

DATED

2025

(1) SRINATH PROPERTIES LIMITED

and

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

DEED OF VARIATION

Relating to the Agreement dated 3 August 2022
Between the Mayor and the Burgesses of the
London Borough of Camden and Srinath Properties Limited

under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
2 SWAIN'S LANE LONDON N6 6QS

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

Tel: 020 7974 3935

THIS DEED is made on the

day of

2025

BETWEEN

1. **SRINATH PROPERTIES LIMITED** (Co. Regn. No. 12504896) whose registered office is at 310 Harrow Road, Wembley HA9 6LL (hereinafter called "the Freeholder" 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 Srinath Properties Limited entered into an Agreement dated 3 August 2022 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute of the Property under Title Number LN78272.
- 1.3 The Freeholder 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 Original Planning Permission was submitted to the Council by the Owner and validated on 16 December 2024 for which the Council resolved to grant permission conditionally under reference 2024/5613/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 Agreement.
- 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 Agreement 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 and Mortgagee 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.

2.8.1 "Deed"	this Deed of Variation made pursuant to Section 106A of the Act
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2.8.2 "Existing Agreement"	the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 3 August 2022 made between (1) The Mayor
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and Burgesses of the London Borough of Camden and (2) Srinath Properties Limited

2.8.3 “the Original Planning Permission”

means the planning permission granted by the Council on 3 August 2022 referenced 2019/5783/P allowing demolition of existing buildings. Erection of 3 storey building with retail (Class E) at ground floor and 2x1bed flats and 1x2bed (C3) above [revised design] as shown on drawing numbers: - 218/03: /02 Rev.B; /03 Rev.B; /04 Rev.B and /05 Rev.B

219/03: /06 Rev.J; /07 Rev.H; /08 Rev.H; /09 Rev.H; /10 Rev.H; /11 Rev.H; SK1 and SK2 Rev.H

Daylight Impact Report by Planning for Sustainability dated 29/10/21; Energy and Sustainability Statement by PBA dated March 2021 and two tier rack space requirements drawing by bike dock solutions

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”

variation of Conditions 2 (Approved Plans) and 4 (Water Efficiency and Flood Mitigation) and removal of Condition 3 (Design Details) of planning permission 2019/5783/P (dated 03/08/2022) for 'Demolition of existing buildings and the erection of 3 storey building with retail (Class E) at ground floor and 2x1bed and 1x2bed (C) flats above', NAMELY to raise the height of the first-floor parapet and insert four

new windows on the front elevation, and provide details of materials, water efficiency and flood mitigation measures as shown on drawing numbers.: - 218/03: /02 Rev.B; /03 Rev.B; /04 Rev.B; /05 Rev.B; /06 Rev J

Daylight Impact Report by Planning for Sustainability dated 29/10/21; Energy and Sustainability Statement by PBA dated March 2021 and two tier rack space requirements drawing by bike dock solutions

P-001; P-500 Rev A; P-501; P-600 Rev A; P-601 Rev A; P-700 Rev A; 2019/15; Window and Sliding Door References and Profiles Plan; Window Sections - Heads (IDS65-A-05B); Window Sections - Jambs (IDS65-A-06A); Window Sections - Sills (IDS65-A-08B); Sliding Door Sections - Sills (A02 Rev B); Sliding Door Sections - Head (A04 Rev B); Sliding Door Section - Jamb (A06 Rev B); Cover Letter (prepared by ABP Architectural Services, dated 13 December 2024); Supplementary information to address condition 4 (prepared by Innervision Design Ltd, dated September 2024)

3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2024/5613/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 16 December 2024 by the Owner and given reference number 2024/5613/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to “Planning Permission reference 2019/5783/P” shall be replaced with “Planning Permission reference 2024/5613/P”.

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 2024/5613/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 S106 AGREEMENT (DEED OF VARIATION)
2 SWAIN'S LANE LONDON N6 6QS**

EXECUTED AS A DEED BY)
SRINATH PROPERTIES LIMITED)
 acting by a Director and its Secretary)
 or by two Directors)
 or by a Director and its Witness)

.....

Director

.....

Director/Secretary/Witness

Witness Name:

Address:

Occupation:

CONTINUATION OF S106 AGREEMENT (DEED OF VARIATION)
2 SWAIN'S LANE LONDON N6 6QS

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

.....
Duly Authorised Officer

Application ref: 2024/5613/P
Contact: Sarah White
Tel: 020 7974 5213
Email: sarah.white@camden.gov.uk
Date: 19 May 2025

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

ABP Architectural Services Ltd
56 Buttercup Avenue
Eynesbury
St. Neots
PE19 2LE

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted subject to a Section 106 Legal Agreement and Warning of Enforcement Action

Address:
2 Swain's Lane
London
N6 6QS

DECISION

Proposal:

Variation of Conditions 2 (Approved Plans) and 4 (Water Efficiency and Flood Mitigation) and removal of Condition 3 (Design Details) of planning permission 2019/5783/P (dated 03/08/2022) for 'Demolition of existing buildings and the erection of 3 storey building with retail (Class E) at ground floor and 2x1bed and 1x2bed (C) flats above', NAMELY to raise the height of the first-floor parapet and insert four new windows on the front elevation, and provide details of materials, water efficiency and flood mitigation measures.

Drawing Nos: P-001; P-002; P-100; P-101; P-200; P-201; P-500 Rev A; P-501; P-600 Rev A; P-601 Rev A; P-700 Rev A; 2019/15; Window and Sliding Door References and Profiles Plan; Window Sections - Heads (IDS65-A-05B); Window Sections - Jambs (IDS65-A-06A); Window Sections - Sills (IDS65-A-08B); Sliding Door Sections - Sills (A02 Rev B); Sliding Door Sections - Head (A04 Rev B); Sliding Door Section - Jamb (A06 Rev B); Cover Letter (prepared by ABP Architectural Services, dated 13 December 2024); Supplementary information to address condition 4 (prepared by Innervision Design Ltd, dated September 2024).

The Council has considered your application and decided to grant permission subject to the following condition(s):

Conditions and Reasons:

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

218/03: /02 Rev.B; /03 Rev.B; /04 Rev.B; /05 Rev.B; /06 Rev J.

Daylight Impact Report by Planning for Sustainability dated 29/10/21; Energy and Sustainability Statement by PBA dated March 2021 and two tier rack space requirements drawing by bike dock solutions.

P-001; P-500 Rev A; P-501; P-600 Rev A; P-601 Rev A; P-700 Rev A; 2019/15; Window and Sliding Door References and Profiles Plan; Window Sections - Heads (IDS65-A-05B); Window Sections - Jambs (IDS65-A-06A); Window Sections - Sills (IDS65-A-08B); Sliding Door Sections - Sills (A02 Rev B); Sliding Door Sections - Head (A04 Rev B); Sliding Door Section - Jamb (A06 Rev B); Cover Letter (prepared by ABP Architectural Services, dated 13 December 2024); Supplementary information to address condition 4 (prepared by Innervision Design Ltd, dated September 2024).

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

- 2 Prior to occupation of the development, the approved measures to provide internal water efficiency to target a consumption of no more than 105 litres per person per day and water recycling equipment shall be installed. The development shall thereafter proceed in accordance with the details thus approved.

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, CC3 of the London Borough of Camden Local Plan 2017.

- 3 Prior to occupation of the development, the approved sustainable urban drainage systems and flood mitigation measures shall be installed and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 4 Prior to occupation of the new residential units, secure and covered cycle storage as shown on drawing no. /06 Rev.J and two tier rack space requirements drawing by bike dock solutions for 4 cycles should be provided in its entirety, 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.

Informative(s):

- 1 Reasons for granting permission:

Planning permission 2019/5783/P was granted on 03/08/2022 for the demolition of the existing buildings at 2 Swain's Lane and the erection of 3-storey building with a retail unit at ground floor level and residential flats above. The proposed building was not constructed in accordance with the approved plans and therefore the current application seeks to vary condition 2 (approved plans) of this planning permission to regularise the discrepancies between the approved plans and as-built development. The current proposal seeks to raise the height of the approved first-floor parapet and insert four new windows on the front elevation. Additionally, this application seeks to provide details of materials, and water efficiency and flood mitigation measures to satisfy conditions 3 (detailed design) and 4 (water efficiency and flood mitigation) of the original permission.

The changes are considered 'minor' when taken in context with the wider approved development, and as such, a minor material amendment application is appropriate in this instance.

The raising of the parapet heights at ground and first floor levels to meet the parapets at No. 4 Swain's Lane would create a consistent parapet height along the terrace, creating a balanced appearance and this is supported. This was the intention within the original permission, however due to a plan drafting error, the building has been constructed to a lower height. Four new smaller windows are also proposed on top of the existing first floor front elevation windows to align with the height of the windows at No. 4. These changes compliment the proportions and fenestration of the adjoining building and are supported.

Other minor changes to the approved scheme include the removal of the soldier course above the windows at first floor, reduction in width of the side elevation windows at first floor and subsequent widening of the patio doors to match the second floor, and removal of the brick corbels. These changes seek to rationalise and simplify the design to create consistency within the development and are supported.

Condition 3 of the original permission requires the submission of detailed drawings and samples of all materials for the proposed windows, doors, balustrades, parapets, facing materials, glazing and the shopfront. These details have been submitted and are in general accordance with the approved scheme, with the exception of the brick. The approved scheme proposed London Stock brick to match No. 4 Swain's Lane, however the development has been built using Red Multi Gilt Stock.

It is acknowledged that Swain's Lane is built up of a number of different architectural styles, building forms, materials, brickwork, colour palette and ages. Therefore, whilst London Stock brick would have been preferable, the Red Multi Gilt Stock is still a high-quality material that fits in with the wider material and colour palette of Swain's Lane and thus it is acceptable.

A coloured elevation drawing of the proposed shopfront has also been submitted and is acceptable.

The Conservation Officer has confirmed that sufficient details have been provided in respect of materials and detailed design to satisfy the requirements of condition 3 and as such this condition can be removed.

Overall, the proposal would preserve character and appearance of the Dartmouth Conservation Area and host property. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2 Condition 4 of planning permission 2019/5783/P requires the submission of details regarding internal water efficiency measures, water recycling equipment and sustainable drainage systems (SuDS), in addition to details to demonstrate that the proposal has been designed to cope with potential flooding internally and to reduce the risk of flooding externally. The Applicant has provided sufficient detail to demonstrate that the proposed development would achieve the required internal water efficiency consumption target, without the need for grey water recycling. Additionally, a blue/green roof and rainwater harvesting are proposed to achieve a greater than 50% reduction in post development run-off rates. The proposed internal flood resilience measures at ground floor would be incorporated in line with the Government's best practice guidance, and externally, drop in flood barriers would be installed in alignment with the Council's Strategic Flood Risk Assessment (SFRA). These details have been reviewed by Council's Sustainability Officer and they are confirmed to be acceptable. As such, Condition 4 can be changed to a compliance condition to ensure the development adheres to the above water efficiency and flood risk measures.

In terms of neighbouring amenity, the proposed changes are minor and would not result in any additional impacts on neighbouring amenity above and beyond those resulting from the originally approved scheme.

Representations in support of the proposal were received from the Dartmouth Park Neighbourhood Forum (DPNF) and the Dartmouth Park Conservation Area Advisory Committee (CAAC). The DPNF considers that the amended design would result in an acceptable solution for the site and would enhance the appearance of the street scene. The DPCAAC largely supports the revised design, however requested minor amendments to the detailing of the brick work, light panels, doors, and windows which have been incorporated into the revised proposal by the Applicant where possible. The DPCAAC also provided comments in relation to flooding and water usage which have been taken into account during the determination of this application.

No objections have been received following statutory consultation. The site's planning and enforcement history has been taken into account when coming to this decision.

As such, the proposal is in general accordance with policies A1, D1, D2, CC1, CC2, CC3 of the Camden Local Plan 2017, policies D1, D2 and D3 of the Dartmouth Park Neighbourhood Plan 2020, the London Plan 2021, and the National Planning Policy Framework 2024.

- 3 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).

- 4 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.
- 5 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.

- 6 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 7 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 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 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.
- 9 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

- 10 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for shopfront signage. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk).

11 WARNING OF ENFORCEMENT ACTION TO BE TAKEN

The as-built scheme does not comply with the original planning permission (2019/5783/P) or the scheme approved under this current planning permission. As such, this matter has been referred to Council's Enforcement Team to investigate and take enforcement action as necessary.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

ENFORCEMENT ACTION TO BE TAKEN

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control.

You can find advice in regard to your rights of appeal at:

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

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

Chief Planning Officer