

Development Management  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Our Reference: 784-B021564

Planning Portal Submission

15 July 2021

Dear Sir/Madam,

**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-10039075**

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

Variation of conditions 4, 5, 9, 10, 11, 13, 14, 15, 18, 36, 37 and 38 of planning permission 2019/4140/P (dated 14<sup>th</sup> July 2021) which itself varied conditions 2, 9, 33, 44 and 46 of planning permission 2015/6455/P dated 23<sup>rd</sup> 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, to provide 16 additional dwellings, alter housing mix, amendments to internal layout and elevations and variations to wording of conditions.*

Namely, “to introduce ‘piling and below ground works’ into the wording of the conditions to assist with construction/procurement process”.

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

- Completed application form.
- Cover Letter (including Appendix 1).
- Site Location Plan.
- The appropriate application fee of £234.00 (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 180 new homes and supporting the retail and employment opportunities centred on West End Lane ((2019/4140/P) is now progressing with the demolition of remaining buildings on site.

Proposals for the site to date have been brought forward by A2Dominion Developments Ltd, the Registered Social Landlord. This submission is made by Astir Living Ltd, A2Dominion’s Development Partner. Astir has responsibility for bringing forward the construction of the scheme and the application proposals reflect this role and the importance to overall delivery of ensuring an effective construction/procurement process.

**What is a non-material amendment?**

S96A (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**

Revisions to the wording of 12 conditions, all addressing the timing of submission of detailed information, is proposed to enable implementation of the scheme with a proportionate level of information to be submitted to and approved by the Council at the most appropriate time. In all cases, the addition of “piling and below ground works” is proposed which seeks to facilitate a typical construction and procurement process. No change in the overall amount of information to be submitted to and approved by the Council is proposed.

The proposed revisions are considered to fully accord with guidance on non-materiality: They are not individually or cumulatively significant, of substance or of consequence. Please refer to Appendix 1 of this letter for the proposed wording revisions.

**Conclusions**

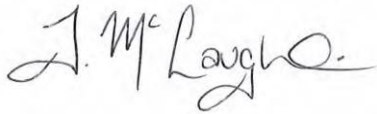
We consider the proposed revisions to be non-material as they:

- 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 faithfully,



**Julie Mc Laughlin**

Associate

Tetra Tech Environment Planning Transport Limited.

Encl. Appendix 1