

DATED 16 January 2016/7

(1) LOREMAR INVESTMENTS LIMITED

and

(2) CBRE LOAN SERVICES LIMITED

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
251-259 CAMDEN HIGH STREET, LONDON, NW1 7BU
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)

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

Tel: 020 7974 5680
Fax: 020 7974 1920

THIS AGREEMENT is made the 16th day of January 2016/7

B E T W E E N:

- i. **LOREMAR INVESTMENTS LIMITED** (incorporated in the British Virgin Islands) of Craigmuir Chambers, P.O. Box 71, Road Town, Tortola, VG1110, BVI and whose address for service in the United Kingdom is at c/o First Floor, 7 Esplanade, St Helier, Jersey, JE2 3QA (hereinafter called "the Owner") of the first part
- ii. **CBRE LOAN SERVICES LIMITED** (Co. Regn. No. 5469838) of St. Martins Court, 10 Paternoster Row, London EC4M 7HP (hereinafter called "the Mortgagee") 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 Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number NGL66424 subject to a charge to the Mortgagee.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 The Planning Applications for the Developments of the Property were submitted to the Council and validated on 17 February 2016 and the Council resolved to grant permission conditionally under reference numbers 2016/0818/P, 2016/0819/P, 2016/0820/P and 2016/0821/P subject to the conclusion of this legal Agreement.
- 1.4 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 As local highway authority the Council considers the Highways Works to be carried out pursuant to this Agreement to be in the public interest.
- 1.6 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.
- 1.7 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL66424 and dated 15 December 2015 is willing to enter into this Agreement to give its consent to the same.

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	"Additional Basement Investigations and Assessment Works"	<p>site investigations and assessment works to be carried out in accordance with the recommendations by Campbell Reith (consulting engineers) as prescribed in the report dated August 2016 (Project number: 12336-49 Revision: F1), (although a full BCP will not be required) safely and with minimal possible impact on and disturbance to the surrounding environment and highway network and:</p> <p>I. the Owner to appoint an independent suitably certified engineer (qualified in the fields of geotechnical and/or structural engineering) from a recognised relevant professional body having relevant experience of sub-ground level construction commensurate with the First</p>

		<p>Development, Second Development, Third Development and Fourth Development AND FOR DETAILS OF THE APPOINTMENT TO BE SUBMITTED TO THE COUNCIL by way of a letter and for the Owner to confirm that any change in Basement Design Engineer during the Construction Phase with the Council in advance of any appointment); and</p> <p>II. the engineer to formulate the appropriate plan to fulfil the requirements the recommendations by Campbell Reith at all times</p>
2.3	"the Agreement"	this planning obligation made pursuant to Section 106 of the Act
2.4	"Basement Impact Assessment"	the assessment carried out by Campbell Reith and dated August 2016 as updated by the Additional Basement Investigations and Assessments Works
2.5	"the Construction Phase"	the whole period between (i) the Implementation Date and (ii) the date of issue of the Certificate of Practical Completion
2.6	"the Developments"	means the First Development, the Second Development, the Third Development and the Fourth Development
2.7	"the First Development"	means the excavation of the basement level to provide 78 sqm of additional retail floorspace (within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as

		amended))
2.8	"the First Planning Application"	means a planning application in respect of that part of the Property known as 251 Camden High Street submitted to the Council and validated on 17 February 2016 under reference number 2016/0818/P
2.9	"the First Planning Permission"	means a planning permission granted for the First Development substantially in draft form annexed hereto at Appendix 2
2.10	"the Fourth Development"	means the erection of a rear extension with roof lights at ground and basement level to provide 181 ¹⁵¹ sqm additional retail floorspace (within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) following demolition of the existing rear extension
2.11	"the Fourth Planning Application"	means a planning application in respect of that part of the Property known as 259 Camden High Street submitted to the Council and validated on 17 February 2016 under reference number 2016/0820/P
2.12	"the Fourth Planning Permission"	means a planning permission granted for the Fourth Development substantially in draft form annexed hereto at Appendix 5
2.13	"the Highway Contribution"	<p>the sum of £10,084.88 (ten thousand an eighty four pounds and eighty eight pence) to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the Council for the carrying out works to the public highway and associated measures in the vicinity of the Property such works to include the following ("the Highways Works"):-</p> <p>(i) repaving and repair works to the Public Highway including the inset bay following the carrying out of the</p>

		<p>Development; and</p> <p>(ii) any other works the Council acting reasonably requires as a direct result of the Development</p> <p>all works will be subject to final measure and any level adjustment required and for the avoidance of doubt the Council in accepting this sum does not undertake any responsibility in connection with any required statutory undertakers works and <u>excludes any statutory undertakers costs</u></p>
2.14	"the Implementation Date"	<p>the date of implementation of any or all of the Developments by the carrying out of a material operation as defined in Section 56 of the Act save that for the purposes of this Agreement the following shall be deemed not to be material operations: archaeological works, site or soil investigations, ground investigations site survey works, works of decontamination and the erection of temporary hoardings and fences and other works of site establishment preparatory to the construction, and references to "Implementation" and "Implement" shall be construed accordingly</p>
2.15	"Occupation Date"	<p>the date when any part of the Development is occupied and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly</p>
2.16	"the Parties"	<p>mean the Council the Owner and the Mortgagee</p>
2.17	"the Planning Applications"	<p>means the First Planning Application, the</p>

		Second Planning Application, the Third Planning Application and the Fourth Planning Application
2.18	"Planning Obligations Monitoring Officer"	a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to section 106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof
2.19	"the Planning Permissions"	means the First Planning Permission, the Second Planning Permission, the Third Planning Permission and the Fourth Planning Permission
2.20	"the Property"	the land known as 251-259 Camden High Street, London NW1 7BU the same as shown edged grey on the plan annexed hereto at Appendix 1
2.21	"the Public Highway"	any carriageway footway and/or verge adjoining the Property maintainable at public expense
2.22	"the Second Development"	means the conversion of two units into one and the erection of a rear extension with 4x roof lights at ground level and basement level to provide 355 sqm additional retail floorspace (within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) following demolition of the existing rear extension
2.23	"the Second Planning Application"	means a planning application in respect of that part of the Property known as 253-255 Camden High Street submitted to the Council and validated on 17 February 2016 under reference number 2016/0821/P
2.24	"the Second Planning Permission"	means a planning permission granted for the Second Development substantially in draft form annexed hereto at Appendix 3

2.25	"the Third Development"	means a rear extension with roof lights at ground and basement level to provide 175 sqm additional retail floorspace (within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) following demolition of existing rear extension
2.26	"the Third Planning Application"	means a planning application in respect of that part of the Property known as 257 Camden High Street submitted to the Council and validated on 17 February 2016 under reference number 2016/0819/P
2.27	"the Third Planning Permission"	means a planning permission granted for the Third Development substantially in draft form annexed hereto at Appendix 4

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 of 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 Permissions 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 and the Council hereby covenant with one another as follows:-

4.1. **ADDITIONAL BASEMENT INVESTIGATIONS AND ASSESSMENTS WORKS**

4.1.1. Prior to the Implementation Date to carry out the Additional Basement Investigations and Assessment Works and not to Implement nor allow Implementation of the First Planning Permission , Second Planning Permission, Third Planning Permission or the Fourth Planning Permission respectively until such time the Additional Basement Investigations and Assessment Works for the First Development, Second Development, Third Development or Fourth Development respectively have been carried out and approved by the Council as demonstrated by written notice to that effect (such approval not to be unreasonably withheld or delayed).

4.1.2. The Owner acknowledges and agrees that the Council will not approve the Additional Basement Investigations and Assessments Works unless it demonstrates by way of certification by the suitably qualified engineers from recognised relevant professional body to the Council's reasonable satisfaction that the First Development, Second Development, Third Development and Fourth Development respectively can be constructed safely in light of the ground and water conditions and will not cause any structural problems with neighbouring properties nor the First Development, Second Development, Third Development and Fourth Development themselves .

4.1.3. To ensure that throughout the Construction Phase the First Development, Second Development, Third Development and Fourth Development shall not be carried out

otherwise than in strict accordance with the requirements of the Basement Impact Assessment and not to permit the carrying out of any works comprised in building out the Developments at any time when the requirements of the Basement Impact Assessment are not being complied with and in the event of non-compliance with this sub-clause the Owner shall upon notice from the Council forthwith take any steps required to remedy such non-compliance.

- 4.1.4. Not to Occupy or permit Occupation of the respective Developments until a satisfactory post-completion review has been submitted to and approved by the Council in writing by way of certification by a suitably qualified engineer from a recognised relevant professional body confirming that the Basement Impact Assessments as approved by the Council have been incorporated into the First Development, Second Development, Third Development and Fourth Development.

4.2. HIGHWAYS CONTRIBUTION

- 4.2.1. On or prior to the Implementation Date to pay to the Council the Highways Contribution in full.
- 4.2.2. Not to Implement or to allow Implementation until such time as the Council has received the Highways Contribution in full.
- 4.2.3. For the avoidance of doubt the Owner acknowledges that the Council has the right reserved to it to construct the Public Highway to levels it considers appropriate (acting reasonably as a result of making good a deficiency in the public highway arising from the Development and repaving the crossover and the footway immediately outside the front of the Property but for the avoidance of doubt not to otherwise put the Public Highway in a better state of repair and condition than as at the date hereof).
- 4.2.4. On completion of the Highway Works the Council will provide to the Owner a certificate specifying the sum ("the Certified Sum") expended by the Council in carrying out the Highway Works.

4.2.5. If the Certified Sum exceeds the Highway Contribution then the Owner shall within fourteen days of the issuing of the said certificate pay to the Council the amount of the excess

4.2.6. If the Highway Contribution exceeds the Certified Sum the Council shall within fourteen days of the issuing of the said certificate pay to the Owner the amount of the excess.

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 any or all of the Planning Permissions has taken or is about to take place.

5.2 Within seven days following completion of the First Development, Second Development, Third Development and Fourth Development the Owner shall certify in writing to the Planning Obligations Monitoring Officer in the manner outlined at clause 6.1 hereof quoting planning references numbers 2016/0818/P, 2016/0819/P, 2016/0820/P and 2016/0821/P the date upon which the Developments will be 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 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 £1000.00 in respect of each such obligation) provide through its Borough Solicitor 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 and citing the specific clause of this Agreement to which such plan relates quoting the Planning Permission reference numbers 2016/0818/P, 2016/0819/P, 2016/0820/P and 2016/0821/P.
- 5.7 Payment of the Highways Contribution pursuant to Clause 4.2 of this Agreement shall be made by the Owner to the Council sending the full amount via electronic transfer (where practicable). The Owner shall notify the Planning Obligations Monitoring Officer that payment has been made referring to names date and Parties and citing the specific clause of this Agreement to which such contribution relates quoting any of the reference numbers of the Planning Permissions in clause 5.6. Electronic transfer shall be made directly to the National Westminster Bank of Hampstead Village, Enfield Customer Service Centre, PO Box 145 Baird Road Middlesex EN1 1FN quoting Sort Code 50-30-03 and London Borough of Camden General Account no. 24299480.
- 5.7 All consideration given in accordance with the terms of this Agreement shall be exclusive of any value added tax properly payable in respect thereof and all Parties other than the Council shall pay and indemnify the Council against any such value added tax properly payable on any sums paid to the Council under this Agreement upon presentation of an appropriate value added tax invoice addressed to the Owner.
- 5.8 Any sums referred to in this Agreement as payable or to be applied by any Party other than the Council shall be paid or applied TOGETHER WITH if such payment or application is made more than three months from the date of this Agreement a further sum ("A") being equal to the original sum payable ("B") multiplied by a figure being a fraction of which the All Items of Retail Prices ("the AllRP") figure last published by

the Central Statistical Office at the date hereof is the denominator ("X") and the last AllRP figure published before the date such payment or application is made ("Y") less the last published AllRP figure at the date hereof ("X") is the numerator so that

$$A = B \times \frac{(Y-X)}{X}$$

- 5.9 All costs and expenses payable to the Council under this Agreement shall bear interest at the rate of 4% above the base rate of the National Westminster Bank plc from time to time being charged from the date such payment is due until payment is made.
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 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, Supporting Communities, Planning and Regeneration, Town Hall, Judd Street, London WC1H 9LP quoting any of the reference numbers of the Planning Permissions in clause 5.6 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 by the Council.
- 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 the Mortgagee 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 any or all of the Planning Permissions are quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of the Developments this Agreement shall forthwith determine and cease to have effect in relation to the relevant part of the Property which Planning Permission is quashed in relation to.

7. **MORTGAGEE EXEMPTIONS**

- 7.1 The Mortgagee hereby consents to the Owner entering into this Agreement and agrees that the security of its charges over the Property shall take effect subject to this Agreement.
- 7.2 The Parties agree that the Mortgagee or any mortgagee or chargee of the whole or any part of the Property shall not be liable for any breach of the obligations in this Agreement unless committed or continuing at a time when it takes possession of the whole or any part of the Property to which such obligations relate in which case it will be bound by the obligations in relation to that part of the Property as a person deriving title from the Owner.

Appendix 1
The Property

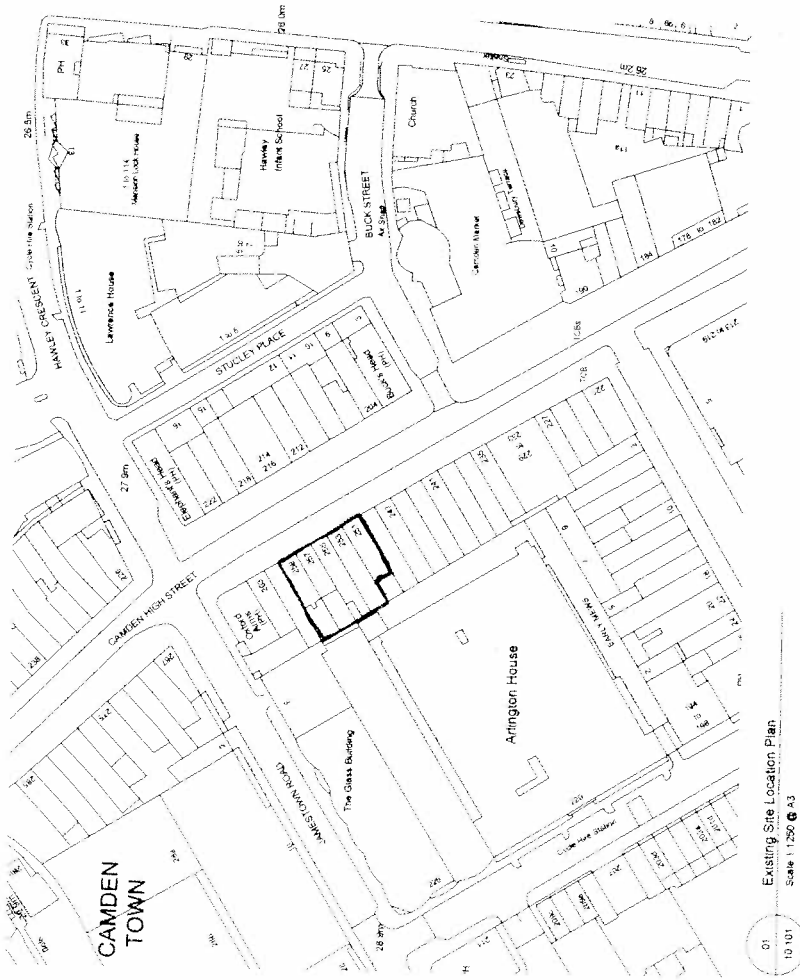


BARR GAZETAS

— Site Application Boundary



P. Alexander



Existing Site Location Plan
Scale 1:1250 @ A3

For Planning

Prepared by: [Name]
Checked by: [Name]
Date: 11.10.18
Client: Casthaven Row Ltd

Project: 251-259 Camden High Street
Drawing No: 10.101

The Existing Site Location Plan

Project No.	Drawing No.	Rev.
1523	10.101	P0

Scale	Checked	Date
1:1250 @ A3	[Signature]	11.10.18

Do not scale from this drawing. The Contractor is to take and check all dimensions on site before work commences. Discrepancies must be reported to the Architect. Subcontractors must verify all dimensions on site before making a stop drawing or commencing manufacturing. This drawing is copyright ©

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London W1W 7EA Phone: 020 7346 5254

Steve Hark

[Large signature]

[Signature]



Appendix 2
The First Permission



Gerald Eve
72 Welbeck Street
London
W1G 0AYApplication Ref: **2016/0818/P**

05 December 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 AGREEMENTAddress:
251 Camden High Street
London
NW1 7BU

DECISION

Proposal:
Excavation at basement level to provide 76sqm additional retail (A1) floorspace.
Drawing Nos: 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P1; 20.202 Rev P1; 20.203 Rev P1; 20.251 Rev P1; 20.252 Rev P1.

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 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 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P1; 20.202 Rev P1; 20.203 Rev P1; 20.251 Rev P1; 20.252 Rev P1.

Reason:

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

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposed extension of the existing A1 retail premises at basement level is considered acceptable and is of an appropriate design by virtue of its subordinate scale and limited visibility. The proposed extension (approximately 76sqm of A1 retail floorspace) both enhances and does not cause harm to the character, function, vitality and viability of the Camden town centre in accordance with policies CS7 and DP12 of Camden's Local Development Framework. It is not considered that the proposal will cause any significant adverse impacts to the amenities of any adjoining occupiers or residents. However, a condition has been attached to the permission which ensures that no music can be heard from any adjoining premises and the area generally.

An independent audit of the applicant's basement impact assessment has been undertaken which determined that the assessment was considered acceptable

subject to some additional testing as to the cause of the presence of alluvium on site. The applicant has agreed to provide these additional investigations and assessments as part of a Section 106 agreement. The applicant has also agreed to provide a highways contribution in the event that any damage to the public highway is caused as a result of the construction process.

A single objection has been received and duly taken into account prior to making this decision. The site's planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP12, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4 and 7.6 of the London Plan 2016; and paragraphs 14, 17, and 56-66 of the National Planning Policy Framework.

- 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

DRAFT

Supporting Communities Directorate

DECISION

Appendix 3
The Second Permission



Gerald Eve
72 Welbeck Street
London
W1G 0AYApplication Ref: **2016/0821/P**

05 December 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 AGREEMENTAddress:
253-255 Camden High Street
London
NW1 7BU

Proposal:

DECISION

Conversion of two units into one; erection of rear extension with 4x roof lights at ground and basement level to provide 355sqm additional retail floorspace (A1) following demolition of existing rear extension.

Drawing Nos: 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 10.253 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 15.253 Rev P1; 20.201 Rev P1; 20.202 Rev P1; 20.203 Rev P1; 20.251 Rev P1; 20.252 Rev P1; 20.253 Rev P1.

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 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 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 10.253 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 15.253 Rev P1; 20.201 Rev P1; 20.202 Rev P1; 20.203 Rev P1; 20.251 Rev P1; 20.252 Rev P1; 20.253 Rev P1.

Reason:

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

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposed extension and amalgamation of the two existing A1 retail premises at ground and basement level is considered acceptable. The site represents one of three properties along this terrace which has not been developed out to the rear. The prevailing character of the surrounding area is of properties occupying the entire plot area to the rear. As the site has a retail use, it is not considered necessary to retain the garden area to the rear. As such, the principle of extending out to the rear to accommodate the full plot area is considered acceptable. The proposal seeks to increase the level of A1 retail floorspace by approximately 355sqm on site which is considered appropriate by virtue of the site being located on a core retail frontage and within the Camden Town Centre. As the proposal will result in an uplift in A1 retail floorspace, it is considered that the proposal will both enhance and not cause harm to the character, function, vitality and viability of the

Camden town centre in accordance with policies CS7 and DP12 of Camden's Local Development Framework.

It is not considered that the proposal will cause any significant adverse impacts to the amenities of any adjoining occupiers. However, a condition has been attached to the decision notice which ensures that no music can be heard from any adjoining premises and the area generally.

An independent audit of the applicant's basement impact assessment has been undertaken which determined that the assessment was considered acceptable subject to some additional testing as to the cause of the presence of alluvium on site. The applicant has agreed to provide these additional investigations and assessments as part of a Section 106 agreement. The applicant has also agreed to provide a highways contribution in the event that any damage to the public highway is caused as a result of the construction process.

No objections were received prior to making this decision. The site's planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP12, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016; and the National Planning Policy Framework (2012).

- 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

Executive Director Supporting Communities

Appendix 4
The Third Permission



Gerald Eve
72 Welbeck Street
London
W1G 0AY

Application Ref: **2016/0819/P**

05 December 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:
257 Camden High Street
London
NW1 7BU

DECISION
Proposal:
Rear extension with rooflights at ground and basement level to provide 175sqm additional retail floorspace (A1) following demolition of existing rear extension.
Drawing Nos: 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P1; 20.202 Rev P1; 20.203 Rev P1; 20.251 Rev P1; 20.252 Rev P1.

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 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 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P1; 20.202 Rev P1; 20.203 Rev P1; 20.251 Rev P1; 20.252 Rev P1.

Reason:

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

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposed extension of the existing A1 retail premises at ground and basement level is considered acceptable. The site represents one of three properties along this terrace which has not been developed out to the rear. The prevailing character of the surrounding area is of properties occupying the entire plot area to the rear. As the site has a retail use, it is not considered necessary to retain the garden area to the rear. As such, the principle of extending out to the rear to accommodate the full plot area is considered acceptable. The proposal seeks to increase the level of A1 retail floorspace on site which is considered appropriate by virtue of the site being located on a core retail frontage. As the proposal will result in an uplift in A1 retail floorspace, it is considered that the proposal will both enhance and not cause harm to the character, function, vitality and viability of the Camden town centre in accordance with policies CS7 and DP12 of Camden's Local Development Framework.

It is not considered that the proposal will cause any significant adverse impacts to the amenities of any adjoining occupiers. However, a condition has been attached to the decision notice which ensures that no music can be heard from any adjoining premises and the area generally.

An independent audit of the applicant's basement impact assessment has been undertaken which determined that the assessment was considered acceptable subject to some additional testing as to the cause of the presence of alluvium on site. The applicant has agreed to provide these additional investigations and assessments as part of a Section 106 agreement. The applicant has also agreed to provide a highways contribution in the event that any damage to the public highway is caused as a result of the construction process.

No objections were received prior to making this decision. The site's planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP12, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016; and the National Planning Policy Framework (2012).

- 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 be 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

Appendix 5
The Fourth Permission



Gerald Eve
72 Welbeck Street
London
W1G 0AYApplication Ref: **2016/0820/P**

05 December 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 AGREEMENTAddress:
259 Camden High Street
London
NW1 7BU

DECISION

Proposal:
erection of rear extension with roof lights at ground and basement level to provide 151sqm additional retail floorspace (A1) following demolition of existing rear extension.
Drawing Nos: 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P1; 20.202 Rev P1; 20.203 Rev P1; 20.251 Rev P1; 20.252 Rev P1.

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 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 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P1; 20.202 Rev P1; 20.203 Rev P1; 20.251 Rev P1; 20.252 Rev P1.

Reason:

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

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposed extension of the existing A1 retail premises at ground and basement level is considered acceptable. The site represents one of three properties along this terrace which has not been developed out to the rear. The prevailing character of the surrounding area is of properties occupying the entire plot area to the rear. As the site has a retail use, it is not considered necessary to retain the garden area to the rear. As such, the principle of extending out to the rear to accommodate the full plot area is considered acceptable. The proposal seeks to increase the level of A1 retail floorspace by approximately 151sqm on site which is considered appropriate by virtue of the site being located on a core retail frontage and within the Camden Town Centre. As the proposal will result in an uplift in A1 retail floorspace, it is considered that the proposal will both enhance and not cause harm to the character, function, vitality and viability of the Camden town centre in accordance with policies CS7 and DP12 of Camden's Local Development

Framework.

It is not considered that the proposal will cause any significant adverse impacts to the amenities of any adjoining occupiers. However, a condition has been attached to the decision notice which ensures that no music can be heard from any adjoining premises and the area generally.

An independent audit of the applicant's basement impact assessment has been undertaken which determined that the assessment was considered acceptable subject to some additional testing as to the cause of the presence of alluvium on site. The applicant has agreed to provide these additional investigations and assessments as part of a Section 106 agreement. The applicant has also agreed to provide a highways contribution in the event that any damage to the public highway is caused as a result of the construction process.

No objections were received prior to making this decision. The site's planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS7 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP12, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016; and the National Planning Policy Framework (2012).

- 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.

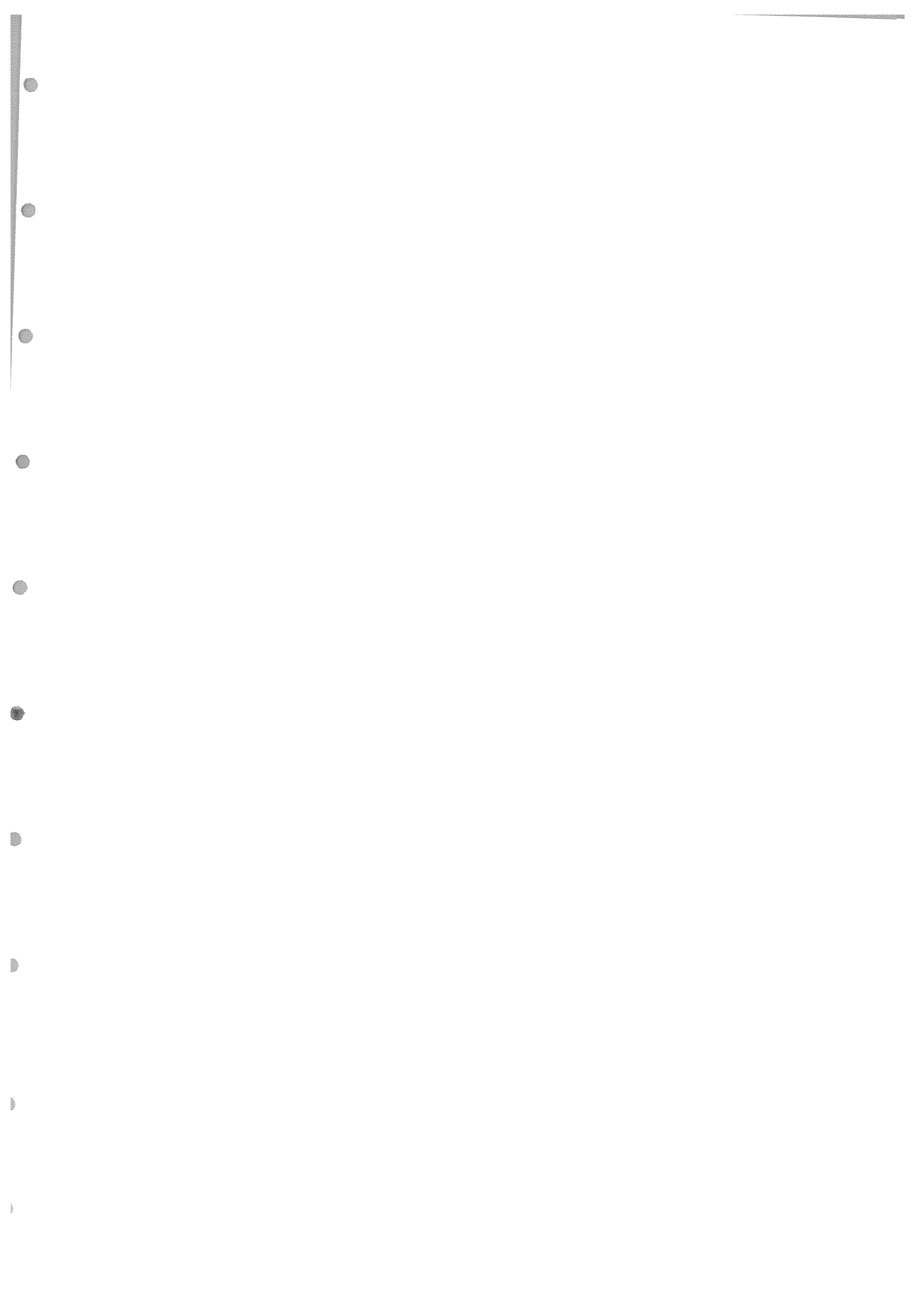
Please send CIL related documents or correspondence to CIL@Camden.gov.uk

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

DECISION



DATED 16 January

2016/7

(1) LOREMAR INVESTMENTS LIMITED

and

(2) CBRE LOAN SERVICES LIMITED

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
251-259 CAMDEN HIGH STREET, LONDON, NW1 7BU
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)

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

Tel: 020 7974 5680
Fax: 020 7974 1920