

DATED

23 SEPTEMBER 2013

**(1) RADLETT HOLDINGS LIMITED**

and

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

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**DEED OF VARIATION**

relating to the Agreement dated 25<sup>th</sup> June 2013  
between  
the Mayor and the Burgesses of the London Borough of Camden  
and  
Radlett Holdings Limited

under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**1 Radlett Place  
St Johns Wood London  
NW8 6BT**

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

Tel: 020 7974 5647  
Fax: 020 7974 1920

CLS/PK/1685.2151 (FINAL)



THIS AGREEMENT is made on the 23<sup>rd</sup> day of September 2013

**BETWEEN**

1. **RADLETT HOLDINGS LIMITED** (incorporated in Jersey under company registration number 109663) care of and address for service RBC Trust Company (International) Limited La Motte Chambers St Helier Jersey Channel Islands JE1 1PB and whose address for service in the United Kingdom is Teacher Stern LLP of 37 - 41 Bedford Row, London, WC1R 4JH (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 Radlett Holdings Limited entered into an Agreement dated 25<sup>th</sup> June 2013 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 under title number NGL750895.
- 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 Agreement.
- 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 17<sup>th</sup> July 2013 which the Council resolved to grant permission conditionally under reference 2013/4607/P subject to the conclusion of this Agreement.
- 1.6 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 (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 Agreement 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 Agreement.

- 2.2 All references in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.

- 2.3 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "Agreement" this Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 25<sup>th</sup> June 2013 made between the Council and Radlett Holdings Limited

2.3.3 "the Original Planning Permission" the planning permission granted by the Council on 25<sup>th</sup> June 2013 referenced 2012/5781/P permitting erection of building comprising ground and first floors with two storey basement for use as a single-family dwellinghouse (Class C3) as shown on drawing numbers 001\_PL01; 002\_PL01; 003\_PL01; 020\_PL03; 021\_PL04; 022\_PL06; 023\_PL05; 024\_PL04; 025\_PL02; 202\_PL09; 203\_PL09; 204\_PL01; 300\_PL02; 301\_PL02; 305\_PL02; 306\_PL02; 500\_PL01; 501\_PL01; 502\_PL01; 503\_PL01; 505\_PL01; 506\_PL01; 507\_PL01; 508\_PL01; 509\_PL01;

510\_PL01; 511\_PL01; 512\_PL01; Design and Access Statement; BRE-00018004-DS-001-00-0001 - CSH Certificate; Basement Impact Assessment (Ref: J1219-Doc-05, Revision X3); Flood Risk Assessment (Ref: J1219-Doc-08, Revision X2); Structural Engineering Report (Ref: J1219-Doc-09); M22-T1; M6-P1; PTL 454 - Radlett Place - External Lighting Solutions; PV1-P1; Planning Statement; Construction and Environmental Plan; Renewable Energy Statement and Sustainability Report for the M&E Services; Arboricultural Development Report; Environmental Noise Survey; Lifetime Homes Assessment (Revision A).

- 2.4 Where in this Agreement 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.
- 2.5 Headings are for ease of reference only and are not intended to be construed as part of this Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.
- 2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.7 References in this Agreement to the Owner and Mortgagee shall include their successors in title.

### 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 planning permission dated 25<sup>th</sup> June 2013 granted under reference number 2012/5781/P (erection of building comprising ground and first floors with two storey basement

for use as a single-family dwellinghouse (Class C3) as shown on drawing numbers 001\_PL01; 002\_PL01; 003\_PL01; 020\_PL03; 021\_PL04; 022\_PL06; 023\_PL05; 024\_PL04; 025\_PL02; 202\_PL09; 203\_PL09; 204\_PL01; 300\_PL02; 301\_PL02; 305\_PL02; 306\_PL02; 500\_PL01; 501\_PL01; 502\_PL01; 503\_PL01; 505\_PL01; 506\_PL01; 507\_PL01; 508\_PL01; 509\_PL01; 510\_PL01; 511\_PL01; 512\_PL01; Design and Access Statement; BRE-00018004-DS-001-00-0001 - CSH Certificate; Basement Impact Assessment (Ref: J1219-Doc-05, Revision X3); Flood Risk Assessment (Ref: J1219-Doc-08, Revision X2); Structural Engineering Report (Ref: J1219-Doc-09); M22-T1; M6-P1; PTL 454 - Radlett Place - External Lighting Solutions; PV1-P1; Planning Statement; Construction and Environmental Plan; Renewable Energy Statement and Sustainability Report for the M&E Services; Arboricultural Development Report; Environmental Noise Survey; Lifetime Homes Assessment (Revision A)) to provide minor material amendment of condition 2 (development to be constructed in accordance with the approved plans) and removal of condition 4 (submission of details relating to the glazed link) and the removal of the single storey glazed link between the main house and the staff accommodation and the single storey element to the family living area; erection of security gates in place of the glazed link, along with alterations to the elevations including replacement of windows with doors and addition of windows at ground floor level, and amendments to the exact siting of louvres, and changes to internal layout as shown on drawing numbers 001\_PL01; 002\_PL02; 003\_PL02;

020\_PL05; 021\_PL06; 022\_PL08; 023\_PL07;  
 024\_PL06; 025\_PL04; 202\_PL11; 203\_PL11;  
 204\_PL03; 300\_PL03; 305\_PL03; 306\_PL03;  
 500\_PL01; 501\_PL01; 502\_PL01; 503\_PL01;  
 505\_PL02; 506\_PL01; 507\_PL01; 508\_PL02;  
 509\_PL01; 510\_PL01; 511\_PL01; 512\_PL01;  
 Design and Access Statement and addendum  
 by Osel Architecture; BRE-00018004-DS-001-  
 00-0001 - CSH Certificate; Basement Impact  
 Assessment (Ref: J1219-Doc-05, Revision X3);  
 Flood Risk Assessment (Ref: J1219-Doc-08,  
 Revision X2); Structural Engineering Report  
 (Ref: J1219-Doc-09); M22-T1; M6-P1; PTL 454  
 - Radlett Place - External Lighting Solutions;  
 PV1-P1; Planning Statement and addendum by  
 Savills; Construction and Environmental Plan;  
 Renewable Energy Statement and Sustainability  
 Report for the M&E

- 3.1.2 "Planning Permission" the planning permission under reference number 2013/4607/P to be issued 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 12<sup>th</sup> July 2013 by the Owner and given reference number 2013/4607/P
- 3.2 The words "2012/5781/P" in clause 5.2 of the Existing Agreement shall be deleted and replaced with "2013/4607/P".
- 3.3 The words "2012/5781/P" in clause 6.1 of the Existing Agreement shall be deleted and replaced with "2013/4607/P".
- 3.4 The draft planning permission reference 2013/4607/P annexed to this Agreement shall be treated as annexed to the Existing Agreement in addition to the existing annexures.

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

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

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

5. **REGISTRATION AS LOCAL LAND CHARGE**

5.1 This Agreement 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

**EXECUTED AS A DEED BY  
RADLETT HOLDINGS LIMITED  
acting by a Director and its Secretary  
or by two Directors**

**Director Name: (CAPITALS)**

**Director Signature:**

**Director/Secretary Name (CAPITALS)**

**Director/Secretary Signature:**

RBC Directorship Services (CH) Limited

Authorised Signatory

Authorised Signatory

PETER MOON IRIS FADDEN

RBC Corporate Services (CI) Limited

Authorised Signatory

Authorised Signatory

PETER MOON IRIS FADDEN

**THE COMMON SEAL OF THE MAYOR**

**AND BURGESSES OF THE LONDON  
BOROUGH OF CAMDEN was hereunto  
Affixed by Order:-**

TM Knowles

**Authorised Signatory**





Savills The London Planning Practice  
33 Margaret Street  
London  
W1G 0JD

Application Ref: **2013/4607/P**

9 September 2013

Dear Sir/Madam

**DRAFT**

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

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**1 Radlett Place**  
**London**  
**NW8 6BT**

**Proposal:**

**DECISION**

Minor material amendment to condition 2 of planning permission 2012/5781/P dated 25/06/2013 (Erection of a building comprising ground and first floors with two storey basement for use as a single-family dwellinghouse), namely for the removal of the single storey glazed link between the main house and the staff accommodation and the single storey element to the family living area. Erection of security gates in place of the glazed link, along with alterations to the elevations including replacement of windows with doors and addition of windows at ground floor level, and amendments to the exact siting of louvres, and changes to internal layout. Removal of condition 4 (details of glazed link).

Drawing Nos: 001\_PL01; 002\_PL02; 003\_PL02; 020\_PL05; 021\_PL06; 022\_PL08; 023\_PL07; 024\_PL06; 025\_PL04; 202\_PL11; 203\_PL11; 204\_PL03; 300\_PL03; 305\_PL03; 306\_PL03; 500\_PL01; 501\_PL01; 502\_PL01; 503\_PL01; 505\_PL02; 506\_PL01; 507\_PL01; 508\_PL02; 509\_PL01; 510\_PL01; 511\_PL01; 512\_PL01; Design and Access Statement and addendum by Osel Architecture; BRE-00018004-DS-001-00-0001 - CSH Certificate; Basement Impact Assessment (Ref: J1219-Doc-05, Revision X3); Flood Risk Assessment (Ref: J1219-Doc-08, Revision X2); Structural Engineering Report (Ref: J1219-Doc-09); M22-T1; M6-P1; PTL 454 - Radlett Place - External Lighting Solutions; PV1-P1; Planning Statement and addendum by Savills; Construction and Environmental Plan; Renewable Energy Statement and Sustainability Report for the M&E

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.

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

# DRAFT

- 001\_PL01; 002\_PL02; 003\_PL02; 020\_PL05; 021\_PL06; 022\_PL08; 023\_PL07;  
024\_PL06; 025\_PL04; 202\_PL11; 203\_PL11; 204\_PL03; 300\_PL03; 305\_PL03;  
306\_PL03; 500\_PL01; 501\_PL01; 502\_PL01; 503\_PL01; 505\_PL02; 506\_PL01,  
507\_PL01; 508\_PL02; 509\_PL01; 510\_PL01; 511\_PL01; 512\_PL01; Design and  
Access Statement and addendum by Osel Architecture; BRE-00018004-DS-001-00-  
0001 - CSH Certificate; Basement Impact Assessment (Ref: J1219-Doc-05, Revision  
X3); Flood Risk Assessment (Ref: J1219-Doc-08, Revision X2); Structural  
Engineering Report (Ref: J1219-Doc-09); M22-T4; MG-R1; PTL-454 - Radlett Place -  
External Lighting Study; 7/22 Planning Statement and addendum by Savills;  
Construction and Environmental Plan; Response to Planning Statement and  
Sustainability Report by the J.E. Services; Agricultural Development Report;  
Environmental Noise Survey; Airtime Homes Assessment (Revision A)

# DECISION

- 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.

2013/4607/P

- 3 Within 3 months of the date of this planning permission full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The measures detailed in the Arboricultural Development Report demonstrating how trees to be retained shall be protected during construction work shall be enacted prior to the commencement of the development hereby approved, and remain in place until the construction is complete. Trees on the site or parts of trees growing from adjoining sites, unless shown on the approved drawings as being removed, shall be retained and protected in accordance with the approved protection details.

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 policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 5 In the event that additional significant contamination is found at any time when carrying out the approved development it shall be reported in writing immediately to the local planning authority. Remedial works shall be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (MPC) and where remediation is necessary a scheme of remediation shall be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A, C-H) and Part 2 (Classes A-C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: 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 CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to occupation of the development, the applicant will have constructed and implemented the measures contained in the Renewable Energy Statement and Sustainable Resource and Noise Services and such measures shall be permanently retained after the development is completed. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Noise levels at the boundary of the development shall be at least 5dB(A) less than the existing background noise level. The noise level shall be expressed in dB(A) when all plant/equipment of any kind of which a noise is emitted from the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 10 A suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority within 1 month of the date of this planning permission. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 11 Any emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power. Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17:00 hours Monday to Friday and not at all on public and bank holidays".

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 12 Prior to the occupation of the site hereby approved details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.

The works shall be carried out by not later than the end of the planting season following completion of the development and shall be carried out in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the sustainability and character of the area in accordance with the requirements of policy CS4 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 13 Within 1 month of the date of this planning permission a report detailing the presence of soil and groundwater contamination and landfill gas, and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 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 are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/planning/contacts/environment/consultation/consultationteam.en> or seek prior approval under Section 245 of the Act. If you experience any difficulty in carrying out construction other than the above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, health, and social care, and for their charitable purposes. You will be required to advise us when your permissions are implemented. Please use the online tool to find out who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 You are reminded that although the removal of the glazed link would result in a freestanding building this must remain ancillary to the main building and planning permission would be required for it to become a self-contained residential unit in its own right.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

**DRAFT**

**DECISION**







DATED 23 SEPTEMBER 2013

**(1) RADLETT HOLDINGS LIMITED**

and

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

---

**DEED OF VARIATION**

relating to the Agreement dated 25<sup>th</sup> June 2013  
between  
the Mayor and the Burgesses of the London Borough of Camden  
and  
Radlett Holdings Limited

under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**1 Radlett Place  
St Johns Wood London  
NW8 6BT**

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Borough Solicitor  
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