

DATED

*17<sup>th</sup> February*

2017

**(1) KATHERINE REBECCA WOOLLACOTT and PATRICK  
CHARLES GILMARTIN**

and

**(2) PETER NEVILLE GOODFELLOW and JULIA MARY GOODFELLOW**

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

**15a Parliament Hill, Hampstead, London NW3 2SY**

**pursuant to Section 106 of the Town and Country Planning  
Act 1990 (as amended) and  
Section 278 of the Highways Act 1980**

Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
Town Hall  
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CLS/COM/PM/1781.323  
FINAL 060217



THIS AGREEMENT is made the *17<sup>th</sup>* day of *February* 2017

**BETWEEN:**

- i. **KATHERINE REBECCA WOOLLACOTT** and **PATRICK CHARLES GILMARTIN** whose registered address is at Ground floor flat, 15a Parliament Hill, Hampstead, London NW3 2SY (hereinafter called "the Owner") of the first part
- ii. **PETER NEVILLE GOODFELLOW** and **JULIA MARY GOODFELLOW** of 14 Parliament Hill, London NW3 2SY (hereinafter called "the Neighbour") 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 NGL716922 and also the leasehold proprietor with Title absolute of part of the Property under Title Number NGL715524.
- 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 A Planning Application for the development of the Property was submitted to the Council and validated on 13<sup>th</sup> May 2015 and the Council resolved to grant permission conditionally under reference number 2016/2225/P subject to 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 section 278 Agreement to be in the public benefit.
- 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 Neighbour is registered at the Land Registry as the freehold proprietor of part of the Property with Title Absolute under title number LN142169. The Neighbour has given consent to the Owner to allow construction of part of the Development on land in the ownership of the Neighbour and 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 demolition of the existing buildings and 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 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) proposals to ensure there are no adverse effects on the Conservation Area features
- (iii) amelioration and monitoring effects on the health and amenity of local residences site construction workers local businesses and adjoining developments undergoing construction;
- (iv) 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);

- (v) the inclusion of a waste management strategy for handling and disposing of construction waste;
- (vi) a requirement for the construction of the Development to take place in conjunction with the Neighbouring Development and a detailed works programme for such joint construction works; and
- (vii) identifying means of ensuring the provision of information to the Council and provision of a mechanism for monitoring and reviewing as required from time to time

2.5 "the Construction Phase"

the whole period between

- (i) the Implementation Date and
- (ii) the date of issue of the Certificate of Practical Completion

and for the avoidance of doubt includes the demolition of the existing buildings

2.6 "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

## 2.7 "the Development"

the development permitted by the planning permission and referenced 2014/7827/P with variation of condition 2 (approved plans) of planning permission dated 15.4.16 ref 2014/7827/P (for the demolition of the existing house & the construction of a new 4 storey house with a basement), to include redesign of rear extension behind no.15 and its enlargement into rear garden of no.14, creation of a side roof dormer with passive ventilation, and minor changes to the front and rear elevations, fenestration, materials, roof lights and roof profile as shown on drawing numbers: Superseded plans- P/1:500-000, P/1:200-000, P/1:50-0 0-1, P/1:50-000 revC, P/1:50-001, P/1:50-002, P/1:50-003, P/1:50-004, P/1:100-101, P/1:50-101 revA (SEa), P/1:50-101 revA (SEb), P/1:50-102, P/1:50-103, P/1:50-104, P/1:50-105 revB, P/1:50-201, P/1:50-202, P/1:50-204, P/1:50-301, P/1:50-302, P/1:50-303, P/1:50-304; 2 photomontages dated 26.3.12; Design and Access Statement by Woollacott Gilmartin architects. Proposed plans- P/1:500-000 dated 03.03.2016, P/1:200-000 dated 03.03.2016, P/1:50/00/-1 (rev A dated 27.05.2016), P/1:50/000/a (rev A dated 27.05.2016), P/1:50/000/b, P/1:50/001, P/1:50/002, P/1:50/003, P/1:50/004, P/1:100/101/SE/a, P/1:50/101/SE/a, P/1:50/101/SE/b, P/1:50/101/SE/c, P/1:50/102/A/0, P/1:50/201/SW, P/1:50/202/b/1, P/1:50/202/b/2, P/1:50/203/C/1, P/1:50/203/C/2, P/1:50/203/NW, P/1:50/204/NE, P/1:50/204/D/1, P/1:50/204/D/2, P/1:50/205/U (rev A dated 27.05.2016); comparative elevations- 01, 02, 03, 04, 05, 06; street views- 10, 11, 12, 13, 14, 15; axonometric

sketches- 16, 17, 18, 19; Design Statement dated 03.03.2016 by Woollacott Gilmartin architects

2.8 "the Highways Contribution"

the sum of £11,687 (eleven thousand six hundred and eighty seven 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 event of receipt 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"):-

- (a) repaving and reinstatement of the Public Highway;
- (b) any other works the Council acting reasonably requires as a direct result of the Development

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 excludes any statutory undertakers costs

2.9 "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



- 2.10 "the Level Plans" plans demonstrating the levels at the interface of the Development the boundary of the Property and the Public Highway
- 2.11 "the Neighbouring Development" the development of the neighbouring property at 14 Parliament Hill, London NW3 2SY in accordance with the planning permission granted by the Council under planning reference 2016/1248/P
- 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 and the Owner
- 2.14 "the Planning Application" a planning application in respect of the development of the Property submitted to the Council and validated on 13<sup>th</sup> May 2016 for which a resolution to grant permission has been passed conditionally under reference number 2016/2225/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 15a Parliament Hill, Hampstead, London NW3 2SY 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 or interpretation.
- 3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6, 7 and 8 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.

Woollacott Gilmartin Architects  
48b Netherhall Gardens  
London NW3 2SY

Application Ref: **2016/2225/P**

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:

**15A Parliament Hill  
London  
NW3 2SY**

Proposal:

**DECISION**  
Variation of condition 2 (approved plans) of planning permission dated 15.4.16 ref 2014/7827/P (for the demolition of the existing house & the construction of a new 4 storey house with a basement), to include redesign of rear extension behind no.15 and its enlargement into rear garden of no.14, creation of a side roof dormer with passive ventilation, and minor changes to the front and rear elevations, fenestration, materials, roof lights and roof profile.

Drawing Nos: Superseded plans- P/1:500-000, P/1:200-000, P/1:50-0 0-1, P/1:50-000 revC, P/1:50-001, P/1:50-002, P/1:50-003, P/1:50-004, P/1:100-101, P/1:50-101 revA (SEa), P/1:50-101 revA (SEb), P/1:50-102, P/1:50-103, P/1:50-104, P/1:50-105 revB, P/1:50-201, P/1:50-202, P/1:50-204, P/1:50-301, P/1:50-302, P/1:50-303, P/1:50-304; 2 photomontages dated 26.3.12; Design and Access Statement by Woollacott Gilmartin architects.

Proposed plans- P/1:500-000 dated 03.03.2016, P/1:200-000 dated 03.03.2016, P/1:50/00/-1 (rev A dated 27.05.2016), P/1:50/000/a (rev A dated 27.05.2016), P/1:50/000/b, P/1:50/001, P/1:50/002, P/1:50/003, P/1:50/004, P/1:100/101/SE/a, P/1:50/101/SE/a, P/1:50/101/SE/b, P/1:50/101/SE/c, P/1:50/102/A/0, P/1:50/201/SW, P/1:50/202/b/1, P/1:50/202/b/2, P/1:50/203/C/1, P/1:50/203/C/2, P/1:50/203/NW, P/1:50/204/NE, P/1:50/204/D/1, P/1:50/204/D/2, P/1:50/205/U (rev A dated 27.05.2016); comparative elevations- 01, 02, 03, 04, 05, 06; street views- 10, 11, 12, 13, 14, 15;

axonometric sketches- 16, 17, 18, 19; Design Statement dated 03.03.2016 by Woollacott Gilmartin architects

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):

- DRAFT**
- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission dated 15th April 2016 ref 2014/7827/P.

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-  
Site location plan; X/1:200-000, X/1:1250-000, X1:50-000, X1:50-001, X1:50-002, X1:50-003, X1:50-004, X1:50-101, X1:50-102, X1:50-103, X1:50-104; P/1:500-000 dated 03.03.2016, P/1:200-000 dated 03.03.2016, P/1:50/00/-1 (rev A dated 27.05.2016), P/1:50/000/a (rev A dated 27.05.2016), P/1:50/000/b, P/1:50/001, P/1:50/002, P/1:50/003, P/1:50/004, P/1:100/101/SE/a, P/1:50/101/SE/a, P/1:50/101/SE/b, P/1:50/101/SE/c, P/1:50/102/A/0, P/1:50/201/SW, P/1:50/202/b/1, P/1:50/202/b/2, P/1:50/203/C/1, P/1:50/203/C/2, P/1:50/203/NW, P/1:50/204/NE, P/1:50/204/D/1, P/1:50/204/D/2, P/1:50/205/U (rev A dated 27.05.2016); comparative elevations- 01, 02, 03, 04, 05, 06; street views- 10, 11, 12, 13, 14, 15; axonometric sketches- 16, 17, 18, 19; P/1:50-201 revB (bike store); 3d sketch view of front garden dated 1.7.15; Design Statement dated 03.03.2016 by Woollacott Gilmartin architects; Daylight and sunlight study dated 17.6.11; Code for Sustainable Homes Pre-assessment report by ddp, ref E217-CSHPA-00; Arboricultural Development report by ArbTech dated 17.6.11 and associated plans; Tree Survey report by ArbTech dated 24.10.14 and associated plans, pit & trench reports dated 1.9.14 and 19.1.15; Arboricultural Development report by ArbTech dated 12.12.14; Ground Investigation Report and Basement Impact Assessment (Final Rev B) by EPS ref UK14.1639 dated 25.3.15; Basement Impact Assessment Review by Gyoury Self engineers dated 24.3.15; Flood Risk Assessment by Gyoury Self engineers dated 24.3.15; Structural Design Statement by Gyoury Self engineers dated 10.12.14; Ground movement assessment by Gyoury Self engineers dated March 2015; email from David Parker dated 6.5.15 titled 'BIA review for 15a Parliament Hill NW3 2014/7827/P (GSP ref 10366NA)'.  
**DRAFT**

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

- 3 Details in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:
- a) detailed drawings of the proposed window openings, with a horizontal and vertical section at 1:2 showing the depth of the reveal, window frames, lining to reveals, and relationship of the tiling to the opening.
  - b) samples of all external facing materials.
- The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 A sample panel of the proposed vertically hung tiles and a sample panel of the proposed front boundary wall brickwork, demonstrating the proposed colour, texture, face-bond and pointing, shall be provided on site and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample panels shall be retained on site until the work has been completed.

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Full details of hard and soft landscaping and means of enclosure of all un-built, open areas (including the front garden lightwell and the proposed privacy screen in the rear garden behind no.15 Parliament Hill) shall be submitted to and approved by the Council before the relevant part of the work is begun. The works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies CS14 and CS15 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.

- 6 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies CS14 and CS15 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.

- 7 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage during construction work in accordance with the arboricultural reports hereby approved and with the guidelines and standards set out in BS5837:2005 "Trees in Relation to Construction".

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 8 Prior to works commencing on site, details of when the tree protection measures hereby approved have been implemented shall be submitted to and approved by the Council.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 9 Details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved by the Council as the local planning authority before any works on site are commenced. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area and to prevent over-development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

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

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

- 12 The development hereby approved shall incorporate sustainable design principles and renewable energy technologies into the design and construction of the development in accordance with the Code for Sustainable Homes Pre-assessment report hereby approved or with an alternative statement incorporating other measures as approved in writing by the Local Planning Authority. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure a sustainable and resource efficient development in accordance with the requirements of 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.

- 13 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 structural stability of neighbouring buildings and the water environment 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 of the London Borough of Camden Local Development Framework Development Policies.

- 14 The excavation and construction of the basement, in terms of its design, methodology and monitoring, shall be implemented in accordance with the recommendations of the revised Basement Impact Assessment and supporting documents hereby approved.

Reason: To safeguard the structural stability of neighbouring buildings and the water environment 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 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, 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 Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units



for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

- 6 In relation to condition 14 above, you are advised that the Construction Management Plan required by the associated legal agreement shall include a detailed works programme to ensure that the construction process takes place jointly with that for the approved scheme at no.15a next door (ref 2016/1248/P) and to ensure that any harm to land stability is minimised.

- 7 Reasons for granting permission.

The proposals include a large amount of small changes to refine the scheme, all of which are sensitive to the original concept by the owner/architect. Cumulatively they are not considered to result in excess additional scale or design alterations which water down the original design and form. The fundamental changes to the approved scheme include changes to the roof form and changes to the ground floor extension by incorporating a wedge of land outside of the typical plot shape.

The changes to the ground floor rear extension with increased width and roof height, a changed roof form and incorporation of a small triangle of land from the rear garden of no.14, do not add significant bulk beyond the approved scheme and maintain its subordinate relationship with both host buildings of nos. 15 and 15a. In the context of the site layout's unique circumstances, these changes are considered acceptable and improve the layout and function of the house. The changes to the rear elevation of the main house, in terms of fenestration, ground floor rear projection, and overall roof form with increased height, are relatively minor and continue to maintain the original design concept and do not harm the character of the host building and adjoining properties here. The overall changes at the rear are designed to be coordinated with the proposed scheme for a rear semi-basement extension to no.14 (ref 2016/1248/P), they do not harm the amenities, design or structural stability of this scheme or the existing house.

The roof changes at the front involve adding a gable-end and pronounced chimney to the left hand side pitch, a repositioned and more dominant top floor dormer window, and cladding in zinc instead of tiles. The gable would partially infill the gap in the townscape when viewed from the front compared to the approved scheme. This change however would not reduce the gap to a harmful level and would offer a roof form more consistent with the majority of the buildings within the street. The strong architectural concept for the building would be retained and reinforced by the change. The changes in fenestration and materials are relatively minor and do not harm the character of the host building, adjoining properties or townscape here.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The changes overall are designed to improve the sustainability and ventilation of

the scheme, which is welcomed. There are no further impacts on landscape or trees. The rear extension's incorporation of an area of garden at no.14 will not significantly reduce that property's garden amenity space.

The proposal is not considered to cause any further adverse impacts on the amenity of adjoining residential occupiers. There are no further impacts on highway, land stability or hydrological conditions, subject to the same S106 clauses as before relating to highway works, CPZ amendment and Construction Management Plan (CMP). The proposal to combine the construction process with that of the proposed scheme next door at no.14 is welcomed and will simplify and minimise impacts on local amenities and highway conditions. It is recommended that the final CMP, to be submitted as part of a legal agreement, includes a detailed works programme to ensure that this takes place.

The same conditions will be imposed as the previous planning permission and a Deed of Variation will be required to the original S106 dated 15.4.16.

8 Reasons for granting permission. (continued)

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS1, CS5, CS6, CS13, CS14, CS15, CS17, CS18 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP6, DP17, DP18, DP20, DP21, DP22, DP23, DP24, DP25, DP26 and DP27 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.

9 You are advised that in relation to condition 1, for the purposes of this approval under Section 73 of the 1990 Act, the 3 year time period for implementation commences with the date of the original decision (and not this variation).

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

15a, Parliament Hill, London NW3 2SY -  
2016/2225/P



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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 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 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:-

- (i) pay to the Council the Highways Contribution in full; and
- (ii) submit to the Council the Level Plans for approval.

4.2.2 Not to Implement or to allow Implementation until such time as the Council has:-

- (i) received the Highways Contribution in full; and
- (ii) approved the Level Plans as demonstrated by written notice to that effect.

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 and does not undertake any responsibility in connection with any required statutory undertakers works and that the Highways Contribution excludes any statutory undertakers costs.

4.2.4 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.

4.2.5 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.

## **4.3 JOINT DEVELOPMENT WITH NEIGHBOURING DEVELOPMENT**

4.3.1 To ensure Implementation of the Development is undertaken in conjunction with the implementation of the Neighbouring Development AND to ensure that the construction processes of the Development and the Neighbouring Development are combined in order so as to minimise impacts on local amenities and highway condition AND AT ALL TIMES to be in accordance with the approved Construction Management Plan.

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 2016/2225/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 2016/2225/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 to this Agreement and citing the specific clause of this Agreement to which such contribution relates quoting the planning reference 2016/2225/P. Electronic Transfer 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

5.8 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 AIIRP") figure last published by the Central Statistical Office at the date hereof is the denominator ("X") and the last AIIRP figure published before the date such payment or application is made ("Y") less the last published AIIRP 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, Urban Design and Renewal, Planning and Public Protection, Culture and Environment Directorate, Town Hall Annex, Argyle Street, London WC1H 9LP quoting the Planning Permission reference number 2016/2225/P and in the case of any notice or approval or agreement from the Council this shall be signed by a representative of the Council's Environment Department.
- 6.2 This Agreement shall be registered as a Local Land Charge.
- 6.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Agreement on or prior to the date of completion of the Agreement.
- 6.4 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.
- 6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

6.6 Neither the Owner nor their successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.

6.7 For the avoidance of doubt the provisions of this Agreement (other than those contained in this sub-clause) shall not have any effect until this Agreement has been dated.

6.8 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of development this Agreement shall forthwith determine and cease to have effect.

8. **JOINT AND SEVERAL LIABILITY**

8.1 All Covenants made by KATHERINE REBECCA WOOLLACOTT and PATRICK CHARLES GILMARTIN 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

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

**EXECUTED AS A DEED BY  
KATHERINE REBECCA WOOLLACOTT  
in the presence of:**

) *Katherine R. Woollacott*  
)  
)

*Anahita Kirkpatrick*  
.....  
**Witness Signature**

**Witness Name** ANAHITA KIRK PATRICK  
**Address** 31 MACKESON ROAD  
LONDON NW3 2LU  
**Occupation** DOCTOR

EXECUTED AS A DEED BY  
PATRICK CHARLES GILMARTIN  
in the presence of:

) 

  
.....

Witness Signature

Witness Name ANAHITA KIRKPATRICK

Address 31 MACKESON ROAD

LONDON NW3 2LU

Occupation DOCTOR

EXECUTED AS A DEED BY  
PETER NEVILLE GOODFELLOW  
in the presence of:

) 

  
.....

Witness Signature

Witness Name F. STINA LYON

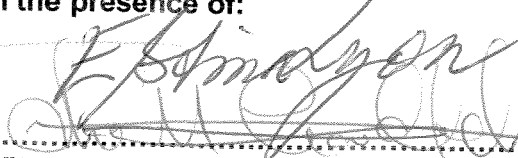
Address 39 NASSINGTON RD

NW3 2TY

Occupation Professor Emeritus

EXECUTED AS A DEED BY  
JULIA MARY GOODFELLOW  
in the presence of:

) 

  
.....

Witness Signature

Witness Name

F. STINA LYON

Address 39 NASSINGTON RD

NW3 2TY

Occupation Professor Emeritus

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

..... *f. Alexander* .....

Authorised Signatory



**THE 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**

DATED *17<sup>th</sup> February* 2017

(1) KATHERINE REBECCA WOOLLACOTT and PATRICK  
CHARLES GILMARTIN

and

(2) PETER NEVILLE GOODFELLOW and JULIA MARY GOODFELLOW

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

15a Parliament Hill, Hampstead, London NW3 2SY

pursuant to Section 106 of the Town and Country Planning  
Act 1990 (as amended) and  
Section 278 of the Highways Act 1980