

DATED

17 May

2023

(1) DANIEL BELOV and GWEN MCDUGAL

-and-

**(2) THE MAYOR AND THE BURGESSES OF
THE LONDON BOROUGH OF CAMDEN**

DEED OF VARIATION

Relating to the Agreement dated 14 October 2019
Between the Mayor and the Burgesses of the
London Borough of Camden,
Daniel Belov and Gwen Mcdougal
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
58A Redington Road London NW3 7RS

Andrew Maughan
Head of Legal Services
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Tel: 020 7974 5826

CLS/COM/ESA/1800.2438
DoV FINAL

THIS AGREEMENT is made on the 17th day of May 2023

BETWEEN

1. **DANIEL BELOV and GWEN MCDUGAL** of 58a Redington Road, London NW3 7RS (hereinafter called "the Owner") of the first part

2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

WHEREAS:

- 1.1 The Council, Daniel Belov and Gwen McDougal entered into an Agreement dated 14 October 2019 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of part of the Property under Title Numbers LN222399 and NGL245884 and as beneficiaries of two unilateral notices dated 19 May 2017 under Title Numbers LN222399 and NGL245884.

- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.

- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Agreement.

- 1.1 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 15 February 2023 for which the Council resolved to grant permission conditionally under reference 2023/0665/P subject to the conclusion of this Agreement.

2.3.2 "Existing Agreement"

the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 14 October 2019 made between the Council Daniel Belov and Gwen McDougal

2.3.3 "the Original Planning Permission"

means the planning permission granted by the Council on 14 October 2019 referenced 2018/5112/P allowing the erection of 5x bedroom four-storey dwelling house (including basement excavation) following demolition of existing dwelling house as shown on drawing numbers 157: S00; S01; S02; S03; S04; S05; S06; S07A; S08; S09; S10; S11; S12; S15A; S16A; S17; S20; S21; S22; S23; P2; P2(2); P3; P4A; P5; P6; P7; P8; P9; P10; P11; P12; P16; P17; SV1.

Residential Amenity Statement by Aragon Land and Planning Ltd; Sustainability and Energy Efficiency Statement by Aragon; Building Impact Assessment for a New Basement at 58A Redington Road by Elite Designers Ltd dated October 2018 (Ref: 2018-059); Structural Report on Proposed Demolition by Elite Designers dated 14th March 2018 (Ref: 2018-059); Design and Access Statement by TAG Architects dated 12th July 2018; Desk Study & Ground Investigation Report by Elite Designers dated October 2018 (Ref: J18142); Ground Movement Impact Assessment (Rev 1) dated October 2018 by Geotechnical Consulting Group; Planning and Heritage Statement by Aragon Land and Planning Ltd; Hydrogeological Impact Assessment (Rev 1) dated October 2018 by Geotechnical Consulting Group; Basement Impact Assessment Audit by Campbell Reith

dated May 2019 (Ref: 12985-36 F1);
Arboricultural Impact Assessment by SJ
Stephens Associates dated 03 April 2019.

3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

- 3.1.1 "Development" the development authorised by the planning permission with reference 2023/0665/P dated 15 February 2023 as amended by: Removal of condition 7 (basement chartered engineer) of planning permission 2018/5112/P dated 14/10/2019 for 'Erection of 5 bedroom four-storey dwelling house (including basement excavation) following demolition of existing dwelling house'. as shown on drawing numbers: Cover Letter (prepared by TAG Architects, dated 16/11/2022); Building Control Initial Notice (prepared by Thames Building Control, dated 08/01/2020); Letter from Basement Chartered Engineer (prepared by Elite Designers Structural Engineers, dated 02/12/2022)
- 3.1.2 "Planning Permission" the planning permission for the Development under reference number 2023/0665/P granted by the Council in the form of the draft annexed hereto
- 3.1.3 "Planning Application" the application for Planning Permission in respect of the Property submitted on 15 February 2023 by the Owner and given reference number 2023/0665/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference "2018/5112/P" shall be replaced with ""Planning Permission reference "2023/0665/P".

3.3 In all other respects the Existing Agreement (as varied by this Agreement) shall continue in full force and effect.

4. **COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2023/0665/P.

5. **PAYMENT OF THE COUNCIL'S LEGAL COSTS**

5.1 The Owner agrees to pay the Council (on or prior to completion of this Agreement) its reasonable legal costs incurred in preparing this Agreement

6. **REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Agreement shall be registered as a Local Land Charge

7. **JOINT AND SEVERAL LIABILITY**

7.1 All Covenants made by the Owner(s) in this Agreement are made jointly and severally and shall be enforceable as such.

THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106
AGREEMENT IN RELATION TO 58A REDINGTON ROAD LONDON NW3 7RS

IN WITNESS WHEREOF the Council has caused its Common Seal to be hereunto affixed
and the Owner have executed this instrument as their Deed the day and year first before
written

EXECUTED AS A DEED BY
DANIEL BELOV
in the presence of:

[Redacted Signature]

Witness Signature

Witness Name: *FITORE ZHURI*
Address: *57B MANSFIELD RD, NW3 2JE*
Occupation: *Family support Worker*

EXECUTED AS A DEED BY
GWEN MCDOUGAL
in the presence of:

[Redacted Signature]

Witness Signature

Witness Name: *FITORE ZHURI*
Address: *57B MANSFIELD Rd NW3 2JE*
Occupation: *Family support worker.*

THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN
was hereunto affixed by Order:-

[Redacted Signature]

Authorised Signatory





Application ref: 2023/0665/P
Contact: Charlotte Meynell
Tel: 020 7974 2598
Date: 5 April 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

TAG ARCHITECTS
14 Belsize Crescent
London
NW3 5QU

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
58A Redington Road
London
NW3 7RS

PROPOSAL

Removal of condition 7 (basement chartered engineer) of planning permission 2018/5112/P dated 14/10/2019 for 'Erection of 5 bedroom four-storey dwelling house (including basement excavation) following demolition of existing dwelling house'.

Drawing Nos: Cover Letter (prepared by TAG Architects, dated 16/11/2022); Building Control Initial Notice (prepared by Thames Building Control, dated 08/01/2020); Letter from Basement Chartered Engineer (prepared by Elite Designers Structural Engineers, dated 02/12/2022).

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original permission reference 2018/5112/P dated 14/10/2019.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

157: S00; S01; S02; S03; S04; S05; S06; S07A; S08; S09; S10; S11; S12; S15A; S16A; S17; S20; S21; S22; S23; P2; P2(2); P3; P4A; P5; P6; P7; P8; P9; P10; P11; P12; P16; P17; SV1.

Residential Amenity Statement by Aragon Land and Planning Ltd; Sustainability and Energy Efficiency Statement by Aragon; Building Impact Assessment for a New Basement at 58A Redington Road by Elite Designers Ltd dated October 2018 (Ref: 2018-059); Structural Report on Proposed Demolition by Elite Designers dated 14th March 2018 (Ref: 2018- 059); Design and Access Statement by TAG Architects dated 12th July 2018; Desk Study & Ground Investigation Report by Elite Designers dated October 2018 (Ref: J18142); Ground Movement Impact Assessment (Rev 1) dated October 2018 by Geotechnical Consulting Group; Planning and Heritage Statement by Aragon Land and Planning Ltd; Hydrogeological Impact Assessment (Rev 1) dated October 2018 by Geotechnical Consulting Group; Basement Impact Assessment Audit by Campbell Reith dated May 2019 (Ref: 12985-36 F1); Arboricultural Impact Assessment by SJ Stephens Associates dated 03 April 2019; Cover Letter (prepared by TAG Architects, dated 16/11/2022); Building Control Initial Notice (prepared by Thames Building Control, dated 08/01/2020); Letter from Basement Chartered Engineer (prepared by Elite Designers Structural Engineers, dated 02/12/2022).

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The development shall not be carried out other than in accordance with the details of the windows and doors, rebuilt chimney, facing materials and sample panel of brickwork and mortar approved under applications refs 2021/2741/P, 2021/3615/P and 2022/5326/P, or other such details which have been submitted to and approved in writing by the local planning authority.

Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details of all external staircases at a scale of 1:20;
- b) Details of all balustrading at a scale of 1:20;

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The development shall not be carried out other than in accordance with the cycle parking details approved under application ref 2022/5326/P, or other such details which have been submitted to and approved in writing by the local planning authority. The approved cycle parking provision shall be retained in perpetuity.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets which would be contrary to policy T1 of the London Borough of Camden Local Plan 2017.

- 5 The development shall not be carried out other than in accordance with the details of hard and soft landscaping and means of enclosure of all un-built, open areas approved under application ref 2022/5326/P, or other such details which have been submitted to and approved in writing by the local planning authority. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To enable the Council to ensure a reasonable standard of amenity in the scheme in accordance with the requirements of policies A2, A3 and CC3 of the London Borough of Camden Local Plan 2017.

- 6 The development shall not be carried out other than in accordance with the details of the living roof area approved under application ref 2022/5326/P, or other such details which have been submitted to and approved in writing by the local planning authority.

The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby approved shall incorporate sustainable design principles and climate change mitigation measures into the implementation of the development in accordance with the approved Demolition Report (by Elite Designers dated 14th March 2018- Ref: 2018-059) and the approved Sustainability and Energy Statement (by Aragon Land and Planning Ltd).

Reason: To ensure the development contributes to minimising the effects of and can adapt to a changing climate in accordance with policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 8 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural addendum report dated 3rd April 2019 ref. 1263 by SJ Stephens Associates. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision of the project arboriculturalist.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 9 The development hereby approved shall achieve a maximum internal water use of 110 litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 10 The proposed windows to the chimney shall be obscure glazed and fixed shut. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To prevent unreasonable overlooking to the lightwell area associated with the 2 bed unit in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

- 11 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the site maintains a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission:

This application seeks to remove condition 7 which requires details to be submitted prior to commencement of development of a suitably qualified chartered engineer with membership of the appropriate professional body to be appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration.

Evidence has now been submitted to demonstrate that the basement excavation and construction works commenced in 2020 and are now complete and so this condition can no longer be discharged. However, a letter from the appointed chartered structural and civil engineer has been provided, in which he confirms that he oversaw both the permanent and temporary basement construction works. Details of the Building Inspector who oversaw the building regulations have also been provided.

The submitted details are considered sufficient to confirm that the requirements of condition 7 would have been complied with, and as such, there is no objection to the removal of this condition.

The full impact of the scheme has already been assessed during the determination of the permitted scheme.

One objection was received regarding the principle of the development. The development has already been approved and no further internal or external alterations are proposed as part of this application. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies D1, D2 and A5 of the Camden Local Plan 2017. It also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.
- 6 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Supporting Communities Directorate