

our ref: **Q40228**
your ref: PP-05133996
email: poppy.carmody-morgan@quod.com
date: 11 May 2016



FAO: Fergus Freeney
London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town Hall,
Judd Street
London WC1H 9JE

Dear Mr Freeney,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
S73 APPLICATION TO VARY CONDITIONS 3, 5, 6, 8, 9, 12, 13, 17, 18 AND 23-26 OF APPLICATION REF:
2014/6697/P, KILN PLACE 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 3, 5, 6, 8, 9, 12, 13, 17, 18 and 23-26 attached to planning permission ref: 2014/6697/P.

The approved redevelopment of the Kiln Place Estate will provide substantive benefits for the local community and 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 ref: 2014/6697/P. These 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 playground and the improvements to the entrances of 81-96 Kiln Place. 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, works in relation to the playground and improvements to the entrances of 91-96 Kiln Place 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;
- Council Own Development Form, duly completed;
- Schedule of Article 13 Notices Served;
- Planning permission ref. 2014/6697/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 13 conditions are varied. The purpose being to allow London Borough of Camden to deliver public benefits of the Kiln Park Estate regeneration proposals, including the playground and the improvements to the entrances of 81-96 Kiln Place, 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, 4, 7, 10, 11, 14-16, 19-22 and 27-29.

In summary, the proposed amendments sought are as follows:

- Conditions that require detail to be submitted before the playground and entrance improvements can be commenced are proposed to read:

"Prior to commencement of either the development, or works in connection with the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, 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 provision of new entrances to 81-96 Kiln Place, the works in connection with the playground and for the rest of the development (and therefore allow an earlier delivery of the entrances to 81-96 Kiln Place and the playground).

Conditions where this approach has been taken are: 5, 13 and 25.

- Conditions that do not require detail to be submitted before the works in connection with new entrances to 81-96 Kiln Place or the playground can be commenced (because they relate to other parts of the development) are proposed to read: *"Prior to commencement of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure, demolition or works in relation to the provision of new entrances to 81-96 Kiln Place, or works in relation to the playground, the applicant shall submit..."* (or similar, see Appendix 1 for full details).

This is to allow commencement of the works relating to the provision of new entrances to 81-96 Kiln Place, and works in connection with the playground as well as other site preparatory work where specific information is not relevant for the entrances/playground/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 (19, 20, 21, 22, 28, 29) we consider that the provision of the new entrances to 81-96 Kiln Place and the playground are public benefits in themselves and therefore it should be able to be delivered ahead of the main construction works (where the financial contributions will become payable).

Conditions where this approach has been taken are: 9, 12, 17, 18, 23 and 24

Please note that we have not proposed to amend the wording of the conditions which relate to financial contributions as conditions 19, 20, 21, 22, 28 and 29 were discharged on 3rd May 2016 (application ref: 2016/0760/P). At the time of writing we are currently awaiting formal confirmation of discharge of these conditions.

c) Shadow S106 Legal Agreement

Planning permission ref: 2014/6697/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.

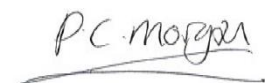
d) Conclusion

The development would be delivered as previously approved by planning permission 2014/6697/P and it is considered that the proposed modifications to Conditions 3, 5, 6, 8, 9, 12, 13, 17, 18 and 23-26 cause no harm in planning terms. The amended conditions would also 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, the provision of the playground and the improvements to 81-96 Kiln Place 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: 2014/6697/P

Condition Ref:	Current Condition Wording	Proposed Condition Wording
3	A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.	A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced, other than works in relation to the provision of new entrances to 81-96 Kiln Place, and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.
5	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 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.	Prior to the commencement of either the development, or works in connection with the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, 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 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.
6	Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:	Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun: a) Details including sections at 1:10 of all windows (including

Condition Ref:	Current Condition Wording	Proposed Condition Wording
	<p>a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;</p> <p>b) Plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new shopfronts at a scale of 1:10;</p> <p>c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).</p> <p>The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.</p>	<p>jambs, head and cill), ventilation grills, external doors and gates;</p> <p>b) Plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new shopfronts at a scale of 1:10;</p> <p>c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).</p> <p>The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.</p>
8	<p>At least 28 days before development commences:</p> <p>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</p> <p>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</p>	<p>At least 28 days before development commences, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground:</p> <p>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</p> <p>b) following the approval detailed in paragraph (a), an</p>

Condition Ref:	Current Condition Wording	Proposed Condition Wording
	<p>in writing.</p> <p>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.</p>	<p>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> <p>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.</p>
9	<p>Before the development commences, details of secure and covered cycle storage areas for 22 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.</p>	<p>Before the development Prior to the commencement of development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, details of secure and covered cycle storage areas for 22 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.</p>
12	<p>Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating at least 50% attenuation of all runoff.</p>	<p>Prior to commencement of development of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, or works in connection with the playground, or works in connection with the provision of new entrances to 81-96 Kiln Place, details of a sustainable urban drainage</p>

Condition Ref:	Current Condition Wording	Proposed Condition Wording
	<p>The development shall incorporate the systems as approved which shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.</p>	<p>system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating at least 50% attenuation of all runoff.</p> <p>The development shall incorporate the systems as approved which shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.</p>
13	<p>No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas prepared in consultation with the Councils transport department have been submitted to and approved by the local planning authority in writing. 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.</p>	<p>No development shall take place on either the development, or works in connection with the playground, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, or works in connection with the provision of new entrances to 81-96 Kiln Place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas prepared in consultation with the Councils transport department have been submitted to and approved by the local planning authority in writing. 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.</p>
17	<p>Prior to implementation 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)</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 provision of new entrances to 81-96 Kiln Place, or works in connection with the</p>



Condition Ref:	Current Condition Wording	Proposed Condition Wording
	<p>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 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>playground, 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 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>
18	<p>Prior to implementation of the development, a Servicing Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the proposed layout and access routes and how they will accommodate appropriately sized servicing vehicles. The development shall not be serviced other than in accordance with the SMP as approved.</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 provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, a Servicing Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the proposed layout and access routes and how they will accommodate appropriately sized servicing vehicles.</p> <p>The development shall not be serviced other than in accordance with the SMP as approved.</p>

Condition Ref:	Current Condition Wording	Proposed Condition Wording
23	<p><u>Local employment</u> Prior to commencement the applicant and/ or/ developer shall:</p> <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 2 construction trade apprentices employed for at least 52 weeks each 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 3 work placements of no less than 2 weeks each; 	<p><u>Local employment</u> Prior to 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 provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, the applicant and/ or/ developer shall:</p> <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 2 construction trade apprentices employed for at least 52 weeks each c) confirm that the necessary measures to support and ensure the recruitment and training of each apprentice have been put in place; d) have entered into an agreement with the Kings Cross Construction Skills Centre (KXCSC) to ensure provision of no less than 3 work placements of no less than 2 weeks each;

Condition Ref:	Current Condition Wording	Proposed Condition Wording
24	<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>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>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 provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, 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>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>

Condition Ref:	Current Condition Wording	Proposed Condition Wording
25	<p>Prior to implementation, including demolition, a 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.</p> <p>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 local concurrent developments. The CMP 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</p>	<p>Prior to implementation, including demolition, of either the development (other than works in connection with the playground), or works in connection with the provision of new entrances to 81-96 Kiln Place, a 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.</p> <p>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 local concurrent developments. The CMP 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>



Condition Ref:	Current Condition Wording	Proposed Condition Wording
	Management Plans are submitted for the demolition and the construction phases the provisions of this condition will apply to both plans.	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.
26	No 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 development with the boundary of the Property and the Public Highway.	No part of the development, with the exception of works in relation to the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground , 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 development with the boundary of the Property and the Public Highway.