels) prevents any music emanating from the commercial uses to be audible within adjoining premises between 9pm and 8am. It is apparent that these requirements appropriately and proportionately control activity within the A3 spaces which may impact on immediate neighbours.

It is also well documented that High Streets, including West End Lane, were undergoing considerable change and pressure even prior to the Covid-19 pandemic, and it is now even more important that both decision-makers and businesses adapt to changing customer habits and provide attractive, flexible and viable places for shoppers and visitors. The hospitality industry has been one of the sectors hardest hit by the pandemic, although increased “working from home” does provide the potential for increased demand for local food and beverage offers in areas with a larger resident population. Viability is, of course, key.

The application therefore seeks to establish appropriate and viable conditions for the operation of the “A3” spaces comparable to similar uses on West End Lane, varying the opening hours to 07:00 on Saturday and Sunday; and closing hours to 23:30 Sunday to Thursday and Bank Holidays and 00:30 on Friday and Saturday. In addition, it is requested that the informative reflects normal operational requirements, allowing an appropriate period of time for staff to clean the premises post-closing. As an “A3” use, and not an alcohol-led operation, such an arrangement would safeguard the amenities of the adjoining premises and the area generally.

The application seeks to vary the wording so that it reads:

“The proposed A3 use hereby permitted shall not be carried out outside the following times 07:00 to 23:30 Sunday to Thursday and Bank Holidays; and 07:00 to 00:30 on Friday and Saturday”.

Condition 43 (Car Parking)

Condition 43 requires car parking to be provided in accordance with that shown on approved drawing reference number 001-A-CTA-SKE-98-00-3010. This drawing has been superseded.

Updated drawing 001-A-CTA-SKE-98-00-3010-A is submitted with this application. Accordingly, the variation seeks to update the drawing reference number.

Condition 44 (Cycle parking details)

Condition 44 requires the submission and approval of the cycle parking details for long-stay and short-stay residential and non-residential uses; details of the stands for the five adaptive cycles; showers and lockers for staff use; and details of all doors on route to any cycle parking.

The amount of cycle parking for residential uses was based on the then adopted London Plan (2016), with an additional amount added to account for the uplift in residential units (2019/4140/P) as assessed against the draft London Plan (2019). The amount of cycle parking for long-stay non-residential uses was in excess of both the adopted London Plan (2016) and the draft London Plan (2019), providing 24 spaces rather than 19 spaces and 22 spaces respectively.

Necessary changes to the plant areas, with the relocation of the substation, switch room and meter room from the east building to the west building (ground floor), has necessitated amendments to the back-of-house areas in the west building. These amendments have included the location and shape of the cycle stores.

Detailed consideration has been given to the arrangement and distribution of the cycle spaces. A solution has been achieved which maintains the 287 spaces (long-stay) for residential use, and provides 20 (rather than 24) long-stay cycle parking spaces for non-residential use. These 20 spaces are provided in a dedicated, locked, storage area, accessed from the central Public Open Space. The

20 spaces are in accordance with the London Plan (2021) Policy T5 (Table 10.2) and Local Plan Policy T1. The approved 52 short-stay spaces for residential and non-residential uses are not affected by the changes and remain as per approved.

Access to the residential stores is from the shared internal access road, which is gated and operated by a fob and push button entry and exit system. All doors on route to any cycle parking have sufficient clearance for a person to manoeuvre through and where appropriate, are a minimum of 2m wide. The scheme maintains the provision of showers, toilets and lockers for staff use (located on the first floor).

This application accordingly seeks to vary the number of long-stay non-residential cycle spaces (to a still policy-compliant position); and seeks confirmation of the cycle details and formal discharge of Condition 44.

Condition 46 (Number of units)

Condition 46 identifies the number of residential units within the scheme as 171.

The proposed internal amendments to the third floor of the east building has resulted in the creation of one additional unit and, accordingly, the application seeks to vary the condition so that it reads:

“The development hereby permitted is for 172 units and shall be carried out in accordance with the approved plans set out in condition 2 of this planning permission”.

Conclusion

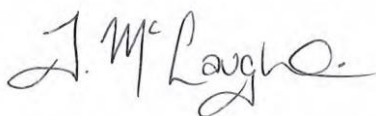
The regeneration of 156 West End Lane plays a key role in supporting West Hampstead. New homes across a variety of tenures and sizes; a new public square and improved pedestrian routes; new businesses supporting local people and local enterprise, and new activities strengthening the District Centre. As construction progresses, the proposed amendments do not alter these objectives.

The proposed amendments are the result of detailed technical reviews, compliance with Building Regulations and power supplier requirements, and the needs of business occupiers to ensure viable operations. They help secure scheme delivery. There will be no material negative impact on amenities of neighbouring occupiers or upon surrounding infrastructure, and the proposals continue to preserve the character and appearance of the adjacent Conservation Area.

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,



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APPENDIX A – PROPOSED AMENDMENTS

WEST BUILDING – GROUND FLOOR			
	PROPOSAL	REASON	Comments
1.	Non-residential floorspace separated into four units.	To comply with Condition 28.	The reconfiguration provides for an increase in the non-residential (commercial) floorspace fronting West End Lane.
2.	Introduction of sub-station, switch room and meter room.	UKPN has specifically requested that these spaces be moved from the east building.	The introduction of these spaces requires a reconfiguration of back-of-house areas.
3.	Amendments to the curtain walling design at ground and first floor on West End Lane elevation.	The as approved design presents structural incompatibilities, which means it cannot be delivered.	Discussed with Officers. It is considered that this is the least impactful solution to this construction issue and provides a DDA compliant entrance.
4.	Entrance to first floor office space relocated to “Unit 5” on southern corner.	Its relocation allows for an increase in the non-residential ground floor space.	Corner unit is aligned with the “SME offer” at ground and first floors.
5.	Air con units introduced within loading bay and undercroft entrance.	To meet plant requirements for commercial tenant.	The units are at high level and will not be visible to adjacent occupiers.
6.	Infill of brickwork within the under croft entrance.	To cover up old brickwork and graffiti.	Ensures a high quality entrance to the site at this location.
WEST BUILDING – FIRST-FOURTH FLOORS			
1.	Correct GIA measurements detailed for non-residential floorspace; and internal staircase shown.	Approved figure of ‘599sqm’ was not correct.	Technical discrepancies identified and corrected. True GIA floorspace in 2021 permission (517sqm) has been maintained.
2.	Internal amendments to 4no. M4 (3)(2)(b) units: W.01.03 and W.02.09 now 2bed/4persons; W.01.05 and W.02.11 now 2bed/3persons.	To comply with Part M4 (3)(2)(b): LDK floorspace, wheelchair storage and kitchen worktops.	These amendments have been discussed and agreed with Officers.
3.	Removal of one kitchen window in units W.01.09 and W.02.09.	To comply with Part M4 (3)(2)(b) kitchen worktops.	LKD is served with double doors and two further windows so daylight is maintained.
4.	Internal amendments to 2no. Part M4 (3)(2)(a) units: W.03.11 and W.04.11 now 2bed/3persons.	The kitchen as approved could not be easily adapted in the future to meet Part M4 (3)(2)(b). Knock-on effect on the second bedroom.	Amendments now ensure that the space does not require future structural adaptations to become M4(3)(2)(b).

WEST BUILDING – ROOF PLAN			
1.	Reconfiguration of approved commercial plant.	Tenant requirements now known.	Roof plan updated to reflect correct layout of plant.
2.	Mansafe system annotated	In accordance with Condition 6 – prior written approval sought.	Officer recommendation to detail mansafe railings and any other items on roof plan as part of this application.

EAST BUILDING – LOWER GROUND			
	PROPOSAL	REASON	Comments
1.	Space previously identified as plant room to become a resident's gym.	Plant room is surplus to requirements due to relocation of sub-station, switch room and meter room.	The space is 130sqm and is considered ancillary to the residential use with no material effect on the approved scheme.
EAST BUILDING – THIRD FLOOR			
1.	Unit E03.02 reinstated as 2no. 2bed/4persons units.	Buyer requirements.	Increases unit numbers to 172 as opposed to 171 units.
EAST BUILDING – FIFTH FLOOR			
1.	Internal amendments to two units (E.05.03 and E.05.04).	Buyer requirements.	Maintains 2no. 3bed/6persons units, with 3 rd unit now 2bed/4 persons as opposed to 1bed/2persons.
EAST BUILDING – ROOF PLAN			
1.	Installation of PVs on the roof.	To meet the approved Energy Strategy.	Roof plan updated to reflect PV layout.
2.	Mansafe system annotated	In accordance with Condition 6 – prior written approval sought.	Officer recommendation to detail mansafe system and any other items on roof plan as part of this application.