

DATED

24 August

2016

(1) 2 MARESFIELD LIMITED

and

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

SUPPLEMENTAL AGREEMENT

Relating to the Agreement dated 30 March 2015
Between the Mayor and the Burgesses of the
London Borough of Camden and
2 Maresfield Limited and Secure Trust Bank PLC
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
2 MARESFIELD GARDENS LONDON NW3 5SU

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

Tel: 020 7974 5680
Fax: 020 7974 1920

1781.625

THIS AGREEMENT is made on the 24 day of August 2016

BETWEEN

- I. **2 MARESFIELD LIMITED** (Co. Regn. No.8793205) whose registered office is at 62 Wilson Street London EC4A 1LT (hereinafter called "the Owner") of the first part
- II. **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, 2 Maresfield Limited and Secure Trust Bank PLC entered into an Agreement dated 30 March 2015 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), the Original Planning Permission.
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number 48601.
- 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 Secure Trust Bank PLC no longer has a charge over the Property.
- 1.5 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.
- 1.6 The Section 73 Planning Application in respect of the Property to amend conditions attached to the Original Planning Permission was submitted to the Council by the Owner and validated on 14 January 2016 for which the Council resolved to grant permission conditionally under reference 2015/6894/P subject to the conclusion of this Agreement.
- 1.7 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.

- 1.8 Without prejudice to the enforceability of the covenants contained in the Existing Agreement the parties hereto have agreed to enter into this Supplemental 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.

- 2.2 All reference 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 Agreement

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 30 March 2015 made between the Council, 2 Maresfield Limited and Secure Trust Bank PLC

2.3.3 "the Original Planning

Permission"

means the planning permission granted by the Council on 30 March 2015 referenced 2014/6313/P allowing the addition of one storey at second floor level with replacement roof level accommodation above, alterations to Coach House facade (all further works to partially completed works carried out under permission 2010/2772/P), and use of resulting building as 6 residential units as shown on drawing numbers Site location plan; 0052_200; 0052_201; 0052_202; 0052_203; 0052_204 Rev A; 0052_100; 0052_101 Rev A; 0052_102 Rev A; 0052_103;

0052_104; 0052_105; 0052_106;
 0052_300 Rev A; Construction
 management plan v1 11.11.14; 0052_024;
 0052_025; 0052_026; 0052_027;
 0052_002; 0052_010; 0052_011;
 0052_012; 0052_013; 0052_014;
 0052_020; 0052_021; 0052_022;
 0052_023; 0052_030; BREEAM
 Domestic Refurbishment Pre-Assessment;
 0052_001; Lifetime Homes statement July
 2010

2.3.4 "Section 73 Development"

variation of condition 3 (approved plans) of
 planning permission 2014/6313/P dated
 30/03/2015 (for addition of one storey at
 second floor level with replacement roof
 level accommodation above, alterations to
 Coach House facade and use of resulting
 building as 6 residential units), namely
 increase in size of front lightwell, creation
 of rear stepped lightwells to existing
 basement, glazed infill extension to rear,
 creation of 1st floor roof terrace at rear
 including replacement of windows with
 French doors as shown on drawing
 numbers: TO BE INSERTED BY THE
 COUNCIL

2.3.5 "Section 73 Planning Permission" the planning permission pursuant to
 Section 73 of the Act under reference
 number 2015/6894/P to be issued by the
 Council in the form of the draft annexed
 hereto permitting the Section 73
 Development

2.3.6 "Section 73 Planning Application" the application for Planning Permission
 pursuant to Section 73 of the Act in respect
 of the Property submitted on 8 December

2015 by the Owner and given reference
number 2015/6894/P

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 affect 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 shall include its successors in title.

3. PLANNING OBLIGATIONS

3.1 The obligations on the part of the Owner and the Council contained in the Existing Agreement shall bind the Owner and the Council in relation to the Section 73 Development from the date such development is implemented as if such obligations and the provisions of the Existing Agreement had been set out in full in this Agreement and such obligations and provisions shall be interpreted as if all references therein to the Development, the Planning Application and the Planning Permission were references to the Section 73 Development, the Section 73 Application and the Section 73 Planning Permission.

3.2 The obligations contained in clause 3.1 shall apply equally to any further planning permissions which are issued under Section 73 of the Act in relation to the Original Planning Permission or the Section 73 Planning Permission or any further such Section 73 planning permission.

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)
2 MARESFIELD LIMITED)
in the presence of:)
acting by a Director and its Secretary)
or by two Directors)

EN
.....
Director

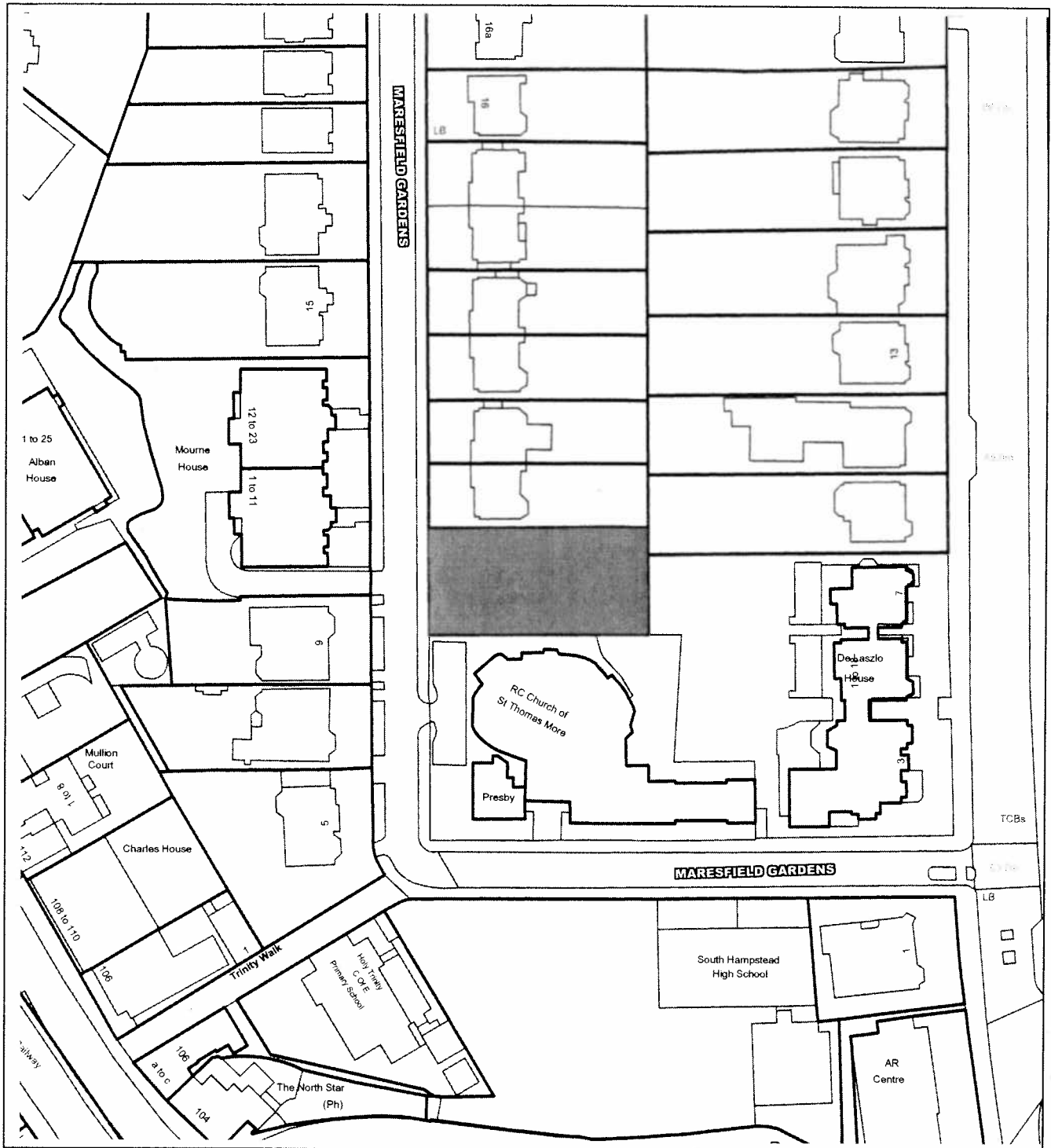
[Signature]
.....
Director/Secretary

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

R. Alexander
.....
Authorised Signatory



2 Maresfield Gardens London NW3 5SU



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AZ Urban Studio
Magdalen House
136-148 Tooley Street
London SE1 2TU

Application Ref: **2015/6894/P**

04 August 2016

Dear Sir/Madam

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

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

**2 Maresfield Gardens
London
NW3 5SU**

Proposal:

DECISION
Variation of condition 3 (approved plans) of planning permission 2014/6313/P dated 30/03/2015 (for addition of one storey at second floor level with replacement roof level accommodation above, alterations to Coach House facade and use of resulting building as 6 residential units), namely increase in size of front lightwell, creation of rear stepped lightwell to Coach House, glazed infill extension to rear, creation of 1st floor roof terrace at rear including replacement of windows with French doors.

Drawing Nos:

Superseded: 0052_200; 0052_201; 0052_202; 0052_203; 0052_204 Rev A; 0052_100; 0052_101 Rev A; 0052_102 Rev A; 0052_103; 0052_104; 0052_105; 0052_106; 0052_300 Rev A

Proposed: 0052_201 Rev C; 0052_202 Rev B; 0052_203 Rev C; 0052_204 Rev B; 0052_205 Rev A; 0052_100 Rev D; 0052_101 Rev C; 0052_102 Rev C; 0052_103 Rev B; 0052_104 Rev A; 0052_105 Rev A; 0052_106 Rev A; 0052_108; 0052_300 Rev D; 0052_301 Rev C; 0052_302 Rev B; 0052_303 Rev C; 0052_304 Rev C; 0052_305 Rev B; 0052_306 Rev A; 0052_307 Rev B; Arboricultural Implications Report prepared by ACS Consulting dated 23rd October 2015; Addendum to Arboricultural Implications Report prepared by ACS Consulting dated 13/06/16; Basement Impact Assessment prepared by Abbey Pynford dated 01/09/15; Construction management plan prepared by AZ Urban Studio dated 27/11/15.

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 For the purposes of this decision, condition no.3 of planning permission 2014/6313/P shall be replaced with the following condition:

REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; Construction management plan v1 11.11.14; 0052_024; 0052_025; 0052_026; 0052_027; 0052_002; 0052_010; 0052_011; 0052_012; 0052_013; 0052_014; 0052_020; 0052_021; 0052_022; 0052_023; 0052_030; BREEAM Domestic Refurbishment Pre-Assessment; 0052_001; Lifetime Homes statement July 2010; 0052_201 Rev C; 0052_202 Rev B; 0052_203 Rev C; 0052_204 Rev B; 0052_205 Rev A; 0052_100 Rev D; 0052_101 Rev C; 0052_102 Rev C; 0052_103 Rev B; 0052_104 Rev A; 0052_105 Rev A; 0052_106 Rev A; 0052_108; 0052_300 Rev D; 0052_301 Rev C; 0052_302 Rev B; 0052_303 Rev C; 0052_304 Rev C; 0052_305 Rev B; 0052_306 Rev A; 0052_307 Rev B; Arboricultural Implications Report prepared by ACS Consulting dated 23rd October 2015; Addendum to Arboricultural Implications Report prepared by ACS Consulting dated 13/06/16; Basement Impact Assessment prepared by Abbey Pynford dated 01/09/15; Construction management plan prepared by AZ Urban Studio dated 27/11/15.

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

- 2 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.

- 3 The development shall be carried out in accordance with the recommendations of the basement impact assessment prepared by Abbey Pynford dated 01/09/15 hereby approved.

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.

- 4 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the Arboricultural Implications Report hereby approved.

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 Prior to the first occupation of the building a plan showing details of the green roof above the basement extension including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 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 Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or 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.

- 2 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).

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

Director of Supporting Communities

DATED

24 August

2016

(1) 2 MARESFIELD LIMITED

and

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

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