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Our reference: LCN5003P

Your reference: --

Council reference: 2015/5080/P

Inspectorate reference: --

Friday 10th June 2016

Mr R Tulloch
Senior Planning Officer
Planning Solutions Team
London Borough of Camden
2nd Floor, 5 Pancras Square
London
N1C 4AG

Dear Mr Tulloch,

Modification of Section 106 Agreement to planning permission 2015/5080/P in respect of clause 4.2.3 - Construction Management Plan at 29-30 King's Mews, London, WC1N 2JB

DLP Planning Ltd has been instructed by Nicholas Rae of WC1 Projects Ltd to assist with their project at the above address. This letter sets out our client's request for the modification of a Section 106 Agreement attached to his planning permission in the terms described below.

Background

As you are aware, my client intends to implement his planning permission (reference 2012/3877/P) granted by Camden Council on the 18th July 2013, for the development of 29-30 King's Mews. The principal permission has since been amended by way of an application under Section 73 of the Town and Country Planning Act 1990 (as amended), reference 2015/5080/P and granted by the Council on the 29th April 2016. This Section 73 permission was subject to a Deed of Variation to tie it to the original Section 106 Agreement for the principal planning permission.

My client has submitted to you directly on the 7th June 2016 the Construction Management Plan as required under the terms of the Section 106 Agreement. However, given the short time period between now and the expiry of the planning permission, we consider it is pertinent to make a very modest modification to the working of the CMP requirements so that my client will be undertake some very limited works to the building so as to lawfully 'implement his permission, whilst preventing the full scope of the development to proceed before the approval by the Council of the CMP (which may of course need to be modified or updated depending on the input of your highways colleagues).

Section 106 Agreement Modification

On the basis of the above, we are requesting that a second Deed of Variation is made to the Section 106 Agreement so that the following changes are made:

Paragraph 4.2.3 of the 'Original Agreement' be deleted and replaced with the following wording:

"Not to implement nor allow Implementation of the development, other than minor internal works such as soft stripping, blocking up of external openings and/or the digging of a trench for the purpose of laying utilities connections, until such time as the Council has approved the Construction Management Plan. The process of carrying out minor internal works such as soft stripping, blocking up of external openings and/or the digging of a trench for the purpose of laying utilities connections is accepted as implementation of the planning permission."

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The purpose of the amendment sought is to allow the planning permission to be implemented within the timescale requirements of condition 1, but that those implementation works be limited to just minor matters referred to in the alternative wording above. Allowing these works to proceed prior to the full approval of the Council of the CMP would have the effect of the planning permission being lawfully implemented, but no significant works – such as demolition – taking place until the CMP is approved.

I understand that the change to the Section 106 Agreement CMP requirements was discussed by you with the Council's transport team and they are comfortable with the approach of some minor works taking place prior to the CMP being approved in full by them, subject of course to those works being of a limited nature. This is reflected in our conversation of earlier today where you cited concerns over demolition works taking place prior to full CMP approval but being generally supportive of the limited works referred to above.

We will of course be happy to discuss the alternative wording of the clause in question if the Council have any concerns with our suggestion.

On behalf of my client and I can confirm that he will meet the Council's reasonable legal expenses incurred in preparing the Deed of Variation.

I trust that this is clear, but if you do have any questions then please feel free to contact me at your convenience by email or on my mobile number – 0784 056 764. Otherwise, I look forward to your response to our request, which, as highlighted above, is time sensitive; accordingly, we would be grateful if you could treat this request as urgent.

Yours sincerely

Andrew Ryley MSc MRTPI
Associate Planner

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