

Delegated Report		Analysis sheet	Expiry Date:	27/11/2015
(Members' Briefing)		N/A	Consultation Expiry Date:	19/11/2015
Officer			Application Number(s)	
Jenna Litherland			2015/5581/P	
Application Address			Drawing Numbers	
187-199 West End Lane London NW6 2LJ			Refer to draft decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 14 to remove subsection (e) (glazed corridor details); variation of 18 (small commercial units) to allow a larger unit at first floor level; variation 19 (hours of operation) to enable Sunday trading and removal of 20 (car club bays) to be replaced by motorcycle bays of planning permission 2011/6129/P granted on 30/03/2012, and as amended on 15/07/2013 by planning permission 2013/1924/P and on 13/06/2014 by planning permission 2013/6627/P, for redevelopment of site to create seven new buildings between five and twelve storeys in height to provide 198 residential units.				
Recommendation(s):		Grant conditional permission.		
Application Type:		Variation or Removal of Condition(s)		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	496	No. of responses	04	No. of objections	04
Summary of consultation responses:	<p>No. Electronic 00</p> <p>A site notice was displayed from 23/10/2015 until 13/11/2015. A press notice was placed in the local press on 29/10/2015 (expired 19/11/2015).</p> <p>4 letters of objection have been received from the following addresses:</p> <ul style="list-style-type: none"> • 2 Gladys Road; • 39 Sherriff Road • Flat C, 49 Sherriff Road; • Flat B, 73 Sherriff Road. <p>Objections are on the following grounds:</p> <p><u>Car Club</u> New residents will park their cars on the surrounding streets outside the development. The car club bays should not be removed as it will reduce opportunities for hiring a car. Please refer to paragraph 5.3 for the case officer's response.</p> <p><u>Loss of small units</u> Combining the unit to make a larger unit will increase the need for larger delivery lorries for larger businesses. This will impact on the operation of the highway and public safety. Please refer to paragraph 3.6 for the case officer's response.</p> <p><u>Operation hours</u> Each unit should be applied for separately once the end user is known. This is a residential area not a town centre and late night opening is not welcome. Please refer to paragraph 4.1 for the case officer's response.</p> <p><u>Other</u></p> <ul style="list-style-type: none"> • The developer is going back on their word. They said they would deliver a doctors surgery and a public square but they have not. The square will just accommodate the restaurants. • Concerned about loss of daylight, increase in traffic and noise from the new development. • Concerned about impact on property prices. • The buildings are too high. <p>Case officer's response: The matters raised here relate to the original proposal rather than this current application. For a full understanding of the issues refer to the committee report for the original application reference: 2011/6129/P</p>					
Local groups comments:	<p>Fortune Green and West Hampstead NDF – Objection</p> <p>1. We are concerned about the loss of the small retail units on the 1st floor of Block A. However, we understand that this variation is being made to support a popular and well-used local business. On this basis, we would support some flexibility in the interpretation of Condition 18. Please refer to paragraphs 3.1-3.7 for the case officer's response.</p> <p>2. We have no objection to Sunday trading at this location and the revision of Condition 19. However, we would like to see an additional condition ruling out deliveries early on Sunday mornings and on Sunday evenings. Please refer to paragraphs 4.1-4.3 for the case officer's response.</p> <p>3. We strongly object to the proposal for the removal of Condition 20 and the removal of the car club spaces in the development - for the following reasons:</p>					

- As this is a 'car-free development' the provision of the car club bays is an important requirement.
- The car club vehicles are likely to be used by residents of the development, when it is completed.
- The car club vehicles are also likely to be used by the occupants of other current developments in the area - including the two large schemes currently being built on Iverson Road & the proposed scheme at 156 West End Lane.
- While Zipcar may have no interest in the bays, there are a number of other car club firms which may be interested.
- We note that a number of the other locations cited in the Zipcar letter are around a mile away from the site - and only one is in the West Hampstead Growth Area.
- We believe that just one car club space in the West Hampstead Growth Area is a significant under provision.
- This part of the application is in clear breach of Neighbourhood Plan Policy 7.

We therefore urge that officers reject the section of this planning application relating to the removal of Condition 20.

Please refer to paragraphs 5.1-5.3 for the case officer's response.

West Hampstead Local Consultation Group - objection

Camden originally granted permission for smaller units for start-up business's and this was a good opportunity to provide this. The request to make this into a larger unit and take away smaller enterprises starting up seems to be against the original concept. There is a larger unit above the shops at the north of the Square that could provide the extra space without taking away the smaller units, could this not be used instead. It would be at the entrance to the station and possibly be easier to access. Our understanding is that there is a demand for smaller units in the area and with M&S taking over a large area for an anchor store this is depriving the locality of small enterprises which are being pushed out constantly. We are not against the haberdashers having the space but there should be more provision for smaller units.

Please refer to paragraphs 3.1-3.7 for the case officer's response.

The hours already existing seem to be sufficient until 11p.m. and Sunday trading should not be necessary to extend for longer just for restaurant use as there is already sufficient number in the area.

Please refer to paragraphs 4.1-4.3 for the case officer's response.

The development is car capped and therefore the need for a Car Club is essential. Zip cars as the only opinion is a not sufficient to base this on. There will already be owners of the flats buying cars because Camden cannot stop car ownership although they will not receive permits, this does not prevent them from owning and parking out of resident permit parking hours, which is when permit owners need the spaces so to allow the Hampstead Square residents to use the local Car Club facilities and not provide anything on site seems to go against the Camden Policy on car capping. So even if the car club is only accessible to the Hampstead Square residents, this would be better than taking it away altogether but surely space could be found at the back of the site that remains open or this is going to be a gated community, which was never agreed.

Please refer to paragraphs 5.1-5.3 for the case officer's response.

Could we have an explanation on Camden's car capping policy because there are many car users in West Hampstead who own cars but do not have permits issued to them. It would be better to provide on site parking and not deprive permit owners of space.

Case officer's response: Car capping prevents residents from applying for parking permits. Without permits residents cannot park within parking bays during the operational hours of the Controlled Parking Zones.

Site Description

The application site comprises a 0.9 hectare wedge of land bounded by a London Overground railway line to the north, the Metropolitan and Jubilee lines to the south and West End Lane to the east. The site was previously occupied by a number of commercial uses including a vehicle recovery company, a car wash and a motorbike sales and repair centre (falling within use classes B1 and B2). There are also six retail units fronting onto West End Lane. The buildings on the site were limited to single storey functional commercial structures of no architectural or historical interest. The site has now been cleared and construction of a mixed use development is underway. The far western tip of the site is undeveloped and is designated as a Site of Nature Conservation Importance (SNCI).

The site is within a wider 'Area of Intensification' in the London Plan 2011 and a Growth Area in Camden's Core Strategy. The retail units at the eastern edge of the site are within the West Hampstead Town Centre, as defined by Camden's Local Development Framework. The site has a Public Transport Accessibility Level of 6A (Excellent), being in close proximity to three stations providing access to the London Underground, Overground and Thameslink, and bus services on West End Lane. The site is also within the Fortune Green and West Hampstead Neighbourhood Plan area.

Relevant History

2015/5524/P: Amendments to the roof level block A-E, alteration to Block F layout and elevations, alteration to Block G stairwells, and internal alteration at Block B ground floor to accommodate a residents' fitness suite in place of a plant room to the mixed use development as approved under planning permission (2011/6129/P) dated 30/03/2012 and as revised by permission (2013/1924/P) dated 15/07/2013 and permission (2013/6627/P) dated 13/06/2014. **Granted 23/10/2015.**

2013/6627/P: 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. **Granted subject to a Deed of Variation on 13/06/2014.**

2013/1924/P: Variation of condition 11 (approved drawings) of planning permission 2011/6129/P dated 30/03/2012 (Redevelopment of site to create seven new buildings between five and twelve storeys in height to provide 198 residential units (Class C3), retail, financial and professional services and food and drink floorspace (Class A1, A2, A3 and A4), flexible employment/healthcare floorspace (Class B1/D1) along with associated energy centre, storage, parking, landscaping and new public open space (existing buildings to be demolished).(Class B1/D1) along with associated energy centre, storage, parking, landscaping and new public open space (existing buildings to be demolished)) namely alterations to approved elevations including window layout. **Granted subject to a Deed of Variation on 15/07/2013.**

2011/6129/P: Redevelopment of site to create seven new buildings between five and twelve storeys in height to provide 198 residential units (Class C3), retail, financial and professional services and food and drink floorspace (Class A1, A2, A3 and A4), flexible employment/healthcare floorspace (Class B1/D1) along with associated energy centre, storage, parking, landscaping and new public open space (existing buildings to be demolished). **Granted subject to a S106 agreement on 30/03/2012**

2006/4851/P: Temporary use of the site for the storage and maintenance of vehicles in connection with the removal services, chauffer car hire, and self-drive van hire within the boundaries of the site (for a period of three years). **Granted 19/04/2007.**

8400196: Change of use for the purpose of the storage and repair of motor vehicles. **Granted 27/03/1984.**

Relevant policies

National Planning Policy Framework 2012

London Plan 2015, consolidated with amendments since 2011

Local Development Framework Core Strategy and Development Polices.

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centres and shops

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

DP10 Helping and promoting small and independent shops.

DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses.

DP18 Parking standards and the availability of parking

DP24 Securing high quality design

DP26 Managing the impact of development on occupiers and neighbours

Fortune Green and West Hampstead Neighbourhood Plan 2015

Camden Planning Guidance 2011 (as amended in 2013 and 2015).

CPG1 – Design

CPG5 – Town Centres, Retail and Employment

CPG6 - Amenity

CPG7 – Transport

Assessment

1. This application seeks to make the following changes to the conditions on the original permission:
 - Vary condition 14 to remove subsection (e) (glazed corridor details);
 - Vary condition 18 (small commercial units) to allow a larger unit at first floor level;
 - Vary condition 19 (hours of operation) to enable Sunday trading; and
 - Remove condition 20 (car club bays). The 2 car club bays would be replaced by 4 motorcycle bays.

2. Condition 14

- 2.1 Condition 14, sub section (e) secures details of the glazed corridors within the scheme. However, the glazed corridor elements of the scheme were removed by a previous variation: application reference 2013/6627/P. Therefore subsection (e) of condition 14 is no longer relevant. As such, its removal from the conditions is considered to be acceptable.

- 2.2 The amended condition would read:

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.

- a) *Shopfronts; including sections, elevations and materials*
- b) *Facing materials of all buildings and podiums*
- c) *Details including sections at 1:10 of all windows and door frames.*
- d) *Details including materials of all balconies and roof terraces.*

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

Reason: To safeguard the appearance of the site and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

3. Condition 18

- 3.1 Condition 18 seeks the retention of small retail units at the development. All the retail floorspace is within building A. The approved plans detail that there would be three small units (A1/A2) at ground floor level (each less than 30sqm) and one large retail unit (A1) c.400sqm. At first floor level there would be one retail unit (A1-A4) with an area of 87sqm and three smaller units (A1/A2) with areas no greater than c.45sqm.

- 3.2 The current application seeks to vary condition 18 to enable the three smallest units at first floor level to be converted to a larger unit 131sqm in area.

- 3.3 Policy DP10 seeks to encourage the provisions of small shops premises suitable for small and independent businesses. It achieves this by expecting large retail development to include a proportion of smaller units and attaching conditions to planning permissions for retail development to remove their ability to combine into larger premises. The subtext of the policy gives a guide of small shops to be those that are less than 100sqm in floorspace. The current proposal would result in the loss of three small shop units to create a medium sized unit. The applicant has provided marketing evidence which seeks to demonstrate that there is no demand for the small retail units in their current layout.

- 3.4 The units have been marketed by a reputable agent from mid-2014 to the current date. Letting boards

were erected on the site in September 2014. During this period there have been no offers in relation to the small retail units at first floor level. Feedback from enquirers and viewings of these units highlight two main constraints. Firstly, that the units are too small and secondly that the 1st floor location would not be suitable. The only offer which has been received is from a local haberdashery which currently operates on Mill Lane. They are interested in taking all three of the small 1st floor units providing they can be converted to one larger unit. The West Hampstead Local Consultation Group raised the question whether the haberdashery could take the 87sqm unit at first floor level. Officers put this question to the applicant, however the applicant is in discussions with a restaurant operator about taking this space.

3.5 The small upper floor units in their current layout are somewhat constrained. Two of the units have no windows facing out onto the public realm as such there would be no or very limited opportunities for advertising the businesses that take these units. It is considered that this coupled with the marketing evidence which spans an appropriate period of time sufficiently demonstrates that there is no demand for the small units at first floor level in their current form. The proposed tenant is an existing local small business which has outgrown their current unit on Mill Lane. While it is acknowledged that there would be no control over the tenant of the unit in the long term it is considered that the tenant currently proposed would meet the aims and objective of Policy DP10 which seek to encourage provision for not just small but independent businesses. It should also be acknowledged that the three small units at ground floor level would remain protected from conversion. As such, on balance the conversion of the 3 small units at first floor level to one which would be used by a local haberdashery is considered acceptable.

3.6 Comments from local residents raised concern that the larger retail unit would have an adverse impact on the road network and public safety owing to the need for larger and more frequent deliveries. The increase in size is not of such an extent that an additional impact would be perceivable. In any event, this will be managed through the servicing management plan secured as part of the original application.

3.7 The amended condition would read:

The commercial units hereby approved shall be completed in accordance with the approved drawing PL-01-C (other than unit 1.02 which shall be completed in accordance with drawing PL-26-C hereby approved) and shall not be combined to form larger units.

Reason: To ensure that adequate provision is made for small and independent shops in accordance with policy DP10 of the London Borough of Camden Local Development Framework Development Policies.

4. Condition 19

4.1 Condition 19 controls the hours of operation for any A3 and A4 uses on site. As it currently stands this condition restricts operation on a Sunday. The larger first floor unit in block A has a flexible use for A1-A4 and the applicant has indicated that this will operate as a restaurant (A3). This retail unit falls within the West Hampstead Town Centre where town centre uses including restaurants and public houses uses are considered appropriate. Other restaurant and public houses within the town centre operate 7 days a week. The proposal is to allow operation between the hours of 8am and 11pm on a Sunday. The entrance to the restaurant/public house is set away from the residential entrance and it is therefore considered that the proposed additional operation hours would not impact on neighbour amenity. As such, the variation of the condition is considered acceptable.

4.2 The Fortune Green and West Hampstead NDF request that a condition is imposed restricting deliveries on Sunday morning and evening. Servicing and deliveries will be controlled through the servicing management plan secured as part of the original approval.

4.3 The amended condition would read:

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.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance

with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

5. Condition 20

- 5.1 Condition 20 seeks to secure 2 car club bays within the development. The current application seeks to remove this condition and replace the car club bays with 4 motorcycle bays. Issues arose through delivery of the car club bays at the application site as they were to be located within the podium under the public realm between the buildings which would be secured areas. This is contrary to CPG7 which states that car club bays should be publicly accessible.
- 5.2 There are 6 existing car club bays within the vicinity of the development and the applicant, at officer's request, has approached the operator of these bays who have confirmed that there is no demand for additional bays in this location. The Transport Planner has also advised that across the borough there has been a decline in demand for new car club bays. As such, it is considered that the removal of these bays is considered acceptable given that demand in the vicinity is already being met and that the bays if delivered would not be publicly accessible. As such, it is recommended that condition 20 is removed.
- 5.3 A local resident has raised concern that the loss of the car club bays will put pressure on parking outside of the site. This is not considered to be the case as there are existing car club facilities in the local area which are operating below demand. Furthermore, the applicant is proposing provision of 4 motorcycle bays in place of the car club bays. This is welcomed as an alternative to car parking. The motorcycle bays would be secured by condition.
- 5.4 The replacement condition would read:

The 4 motorcycle spaces approved shall be provided in their entirety in accordance with drawing PL-20-C prior to occupation of any of the new units and permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate motorcycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 of the London Borough of Camden Local Development Framework Development Policies

6. Conclusions

- 6.1 The proposals to vary conditions 14, 18 and 19 and to remove condition 20 are considered acceptable and will not impact on the quality of the approved development.

7. Recommendation: Grant conditional permission

DISCLAIMER: Decision route to be decided by nominated members on Monday 25th January 2016. For further information please go to www.camden.gov.uk and search for 'members briefing'.