

DATED

8 AUGUST

2016

(1) 31 HEATH DRIVE LIMITED

and

(2) RAVINDER KUMAR GUPTA and ANINDITA GUPTA

and

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

A G R E E M E N T
relating to land known as
31 Heath Drive, London NW3 7SB
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)

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

Tel: 020 7974 1918
Fax: 020 7974 2962

THIS AGREEMENT is made the 8th day of AUGUST 2016

B E T W E E N:

- i. **31 HEATH DRIVE LIMITED** (Co. Regn. No. 1198609) whose registered office is at 31 Heath Drive, London NW3 7SB (hereinafter called "the Freeholder") of the first part
- ii. **RAVINDER KUMAR GUPTA and ANINDITA GUPTA** of Flat 1, 31 Heath Drive, London, NW3 7SB (hereinafter called "the Leaseholder") of the second part
- iii. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

1. **WHEREAS**

- 1.1 The Freeholder is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number 122392.
- 1.2 The Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 The Leaseholder is registered at the Land Registry as the leasehold proprietor with Title absolute of the Property under Title Number NGL776736.
- 1.4 The Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.5 The Freeholder and the Leaseholder shall hereinafter be jointly referred to as "the Owner".
- 1.6 A Planning Application for the development of the Property was submitted to the Council and validated on 25 May 2016 and the Council resolved to grant permission

conditionally under reference number NGL776736 subject to the conclusion of this legal Agreement.

- 1.7 The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated 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 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.

2. **DEFINITIONS**

In this Agreement the following expressions (arranged in alphabetical order) shall unless the context otherwise requires have the following meanings:-

- | | | |
|-----|---|---|
| 2.1 | "the Act" | the Town and Country Planning Act 1990 (as amended) |
| 2.2 | "the Agreement" | this Planning Obligation made pursuant to Section 106 of the Act |
| 2.3 | "Below Grounds Works" | all below ground basement works shown on drawing numbers:- 1193-301.01 C Proposed Section , 1193-301.02 B (Proposed Section), 1193-301.03 B (Proposed Section) and associated excavation and site preparation works |
| 2.4 | "the Certificate of Practical Completion" | the certificate issued by the Owner's contractor architect or project manager certifying that the Development has been completed |
| 2.5 | "Construction Management Plan" | a plan setting out the measures that the Owner will adopt in undertaking the construction of the Below Ground Works using good site practices |

in accordance with the Council's Considerate Contractor Manual and in the form of the Council's Pro Forma Construction Management Plan as set out in the First Schedule hereto to ensure the Construction Phase of the Below Ground Works can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network including (but not limited to):-

- (i) a statement to be submitted to Council giving details of the environmental protection highways safety and community liaison measures proposed to be adopted by the Owner in order to mitigate and offset potential or likely effects and impacts arising from the demolition of the Existing Buildings or structures on the Property and the building out of the Below Ground Works;
- (ii) proposals to ensure the protection and preservation of the listed building during the Construction Phase;
- (iii) proposals to ensure there are no adverse effects on the Conservation Area features;
- (iv) amelioration and monitoring effects on the health and amenity of local residences site construction workers local businesses and adjoining developments undergoing construction;
- (v) amelioration and monitoring measures

over construction traffic including procedures for notifying the owners and or occupiers of the residences and businesses in the locality in advance of major operations delivery schedules and amendments to normal traffic arrangements (if any);

(vi) the inclusion of a waste management strategy for handling and disposing of construction waste; and

(vii) identifying means of ensuring the provision of information to the Council and provision of a mechanism for monitoring and reviewing as required from time to time

2.6 "the Construction Management Plan Implementation Support Contribution"

the sum of £1,140 (one thousand one hundred and fourty pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the Council in the event of receipt for the review and approval of the draft Construction Management Plan and verification of the proper operation of the approved Construction Management Plan during the Construction Phase

2.7 "the Construction Phase"

the whole period between
(i) the Implementation Date and
(ii) the date of issue of the Certificate of Practical Completion

2.8 "the Council's Considerate Contractor Manual"

the document produced by the Council from time to time entitled "Guide for Contractors Working in Camden" relating to the good practice for developers engaged in building

activities in the London Borough of Camden

2.9 "the Development"

Amalgamation of two flats; external & internal alterations at basement, ground & first floor levels inc. window/door alterations; and extension of existing basement (Below Ground Works) as previously approved under App Ref's 2015/3738/P & 2015/3953/L as shown on drawing numbers:-

1193-700B (Existing Basement Floor Plan), 1193-700H (Existing Original Historic Basement Floor Plan), 1193-710 (Cleaned Existing Basement Floor Plan), 1193-701 C (Existing Ground Floor Plan), 1193-701H (Existing Original Historic Ground Floor Plan), 1193-711 (Cleaned Existing Ground Floor Plan), 1193-709 (Existing First Floor Plan), 1193-708H (Existing Original Historic First Floor Plan), 1193-712 (Cleaned Existing First Floor Plan), 1193-702 A (Location Plan), 1193-703 A (Context Plan), 1193-704 (Existing Front & Rear Elevations), 1193-705 A (Existing Elevation A & B), 1193-706.01 A (Existing Sections), 1193-706.02 (Existing Sections), 1193-706.03 A (Existing Sections), 1193-710 (Existing Basement Floor Plan), 1193-711 (Existing Ground Floor Plan), 1172-100 I (Proposed Basement Floor Plan), 1193-131 B (Proposed Ground Floor Plan), 1193-132 C (Proposed First Floor Plan), 1193-110 A (Site Set Up Plan), 1193-120 A (Proposed Basement Floor Plan), 1193-121 A (Proposed Ground Floor Plan), 1193-122 (Proposed First Floor Plan), 1193-900 (Site Photographs Sheet 1), 1193-901 (Site Photographs Sheet 2),

1193-902 (Site Photographs Sheet 3), 1193-903 (Site Photographs Sheet 4), 1193-200 A (Basement RCP), 1193-201 A (Ground RCP), 1193-202 (First Floor RCP), 1193-300 A (Proposed Elevations A & B), 1193-301.01 C Proposed Section , 1193-301.02 B (Proposed Section), 1193-301.03 B (Proposed Section), 1193-302 (Basement Sliding Pocket Doors), 1193-303 A (Gnd Flr Drawing Room Elevation A), 1193-304.01 B (Gnd Flr Glazed Stairwell Wall), 1193-304.02 A (Gnd Flr Glazed Stairwell Wall), 1193-310 (Gnd Flr Dining Room French Doors), 1193-316 A (Proposed Rear Elevation), 1193-317 (1st Flr Stairs), 1193-318 (First Floor Balcony), Design and Access Statement with Heritage Assessment - Alistair Grills Associates, BIA - UK-Hydrosiences (May 2015), FRA and Soil Report - Geotechnical & Environmental Associates (May 2015), BIA Audit Response - Geotechnical & Environmental Associate

- | | | |
|------|----------------------------|--|
| 2.10 | "the Implementation Date" | the date of implementation of the Below Ground Works by the carrying out of a material operation as defined in Section 56 of the Act and references to "Implementation" and "Implement" shall be construed accordingly |
| 2.11 | "the Parties" | mean the Council and the Owner |
| 2.12 | "the Planning Application" | a planning application in respect of the development of the Property submitted to the Council and validated on 25 May 2016 for which a resolution to grant permission has been passed conditionally under reference number 2016/2189/P subject to conclusion of this |

		Agreement
2.13	"Planning Obligations Monitoring Officer"	a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to S106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof
2.14	"the Planning Permission"	a planning permission granted for the Development substantially in the draft form annexed hereto
2.15	"the Property"	the land known as 31 Heath Drive, London NW3 7SB the same as shown shaded grey on the plan annexed hereto

3. **NOW THIS DEED WITNESSETH** as follows:-

- 3.1 This Agreement is made in pursuance of Section 106 of the Act, and is a planning obligation for the purposes of Section 106 as aforesaid, and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 3.2 Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies corporations and other artificial persons.
- 3.3 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute.

- 3.4 The clause and paragraph headings do not form part of this Agreement and shall not be taken into account in its construction or interpretation.
- 3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6, 7 and 8 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.
- 3.6 The Council hereby agrees to grant the Planning Permission on the date hereof.
- 3.7 The Parties save where the context states otherwise shall include their successors in title.

4. **OBLIGATIONS OF THE OWNER**

The Owner hereby covenants with the Council as follows:-

4.1 **CONSTRUCTION MANAGEMENT PLAN**

- 4.1.1 On or prior to the Implementation Date to:
- (i) pay to the Council the Construction Management Plan Implementation Support Contribution in full; and
 - (ii) submit to the Council for approval a draft Construction Management Plan.
- 4.1.2 Not to Implement nor allow Implementation of the Below Ground Works until such time as the Council has:
- (i) received the Construction Management Plan Implementation Support Contribution in full; and
 - (ii) approved the Construction Management Plan as demonstrated by written notice to that effect.
- 4.1.3 The Owner acknowledges and agrees that the Council will not approve the Construction Management Plan unless it demonstrates to the Council's reasonable satisfaction that the Construction Phase of the Below Ground Works can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network.

- 4.1.4 To ensure that throughout the Construction Phase the Below Ground Works shall not be carried out otherwise than in strict accordance with the requirements of the Construction Management Plan and not to permit the carrying out of any works comprised in demolition or building out the Below Ground Works at any time when the requirements of the Construction Management Plan are not being complied with and in the event of non compliance with this sub-clause the Owner shall forthwith take any steps required to remedy such non-compliance.

5. **NOTICE TO THE COUNCIL/OTHER MATTERS**

- 5.1 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Planning Permission has taken or is about to take place.
- 5.2 Within seven days following completion of the Development the Owner shall certify in writing to the Planning Obligations Monitoring Officer in the manner outlined at clause 6.1 hereof quoting the Planning Permission reference 2016/2189/P the date upon which the Development is ready for Occupation.
- 5.3 The Owner shall act in good faith and shall co-operate with the Council to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part of the Property or any requests to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.
- 5.4 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned herein and shall not make any claim for compensation in respect of any condition restriction or provision imposed by this Agreement and further shall indemnify the Council for any expenses or liability arising to the Council in respect of breach by the Owner of any obligations contained herein save to the extent that any act or omission of the Council its employees or agents has caused or contributed to such expenses or liability.

- 5.5 If satisfied as to the compliance of the Owner in respect of any obligation in this Agreement the Council shall (if requested to do so in writing and subject to payment of a fee of £1,000 in respect of each such obligation) provide through its Head of Legal Services a formal written certification of compliance, partial compliance or ongoing compliance (as and if appropriate) with the provisions of any such obligation.
- 5.6 Submission of any plan for approval by the Council under the terms of this Agreement shall be made by the Owner to the Council sending the full document and any appendices in electronic format (where practicable) to the Planning Obligations Monitoring Officer referring to the names dates and Parties to this Agreement and citing the specific clause of this Agreement to which such plan relates quoting the Planning Permission reference 2016/2189/P.
6. **IT IS HEREBY AGREED AND DECLARED** by the Parties hereto that:-
- 6.1 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval or agreement to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and Parties to the Agreement and shall cite the clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Planning Obligations Officer, Urban Design and Renewal, Planning and Public Protection, Culture and Environment Directorate, Town Hall Annex, Argyle Street, London WC1H 9LP quoting the Planning Permission reference number 2016/2189/P and in the case of any notice or approval or agreement from the Council this shall be signed by a representative of the Council's Environment Department.
- 6.2 This Agreement shall be registered as a Local Land Charge.
- 6.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Agreement on or prior to the date of completion of the Agreement.
- 6.4 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this

Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.

- 6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.
- 6.6 Neither the Owner nor their successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.
- 6.7 For the avoidance of doubt the provisions of this Agreement (other than those contained in this sub-clause) shall not have any effect until this Agreement has been dated.
- 6.8 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of development this Agreement shall forthwith determine and cease to have effect.

8. **RIGHTS OF THIRD PARTIES**

- 8.1 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement

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
31 HEATH DRIVE LIMITED
was hereunto affixed
in the presence of:-/
acting by a Director and its Secretary
or by two Directors

)
)
)
) RUWAIDA RANDEREE
)
)

.....
Director

.....
Director/Secretary

EXECUTED AS A DEED BY
RAVINDER KUMAR GUPTA
in the presence of:

)
)
) Relanta

.....
Witness Signature

Witness Name RUWAIDA RANDEREE

Address 37 CARLTON HILL, LONDON, NW8 0JX

Occupation PSYCHOLOGIST

CONTINUATION OF SECTION 106 AGREEMENT FOR 31 HEATH DRIVE, LONDON
NW3 7SB

EXECUTED AS A DEED BY
ANINDITA GUPTA
in the presence of:

)
) *Anindita Gupta*
)

Raudee

.....
Witness Signature

Witness Name *RUWAIDA RANDEE*

Address *37 CARLTON HILL, LONDON, NW8 0JX*

Occupation *PSYCHOLOGIST*

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

)
)
)
)

R. Alexander
.....

Authorised Signatory



THE FIRST SCHEDULE
Pro Forma
Construction Management Plan

The Council has produced a pro-forma Construction Management Plan that can be used to prepare and submit a Construction Management Plan to meet technical highway and environmental health requirements. This document should be prepared, submitted and receive approval from the Council well in advance of works starting.

The pro-forma Construction Management Plan can be found on the Council's website at:-

<https://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-applications/making-an-application/supporting-documentation/planning-obligations-section-106/>

Please use the Minimum Requirements (also available at the link above) as guidance for what is required in the CMP and then download the Construction Management Plan

It should be noted that any agreed Construction Management Plan does not prejudice further agreement that may be required for things such as road closures or hoarding licences

31 Heath Drive, London NW3 7SB



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Alistair Grills Associates
4 Chisholm Road
Richmond
Surrey
TW10 6JH
United Kingdom

Application Ref: **2016/2189/P**

02 August 2016

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:

**Flats 1 & 2
31 Heath Drive
London
NW3 7SB**

Proposal:

Amalgamation of two flats; external & internal alterations at basement, ground & first floor levels inc. window/door alterations; and extension of existing basement as previously approved under App Ref's 2015/3738/P & 2015/3953/L

Drawing Nos: 1193-700 B (Existing Basement Floor Plan), 1193-700H (Existing Original Historic Basement Floor Plan), 1193-710 (Cleaned Existing Basement Floor Plan), 1193-701 C (Existing Ground Floor Plan), 1193-701H (Existing Original Historic Ground Floor Plan), 1193-711 (Cleaned Existing Ground Floor Plan), 1193-709 (Existing First Floor Plan), 1193-708H (Existing Original Historic First Floor Plan), 1193-712 (Cleaned Existing First Floor Plan), 1193-702 A (Location Plan), 1193-703 A (Context Plan), 1193-704 (Existing Front & Rear Elevations), 1193-705 A (Existing Elevation A & B), 1193-706.01 A (Existing Sections), 1193-706.02 (Existing Sections), 1193-706.03 A (Existing Sections), 1193-710 (Existing Basement Floor Plan), 1193-711 (Existing Ground Floor Plan), 1172-100 I (Proposed Basement Floor Plan), 1193-131 B (Proposed Ground Floor Plan), 1193-132 C (Proposed First Floor Plan), 1193-110 A (Site Set Up Plan), 1193-120 A (Proposed Basement Floor Plan), 1193-121 A (Proposed Ground Floor Plan), 1193-122 (Proposed First Floor Plan), 1193-900 (Site Photographs Sheet 1), 1193-901 (Site Photographs Sheet 2), 1193-902 (Site Photographs Sheet 3), 1193-903 (Site Photographs Sheet 4), 1193-200 A (Basement RCP), 1193-201 A (Ground RCP), 1193-202 (First Floor RCP), 1193-300 A (Proposed Elevations A & B), 1193-301.01 C Proposed Section , 1193-301.02

B (Proposed Section), 1193-301.03 B (Proposed Section), 1193-302 (Basement Sliding Pocket Doors), 1193-303 A (Gnd Flr Drawing Room Elevation A), 1193-304.01 B (Gnd Flr Glazed Stairwell Wall), 1193-304.02 A (Gnd Flr Glazed Stairwell Wall), 1193-310 (Gnd Flr Dining Room French Doors), 1193-316 A (Proposed Rear Elevation), 1193-317 (1st Flr Stairs), 1193-318 (First Floor Balcony), Design and Access Statement with Heritage Assessment - Alistair Grills Associates, BIA - UK-Hydrosociences (May 2015), FRA and Soil Report - Geotechnical & Environmental Associates (May 2015), BIA Audit Response - Geotechnical & Environmental Associates

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 this permission.

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

1193-700 B (Existing Basement Floor Plan), 1193-700H (Existing Original Historic Basement Floor Plan), 1193-710 (Cleaned Existing Basement Floor Plan), 1193-701 C (Existing Ground Floor Plan), 1193-701H (Existing Original Historic Ground Floor Plan), 1193-711 (Cleaned Existing Ground Floor Plan), 1193-709 (Existing First Floor Plan), 1193-708H (Existing Original Historic First Floor Plan), 1193-712 (Cleaned Existing First Floor Plan), 1193-702 A (Location Plan), 1193-703 A (Context Plan), 1193-704 (Existing Front & Rear Elevations), 1193-705 A (Existing Elevation A & B), 1193-706.01 A (Existing Sections), 1193-706.02 (Existing Sections), 1193-706.03 A (Existing Sections), 1193-710 (Existing Basement Floor Plan), 1193-711 (Existing Ground Floor Plan), 1172-100 I (Proposed Basement Floor Plan), 1193-131 B (Proposed Ground Floor Plan), 1193-132 C (Proposed First Floor Plan), 1193-110 A (Site Set Up Plan), 1193-120 A (Proposed Basement Floor Plan), 1193-121 A (Proposed Ground Floor Plan), 1193-122 (Proposed First Floor Plan), 1193-900 (Site Photographs Sheet 1), 1193-901 (Site Photographs Sheet 2), 1193-902 (Site Photographs Sheet 3), 1193-903 (Site Photographs Sheet 4), 1193-200 A (Basement RCP), 1193-201 A (Ground RCP), 1193-202 (First Floor RCP), 1193-300 A (Proposed Elevations A & B), 1193-301.01 C Proposed Section , 1193-301.02 B (Proposed Section), 1193-301.03 B (Proposed Section), 1193-302 (Basement

Sliding Pocket Doors), 1193-303 A (Gnd Flr Drawing Room Elevation A), 1193-304.01 B (Gnd Flr Glazed Stairwell Wall), 1193-304.02 A (Gnd Flr Glazed Stairwell Wall), 1193-310 (Gnd Flr Dining Room French Doors), 1193-316 A (Proposed Rear Elevation), 1193-317 (1st Flr Stairs), 1193-318 (First Floor Balcony), Design and Access Statement with Heritage Assessment - Alistair Grills Associates, BIA - UK-Hydrosiences (May 2015), FRA and Soil Report - Geotechnical & Environmental Associates (May 2015), BIA Audit Response - Geotechnical & Environmental Associates (16.12.15), FRA Audit response - Geotechnical & Environmental Associates (16.12.15), Ground Movement Assessment Report - Geotechnical & Environmental Associates (17.12.15) BIA Final Audit - Campbell Reith (January 2016), CMP Part 1 - Text (CD&B) , CMP Part 2 - Appendix A - Structural Design Calculations (MMP Design), CMP Part 3 - Appendix A - Structural Dwg No 4467 01 (MMP Design), CMP Part 4 - Appendix A - Structural Dwg No 4467 02 (MMP Design), CMP Part 6 - Appendix B - Propping Diagram (CD&B), CMP Part 7 - Appendix C - Proposed Site Set Up (Callender Howorth), CMP Part 8 - Appendix D - Noise, Vibration & Dust Management Plan (NVDMP) (CD&B) , CMP Part 9 - Appendix E - Construction Traffic Management Plan (CTMP) (CD&B), CMP Part 10 - Appendix F - Contractors Method Statement (CMS) (CD&B)

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The development hereby approved shall not commence until such time as 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 prior to the commencement of development. 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.

Informative(s):

1 Reason for granting planning consent:

The proposed development is the amalgamation of two flats; external & internal alterations at basement, ground & first floor levels including window/door alterations; and extension of existing basement as previously approved under planning permission and listed building consent references: 2015/3738/P & 2015/3953/L.

The conversion of the existing ground and first floor flats would only involve a net loss of 1 unit and would comply with policies CS6 and DP2. The principle of the conversion is therefore acceptable.

The development would provide good quality housing with adequate internal living space and internal layout in accordance with CPG 2, The London Plan Housing SPG and the National Technical Housing Standards.

The site has no existing off street car parking and no additional parking would be provided as a part of the development which is acceptable in accordance with policy DP18.

The basement extension is the same as previously approved under permission reference: 2015/3738/P dated 04/02/2016. The basement extension was submitted with a Basement Impact Assessment (BIA) which was independently assessed as a part of application 2015/3738/P in line with the requirements of CPG4. As such, officers consider that based on the expert advice the applicant has demonstrated that the proposed basement would accord with the requirements of policy DP27 and associated Camden Planning Guidance 4. A planning condition will require the applicant to submit details of an engineer to inspect approve and monitor the critical elements of both the construction works. The application will also be subject to a s.106 legal agreement requiring the submission of a Construction Management Plan to mitigate any potential amenity and highway impacts of the basement construction.

The external alterations to the windows and doors would include a new door and the alteration of an existing door to a window at ground floor level at the rear, the replacement of the non-original first floor rear elevation windows with traditionally designed windows and the provision of new metal balustrading to the rear terrace. These alterations would be sympathetic to the architectural and historic character and significance of the listed building and conservation area in accordance with policies CS14, DP24 & DP25, CPG 1 and the Redington Froggnal Conservation Area Statement.

The development would not result in a material amenity impact on neighbouring properties in terms of loss of light, outlook accordance with policy DP26.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area/Listed Building, under s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The planning history of the site and the 1 planning objection and 1 comment received have been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS6, CS11, CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP16, DP18, DP20, DP24, DP25, DP26, DP27, DP28, & DP32 of the London Borough of Camden Local Development Framework Development Policies, CPG1, CPG2, CPG4, CPG6, CPG7 & CPG8 and the Redington Froggnal Conservation Area Statement. The proposed development also accords with the London Plan 2016, The London Plan Housing SPG, the National Planning Policy Framework and the National Technical Housing Standards.

- 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/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 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).
- 4 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, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise 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

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

Supporting Communities Directorate

DRAFT

DECISION

DATED

8 AUGUST

2016

(1) 31 HEATH DRIVE LIMITED

and

(2) RAVINDER KUMAR GUPTA and ANINDITA GUPTA

and

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

A G R E E M E N T
relating to land known as
31 Heath Drive, London NW3 7SB
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)

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

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