

Mr Leo Cunningham-Baily
Quod
Ingeni Building
17 Broadwick Street
London
W1F 0AX

Application Ref: **2015/6696/P**
Please ask for: **Fergus Freeney**
Telephone: 020 7974 **3366**

14 April 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:

**Land bounded by Grafton Terrace
Maitland Park Villas and Maitland Park
containing Existing TRA Hall and Garages; and Land adjacent to Maitland Park Villas
containing existing Aspen House
gymnasium and garages**

Proposal:

Variation of conditions 7 (Sustainable Urban Drainage), 8 (Ground investigation details), 10 (details of hard and soft landscaping), 13 (Details of tree protection measures), 21 (code for sustainable homes), 22 (Construction Management Plan), 23 (Open space contribution), 24 (Education contribution), 25 (Environmental and public realm contribution), 26 (Level Plans), 27 (CO2 offset contribution), 28 (Local employment), 29 (Local procurement), 31 (Energy efficiency and renewables) and 32 (highways works) of planning permission 2014/5840/P dated 31/03/2015 (for provision of 112 residential units and replacement Tenants and Residents Association hall across two sites with associated multi-use games area, following demolition of Aspen House, gymnasium and garages at Maitland Park Villas and TRA Hall and garages on Grafton Terrace] for a change of wording to allow for sooner completion of Multi-Use Games Area (MUGA) and for pre-commencement details to be submitted, in some instances, after site clearance and preparation, relocation of services, utilities and public infrastructure and demolition).

Drawing Nos: Cover Letter (Dated 30th November 2015); MP1_PO1 PL02



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

Condition(s) and Reason(s):

- 1 Condition 7 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 7

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-MPCV-130Rev P02, Apr 2014). The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies

- 2 Condition 8 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 8

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:

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.

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.

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 CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Condition 10 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 10

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.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Condition 13 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 13

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 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."

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 5 * Condition 21 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 21

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.

The development shall be implemented in accordance with the Assessment as approved.

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

Reason: In order to secure the appropriate energy and resource efficiency measures in accordance with the requirements of policies CS13 (Tackling climate change through promoting higher environmental standards), CS16 (Improving Camden's health and well-being) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction) and DP23 (Water) of the London Borough of Camden Local Development Framework Development Policies.

- 6 * Condition 22 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 22

Prior to implementation, including demolition, of either the relevant phase of the development, or works in connection with the MUGA, a Construction Management Plan (CMP) including an Air Quality Assessment) shall be submitted to and approved by the local planning authority.

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.

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.

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.

Reason: In order to protect the pedestrian environment and the amenities of the area generally and to ensure the continued free flow of traffic in the area in accordance with Policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16, DP17 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 7 * Condition 26 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 26

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 demonstrating the levels at the interface of the relevant phase of Development with the boundary of the Property and the Public Highway.

Reason: To ensure that the scheme promotes the use of sustainable transport means in accordance with policy CS11 of the London Borough of Camden Local Development Framework Core Strategy.

- 8 * Condition 28 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 28

Prior to commencement of development of either the relevant phase of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, or works in connection with the MUGA, the applicant and/ or/ developer shall:

- 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;
- 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 13 work placements of no less than 2 weeks each;

e) 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.

Reason: To ensure the development provides sufficient employment and training in line with the requirements of policy CS8 of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 of the London Borough of Camden Local Development Framework Development Policies.

- 9 * Condition 29 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 29

Prior to commencement of development of either the relevant phase of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, or works in connection with the MUGA, 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.

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.

The construction of the Development shall not be carried out otherwise than in accordance with the approved programme for local procurement.

Reason: To ensure the development provides sufficient employment and training in line with the requirements of policy CS8 of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 of the London Borough of Camden Local Development Framework Development Policies.

- 10 * Condition 31 of planning permission dated 31/03/2015 ref 2014/5840/P shall be replaced with the following condition:

REPLACEMENT CONDITION 31

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:

- 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 ;
- 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.

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".

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy policies CS5, CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP26 and DP32 of the London Borough of Camden Local Development Framework Development Policies

Informative(s):

- 1 Permission was granted under ref: 2014/5840/P for 'provision of 112 residential units and replacement Tenants and Residents Association hall across two sites with associated multi-use games area, landscape and associated works, following demolition of Aspen House, gymnasium and garages at Maitland Park Villas and TRA Hall and garages on Grafton Terrace'.

As part of the approval a number of pre-commencement conditions were required to be discharged. This variation of condition application seeks to vary the wording of a number of pre-commencement conditions to allow for preparatory works to begin on site and for the delivery of the proposed Multi Use Games Area (MUGA) to be prior to the main phases of the redevelopment.

Given the complexity of the conditions it is considered necessary to vary the wording to allow for details to be provided separately for each relevant phase of the development and for the MUGA. Nonetheless, the proposed wording is such that full details will still be required prior to the relevant part of the redevelopment commencing.

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).

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 (Sustainable Urban Drainage), 10 (Details of hard and soft landscaping), 13 (Details of tree protection measures) and 22 (Construction management plan).

- 2 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).

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. Conditions where this approach has been taken are: 8 (Ground investigation details), 21 (Code for sustainable homes), 23 (Open Space Contribution), 24 (Education contribution), 25 (Environmental and public realm contribution), 26 (Level plan), 27 (CO2 Offset Contribution), 31 (energy efficiency and renewables) and 32 (Highways works).

In the case of financial contributions, conditions 23 (Open Space contribution), 24 (Education contribution), 25 (Environmental and public realm contribution), 27 (CO2 offset contribution) and 32 (highways works contribution) the contributions have been paid, as confirmed in planning application 2016/0762/P (dated 02/03/2016). Therefore these conditions have been discharged and no further action is required

Conditions 28 (Local Employment) and 29 (Local Procurement) shall be worded to ensure that prior to commencement of the relevant phase of the development other than site clearance, preparation, relocation of services, utilities and public infrastructure and demolition, or works in connection with the MUGA that various local employment and procurement agreements are entered into. This is

considered to be acceptable as the number of workers and level of work required to build the MUGA will be so small that a local employment and procurement agreement would not be appropriate.

The proposed changes to the wording of conditions 7, 8, 10, 13, 21, 22, 26, 28, 29 and 31, are considered to be minor in nature as they will not impact upon the final scheme and will still require full details of the relevant parts of the scheme to be submitted prior to commencement. The wording will allow for the MUGA to be provided prior to the much larger, complex redevelopment works starting which is considered to be of benefit to local residents.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS8, CS10, CS11, CS13, CS14, CS15, CS16, CS19, of the London Borough of Camden Local Development Framework Core Strategy, and policies DP13, DP16, DP17, DP20, DP21, DP22, DP23, DP24, DP26, DP31 and DP32 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 5.1 - 5.15 of the London Plan March 2015, consolidated with alterations since 2011, and paragraphs 14, 17, 18-22, 23-27, 29-41, 47-55, 56-68, 69-78 and 93-108 of the National Planning Policy Framework.

- 3 You are advised that this decision relates only to the varied conditions 7, 8, 10, 13, 21, 22, 26, 28, 29 and 31 and shall only be read in the context of the substantive permission granted on 31/03/2015 (ref: 2014/5840/P) and is bound by all the conditions and obligations attached to that permission.
- 4 The matters covered by conditions marked with an * are matters which would usually be incorporated into a Section 106 Agreement. On Council own schemes because the Council cannot enter into an agreement with itself the usual practice would be for the permission to reference the Section 106 requirements for information.

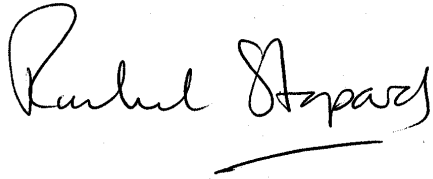
If the Council retains ownership of the application site although the reference to Section 106 requirements would not be legally binding they would act as a record of the requirements the Council as planning authority expects the Council as landowner to comply with. If the Council disposes of a relevant interest in the Application Site (which for the avoidance of doubt will not include disposals to individual tenants and occupiers) the incoming owner will be required to enter into a Section 106 giving effect to those requirements which will then become a legally binding document.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line drawn underneath.

Rachel Stopard
Director of Culture & Environment