

Dated

2022

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**STATUTORY DECLARATION REIMPLEMENTATION  
OF PLANNING PERMISSION PWX0202103 AT 14  
BLACKBURN ROAD, LONDON, NW6 1RZ**

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I, Jim Pool of DP9 Ltd, 100 Pall Mall, London SW1Y SNQ

DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I am a founding partner and Board Director of DP9 Planning Consultants, which was founded in 2004. I hold a Bachelor of Science Honours Degree in Town and Country Planning and a post-graduate Diploma in Town Planning and am a Member of the Royal Town Planning Institute.
2. Except where I state to the contrary (in which case I give the source of information upon which I rely) I am able to state the matters in this witness statement from my own knowledge. Where matters are within my own knowledge these are true. Where matters are not within *my* own knowledge these are true to the best of my information and belief.
3. I make this statement in the context of Hampstead Asset Management Limited's ("HAM") application for a Lawful Development Certificate for an Existing Use or Operation under section 191 of the Town and Country Planning Act 1990 in relation to its development of the Property pursuant to planning permission under reference PWX0202103 (the "Planning Permission").
4. DP9 was instructed by HAM to support a planning application for development at 14 Blackburn Road, London NW6 1RZ ("the Property"). HAM is the freehold owner of the Property. This work culminated in the Planning Permission.

Planning Permission PWX0202103

5. There was a "standard condition" attached to the Planning Permission which states that the works authorised by it had to be begun not later than five years from the date it was granted, i.e. by 6 January 2009. A copy of the Planning Permission is attached to the Declaration marked "JP1".
6. There were six pre-commencement conditions attached to the Planning Permission. DP9, on behalf of HAM, applied for these to be discharged in late 2008, but subsequently agreed with London Borough of Camden (the "Council") that HAM could withdraw these applications, commence development under the Planning Permission, and then re-apply to discharge the conditions retrospectively. This alteration to the usual process was in light of the approaching expiry of the Planning Permission. Email correspondence between the Council and DP9 confirming this approach is annexed to this Declaration marked "JP2".
7. Details of the pre commencement conditions and their discharge is set out below:
  - 7.1 Condition 1 - Details of elevations and facing materials — approved 14 January 2009, reference 2008/5482/P
  - 7.1. Condition 3 - Details of roof plant - approved 17 March 2009, reference 2009/0651/P
  - 7.2. Conditions 8 and 9 — Details of insulation for residential and Class B1 units respectively - approved 16 March 2009, reference 2009/0650/P
  - 7.3. Condition 17 — Details of disabled access — approved 14 January 2009, reference 2008/5478/P

7.4. Condition 18 - Details of programme of investigation of contaminated land — approved 16 March 2009, reference 2009/0639/P

8. Subsequent to the applications above, DP9 were instructed by HAM to make the following applications:

8.1. An amendment application under section 96a of the Town and Country Planning Act 1990 to amend the wording of condition 1 to allow an alteration to the facing materials approved under the Planning Permission. This application was approved by the Council on 4 May 2022; and

8.2. An application to discharge the amended condition 1 (reference 2022/3151/P) was approved by the Council on 6 October 2022;

#### Legal Implementation of the Planning Permission

9. I recall advising Michael Aaronson of Hampstead Asset Management of the steps needed to implement the Planning Permission before its expiry. I recall that he confirmed that works were being undertaken.

10. I have located a contemporaneous letter to the Council from DP9 dated 5 January 2009, which confirms that works were implemented by the undertaking of four foundation piles at the Property on 15 December 2008. This letter is annexed to this Declaration marked "JP3". As far as I am aware, this was not challenged by the Council at that time.

11. I depose to the facts stated in this declaration from my own knowledge.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

DECLARED by the said Jim Pool       "  
  Janes Solicitors  
At                                 Cording House  
  34-35 St James's Street

CS/SOLICITOR"

MARC LIVINGSTON

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**STATUTORY DECLARATION REIMPLEMENTATION  
OF PLANNING PERMISSION PWX0202103 AT 14  
BLACKBURN ROAD, LONDON, NW6 1RZ**

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**This Is the exhibit marked JP1 referred to in the affidavit of Jim Pool declared on**

**.. ..... 2022.**

**Before me:**

Janes Solicitors  
Cording House  
34-35 St James's Street  
London SW1A 1HD

# Camden'

Town Hall

**London WC1H 8ND**

**Tel 020 7278 4454**

**Fax 020 7974 1975**

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MONTAGUE VERNIS  
PRIMROSE HOUSE  
**44-48 DOVER STREET**  
**LONDON**  
**N1S 4AZ**

Application No: PN303 of 103/R2  
Case File: GS/3/7

'Dear Sir(s) / Madam

Town and County Planning (General Development Procedure)  
Town and Country Planning (Applications) Regulations 1988

PERMISSION FOR DEVELOPMENT - Subject to Conditions

**Address**

14 BLACKBURN ROAD NN6

**Date of Application : 20/11/2002**

**Proposal :**

**Redevelopment of whole site by the erection of a 4 storey eastern block comprising two Class B8 and eight Class '81 units with associated service yard, together with 4 storey plus basement western block comprising 5 dwelling units and 6 self-contained flats with associated underground**

as shown on drawing numbers- BLK-X-101, 102, 103, 104, 105, 106, 107, 108A) letter dated 20.11.01 and email message dated 3.2.01 from Montague Varnis.

The Council has considered your application and decided to grant permission subject to the following conditions:

**Standard condition:**

The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.



LE

Director  
Peter Bishop



London Borough of Camden  
Town Hall  
• Street  
London WC1H 8ND  
**Tel 020 7278 4444**  
Fax 020 7974 1876  
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**Standard Reason:**

In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990,

**Additional conditions:**

- 1 The details of the elevation and facing materials to be used on the buildings shall not be other than as shall have been submitted to and approved by the Council before any work on the site is commenced.
- 2 The development shall be constructed in strict accordance with the drawings hereby approved or drawings that are subsequently approved pursuant to conditions that are attached to this planning permission. In particular, the goods lifts serving the Class B1 and B8 units shall be fully provided in accordance with the details shown on the drawings hereby approved prior to the first occupation of any of these units, and thereafter permanently maintained.
- 3 Details of the proposed roof plant shall not be otherwise than as shall have been submitted to and approved by the Council before any work on the site is commenced, and any **plant shall be installed in strict accordance with the approved details.**
- 4 **The flat roofs on the Blackburn Road frontage of the new residential units hereby approved shall not be used as roof terraces**
- 5 The "warehouse" and "office" units, as shown on plans BLK-P-102a and 103a hereby approved, shall be used only for Class B8 and Class B1 (a-c) respectively and for no other purpose, as defined within the Schedule of the Town and Country Planning (Use Classes) Order, 1987.
- 6 The "warehouse" unit shall be used for the purpose of a Class B8 warehouse only and no goods shall be available for sale to members of the general public.
- 7 In respect of the "warehouse" and "office" units, no process shall be carried on or machinery installed which is not such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit



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- 8 Prior to the commencement of work on site; a scheme providing for the insulation of the proposed residential dwellings against the transmission of externally generated **traffic noise (and vibration) from road and rail shall be submitted to and approved by the Council. Any works that form part of the scheme shall be completed in accordance with the approved details prior to the first occupation of any of the dwellings:**
- 9 Prior to the commencement of work on site, a scheme providing for the insulation of the proposed Class B1 units against the transmission of externally generated traffic noise (and vibration) from rail shall be submitted to and approved by the Council. Any works that form part of the scheme shall be completed in accordance with the approved details prior to the first occupation of any of the Class B1 units.
- 10 At 1 metre outside the windows of any neighbouring habitable room the level of noise from all plant and machinery shall be at all times at least 5 decibels below the existing background noise level, expressed in dB(A) at such locations. Where the noise from the plant and machinery is tonal in character the differences in these levels shall be at least 10 dB(A).
- 11 Before the use commences, details of the method of waste storage and removal shall be submitted to and approved by the Council and the approved method shall thereafter be permanently maintained.
- 12 Before the use commences, details of the design and location of the proposed cycle racks for both residential and **commercial use shall be submitted to and approved by the Council. The cycle racks shall be implemented in accordance with these details prior to the first occupation of the units and thereafter permanently maintained.**
- 13 **The whole of the car parking accommodation shown on the drawings shall be provided and retained permanently for the parking of vehicles of the occupiers and users of the remainder of the building.**





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- 14 The areas shown on the approved drawings as parking, access, loading and manoeuvring areas shall be provided and thereafter be maintained, and shall not be used other than for the purposes shown. In particular a maximum of 1 car **%space per residential unit shall be provided and permanently** maintained in the basement car park.
- 15 **No loading or unloading of goods, including fun, by vehicles arriving at or departing from the premises shall be parried out otherwise than within the curtilage of the building.**
- 16 **NotwlthBtanding the provisions of Articlë 3 of the Town and Country Planning (General Permitted development) Order 1995. or any Order revoking and re-enacting that Order, no developmenC wiRh in Part 1 (Classes A-H) of Sehedule 2 of that Order, in respect of the houses hereby approved, shall be carried out without the grant of planning permission having first been obtained from the Council.**
- 17 Details of thé provision for access for disabled persons in compliance with the provisions of Section 4 of the Chronically & Sick and Disabled Persons Act 1970 and the 1985 Building Regulations (as amended by the Building (Di sabled People) Re9ulat ions 1987) shal2 not be otherwise than as shall have been approved by Che Council before any work on Che slee is convnenced.
- 18 No development shall take place until the applicant has secured the ]mplementat[on of a programme of investigation into potential contamination of the land (lncludlng' any reommundatiosæ for appropriate remedial measures), which has been submitted by the applicant and approved by the Council. The development shall only take place In accordance with the detailed remedial measures puræuant to thie condition.

#### **Reasons for additional conditions:**

- 1 To ensure that the Council may be satisfied with the external appearance of the building in accordance with the requirements of policies EN1 and EN13 of the London Borough of Camden Unitary Development Plan 2000:



# Camden

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- 2 To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies BN1 and NN13 of the London Borough of Camden Unitary Development Plan 2000, and to ensure that the units are capable of providing a full range of employment opportunities within the B1 and B8 Use Classes in accordance with the requirements of policy EC6 of the London Borough of Camden Unitary Development Plan 2000
- 3 To ensure that the Council may be satisfied with the **external appearance of the building in accordance with the** requirements of policies BN1 and NN13 of the London Borough of Camden Unitary Development Plan 2000.
- 4 **In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies BN1 and NN13 of the London Borough of Camden Unitary Development**
- 5 To ensure that the future occupation of the building shall be in accordance with the Council's policy for business and employment uses as set out in policies BC3, RC4, BC6 and EC9 of the London Borough of Camden Unitary Development Plan 2000
- 6 To ensure that the premises are not used for purposes which would conflict with the Council's shopping policies or which would be likely to generate an excessive amount of vehicular traffic in order to ensure compliance with the requirements **of policies SH6, SH14, and TR11 of the London Borough of** Camden Unitary Development Plan 2000.
- 7 To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy RE2 of the London Borough of Camden Unitary Development Plan 2000.
- 8' In order to ensure that the new development is adequately protected against the penetration of noise and vibration in **accordance with the requirements of policy RE2 of the London** Borough of Camden Unitary Development Plan 2000.
- 9 In order to ensure that the new development is adequately protected against the penetration of noise and vibration in accordance with the requirements of policy RE2 of the London Borough of Camden Unitary Development Plan 2000.



## @Camden

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Towri Hall  
Aigyle Soeèt  
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- 10 **To safeguard the amenities of the adjoining premises and the area generally in order to ensure compliance with the requirements of policy RR2 of the London Borough of Camden Unitary Development Plan 2000.**
- 11 To safeguard the amenities of the adjoining premises and the area generally in order to ensure compliance with the requirements of policy RE2 of the London Borough of Camden Unitary Development Plan 2000.
- 12 **In order to ensure that the scheme complies with Council standards on cycle parking in accordance with the requirements of policy TR22 of the London Borough of Camden Unitary Development Plan 2000.**
- 13 **To ensure the permanent retention of the accommodation for parking purposes and to ensure that the use of the building does not add to traffic congestion in accordance with the requirements of policy TR10 of the London Borough of Camden Unitary Development Plan 2000.**
- 14 **To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policy TR23 of the London Borough of Camden Unitary Development Plan 2000.**
- 15 To ensure the availability of the facilities in accordance with the approved scheme in order to ensure compliance with the requirements of policies TR17 and TR23 of the London Borough of Camden Unitary Development Plan 2000.
- 16 To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies EN1 and EN14 of the London Borough of Camden Unitary Development Plan 2000.
- 17 In order to ensure compliance with the terms of the Act and Regulations in order to ensure compliance with the requirements of policy RE3 of the London Borough of Camden Unitary Development Plan 2000.



## Camden

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- 1B. The site has the potential to be contaminated following **previous and historic land uses**. Accordingly the Council wishes to ensure the site is capable of being safely reused. For alternative residential uses, in accordance with the requirements of policy RN10 of the London Borough of Camden Unitary Development Plan 2000.

### Information (if applicable)

- k The Council's Street Management Engineering Officer should be consulted regarding the construction of the crossover on the public highway and any other work to, under, or over, the **public highway, including vaults and thresholds. The Group dealing with these matters' is located at Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020-7278 4444).**
- 2 **In good time, prior to the start of construction (or if appropriate, demolition) on site, the contractor shall** also agree with the Council's Traffic Management Service (tel: 020-7974 5629) detailed arrangements for **the transportation of goods and materials to and from the site. The Council will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site.**
- 3 Your attention is drawn to the requirements of Sections 4, 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 that this development (for employment use or to which the public will be admitted) should be made accessible to people with disabilities wherever practicable. Guidance is provided in British Standards Institution Code of Practice BS 5588 1987 "Access for the Disabled to Buildings".
- 4 Your proposals may be subject to control under the Building Act 1984, the Building Regulations and the London Building Acts: 1930-82, and you are advised to consult the Council's Streets Management Building Control Service, located at Camden Town Hall Argyle Street, WC1H 8EQ. (Tel: 020 7974 6941)
- 5 **Your attention is drawn to the need to consult the Council's Waste Management Service, Camden Town Hall, Argyle Street London, WC1H 8EQ, (tel: 020 7278 4444) regarding arrangements for the disposal of refuse.**





**PbetAB 0 v£ s**  
Lonffon Borough of Camden  
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wwwx>amden.gov.uk/plandrg

- 6 Works of construction and ancillary activity should not take place other than between the hours of 08.00am to 18.00 pm on **Monday to Priday and 08.00am to 13.00pm on Saturday, with no working** on Sunday or Bank HoJldays, In order co couple vltb **locally enforced standards.**
- 7 If a revision to the postal address becomes necmasary as a result of this development, application under Part ? of %he Londoh Building Acts (amendment) Act 1939 should be made to Records and Infoimation Team, (Streét Naming and Numbering) Rnvironment Department, Camden Town Hall, Argyle Street, London WC1H 8BQ (tel 020 7974 5613)
- 8 Your attention is drawn to the fact that there is a separate legal agreement with the Council which 'relates to the development for which thia permission is granted.
- 9 The devélopment hereby approved may be subject to the Conatrdrction (Design and Management) Regulations 1P94 which govern health and safety through all stages of a construction project. The Regulations require clients tie. those, including developers, who commission constructidn projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry.out -their health and safety reBponsibilities. Further information is available from the Health and Safety Executive Infoline (tel.0514 545500)
- 10 **You are advised to ensure that the development complies with any subsequent conditions imposed by London Underground Ltd. as owner of the adjoining railway land.**

**This application was dealt with by Charles Thuaire on 020 7974 5867.**

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Your f ith 11

**Envi on ent Mpa ment**  
**(Duly authorised by the Council to sign this document)**

**DecfplanWC/TPFU**



Olrector  
Peter Bishop

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**STATUTORY DECLARATION RE IMPLEMENTATION  
OF PLANNING PERMISSION PWX0202103 AT 14  
BLACKBURN ROAD. LONDON, MW8 1RZ**

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**This is the exhibit marked JP2 referred to in the affidavit of Jim Pool declared on**

**Before me:**

MARC LIVINGSTON

Janes SOAC IS  
Cording House  
34-35 St James's Street  
London SW1A 1HD

Adam Goding

---

From: Smith Max  
Sent: 15 January 2008 13:13  
To: Adam Gostling  
Cc: Heavey, Eimear  
Subject: RE: 14 Blackburn Road

Adam

I can confirm that the three applications listed below have been withdrawn. I look forward to receiving your resubmissions, which be **treated with the** utmost priority.

Regards

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**From: Adam Gostling**

**Sent: 15 January 2009 12:23**  
**To: Adam Gostling- Smith Max**  
Cc: Heavey, Eimear  
Subject: RE: 14 Blackburn Road

Max

Further to our discussion earlier, as agreed please withdraw the following discharge of conditions applications, in order to allow their resubmission:-

**2008/5476/P**

**From: Adam Gostling**  
**Sent: 15 January 2009 09:08**  
**To: 'Smith, Max'**

Subject: RE: 14 Blackburn Road

Further to my email yesterday, can you confirm that the following discharge of conditions applications have been withdrawn, in order to allow their resubmission:-

Best regards

19/01/2009

**Adam Gostling**

From: Smith, Max

Sent: 14 January 2009 18:46

To: Adam Gostling

Cc: Heavey, Elmear

Subject: RE: 14 Blackburn Road

Adam

Thank you for your earlier emails, which myself and my colleagues have now had time to consider. The arguments you have presented in favour of allowing the conditions to be discharged following the commencement of development appear to be robust, and on that basis we'd like to take up your suggestion of withdrawing the and re-submitting the discharge of condition applications (see below).

Please give me a call if you wish to discuss this further.

Regards

Max..

Max Smith  
Senior Planning Officer  
Development Control  
Planning Services  
London Borough of Camden

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Fax: 020 7974 1680  
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Culture & Environment Directorate  
Town Hall Extension  
Argyle Street  
London  
WC1H 8ND

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**From: Heavey, Elmear**  
**Sent: 14 January 2009 16:35**  
**To: Smith, Max**  
**Subject: FW:**

**From: Adam Gostling**  
**Sent: 14 January 2009 16:34**  
**To: Heavey, Elmear; Fleming, Diane; Waddell, Shen**

**19/01/2009**



Further to earlier emails, an alternative to avoid exceeding the 8 week deadline, would be to agree to withdraw and resubmit the discharge of conditions applications, bearing in mind the content of my earlier email.

Best regards

Adam

Adnan L. Ostling

London  
SW1Y 9NQ

telephone: 020 7 477 7777    fax: 020 7 477 7777    website: [www.adnan-ostling.com](http://www.adnan-ostling.com)

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19/01/2009

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**STATUTORY DECLARATION RE IMPLEMENTATION  
OF PLANNING PERMISSION PWX0202103 AT 14  
BLACKBURN ROAD, LONDON, NW6 1RZ**

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**This is the exhibit marked JP3 referred to in the affidavit of Jim Pool declared on**

**..... 2022.**

**Before me:**

Planning consultants



AO/RPOP2400

5 January 2009

Development Control  
Environment Department  
London Borough of Camden  
Town Hall  
Argyll Street  
London  
WC1H 8ND

100 Pall Mall  
London SW1Y 7AH  
Telephone 020 7004 1700  
Facsimile 020 7004 1790  
www.dp9.co.uk

s, \*o. 5ssr«V•4a•n

Dear kadam,

14 BLACKBURN ROAD, NW6  
**PLANNING PERMISSION PWX0202103 DATED 6 JANUARY 2004**

We write on behalf of our client, Hampstead Asset Management Ltd, with regards to the above planning permission dated 6 January 2004. The scheme comprises the redevelopment of 14 Blackburn Road to provide two Class B8 and eight Class B1 units, together with a 4 storey block comprising 8 dwelling houses and 6 self-contained flats.

We submitted discharge of conditions application for conditions 1, 3, 8, 9, 17 and 18 on 17 November 2008, with condition 1 being allocated to Charles Rose on 28 November 2008, with the remaining conditions being allocated to Eimear Heavey on 16 December 2008.

As you will be aware, all the above conditions are yet to be formally discharged. However, following advice from our Counsel at Landmark Chambers and subsequent discussions with yourself and **Bethany Aubrey** last month, it was agreed that it would be appropriate for the conditions to be discharged following the implementation of the permission, so long as such works were carried out before 6\* January 2009.

When we can confirm that the planning permission was implemented on 15 December 2008 through the sinking of four foundation piles on site, we look forward to receiving confirmation that the outstanding conditions have been discharged.

If you have any questions please contact Adam Gostling or Renu Prashar at the above **office**.

Yours faithfully,

Cc     **\$haun Bangaid - WoiKArcliitcts**  
**Eimcar Heavey- London Borough of Camden**  
**B•t8a»y A•bw— Londo Borough ofCam4a**  
**Michael Aaronson - Hampstead Assetfinn \$ m \***     **(e-mail copy)**