

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

Our Reference: 784-B021564

Planning Portal Submission

6th December 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-10441396

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

“Non-material amendments (reconfigure internal layouts and ancillary residential uses associated with the West building to rectify technical discrepancies within the approved plans, allow compliance with statutory regulations and increase PVs on roof); and associated variation of wording of Conditions 9, 32, 43 and 44 to reflect the use of different unit numbers and drawing numbers) to planning permission 2019/4140/P (dated 14th July 2021) which itself varied conditions 2, 9, 33, 44 and 46 of 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, to provide 16 additional dwellings, alter housing mix, amendments to internal layout and elevations and variations to wording of conditions”.

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

- Completed application form.
- Cover Letter.
- Site Location Plan.
- As approved scheme drawings prepared by CGL Architects.
- Proposed scheme drawings prepared by Chapman Taylor.
- Scheme Presentation Pack prepared by Chapman Taylor.
- 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.

A detailed technical design review of the approved schemes has been undertaken by the applicant, Astir Living. 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 a high quality scheme which can be built-out. Following the enhancements introduced to the East building (approved under reference 2021/3470/P), focus has now turned to the West building.

The proposed non-material amendments to the approved scheme (2019/4140/P) include changes to the layout of the ancillary spaces at ground floor to facilitate larger cores; a minor reconfiguration of the car parking spaces to ensure compliance; alterations to the internal layouts of a small number of flats to ensure compliance with space and design standards; and an increase in PVs on the roof to comply with the approved Energy Strategy.

The changes to the wording of the four conditions relate only to the use of different numbering for units and drawing numbers, and for these to be correctly identified.

Planning history

The original parent permission (2015/6455/P) was approved on 23rd June 2017 for the following:

“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”.

Planning permission (2019/4140/P) dated 14th July 2021 was originally submitted in August 2019 for minor material amendments to the original parent permission. As a result of the ‘Finney’ Court decision being issued shortly after its submission, the description of development was amended on 4 March 2020 to read:

“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”.

A Certificate of Lawfulness (Proposed) (“CLOPUD”) issued in June 2020 confirmed works constituting lawful implementation of the original permission and the date by which the original planning permission was to be implemented (22 June 2021). Those works have been undertaken.

In August 2021, amendments to the East block were considered acceptable as non-material amendments and approved under 2021/3470/P (dated 24th August 2021).

Details of all pre-commencement planning conditions have been approved; pre-demolition clauses within the S106 Agreement have been discharged; all Section 106 Agreement costs have been paid; and CIL was paid in May 2020.

What is a non-material amendment?

Section 96A (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

The proposed amendments are considered to fully accord with guidance on non-materiality: They are not individually or cumulatively significant, of substance or of consequence. All relate only to the West building. The table below sets out the proposed non-material amendments and the reason(s) for the amendment:

	Proposed amendment	Reason(s) for amendment
	Ground Floor	
1.	Increase in size of residential cores, which has required the relocation of some ancillary spaces.	Residential cores too small within the approved S73 permission.
	Ground Floor	
2.	Reconfigure car parking layout.	To ensure compliance.
	First – Fifth Floors	
3.	Internal reconfiguration of some units.	To ensure compliance with Technical Housing Standards and Building Regulations.
	Roof Plan	
4.	Increase in extent of PVs.	To accord with the approved Energy Strategy. The approved extent of PVs on the roof of the west building (under 2019/4140/P) did not meet the requirements as set out in the approved Energy Strategy. Therefore there is a need to increase PV coverage on the roof.
	North Elevation	
5.	Wall made higher around loading bay.	Technical requirements of the loading bay access.
	West End Lane Elevation	
6.	Wider horizontal banding between 4 th and 5 th floors.	Strengthening of horizontal termination of the main element of the West End Lane elevation to reduce visual impact of the mansard roof element.

The Scheme Presentation Pack prepared by Chapman Taylor sets out these non-material amendments on a simple comparative basis (floor plans and elevations). All new 'as proposed plans' are also provided separately.

Changes to the wording of Conditions 9, 32, 43 and 44

Condition 9 sets out those units which are to be built in accordance with M4(3) 2a and M4(3) 2b. Those units within the East building (with a 'E' annotation) have not changed (wording approved under 2021/3470/P and 2021/3455/P). Different unit numbering is now used within this amendment for the West building. We therefore request that the condition reads as follows:

"Prior to the commencement of works on site other than site clearance, preparation, demolition, piling and below ground works, details of unit numbers: W.01.03, W.01.05, W.01.09, W.01.10, W.02.09, W.02.11, W.02.15, W.02.16 demonstrating compliance with Building Regulations Part M4 (3) 2b; and details of unit numbers: W.03.09, W.03.11, W.04.09, W.04.11, W.05.09, E-1.02, E-1.03, E-1.04, E-1.05, and E00.04 demonstrating compliance with Building Regulations Part M4 (3) 2a shall be submitted to and approved in writing by the Local Planning Authority.

The subsequently approved wheelchair housing features and facilities shall thereafter be provided in their entirety prior to the first occupation of the relevant unit”.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policies H6 (Housing choice and mix) and C6 (Access for all) of the London Borough of Camden Local Plan 2017.”

Condition 32 sets out those units that require privacy screens. As identified above, unit numbering in the West building has been changed (unit annotation in the East building approved previously). We therefore request that the condition reads as follows:

“Notwithstanding the approved drawings, details of privacy screening at a minimum height of 1.7m to be installed to the northern elevation of the terraces of flats E.01.05, E01.20, E02.20, W.01.09, W.02.15 and W.02.16; and to the eastern elevations of the terraces of flats E.01.02 and E.02.02 shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy screening shall be installed prior to the occupation of the development and permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring occupiers within and outside the development in accordance with the requirements of policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.”

Condition 43 requires details of car parking. The drawing number listed in the condition has been superseded and therefore we request that the wording is amended to read as follows:

“The development shall not be occupied until the whole of the car parking provision shown on approved drawing 0001-A-CTA-SKE-98-00-3010 is provided. Thereafter the whole of the car parking provision shall be retained and used for no purpose other than for the parking of vehicles of the occupiers of the wheelchair adapted units of the development”.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets which would be contrary to policies T1 (Prioritising walking, cycling and public transport) and T2 (Parking and car free development) of the London Borough of Camden Local Plan 2017.

Condition 44 requires full details of cycle parking, with the required number of spaces split into long-stay and short-stay for both non-residential and residential uses; alongside details on the location of showers and lockers; and details of doors. The drawing reference numbers have been superseded and therefore the drawing numbers need to be amended to reflect the new drawing numbers. We therefore request that the condition reads as follows:

“Prior to commencement of works, other than site clearance and preparation, demolition, excavation, piling and below ground level works, full details of cycle parking shall be submitted to and approved by the local planning authority. The details of the cycle parking shall include the following:

- 24 Long-stay cycle parking spaces for non-residential use (located as per drawing 0001-A-CTA-SKE-98-00-3010).*
- 42 Short-stay cycle parking spaces for non-residential use (located as per drawings: 0001-A-CTA-SKE-98-00-3010 and 0001-A-CTA-SKE-98-00-5571).*
- 287 Long-stay cycle parking spaces for residential use, 5 of which are adaptive cycle spaces (located as per drawings: 0001-A-CTA-SKE-98-00-3010; 0001-A-CTA-SKE-98-B1-5570; 0001-A-CTA-SKE-98-B1-5583; and 0001-A-CTA-SKE-98-00-3028).*
- 10 Short-stay cycle parking spaces for residential use (located as per drawing 0001-A-CTA-SKE-98-00-5571).*
- Details of either a 'Sheffield' or 'Camden M' stand for adaptive cycles to be locked securely for the 5 adaptive cycle parking spaces.*
- Showers and lockers for staff use for the non-residential development as located per drawing 0001-A-CTA-SKE-98-00-3011.*

- Details showing all doors on route to any cycle parking to be automated and have sufficient clearance for a person to manoeuvre through it easily whilst standing next to their cycle; and a minimum of 2m wide.

The approved cycle parking requirements shall thereafter be provided in their entirety prior to the first occupation of any of the new units and permanently retained thereafter”.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

The changes to the wording of Conditions 9, 32, 43 and 44 are considered to be non-material as they are not of significance, of substance nor of consequence. The reasons for the conditions remain the same and will be met.

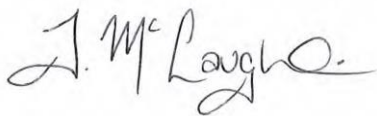
We consider the proposed amendments to be acceptable as non-material amendments as they:

- 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.