

DATED

18 August

2023

(1) NICHOLAS RAE

-and-

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

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**SECOND DEED OF VARIATION**

Relating to the ORIGINAL Agreement dated 18<sup>th</sup> July 2013  
(as varied by the First Deed of Variation dated 29<sup>th</sup> April 2016)

Between the Mayor and the Burgesses of the  
London Borough of Camden, and  
Nicholas Rae  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**29-30 KING'S MEWS LONDON WC1N 2JB**

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Andrew Maughan  
Borough Solicitor  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

G:\case files\culture & env\planning\Imm/s106 Agreements/ 29-30 Kings Mews (DoV)  
CLS/COM/JO/29-30 Kings Mews  
DoV v1 . 1800. 2463

THIS DEED is made on the 18<sup>th</sup> day of August 2023

**BETWEEN**

1. **NICHOLAS RAE** of 29-30 King's Mews London WC1N 2JB (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 and the Owner entered into an agreement dated 18<sup>th</sup> July 2013 pursuant to Section 106 of the Act and on 29<sup>th</sup> April 2016 the Council and the Owner entered into a deed of variation of that agreement.
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN122001 of the Property.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) 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 Deed.
- 1.5 A new Planning Application in respect of the Property and to amend the First Planning Permission as amended by the Second Planning Permission was submitted to the Council by the Owner and validated on 11<sup>th</sup> November 2022 for which the Council resolved to grant permission conditionally under reference 2022/4909/P subject to the conclusion of this Deed.
- 1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.

- 1.7 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

## 2. **INTERPRETATION**

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Deed.
- 2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Deed.
- 2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Deed and shall not effect the construction of this Deed.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 References in this Deed to the Owner shall include their successors in title.
- 2.7 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.
- |       |                      |   |
|-------|----------------------|---|
| 2.7.1 | "Deed"               | this Deed of Variation made pursuant to Section 106A of the Act   |
| 2.7.2 | "Existing Agreement" | the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 18 <sup>th</sup> July 2013 made between the Council and |

the Owner (as amended by the First Deed of Variation)

**2.7.3 "First Deed of Variation"** the deed of variation to the Existing Agreement entered into pursuant to Section 106 of the Act dated 29<sup>th</sup> April 2016 made between the Council and the Owner

**2.7.4 "the First Planning Permission"**

means the planning permission granted by the Council on 18<sup>th</sup> July 2013 referenced 2012/3877/P (as varied by 2015/5080/P dated 29<sup>th</sup> April 2016) allowing Erection of new façade and second and third storeys following partial demolition of existing building in association with the change of use from warehouse/office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 3 bedroom maisonette at 1st, 2nd & 3rd floors (Class C3) Drawing Nos: Site Location Plan; 2001-A 29-30KM; 2001-B 29-30KM; 29-30 2002/A; 2002-B 29-30KM; 2003-A 29-30KM; 2004-A 29-30KM; 2004-B 29-30KM; 2005-A 29-30KM; 2006-A 29-30KM; 3001-B 29-30 KM; 3002-B 29-30 KM; 3003-B 29-30 KM; 3004-B 29-30 KM; 3005-B 29-30 KM; 3006-B 29-30 KM; 3007-B 29-30 KM; 3008-B; 3009-B 29-30 KM; Design and Access Statement by Nicholas Rae & Associates dated 20<sup>th</sup> June 2012; Construction Management Plan; Planning Statement by Nicholas Rae & Associates dated 15<sup>th</sup> June 2012; Daylight and Sunlight report by Waldrams dated 20<sup>th</sup> June 2012; Green Roof Specification by Nicholas Rae & Associates dated 25<sup>th</sup> June 2012; Lifetimes Homes Statement dated 22<sup>nd</sup> June



2012; Planning Support Statement by  
Farebrother Surveyors dated August 2012

2.7.5 "the Second Planning Permission" means the Planning Permission granted by the Council on 29<sup>th</sup> April 2016 referenced 2015/5080/P allowing the for the variation of condition 2 (development in accordance with approved plans) pursuant to planning permission granted on 18/07/13 (ref 2012/3877/P) for works of alteration and extension in association with a change of use from warehouse/office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 3 bedroom maisonette at 1st, 2nd & 3rd floors following partial demolition of existing building in association (Class C3) to allow for minor material amendment to include increase in height of building by 500mm and minor alterations to front elevation Drawing Nos: Superseded plans: 29-30 2007 A; 3001-B29-30 KM; 3002-B29-30 KM; 3003-B29-30 KM; 3004-B29-30 KM; 3006-B29-30 KM Proposed plans: KM29/30-P001/P002; KM29/30-P101; KM29/30-P102; KM29/30-P103; KM29/30-P201/202; KM29/30-P301

### **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 permitted by the First Planning Permission as amended by the Second Planning Permission to vary Conditions 2 (approved drawings) and 7 (Material Samples)

to planning permission reference 2015/5080/P dated 29/04/16 which itself varied planning permission reference 2012/3877/P dated 18/07/13 for works of alteration and extension in association with a change of use from warehouse/office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 3 bedroom maisonette at 1st, 2nd & 3rd floors following partial demolition of existing building in association (Class C3); namely, for changes to the front elevation, insertion of AOVs in the rear elevation and erection of railings so the roof can be used as amenity space as shown in drawing numbers 29-30 2007A, 2001-A 29-30KM, 2002-A 29-30KM, 2003-A 29-30KM, 2004-A 29-30KM, 2005-A 29-30KM, 2006-A 29-30KM, 0141 4000 29-30KM A, 0141 4001 29-30KM A, 0141 4002a 29-30KM A, 0141 4002b 29-30KM A, 0141 4003 29-30KM D, 0141 4004a 29-30KM A, 0141 4004b 29-30KM A, 0141 4005 29-30KM B, 0141 4006 29-30KM A, 0141 4007 29-30KM A, 0141 4008 29-30KM A, 0141 4009 29-30KM A, 9001 29-30KM C, 9002 29-30KM A

Design and Access Statement by Nicholas Rae & Associates dated 20th June 2012; Construction Management Plan; Planning Statement by Nicholas Rae & Associates dated 15th June 2012; Daylight and Sunlight report by Waldrams dated 20th June 2012; Green Roof Specification by Nicholas Rae & Associates dated 25th June 2012; Lifetimes Homes Statement dated 22nd June 2012; Planning Support Statement by Farebrother Surveyors dated August 2012.

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2022/4909/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 to the Council on the 11<sup>th</sup> November 2022 by the Owner and given reference number 2022/4909/P.

3.2 All references in the Existing Agreement to "Planning Permission reference 2012/3877/P shall be replaced with "Planning Permission reference 2012/3877/P varied by 2015/5080/ and 2022/4909/P (as appropriate)".

3.3 In all other respects the Existing Agreement (as varied by this Deed) 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 2022/4909/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 Deed) its reasonable legal costs incurred in preparing this Deed

#### **6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge

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



CONTINUATION OF DEED OF VARIATION RELATING TO 29-30 KING'S MEWS

EXECUTED AS A DEED BY  
NICHOLAS RAE  
in the presence of:-

)  
)  
).....  
NICHOLAS RAE

.....  
Witness Signature

Witness Name: N P BRETT

Address: 66 KINGS ROAD  
HITCHIN  
HERTS SG5 1RD

Occupation:  
ELECTRICAL ENGINEER.



**CONTINUATION OF DEED OF VARIATION RELATING TO 29-30 KING'S MEWS**

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

)  
)  
)  
)



.....  
Duly Authorised Officer



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

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Application ref: 2022/4909/P  
Contact: Josh Lawlor  
Tel: 020 7974 2337  
Date: 26<sup>th</sup> June 2023

DLBP Ltd.  
Pinnacle House  
23 - 26 St Dunstan's Hill  
London  
EC3R 8HN

Dear Sir/Madam,

**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:  
**29 - 30 King's Mews**  
**London**  
**WC1N 2JB**

**Proposal:**

Variation of Conditions 2 (approved drawings) and 7 (Material Samples) to planning permission reference 2015/5080/P dated 29/04/16 which itself varied planning permission reference 2012/3877/P dated 18/07/13 for works of alteration and extension in association with a change of use from warehouse/office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 3 bedroom maisonette at 1st, 2nd & 3rd floors following partial demolition of existing building in association (Class C3); namely, for changes to the front elevation, insertion of AOVs in the rear elevation and erection of railings so the roof can be used as amenity space.

Drawing Nos: 29-30 2007A, 2001-A 29-30KM, 2002-A 29-30KM, 2003-A 29-30KM, 2004-A 29-30KM, 2005-A 29-30KM, 2006-A 29-30KM, 0141 4000 29-30KM A, 0141 4001 29-30KM A, 0141 4002a 29-30KM A, 0141 4002b 29-30KM A, 0141 4003 29-30KM D, 0141 4004a 29-30KM A, 0141 4004b 29-30KM A, 0141 4005 29-30KM B, 0141 4006 29-30KM A, 0141 4007 29-30KM A, 0141 4008 29-30KM A, 0141 4009 29-30KM A, 9001 29-30KM C, 9002 29-30KM

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Design and Access Statement by Nicholas Rae & Associates dated 20th June 2012; Construction Management Plan; Planning Statement by Nicholas Rae & Associates dated 15th June 2012; Daylight and Sunlight report by Waldrams dated 20th June 2012; Green Roof Specification by Nicholas Rae & Associates dated 25th June 2012; Lifetimes Homes Statement dated 22nd June 2012; Planning Support Statement by Farebrother Surveyors dated August 2012.

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 originalis permission (ref. 2012/3877/P dated 18/07/13).

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

- 2 For the purposes of this decision, Condition 2 of planning permission 2012/3877/P granted on 18/07/2013 shall be replaced with the following condition:

**REPLACEMENT CONDITION 2**

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

29-30 2007A, 2001-A 29-30KM, 2002-A 29-30KM, 2003-A 29-30KM, 2004-A 29-30KM, 2005-A 29-30KM, 2006-A 29-30KM, 0141 4000 29-30KM A, 0141 4001 29-30KM A, 0141 4002a 29-30KM A, 0141 4002b 29-30KM A, 0141 4003 29-30KM D, 0141 4004a 29-30KM A, 0141 4004b 29-30KM A, 0141 4005 29-30KM B, 0141 4006 29-30KM A, 0141 4007 29-30KM A, 0141 4008 29-30KM A, 0141 4009 29-30KM A, 9001 29-30KM C, 9002 29-30KM A

Design and Access Statement by Nicholas Rae & Associates dated 20th June 2012; Construction Management Plan; Planning Statement by Nicholas Rae & Associates dated 15th June 2012; Daylight and Sunlight report by Waldrams dated 20th June 2012; Green Roof Specification by Nicholas Rae & Associates dated 25th June 2012; Lifetimes Homes Statement dated 22nd June 2012; Planning Support Statement by Farebrother Surveyors dated August 2012.

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



- 3 The use of the roof as a terrace shall not commence until the screen, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 4 Before the relevant part of the work is begun high resolution photographs of the brick samples or physical samples of the brick shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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

- 5 Prior to the relevant part of works taking place on site, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
  - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
  - iii. full details of planting species and density

The living roofs 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 G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 The secure and covered cycle storage areas as shown on the plans hereby approved shall be fully provided in their entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: 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.

- 7 The photovoltaic cells shall be installed in full accordance with what is shown on the approved plans and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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.

- 2 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](http://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.

- 3 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 4 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.
- 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](http://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 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).
- 7 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information



please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.

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