

our ref: **Q40227**
your ref:
email: poppy.carmody-morgan@quod.com
date: 30 November 2015



FAO: Rob Tulloch
London Borough of Camden
Regeneration and Planning
Culture and Environment
6th Floor
Town Hall Extension (Development Management)
Argyle Street
London
WC1H 8ND

Dear Rob,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
S73 APPLICATION TO VARY CONDITIONS 7, 8, 10, 13, 21-29, 31 and 32 OF APPLICATION REF: 2014/5840/P
MAITLAND PARK ESTATE
SUBMITTED ON BEHALF OF THE LONDON BOROUGH OF CAMDEN

a) Introduction

We are instructed by our client, London Borough of Camden, to submit an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 7, 8, 10, 13, 21-29, 31 and 32 attached to planning permission ref: 2014/5840/P.

The approved redevelopment of the Maitland Park Estate will provide substantive benefits for the local community and as such the Housing Department at the London Borough of Camden are keen to begin work as soon as possible to deliver these benefits.

In order to achieve this, they wish to make minor amendments to the conditions attached to planning permission 2014/5840/P. The minor variations are proposed to allow preparatory works to begin on site prior to the approval of some details currently reserved by conditions. The proposed changes will also allow the London Borough of Camden to progress sooner with the provision of the MUGA. These changes, as discussed below, are not considered to be significant and continue to be consistent with the main objectives of the original conditions.

Paragraph 62 of the DCLG Guidance 'Greater flexibility for planning permissions' (2010) states that:

"a minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved."

The changes proposed will facilitate limited site preparation works and works in relation to the MUGA to be undertaken before certain conditions are discharged. The suggested amendments will not result in scheme substantially different from that which has been approved.

The application comprises of the following information in line with the Council's validation requirements:

- Application Form, duly completed;
- CIL Form, duly completed;
- Council Own Development Form, duly completed;
- Schedule of Article 13 Notices Served;
- Planning permission ref. 2014/5840/P;
- Site Location Plan;
- This supporting letter; and
- Cheque for £195 in payment of the relevant application fee.

Under Article 9(4)(a) of the DMPO 2015, a Design and Access Statement is not required to support an application to develop land without compliance with conditions previously attached (i.e. applications made under Section 73). On this basis, a Design and Access Statement has not been prepared.

b) Proposed Variation of Conditions

This Section 73 application proposes that 15 conditions are varied. The purpose being to allow London Borough of Camden to deliver public benefits of the Maitland Park regeneration proposals, including the MUGA, as early as possible. The proposed amendments to the conditions are set out in full in the table in Appendix 1 of this letter. For clarity, no amendments are proposed to conditions 1, 2, 3, 4, 5, 6, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 30.

In summary, the proposed amendments sought are as follows:

- Conditions that require detail to be submitted before the MUGA can be commenced are proposed to read:

"Prior to commencement of development of either the relevant phase of the development, or works in connection with the MUGA, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, full details ofshall be submitted...."(or similar, see Appendix 1 for full details).

This is to allow details to be submitted separately for the MUGA and for each of the different phases (and therefore allow an earlier delivery of the MUGA).

Conditions where this approach has been taken are: 7, 10, 13, 22, 28 and 29.

- Conditions that do not require detail to be submitted before the MUGA can be commenced (because they relate to other parts of the development) are proposed to read: "Prior to implementation of each phase of the development, other than site clearance and preparation, relocation of services,

utilities and public infrastructure, demolition or works in relation to the MUGA, the applicant shall submit..." (or similar, see Appendix 1 for full details).

This is to allow commencement of the MUGA and other site preparatory work where specific information is not relevant for the MUGA/site preparatory works and therefore there is not a need for it to be submitted before work can commence. In the case of financial contribution conditions (23, 24, 25, 27, 32) we consider that the provision of the MUGA is a public benefit in itself and therefore it should be able to be delivered ahead of the main construction works on phase 1 and 2 beginning (where the financial contributions will become payable).

Conditions where this approach has been taken are: 8, 21, 23, 24, 25, 26, 27, 31 and 32.

c) Shadow S106 Legal Agreement

Planning permission ref: 2014/5840/P is accompanied by a shadow S106 legal agreement. There are a number of timing triggers referred to in the shadow S106 agreement and we consider that for completeness these should be updated to accurately reflect the variation in timings proposed within this application. It is proposed that a Deed of Variation will be progressed with the Council when this minor material amendment application has been validated.

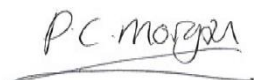
d) Conclusion

It is considered that the proposed modifications to Conditions 7, 8, 10, 13, 21-29, 31 and 32 attached to planning permission 2014/5840/P cause no harm in planning terms. The development would be delivered as previously approved but these proposed amendments would allow work on some elements of the development to begin sooner, ensuring the benefits of the scheme are delivered to the local community without delay.

It is considered that the proposed amendments respect and preserve the key objectives of the original conditions whilst allowing preparatory work and development of the MUGA to be undertaken before the main construction works commence.

We trust the enclosed is sufficient for you to validate the application and we look forward to receiving confirmation of this in due course. If for any reason this is not the case, please contact us immediately.

Yours sincerely,



Poppy Carmody-Morgan
Senior Planner

Appendix 1: Proposed variation of conditions associated with application ref: 2014/5840/P

Condition Ref:	Current Condition Wording	Proposed Condition Wording
7	<p>“Prior to commencement of development full details of the proposed sustainable urban drainage systems shall be submitted to and approved in writing by the local planning authority. Full calculations must be provided to demonstrate that the system designs will be based on a [1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff in accordance with site wide foul and surface water drainage strategy (31879-MP-CV-130 Rev P02, Apr 2014). The system shall be implemented as part of the development and thereafter retained and maintained.”</p>	<p>“Prior to commencement of development of either the relevant phase of the development, or works in connection with the MUGA, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, full details of the proposed sustainable urban drainage systems shall be submitted to and approved in writing by the local planning authority. Full calculations must be provided to demonstrate that the system designs will be based on a [1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff in accordance with site wide foul and surface water drainage strategy (31879-MP-CV-130 Rev P02, Apr 2014). The system shall be implemented as part of the development and thereafter retained and maintained.”</p>
8	<p>“At least 28 days before development commences:</p> <ul style="list-style-type: none"> a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing. 	<p>“At least 28 days before development of the relevant phase commences, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the MUGA:</p> <ul style="list-style-type: none"> a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of

Condition Ref:	Current Condition Wording	Proposed Condition Wording
	The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation”.	remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing. The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation”.
10	“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 local planning authority in writing (with input from the Councils Transport department). 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”.	“No development shall take place on either the relevant phase of the development, or works in connection with the MUGA, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, 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 local planning authority in writing (with input from the Councils Transport department). 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”.
13	“Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and	“Prior to the commencement of any works on either the relevant phase of the development, or works in connection with the MUGA, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the

Condition Ref:	Current Condition Wording	Proposed Condition Wording
	standards set out in BS5837:2012 "Trees in Relation to Construction". 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 in accordance with the approved protection details."	Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 in accordance with the approved protection details."
21	<p>"Prior to implementation of each phase of the development, the applicant and/or developer shall submit to the local planning authority a design stage Sustainability Assessment setting out the manner in which the development will achieve Code for Sustainable Homes (CfSH) level 4 for the residential units.</p> <p>The development shall be implemented in accordance with the Assessment as approved.</p> <p>Prior to first occupation of each phase of the residential units, a post-completion certificate which demonstrates that the phase has achieved Level 4 shall be submitted to and approved in writing by the local planning authority".</p>	<p>"Prior to implementation of each phase of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the MUGA, the applicant and/or developer shall submit to the local planning authority a design stage Sustainability Assessment setting out the manner in which the development will achieve Code for Sustainable Homes (CfSH) level 4 for the residential units.</p> <p>The development shall be implemented in accordance with the Assessment as approved.</p> <p>Prior to first occupation of each phase of the residential units, a post-completion certificate which demonstrates that the phase has achieved Level 4 shall be submitted to and approved in writing by the local planning authority".</p>
22	Prior to implementation, including demolition, of each phase of the development, a Construction Management Plan (CMP) including an	Prior to implementation, including demolition, of either the relevant phase of the development, or works in connection with the MUGA, a

Condition Ref:	Current Condition Wording	Proposed Condition Wording
	<p>Air Quality Assessment) shall be submitted to and approved by the local planning authority.</p> <p>The CMP shall set out all measures that the Owner will adopt in undertaking the demolition of the existing buildings and the construction of the Development using good site practices in accordance with the Council's Considerate Contractor Manual. Such plan shall include measures to for ensuring highway safety and managing transport, deliveries and waste (including recycling of materials) throughout the demolition and construction periods and which demonstrates consideration of and liaison with other concurrent developments in the wider area.</p> <p>The plan shall also include details of a community working group involving local residents and businesses, a contractor complaints/call-line and measures to be carried out to mitigate the impact of the noise arising from construction and demolition activities on local residents and businesses, a waste management strategy and means of monitoring and reviewing the CMP from time to time.</p> <p>The measures contained in the Construction Management Plan shall at all times remain implemented during all works of construction and demolition. Where separate Construction Management Plans are submitted for the demolition and the construction phases the provisions of this condition will apply to both plans.</p>	<p>Construction Management Plan (CMP) including an Air Quality Assessment) shall be submitted to and approved by the local planning authority.</p> <p>The CMP shall set out all measures that the Owner will adopt in undertaking the demolition of the existing buildings and the construction of the Development using good site practices in accordance with the Council's Considerate Contractor Manual. Such plan shall include measures to for ensuring highway safety and managing transport, deliveries and waste (including recycling of materials) throughout the demolition and construction periods and which demonstrates consideration of and liaison with other concurrent developments in the wider area.</p> <p>The plan shall also include details of a community working group involving local residents and businesses, a contractor complaints/call-line and measures to be carried out to mitigate the impact of the noise arising from construction and demolition activities on local residents and businesses, a waste management strategy and means of monitoring and reviewing the CMP from time to time.</p> <p>The measures contained in the Construction Management Plan shall at all times remain implemented during all works of construction and demolition. Where separate Construction Management Plans are submitted for the demolition and the construction phases the provisions of this condition will apply to both plans.</p>

Condition Ref:	Current Condition Wording	Proposed Condition Wording
23	“Prior to implementation of the development, confirmation that the necessary measures to secure provision of, and improvements to, public open space shall be submitted to and approved in writing by the Local Planning Authority”.	“Prior to implementation commencement of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the MUGA , confirmation that the necessary measures to secure provision of, and improvements to, public open space shall be submitted to and approved in writing by the Local Planning Authority”.
24	“Prior to implementation of the development, confirmation that the necessary measures to secure appropriate measures to support the local education infrastructure shall be submitted to and approved in writing by the Local Planning Authority”.	“Prior to implementation commencement of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the MUGA , confirmation that the necessary measures to secure appropriate measures to support the local education infrastructure shall be submitted to and approved in writing by the Local Planning Authority”.
25	“Prior to implementation of the development, confirmation that the necessary measures to secure appropriate measures to secure the necessary environment and public realm works to support the local infrastructure shall be submitted to and approved in writing by the Local Planning Authority.”	“Prior to implementation commencement of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the MUGA , confirmation that the necessary measures to secure appropriate measures to secure the necessary environment and public realm works to support the local infrastructure shall be submitted to and approved in writing by the Local Planning Authority.”
26	“No part of the development shall commence, until such time as the Council has confirmed in writing that it has received plans demonstrating the levels at the interface of the relevant phase of	“No part of the relevant phase of the development, with the exception of the MUGA , shall commence, until such time as the Council has confirmed in writing that it has received plans

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	Development with the boundary of the Property and the Public Highway”.	demonstrating the levels at the interface of the relevant phase of Development with the boundary of the Property and the Public Highway”.
27	“Prior to implementation of the development, confirmation that the necessary measures to secure appropriate provision for offsetting the CO2 emissions arising from the development shall be submitted to and approved in writing by the Local Planning Authority”.	“Prior to implementation commencement of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, or works in relation to the MUGA, confirmation that the necessary measures to secure appropriate provision for offsetting the CO2 emissions arising from the development shall be submitted to and approved in writing by the Local Planning Authority”.
28	“Prior to commencement the applicant and/ or/ developer shall: <ul style="list-style-type: none"> a) have entered into an agreement with Kings Cross Construction Skills Centre to ensure that all job vacancies during the construction phases are registered with KSCSC at the same time as other recruitment efforts and all reasonable endeavours are used to ensure that no less than 20% of the work force is comprised of residents of the London Borough of Camden, b) have entered into an agreement with the Kings Cross Construction Skills Centre (KXCSC) to ensure provision of no less than 8 construction trade apprentices employed for at least 52 weeks each 	“Prior to commencement of either the relevant phase of the development, or works in connection with the MUGA, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, the applicant and/ or/ developer shall: <ul style="list-style-type: none"> d) have entered into an agreement with Kings Cross Construction Skills Centre to ensure that all job vacancies during the construction phases are registered with KSCSC at the same time as other recruitment efforts and all reasonable endeavours are used to ensure that no less than 20% of the work force is comprised of residents of the London Borough of Camden, e) have entered into an agreement with the Kings Cross Construction Skills Centre (KXCSC) to ensure provision of no

Condition Ref:	Current Condition Wording	Proposed Condition Wording
	<ul style="list-style-type: none"> c) confirm that the necessary measures to support and ensure the recruitment and training of each apprentice have been put in place; c) have entered into an agreement with the Kings Cross Construction Skills Centre (KXCSC) to ensure provision of no less than 13 work placements of no less than 2 weeks each; d) ensure delivery of a minimum of one supplier capacity building workshops/"Meet the Buyer" events to support small and medium enterprises within the borough to tender for the contracts." 	<ul style="list-style-type: none"> less than 8 construction trade apprentices employed for at least 52 weeks each f) confirm that the necessary measures to support and ensure the recruitment and training of each apprentice have been put in place; e) have entered into an agreement with the Kings Cross Construction Skills Centre (KXCSC) to ensure provision of no less than 13 work placements of no less than 2 weeks each; f) ensure delivery of a minimum of one supplier capacity building workshops/"Meet the Buyer" events to support small and medium enterprises within the borough to tender for the contracts."
29	<p>"Prior to Implementation of the development, a programme for local procurement shall be submitted to and approved in writing by the local planning authority. The programme shall detail opportunities for local businesses to bid/tender for the provision of goods and services to the Development in accordance with the Council's Local Procurement Code and the developer shall use reasonable endeavours to provide opportunities for local businesses to bid/tender for the provision of facilities management services and other post construction supply of goods and services.</p>	<p>"Prior to implementation of either the relevant phase of the development, or works in connection to the MUGA, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, a programme for local procurement shall be submitted to and approved in writing by the local planning authority. The programme shall detail opportunities for local businesses to bid/tender for the provision of goods and services to the Development in accordance with the Council's Local Procurement Code and the developer shall use reasonable endeavours to provide opportunities for local businesses to bid/tender for the provision of</p>

Condition Ref:	Current Condition Wording	Proposed Condition Wording
	<p>On or prior to Implementation, the developer shall meet with the Council's Economic Development Local Procurement Team (or any successor department) at least one month before tendering contracts to agree the specific steps that will be taken to give effect to the Local Procurement Code.</p> <p>The construction of the Development shall not be carried out otherwise than in accordance with the approved programme for local procurement”.</p>	<p>facilities management services and other post construction supply of goods and services.</p> <p>On or prior to Implementation, the developer shall meet with the Council's Economic Development Local Procurement Team (or any successor department) at least one month before tendering contracts to agree the specific steps that will be taken to give effect to the Local Procurement Code.</p> <p>The construction of the Development shall not be carried out otherwise than in accordance with the approved programme for local procurement”.</p>
31	<p>“On or prior to the Implementation Date, the developer shall submit to the Local Planning Authority for approval the Energy Efficiency and Renewable Energy Plan which shall include the following:</p> <ul style="list-style-type: none"> a) incorporation of measures set out in the submission document Energy Strategy and Code for Sustainable Homes report by Ramboll dated May 2014 Page 12 of 15 2014/5840/P b) further details of how the Development's carbon emissions will be reduced by at least 32% by way of renewable energy technologies ; 	<p>“On or prior to the Implementation Date, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the MUGA, the developer shall submit to the Local Planning Authority for approval the Energy Efficiency and Renewable Energy Plan which shall include the following:</p> <ul style="list-style-type: none"> h) incorporation of measures set out in the submission document Energy Strategy and Code for Sustainable Homes report by Ramboll dated May 2014 Page 12 of 15 2014/5840/P

Condition Ref:	Current Condition Wording	Proposed Condition Wording
	<ul style="list-style-type: none"> c) separate metering of all low and zero carbon technologies to enable the monitoring of energy and carbon emissions and savings; d) a building management system being an electronic system to monitor the Development's heating cooling and the hours of use of plant; e) include a pre-Implementation review by an appropriately qualified and recognised independent verification body certifying that the above measures are achievable ; f) measures to secure a post construction review by an appropriately qualified and recognised independent verification body certifying that the above measures have been achieved and will be maintainable and g) identifying means of ensuring the provision of information to the Council and provision of a mechanism for review and update as required from time to time <p>All such measures thus demonstrated shall be secured prior to first occupation of the development and thereafter retained and maintained in accordance with the manufacturers' recommendations".</p>	<ul style="list-style-type: none"> i) further details of how the Development's carbon emissions will be reduced by at least 32% by way of renewable energy technologies ; j) separate metering of all low and zero carbon technologies to enable the monitoring of energy and carbon emissions and savings; k) a building management system being an electronic system to monitor the Development's heating cooling and the hours of use of plant; l) include a pre-Implementation review by an appropriately qualified and recognised independent verification body certifying that the above measures are achievable ; m) measures to secure a post construction review by an appropriately qualified and recognised independent verification body certifying that the above measures have been achieved and will be maintainable and n) identifying means of ensuring the provision of information to the Council and provision of a mechanism for review and update as required from time to time <p>All such measures thus demonstrated shall be secured prior to first occupation of the development and thereafter retained and maintained in accordance with the manufacturers' recommendations".</p>

Condition Ref:	Current Condition Wording	Proposed Condition Wording
32	<p>"Prior to implementation of the development, confirmation that the necessary measures to secure the necessary highway works for the development shall be submitted to and approved in writing by the Local Planning Authority".</p>	<p>"Prior to implementation of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the MUGA, confirmation that the necessary measures to secure the necessary highway works for the development shall be submitted to and approved in writing by the Local Planning Authority".</p>