

LDC (Proposed) Report		Application number	2020/1303/P
Officer		Expiry date	
Rachel English		07/05/2020	
Application Address		Authorised Officer Signature	
156 West End Lane London NW6 1UF			
Conservation Area		Article 4	
No		No	
Proposal			
Implementation of works approved by planning permission ref: 2015/6455/P dated 23/06/2017 (as amended by Non-Material Amendment approval ref 2020/0478/P dated 04/03/2020) for the 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.			
Recommendation:		Grant certificate	

The application site

The application site is located on the western side of West End Lane, bounded by a railway line to the south and rear gardens of dwellings on Lymington Road to the north.

The building is not listed and is not located a Conservation Area. The site is located within the West Hampstead and Fortune Green Neighbourhood Area and the West Hampstead Local Centre.

The site formerly contained Council Offices that ceased use in 2013 and Travis Perkins Builders merchants which ceased use in January 2020.

Planning history

Planning permission was granted on 23rd June 2017 (ref 2015/6455/P) for the comprehensive redevelopment following demolition of all existing buildings to provide 164 self-contained residential dwellings (Class C3), 763sqm of flexible non-residential use (Class A-A3, D1, D2), 1093sqm of employment floorspace (Class B1) and 63sq.m of community meeting space (Class D1) in buildings ranging from 3 to 7 storeys. New vehicular access from West End Lane and provision of 08 accessible car parking spaces. Provision of new public open space and widening of Potteries Path and associated cycle parking and landscaping.

The following application was approved on 4 March 2020 for a Non-Material Amendment to change the wording of the description of development and vary conditions for 2015/6455/P-

2020/0478/P - Amendment to development description in relation to unit number, omission of non-residential floorspace, employment floorspace, community meeting floorspace and accessible parking and addition of condition 46 to confirm unit number, and amendments to condition 43 to confirm number of accessible car parking spaces of planning permission 2015/6455/P dated 23rd June 2017 for 'Comprehensive redevelopment following demolition of all existing buildings to provide 164 self-contained residential dwellings (Class C3), 763sqm of flexible non-residential use (Class A-A3, D1, D2), 1093sqm of employment floorspace (Class B1) and 63sq.m of community meeting space (Class D1) in buildings ranging from 3 to 7 storeys. New vehicular access from West End Lane and provision of 08 accessible car parking spaces. Provision of new public open space and widening of Potteries Path and associated cycle parking and landscaping" approved. Granted on 4 March 2020

There are various pre-demolition or pre-commencement works conditions added to the approval decision notice that are listed below:

- 3 (proposed slab levels),
- 4 (brickwork samples),
- 5 (materials details),
- 7 (details of boundary treatments),
- 9 (details of compliance with Building Regs Part M4 (3) 2a))
- 10 (details of compliance with Building Regs Part M4 (3) and (2))
- 11 (lighting strategy),
- 12 (details of building foundations) – approved under reference 2020/0750/P
- 13 (details of living roofs),
- 14 (details of bird and bat boxes),
- 15 (details of hard and soft landscaping),
- 17 (piling method statement)
- 18 (impact studies of the existing water supply)
- 19 (details of a surface water drainage scheme) – approved under reference 2020/0395/P
- 20 (details of rainwater recycling) - approved under reference 2020/0395/P
- 21 (details of proposed CHP) – approved under reference 2019/6364/P
- 22 (details of CHP stack) – approved under reference 2019/6364/P
- 23 (air quality monitoring) – partially approved under reference 2019/6364/P
- 24 (evidence of water use)
- 25 (details of PV panels)
- 26 (details of contamination remediation measures) – partially approved under 2020/0200/P
- 28 (details of non-residential space split)
- 30 (details of CCTV)
- 31 (details of timber screening-western building)
- 32 (details of privacy screens)
- 35 (building vibration details)
- 36 (details of enhanced sound insulation)
- 37 (sound insulation details)
- 38 (CHP noise assessment)
- 39 (odour mitigation details)
- 44 (cycle parking details)
- 45 (details of electric vehicle charging)

Assessment:

This application seeks confirmation that

- 1) prior to the commencement of development, the works outlined in the documents submitted (referred to as “Phase 1 and 2 works”, which will involve demolition) will constitute lawful implementation of the planning permission.

2) The date by which planning permission reference 2015/6455P is to be implemented is 22 June 2021 due to the fact that a legal challenge was made. This has been acknowledged by the Council's Legal Services in a letter dated 13th May 2020.

The applicant considers that a Lawful Development Certificate should be granted as the specific works identified in the supporting documentary evidence constitute works specifically permitted and envisaged within the scope of the development permitted, subject to compliance with the relevant conditions, pursuant to planning permission 2015/6455/P.

The proposed works of implementation comprise:

- Demolition of the single and two-storey structures (as outlined within the Phase 1 and Phase 2 Demolition Outline Pack prepared by CGL Architects) down to ground slab level;
- Demolition of hardstanding concrete (rear yard area); removal of ground slabs and hardstanding concrete and the clearance of all associated debris to licensed disposal / recycling sites.

As of 18/06/2020, demolition work has not commenced on site. Only enabling works that do not require planning permission have been carried out in the past few weeks.

The applicant has submitted the following information in support of the application:

- Site location plan
- 23rd June 2017 Decision notice ref 2015/6455P
- Signed S106 Agreement for permission 2015/6455/P, dated 23rd June 2017
- Approved siteplan, floorplans, elevations, sections for 2015/6455/P (June 2017)
- Phases 1 and 2 Demolition Outline Pack prepared by CGL Architects, dated 4th December 2019 – this outlines information describing the scope and extent of partial demolition (Phase 1 & Phase 2 demolition) of existing structures at 156 West End Lane.
- Pre-demolition and site waste management plan (ref IMS doc 637) Issue 3 dated 9th December 2019 - This states that a strip out, asbestos removal and demolition works to both phase 1 and 2 of the overall scheme.
- Demolition Management Plan Revision G dated 21st February 2020
- Demolition Contract by Silver Development Construction Consultancy dated 20th December 2019 – Phases 1 and 2 Demolition General Requirements
- HSE Notification Form dated 20th December 2019 – works start date 31/01/2020
- Decision notice for approval of details application for Conditions 19 and 20 of 2015/6455/P approved on 5 March 2020 (ref 2020/0395/P)
- Decision notice for approval of detail pursuant to Condition 26a of 2015/6455/P approved on 20th February 2020 (ref 2020/0200/P)
- Decision notice for approval of details application for Condition 12 of 2015/6455/P approved on 20th March 2020 (ref 2020/0750/P)

- Decision notice for approval of details application for Conditions 21, 22 and 23 (noting 23 is partial) approved on 20th March 2020 (ref 2019/6364/P)
- Employment, Skills and Supply Plan – this states that planned demolition for Phases 1 and 2 started March 2020 and the demolition of Phase 3 and construction is due to start September/October 2020 with planned completion date of 2022.
- S106 Discharge Notice dated 14th February 2020 – The following covenants have been discharged by Camden S106 team:
 - 4.5 Public Open Space Contribution
 - 4.6. Pedestrian Cycling and Public Realm Contribution
 - 4.10.6 Construction Apprentice Support Contribution
 - 4.12 Employment and Training Contribution
 - 4.13 Highways Contribution
 - 4.14 Construction Management Plan Implementation Support Contribution
 - 4.16 Commercial Travel Plan Monitoring Contribution
 - 4.17 Residential Travel Plan Monitoring Contribution
 - 4.20 Bus Shelter Contribution
- S106 Discharge Notice dated 16th March 2020 – the following covenant has been discharged by Camden S106 team:
 - 4.13.1(ii). The covenant stated “On or prior to the Demolition Date to:- submit to the Council the Level Plans for approval. Not to Demolish or to allow Demolition until such time as the Council has:- (ii) approved the Level Plans as demonstrated by written notice to that effect.
- S106 Discharge Notice dated 24th February 2020 – the following covenant has been discharged by Camden S106 team:
 - 4.15 Demolition Management Plan
- S106 Discharge Notice dated 27th February 2020 – the following covenant has been discharged by Camden S106 team:
 - 4.9 Employment and Training
- CGL Proposed Site Investigation Scope dated January 2020 in connection to discharge of condition 26a
- CIL Liability Notice dated 16th March 2020
- CIL Relief Exemption Decision Notice dated 16th March 2020

Notwithstanding the above, the original planning permission (reference 2015/6455/P granted on 23 June 2017) was subject to a legal challenge in July 2017. Section 91(3B) of the Town and Country Planning Act 1990 (as amended) states that in such circumstances where a challenge is made, the expiry date of that permission must be taken to be extended by the period of one year. The Council is satisfied that the implementation date has been extended until 22nd June 2021.

All relevant pre-commencement conditions and S106 clauses, particularly those pertaining to demolition works, have been discharged to allow this start on site involving demolition. Demolition work is specifically referred to in the description of development granted by the 2015/6455/P planning permission. This activity, as proposed in the

“Phase 1 and 2 works”, would constitute a material start in implementing this permission and enabling the remainder of development by erection of new buildings to go ahead.

Recommendation:

The Council considers, given the submitted documents’ evidence listed above, that the works outlined (referred to as “Phase 1 and 2 works”, which involve demolition) will constitute lawful implementation of the planning permission 2015/6455P.

The Council considers that the date by which planning permission reference 2015/6455/P is to be implemented is 22nd June 2021.

Therefore it is recommended that this Certificate of Lawful Development be granted.