

DATED 12 April

2016~~6~~7

(1) E-BUILD HOMES LIMITED

and

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

A G R E E M E N T
relating to land known as
6 & 7 Railey Mews, London NW5 2PA
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)

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

Tel: 020 7974 1918
Fax: 020 7974 2962



THIS AGREEMENT is made the 12th day of April 2016/7

BETWEEN:

1. **E-BUILD HOMES LIMITED** (Co. Regn. No. 05272343) whose registered office is at 39 Etchingham Park Road, Finchley, London N3 2DU (hereinafter called "the Owner") of the first part.
2. **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 NGL906583 and Title Number NGL904870 both subject to a charge to the Mortgagee.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 A Planning Application for the development of the Property was submitted to the Council and validated on 30 March 2015 and the Council resolved to grant permission conditionally under reference number 2015/0354/P subject to the conclusion of this legal Agreement.
- 1.4 The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.5 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.

2. DEFINITIONS

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

- 2.1 "the Act" the Town and Country Planning Act 1990 (as amended)
- 2.2 "the Agreement" this planning obligation made pursuant to Section 106 of the Act
- 2.3 "the Development" demolition of the existing buildings and the erection of 2 x two-storey, plus basement single family dwelling houses, including mansard roof extensions (Class C3) as shown on drawing numbers:- Site location plan; AG150d 030; AG150d 031-01; AG150d 031-02; AG150d 001 Rev A; AG150d 002 Rev A; AG150d 003 Rev A; AG150d 004 Rev A; AG150d 005 Rev A; AG150d 020-01 Rev A; AG150d 020-02 Rev A; AG150d 022-01 Rev A; AG150d 022-02 Rev A; AG150e 030; AG150e 031-01; AG150e 031-02; AG150e 001; AG150de 002; AG150e 003; AG150e 004; AG150e 005; AG150e 020-01; AG150e 020-02; AG150e 022-01; AG150e 022-02; Design and Access Statements by Morgan Harris Architects dated 18/04/2011 Refs: AG150d); Basement Impact Assessment by Price and Myers LLP, Letter from Harper Planning dated 23/01/2015; Structural Report by Clive Adams and Associates Ltd dated 26/03/2014; Letter by E-Build Homes Ltd dated 27/03/2014 confirming Structural Engineer (CAA Ltd) appointment; Letter by E-Build Homes Ltd dated 22/04/2015

- 2.4 "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
- 2.5 "Occupation Date" the date when any part of the Development is occupied and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly
- 2.6 "the Parties" mean the Council and the Owner
- 2.7 "the Planning Application" a planning application in respect of the development of the Property submitted to the Council and validated on 30 March 2015 for which a resolution to grant permission has been passed conditionally under reference number 2015/0354/P subject to conclusion of this Agreement
- 2.8 "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
- 2.9 "the Planning Permission" a planning permission granted for the Development substantially in the draft form annexed hereto

- 2.10 "the Property" the land known as 6 & 7 Railey Mews, London NW5 2PA the same as shown shaded grey on the plan annexed hereto
- 2.11 "the Nominated Unit" the two-storey, plus basement single family dwelling house located at 6 Railey Mews, London NW5 2PA
- 2.12 "Residents Parking Bay" a parking place designated by the Council by an order under the Road Traffic Regulation Act 1984 or other relevant legislation for use by residents of the locality in which the Development is situated
- 2.13 "Residents Parking Permit" a parking permit issued by the Council under section 45(2) of the Road Traffic Regulation Act 1984 allowing a vehicle to park in Residents Parking Bays

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, 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.
- 3.8 The Parties acknowledge that the Nominated Unit shall be treated as being permanently designated as "car capped" housing in accordance with Clause 4.1 for all relevant purposes.
4. **OBLIGATIONS OF THE OWNER**
- 4.1 The Owner hereby covenants with the Council to ensure that prior to Occupying the Nominated Unit forming part of the Development each new resident of the Nominated Unit is informed by the Owner of the Council's policy that they shall not be entitled (unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit to park a vehicle in a Residents Parking Bay and will not be able to buy a contract to park within any car park owned, controlled or licensed by the Council.
- 4.2 The Owner for itself and its successors in title to the Property hereby acknowledges that the provision in Clause 4.1 above will remain permanently.
- 4.3 On or prior to the Occupation Date the Owner shall inform the Council's Planning Obligations Monitoring Officer of the official unit numbers of the residential units forming part of the Development (as issued and agreed by the Council's Street Name and Numbering Department), identifying those residential units that in the Owner's opinion are affected by the Owner's obligation in Clause 4.1 of this Agreement.

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

5.1 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.

5.2 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 jointly and severally 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.

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 reference number 2015/0354/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 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, if any, 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 executed and 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.

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 has executed this instrument as their Deed the day and year first before written

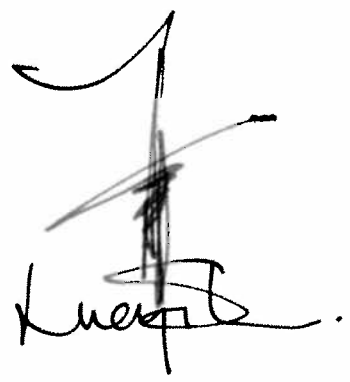
EXECUTED AS A DEED BY)
E-BUILD HOMES LIMITED)
acting by a Director and its Secretary)
or by two Directors)

..... *FRANK SILVER*

Director

..... *LUCY SILVER*

Director/Secretary



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

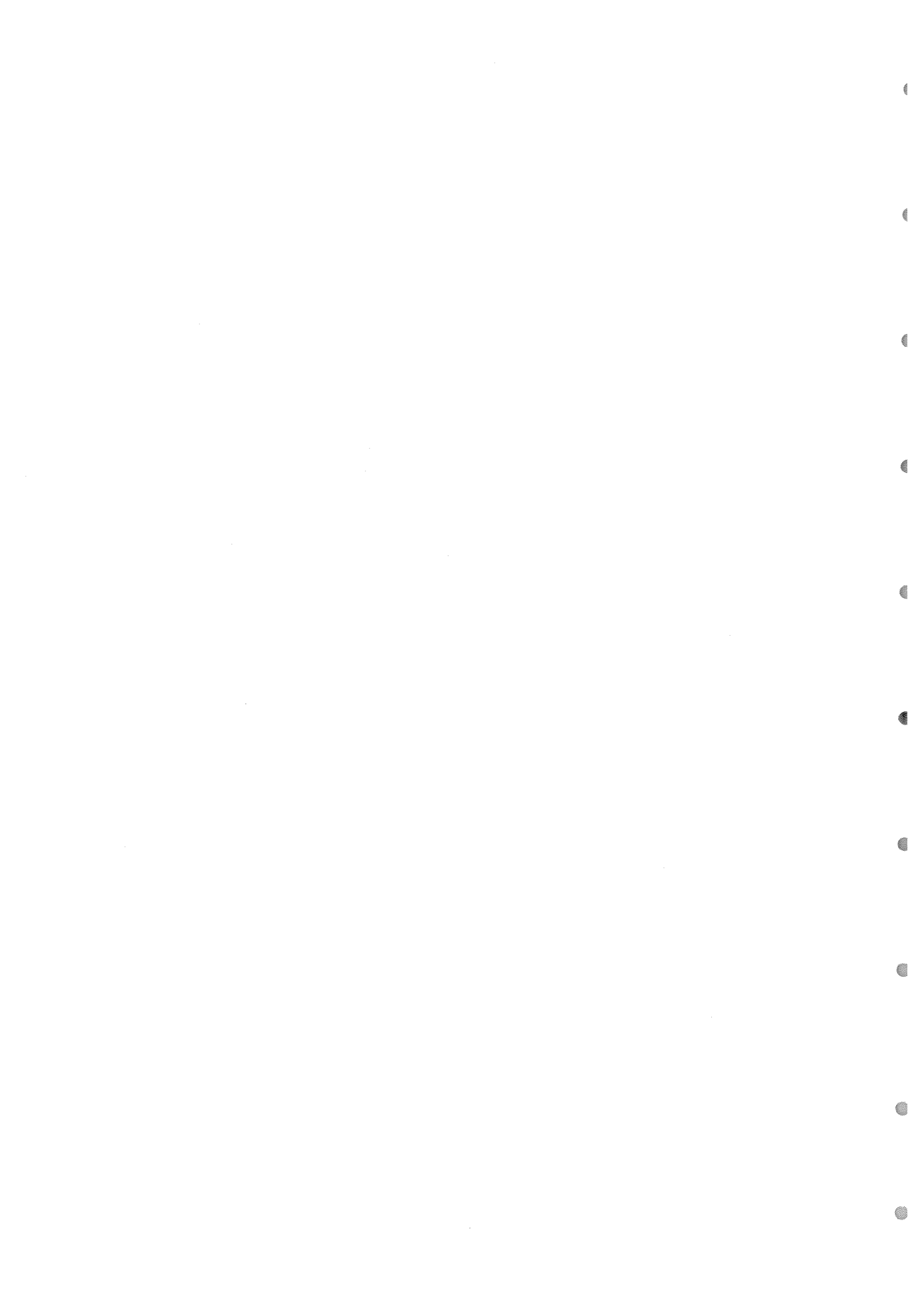
..... *R. Alexander*

Authorised Signatory



6-7 Railey Mews, London NW5 2PA





Mr. Robin Harper
Harper Planning Consultants Ltd
The Boathouse Design Studio
27 Ferry Road
Teddington
Middlesex
TW11 9NN

Application Ref: **2015/0354/P**
Please ask for: **Angela Ryan**
Telephone: 020 7974 3236

5 July 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Prior approval subject to Section 106 Legal agreement

Address:
**6 and 7 Railey Mews
London
NW5 2PA**

DECISION

Proposal:

Demolition of the existing buildings and the erection of 2 x two-storey, plus basement single family dwelling houses, including mansard roof extensions (Class C3)

Drawing Nos: Site location plan; AG150d 030; AG150d 031-01; AG150d 031-02; AG150d 001 Rev A; AG150d 002 Rev A; AG150d 003 Rev A; AG150d 004 Rev A; AG150d 005 Rev A; AG150d 020-01 Rev A; AG150d 020-02 Rev A; AG150d 022-01 Rev A; AG150d 022-02 Rev A; AG150e 030; AG150e 031-01; AG150e 031-02; AG150e 001; AG150e 002; AG150e 003; AG150e 004; AG150e 005; AG150e 020-01; AG150e 020-02; AG150e 022-01; AG150e 022-02; Design and Access Statements by Morgan Harris Architects dated 18/04/2011 Refs: AG150d); Basement Impact Assessment by Price and Myers LLP Letter from Harper Planning dated 23/01/2015; Structural Report by Clive Adams and Associates Ltd dated 06/03/2014; Letter by E-Build Homes for Life dated 27/03/2014 confirming Structural Engineer (CAA Ltd) appointment; Letter by E-Build Home for Life dated 22/04/2015



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 shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

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

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

- 3 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

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

- 4 Prior to the occupation of the building the front and rear dormer windows hereby approved shall be fixed shut and obscured glazed to a height of 1.7m from internal floor level and maintained as such permanently thereafter.

Reason: In order to protect the residential amenity of neighbouring properties in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy

- 5 Within 4 months of the date of this decision detail of the method statement and materials of soot washing of the London Stock and Red Stock bricks on the building shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall be carried out 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.

- 6 Prior to occupation of the relevant part of the development, details of how the houses hereby approved have been constructed in accordance with Building Regulations Part M 4 (2) submitted and approved by the Local Planning Authority.

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.

- 7 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation of the relevant part of the development, evidence demonstrating that this has been achieved shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 8 Prior to the occupation of the unit a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the development shall be submitted to and approved by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction).

- 9 Within 3 months of the date of this decision the holes located on the underside of the meeting rails on the window frames of the sash windows hereby approved shall be in filled, after which the underside of all the meeting rails shall be painted white to match the existing window frames.

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.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; AG150d 030; AG150d 031-01; AG150d 031-02; AG150d 001 Rev A; AG150d 002 Rev A; AG15d 003 Rev A; AG150d 004 Rev A; AG150d 005 Rev A; AG150d 020-01 Rev A; AG150d 020-02 Rev A; AG150d 022-01 Rev A; AG150d 022-02 Rev A; AG150e 030; AG150e

031-01; AG150e 031-02; AG150e 001; AG150e 002; AG150e 003; AG150e 004; AG150e 005; AG150e 020-01; AG150e 020-02; AG150e 022-01; AG150e 022-02; Design and Access Statements by Morgan Harris Architects dated 18/04/2011 Refs: AG150d); Basement Impact Assessment by Price and Myers LLP; Letter from Harper Planning dated 23/01/2015; Structural Report by Clive Adams and Associates Ltd dated 06/03/2014; Letter by E-Build Homes for Life dated 27/03/2014 confirming Structural Engineer (CAA Ltd) appointment; Letter by E-Build Home for Life dated 22/04/2015

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

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 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.
- 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 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.

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

Executive Director Supporting Communities

Executive Director Supporting Communities

DRAFT

DECISION





DATED

12 April

2016~~6~~7

(1) E-BUILD HOMES LIMITED

and

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

A G R E E M E N T
relating to land known as
6 & 7 Railey Mews, London NW5 2PA
pursuant to Section 106 of the Town and Country Planning
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