

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

Planning Portal Submission

8th February 2022

Dear Ms Dorbeck,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION UNDER S96A: NON-MATERIAL AMENDMENT(S)
156 WEST END LANE, WEST HAMPSTEAD, LONDON, NW6 1SD
PLANNING PORTAL REFERENCE: PP- 11021319**

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 9, 10, 38 and 44 of 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.*

Namely, to amend the timeframe for submission of information.

In addition, to this cover letter, the following application documentation has been submitted via the Planning Portal:

- Completed application form.
- Site Location Plan.

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, piling and below ground works.

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

The revisions to the wording of the conditions are proposed to enable implementation of the development to continue, ensuring that the construction programme is not extended. The table below compares the existing and proposed wording of the conditions:

Condition 9	
Existing Wording	Proposed Wording
Prior to the commencement of works on site other than site clearance, preparation, demolition, piling and below ground works, details of unit numbers: W1.03, W1.05, W1.09, W1.10, W2.09, W2.11, W2.15, W2.16 demonstrating compliance with Building Regulations Part M4 (3) 2b; and details of unit numbers: W3.09, W3.11, W4.09, W4.11, W5.09, 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.	Prior to the commencement of internal walls, 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.
Condition 10	
Existing Wording	Proposed Wording
Prior to the commencement of works on site, other than site clearance, preparation, demolition, piling and below ground works, full details of all units, other than those required to comply with Building Regulations Part M4 (3), demonstrating compliance with Building Regulations Part M4 (2), 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.	Prior to the commencement of internal walls, full details of all units, other than those required to comply with Building Regulations Part M4 (3), demonstrating compliance with Building Regulations Part M4 (2), 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.
Condition 38	
Existing Wording	Proposed Wording
Prior to the commencement of works on site, other than demolition, site clearance and preparation, piling and below ground works, a noise impact assessment of the Combined Heat and Power plant to be installed, including any necessary mitigation measures, shall be submitted to, and approved by	Prior to the installation of the Combined Heat and Power plant, a noise impact assessment of the plant, including any necessary mitigation measures, shall be submitted to, and approved by the Local Planning Authority. No occupation of the development shall be permitted until the mitigation measures

the Local Planning Authority. No occupation of the development shall be permitted until the mitigation measures recommended by the report have been implemented.	recommended by the report have been implemented.
Condition 44	
Existing Wording	Proposed Wording
<p>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:</p> <ul style="list-style-type: none"> - 24 Long-stay cycle parking spaces for non-residential use (located as per drawing SK2101 Rev.C). - 42 Short-stay cycle parking spaces for non-residential use (located as per drawings: SK2101 Rev.C and SK2109). - 287 Long-stay cycle parking spaces for residential use, 5 of which are adaptive cycle spaces (located as per drawings: SK2101 Rev.C, SK2108, SK2109, SK(GE) P230 Rev. B and SK(GE) P231 Rev.B). - 10 Short-stay cycle parking spaces for residential use (located as per drawing SK2019). - 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 SK2101 Rev.C. - 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. <p>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.</p>	<p>Prior to the commencement of internal walls, 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:</p> <ul style="list-style-type: none"> - 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. <p>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.</p>

No change in the overall amount of information to be submitted to and approved by the Council is proposed; the requirement in all four conditions that "no occupation of the development shall be permitted" is maintained and accordingly there is no impact (or change) on the reason for the condition – to safeguard the amenities of the future occupiers.

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.

Conclusions

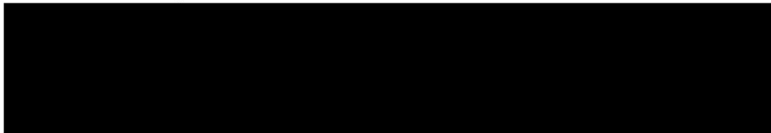
We consider the proposed revisions to be non-material as they:

- 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 sincerely,



Julie Mc Laughlin
Associate Director
Tetra Tech Environment Planning Transport Limited.