

**VIA PLANNING PORTAL AND BY EMAIL:**

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2<sup>nd</sup> October 2015

Dear Jenna

**APPLICATION FOR REMOVAL AND VARIATION OF CONDITIONS  
14(E), 18, 19 AND 20 FOLLOWING GRANT OF PLANNING  
PERMISSION REF: 2013/6627/P ON 13/06/2014  
187-199 WEST END LANE, LONDON NW6 2LJ  
PLANNING PORTAL REF. PP- 04530811**

I write on behalf of our clients, West Hampstead Square LLP., to submit an application for the removal and variation of conditions 14(e), 18, 19 and 20 to the approved plans of planning permission 2013/6627/P granted on 13/06/2014.

Planning permission was granted under LPA ref. 2013/6627/P on 13<sup>th</sup> June 2014 for the "*Variation of condition 11 (approved plans) and condition 13 (London Underground structures) to planning permission 2011/6129/P granted on 30/03/2012, and as amended on 15/07/2013 by planning permission 2013/1924/P, for redevelopment of site to create seven new buildings between five and twelve storeys in height to provide 198 residential units, namely alteration to entrances and layouts at ground floor level block A-E, alteration to fenestration and layouts to all level block F and G, and alteration to landscaping*".

An application for Non-Material Amendment in relation to the proposed drawings is currently being considered by the Council under Planning Portal ref: PP-04523061 submitted on 29 September 2015.

During the course of construction, it appears that four of the conditions of LPA ref: 2011/6129/P, as amended by LPA ref: 2013/6627/P, are no longer relevant or requires variations due to the scheme's detailed design and the occupier's requirements.

This s73 application therefore seeks removal of conditions 14(e) and 20, and the variations to condition 18 and 19, details of which are listed below.

The application fee of £195.00 has been paid electronically on submission of the application via the Planning Portal.



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### **Condition 14(e)**

*"The details of the following shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced on the relevant part of the development.*

*e) Details of the glazed corridors.*

*The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved"*

The glazed corridor elements of the scheme been removed and approved by the previous s73 LPA ref: 2013/6227/P. As such, **Condition 14(e) is no longer relevant to the scheme and should be removed.**

### **Condition 18**

*"The commercial units hereby approved shall be completed in accordance with the approved drawing PL01 and shall not be combined to form larger units."*

The purpose of Condition 18 is to ensure that adequate provision is made for small and independent shops in accordance with Camden Development Policy DP10, which supports the provision of small shop premises suitable for small and independent businesses and encourages the occupation of shops by independent businesses.

Three small retail units (A1/A2) of 28.7sqm, 38.5sqm and 42.9sqm have been approved at Block A first floor (drawing ref: PL-26). However, throughout the letting campaign for the development there was limited interest from A1/A2 occupiers on these three units, due to the approved layout limiting the ability to operate a retail premise effectively and its limited visibility from the street level.

Another retail unit at the retail annex first floor has a floorspace area of 87sqm. This unit (marked as Unit 1.01 on drawing ref: PL-26-C) has permission for A1/A2/A3/A4 and an A3 operator has already expressed interest on this unit, which will help deliver a balanced overall tenancy mix for the whole development.

The Village Haberdashery, a local independent store currently trading at 47 Mill Lane, West Hampstead, wishes to occupy the whole retail floorspace at Block A first floor as one combined unit of 131sqm as Unit 1.02 marked on drawing ref: PL-26-C. The Village Haberdashery has an established core customer base to draw on and the large floorspace at Unit 1.02 will meet their projected demand and business plan. A letter from The Village Haberdashery is enclosed which sets out they requirements for larger premises and their vision for a new store at West Hampstead Square.

The specialist nature of The Village Haberdashery means they are effectively a destination for consumers in the catchment and the larger floorspace at Unit 1.02 will enable them to expand both the range of products for sale and the services/classes available. Accordingly the proposed Block A first floor Unit 1.02 delivers optimal space that reflects this local independent retailer's needs and supports their growth. It is considered that the proposal to combine the three small retail units at Block A first floor will allow the occupation of the premises by a local independent business and therefore complies with Camden Development Policy DP10 and meets the objective of Condition 18.

The proposed layout for Block A has been amended by the previous s73 consent (LPA ref: 2013/6627/P) and the revised layout for Block A (drawing ref: PL-01-C) has been submitted as part of the current application for Non-Material Amendment (Planning Portal ref: PP-04523061).

- Letter of support from The Village Haberdashery
- Proposed Block A First Floor Plan, ref: PL-26-C
- Block A Plans, ref: PL-01-C

We therefore seek variation to Condition 18 to allow the three retail units at Block A first floor to be combined to form a larger unit.

#### **Proposed Variation to Condition 18:**

**"The commercial units hereby approved, except Unit 1.02 as marked on Drawing ref: PL-26-C, shall be completed in accordance with the approved drawing PL-01-C and shall not be combined to form larger units."**

#### **Condition 19**

*" Any A3 or A4 use hereby permitted shall not be carried out outside the following times: 08:00hrs to 23:00hrs Monday to Thursday and 08:00hrs to 24:00hrs Friday and Saturday."*

Condition 19 allows the A3/A4 uses to be operated between Monday and Saturday but does not allow Sunday opening. However, the site is within the designated West Hampstead Town Centre boundary and adjacent to the West Hampstead stations hub, where town centre uses are encouraged.

It is considered that Sunday opening of the A3/A4 uses at the site is entirely appropriate for the locality and will add to the vitality and vibrancy of West Hampstead town centre, and will not cause material harm to the local amenity. The proposed opening hours therefore complies with Camden Core Strategy Policy CS7 and Camden Development Policy DP12, which seek to promote Camden's town centres and to manage the impact of food & drink and other town centre uses on the amenity of local residents.

#### **Proposed Variation to Condition 19:**

**" Any A3 or A4 use hereby permitted shall not be carried out outside the following times: 08:00hrs to 23:00hrs Sunday to Thursday and 08:00hrs to 24:00hrs Friday and Saturday."**

#### **Condition 20**

*"Notwithstanding the approved plans, prior to the occupation of any of the units a scheme shall be submitted to, and approved in writing by, the Local Planning Authority indicating the position of parking spaces to be set aside for car club bays. The parking spaces shall thereafter only be used for the parking of car club vehicles unless the Local Planning Authority gives written consent for any variation."*

The approved scheme includes the provision of two car club spaces. However, following the detailed scheme design it was concluded that the only available location for the two car club bays would be within the locked podium area accessed off the development's private road, which is contrary to Camden Development Policy DP18 seeking to encourage the provision of car club spaces in locations where they are accessible to car-club members.

Further to the pre-application meeting held on 15 July 2015, it was agreed that the proposed location is not ideal for a car club space which is meant for public use. Moreover, the Council has seen a recent decline in demand for new car club spaces in the area.

According to the TfL web site, there are 6 existing car club spaces within the vicinity of the site (600 meters) and the enclosed letter from Zipcar UK, a car club operator in West Hampstead area, confirms that currently there are 6 car club bays within a 10 minute walk of the site and there are no requirements for a further car club bay at West Hampstead Square.

It should be noted that the car club bay provision does not form part of the S106 agreement. As discussed with the case officer, it is proposed to provide 4 motorcycle spaces as a substitute for the car club bays, as there are no motorcycle spaces within the permitted development. This is supported by Camden's Parking Standards (Development Policies Appendix 2) which welcomes the provision of motorcycle parking as a substitute for car parking. The proposed motorcycle spaces are marked on the submitted Site Masterplan (Lower Level) ref: PL-20-C, located within the secured podium areas between Blocks B and C and Blocks C and D.

- Letter from Zipcar dated 1<sup>st</sup> October 2015
- Proposed Site Masterplan (Lower Level), ref: PL-20-C

In summary, evidence from a local car club operator confirms that there are no requirements for car club bays within the site and the provision of motorcycle spaces is encouraged by Camden's Parking Standards. We therefore request **Condition 20 is removed** from the planning permission.

We consider the proposed removal of Conditions 14(e) and 20, and the proposed variation to Conditions 18 and 19, are acceptable and should be granted planning permission. I look forward to receiving confirmation that the application has been validated. Should you require any further information, please do not hesitate to contact me at this office.

Yours sincerely



**Summer Wong**  
**Senior Planner**

Enc.