

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

FAO Kristina Smith

16 December 2020

Ref: FW/191

Your Ref: PP-09350294

Dear Sir/Madam

Application under Section 96A for non material amendments to planning permission (2017/0001/P) - 176 Prince of Wales Road, London, NW5 3PT

We write on behalf of our client, The Zabłudowicz Collection, to submit an application under Section 96a to vary Conditions 4, 5 and 6 attached to planning permission (Ref: 2017/0001/P).

Background

The application relates to minor amendments to the wording of conditions 4, 5 and 6 attached to planning permission 2017/0001/P to enable the scheme to be implemented through undertaking works sufficient to constitute a material operation and to prevent the applications from expiring. The main body of the works will not be undertaken immediately but it is the intention that the remainder of the works will follow in due course.

These initial works involve the removal of two internal walls and a small area of external wall and roof which will be temporarily propped to support the existing roof.

Planning permission was granted on 6 August 2018 for:-

“Erection of three storey plus basement level rear extension and associated alterations following partial demolition of existing two storey rear building (Use Class D1)”.

Condition 4 attached to this application states:-

“Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained”

The reason for this condition is as follows:-

“To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from plant equipment in accordance with policy A4 of the Camden Local Plan 2017”.

Condition 5 attached to the application states that:-

“Before the development commences, details of short stay cycle storage for 26 cycles (as shown on drawing no.GA-100-05) 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 the relevant part of the works, and permanently retained thereafter”

The reason for this condition is stated as:

“To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017”

Condition 6 attached to the application states that:-

“The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works”

The reason for this condition is stated as:

“To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies A1 and A5 of the Camden Local Plan 2017”.

The proposal

In order to implement the scheme in the absence of providing the information required by the conditions as currently worded, we propose the following minor amendments to the wording of the conditions:-

The words to be removed are crossed out below and the words to be inserted are highlighted in yellow.

Condition 4

~~Prior to commencement of the development~~ **installation of the approved plant**, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retain

Condition 5

~~Before the development commences,~~ **Prior to work commencing on the relevant part of the development,** details of short stay cycle storage for 26 cycles (as shown on drawing no.GA-100-05) 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 the relevant part of the works, and permanently retained thereafter”

Condition 6

~~The development hereby approved shall not commence~~ **The basement works shall not commence** until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works

Assessment

It is not considered that these conditions go to the heart of the permission and it is considered that the proposed minor amendments to the wording should be acceptable.

A separate application has been submitted under S19 of the Planning (Listed Building and Conservation Areas) Act 1990 to vary conditions attached to listed building consent (Ref: 2017/0348/L).

We would also like to agree a Deed of Variation to the S106 Agreement attached to this permission and would welcome further discussion with officers to agree the next steps on this.

We look forward to discussing this with you and receiving confirmation that the package has been received.

Information submitted

This application is submitted via the planning portal (Ref: PP-09350294) and the following documents are submitted in support of this application:-

- Application forms
- Site Location Plan

Should you require any further details in respect of this submission please contact us on 07812 140 099.

Yours faithfully

Forward Planning and Development

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