



**Nathaniel Lichfield  
& Partners**

Planning. Design. Economics.

Redevelopment of 86-88 Delancey Street,  
LB Camden  
Certificate of Lawfulness Application  
Submitted on behalf of J Murphy & Sons  
Limited

Planning Statement

June 2012

CL13118

Nathaniel Lichfield & Partners  
14 Regent's Wharf  
All Saints Street  
London N1 9RL

**[nlppanning.com](http://nlppanning.com)**

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1.0

## Introduction

1.1

I am Neil Goldsmith, a graduate of Manchester University being a Bachelor of Arts in Planning and Bachelor of Planning. I am a member of the Royal Town Planning Institute.

1.2

I joined Nathaniel Lichfield & Partners (NLP) in March, 1990 after several years experience in the public sector, mainly with Westminster City Council.

1.3

I was made an associate of NLP in July 1993, and a Director in January 1999.

1.4

Since joining NLP, I have been involved in a wide range of schemes, including mixed use schemes of the type proposed at Delancey Street. I also have considerable experience of a range of appeals and have appeared at a number of enquiries on behalf of developers, operators and local authorities. I have experience of working within the London Borough of Camden.

1.5

NLP was instructed in May 2012 to provide planning advice to J Murphy & Sons LTD (Murphy). As part of this process, I have been provided with all the background information to the proposals and subsequent exchange of correspondence with LB Camden.

1.6

My advice to date has informed the submission of this Certificate of Lawfulness Application in relation to works carried out at 86-88 Delancey Street pursuant to Planning Permission 2008/0718/P. The aim of this application is to establish that works have lawfully commenced that Permission. This is in response to the Council's contention that the Planning Permission has not been lawfully implemented.

1.7

This Statement should be read in conjunction with the Statement of the architect Nick Baker, of Nick Baker Architects who submitted the original planning application, in addition to the Written Opinion of Paul Tucker QC.

1.8

The Certificate of Lawfulness application relates to a scheme granted planning permission on 15<sup>th</sup> May 2008. The decision notice described the proposal as follows:

*"Redevelopment of the site by the erection of a 5 storey building with office space (Class B1) at ground floor level and residential space above (Class C3) providing 14 self contained units (4 x 1 bed, 5 x 2 bed and 5 x 3 bed units), including a detached 2 storey unit at rear providing office space (Class B1), seven underground car spaces, a disabled parking space and vehicle waiting area at ground floor level for residents."*

1.9

In addition Conservation Area Consent was granted on 29<sup>th</sup> April 2008 for the following:

*“Demolition of existing workshop and redevelopment of the site by the erection of a 5-Storey building with office space (Class B1) at ground floor level and residential space above (Class C3) providing 14 self-contained units (4 x 1-bed, 5 x 2-bed and 5 x 3-bed units), including a detached 2-storey unit at rear providing office space (Class B1) and 7 underground car parking spaces for residents”.*

1.10 It is important to confirm that this Statement does not deal with planning policy. The planning merits of this scheme were accepted by the Council in 2008 and are not in dispute. It is also important to note that the Council do not dispute that the Conservation Area Consent remains extant.

1.11 This statement is set out as follows:

Section 2.0 - Site Description

Section 3.0 - Planning Background – this deals with the exchange of correspondence between the applicant and its consultants and LB Camden.

Section 4.0 - Assessment of Issues raised by LB Camden

Section 5.0 – Conclusions

2.0

## **Site Description**

- 2.1 I confirm that I have visited the site with representatives of Murphy. At this site meeting the works undertaken in advance of 15<sup>th</sup> May 2011 have been described to me in detail.
- 2.2 86-88 Delancey Street lies at the junction of Delancey Street and Parkway in the London Borough of Camden. It is located within the Camden Town Conservation area and adjacent to the Primrose Hill Conservation area. It is located in close proximity to 84 Delancey Street which is a Grade II listed residential building and part of a listed terrace.
- 2.3 The application site was formerly occupied by a series by predominately single storey buildings that were used as a tyre replacement garage, by a national operator. The buildings were used exclusively by the tenants and covered the full width of the site. They also extended from the line of the Network Rail mainline tunnel located below the garage forecourt to the rear of the site. A copy of the site location plan is attached at Appendix 1.
- 2.4 The site has a “T”-shaped configuration that stretches from front to back. The site is surrounded by a mix of residential and commercial properties that have been extended and reconfigured over time.

## **Planning Background**

### **Introduction**

- 3.1 As noted in Section 1.0 above, Planning Permission was granted for a mixed use redevelopment scheme on 15<sup>th</sup> May 2008. The Permission was subject to a number of conditions, some of which required discharging before commencement of the development. It was also subject to a Section 106 Agreement.
- 3.2 Condition 1 of the Permission confirms that the development must be begun not later than the end of 3 years from the date of the Permission, i.e. 15<sup>th</sup> May 2011.
- 3.3 Murphy, purchased the site on 3<sup>rd</sup> May 2011 ie, before the expiry date for the Planning Permission. It was well known to Murphy at the time of purchase that all relevant pre-commencement conditions had been discharged and it was acknowledged that the development must be “begun” before 15<sup>th</sup> May 2011.
- 3.4 As noted above, in addition to the Planning Permission, Conservation Area Consent was granted on 29<sup>th</sup> April 2008 for the demolition of the existing buildings on the site within the Conservation Area.

### **Correspondence between the Applicant (Murphy) and LB Camden**

- 3.5 The issue of the status of the Planning Permission was first raised by LB Camden in a letter dated 25<sup>th</sup> May 2011 (Appendix 2). This letter queried whether the Planning Permission had expired without the development being implemented. The letter also refers to the Section 106 Agreement and notes that a number of clauses require discharging in advance of implementation of the Planning Permission.
- 3.6 A further letter was sent to Murphy on 27<sup>th</sup> May 2011 (Appendix 3). This letter stated that the Council considers works at the property to be a breach of planning control. It also stated that even if Murphy was able to establish that works commenced prior to the expiry date (i.e. 15<sup>th</sup> May 2011) the non compliance with the Section 106 obligations “may” invalidate the Permission.
- 3.7 In response to these two letters, Murphy confirmed in a letter dated 1<sup>st</sup> June 2011 (Appendix 4) that they considered that the works that had been undertaken prior to 15<sup>th</sup> May 2011 were sufficient to lawfully commence the permission.
- 3.8 A further exchange of correspondence led to five Statutory Declarations being sent to LB Camden on 5<sup>th</sup> August 2011, outlining what works had taken place prior to 15<sup>th</sup> May 2011. Copies can be found in Appendix 5.



- 3.9 In response, LB Camden on 1<sup>st</sup> November 2011, wrote in an email to Nick Baker Architects (Appendix 6) advising that they considered that the Permission had not been implemented because:
- “The works which are referred to in the Statutory Declarations relate only to works of demolition to the tyre repair workshop which were approved by virtue of Conservation Area Consent 2008/0719/C. They do not relate to any works which form part of the planning permission”*
- 3.10 Shoosmiths Solicitors, on behalf of Murphy, responded in a letter dated 5<sup>th</sup> December 2011 (Appendix 7). This letter concluded that Murphy had demonstrated that it had carried out material operations to lawfully commence the Planning Permission before it was due to expire on 15<sup>th</sup> May 2011. In addition to the demolition of the buildings (which I will deal with in detail in Section 4.0 of this Statement), it is also important to note that this letter confirmed that the works on site included other “material operations” directly referable to the construction of the new building such as the “breaking into” the hard standing and subsequent excavation.
- 3.11 On 6<sup>th</sup> March 2012 (Appendix 8), LB Camden responded to the Shoosmiths letter reconfirming its view that implementation of the Planning Permission had not taken place because only works on the demolition were undertaken prior to the expiry date and therefore only the Conservation Area Consent has been implemented and not the Planning Permission. LB Camden’s position was formed on the basis of the description in the decision notice, which does not refer to “demolition”.
- 3.12 The above provides the background to this Certificate of Lawfulness Application. It is within this context that I outline why it is clear, in my view, that the Planning Permission has been implemented.

## Assessment of Issues Raised by LB Camden

### Introduction

4.1 This Statement explains why, in my professional view, the Certificate of Lawfulness Application should be granted. Based on the latest correspondence from LB Camden (letter dated 6<sup>th</sup> March 2012), I understand that the Council considers that implementation of the Planning Permission has not taken place because:

- a The description of development in the Planning Permission decision notice does not include reference to “demolition” and therefore this does not form part of the Planning Permission. The Council considers that *“the express wording in the body of the decision notice takes precedence”*.
- b The works of demolition and site clearance relate to the Conservation Area Consent and not the Planning Permission.
- c The applicants have not complied with the obligations contained within the Section 106 Agreement which are required before commencement of the development.

4.2 In terms of the latter point, it is unclear from the Council’s letter of 6<sup>th</sup> March 2012 whether LB Camden is still contending that the failure to comply with the obligations within the Section 106, on its own, means that the permission has not been implemented. I outline below why I consider this is not the case, if the Council is still pursuing this point.

4.3 Before considering each of these issues it is important to outline what I understand is agreed between LB Camden and the applicant. This can be described as follows:

- a The Council accept that all pre-commencement conditions attached to Planning Permission 2008/0718/P have been discharged.
- b The Conservation Area Consent has been lawfully implemented
- c The factual information contained with the Statutory Declarations provided to LB Camden is not contested.

### The Description of Development

4.4 The Council place great weight on the fact that the term “demolition” is not contained within the description of development on the Planning Permission decision notice. As outlined in various documents sent to the Council, I note the following:

- a The description of development on the Planning Application Form refers to demolition;
- b The Planning Report and Design and Access Statement submitted with the Planning Application explicitly refer to the demolition works required.

- c The Planning Committee Report (attached at Appendix 9) which was considered by the Council's Planning Committee explicitly refers to demolition of the existing workshop in the description of development.
  - d At the time of the determination there was an existing building on the site which would necessarily have to be demolished in order to construct the building for which planning permission had been granted.
  - e The Pre-Application Meeting Report dated 2 June 2006 explicitly refers to "demolition of existing" in description of Proposal(s) (See Appendix 10).
- 4.5 Despite the above I accept that the formal decision notice does not expressly use the term "demolition", however, it does refer to "redevelopment" of the site, which presupposes that the site had already been developed.
- 4.6 At the outset, it is important to consider what forms part of the grant of **Full** Planning Permission. Although I accept that a decision notice ought to be capable of interpretation without needing to consider the full planning application package, it is clear that a grant of full planning permission includes the plans which have been approved as part of the permission. The decision notice cannot be read or interpreted without reference to the drawings and I note that these drawings are listed on the decision notice. In this instance, the approved plans clearly show there are existing buildings on the site, which would need to be demolished prior to the construction of the new buildings. The scheme manifestly could not have been built without demolition of these buildings and this is clear from the approved drawings and shown in plan form on the drawings attached to Nick Baker's Statement. These plans overlay the proposals onto the former buildings on the site.
- 4.7 It is also relevant, as set out in the Shoosmiths letter dated 5<sup>th</sup> December 2011 (Appendix 7), that the Planning Committee considered the scheme on the basis of the demolition of the existing buildings on the site. This was in the description of the proposals contained with the Planning Committee Report.
- 4.8 Additionally, I note that the signed Section 106 Agreement, which also forms part of the Planning Permission, describes the development in paragraph 2.2 as the "demolition" of the existing workshop etc, i.e. the Section 106 clearly acknowledges that demolition forms part of the Planning Permission.
- 4.9 It is also of significance to recognise that although the word "demolition" was not included from the decision notice it does refer to "redevelopment" rather than "development". To redevelop a site, it must be the case that the existing land is, in some way, already developed. In this case, to "redevelop" the site must involve the demolition of the existing buildings. I therefore see no difference in practical terms between the words "demolition" and "redevelopment" in this case. The wording of the decision notices acknowledges the need to demolish the buildings.
- 4.10 It is important to also consider the implications of the *Save Britain's Heritage v SOS* (2011) Court of Appeal case. This is dealt with in the Written Opinion of Paul Tucker QC, which confirms at paragraph 2.11 that the Court of Appeal held

that the Demolition Direction was unlawful and that there was a need to secure planning permission for a non residential structure within a Conservation Area.

- 4.11 In light of this case (March 2011) there is no doubt that at the time demolition took place (May 2011), such demolition comprised “development” and therefore requires planning permission. The Written Opinion deals with this point and concludes that:

*“....whatever may have been intended back in 2008, the effect of the grant of permission (by reason of the scope of the permission and that which is necessary to develop the site) means that demolition is manifestly authorised by the 2008 grant of full planning permission”. (para. 3.2.10).*

- 4.12 Based on the above, it is my professional view that “demolition” forms part of the Planning Permission,

### **Commencement of Development**

- 4.13 The Council contend that neither the demolition of the buildings on the site nor the other works undertaken (as outlined in the Statutory Declarations and the Statement from Nick Baker of Nick Baker Architects) constitute “material operations” under Section 56 (Section 4) of the Town and Country Act 1990 (as amended).

- 4.14 Before considering what works took place on site before 15<sup>th</sup> May 2011 it is important to consider what constitutes a “material operation” and therefore commencement of development.

- 4.15 Section 56 (4) states the following:

*“(4) For the purposes of subsection (2), “material operation” means –*

*a) any work of construction in the course of the erection of a building;*

*aa) any work of demolition of a building;*

*b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;*

*c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);*

*d) any operation in the course of laying out or constructing a road or part of a road;*

*e) any change in the use of any land which constitutes “material development”.*

- 4.16 The Statement of Nick Baker outlines the construction works (including demolition) undertaken prior to 15<sup>th</sup> May 2011 and I do not reiterate these details here, however, I highlight the following:

- a Paragraph 4.6 confirms that the tasks carried out involved stripping out, both internally and externally, as well as the breaking out of the ground floor slab of the main garage for a trial pit and the future installation of a concrete support to the new building above at a selected point along the wall of the tunnel located at basement level. These demolition works

were carried out in order to remove the existing building on the site and facilitate the possibility to erect the approved scheme of buildings as their replacement.

- b Paragraph 6.9 states that in the course of the demolition works carried out by the J Murphy & Son Ltd team on site from 11<sup>th</sup>-13<sup>th</sup> May 2011, the removal of external walls and slabs of the existing building were part of the preparation works for the erection of the new buildings at 86-88 Delancey Street. The breaking out of the slab and the commencement of the trial pit along the length of the tunnel wall were identified to coincide with the future location of the key structural load line of the future building directly located along Delancey Street (See drawings S 100 -102 in Appendix 11).

4.17 Notwithstanding my professional view that the demolition of the buildings is a “material operation” authorised by the 2008 grant of full Planning Permission, I also consider the additional works undertaken (as outlined in the Statutory Declarations and the Nick Baker Statement) are in themselves sufficient to constitute “material operations” and therefore sufficient to confirm that the planning permission has been implemented. As outlined in Paul Tucker QC’s Opinion, case law confirms that only limited works need to be undertaken in order to implement a planning permission provided that it is not in breach of any pre conditions.

## **Section 106 Obligations**

4.18 At noted at the beginning of this section, LB Camden has previously argued (letter dated 27<sup>th</sup> May 2007) that the failure to comply with the obligations contained within the Section 106 Agreement “may invalidate” the Permission. This position, however, was not reiterated in the LB Camden letter dated 6<sup>th</sup> March 2012.

4.19 If LB Camden is still pursuing this issue, I respond as follows.

4.20 Any failure to comply with obligations contained within a Section 106 Agreement does not constitute a breach of planning control which is enforceable by means of the 1990 Act. It cannot be enforced through the Planning Acts, but is enforceable through an application through the Courts for an injunction. As such, and as set out in Paul Tucker QC’s Written Opinion, a lawful start may be made on a development on a site which does not comprise a breach of planning control (which is the case at Delancey Street) even if it is in contravention of a planning obligation. Such a position does not nullify the implementation of the planning permission. Having said that I understand that my client has sought to discharge the obligations within the s.106 agreement by submitting the following information:

- a Construction Management Plan
- b Sustainability Plan
- c Service Management Plan

- d Travel Plan
- e Lifetime Home Standard

## **Other Issues**

- 4.21 In the exchanges of correspondence between LB Camden and the applicant (and its advisors) the relationship between the Conservation Area Consent and the Planning Permission has been considered. The requirement to obtain Conservation Area Consent for the demolition of a building within a Conservation Area under the Planning (Listed Buildings and Conservation Areas) Act 1990 is a separate requirement from the need to obtain Planning Permission for any such works of demolition. As set out in Paul Tucker QC's Written Opinion, the fact that Planning Permission is required for a scheme, which includes demolition in a Conservation Area, does not obviate the need to obtain Conservation Area Consent for that same demolition.
- 4.22 In this case, the demolition of the buildings has resulted in both the Conservation Area Consent and the Planning Permission being lawfully implemented.

## 5.0 **Conclusions**

5.1 My statement has been prepared to accompany a Certificate of Lawfulness Application which seeks to establish that Planning Permission 2008/0718/P has been lawfully implemented.

5.2 This Statement should be read in conjunction with the Statement of the architect Nick Baker, of Nick Baker Architects and the Written Opinion of Paul Tucker QC.

5.3 I consider that on the basis of all the information submitted with this Certificate of Lawfulness Application that it should be approved. In this respect, I highlight the following:

- a Demolition of the buildings on the site forms part of the Planning Permission i.e. demolition is manifestly authorised by the 2008 grant of full Planning Permission;
- b The demolition amounts to a “material operation” for the purposes of Section 56 of the Town and Country Planning Act 1990 (as amended);
- c In addition to the demolition, other “material operations” were undertaken before 15<sup>th</sup> May 2011. These are both summarised in my Statement and in the Statutory Declarations and the Statement of Nick Baker.
- d Any failure to comply with an obligation within the Section 106 agreement does not nullify the implementation of the Planning Permission.

5.4 On the basis of the above, I trust that LB Camden will approve this Certificate of Lawfulness Application.

## **Appendix 1      Site Location Plan**



LOCATION PLAN

————— Outline of Site



3rd floor  
11 Northburgh Street  
London  
EC1V 0AN

Scale: 1/1.250  
Date: 06.11.07  
Job No. 0703  
c Nick Baker Architects

**Appendix 2      Letter from LB Camden dated  
25 May 2011**





Our Ref. S106: 1454

**Placeshaping Service**  
Regeneration and Planning  
Culture and Environment  
London Borough of Camden  
Town Hall Extension  
Argyle Street  
LONDON  
WC1H 8ND

Tel 020 7974 5533  
therese.gallagher@camden.gov.uk  
www.camden.gov.uk/planning

Paul Brosnahan  
Director  
J. Murphy and Sons Ltd  
Hiview House  
Highgate Road  
London  
NW5 1TN

|                |    |        |
|----------------|----|--------|
| 26 MAY 2011    |    |        |
| SEEN           | TO | ACTION |
|                |    |        |
|                |    |        |
|                |    |        |
|                |    |        |
|                |    |        |
| BUILDING DEPT. |    |        |

25<sup>th</sup> May 2011

Dear Mr Brosnahan,

**Town and Country Planning Act 1990 (as Amended)**  
**Re: Section 106 Agreement signed 15<sup>th</sup> May 2008**  
**Address: 86-88 Delancey Street, London, NW1 7SA**  
**Planning Reference No: 2008/0718/P**

Thank you for your recent cheque for £109,994, received on 23<sup>rd</sup> May 2011 in respect of the section 106 agreement in relation to the above planning application. I am returning your cheque as it appears that the planning permission has expired without the development being implemented. Condition 1 of the decision notice dated 15<sup>th</sup> May 2008 states that *"the development hereby permitted must be begun not later than the end of three years from the date of this permission."* If works have not commenced then the planning permission has now expired and the planning permission can not be implemented.

If works have commenced they must **cease immediately** while the Council ascertains if works commenced in accordance with the conditions of the planning permission and the associated legal agreement. If it is found that implementation took place before expiry works must cease until such time that the pre-implementation obligations (outlined below) are complied with.

To date no notification has been received with regard to clause 5.1 of the legal agreement which requires that "The owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place."

The Section 106 Agreement also includes a number of clauses which need to be discharged in writing by the Council **prior to implementation** of the planning permission.

- Clause 4.1 requires full payment of all **financial contributions** prior to the implementation date. Please note that under Clause 5.7 any sums referred to in the legal agreement as payable by the developer are subject to inflation if paid more than three months from the date of the legal agreement, the amounts payable are listed overleaf . -

| Clause | Contribution      | Amount in clause | Indexation due | Total              |
|--------|-------------------|------------------|----------------|--------------------|
| 2.13   | Education         | £53,600          | £5,440.60      | £59,040.60         |
| 2.15   | Highways          | £34,600          | £3,512.03      | £38,112.03         |
| 2.28   | Public Open Space | £21,794          | £2,212.17      | £24,006.17         |
| All    |                   | £109,994         | £11,164.80     | <b>£121,158.80</b> |

The sums referred to above are valid at the time this letter is dated and may increase in future as the monthly RPI index statistics are updated.

- Clause 4.2 requires the submission and approval of a **Construction Management Plan** prior to the implementation date.
- Clause 4.3 requires the submission and approval of a **Sustainability Plan** prior to the implementation date.
- Clause 4.4 requires the submission and approval of a **Service Management Plan** prior to the implementation date.
- Clause 4.5 requires the submission and approval of a **Travel Plan** prior to the implementation date.
- Clause 4.6 requires the submission and approval of plans showing all residential units designed to **Lifetimes Homes Standards** prior to the implementation date.
- Clause 4.7 requires the submission and approval of plans for the proposed **Wheelchair Units** prior to the implementation date.

If I do not hear from you within seven days of the date of this letter I shall pass my file over to the Council's legal department for further action. Whilst litigious action is always seen by the Council as a last resort the seriousness and the number of breaches are not something that can be accepted, ignored or allowed on an informal basis. Because officers have yet to receive information under the terms of the Agreement, the Council is given no other option than to conclude that these are in fact deliberate flagrant breaches of the Agreement which will only be remedied through the taking of formal legal action. I therefore look forward to your urgent response clarifying the situation.

Yours sincerely,



**Therese Gallagher**, for  
Director, Environment Department.

£ 12,164.80

## **Appendix 3**

**Letter from LB Camden dated  
27 May 2011**



Our Ref. S106: 1454

**Placeshaping Service**  
Regeneration and Planning  
Culture and Environment  
London Borough of Camden  
Town Hall Extension  
Argyle Street  
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Paul Brosnahan  
Director  
J. Murphy and Sons Ltd  
Hiview House  
Highgate Road  
London  
NW5 1TN

27<sup>th</sup> May 2011

Dear Mr Brosnahan,

**Town and Country Planning Act 1990 (as Amended)**  
**Re: Section 106 Agreement signed 15<sup>th</sup> May 2008**  
**Address: 86-88 Delancey Street, London, NW1 7SA**  
**Planning Reference No: 2008/0718/P**

Further to our earlier telephone conversation I am writing to confirm that all works on the site must **cease immediately** while the Council ascertains if works commenced in accordance with the conditions of the planning permission and the associated legal agreement.

The Council understands that works may have taken place at the above property which are purported to be in accordance with the planning permission referenced 2008/0718/P. However, that permission expired on 15 May 2011 without compliance with any of the obligations within the s106 Agreement dated 15 May 2008 and, it appears, without implementation of the development.

On that basis the Council considers works at the property to be in breach of planning control, which is a matter it takes very seriously.

The purpose of this letter is to facilitate a constructive dialogue with a view to avoiding the need for formal enforcement action through the courts. With this in mind and as agreed I look forward to receipt of sufficient information to evidence your contention that the works on the site began before 15 May 2011. I should point out that even if you are able to establish that works commenced prior to that date the non-compliance with the s106 obligations (in particular the Construction Management Plan and the Sustainability Plan), may invalidate the permission and you may need to apply for a renewal of the planning permission.

In the meantime I acknowledge receipt of the following documents, which are yet to be assessed:-

- The Construction Management Plan (email received 27/05/11)
- The Sustainability Plan (hard copy received by the Council 16/05/11)



- Travel Plan (received by Paul Davis 13/05/11)
- Plans showing all residential units designed to Lifetimes Homes Standards (hard copy received by the Council 16/05/11)
- Plans showing the proposed Wheelchair Units (email received 27/05/11)

I must advise that these documents will only be assessed if it can be confirmed that the planning permission is valid. I also ask that you only send the cheque for the financial contributions if it is confirmed that the planning permission is in our view valid.

Yours sincerely,

**Therese Gallagher**, for  
Director, Environment Department.

**Appendix 4      Letter from J Murphy & Sons  
Ltd dated 1 June 2011**



# MURPHY

J. Murphy & Sons Limited

Place Shaping Service  
Regeneration and Planning  
Culture and Environment  
London Borough of Camden  
Town Hall Extension  
Argyle Street  
London  
WC1 H8ND

1<sup>st</sup> June 2011

For the attention of Therese Gallagher

Dear Therese,

Re: **86-88 DELANCEY STREET**

Further to your letters dated 25<sup>th</sup> May 2011 and 27<sup>th</sup> May 2011 we wish to comment as follows.

The following processes took place prior to the 15<sup>th</sup> May 2011 to implement planning permission 2008/0718/P.

#### Planning Decision Notice

Planning Permission Decision Notice 2011/0399/P dated 28<sup>th</sup> March 2011 from the London Borough of Camden make reference to our letter dated 23<sup>rd</sup> March 2011 which stated that work will commence no later than 4<sup>th</sup> May 2011.

#### Asbestos samples

Samples were taken from the building and sent to I 2 Analytical Ltd. for analysis on 29<sup>th</sup> March 2011 and received by them on 31<sup>st</sup> March 2011.

#### Party Wall Notices

All the Party Wall Notices were sent out on the 1<sup>st</sup> April 2011. Schedule of condition surveys were completed on all the adjoining properties between 26<sup>th</sup> April and 13<sup>th</sup> May 2011.

#### Meeting on site with the London Borough of Camden

On 13<sup>th</sup> April 2011 a meeting took place on site between William Talbot of the London Borough of Camden and Sean Cronin of J. Murphy & Sons Ltd. regarding the upcoming construction works on the site. During these discussions our draft Construction Plan and site logistics were discussed in detail. The recommendations made by William Talbot were incorporated in the final version of the construction plan.



A member of the Murphy Group

Hiriew House, Highgate Road, London NWS 1TH. Tel: 020 7267 4366. Fax: 020 7482 3107. Email: [mail@murphygroup.co.uk](mailto:mail@murphygroup.co.uk) Web: [www.murphygroup.co.uk](http://www.murphygroup.co.uk)

MURPHY GROUP 00157

Registered Office: Hiriew House, Highgate Road, London NW5 1TH. Registered in England No. 492042

### **Temporary Crossovers**

After the discussions with William Talbot an application form was sent to the London Borough of Camden on 19<sup>th</sup> April 2011 for two temporary crossovers confirming the commencement of construction work as of 9<sup>th</sup> May 2011.

### **Site Security**

We secured the site on 21<sup>st</sup> April by erecting a fence and placing some storage units on the forecourt.

### **Commencement Notice**

A notice dated 21<sup>st</sup> April 2011 was sent to the London Borough of Camden confirming commencement of work on site by Quadrant who are our appointed approved inspectors.

### **HSE**

We informed the HSE on 28<sup>th</sup> April 2011 by way of an F10 notice that we were commencing work on 3<sup>rd</sup> May 2011.

This was completed by Sue Fullard of Fullard Rosier our appointed CDM coordinator.

### **Commencement of Work**

We commenced on site on 3<sup>rd</sup> May 2011.

The following operations commenced

- Commence site set up.
- Location of services.
- Commenced site surveys.
- Commenced demolition.
- Site electrical service isolation commenced.
- Commenced trial holes.
- Surveyed drainage system.
- Connected site toilets up to existing system.

### **Acknowledgements by the London Borough of Camden**

On 5<sup>th</sup> May 2010 the London Borough of Camden sent Quadrant our approved inspectors an acceptance of our initial notice dated 21<sup>st</sup> April 2011 notice.

On 5<sup>th</sup> May 2011 the London Borough of Camden sent Quadrant our approved inspectors an acknowledgement of our initial notice which involved demolition dated 21<sup>st</sup> April 2011 notice.

#### **Notice of Demolition**

On 6<sup>th</sup> May 2011 a notice regarding the demolition works including a cheque for £300 was sent to the London Borough of Camden by J. Murphy & Sons Ltd. This consisted of a completed BC104 form stating commencement of demolition works on 9<sup>th</sup> May 2011.

#### **Licence for Temporary Crossovers**

On 6<sup>th</sup> May we received a letter from the London Borough of Camden confirming our licence for the two temporary crossovers.

#### **Further Demolition**

On 9<sup>th</sup> May we commenced demolition of walls, cladding, concrete slabs and structural steelwork.

#### **Asbestos survey**

On 10<sup>th</sup> May 2011 Type 3 asbestos survey was carried out by Envirosurv Ltd.

#### **Asbestos Strip Out**

On 11<sup>th</sup> May 2011 the asbestos strip out commenced.

On 12<sup>th</sup> May we received an acknowledgement from the London Borough of Camden of our notice dated 6<sup>th</sup> May 2011 confirming that we were commencing demolition on 9<sup>th</sup> May 2011.

#### **Further Asbestos Strip Out**

On 13<sup>th</sup> May 2011 a 14 day asbestos notification of notifiable asbestos was sent to the HSE.

Please find attached backup documentation to support our activities listed above.

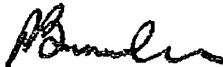
All the pre-development conditions of planning permission 2008/0718/P had been satisfied and works commenced before the planning permission expired and as such is lawful and we request the Council's formal acknowledgement of this fact.

Following your e-mail and letter dated 27<sup>th</sup> May 2011 we have ceased work on the site and will cease further development until the obligations are discharged with the terms of the S106 agreement.

We apologise for any breach of the Section 106 agreement there has been but as you can see from the above we have kept you informed of all our works and have not tried to mislead you.

Can we arrange a meeting to discuss the finalisation of these requirements at your earliest convenience?

Yours sincerely



P. Brosnahan

Director



## **Appendix 5      Statutory Declarations**



DATED

For August

2011

PAUL BROSNAHAN

---

STATUTORY DECLARATION

---

Relating to

Planning Permission for the construction of a 5-storey building with detached 2 story unit at the rear at  
86-88 Delancey Street, London

Shoosmiths

7th Floor  
125 Colmore Row  
Birmingham  
B3 3SH

(Ref MYW. 187055.)

I, Paul Brosnahan of 92 Archel Road, London W14 9QP, do solemnly and sincerely declare as follows:

- 1 I am a director of J Murphy & Sons Limited ("Murphy"). I have worked for Murphy since 1st November 1979. My role at Murphy involves managing the Building Department and also the Development Department.
- 2 Murphy is the freehold proprietor of 86-88 Delancey Street, London NW1 7SA (the "Application Site"). That property has planning permission for the construction of a 5-storey building with detached 2 story unit at the rear granted by the local planning authority, the London Borough of Camden Council (the "LPA"), on 15 May 2008 carrying reference number 2008/0718 (the "Planning Permission"). I attach at Exhibit 1 a copy of the decision notice.
- 3 Murphy is also the main contractor carrying out the works authorised by the Planning Permission on the Application site.
- 4 On 5 November 2010, the Application Site was introduced to us. Since that date, along with Sean Cronin, I negotiated the purchase of the site in order to develop it in accordance with the Planning Permission.
- 5 On 14 January 2011, Murphy agreed to purchase the Application Site and exchanged contracts on 18 March 2011.
- 6 I was aware that a number of the planning conditions of the Planning Permission had to be discharged before the works to commence development could be carried out, so Murphy procured the services of the various consultants that were acquainted with the scheme in advance of purchasing the Application Site. The purchase of the Application Site completed on 3 May 2011.
- 7 On 1 February 2011, I instructed Sean Cronin to: (a) obtain quotes from those consultants; and (b) instruct them to secure the formal discharges of the relevant planning conditions from the LPA so that we could have an immediate start on site.
- 8 On 9 March 2011, I had a meeting with Brian Price from Network Rail and Marek Glowinski of TZW Partnership at Milton Keynes to ascertain their requirements as regards construction alongside and above Network Rail's tunnel at the Application Site. Following that meeting, I instructed Sean Cronin to make a payment to Network Rail of £15,000 (including VAT) so that Murphy would be in a position to commence works immediately when we were in possession of the Application Site.

- 9 I inspected the Application Site on 3 May 2011 to confirm all was in order before completion of the purchase. I saw that the haras fence had been completed and the storage container was in position.
- 10 On 3 May 2011, I spoke to Michael Monaghan, the site manager, and informed him that the Application Site had been purchased and that he was to proceed to organise labour and plant for the construction on site.
- 11 I was on site on 7 May 2011 and witnessed the erection of the permanent site hoarding. On that day, I also assisted in the location of services on the Application Site with Michael Monaghan and Eoin Bollard (the Project Engineer).
- 12 I am aware that demolition at the Application Site commenced prior to 11 May 2011. I received an e-mail from an e-mail from William Talbot of the LPA relating to noise emanating from our operations on site (copy attached at **Exhibit 2**).
- 13 On 12 May 2011, I witnessed the roof and wall demolition and the breaking up of the ground floor slab being carried out. I also witnessed a cherry picker and large skip on the Application Site. The cherry picker was being used to strip the roof and the operatives were loading the roofing materials into the large skip.
- 14 Murphy received a letter dated 25 May 2011 on 26 May 2011 stating that the planning permission had expired and also returning our S106 cheque. A copy of the letter and the email are attached at **Exhibit 3**.
- 15 Murphy received an e-mail on 27 May 2011 from Therese Gallagher from the LPA enclosing a letter dated 27 May 2011. This letter stated that it appeared that the planning ref 2088/0718/P had expired and it asked for evidence that works on the Application Site began before 15 May 2011. A copy of the letter and the email are attached at **Exhibit 4**. On the same day we confirmed to the LPA that we were ceasing work on the Application Site until the matter had been resolved.
- 16 Murphy supplied evidence of the works that were carried out to lawfully commence the development authorised by the Planning Permission to the LPA on 2 June 2011 (copy attached at **Exhibit 5**).
- 17 On 8 June 2011, I spoke to Therese Gallagher on the telephone. She responded to our submission of 2 June 2011 by stating that the evidence we had submitted was not sufficient to verify implementation of the Planning Permission. Therese stated that one of the reasons for this opinion was that amongst the documentation we sent to the LPA was a notice to the Health and Safety Executive regarding asbestos which stated that we were commencing on site on 27 May 2011. I pointed out to Theresa that such commencement was in terms of a small type of notifiable asbestos that was discovered in the building during the demolition carried out at the Application and that it required a 14 day notice to the HSE prior to removal. This notice was given on 13 May 2011 during our works on site.
- 18 I confirm that works to commence the development authorised by the Permission took place at the Application Site before my visit to it on 12 May 2011.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

DECLARED at

259-263 Keshu Park Road  
Londra NW1 2HT  
3

*Bleasdale*

This *17<sup>th</sup>* day of *April* 2011

Before me

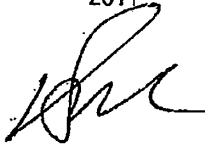
*[Signature]*

Solicitor/Commissioner for Oaths

WALTER JENNINGS & SON  
Solicitors  
259/263 Kentish Town Road  
London NW5 2JT

THIS IS THE ANNEXURE MARKED "EXHIBIT 1"  
REFERRED TO IN THE STATUTORY DECLARATION  
OF  
PAUL BROSNAHAN

Declared at 28-263 Kentish Town Road London NW5 2JT

This 1st day of August 2011  


WALTER JENNINGS & SON  
Solicitors  
259/263 Kentish Town Road  
London NW5 2JT



Development Control  
Planning Services  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND

Tel 020 7278 4444  
Fax 020 7974 1880  
Textlink 020 7974 6856

env.devcon@camden.gov.uk  
www.camden.gov.uk/planning

N. Baker  
Nick Baker Architects  
3rd Floor  
11 Northburgh Street  
LONDON  
EC1V 0AN

Application Ref: 2008/0718/P  
Please ask for: Sharon O Connell  
Telephone: 020 7974 5101

15 May 2008

Dear Sir/Madam

## DECISION

Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988

### Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:  
86-88 Delancey Street  
London  
NW1 7SA

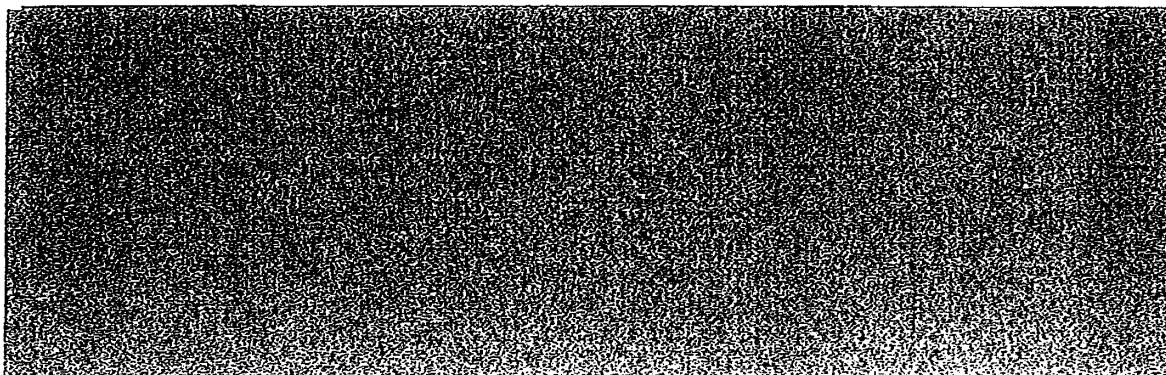
#### Proposal:

Redevelopment of the site by the erection of a 5-storey building with office space (Class B1) at ground floor level and residential space above (Class C3) providing 14 self-contained units (4 x 1-bed, 5 x 2-bed and 5 x 3-bed units), including a detached 2-storey unit at rear providing office space (Class B1), 7 underground car parking spaces, a disabled parking space and vehicle waiting area at ground floor level for residents.

Drawing Nos: Location Plan P-010; P003; 004; 005; 008; 007; P-013-03; 014-02; 015-02; 016-02; 017-02; 018-02; 019-02; P-020-02; 021-02; 022-02; 023-02; 024-04; P-011;



INVESTOR IN PEOPLE



RG-06-670-07A; 06B; 05B; 04B; 03B; 01A; 02B; Sustainability Report 13th February 2008; Daylight/Sunlight Report dated 31st October 2007; Transport Statement; Code of Sustainable Homes Pre-Assessment for Delancey Street; Building Research Establishment Environmental Assessment Method Breeam for offices 2006 Pre-Assessment Report; Planning Report 13/02/2008

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).


- 2 The details of all the facing materials [ including the windows, glazing, balconies, doors (including the bin store and entrance gates), facing materials, solar thermal panels and any boundary treatment] to be used on the building shall not be otherwise than as those submitted to and approved by the Council before any work is commenced on the relevant part of the development. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved. A sample materials board should be erected on site for Local Planning Authority inspection for the duration of construction.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies S1/ S2 and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies B1 and N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 4 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or



become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies B1 and N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 5 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage. Details shall be submitted to and approved by the Council before works commence on site to demonstrate how the sycamore tree at 77 Parkway shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837:2005 "Trees in Relation to Construction"

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment are in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

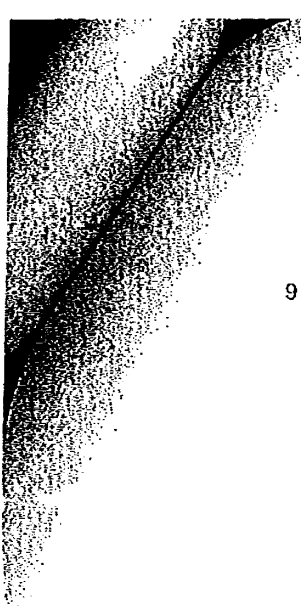
Reason: To safeguard the amenities of the [adjoining] premises [and the area generally] in accordance with the requirements of policies SD6, SD7B, SD8 and Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 7 Before the development commences, details of the proposed cycle storage area for 14 cycles in the basement and 4 cycles at ground floor level shall be submitted to and approved by the Council. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently maintained and retained.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 8 Before the development commences, details of the proposed refuse and recycling storage area shall be submitted to and approved by the Council. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently maintained and retained.





Reason: To ensure the development provides adequate refuse and recycling storage facilities, in accordance with the requirements of policies S2/3 and SD12 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 9 Details of the green and brown roofs, 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 a scheme of maintenance, shall be submitted to and approved by the Council prior to the commencement of works. Thereafter, the green and brown roofs shall be fully provided in accordance with the approved details, and permanently retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies SD9 and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006 and design advice in the Council's Supplementary Planning Guidance

- 10 The details of the artwork to be erected on the side elevation of the building as shown in drawing P-021-02 shall not be otherwise than as those submitted to and approved by the Council prior to occupation of the building. The artwork shall be provided prior to the first occupation of any of the new accommodation, and thereafter maintained and retained permanently.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies S1/ S2, B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 11 Prior to the first occupation of any of the accommodation within the development, the disabled car parking space at ground floor level shall be laid out and clearly marked in thermoplastic paint stating "Disabled Parking Bay". Thereafter, the markings shall be permanently maintained and retained unless prior written consent for their removal or alteration is given by the Council.

Reason: In order to provide a disabled car parking space in accordance with policies SD1 and T7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 12 The windows shown on drawings P015-02, P016-02, P17-02, P18-02 as having opaque glazing shall be provided with opaque glazing and fixed shut, prior to the first occupation of the units to which they relate, and permanently retained and maintained as such thereafter.

Reason: To protect the amenity of adjoining occupiers in accordance with Policies SD6 of the Replacement Unitary Development Plan 2006.

- 13 Details of the ecologist report together with a statement indicating which recommendations are to be incorporated within the scheme shall be submitted to and approved by the Council prior to the commencement of any development on the site. Thereafter, the related works shall not be carried out otherwise than in

accordance with the approved details, and they shall be permanently retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the proposed works are carried out in accordance with the requirements of policies SD9 and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006 and design advice in the Council's Supplementary Planning Guidance

14 No development shall take place until:

a) The applicant has submitted a programme of ground investigation for the presence of soil and groundwater contamination and landfill gas for approval by the Council;

b) The investigation has been carried out in accordance with the approved details and the resulting remediation measures (if necessary) have been submitted to and approved by the Council.

All approved remediation measures shall be implemented strictly in accordance with the approved details and a verification report shall be submitted to and approved by the Council.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy SD10B of the London Borough of Camden Replacement Unitary Development Plan 2006.

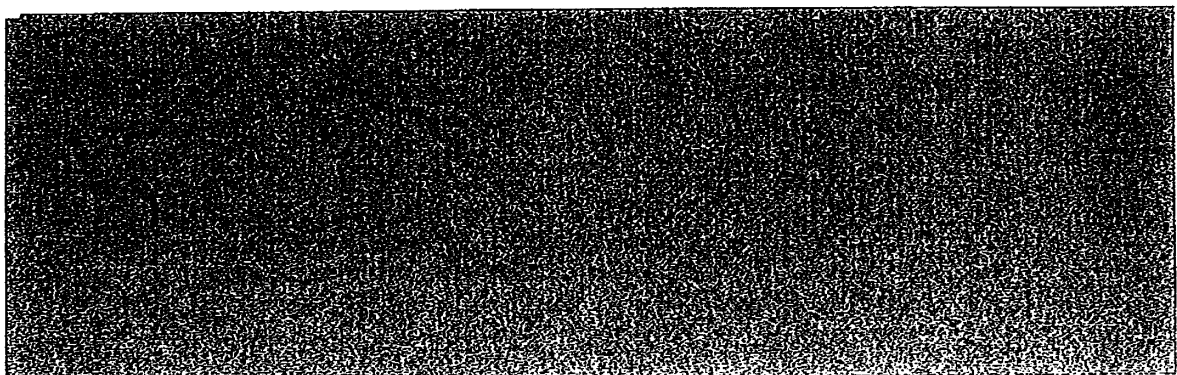
Informative(s):

1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies SD1, SD2, SD3, SD4, Sd6, SD7, SD8, SD9, SD10B, SD12, H1, H7, H8, B1, B6, B7, B9, N4, N5, N8, T1, T2, T3, T7, T8, T9, T12, E1, E2 and Appendix 1. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building



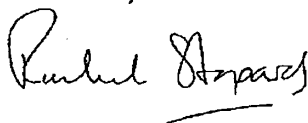
Engineer.

- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email [env.health@camden.gov.uk](mailto:env.health@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 Highways Management Team should be consulted regarding the construction of the crossover on the public highway and any other work to, under, or over, the public highway, including vaults and thresholds. The Group dealing with these matters is located at Camden Town Hall, Argyle Street, WC1H 8EQ. (tel: 020-7974 6956).
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Council's Records and Information Team, Culture and Environment Directorate, Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 5613).
- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Sites Team, Urban Design and Regeneration.
- 8 You are advised that any additional pruning of the Sycamore tree other than the 1m pruning hereby approved will require consent from the Council.
- 9 Prior to construction you are strongly advised to contact Thames Water Developer Service on 0845 850277 with regard to surface water drainage, sewerage and water infrastructure.
- 10 In good time, prior to the start of demolition or construction on site, the contractor shall discuss and agree with the Council's Highways Management Team (tel: 020-7974 6956) detailed arrangements for the transportation of goods and materials to and from the site. The Council will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site.

- 11 You are encouraged to discuss the details of the artwork that are required to be approved pursuant to the requirements of Condition 10 above with the Conservation Area Advisory Committee, Local Groups and Ward Councillors prior to making the application. Officers can advise on the appropriate groups and Councillors, and provide contact details.

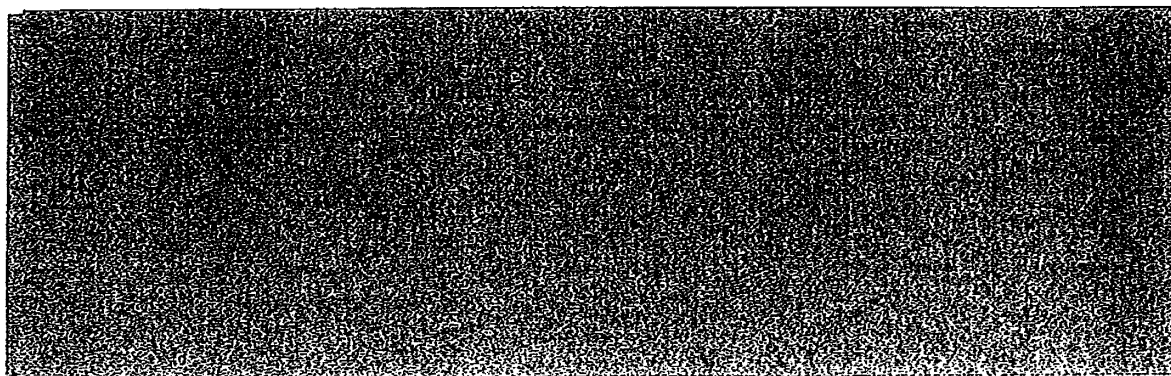
Your attention is drawn to the notes attached to this notice, which tell you about your Rights of Appeal and other information.

Yours faithfully



Rachel Stopard  
Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications on line. Just go to [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning).



THIS IS THE ANNEXURE MARKED "EXHIBIT 2"  
REFERRED TO IN THE STATUTORY DECLARATION  
OF  
PAUL BROSNAHAN

Declared at 259-263 Kentish Town Road London NW5 2JT

This 10 day of April 2011



WALTER JENNINGS & SON  
Solicitors  
259/263 Kentish Town Road  
London NW5 2JT



Cronin, Sean  
From:  
Sent:  
To:  
Subject:

Talbot, William [william.talbot@camden.gov.uk]  
11 May 2011 10:18  
Cronin, Sean; paulbroshnan@murphygroup.co.uk  
RE: Gardens of 80 & 82 Delancey Street

Sean

We are receiving calls from properties in parkway relating to the noise please can you look into this. Would it be possible if someone from your company could call into the first half a dozen shops and give them a break down on the works what is involved and how long the works will take as we have received half a dozen call this morning. The resident from 82 Delancey street has complained about vehicles outside there properties with there engines running at 7.15 am .  
Sean please can you speak to your drivers on this matter.  
Thank you.

William Talbot  
Network Co-Ordinator

Telephone: 020 7974 2243

**From:** Cronin, Sean [mailto:seancronin@murphygroup.co.uk]  
**Sent:** 04 May 2011 15:58  
**To:** Talbot, William; paulbroshnan@murphygroup.co.uk  
**Subject:** RE: Gardens of 80 & 82 Delancey Street

Bill,

We will be issuing more information on the wall in due course. This may prove that the extent of disruption to the adjoining garden(s) may be considerably less than the adjoining owners currently believe.

Once the full scope of required works are fully known, we will look on the best way of reinstating affected areas.

Regards

Sean Cronin

J Murphy and Sons Limited Hiview House Highgate Rd London NW5 1TN  
T: +44 (0)20 7267 4366 F: +44 (0)20 74823107

Safety underpins everything that the Murphy Group plans and delivers.



Please consider the environment before printing this email!

**From:** Talbot, William [mailto:william.talbot@camden.gov.uk]  
**Sent:** 27 April 2011 16:39

sean@murphygroup.co.uk

Seán

FW: Gardens of 80 & 82 Delancey Street

I have received this letter from a resident in Delancey street. I can see what there issues are is there any way that you can look into this at come back with a reply whether what she is asking for is possible. When I meet Sean on site we were discussing the works when Carolyn Clason approached us enquiring about the works she seems a very reasonable person. I will leave this with you if you have any further issues please contact me.

William Talbot  
Network Co-Ordinator

Telephone: 020 7974 2243

---

**From:** carolyn clason [mailto:carolyn.clason@hotmail.co.uk]

**Sent:** 27 April 2011 16:15

**To:** Talbot, William

**Subject:** re: Gardens of 80 & 82 Delancey Street

Dear Mr Talbot

re : The works to be carried out at the development of 'National Tyres'

Having recently had a copy of the planned removal of the existing end of the garden walls and dividing walls that affect the property known as 80 and 82 Delancet Street .

There are several reasons for this email.

1. The removal of the wall is going to damage shrubs plants lawns
2. The combination of the height of the Building which is going to be built
3. Grass requires sun to grow

In view of the fact that the walls will come done and light will not be able to get to our gardens will result in myself and my neighbour of 80 Delancey street being in breach of our tenancy agreements which are to keep good the gardens.

Whilst it clearly wont be manageable for us to maintain dead lawns , I should like to suggest that whilst the walls are coming down that consideration is taken to enable Both 80 and 82 Delancet Street to have, as a gesture of Goodwill on behalf of the Building company know to me as Murphys , the gardens concreted / paved / shingled .

I am asking This Before we have a situation arising after the works are completed and It would then be impossible for the gardens to be re constructed.

I Hope that you will see this as a reasonable request at this time.

Thanking you

Carolyn Curtis of 82 Delancey Street

Charmaine Dyer of 80 Delancey Street



the addressee only. If you receive this in error, please contact the sender and delete the material from  
your computer

our new website [www.murphygroup.co.uk](http://www.murphygroup.co.uk)

This message has been scanned for Viruses and Content and cleared by Webroot

This e-mail may contain information which is confidential, legally privileged and/or copyright protected.  
This e-mail is intended for the addressee only. If you receive this in error, please contact the sender and  
delete the material from your computer



THIS IS THE ANNEXURE MARKED "EXHIBIT 3"  
REFERRED TO IN THE STATUTORY DECLARATION  
OF  
PAUL BROSNAHAN

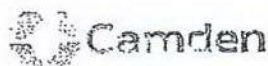
Declared at 259 - 263 Kentish Town Road NW5 2JT

This 7th day of August 2011 

WALTER JENNINGS & SON  
Solicitors  
259/263 Kentish Town Road  
London NW5 2JT

Our Ref. S106: 1454

Paul Brosnahan  
Director  
J. Murphy and Sons Ltd  
Hiview House  
Highgate Road  
London  
NW5 1TN



Placeshaping Service  
Regeneration and Planning  
Culture and Environment  
London Borough of Camden  
Town Hall Extension  
Argyle Street  
LONDON  
WC1H 8ND

Tel 020 7974 5533  
therese.gallagher@camden.gov.uk  
www.camden.gov.uk/planning

25<sup>th</sup> May 2011

Dear Mr Brosnahan,

**Town and Country Planning Act 1990 (as Amended)**  
**Re: Section 106 Agreement signed 15<sup>th</sup> May 2008**  
**Address: 86-88 Delancey Street, London, NW1 7SA**  
**Planning Reference No: 2008/0718/P**

Thank you for your recent cheque for £109,994, received on 23<sup>rd</sup> May 2011 in respect of the section 106 agreement in relation to the above planning application. I am returning your cheque as it appears that the planning permission has expired without the development being implemented. Condition 1 of the decision notice dated 15<sup>th</sup> May 2008 states that "the development hereby permitted must be begun not later than the end of three years from the date of this permission." If works have not commenced then the planning permission has now expired and the planning permission can not be implemented.

If works have commenced they must **cease immediately** while the Council ascertains if works commenced in accordance with the conditions of the planning permission and the associated legal agreement. If it is found that implementation took place before expiry works must cease until such time that the pre-implementation obligations (outlined below) are complied with.

To date no notification has been received with regard to clause 5.1 of the legal agreement which requires that "The owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place."

The Section 106 Agreement also includes a number of clauses which need to be discharged in writing by the Council prior to implementation of the planning permission.

- Clause 4.1 requires full payment of all financial contributions prior to the implementation date. Please note that under Clause 5.7 any sums referred to in the legal agreement as payable by the developer are subject to inflation if paid more than three months from the date of the legal agreement, the amounts payable are listed overleaf.



| Clause | Contribution      | Amount in clause | Indexation due | Total       |
|--------|-------------------|------------------|----------------|-------------|
| 2.13   | Education         | £53,600          | £5,440.60      | £59,040.60  |
| 2.15   | Highways          | £34,600          | £3,512.03      | £38,112.03  |
| 2.28   | Public Open Space | £21,794          | £2,212.17      | £24,006.17  |
| All    |                   | £109,994         | £11,164.80     | £121,158.80 |

The sums referred to above are valid at the time this letter is dated and may increase in future as the monthly RPI index statistics are updated.

- Clause 4.2 requires the submission and approval of a **Construction Management Plan** prior to the implementation date.
- Clause 4.3 requires the submission and approval of a **Sustainability Plan** prior to the implementation date.
- Clause 4.4 requires the submission and approval of a **Service Management Plan** prior to the implementation date.
- Clause 4.5 requires the submission and approval of a **Travel Plan** prior to the implementation date.
- Clause 4.6 requires the submission and approval of plans showing all residential units designed to **Lifetimes Homes Standards** prior to the implementation date.
- Clause 4.7 requires the submission and approval of plans for the proposed **Wheelchair Units** prior to the implementation date.

If I do not hear from you within seven days of the date of this letter I shall pass my file over to the Council's legal department for further action. Whilst litigious action is always seen by the Council as a last resort the seriousness and the number of breaches are not something that can be accepted, ignored or allowed on an informal basis. Because officers have yet to receive information under the terms of the Agreement, the Council is given no other option than to conclude that these are in fact deliberate flagrant breaches of the Agreement which will only be remedied through the taking of formal legal action. I therefore look forward to your urgent response clarifying the situation.

Yours sincerely,

*T. Gallagher*

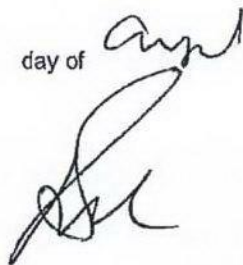
Therese Gallagher, for  
Director, Environment Department.

12164.80

THIS IS THE ANNEXURE MARKED "EXHIBIT 4"  
REFERRED TO IN THE STATUTORY DECLARATION  
OF  
PAUL BROSDAHAN

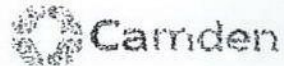
Declared at 259-263 Kentish Town Road London NW5 2JT

This 12 day of April 2011



WALTER JENNINGS & SON  
Solicitors  
259/263 Kentish Town Road  
London NW5 2JT





Our Ref. S106: 1454

**Placeshaping Service**  
Regeneration and Planning  
Culture and Environment  
London Borough of Camden  
Town Hall Extension  
Argyle Street  
LONDON  
WC1H 8ND

Tel 020 7974 5533  
therese.gallagher@camden.gov.uk  
www.camden.gov.uk/planning

Paul Brosnahan  
Director  
J. Murphy and Sons Ltd  
Hiview House  
Highgate Road  
London  
NW5 1TN

27<sup>th</sup> May 2011

Dear Mr Brosnahan,

**Town and Country Planning Act 1990 (as Amended)**  
**Re: Section 106 Agreement signed 15<sup>th</sup> May 2008**  
**Address: 86-88 Delancey Street, London, NW1 7SA**  
**Planning Reference No: 2008/0718/P**

Further to our earlier telephone conversation I am writing to confirm that all works on the site must **cease immediately** while the Council ascertains if works commenced in accordance with the conditions of the planning permission and the associated legal agreement.


The Council understands that works may have taken place at the above property which are purported to be in accordance with the planning permission referenced 2008/0718/P. However, that permission expired on 15 May 2011 without compliance with any of the obligations within the s106 Agreement dated 15 May 2008 and, it appears, without implementation of the development.

On that basis the Council considers works at the property to be in breach of planning control, which is a matter it takes very seriously.

The purpose of this letter is to facilitate a constructive dialogue with a view to avoiding the need for formal enforcement action through the courts. With this in mind and as agreed I look forward to receipt of sufficient information to evidence your contention that the works on the site began before 15 May 2011. I should point out that even if you are able to establish that works commenced prior to that date the non-compliance with the s106 obligations (in particular the Construction Management Plan and the Sustainability Plan), may invalidate the permission and you may need to apply for a renewal of the planning permission.

In the meantime I acknowledge receipt of the following documents, which are yet to be assessed:-

- The Construction Management Plan (email received 27/05/11)
- The Sustainability Plan (hard copy received by the Council 16/05/11)

- 
- Travel Plan (received by Paul Davis 13/05/11)
  - Plans showing all residential units designed to Lifetimes Homes Standards (hard copy received by the Council 16/05/11)
  - Plans showing the proposed Wheelchair Units (email received 27/05/11)

I must advise that these documents will only be assessed if it can be confirmed that the planning permission is valid. I also ask that you only send the cheque for the financial contributions if it is confirmed that the planning permission is in our view valid.

Yours sincerely,

**Therese Gallagher**, for  
Director, Environment Department.

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THIS IS THE ANNEXURE MARKED "EXHIBIT 5"  
REFERRED TO IN THE STATUTORY DECLARATION  
OF  
PAUL BROSNAHAN

Declared at 259/263 Kentish Town Road London NW5 2JT

This 3rd day of April 2011



WALTER JENNINGS & SON  
Solicitors  
259/263 Kentish Town Road  
London NW5 2JT



# MURPHY

J. Murphy & Sons Limited

Place Shaping Service  
Regeneration and Planning  
Culture and Environment  
London Borough of Camden  
Town Hall Extension  
Argyle Street  
London  
WC1H8ND

1<sup>st</sup> June 2011

For the attention of Therese Gallagher

Dear Therese,

Re: 86-88 DELANCEY STREET

Further to your letters dated 25<sup>th</sup> May 2011 and 27<sup>th</sup> May 2011 we wish to comment as follows.

The following processes took place prior to the 15<sup>th</sup> May 2011 to implement planning permission 2008/0718/P.

#### Planning Decision Notice

Planning Permission Decision Notice 2011/0399/P dated 28<sup>th</sup> March 2011 from the London Borough of Camden make reference to our letter dated 23<sup>rd</sup> March 2011 which stated that work will commence no later than 4<sup>th</sup> May 2011.

#### Asbestos samples

Samples were taken from the building and sent to I2 Analytical Ltd. for analysis on 29<sup>th</sup> March 2011 and received by them on 31<sup>st</sup> March 2011.

#### Party Wall Notices

All the Party Wall Notices were sent out on the 1<sup>st</sup> April 2011. Schedule of condition surveys were completed on all the adjoining properties between 26<sup>th</sup> April and 13<sup>th</sup> May 2011.

#### Meeting on site with the London Borough of Camden

On 13<sup>th</sup> April 2011 a meeting took place on site between William Talbot of the London Borough of Camden and Sean Cronin of J. Murphy & Sons Ltd. regarding the upcoming construction works on the site. During these discussions our draft Construction Plan and site logistics were discussed in detail. The recommendations made by William Talbot were incorporated in the final version of the construction plan.



A member of the Murphy Group

Hiview House, Highgate Road, London NW5 1TN. Tel: 020 7267 4366. Fax: 020 7482 3107. Email: [mail@murphygroup.co.uk](mailto:mail@murphygroup.co.uk) Web: [www.murphygroup.co.uk](http://www.murphygroup.co.uk)

MURH001/FP/00157

Registered Office: Hiview House, Highgate Road, London NW5 1TN. Registered in England No. 492042



#### **Temporary Crossovers**

After the discussions with William Talbot an application form was sent to the London Borough of Camden on 19<sup>th</sup> April 2011 for two temporary crossovers confirming the commencement of construction work as of 9<sup>th</sup> May 2011.

#### **Site Security**

We secured the site on 21<sup>st</sup> April by erecting a fence and placing some storage units on the forecourt.

#### **Commencement Notice**

A notice dated 21<sup>st</sup> April 2011 was sent to the London Borough of Camden confirming commencement of work on site by Quadrant who are our appointed approved Inspectors.

#### **HSE**

We informed the HSE on 28<sup>th</sup> April 2011 by way of an F10 notice that we were commencing work on 3<sup>rd</sup> May 2011.

This was completed by Sue Fullard of Fullard Rosler our appointed CDM coordinator.

#### **Commencement of Work**

We commenced on site on 3<sup>rd</sup> May 2011.

The following operations commenced

- Commence site set up.
- Location of services.
- Commenced site surveys.
- Commenced demolition.
- Site electrical service isolation commenced.
- Commenced trial holes.
- Surveyed drainage system.
- Connected site toilets up to existing system.

#### **Acknowledgements by the London Borough of Camden**

On 5<sup>th</sup> May 2010 the London Borough of Camden sent Quadrant our approved inspectors an acceptance of our Initial notice dated 21<sup>st</sup> April 2011 notice.

On 5<sup>th</sup> May 2011 the London Borough of Camden sent Quadrant our approved inspectors an acknowledgement of our Initial notice which involved demolition dated 21<sup>st</sup> April 2011 notice.

#### **Notice of Demolition**

On 6<sup>th</sup> May 2011 a notice regarding the demolition works including a cheque for £300 was sent to the London Borough of Camden by J. Murphy & Sons Ltd. This consisted of a completed BC104 form stating commencement of demolition works on 9<sup>th</sup> May 2011.

#### **Licence for Temporary Crossovers**

On 6<sup>th</sup> May we received a letter from the London Borough of Camden confirming our licence for the two temporary crossovers.

#### **Further Demolition**

On 9<sup>th</sup> May we commenced demolition of walls, cladding, concrete slabs and structural steelwork.

#### **Asbestos survey**

On 10<sup>th</sup> May 2011 Type 3 asbestos survey was carried out by EnviroSurv Ltd.

#### **Asbestos Strip Out**

On 11<sup>th</sup> May 2011 the asbestos strip out commenced.

On 12<sup>th</sup> May we received an acknowledgement from the London Borough of Camden of our notice dated 6<sup>th</sup> May 2011 confirming that we were commencing demolition on 9<sup>th</sup> May 2011.

#### **Further Asbestos Strip Out**

On 13<sup>th</sup> May 2011 a 14 day asbestos notification of notifiable asbestos was sent to the HSE.

Please find attached backup documentation to support our activities listed above.

All the pre-development conditions of planning permission 2008/0718/P had been satisfied and works commenced before the planning permission expired and as such is lawful and we request the Council's formal acknowledgement of this fact.

Following your e-mail and letter dated 27<sup>th</sup> May 2011 we have ceased work on the site and will cease further development until the obligations are discharged with the terms of the S106 agreement.

We apologise for any breach of the Section 106 agreement there has been but as you can see from the above we have kept you informed of all our works and have not tried to mislead you.

Can we arrange a meeting to discuss the finalisation of these requirements at your earliest convenience?

Yours sincerely



P. Brosnahan

Director

DATED

29<sup>th</sup> July

2011

SEAN CRONIN

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STATUTORY DECLARATION

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Relating to

Planning Permission for the construction of a 5-storey building with detached 2 story unit at the rear at  
86-88 Delancey Street, London

Shoosmiths

7th Floor  
125 Colmore Row  
Birmingham  
B3 3SH

(Ref MYW.187055.8)



I, Sean Cronin of 32 Paddock Road, London NW2 7DL, do solemnly and sincerely declare as follows:

- 1 I am a Commercial Manager employed by J Murphy & Sons Limited ("**Murphy**") and have been since 25 August 1994. My qualifications are BSc Degree in Quantity Surveying. My role at Murphy involves all financial aspects of construction projects including appointment of professional services and assisting in procuring of subcontractors and materials..
- 2 Murphy is the owner of the property known as the 86-88 Delancey Street, London NW1 7SA (the "**Application Site**"). That property has planning permission for the construction of a 5-storey building with detached 2 story unit at the rear granted by the local planning authority, the London Borough of Camden Council (the "**LPA**"), on 15 May 2008 carrying reference number 2008/0718 (the "**Planning Permission**"). I attach at **Exhibit 1** a copy of the decision notice.
- 3 Since early 1st February 2011, I have been actively involved in the appointment of a full design team to implement, on behalf of Murphy, the Planning Permission. Between February 2011 and March 2011, Paul Brosnahan from Murphy and myself appointed the following design team members to commence works to implement the Planning Permission on 3 May 2011. I attach at **Exhibit 2** a copy of the appointments.
  - 3.1 Nick Baker Architects;
  - 3.2 TZG Partnership;
  - 3.3 Environmental Engineering Partnership;
  - 3.4 Quadrant Approved Inspectors;
  - 3.5 Fullard Rosier;
  - 3.6 Ecofirst;
  - 3.7 JMP Consultants;
  - 3.8 Sandy Brown Associates; and
  - 3.9 Tenos Limited.
  - 3.10 Solutions In Buildings Ltd
- 4 Regular meetings with the design team were held, which I attended, on 18 February 2011, 2 March 2011, 31 March 2011, 21 April 2011 and 17 May 2011 in the offices of Nick Baker Architects at 11 Northburgh Street, London EC1V 0AN.
- 5 During February, March and April 2011 all the outstanding pre-development planning conditions of the Planning Permission were discharged and I attach at **Exhibit 3** copies of the LPA's written confirmation of such compliance with the relevant conditions.
- 6 In March 2011 I instructed Paul Hart, Murphy's foreman for the development, to prepare the timber hoarding for the Application Site and have it ready prior to the commencement of the works.
- 7 On 21 April 2011, I asked Sue Fullard of Fullard Rosier to complete and send a F10 form to the Health and Safety Executive notifying them of the proposed commencement date of the construction project of 3 May 2011. I attach a copy of this form at **Exhibit 4**.

- 8 On 1 February 2011, I met with Richard Rushton from Solutions in Buildings Limited at the Application Site with a view to appointing his company as Murphy's party wall representative. I confirmed their appointment in writing on 8 February 2011. All Party Wall Notices were served by 1 April 2011. Copies of the notices are attached at **Exhibit 5**. The notices indicate that works would commence within one month of 1 April 2011.
- 9 On 13 April 2011, I met with Bill Talbot from the LPA at the Application Site where we discussed Murphy's proposed draft construction plan. I advised him that we were commencing works on 3 May 2011 and we discussed in detail how we would like to have two temporary crossovers constructed. One was to be constructed by 84 Delancey Street approx 7m wide and another by 105 Parkway approx 5.5m wide. A copy of the draft construction plan, with hand written notes made by me on section 2 and 3 of the plan following our detailed discussion, is attached at **Exhibit 6**.
- 10 On 19 April 2011, I submitted Building Licence Application Form to the LPA which again indicated a proposed commencement date of 3 May 2011. I enclosed with that form a cheque for £7,620 in respect of the application fee. A copy of that form is attached at **Exhibit 7**.
- 11 I received acknowledgements of receipt of those applications from the LPA together with a Temporary Crossover Licence indicating a licence start date of 5 May 2011. These are attached at **Exhibit 8**.
- 12 I instructed Quadrant Approved inspectors on 21 April 2011 to give notice to the LPA as to the commencement of works on the Application Site. They notified the LPA accordingly on that date and I attach at **Exhibit 9** a copy of that notice.
- 13 On 21 April 2011, I also instructed Paul Hart to secure the Application Site with a Murphy Container and haras fence panels.
- 14 I attended the Application Site on 3 May 2011 to confirm that it was vacant.
- 15 On 5 May 2011, the LPA replied to Quadrant Approved's notification of the commencement of works, enclosing Demolition Notice form. I returned the completed form together with a cheque for £300 and confirmation of a proposed start date of 9 May 2011. I attach at **Exhibit 10** a copy of that notice. I attach at **Exhibit 11** a copy of the received acknowledgement of application No.11D/0683 from LPA on 12 May 2011
- 16 I organised that an asbestos survey be carried out at the Application Site on 10 May 2011. A cherry picker was delivered to the Application Site on that date in preparation for the demolition of the roof.
- 17 Between 21 April 2011 and 13 May 2011, I visited the Application Site regularly for informal meetings with the site manager and site engineer to discuss progress and inform them of appointments of subcontractors. During these visits I witnessed the following operations on the dates listed:
- 17.1 The erection of the initial temporary fence — 21 April 2011
- 17.2 The erection of the more permanent secure site hoarding — 6 May 2011
- 17.3 The erection of the site accommodation, offices, storage and toilets — 11 May 2011
- 17.4 The demolition of walls — 11 May 2011



- 17.5 The breaking out of floor slabs — 11 May 2011
- 17.6 The demolition of the main warehouse roof to rear — 11 May 2011
- 17.7 The removal of debris from the Application Site — 13 May 2011
- 17.8 The removal of cladding — 13 May 2011
- 18 On 11 May 2011, I received an e-mail from an adjoining tenant acknowledging that our construction work was creating noise and vibration. On 11 May 2011, I received an e-mail from the LPA informing us that they had received complaints from various properties regarding our works. Copies of these emails are attached at **Exhibit 12**.
- 19 On 11 May 2011, I met David Simcox (Environmental Engineering Partnership), Tom Eden (UK Power Networks) on the Application Site to discuss the permanent electricity supply for the new development. Michael Monaghan from Murphy was also in at the Application Site that day. I witnessed the ongoing roof demolition works.
- 20 I confirm that works to commence the development authorised by the Permission took place at the Application Site before my visit to it on 11 May 2011 and continued on that date.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

DECLARED at

WALTER JENNINGS & SON  
Solicitors  
259/263 Kentish Town Road  
London NW5 2JT

*Sean Cronin* .....

This 29<sup>th</sup> day of JULY 2011

Before me



.....  
Solicitor/Commissioner for Oaths


MR. S. SANDHU  
Solicitor  
Authorised to Administer  
Oaths

THIS IS THE ANNEXURE MARKED "EXHIBIT 1"  
REFERRED TO IN THE STATUTORY DECLARATION  
OF  
SEAN CRONIN

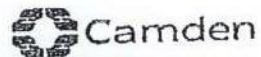
WALTER JENNINGS & SON  
Solicitors  
259/263 Kentish Town Road  
London NW5 2JT

Declared at .....

This 29<sup>th</sup> day of July 2011

before me 

MR. S. SANDHU  
Solicitor  
Authorised to Administer  
Oaths



Development Control  
Planning Services  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND

Tel 020 7278 4444  
Fax 020 7974 1680  
Textlink 020 7974 6866

env.devcon@camden.gov.uk  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

N.Baker  
Nick Baker Architects  
3rd Floor  
11 Northburgh Street  
LONDON  
EC1V 0AN

Application Ref: 2008/0718/P  
Please ask for: Sharon O Connell  
Telephone: 020 7974 5101

15 May 2008

Dear Sir/Madam

### DECISION

Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988

**Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:  
86-88 Delancey Street  
London  
NW1 7SA

#### Proposal:

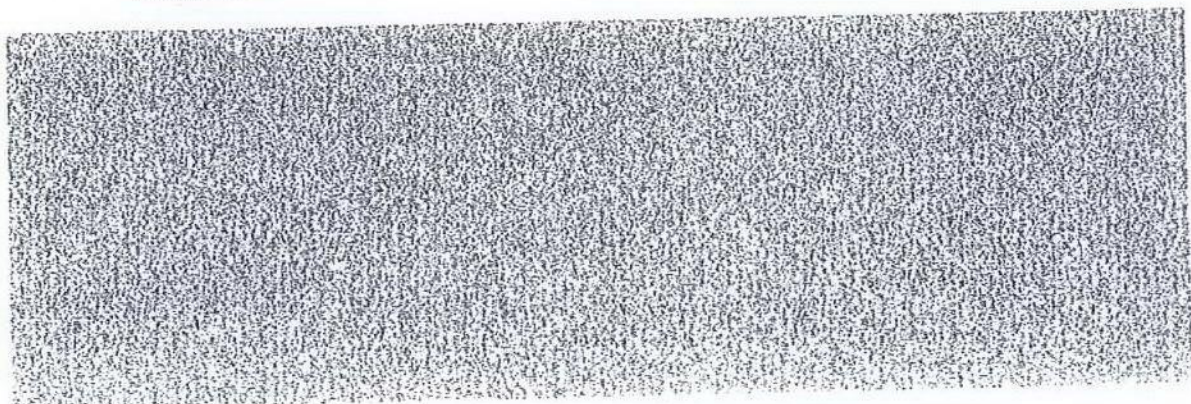
Redevelopment of the site by the erection of a 5-storey building with office space (Class B1) at ground floor level and residential space above (Class C3) providing 14 self-contained units (4 x 1-bed, 5 x 2-bed and 5 x 3-bed units), including a detached 2-storey unit at rear providing office space (Class B1), 7 underground car parking spaces, a disabled parking space and vehicle waiting area at ground floor level for residents.  
Drawing Nos Location Plan P-010, P003; 004; 005; 006; 007; P-013-03; 014-02; 015-02; 016-02; 017-02; 018-02; 019-02; P-020-02; 021-02; 022-02; 023-02; 024-04; P-011;



PAVING THE WAY FOR THE FUTURE

Page 1 of 7

Director of Culture & Environment  
Rachel Steward





RG-06-670-07A; 06B; 05B; 04B; 03B; 01A; 02B; Sustainability Report 13th February 2008;  
Daylight/Sunlight Report dated 31st October 2007; Transport Statement; Code of  
Sustainable Homes Pre-Assessment for Delancey Street; Building Research Establishment  
Environmental Assessment Method Breeam for offices 2006 Pre-Assessment Report;  
Planning Report 13/02/2008

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended)

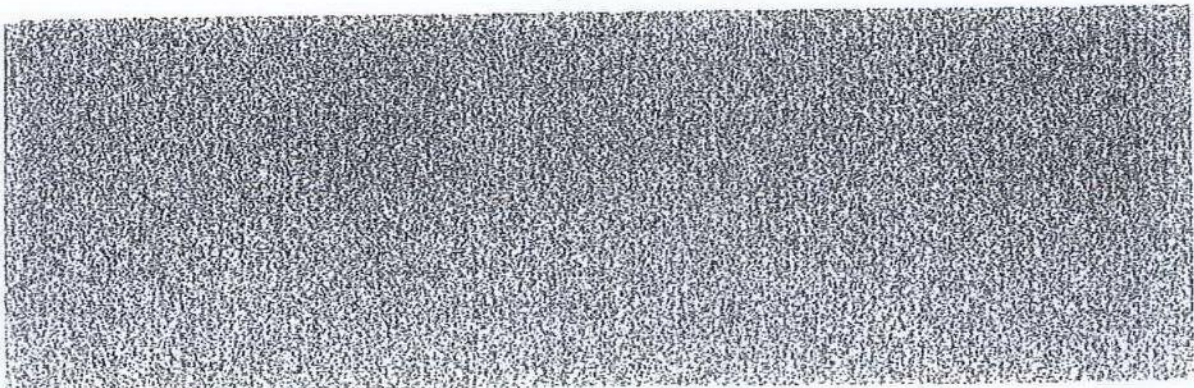
- 2 The details of all the facing materials [ including the windows, glazing, balconies, doors (including the bin store and entrance gates), facing materials, solar thermal panels and any boundary treatment] to be used on the building shall not be otherwise than as those submitted to and approved by the Council before any work is commenced on the relevant part of the development. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved. A sample materials board should be erected on site for Local Planning Authority inspection for the duration of construction.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies S1/ S2 and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies B1 and N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 4 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or





become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies B1 and N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 5 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage. Details shall be submitted to and approved by the Council before works commence on site to demonstrate how the sycamore tree at 77 Parkway shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837:2005 "Trees in Relation to Construction"

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

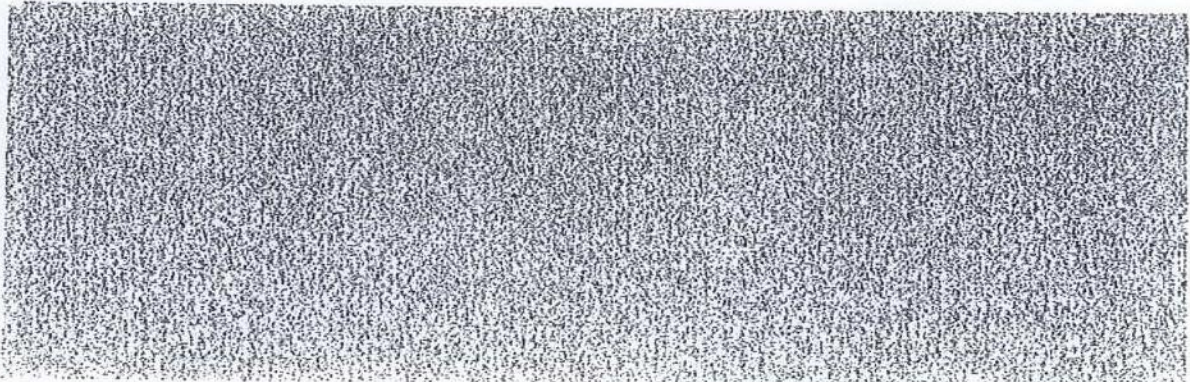
- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment are in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the [adjoining] premises [and the area generally] in accordance with the requirements of policies SD6, SD7B, SD8 and Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 7 Before the development commences, details of the proposed cycle storage area for 14 cycles in the basement and 4 cycles at ground floor level shall be submitted to and approved by the Council. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently maintained and retained

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 8 Before the development commences, details of the proposed refuse and recycling storage area shall be submitted to and approved by the Council. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently maintained and retained.





accordance with the approved details, and they shall be permanently retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the proposed works are carried out in accordance with the requirements of policies SD9 and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006 and design advice in the Council's Supplementary Planning Guidance

14 No development shall take place until:

a) The applicant has submitted a programme of ground investigation for the presence of soil and groundwater contamination and landfill gas for approval by the Council;

b) The investigation has been carried out in accordance with the approved details and the resulting remediation measures (if necessary) have been submitted to and approved by the Council.

All approved remediation measures shall be implemented strictly in accordance with the approved details and a verification report shall be submitted to and approved by the Council.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy SD10B of the London Borough of Camden Replacement Unitary Development Plan 2006.

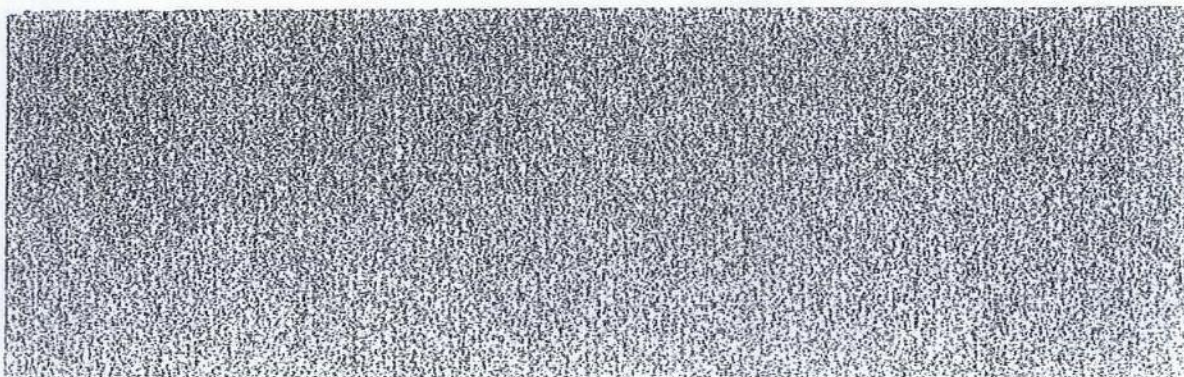
Informative(s):

1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies SD1, SD2, SD3, SD4, SD6, SD7, SD8, SD9, SD10B, SD12, H1, H7, H8, B1, B6, B7, B9, N4, N5, N8, T1, T2, T3, T7, T8, T9, T12, E1, E2 and Appendix 1. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building





Reason: To ensure the development provides adequate refuse and recycling storage facilities, in accordance with the requirements of policies S2/3 and SD12 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 9 Details of the green and brown roofs, 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 a scheme of maintenance, shall be submitted to and approved by the Council prior to the commencement of works. Thereafter, the green and brown roofs shall be fully provided in accordance with the approved details, and permanently retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies SD9 and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006 and design advice in the Council's Supplementary Planning Guidance

- 10 The details of the artwork to be erected on the side elevation of the building as shown in drawing P-021-02 shall not be otherwise than as those submitted to and approved by the Council prior to occupation of the building. The artwork shall be provided prior to the first occupation of any of the new accommodation, and thereafter maintained and retained permanently.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies S1/ S2, B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

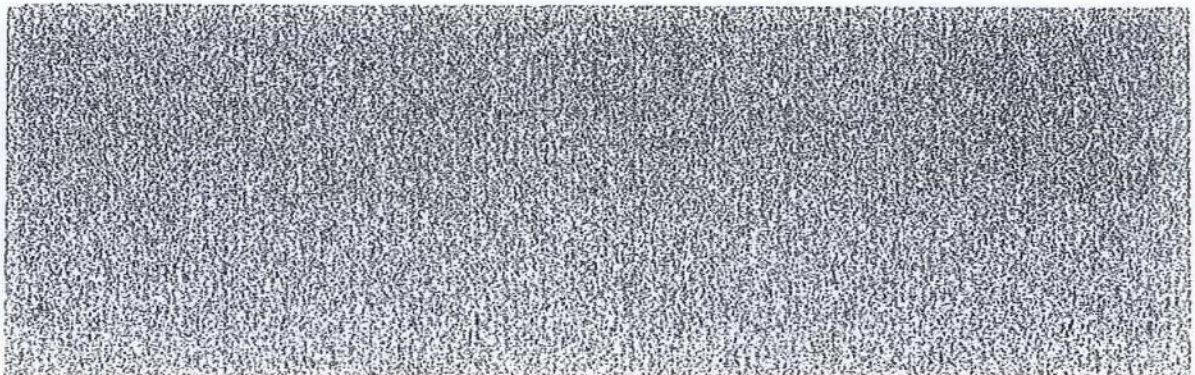
- 11 Prior to the first occupation of any of the accommodation within the development, the disabled car parking space at ground floor level shall be laid out and clearly marked in thermoplastic paint stating "Disabled Parking Bay". Thereafter, the markings shall be permanently maintained and retained unless prior written consent for their removal or alteration is given by the Council.

Reason: In order to provide a disabled car parking space in accordance with policies SD1 and T7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 12 The windows shown on drawings P015-02, P016-02, P17-02, P18-02 as having opaque glazing shall be provided with opaque glazing and fixed shut, prior to the first occupation of the units to which they relate, and permanently retained and maintained as such thereafter.

Reason: To protect the amenity of adjoining occupiers in accordance with Policies SD6 of the Replacement Unitary Development Plan 2006.

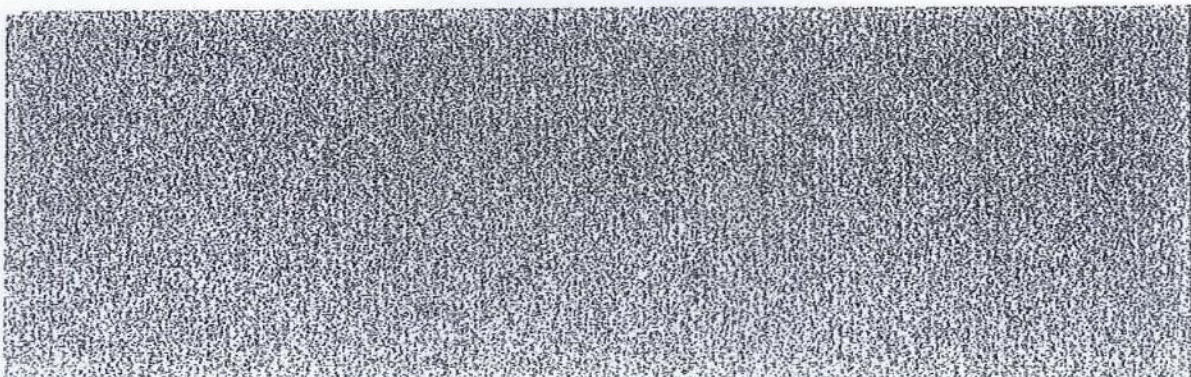
- 13 Details of the ecologist report together with a statement indicating which recommendations are to be incorporated within the scheme shall be submitted to and approved by the Council prior to the commencement of any development on the site. Thereafter, the related works shall not be carried out otherwise than in





Engineer.

- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08 00 and 18.00 hours Monday to Friday and 08.00 to 13 00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service. Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email [env.health@camden.gov.uk](mailto:env.health@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 Highways Management Team should be consulted regarding the construction of the crossover on the public highway and any other work to, under, or over, the public highway, including vaults and thresholds. The Group dealing with these matters is located at Camden Town Hall, Argyle Street, WC1H 8EQ. (tel: 020-7974 6956).
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Council's Records and Information Team, Culture and Environment Directorate, Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 5613).
- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Sites Team, Urban Design and Regeneration.
- 8 You are advised that any additional pruning of the Sycamore tree other than the 1m pruning hereby approved will require consent from the Council.
- 9 Prior to construction you are strongly advised to contact Thames Water Developer Service on 0845 850277 with regard to surface water drainage, sewerage and water infrastructure.
- 10 In good time, prior to the start of demolition or construction on site, the contractor shall discuss and agree with the Council's Highways Management Team (tel: 020-7974 6956) detailed arrangements for the transportation of goods and materials to and from the site. The Council will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site.

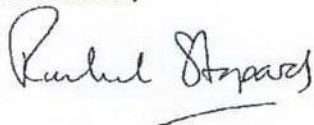




- 11 You are encouraged to discuss the details of the artwork that are required to be approved pursuant to the requirements of Condition 10 above with the Conservation Area Advisory Committee, Local Groups and Ward Councillors prior to making the application. Officers can advise on the appropriate groups and Councillors, and provide contact details

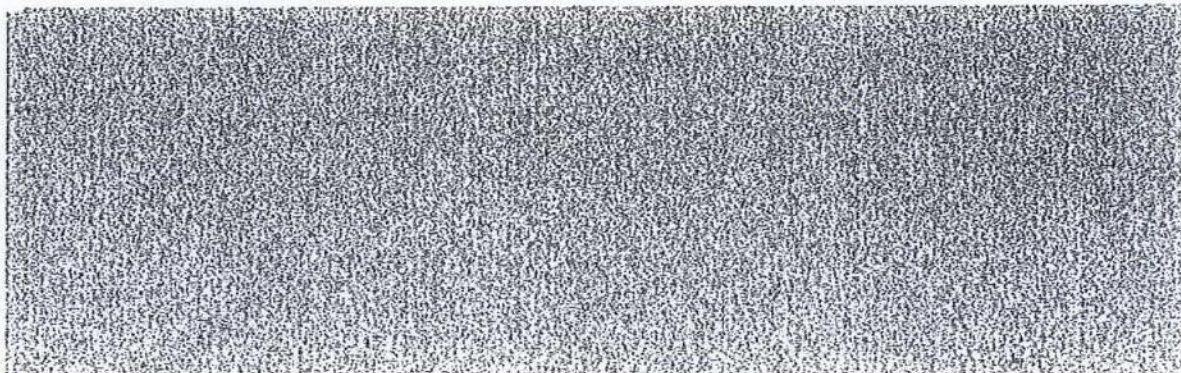
Your attention is drawn to the notes attached to this notice, which tell you about your Rights of Appeal and other information.

Yours faithfully



Rachel Stopard  
Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications on line. Just go to [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning).



THIS IS THE ANNEXURE MARKED "EXHIBIT 2"  
REFERRED TO IN THE STATUTORY DECLARATION  
OF  
SEAN CRONIN

WALTER JENNINGS & SON  
Solicitors  
259/263 Kentish Town Road  
London NW5 2JT  
Declared at .....

This 29<sup>th</sup> day of July 2011

before me 

MR. S. SANDHU  
Solicitor  
Authorised to Administer  
Oaths