



140 London Wall, London EC2Y 5DN
T +44 (0)20 7583 6767 F +44 (0)20 7583 2231 W rpsgroup.com | cgms.co.uk

Our Ref: BH/MR/12551
Your Ref:

E-mail: matthew.roe@cgms.co.uk
Date: 8th March 2017

FAO Elizabeth Beaumont
London Borough of Camden
Development Management
2nd Floor
5 Pancras Square
N1C 4AD

Dear Elizabeth,

**140 – 146 CAMDEN STREET, NW1 9PF
S73 APPLICATION TO VARY CONDITION 25 & DEED OF VARIATION ATTACHED TO
PLANNING PERMISSION 2m014/7908/P**

On behalf of my client, Elebro Ltd, please find enclosed a S73 application to vary the wording of condition 25 and a deed of variation to the S106 Agreement attached to planning permission 2014/7908/P, which was granted planning permission on 11th May 2016 for, “*demolition of existing buildings, excavation of extension to existing single storey basement and erection of 1 - 8 storey building comprising 2,026sqm of commercial floorspace (flexible B1 use class) and 52 residential units (4 x studio, 19 x 1-bed, 18 x 2-bed and 11 x 3-bed C3 use class) with associated landscaping*”.

This follows a meeting with yourself and Fergus Freney, Senior Planning Officer at the Council Offices on 20th February 2017 to discuss the approach to vary the wording of condition 25. A Non-material Amendment (NMA) application was previously submitted to vary the wording for condition 25, however, this was deemed not to be an acceptable approach and there was concern that following demolition of the existing buildings that the site could possibly lie vacant. Therefore the NMA was withdrawn on 20th February 2017. It was agreed with the officers at the Council that a Section 73 was to be submitted to vary the wording of condition 25 and the applicant entered a deed of variation to the S106 to include an additional clause to ensure that the development was built out within an appropriate number of months of the commencement of development.

This S73 application therefore seeks to vary the wording of condition 25 to allow for separate contracts to be let for demolition and construction of the proposed scheme. This is due to a number of unknowns which require investigatory work to be undertaken when the existing buildings are demolished.

The wording of the condition currently reads “*The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment of the site has been completed*”. The wording of the condition is particularly onerous and does not have consideration to the unique nature of the site; the site is unique for the following reasons;

1. The existing buildings currently completely cover the site;
2. The need to carefully design the retaining wall with Pulse House, which is a Grade II listed building;



3. The presence of the River Fleet culvert below the site, which again requires careful design work; and
4. The retaining wall with the adjacent Canal.

The detailed design of each of these aspects cannot be finalised until we have demolished the buildings and undertaken further detailed investigations and survey work. Thus the contract as detailed in condition 25 needs to be let in two distinct stages (demolition and construction). We therefore propose that the wording of the condition 25 is amended through this S73 application to read *“A contract for the carrying out the work on the development of the superstructure shall be provided and completed within 6 months of the demolition of the site commencing”*.

Alongside this we propose a deed of variation to the S106 agreement dated 11th May 2016 to include an additional clause to ensure the development is built out within an appropriate number of months of the commencement of demolition to ensure that the site is not left vacant.

This approach has been agreed with the planning and conservation officers at the Council on 20th February and we therefore enclose the following:

1. Site location plan
2. Completed application Form
3. Application fee of £195

I trust the above is self-explanatory and I await confirmation of this application being received and processed. In the interim however, should you have any questions please do not hesitate to contact either myself or my colleague Beth Hawkins.

Yours sincerely,



MATTHEW ROE
Director