



Our Ref: LPL 682B 24-04-2015

Jonathan McClue
Planning Department
London Borough of Camden
5 Pancras Square
London
N1C 4AG

24th April 2015

Dear Jonathan

Re: Section 106BA Application
22 Tower Street, London, WC2H 9TW

Leith Planning Limited is instructed by English Rose Estates (Tower St) Limited (the "Owner") to submit a Section 106BA Application in accordance with the Town and Country Planning Act 1990 (as amended) in relation to 22 Tower Street, London.

This methodology, namely the submission of a Section 106BA Application, was agreed in writing with Camden Council in email correspondence from Sarah Ballantyne-Way dated 24th February 2015, a copy of which is attached.

This Section 106BA application seeks to vary the affordable housing provision set out in the Section 106 Agreement dated 26th November 2014 associated with Grant of Consent Reference: 2014/3425/P.

In accordance with "Annex B Procedural Note: applications and appeals" published by the Department for Communities and Local Government Guidance Note entitled "Section 106 affordable housing requirements Review and appeal" dated April 2013, I can confirm as follows:

- **Progress report:** Following the Grant of Consent on 26th November 2014 in relation to application reference 2014/3425/P, a Section 73 application has been submitted and is currently pending determination.
- **Evidence:** Gerald Eve was instructed to prepare a detailed Financial Viability Assessment, demonstrating that the affordable housing element cannot be delivered on site at 22 Tower Street from a practical perspective and then test the viability of an offsite

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contribution in the form of a payment in lieu. This document has been forwarded to the Council under separate cover along with a confidentiality clause pertaining to the commercially sensitive content of the report.

- **Notification:** In accordance with the DCLG Guidance, a copy of this letter has been sent to the signatory named on the Section 106 Agreement, namely LaSalle Investment Management ("the Mortgagee"). As such, I can confirm that all signatories of the Section 106 Agreement dated 26th November have been notified of this Section 106BA Application.

It is noted that the London Borough of Camden has 28 days in which to make a determination under Section 106BA unless both parties agree in writing to extend this period. I understand that the Financial Viability Assessment will be delivered to the Council's offices on Monday 27th April and as such, the deadline for determination of this application is **24th May 2015**.

I would be grateful if you would confirm safe receipt of this application and how you will publicise this application.

I look forward to hearing from you.

Yours sincerely



Samantha Nicholls
BA (Hons) MTCP
Group Planning Director

cc English Rose Estates (Tower St) Limited
LaSalle Investment Management



From: Sam@leithplanning.co.uk [mailto:Sam@leithplanning.co.uk]
Sent: 23 February 2015 16:08
To: Ballantyne-Way, Sarah
Cc: Ockert Van Den Berg
Subject: 22 Tower Street

Hi Sarah

I hope you are well.

Following our telephone conversation at the end of last week I can confirm that I am awaiting a return call from the RICS Institute regarding their leading expert in vacant building credit.

I have also reviewed the point you raised with regards to the Growth and Infrastructure Act Section 106BA and have also read "Section 106 affordable housing requirements Review and appeal" available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192641/Section_106_affordable_housing_requirements_-_Review_and_appeal.pdf which deals with situations where a viability assessment was not produced in the first instance and reads:

"14. In those cases where an original viability appraisal was not prepared prior to planning permission being granted, the developer must clearly demonstrate through evidence why the existing scheme is not viable. A proposal to bring the scheme into viability should be submitted."

As such, I am satisfied that an Section 106BA application could be made to Camden Borough Council; albeit I would be most grateful if you would confirm the same.

I would also be most grateful if you would provide me with an update on the current application for

Tower Street.

Many thanks

Sam

Samantha Nicholls

Group Planning Director
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[Leith Planning Limited](#)



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