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

08 August 2022

JS/MR – 22/299

Dear Sir/ Madam,

**Liddell Industrial Estate, 1-33 Liddell Road, London NW6 2EW – Non-Material Amendment
Application Relating to Conditions 5, 6, 8, 9, 17, 28 and 33 of Planning Permission
2014/7651/P**

On behalf of our client West Hampstead Limited, please find enclosed an Application relating to variation of the wording of Conditions 5, 6, 8, 9, 17, 28 and 33 associated with Phase 2 of the approved development at the above address.

Planning permission was granted for the comprehensive redevelopment of the former Liddell Road Industrial Estate (No1-33 Liddell Road) on 31 March 2015. The development was approved as two phases.

Phase 1 of the development was granted planning permission (2014/7649/P) on 31 March 2015 for the construction of new school buildings for Kingsgate Primary School, creation of a new access road, associated car parking and implementation of temporary landscaping works. This development is now complete.

Phase 2 of the development was granted planning permission (2014/7651/P) for the comprehensive, mixed-use redevelopment involving the construction of three new buildings: Block A (5 storeys) to provide 3,700 sqm (GIA) of mixed commercial use (Class B1), Block B (11 storeys) and Block C (5 storeys) to provide 106 residential units (Class C3) and associated public realm landscaping works.

This amendment seeks to allow removal of a condition which is no longer applicable, and variation to the wording of the triggers within other conditions which will allow a more efficient and appropriate discharge of conditions. The proposed condition amendments have been assessed against the '6 tests' contained within the NPPF (para 55).

The application forms are enclosed and the requisite application fee has been paid via bank transfer to the Planning Portal.

a. Condition Requirements

Conditions 5, 6, 8, 9, 17, 28 and 33 associated with the planning permission are set out below, along with the proposed amendment and reason.

Condition No.	Condition	Proposed Amendment	Reason
5	The lifetime homes features and facilities for residential units in phase 2, as indicated on the drawings and documents hereby approved, shall be provided in their entirety prior to the first occupation of any of the new residential units.	Removal of Condition 5	Lifetime Homes is no longer applicable so we do not consider use of this condition to be appropriate.
6	<p>Prior to first occupation of development in phase 2 the refuse and recycling storage areas shall be completed and made available for occupants and collection of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority in respect of all residential units within the phase.</p> <p>The development shall not be implemented other than in accordance with such measures as approved. All such measures shall be in place prior to the first occupation of any residential units in the relevant phase and shall be retained thereafter.</p>	Refuse & Recycling storage areas shall be completed and made available to occupants. Collection of refuse/recycling shall be submitted to (& approved in writing) by Local Planning Authority in respect of all residential units within the phase. Such measures shall be in place prior to first occupation of any residential units in relation to that phase and shall be retained thereafter.	Amendment to pre-occupation restriction imposed. This amendment will allow for sectional completion and occupation.
8	<p>a. Prior to completion of the superstructure of the workspace building details of cycle parking should be submitted and approved by the Council to provide a minimum of 21 secure and sheltered cycle spaces.</p> <p>b. Prior to completion of the superstructure of the residential mansion block and the tower block details of cycle parking should be submitted and approved by the Council to provide a minimum of 136 secure and sheltered cycle spaces.</p>	<p>a. Prior to completion of the superstructure of the workspace building details of cycle parking should be submitted and approved by the Council to provide a minimum of 21 secure and sheltered cycle spaces.</p> <p>b. Prior to completion of the superstructure of the residential mansion block and the tower block details of cycle parking should be submitted and approved by the Council to provide a minimum of 136 secure and sheltered cycle spaces.</p>	Amended to suit the phasing strategy.

	<p>c. Prior to first occupation of either the workspace building or the residential buildings, details of outdoor visitors' parking for 10 cycles should be submitted and approved by the Council. All such facilities shall thereafter be retained.</p>	<p>c. Prior to first occupation of either the workspace building or the residential buildings, details of outdoor visitors' parking for 10 cycles should be submitted and approved by the Council. All such facilities shall thereafter be retained.</p>	
9	<p>Prior to first occupation of residential units the children's playspace shall be completed and made available for use by the public. This playspace is to be implemented in accordance with detailed designs which have been prepared in consultation with local residents and community groups, and approved in writing by the local planning authority. All approved measures shall be retained and maintained thereafter.</p>	<p>Prior to first occupation of the residential units in the Block B, the children's playspace shall be completed and made available for use by the public.</p> <p>This playspace is to be implemented in accordance with detailed designs which have been prepared in consultation with local residents and community groups, and approved in writing by the local planning authority.</p> <p>All approved measures shall be retained and maintained thereafter.</p>	<p>The condition has been reworded to allow for sectional completion and occupation.</p>
17	<p>Details of green/brown roof, including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority.</p> <p>The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance</p>	<p>Details of green/brown roof, including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority.</p> <p>The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance</p>	<p>The condition has been reworded to allow for sectional completion and occupation.</p>

	with the approved scheme of maintenance.	with the approved scheme of maintenance.	
28	<p>Prior to first occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of the external noise level emitted from plant/machinery/equipment and mitigation measures as appropriate.</p> <p>The measures shall ensure that the external noise level emitted from plant/machinery/equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.</p>	<p>Prior to first occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of the external noise level emitted from plant/machinery/equipment and mitigation measures as appropriate.</p> <p>The measures shall ensure that the external noise level emitted from plant/machinery/equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.</p> <p>A post-installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the relevant phase and thereafter be permanently retained.</p>	Condition has been reworded to allow for details to be submitted and approved on a building-by-building basis.
33	<p>Prior to implementation the Employment Elements Report shall be submitted to the local planning authority for approval in writing.</p> <p>The Report shall include details of: a. rent and service charge levels</p>	<p>Employment Element. Prior to the occupation of the Workspace Building (Block A) the Employment Elements Report shall be submitted to the local planning authority for approval in writing.</p> <p>The Report shall include details of: a. rent and</p>	This condition has been reworded to a pre-occupation condition, rather than pre-commencement condition.

	<p>b. office facilities and arrangements which are suitable for SMEs c. flexible spaces that can be contracted or expanded to suit the changing needs of occupiers d. flexible lease /membership arrangements and pricing structures; e. access to common areas and informal meeting spaces; and f. ICT Infrastructure: voice and data services</p> <p>Within 3 months of implementation the Employment Element Marketing Strategy shall be submitted to and approved in writing by the Local Planning Authority. The detailed marketing strategy shall include proposals for attracting and retaining Small and Medium Enterprises (SMEs) in the Employment Element. No part of the residential units shall be occupied until such time as the employment element has been completed to shell and core and marketed in accordance with the Employment Element Marketing Strategy as approved for a period of no less than 12 months.</p> <p>Thereafter the employment element shall be maintained in accordance with the details this approved unless varied by agreement as part of a review of the occupation and operation of the Employment Element.</p>	<p>service charge levels b. office facilities and arrangements which are suitable for SMEs c. flexible spaces that can be contracted or expanded to suit the changing needs of occupiers d. flexible lease /membership arrangements and pricing structures; e. access to common areas and informal meeting spaces; and f. ICT Infrastructure: voice and data services.</p> <p>Within 3 months of implementation the Employment Element Marketing Strategy shall be submitted to and approved in writing by the Local Planning Authority. The detailed marketing strategy shall include proposals for attracting and retaining Small and Medium Enterprises (SMEs) in the Employment Element. No part of the residential units shall be occupied until such time as the employment element has been completed to shell and core and marketed in accordance with the Employment Element Marketing Strategy as approved for a period of no less than 12 months.</p> <p>Thereafter the employment element shall be maintained in accordance with the details this approved unless varied by agreement as part of a review of the occupation and operation of the Employment Element.</p>	
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b. Summary of Non-Material Amendment

West Hampstead Limited are seeking the removal of a condition which is no longer applicable, and variation to the wording of others conditions so as to not unreasonably delay the occupation of the development.

The above amendments reflect the wording agreed with officers during discussions regarding this matter.

The proposed amendments set out above will still require the conditions to be completed by a specified time (and as soon as practicable) and thus provide the Council with an appropriate mechanism to ensure this can be enforced.

As a result, we consider that the proposal as discussed above is non-material. The amendment is considered necessary in order to allow the buildings to be occupied without delay, thereby ensuring the site can be brought into productive use swiftly.

c. Conclusion

Having regard to the above and enclosed details, we trust that sufficient information has been provided in order to allow the variation of the condition wording to be granted.

If you should require any additional information, or if you would like to discuss any aspects of the submitted details further, then please do not hesitate to contact me on 020 3640 1011 or via email at jsullivan@iceniprojects.com.

Yours sincerely,

Jamie Sullivan
DIRECTOR