

Jason Wren
Shape Architecture
Vicarage House
58-60 Kensington Church St.
London
W8 4DB

Application Ref: **2016/2033/P**
Please ask for: **Robert Lester**
Telephone: 020 7974 **2188**

13 February 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**Flat 1
154 Iverson Road
London
NW6 2HH**

Proposal:

Formation of basement extension with front and rear light wells.

Drawing Nos: 1226 PL 001, 1226 PL 002, 1226 PL 003, 1226 PL 004B, 1226 PL 005, 1226 PL 006, 1226 PL 007, 1226 PL 008, 1226 PL 009, 1226 PL 010, 1226 PL 011, BIA Rev 1 (Croft Engineers ref: 160606), Ground and Project Consultants BIA Land Stability, Ground & water Ground Investigation ref: GWPR1660/GIR/June 2016, H Fraser Consulting BIA Groundwater ref: 30142R1D1, Shape Architecture Design & Access Statement, Basement Impact Assessment Audits Campbell Reith ref: 12336-92 Rev D1 & F1, 1226-PL100

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

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:- 1226 PL 001, 1226 PL 002, 1226 PL 003, 1226 PL 004B, 1226 PL 005, 1226 PL 006, 1226 PL 007, 1226 PL 008, 1226 PL 009, 1226 PL 010, 1226 PL 011, BIA Rev 1 (Croft Engineers ref: 160606), Ground and Project Consultants BIA Land Stability, Ground & water Ground Investigation ref: GWPR1660/GIR/June 2016, H Fraser Consulting BIA Groundwater ref: 30142R1D1, Shape Architecture Design & Access Statement, Basement Impact Assessment Audits Campbell Reith ref: 12336-92 Rev D1 & F1, 1226 PL100.

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

- 4 Details of a land contamination survey shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, including a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas and a site investigation in accordance with the approved programme, the results and a written scheme of remediation measures [if necessary].

The remediation measures shall be implemented in accordance with the approved details and a written report detailing the remediation shall be submitted to and approved by the Local Planning Authority, all prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 5 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.

- 6 The development hereby permitted shall be carried out in accordance with the recommendations of the submitted and approved basement impact assessment including the drainage and flood prevention requirements (BIA Rev 1 (Croft Engineers ref: 160606), Ground and Project Consultants BIA Land Stability, Ground & water Ground Investigation ref: GWPR1660/GIR/June 2016, H Fraser Consulting BIA Groundwater ref: 30142R1D1 and Basement Impact Assessment Audits Campbell Reith ref: 12336-92 Rev D1 & F1).

Reason: To ensure that the basement works do not impact on drainage, flooding, groundwater conditions and structural stability, do not increase the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP27 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission. [Delegated]

The proposed development is a basement extension with front and rear lightwells. The property has an existing basement below the ground floor footprint with an area of 40m² and depth of 2.5m. The proposed development is to increase the depth of the basement to 3.5m, increase the area to 43m², provide a front lightwell with a depth of 1 m and a basement elevation to match the bay window above, a rear lightwell with a depth of 2 m with a basement elevation containing glazed double doors and a 1.2m front extension of the basement below the front garden access route.

The basement extension was submitted with a Basement Impact Assessment (BIA) which assessed the impact of the scheme on drainage, flooding, groundwater conditions and structural stability. The BIA has been independently assessed and on the basis of this advice it is acknowledged that the proposed basement would maintain the structural stability of the building and neighbouring buildings, would avoid adversely affecting drainage and run-off, would not cause other damage to the water environment and would have no cumulative impact. Overall, officers consider that based on the independent expert advice the applicant has demonstrated that the proposed basement would accord with the requirements of policy DP27

The proposed external elevations at basement level to the front and rear would have a suitable design which would harmonise with the character and appearance of the building. The proposed small external lightwells would also not take up more than 50% of the garden and would be of a scale which would be in-keeping with the character of the streetscene and area.

The proposed basement structure would not result in a material amenity impact on neighbouring properties.

The application would be subject to a s.106 legal agreement requiring the submission of a Construction Management Plan to mitigate any potential amenity and highway impacts and requiring a contribution to repair any damage caused to highways as a result of the basement construction.

No objections were received to this application. The planning history of the site was taken into account when coming to this decision.

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

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).

3

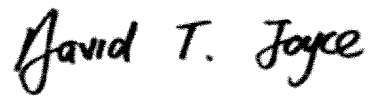
Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays 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.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive style with a large initial 'D' and 'J'.

David Joyce
Executive Director Supporting Communities

DATED

13 February

2016¹⁷

(1) 154 IVERSON ROAD LIMITED

and

(2) CHLOE ANN BISSELL and STUART ADAM TAYLOR

and

(3) SANTANDER UK PLC

and

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

A G R E E M E N T

relating to land known as
Flat 1, 154 Iverson Road, London NW6 2HH
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)
Section 278 of the Highways Act 1980

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 13th day of February 201~~6~~¹⁷

BETWEEN:

- i. **154 IVERSON ROAD LIMITED** (Co. Regn. No. 4117240) whose registered office is at 154 Iverson Road, London NW6 2HH (hereinafter called "the Freeholder") of the first part
- ii. **CHLOE ANN BISSELL and STUART ADAM TAYLOR** of Flat 1, 154 Iverson Road, London NW6 2HH (hereinafter called "the Leaseholder") of the second part
- iii. **SANTANDER UK PLC** (Co. Regn. No. 2294747) of Deeds Services, 101 Midsummer Boulevard, Milton Keynes MK9 1AA (hereinafter called "the Mortgagee") of the third part
- iv. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the fourth 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 375427.
- 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 NGL888902 subject to a charge to the Mortgagee.
- 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 12 July 2016 and the Council resolved to grant permission conditionally under reference number 2016/2033/P subject to 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.
- 1.8 As local highway authority the Council considers the Highways Works to be carried out pursuant to this section 278 Agreement to be in the public benefit.
- 1.9 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.
- 1.10 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL888902 and dated 21 May 2010 (hereinafter called "the Legal Charge") 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 | "the Agreement" | this Planning Obligation made pursuant to Section 106 of the Act |
| 2.3 | "the Certificate of Practical Completion" | the certificate issued by the Owner's contractor architect or project manager certifying that the Development has been completed |

2.4 "Construction Management Plan" a plan setting out the measures that the Owner will adopt in undertaking the construction of the Development 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 Development 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 Development;
- (ii) amelioration and monitoring effects on the health and amenity of local residences site construction workers local businesses and adjoining developments undergoing construction;
- (iii) 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);

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

(v) 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

2.5 "the Construction Management Plan Implementation Support Contribution"

the sum of £1,140.00 (one thousand one hundred and forty 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

2.6 "the Construction Phase"

the whole period between

(i) the Implementation Date and

(ii) the date of issue of the Certificate of Practical Completion

2.7 "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

2.8 "the Development"

formation of basement extension with front and rear light wells as shown on drawing numbers:- 1226 PL 001, 1226 PL 002, 1226 PL 003, 1226 PL 004B, 1226 PL 005, 1226 PL 006, 1226 PL 007, 1226 PL 008, 1226 PL 009, 1226 PL 010, 1226 PL 011, BIA Rev 1 (Croft Engineers ref: 160606), Ground and Project Consultants BIA Land Stability, Ground & water Ground Investigation ref: GWPR1660/GIR/June 2016, H Fraser Consulting BIA Groundwater ref: 30142R1D1, Shape Architecture Design & Access Statement, Basement Impact Assessment Audits Campbell Reith ref: 12336-92 Rev D1 & F1, 1226-PL100

2.9 "the Highways Contribution"

the sum of £ £2,332.32 (two thousand three hundred and thirty two pounds and thirty two 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 in the event of receipt for the carrying out of works to the public highway and associated measures in the vicinity of the Property and as are required due to the Development ("the Highways Works") these to include costs associated with the following:-

- (a) damage to the footway as a direct result of the proposed works ; and
- (b) any other works the Council acting reasonably considers necessary as a direct result of the Development

all works will be subject to final measure 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 excludes any statutory undertakers costs

- 2.10 "the Implementation Date" the date of implementation of the Development 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 Level Plans" plans demonstrating the levels at the interface of the Development the boundary of the Property and the Public Highway
- 2.12 "Occupation Date" the date when any part of the Development is occupied and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly
- 2.13 "the Parties" mean the Council the Freeholder the Leaseholder and the Mortgagee
- 2.14 "the Planning Application" a planning application in respect of the development of the Property submitted to the Council and validated on 12 July 2016 for which a resolution to grant permission has been passed conditionally under reference number 2016/2033/P subject to conclusion of this Agreement
- 2.15 "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

- 2.16 "the Planning Permission" a planning permission granted for the Development substantially in the draft form annexed hereto
- 2.17 "the Property" the land known as Flat 1 154 Iverson Road London NW6 2HH the same as shown shaded grey on the plan annexed hereto
- 2.18 "the Public Highway" any carriageway footway and/or verge adjoining the Property maintainable at public expense

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, 8 and 9 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 Development 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 Development 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 Development 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 Development 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.

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 On or prior to the Implementation Date to submit to the Council the Level Plans for approval.

4.2.3 Not to Implement or to permit Implementation until such time as the Council has received the Highways Contribution in full.

4.2.4 Not to Implement nor permit Implementation until such time as the Council has approved the Level Plans.

4.2.5 The Owner acknowledges that the Council has the right reserved to it to construct the Public Highway to levels it considers appropriate.

4.2.6 On completion of the Highway Works the Council may provide to the Owner a certificate specifying the sum ("the Certified Sum") expended by the Council in carrying out the Highway Works.

4.2.7 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.

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 2016/2033/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 2016/2033/P.
- 5.7 Payment of the Highways Contribution pursuant to Clause 4 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 to this Agreement and citing the specific clause of this Agreement to which such contribution relates quoting the planning reference 2016/2033/P. Electronic Transfer is to be made directly to the National Westminster Bank of Hampstead Village quoting Sort Code 50-30-03 and London Borough of Camden General Account no. 24299480.

5.8 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.

5.9 Any sums referred to in this Agreement as payable or to be applied by any party other than the Council under this Agreement 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

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

5.10 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 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, Placeshaping Service, Urban Design and Development Team, 2nd Floor, 5 Pancras Square, London, N1C 4AJ quoting the Planning Permission reference number 2016/2033/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 or 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 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.

7. **MORTGAGEE EXEMPTION**

- 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 obligations contained in this Agreement shall not be enforceable against any mortgagee or chargee of the whole or any part of the Property unless it takes possession of the Property in which case it will be bound by the obligations as a person deriving title from the Owner.

8. **JOINT AND SEVERAL LIABILITY**

- 8.1 All Covenants made by the Owner in this Agreement are made jointly and severally and shall be enforceable as such.

9. **RIGHTS OF THIRD PARTIES**

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

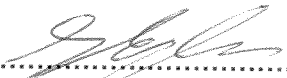
CONTINUATION OF AGREEMENT IN RELATION TO 154 IVERSON ROAD,
LONDON NW6 2HH

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and
the Owner and the Mortgagee have executed this instrument as their Deed the day and year
first before written

THE COMMON SEAL OF/)
EXECUTED AS A DEED BY)
154 IVERSON ROAD LIMITED)
acting by a Director and its Secretary)
or by two Directors)



.....

Director

 STUART TAYLOR
.....

Director/Secretary

EXECUTED AS A DEED BY)
CHLOE ANN BISSELL)
in the presence of:)

 23/1/17
Chloe Bissell


.....

Witness Signature

Witness Name K. PARKER

Address 43 ROOKFIELD AVENUE, LONDON N10 3TB

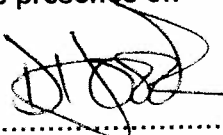
Occupation MARKETING MANAGER

McDONALD'S UK

CONTINUATION OF AGREEMENT IN RELATION TO 154 IVERSON ROAD,
LONDON NW6 2HH

EXECUTED AS A DEED BY
STUART ADAM TAYLOR
in the presence of:

)
)
)
STUART TAYLOR



Witness Signature

Witness Name DAVID JOHN HOWARD

Address HILLOCK COTTAGE, HILLOCK LANE, DALTON, WINSBORO

Occupation SALES

The Common Seal of Santander UK plc
was here unto affixed by Order of the

Board of Directors in the presence of:
By SANTANDER UK PLC
By

)
)
)
David Harrison
Service Advisor
Deeds Services

in the presence of:-

By authority of the Board of Directors
Santander UK plc

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

R. Alexander

NORTHGATE SE GIS Print Template



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Shape Architecture
Vicarage House
58-60 Kensington Church St.
London
W8 4DB

Application Ref: **2016/2033/P**

12 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:

Flat 1
154 Iverson Road
London
NW6 2HH

Proposal:

Formation of basement extension with front and rear light wells.

Drawing Nos: 1226 PL 001, 1226 PL 002, 1226 PL 003, 1226 PL 004B, 1226 PL 005, 1226 PL 006, 1226 PL 007, 1226 PL 008, 1226 PL 009, 1226 PL 010, 1226 PL 011, BIA Rev 1 (Croft Engineers ref: 160606), Ground and Project Consultants BIA Land Stability, Ground & water Ground Investigation ref: GWPR1660/GIR/June 2016, H Fraser Consulting BIA Groundwater ref: 30142R1D1, Shape Architecture Design & Access Statement, Basement Impact Assessment Audits Campbell Reith ref: 12336-92 Rev D1 & F1, 1226-PL100

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:- 1226 PL 001, 1226 PL 002, 1226 PL 003, 1226 PL 004B, 1226 PL 005, 1226 PL 006, 1226 PL 007, 1226 PL 008, 1226 PL 009, 1226 PL 010, 1226 PL 011, BIA Rev 1 (Croft Engineers ref: 160606), Ground and Project Consultants BIA Land Stability, Ground & water Ground Investigation ref: GWPR1660/GIR/June 2016, H Fraser Consulting BIA Groundwater ref: 30142R1D1, Shape Architecture Design & Access Statement, Basement Impact Assessment Audits Campbell Reith ref: 12336-92 Rev D1 & F1, 1226 PL100.

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

- 4 Details of a land contamination survey shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, including a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas and a site investigation in accordance with the approved programme, the results and a written scheme of remediation measures [if necessary].

The remediation measures shall be implemented in accordance with the approved details and a written report detailing the remediation shall be submitted to and approved by the Local Planning Authority, all prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 5 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.

- 6 Details of a drainage plan and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development including

- a) the proposed internal water efficiency and/or water recycling equipment to ensure that the development will pose no additional strain on adjoining sites or the existing drainage infrastructure;
- b) the proposed internal measures to ensure the development has been designed to cope with potential flooding;
- c) details for the control of groundwater and maintaining the stability of excavations including any dewatering and pumping; and
- d) the proposed measures to prevent the displacement of ground water or surface water flow with a priority given to sustainable urban drainage systems (SUDS).

The development shall be implemented only in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not have an impact on groundwater, surface water run off or ground permeability and to ensure that the basement is designed with adequate flooding control measures in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission. [Delegated]

The proposed development is a basement extension with front and rear lightwells. The property has an existing basement below the ground floor footprint with an area of 40m² and depth of 2.5m. The proposed development is to increase the depth of the basement to 3.5m, increase the area to 43m², provide a front lightwell with a depth of 1 m and a basement elevation to match the bay window above, a rear lightwell with a depth of 2 m with a basement elevation containing glazed

double doors and a 1.2m front extension of the basement below the front garden access route.

The basement extension was submitted with a Basement Impact Assessment (BIA) which assessed the impact of the scheme on drainage, flooding, groundwater conditions and structural stability. The BIA has been independently assessed and on the basis of this advice it is acknowledged that the proposed basement would maintain the structural stability of the building and neighbouring buildings, would avoid adversely affecting drainage and run-off, would not cause other damage to the water environment and would have no cumulative impact. Planning conditions have been added requiring details to be submitted to and approved by the Council prior to the commencement of the works including details of the project engineer, water efficiency and/or water recycling equipment, measures to ensure the development has been designed to cope with potential flooding and a contaminated land survey. Overall, officers consider that based on the independent expert advice the applicant has demonstrated that the proposed basement would accord with the requirements of policy DP27

The proposed external elevations at basement level to the front and rear would have a suitable design which would harmonise with the character and appearance of the building. The proposed small external lightwells would also not take up more than 50% of the garden and would be of a scale which would be in-keeping with the character of the streetscene and area.

The proposed basement structure would not result in a material amenity impact on neighbouring properties.

The application would be subject to a s.106 legal agreement requiring the submission of a Construction Management Plan to mitigate any potential amenity and highway impacts and requiring a contribution to repair any damage caused to highways as a result of the basement construction.

No objections were received to this application. The planning history of the site was taken into account when coming to this decision.

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

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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).

- 3 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.

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 13 February 2016¹⁷

(1) 154 IVERSON ROAD LIMITED

and

(2) CHLOE ANN BISSELL and STUART ADAM TAYLOR

and

(3) SANTANDER UK PLC

and

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

AGREEMENT
relating to land known as
Flat 1, 154 Iverson Road, London NW6 2HH
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)
Section 278 of the Highways Act 1980

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

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