



Planning Department
London Borough of Camden
5 Pancras Square
London
N1C 4AG

FAO Mr David Fowler

28 November 2019

LW/AS – 16/085
Via PLANNING PORTAL

Dear David

**SECTION 96A APPLICATION TO VARY CONDITION 19 OF PLANNING PERMISSION
2018/5774/P TO INCLUDE REQUIREMENT FOR VERIFICATION REPORT**

HIGHGATE NEWTOWN COMMUNITY CENTRE, 25 BERTRAM STREET, LONDON N19 5DQ

On behalf of London Borough of Camden Development Division (the 'Applicant') please find enclosed an application made under Section 96A of the Town and Country Planning Act 1990 (as amended) to amend planning permission 2018/5774/P, as approved by the London Borough of Camden (the 'Council') on 29 March 2019, for development at Highgate Newtown Community Centre, 25 Bertram Street, London N19 5DQ (the 'Site').

The purpose of this application is to vary the wording of Condition 19, which deals with a remediation strategy for the approved development, in order to include a specific requirement to provide a validation statement prior to the occupation of the development.

In support of this application we provide the following documentation:

- This covering letter;
- Site Location Plan;
- Application forms and certificates; and



a. Background

Planning permission was granted on 29 March 2019 for the following development:

"Variation of development granted under reference 2016/6088/P dated 30/06/17 for "Redevelopment of the existing Highgate Newtown Community Centre and Fresh Youth Academy and the change of use of the People's Mission Gospel Hall to provide replacement community facilities (Use Class D1) and 31 residential units (Use Class C3) with associated public open space, landscaping, cycle storage, plant and disabled parking."

Namely to make the following changes:

- Amend the height/bulk and massing, elevations
- Increase the number of residential units from 31 to 41
- Include 7 affordable units (intermediate) as opposed to none

- Reduce the area of the community facilities, to result in a smaller increase above the existing floorspace
- Remove most of the basement
- Include the existing right of way on the western side of the site.”

Since the grant of planning permission, the Applicant has begun to submit approval of detail (AOD) applications to discharge the relevant pre-commencement planning conditions in advance of commencing works on site. Condition 19 was a pre-commencement condition in relation to the need to provide a remediation strategy for potential contaminated material on site.

During the assessment of the AOD application for Condition 19 (LPA ref. 2019/3761/P), officers considered that the proposed remediation strategy was considered acceptable. This was deemed acceptable on the basis that the Applicant submit a validation statement prior to the occupation of the development to confirm that the proposed remedial measures are implemented.

Given the current wording of Condition 19, there is no provision to part discharge the condition to allow for the submission of a validation statement prior to occupation. Its current wording would require the validation statement to be provided prior to the commencement of works, however in order to complete the remedial measures, the development needs to be implemented.

As such, it is necessary and in the interests of proper planning that Condition 19 is modified to include provision for a validation statement to be submitted prior to occupation.

b. Section 96A Application

As noted above, this application seeks to vary the wording of Condition 19. The proposed wording is provided below.

Variation to Condition 19

Condition 19 is currently worded as follows:

Prior to demolition construction works a remediation strategy and validation statement based on the Ground Investigation & Basement Assessment report by GEA (Ref J16021A dated October 2018) should be submitted to the LPA for approval.

It is proposed to vary this condition to read as follows:

a) Prior to demolition construction works a remediation strategy based on the Ground Investigation & Basement Assessment report by GEA (Ref J160221A dated October 2018) should be submitted to the LPA for approval.

b) Prior to the occupation of the development, a validation statement confirming that the approved remediation strategy has been carried out in full should be submitted to the LPA for approval.

This condition has been reworded to introduce a part a) and part b), with part a) addressing the pre-commencement requirement (which has already been considered acceptable) and part b) providing a clear and specific requirement to provide a validation statement prior to the occupation of the development.

c. Summary and Conclusions

This application is made under Section 96A of the Town and Country Planning Act 1990 (as amended) to vary Condition 19 to introduce a clear requirement for a validation statement to be submitted and approved prior to the occupation of the development.

This change is necessary and in the interests of proper planning as it would allow the development to be lawfully implemented and the remedial work carried out, which is currently not permitted under the current wording of Condition 19.

We trust the enclosed is sufficient for your current purposes and we look forward to receiving confirmation that the application has been registered validation. In the meantime, please contact Lewis Westhoff [REDACTED] in the first instance should you have any questions.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

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enc. As listed above