

Our Ref: **MR/LB/JCG23017**

E-mail: [matthew.roe@cgms.co.uk](mailto:matthew.roe@cgms.co.uk)

Date: **19<sup>th</sup> May 2017**

London Borough of Camden  
5 St Pancras Square  
London  
N1C 4AD

Dear Sir/Madam,

**APPROVAL OF DISCHARGE OF CLAUSE AND APPLICATION TO VARY CLAUSE OF SECTION 106 AGREEMENT PURSUANT TO THE PROVISIONS OF S.106A TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
159-165 CAMDEN HIGH STREET LONDON NW1 7JY**

On behalf of my client, Tesco Stores Ltd, I seek approval to discharge clause 4.3 of the S106 agreement which requires a service management plan for the retail A1 element of the development. I also seek to apply to vary the following restriction outlined within Schedule 1 of the S106, which relates to clause 4.3 'service management plan', for all servicing to be made via Underhill Street instead of Camden High Street. The application is made to vary this obligation to allow deliveries via Camden High Street to enable the operation of the A1 Retail Space at 159-165 Camden High Street.

**Applicant Details**

The development comprises retail space at ground floor level sub-divided into two units with residential flats above. Tesco Stores Ltd, the applicant, is interested in purchasing the leasehold of Unit 2 at 159- 165 Camden High Street for the operation of a Tesco Express Store (Site Layout and location plan included at **Appendix A**).

Tesco's address is: Plus Building, Shire Park, Welwyn Garden City, AL7 1GB

The leasehold of Unit 1 is still to be confirmed; the owner is in discussions with a number of retailers. The enclosed Delivery and Servicing Plan produced by Strykeslip assumes that Unit 1 will be either a clothes shop, or hardware / electrical shop or a coffee shop. (Delivery and Servicing Plan included at **Appendix B**).

**Existing Planning Restrictions**

Planning permission was granted conditionally and subject to a Section 106 (s.106) Legal Agreement on 16th May 2006, LPA Ref. 2006/0776/P for the, "*demolition of existing 3 and 4 storey buildings and the redevelopment of the site through the erection of a five-storey plus basement level building, with retail (Class A1) at basement and ground floor levels, and 14 self-contained flats above (Class C3) with associated Conservation Area Consent application (Ref. 2005/0777/C)*" (A copy of the Decision Notice and S106 is included at **Appendix C**).

A deed of variation to the original s.106 agreement relates to amendments made to the original planning permission under 2009/3719/P. (A copy of the Decision Notice and S106 is included at **Appendix D**).

The original s.106 agreement placed the following restrictions on the development:

#### **4.3 Service Management Plan**

4.3.1 On or prior to Implementation to submit to the Council for approval the Service Management Plan.

4.3.2 Not to Implement or permit Implementation of the Development until such time as the Council has approved the Service Management Plan in writing.

4.3.3 After the Occupation Date the Owner shall not Occupy or permit Occupation of any part of the Development at any time when the Development is not being managed in strict accordance with the Service Management Plan as approved by the Council and shall not Occupy or permit Occupation of the Development otherwise than in strict accordance of the Service Management Plan.

The first schedule of the S106 'Service Management Plan' outlines measures which should be implemented to manage the development's deliveries and removal of waste, and includes the restriction for all servicing to be undertaken via Underhill Street.

#### **Governing Legislation**

In accordance with the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, this letter and the enclosed Delivering and Servicing Plan produced by Strykeslip provides the following information as per section 3(1):

- the name and address of the applicant;
- the address or location of the land to which the application relates and the nature of the applicant's interest in that land;
- sufficient information to enable the authority to identify the planning obligation which the applicant wishes to have modified or discharged;
- the applicant's reasons for applying for the modification or discharge of that obligation; and;
- such other information as the authority consider necessary to enable them to determine the application.

The modification of planning obligations is governed by s.106A of the Town and Country Planning Act 1990. As amended it provides the ability to renegotiate planning obligations where the obligation predates April 2010 or is over 5 years old. s.106A(6) of the Town and Country Planning Act 1990 provides:

"(6) Where an application is made to an authority under subsection (3), the authority may determine;

- (a) that the planning obligation shall continue to have effect without modification; (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications".

#### **National Planning Policy and Guidance Context**

As stipulated within the National Planning Practice Guidance at paragraph 009, where modification is sought, the test under s.106A(6)(c) should be applied such that an application can be made to the local planning authority to change the obligation where it "no longer serves a useful purpose" or would continue to serve a useful purpose in a modified way.

## Planning case for seeking discharge and modification of governing s.106

Mindful of this guidance the applicant seeks to discharge and modify clauses of the governing s.106 agreement associated with planning approval reference 2006/0776/P dated the 16th May 2006. The enclosed Delivery and Servicing Plan produced by Strykeslip provides the necessary information to discharge clause 4.3 in line with the Schedule 1 'Service Management Plan' of the S106 agreement.

The applicant seeks to modify part of schedule 1 which requires all servicing to be made via Underhill Street. The S106 obligations are over 5 years old and as a result can be renegotiated in line with policy. The purpose of the proposed modification is to enable the operation of the A1 Units at 159- 165 Camden High Street. As result of the current restriction for all servicing to be via Underhill Street instead of via Camden High Street there is currently no viable servicing option. The servicing of the retail units via Underhill Street would not be possible due to physical constraints and rights of access as detailed within section 5 of the submitted Delivery and Servicing Plan. The S106 therefore needs to be amended to allow servicing via Camden High Street to ensure that tenants can operate from the approved A1 floorspace at ground floor level, and the retail space within this new development can be utilised. The planning obligation is therefore deemed to no longer serve a useful purpose and should be amended in line with S106A of the Town and Country Planning Act and National Planning Policy Guidance.

Furthermore the use of the loading position on Camden High Street would comply with Policy DP20 'Movement of goods and materials' of Camden's Development Policies (2010), which outlines that development which generates significant movements should be located close to the Transport for London Network. Servicing from Camden High Street, which is on TFL's road network, therefore complies with policy.

## Suggested Modification to s.106 Obligations

The applicant thus proposes the amendment to schedule 1 'Service Management Plan' of the S106 dated 16<sup>th</sup> May 2006 [deletions highlighted in red]:

"All deliveries to the site to be made via ~~Underhill Street rather than~~ Camden High Street ~~given the limited amount of loading space and the disruption to pedestrians this would cause.~~"

Having suitably provided for the required information as established under the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, we await confirmation of the receipt and validation of the planning application. Should you however have any queries in the interim please do not hesitate to contact either myself or my colleague Louise Braine (louise.braine@rpsgroup.com).

Yours faithfully,

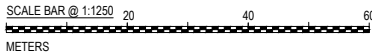
A handwritten signature in blue ink, appearing to read 'Matthew Roe'.

MATTHEW ROE  
Director

# APPENDIX A

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LOCATION AND LAND REGISTRY PLAN



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CLIENT  
**TESCO express**  
TESCO STORES LIMITED  
EXPRESS GROUP  
P.O. BOX 400, CIRRUS BUILDING, SHIRE PARK  
WELWYN GARDEN CITY, HERTS. AL7 1AB  
TELEPHONE : 01707 395150

TITLE  
Proposed New Store,  
159-165 Camden High Street,  
LONDON,  
NW1 (7JY)  
Location and Land Registry Plan

**FACTOR 9  
DESIGN**  
ARCHITECTURAL DESIGN SERVICES

Rev	Description	Date	PM
REVISIONS			

FACTOR 9 DESIGN LIMITED  
© Copyright Reserved 2008  
Do not scale - check dims. on site.

Scale : 1:500 + 1:1250 @ A3  
Date : © Mar '17  
Drawn by : JRC  
Checked by :

Drawing No:  
F9D16.042 P050

A	B	C	D	E	F	G	H
J	K	L	M	N	P	Q	R
S	T	U	V	W	X	Y	Z

FACTOR 9 DESIGN  
4-6 Denbigh Mews Pimlico London SW1V 2HQ  
020 78215650 Email : email@factor9design.co.uk

TESCO EXPRESS	
Affluence	
Cluster	On The Move
Commodity Flex	
Net sales	1753
Gross Ground	2687
Gross First / Basement	0
Total Gross	3666
Net/Gross	47.82%
Total Mod Count	
Department	Achieved
Chilled	19
Frozen	3
Chilled BWS	5
Ambient	52
Total	79
Ladder racks	8
No of Cages	41
Checkouts to Forecast	No
Linear	271
Yield	6.5
Car Parking	
Approved Compromises	
EAG Approved	
Architects Drawing	Lease Plan
Acquisition Exec	Keith Woodruff
Architect	
Project Manager	



CAD SOURCE = PDF CONVERSION

REV.	AMENDMENTS	DATE	REV.	AMENDMENTS	DATE	DRAWING NO. CamdFeasrg#B	PROJECT	<div><div>TESCO <i>express</i></div><div>TESCO STORES LIMITED EXPRESS GROUP P.O. BOX 400, CIRRUS BUILDING, SHIRE PARK WELWYN GARDEN CITY, HERTS. AL7 1AB TELEPHONE : 01707 395150 <small>THE COPYRIGHT AND ALL OTHER RIGHTS IN AND RELATING TO THIS PUBLICATION BELONG TO AND ARE THE SOLE PROPERTY OF TESCO STORES LIMITED ALL RIGHTS ARE RESERVED. NEITHER THE WHOLE NOR ANY PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS INCLUDING PHOTOCOPYING AND RECORDING OR FROM ANY RETRIEVAL SYSTEM WITHOUT THE PRIOR WRITTEN LICENCE FROM THE OWNER © 1997 TESCO STORES LIMITED</small></div></div>
##	PRELIMINARY RETAIL LAYOUT CREATED	12.01.17				PHASE 1	159-165, CAMDEN HIGH STREET, LONDON	
#A	REVISED RETAIL LAYOUT CREATED TO ALLOW FOR 1500 SQFT SUB-LET AREA	16.01.17				ISSUE #B		
#A	REVISED RETAIL LAYOUT CREATED TO ALLOW FOR 2000 SQFT SUB-LET AREA	17.01.17				SYSTEM ID: RETAIL		
						SCALE 1:100@ A3	DESCRIPTION PROPOSED RETAIL LAYOUT STANDALONE	
						DATE 17.01.2017		
						PLANNER: JOEL TROTMAN		
						DRAUGHTING DESIGN SERVICES		

# APPENDIX B

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# **159-165 Camden High Street, Camden Town**

## **Delivery and Servicing Plan**

**May 2017**

**strykeslip**



Date	Version
05 May 2017	1
11 May 2017	2
17 May 2017	3

## **Contents**

<b>1</b>	<b>Introduction</b>	<b>Page 3</b>
<b>2</b>	<b>Development site and development</b>	<b>Page 5</b>
<b>3</b>	<b>Development servicing arrangements</b>	<b>Page 8</b>
<b>4</b>	<b>Development waste collection arrangements</b>	<b>Page 11</b>
<b>5</b>	<b>Underhill Street</b>	<b>Page 12</b>

# 1. Introduction

## 1.1 Preamble

This Delivery and Servicing Plan (DSP) has been prepared for a recently constructed mixed retail and residential use development ('the development') located at 159-165 Camden High Street, Camden NW1 7JY ('the development site') within the London Borough of Camden (LBC).

## 1.2 Context

This DSP has been prepared in order to meet with the Servicing Management Plan (formerly used term for a DSP) obligation set-out in the S106 agreement associated with the development's planning consents (2006/0776/P and 2009/3719/P) granted in May 2016 and August 2010 respectively. For reference, the S106 defines a Servicing Management Plan as follows:

<b>2.20 "Service Management Plan"</b>	<b>a plan for the management of the deliveries and servicing to the retail A1 element of the Development securing the minimisation of service vehicle and car conflicts and detrimental impact on local amenity from such servicing and deliveries and shall include inter alia the terms set out in Schedule One hereto</b>
---------------------------------------	--

This DSP also forms information supplementary to a planning application intended to seek approval for a variation to part of Schedule 1 of the said S106 agreement. For reference, the respective part of Schedule 1, specifically "*All deliveries to the site to be made via Underhill Street...*" is stated following:

### Specific Measures

#### General

- All deliveries to the site to be made via Underhill Street rather than Camden High Street given the limited amount of loading space and the disruption to pedestrians this would cause.

## 1.3 Objective

As noted, the objective of this DSP is to meet with the Servicing Management Plan obligation in and to support a variation of part of the development's S106 agreement. Specifically it will:

- Describe the development site and its former servicing arrangements; and

- Describe the development and its proposed servicing arrangements and determine / assess any impact arising.
- Provides a framework for ensuing servicing activity is as effective and efficient as possible.

## **1.4 Scope**

In compliance with Clause 2.20 of the S106 (see insert in Section 1.2), this DSP applies only to the "*...retail A1 element...*" of the development.

## **1.5 DSP guidance**

This DSP has been prepared in accordance with Transport for London's (TfL) online DSP information. It has also been prepared in accordance with Section 4 (Delivery and Servicing Plans) of LBC's Camden Planning Guidance on Transport (CPG7) and Policy DP20 (Movement of goods and materials) of LBC's 2010 LDF Camden Development Policies document (LDF CDP).

## 2. Development site and development

### 2.1 Development site location

The development site is located on the western side of Camden High Street adjacent to Underhill Passage and just over 100m to the south of Camden Town Station. It is bounded to the west by M&S's car park and a substation, and to the north by 167-169 Camden High Street. Please refer Figures 2.1 and 2.1a.



Figure 2.1, development site location





Photo 2.2, existing loading bay located in front of development site

## 2.3 Development description

The development fronts Camden High Street and comprises retail space of some 505sqm GFA at ground level (a net decrease of 77sqm GFA when compared to the former retail space) plus a total of 14 flats at level one and above. The retail space is split from its frontage back into 2 units separate units with 'Unit 1' occupying the corner of the floorplate (sitting adjacent to Underhill Passage) and 'Unit 2' siting between Unit 1 and the neighbouring property (no. 167-169).

## 2.4 Future operators

### *Unit 1*

At the time of writing, the development owner is in discussion with a range of retailers, including fashion retailers, hardware / electrical retailers and coffee shop operators. For the purposes of this DSP it is assumed that Unit 1 will operate as either a clothes shop, or hardware / electrical shop or a coffee shop.

### *Unit 2*

At the time of writing, the development owner is in discussion with convenience store operators including Tesco. For the purposes of this DSP it is assumed that Unit 1 will operate as a Tesco Express store.

### 3. Development servicing arrangements

#### 3.1 Physical arrangements

##### *Loading position*

The loading position will be formed within the existing loading bay (which is of approximately 10m length plus a 6m entry taper) and this will amount to a continuation of the situation under the former retail space. The use of the existing loading bay and indeed Camden High Street has been formally supported by TfL as the Highway Authority for Camden High Street. Assuming a loading position on TfL's road network is considered to comply with Policy DP20 of LBC's LDF CDP which states the following:

##### **Minimising the impact of the movement of goods and materials by road**

The Council will expect development that would generate significant movement of goods or materials by road, both during construction and in operation, to:

d) be located close to the Transport for London Road Network or other Major Roads;

##### *Maximum vehicle size*

The maximum vehicle size is set by the length of the existing loading bay, which at around 10m, will fully accommodate a small rigid HGV (plus its tailgate activity) commonly used to service convenience stores located in urban environments including London. The use of servicing vehicles of greater size (such as standard rigid, larger rigid or even artics) would be subject to civil enforcement by TfL. Based upon knowledge of the operations of both chain and independent coffee shop operators in London, the coffee shop will be serviced by no vehicles larger than long wheelbase transit vans. Tesco operates a range of fleet service vehicles which included small rigid HGV whose specific dimensions are 8.4m length by 2.6m width.

##### *Route to / from the development site*

The route to / from the development will be via Camden High Street northbound in line with its one way operation.

#### 3.2 Management arrangements

##### *Servicing periods*

The servicing periods will primarily be governed by the operation of the existing loading bay as were those of the former retail space. The existing loading bay operates 08:00-16:00 Monday to Saturday and 08:00-13:00 Sunday (actually in excess of the standard for TfL's roads) with a maximum duration of stay of 20 minutes - see Screen Shot 3.2. Additionally, in order to avoid the location's well known busy Saturday and Sunday lunchtimes and afternoon shopping periods, the servicing periods will be further reduced:

- On a Saturday to 08:00-12:00; and
- On a Sunday to 09:00-12:00 (in additional consideration of local amenity).





Screen shot 3.2, existing loading bay operation

### ***Consolidation and coordination of deliveries***

In order to ensure efficient logistics operations and indeed store operations, it is reasonably assumed that the operator (and its suppliers) of the retail space will consolidate (minimise the number often by combining load types) and coordinate (stage) its deliveries within the aforementioned servicing periods. Consolidation will reduce the total number of servicing trips and coordination will significantly reduce the risk of more than one service vehicle attending the site at the same time.

### ***Servicing schedule - unit 1 (as a clothing or hardware / electrical shop)***

A hardware / electrical shop will be serviced by an up to 20 minute delivery 2 or 3 times per week, retailer dependent.

### ***Servicing schedule - unit 1 (as a coffee shop)***

The coffee shop will be serviced as follows:

- A 'drop and drive' morning milk delivery (daily);
- A 'drop and drive' morning food delivery (daily); and
- A 'drop and drive' daytime delivery of other goods such as paper cups, miscellaneous items etc. (weekly).

### ***Servicing schedule - unit 2***

Tesco will service their Express store as follows:

- An up to 20 minute morning fresh produce delivery (daily);
- An up to 20 minute afternoon grocery delivery (3 weekdays plus Saturday);
- An up to 'drop and drive' mid-morning bread delivery (daily except Sunday); and
- A 'drop and drive' lunchtime cigarettes delivery (twice weekly).



***Movement of goods***

Goods will be moved from the tailgate of service vehicles to the development's frontage where they will be received via the customer entrance to both Units via cages or sack barrow (operator / supplier dependent). As noted, the existing loading bay is conveniently located to the development thereby minimising the distance goods will need to be moved across the footway. Pedestrians will at all times be given priority when goods are being moved. Risk of conflict between pedestrians and goods being moved will be reduced as a result of the fact the footway in front of the development has recently been widened by TfL. Additionally, risk of conflict will be further reduced by the servicing periods avoiding the location's well known busy Saturday and Sunday, as noted. No goods or cages will be stored on the footway at any time.

***Engine idling***

The drivers of all vehicles servicing both units will be required to turn their engines off when in the loading position.

## **4. Development waste collection arrangements**

### ***Unit 1***

The coffee shop's waste will be stored on-site in the shared bin store and removed on collection days by LBC in line with its existing operations.

### ***Unit 2***

Most waste generated by Tesco will be packaging for recycling and this will be removed by its servicing vehicles. This is a key part of Tesco operations and it utilises its empty cages accordingly. Any waste not removed by servicing vehicles will as for Unit 1 be stored on-site in the shared bin store and removed on collection days by LBC in line with its existing operations.

## 5. Underhill Street

### **S106**

As noted, Schedule 1 of the development's S106 specifically obligated the development to be serviced from "*...Underhill Street rather than Camden High Street given the limited amount of loading space and the disruption to pedestrians this would cause.*". However, Underhill Street did not present any viable servicing option in 2006 and this situation persists until today - the reason why this DSP bases servicing of the development upon a loading position on Camden High Street.

### ***Unsuitability of Underhill Street***

Servicing the development from Underhill Street (refer to Photos 5, 5a & 5b) is unsuitable for the following reasons:

- Underhill Street forms a cul-de-sac with only a minimal widening at its dead-end forming a partial or quasi-turning head suitable only for small vehicles such as cars (reversing a vehicles on a daily basis back onto Arlington Road would not be advisable);
- Using the M&S car park as a turning head would be feasible in physical terms but would by definition involve rights of access over non-highway / third part land which would not be feasible (it should be noted that M&S is able to service its store at 143 Camden High Street only by virtue of using its car park as a turning head);
- Underhill Street is of particularly limited width and as a result does not provide for any loading position which would not cause an obstruction to other traffic - car, cycle and even pedestrian (it should be noted that M&S is able to service its store at 143 Camden High Street only by virtue of using its on-site delivery bay as its loading position thereby avoiding any obstruction); and
- There is no secondary goods entrance on Underhill Passage to either Unit and moving goods cages along Underhill Passage will not be feasible as a result of both its adverse gradient and uneven surface through choice of York Stone pavers.



Photo 5, Underhill Street from Arlington Road (M&S's on-site delivery bay in the background)



Photo 5a, Underhill Street from M&S's car park entrance



Photo 5b, Underhill Passage from Underhill Street (door visible does not provide access to either unit)

# APPENDIX C

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Development Control  
Planning Services  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND

Tel 020 7278 4444  
Fax 020 7974 1975  
Textlink 020 7974 6866

env.devcon@camden.gov.uk  
www.camden.gov.uk/planning

Susanna Salmela (049604.pr.lbc.06)  
Neale & Norden Ltd  
34 Osnaburgh Street  
London  
NW1 3ND

Application Ref: **2006/0776/P**  
Please ask for: **Thomas Smith**  
Telephone: 020 7974 5114

16 May 2006

Dear Sir/Madam

## DECISION

Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988

### Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:  
**159 161 163 and 165 Camden High Street**  
**London**  
**NW1 7JY**

#### Proposal:

Demolition of existing 3 and 4 storey buildings and the redevelopment of the site through the erection of a five-storey plus basement level building, with retail (Class A1) at basement and ground floor levels, and 14 self-contained flats above (Class C3) with associated Conservation Area Consent application (Ref. 2005/0777/C).

Drawing Nos: Location Plan; P02; P03; P04; P05; P06; P07; P08; P09A; P10A; P20A; P21A; P22A; P23A; P24A; P25A; P26A; P27A; P28A; P29A; P30A

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 details of the windows, shopfront, residential entrance, refuse store entrance and cycle store entrance (to include elevations and typical sections at a scale of 1:10) to be used on the building shall not be otherwise than as shall have been submitted to and approved by the Council before any work is commenced on the relevant part of the development. These parts of the development 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 policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000 and policies B1 and B7 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 3 Samples of all external materials shall be submitted to 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.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000 and policies B1 and B7 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 4 Before the use commences, details of the method of storage and waste removal (including recycled materials) shall be submitted to and approved by the Council and the approved method shall thereafter be maintained.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies RE2 and EN19 of the London Borough of Camden Unitary Development Plan 2000 and policy SD6 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 5 Prior to the commencement of the development hereby permitted a scheme for renewable energy provision (including plans and particulars) shall be submitted to and approved in writing by the Local Planning Authority. The first unit shall not be occupied until the scheme is fully installed in accordance with the approved details and the system shall be fully utilised and maintained thereafter.

Reason: To ensure the development meets renewable energy and sustainability objectives in compliance with policy EN12 of the London Borough of Camden Unitary Development Plan 2000 and to policy SD9 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 6 Before the occupation of the first residential unit, details of the secure cycle storage



areas shall be submitted to and approved by the Council and the cycle storage area shall be provided and retained as such thereafter.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policy TR22 of the London Borough of Camden Unitary Development Plan 2000 and policies T3 and T12 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 7 Prior to the commencement of development, the developer must enter into a contract with Transport for London (Directorate of Road Network Development) to make good and enlarge the area of footway directly in front on the application site on Camden High Street.

Reason: To safeguard the amenities of the premises and the area generally and in the interests of pedestrian safety in accordance with the requirements of policy TR21 of the London Borough of Camden Unitary Development Plan 2000 and policy T3 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 8 Details of safety measures to improve security on Underhill Passage (to include lighting) shall be submitted to and approved by the Council and the approved measures shall be installed before the occupation of the first residential unit.

Reason: In the interests of community safety and in accordance with the requirements of policy EN20 of the London Borough of Camden Unitary Development Plan 2000 and policy T3 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 9 Details of measures to improve biodiversity on the site shall be submitted to and approved by the Council and the approved measures shall be provided before the occupation of the first residential unit.

Reason: To ensure the development meets biodiversity and sustainability objectives in compliance with policy EN15 of the London Borough of Camden Unitary Development Plan 2000 and to policy Nnew of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 10 The louveres shown on the side elevation shall shall fixed shut at the time of installation and retained as such thereafter.

Reason: To safeguard the privacy of adjoining occupiers and in accordance with policies RE2, EN19 and DS5 of Camden Unitary Development Plan 2000 and policy SD6 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 11 The side windows on the Underhill Passage elevation to flat numbers 4, 8 and 12 shall be installed in obscure glazing and retained as such thereafter.



Reason: To safeguard the privacy of adjoining occupiers and in accordance with policies RE2, EN19 and DS5 of Camden Unitary Development Plan 2000 and policy SD6 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

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 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.
- 3 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) Regulations 1992. Application forms may be obtained from the Council's One Stop Reception, Environment Department, Camden Town Hall, Argyle Street WC1H 8EQ. (Tel: 020-7278 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk)).
- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Council's Records and Information Service, Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 5613).
- 5 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 6 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 Environmental Health Division, Camden Town Hall, Argyle Street, WC1H (Tel. No. 020 7974 4444) 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.
- 7 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the adopted London Borough of Camden Unitary Development Plan 2000, with particular regard to policies RE2, RE6, EN1, EN13, EN14, EN15, EN19, EN20, EN28, EN31, EN32, EN53, TR11, TR16, TR17, TR18, TR19, TR20, TR21, TR22, HG8, HG11, HG12, HG13, HG14, HG16, EC3, SH3, SH4, SH7, DS5 and DS10 and policies SD2, SD6, SD9, H1, H2, H7, H8, B1, B7, N4, E2, R1, R7, R8, Nnew,

T3, T7, T8, T9 and T12 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. A. B. M.', written over the printed name.

P. A. B. M.  
Culture and Environment Directorate  
(Duly authorised by the Council to sign this document)

SR

DATED

16 MAY

2006

**(1) SURYAKANT CHUNIBHAI PATEL**

and

**(2) AIB GROUP (UK) PLC**

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

**159, 161, 163 & 165 CAMDEN HIGH STREET, LONDON NW1 1JY  
pursuant to Section 106 of the Town and Country Planning  
Act 1990 (as amended) and  
Section 278 of the Highways Act 1980**

Alison Lowton  
Borough Solicitor  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 2463  
Fax: 020 7974 2962

S:plan/lr/L159-165 Camden High St/ s106 Agreement(EC, HC, OSC, SMP, CMP, CF)

**THIS AGREEMENT** is made the 16<sup>th</sup> day of MAY 2006

**B E T W E E N:**

1. **SURYAKANT CHUNIBHAI PATEL** of 14 Shaftsbury Avenue, Preston Road, Harrow, Middx HA3 0QX (hereinafter called "the Owner") of the first part
2. **AIB GROUP (UK) PLC** (Company Registration Number NI018800) of North Finchley Branch, 1136 High Road, London N20 0RA (hereinafter called "the Mortgagee") of the second part
3. **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

**WHEREAS**

- 1.1 The Owner is registered at HM Land Registry as the freehold proprietor with Title absolute of the Property under Title Numbers 334797, 295277 and LN96~~6~~564 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 validated by the Council on 14 February 2006 and the Council resolved to grant permission conditionally under reference number 2006/0776/P subject to conclusion of this legal Agreement.
- 1.4 An application for conservation area consent for the development of the property was validated by the Council on 14 February 2006 and the Council resolved to grant permission conditionally under reference number 2006/0777/C subject to the conclusion of this legal Agreement.

- 1.5 The Council considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.6 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.
- 1.7 AIB GROUP (UK) plc as Mortgagee under a legal charge registered under Title Number 334797, 295277 and LN96564 and dated 2 January 2002 (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 Application"           | a planning application in respect of the development of the Property validated by the Council on 14 February 2006 for which a resolution to grant permission has been passed conditionally under reference number 2006/0776/P subject to conclusion of this Agreement |
| 2.4 | "Conservation Area Consent" | the conservation area consent granted for the Development substantially in the draft form annexed hereto  |

- 2.5 "Construction Management Plan" a plan for the management of the construction of the Development to include reference to but not limited to the following matters:
- To ensure that all construction scheduling is agreed and approved by Transport for London and the Council's highways team as necessary to ensure the safety and efficiency of vehicular and pedestrian movements in the vicinity of the site;
  - to ensure that the works of construction do not have a detrimental impact on local amenity;
  - noise attenuation measures;
  - permitted working hours;
  - any necessary measures to address local traffic/parking implications;
  - any other matters the Council may reasonably require the Owner to address in relation to the management of the construction of the Development
- 2.6 "the Development" Demolition of existing 3 and 4 storey buildings and the redevelopment of the site through the erection of a five-storey plus basement level building, with retail (Class A1) at basement and ground floor levels, and 14 self-contained flats above (Class C3) with associated Conservation Area Consent application (Ref. 2005/0777/C) as shown on drawing numbers: Location Plan; P02; P03; P04; P05; P06; P07; P08; P09A; P10A; P20A; P21A; P22A; P23A; P24A; P25A; P26A; P27A; P28A; P29A; P30A
- 2.7 "the Education Contribution" the sum of £61,946.00 (sixty one thousand nine hundred and forty six 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 provision of education needs arising in the London Borough of Camden

**2.8 "Financial Contributions"**

means the Highway Contribution, the Education Contribution and the Public Open Space Contribution

**2.9 "the Highway Contribution"**

the sum of £17,000.00 (seventeen thousand pounds) to be paid by the Owner and to be applied by the Council in the event of receipt to carry out the Highway Works

**2.10 "the Highway Works"**

the repaving of the area of Underhill Passage adjacent to the Property and up to the new set back building line in Yorkstone (to match the existing); works to disconnect, remove and reconnect and replace the street lighting unit attached to the existing building on the Property; the Council's full legal and administrative costs reasonably and properly incurred in the preparation and/or making of traffic regulation orders, whether implemented or not, in connection with the Highway Works which the Council considers to be reasonably necessary ALWAYS PROVIDED that this sum is subject to final measure and for the avoidance of doubt that (i) this sum does NOT include the cost of any works required to the public highway along the Camden High Street frontage of the Property, such works to be undertaken at the cost of the Owner by Transport for London (TfL); (ii) the Council in accepting this sum does not undertake any

responsibility in connection with any required statutory undertaken works and (iii) this shall exclude any statutory undertakers' costs

**2.11 "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

**2.12 "Occupation Date"**

the first 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 Mayor and Burgesses of the London Borough of Camden the Owner and the Mortgagee

**2.14 "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

**2.15 "the Planning Permission"**

a planning permission granted for the Development substantially in the draft form annexed hereto

**2.16 "the Property"**

the land known as 159, 161, 163 and 165 Camden High Street, London NW1 7JY the same as shown shaded grey on the site location plan annexed hereto

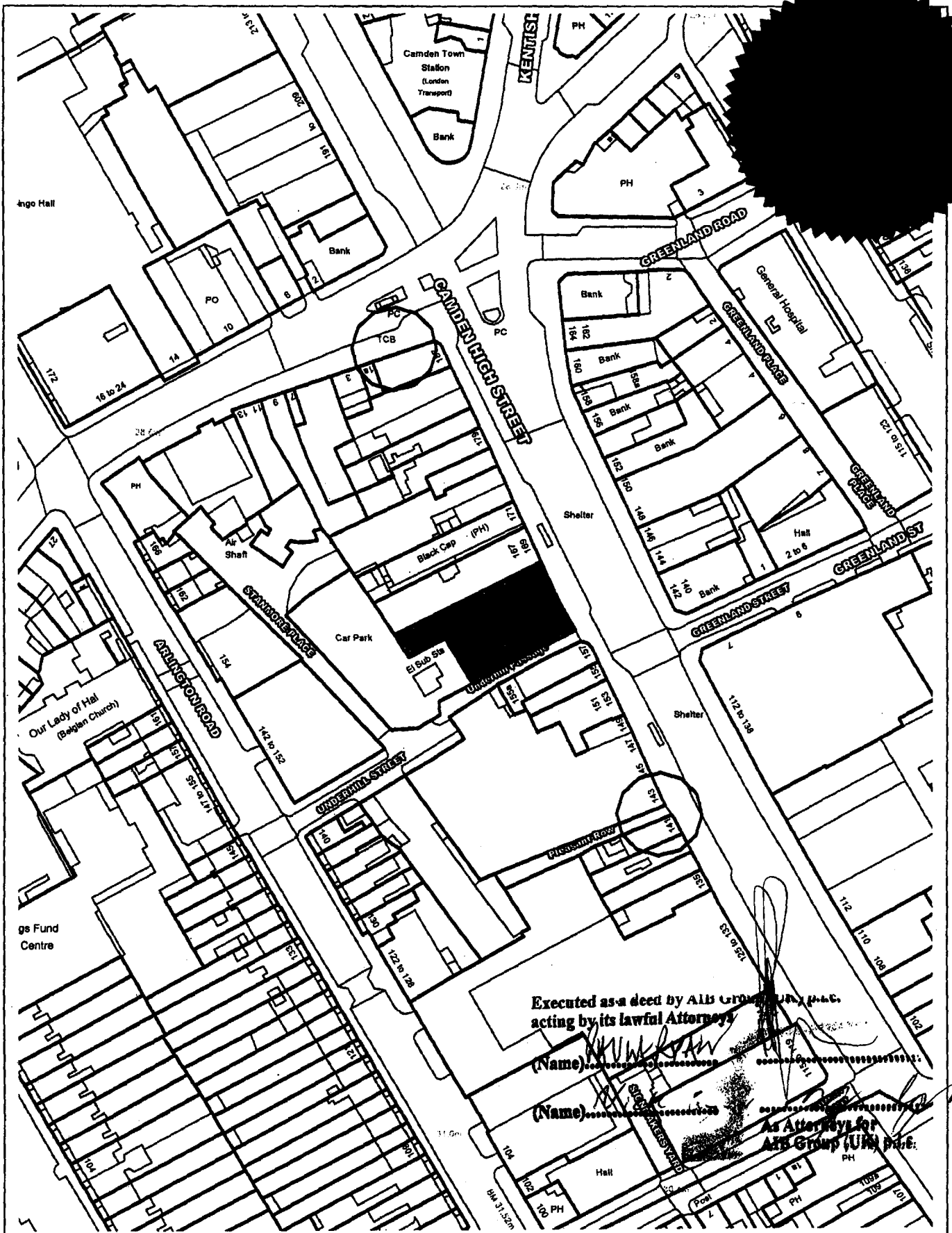
**2.17 "the Public Open Space"**



- |                                 |   |
|---------------------------------|---|
| Contribution"                   | the sum of £20,000.00 (twenty thousand pounds) to be applied by the Council in the event of receipt for carrying out improvements and maintenance to public open spaces in the London Borough of Camden   |
| 2.18 "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  |
| 2.19 "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   |
| 2.20 "Service Management Plan"  | a plan for the management of the deliveries and servicing to the retail A1 element of the Development securing the minimisation of service vehicle and car conflicts and detrimental impact on local amenity from such servicing and deliveries and shall include inter alia the terms set out in Schedule One hereto |

**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.



Executed as a deed by AIB Group (UK) plc, acting by its lawful Attorneys

(Name).....

(Name).....

As Attorneys for AIB Group (UK) plc.

Application No: 2006/0776/P

159 161 163 and 165 Camden High Street  
London  
NW1 7JY

Scale:  
1:1250

Date:  
23-Mar-06



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Neale & Norden Ltd  
34 Osnaburgh Street  
London  
NW1 3ND

Application Ref: 2006/0776/P

10 May 2006

Dear Sir/Madam

**DRAFT**

FOR INFORMATION ONLY - **NOT A FORMAL DECISION**  
Town and Country Planning Acts 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**159 161 163 and 165 Camden High Street**  
London  
NW1 7JY

**Proposal:**

Demolition of existing 1 and 2 storey buildings and the redevelopment of the site through the erection of a five-storey plus basement development with retail (Class A1) at basement and ground floor levels, and 14 self-contained flats above (Class C3) with associated Conservation Area Consent application (Ref. 2005/0777/C).

Drawing Nos: Location Plan; P02; P03; P04; P05; P06; P07; P08; P09A; P10A; P20A; P21A; P22A; P23A; P24A; P25A; P26A; P27A; P28A; P29A; P30A

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 details of the windows, shopfront, residential entrance, refuse store entrance and cycle store entrance (to include elevations and typical sections at a scale of 1:10) to be used on the building shall not be otherwise than as shall have been submitted to and approved by the Council before any work is commenced on the relevant part of the development. These parts of the development 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 policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000 and policies B1 and B7 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 3 Samples of all external materials shall be submitted to 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.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies EN1, EN13 and EN31 of the London Borough of Camden Unitary Development Plan 2000 and policies B1 and B7 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 4 Before the use commences, details of the method of storage and waste removal (including recycled materials) shall be submitted to and approved by the Council and the approved method shall thereafter be maintained.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies RE2 and EN19 of the London Borough of Camden Unitary Development Plan 2000 and policy SD6 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 5 Prior to the commencement of the development hereby permitted a scheme for renewable energy provision (including plans and particulars) shall be submitted to and approved in writing by the Local Planning Authority. The first unit shall not be occupied until the scheme is fully installed in accordance with the approved details and the system shall be fully utilised and maintained thereafter.

Reason: To ensure the development meets renewable energy and sustainability objectives in compliance with policy EN12 of the London Borough of Camden Unitary Development Plan 2000 and to policy SD9 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th

January 2006.

- 6 Before the occupation of the first residential unit, details of the secure cycle storage areas shall be submitted to and approved by the Council and the cycle storage area shall be provided and retained as such thereafter.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policy TR22 of the London Borough of Camden Unitary Development Plan 2000 and policies T3 and T12 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 7 Prior to the commencement of development, the developer must enter into a contract with Transport for London (Directorate of Road Network Development) to make good and enlarge the area of footway adjacent to the application site on Camden High Street.

Reason: To safeguard the amenities of the premises and the area generally and in the interests of pedestrian safety in accordance with the requirements of policy TR21 of the London Borough of Camden Unitary Development Plan 2000 and policy T3 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 8 Details of safety measures to improve security on Underhill Passage (to include lighting) shall be submitted to and approved by the Council and the approved measures shall be installed before the occupation of the first residential unit.

Reason: In the interests of community safety and in accordance with the requirements of policy EN20 of the London Borough of Camden Unitary Development Plan 2000 and policy T2 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 9 Details of measures to improve biodiversity on the site shall be submitted to and approved by the Council and the approved measures shall be provided before the occupation of the first residential unit.

Reason: To ensure the development meets biodiversity and sustainability objectives in compliance with policy EN15 of the London Borough of Camden Unitary Development Plan 2000 and to policy Nnew of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 10 The louveres shown on the side elevation shall be fixed shut at the time of installation and retained as such thereafter.

Reason: To safeguard the privacy of adjoining occupiers and in accordance with policies RE2, EN19 and DS5 of Camden Unitary Development Plan 2000 and policy SD6 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

- 11 The side windows on the Underhill Passage elevation to flat numbers 4, 8 and 12 shall be installed in obscure glazing and retained as such thereafter.

Reason: To safeguard the privacy of adjoining occupiers and in accordance with policies RE2, EN19 and DS5 of Camden Unitary Development Plan 2000 and policy SD6 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

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 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.
- 3 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) Regulations 1992. Application forms may be obtained from the Council's One Stop Reception, Environment Department, Camden Town Hall, Argyle Street WC1H 8EQ. (Tel: 020-7278 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk)).
- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 1 of the London Building Acts (Amendment) Act 1939 should be made to the Council's Records and Information Service, Environment Department (Local Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 9016).
- 5 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 6 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 Environmental Health Division, Camden Town Hall, Argyle Street, WC1H (Tel. No. 020 7974 4444) 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.
- 7 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the adopted London Borough of Camden Unitary Development Plan 2000, with particular regard to policies RE2, RE6, EN1, EN13, EN14, EN15, EN19, EN20,

EN28, EN31, EN32, EN53, TR11, TR16, TR17, TR18, TR19, TR20, TR21, TR22, HG8, HG11, HG12, HG13, HG14, HG16, EC3, SH3, SH4, SH7, DS5 and DS10 and policies SD2, SD6, SD9, H1, H2, H7, H8, B1, B7, N4, E2, R1, R7, R8, Nnew, T3, T7, T8, T9 and T12 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

Yours faithfully

Culture and Environment Directorate

**DRAFT**

**DECISION**

Neale & Norden Ltd  
34 Osnaburgh Street  
London  
NW1 3ND

Application Ref: **2006/0777/C**  
Please ask for: **Thomas Smith**  
Telephone: 020 7974 5114

Dear Sir/Madam

**DRAFT**  
DECISION

Planning (Listed Building and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990

**Conservation Area Consent Granted**

Address:  
**159 161 163 and 165 Camden High Street**  
London  
NW1 7JY

**DECISION**

Proposal:  
Demolition of existing part three part four-storey group of four buildings.  
Drawing Nos: Location Plan; P02; 03; 04; 05; 06; 07; 08

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

**Conditions and Reasons:**

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.



Reason: To protect the visual amenity of the area in accordance with the requirements of policies EN31 and EN32 of the London Borough of Camden Unitary Development Plan 2000 and policy B7 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

Informative(s):

1

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

**DRAFT**

Culture and Environment Directorate  
(Duly authorised by the Council to sign this document)

**DECISION**

- 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 includes 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 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 Development shall be treated as being permanently designated as "car free" housing in accordance with Clause 4.1 for all relevant purposes.

#### **4. OBLIGATIONS OF THE OWNER**

The Owner hereby covenants with the Council as follows:

##### **4.1 Car Free Housing**

- 4.1.1 To ensure that prior to occupying any residential unit forming part of the Development each new resident of the Development 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.

- 4.1.2 The Owner for itself and its successors in title to the Property hereby acknowledges that the provision in Clause 4.1.1 above will remain permanently.

## **4.2 Financial Contributions**

- 4.2.1 On or prior to the Implementation Date to pay to the Council the Education Contribution, the Highway Contribution and the Public Open Space Contribution.
- 4.2.2 Not to Implement or to permit Implementation until such time as the Council has received the Education Contribution, the Highway Contribution and the Public Open Space Contribution.
- 4.2.3 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.
- 4.2.4 If the Certified Sum exceeds the Highway Contribution then the Owner shall within fourteen days of the issuing of the said certificate pay to the Council the amount of the excess.
- 4.2.5 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 Index 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

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

- 4.2.6 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.

#### **4.3 Service Management Plan**

- 4.3.1 On or prior to Implementation to submit to the Council for approval the Service Management Plan.
- 4.3.2 Not to Implement or permit Implementation of the Development until such time as the Council has approved the Service Management Plan in writing.
- 4.3.3 After the Occupation Date the Owner shall not Occupy or permit Occupation of any part of the Development at any time when the Development is not being managed in strict accordance with the Service Management Plan as approved by the Council and shall not Occupy or permit Occupation of the Development otherwise than in strict accordance of the Service Management Plan.

#### **4.4 Construction Management Plan**

- 4.4.1 On or prior to Implementation to submit to the Council for approval the Construction Management Plan.
- 4.4.2 Not to Implement or permit Implementation of the Development until such time as the Council has approved the Construction Management Plan in writing.
- 4.4.3 After Implementation, the Owner shall not carry out or permit to be carried out any works of construction at any time other than in strict accordance with the Construction Management Plan as approved by the Council.

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

- 5.1 Within 7 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 planning reference 2006/0776/P the date upon which the residential units forming the Development are ready for occupation.
- 5.2 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place.
- 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 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, Forward Planning and Projects Team, Planning Division Environment Department, Town Hall Annex, Argyle Street, London WC1H 9LP quoting the planning reference number 2006/0776/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 Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.
- 6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.
- 6.6 Neither the Owner nor the Mortgagee nor their successors in title nor any person deriving title from the Owner or the Mortgagee 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 by effluxion of time for the commencement of development or is modified (other than by agreement with or at the request of the Owner) this Agreement shall forthwith determine and cease to have effect and the Council will effect cancellation of all entries made in the Register of Local Land Charges in respect of this Agreement.

- 6.9 Nothing in this Agreement shall be construed as affecting prohibiting or limiting any rights to develop any part of the land in accordance with any other planning permission granted whether before or after the date of this Agreement by the Council or the Secretary of State for the Department for Transport Local Government and the Regions or any other competent authority.
7. The Mortgagee hereby consents to the completion of this Agreement and agrees to be bound by it and to the same being registered at HM Land Registry as provided in Clause 6.4 hereof and for the avoidance of doubt agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession of the Property.
8. The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement.

## **FIRST SCHEDULE**

### **SERVICE MANAGEMENT PLAN**

#### **General**

This Code shall apply to the management of deliveries and removal of waste at the Development.

The objective of the Code is to safeguard the amenity of nearby residents.

The Freight Transport Association/Local Government Partnership Initiative entitled "Delivering the Goods - Best Practice in Urban Distribution" stands as general good practice in relation to deliveries to the site.

#### **Specific Measures**

##### **General**

- All deliveries to the site to be made via Underhill Street rather than Camden High Street given the limited amount of loading space and the disruption to pedestrians this would cause.

##### **Staff Training**

- All drivers delivering to the premises shall receive company training in parking, unloading/loading vehicles in the quietest manner. They shall also be fully conversant with the FTA/LGPI best practice document.

##### **Vehicle Specifications**



- Vehicle specifications should be commensurate with the access roads.

#### *Delivery Times/Scheduling*

- Deliveries to the premises shall take place in accordance with the timing restrictions imposed by means of planning condition (either initially or as subsequently varied).
- Within these hours, deliveries will be strictly scheduled via the central delivery depot to ensure the efficient use of available time via controlled arrival/departures.
- Vehicle engines will be switched off as soon as practicable on arrival at the premises and will only be restarted when the vehicle is ready to leave, when loading and unloading has been completed.

#### *Servicing Bay*

- Where the servicing bay is used to access the store, Goods will be taken directly from the delivery lorry to the goods lift or sales floor access doors. No breaking down of trolley loads will take place outside the premises.

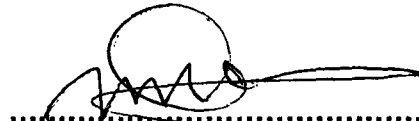
#### *Removal of Waste*

- All waste removals should be made via Underhill Street or other route as agreed in writing with the Council.

**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

**EXECUTED AS A DEED BY  
SURYAKANT CHUNIBHAI PATEL  
in the presence of:**

} Surjesh + elated



**Witness Signature**

**Witness Name** MR. MAHENDRA N. AMIN  
**Address** 74 PRESTON ROAD WENBLEY HA9 8LA  
**Occupation** SELF EMPLOYED

CONTINUED SECTION 106 AGREEMENT FOR 159-165 CAMDEN HIGH STREET,  
LONDON NW1 1JY

EXECUTED as a Deed )  
By AIB GROUP (UK) PLC )  
by )  
in the presence of:- )  
  
.....

Executed as a deed by AIB Group (UK) p.l.c.  
acting by its lawful Attorneys

(Name) *[Signature]* .....

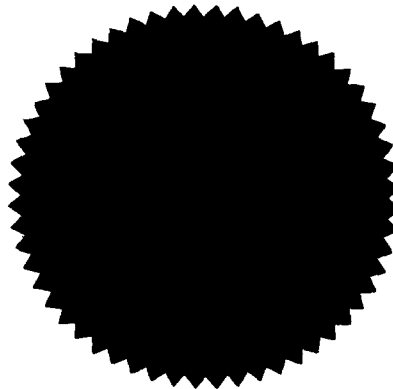
(Name) *Nick Gomer* .....

*[Signature]*  
As Attorneys for  
AIB Group (UK) p.l.c.

Authorised Signatory

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

Authorised Signatory



**DATED 16 MAY**

**2006**

**(1) SURYAKANT CHUNIBHAI PATEL**

**and**

**(2) AIB GROUP (UK) PLC**

**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**  
**159, 161, 163 & 165 CAMDEN HIGH STREET, LONDON NW1 1JY**  
**pursuant to Section 106 of the Town and Country Planning**  
**Act 1990 (as amended) and**  
**Section 278 of the Highways Act 1980**

**Alison Lowton**  
**Borough Solicitor**  
**London Borough of Camden**  
**Town Hall**  
**Judd Street**  
**London WC1H 9LP**

**Tel: 020 7974 2463**  
**Fax: 020 7974 2962**

**S:\plan\lr\L159-165 Camden High St/ s106 Agreement(EC, HC, OSC, SMP, CMP, CF)**

# APPENDIX D

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Dorothee Raichle-Ekong  
Neale & Norden Ltd  
19-23 White Lion Street  
London  
N1 9PD

Application Ref: **2009/3719/P**  
Please ask for: **Gavin Sexton**  
Telephone: **020 7974 3231**

5 August 2010

Dear Sir/Madam

### **DECISION**

Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:  
**159 161 163 and 165 Camden High Street**  
**London**  
**NW1 7JY**

#### **Proposal:**

Discharge of conditions and amendments to planning permission granted 16/05/2006 (2006/0776/P) "for the demolition of existing 3 and 4 storey buildings and the redevelopment of the site through the erection of a five-storey plus basement level building, with retail (Class A1) at basement and ground floor levels, and 14 self-contained flats above (Class C3)". Amendments to include increase in building height by 400mm; reduction in basement size; alterations to front side and rear elevations; addition of lift overrun, solar panels and condenser plant with acoustic screen to roof. Discharge of condition 2 (in part: elevation details of refuse, cycle store and residential entrances, and windows), condition 3 (external materials), condition 4 (method of storage and waste removal, condition 5 (renewable energy), condition 6 (cycle storage), condition 8 (security measures on Underhill Passage), and condition 9 (biodiversity).

Drawing Nos: Location plan; P02, P03, P04, P05, P06, P07, P08, P30A; 048604- A172 revD, A184 revA, A188 revC, A301 revA, L10 REV F, L11 revG, L12 revG, L13 revG, L14 revG, L15 revE, L16 revC, L20 rev F, L21 rev D, L22 rev F, L30 revH, L32 rev D, PC02 rev A, PC03 rev A, PC04 rev B; Render details and sample (Weber 210 Graphite Grey); KME



TECU Brass Cladding material details and sample; Velfac 200 Timber panel details and sample; Velfac 200 Window sectional sample; ICON Balushade and handrail literature and materials sample; IBSTOCK Yellow multi stock detail; Sustainable energy strategy by ESD 2/12/2009; Plant Noise Assessment (ref 08/3380/R2) by Cole & Jarman 23/07/2009; Email from Alan Stephens (12 Sept 2010); BRIO external light fitting Type Q details; P2606-E-102 REV P2; Ollerton steel and stainless steel cycle parking; Method statement of refuse removal, DRE 27.05.2010; Triple sparrow house details; Sedum species list from Green Roof dated 22/9/2008; Q37 Green Roofs 130 Extensive Sedum Green Roof Spec, Installation details, management recommendations;

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 be carried out in accordance with the following approved plans Location plan; P02, P03, P04, P05, P06, P07, P08, P30A; 048604- A172 revD, A184 revA, A188 revC, A301 revA, L10 REV F, L11 revG, L12 revG, L13 revG, L14 revG, L15 revE, L16 revC, L20 rev F, L21 rev D, L22 rev F, L30 revH, L32 rev D, PC02 rev A, PC03 rev A, PC04 rev B; Render details and sample (Weber 210 Graphite Grey); KME TECU Brass Cladding material details and sample; Velfac 200 Timber panel details and sample; Velfac 200 Window sectional sample; ICON Balushade and handrail literature and materials sample; IBSTOCK Yellow multi stock detail; Sustainable energy strategy by ESD 2/12/2009; Plant Noise Assessment (ref 08/3380/R2) by Cole & Jarman 23/07/2009; Email from Alan Stephens (12 Sept 2010); BRIO external light fitting Type Q details; P2606-E-102 REV P2; Ollerton steel and stainless steel cycle parking; Method statement of refuse removal, DRE 27.05.2010; Triple sparrow house details; Sedum species list from Green Roof dated 22/9/2008; Q37 Green Roofs 130 Extensive Sedum Green Roof Spec, Installation details, management recommendations;

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

- 2 Before the use commences, the three (3) condensor units to be fitted on the roof shall be provided with acoustic isolation and sound attenuation in accordance with the recommendations of the Plant Noise Assessment hereby approved by the Council. The acoustic isolation shall thereafter be maintained in effective order to the reasonable satisfaction of the Council.

Reason: To safeguard the amenities of the adjoining premises in accordance with the requirements of policies SD6, SD7B, SD8 and Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment are in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks,

clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises in accordance with the requirements of policies SD6, SD7B, SD8 and Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

**Informative(s):**

**1 Reasons for granting permission.**

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies SD1D (Quality of life :Community Safety), SD6 (Amenity for Occupiers and Neighbours), SD7 (Light, Noise and Vibration Pollution), SD8 (Disturbance), SD9 (Resources and Energy), B1 (General Design Principles ), B3 (Alterations and Extensions), B4 (Shopfronts, Advertisements and Signs), B7 (Conservation Areas), T1 (Sustainable Transport), T2 (Capacity of Transport Provision), T3 (Pedestrian and Cycling). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

**2 You are reminded that condition 2 (details of Shopfront) of planning permission granted 16/05/2006 (ref 2006/0776/P for "demolition of existing 3 and 4 storey buildings and the redevelopment of the site [abbrev]" is outstanding and requires details to be submitted and approved prior to the commencement of work on the relevant development.**

All other conditions from permission granted 16/05/2006 (ref 2006/0776/P) which require submission of details have been approved.

You are reminded that conditons 10 (louvres to be fixed shut on side elevation) and 11 (obscure glazing on side windows to Underhill Passage remain relevant and must be complied with.

**3 The development hereby approved must be carried out in strict compliance with the plans referred to in this permission. Any alteration to the approved scheme resulting either from the requirements of Building Regulations, or for any other cause, must not take place except with the written agreement of the Council as local planning authority.**

**4 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 2363).**

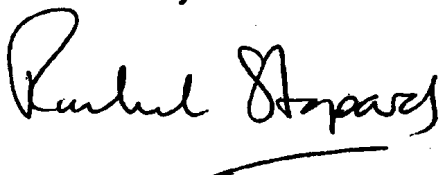
**5 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring**

buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

- 6 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 Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) 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.
- 7 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for any adverts to be placed on the future shopfront. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or from the Council's One Stop Reception, Environment Department, Camden Town Hall, Argyle Street WC1H 8EQ. (Tel: 020 7974 5613 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk))
- 8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Council's Records and Information Team, Culture and Environment Directorate, Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 5613).
- 9 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 10 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, Urban Design and Renewal, Camden Town Hall, Argyle Street, WC1H 8EQ

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully





Rachel Stopard  
Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications on line. Just go to [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning).

DATED

5 August

2010

**(1) SURYAKANT CHUNIBHAI PATEL**

**and**

**(2) AIB GROUP (UK) PLC**

**and**

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 16 May 2006  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Suryakant Chunibhai Patel and AIB Group (UK) PLC  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
and section 278 of the Highways Act 1980  
relating to development at premises known as  
159, 161, 163 and 165 Camden High Street, London NW1 1JY

---

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

Tel: 020 7974 5826  
Fax: 020 7974 2962

CLS/DR/1685.510

THIS AGREEMENT is made on the 5th day of August 2010

**BETWEEN**

1. **SURYAKANT CHUNIBHAI PATEL** of 14 Shaftesbury Avenue, Preston Road, Harrow, Middx, HA3 0QX (hereinafter called "the Owner") of the first part
2. **AIB GROUP (UK) PLC** (Company Registration Number NI018800) of North Finchley Branch, 1136 High Road, London N20 0RA (hereinafter called "the Mortgagee") of the second part
3. **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

**WHEREAS:**

- 1.1 The Council and Suryakant Chunibhai Patel and AIB Group (UK) PLC entered into an Agreement dated 16 May 2006 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and section 278 of the Highways Act 1980.
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number 334797, 295277 and LN96564 subject to the Charge of the Mortgagee.
- 1.3 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.4 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 15 March 2010 for which the Council resolved to grant permission conditionally under reference 2009/3719/P subject to the conclusion of this Agreement.
- 1.5 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 (as amended) and is a planning obligation for the purposes of that section.

- 1.6 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

## **2 INTERPRETATION**

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Agreement.

- 2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.

- 2.3 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "Agreement" this Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 16 May 2006 made between the Council and Suryakant Chunibhai Patel and AIB Group (UK) PLC

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 16 May 2006 referenced 2006/0776/P allowing the scheme for the demolition of existing 3 and 4 storey buildings and the redevelopment of the site through the erection of a five-storey plus basement level building, with retail (Class A1) at basement and ground floor levels, and 14 self-contained flats above (Class C3) with associated Conservation Area Consent application (Ref. 2005/0777/C) as

shown on drawings numbered Location Plan;  
P02; P03; P04; P05; P06; P07; P08; P09A;  
P10A; P20A; P21A; P22A; P23A; P24A; P25A;  
P26A; P27A; P28A; P29A; P30A

- 2.4 Where in this Agreement reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.
- 2.5 Headings are for ease of reference only and are not intended to be construed as part of this Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.
- 2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.7 References in this Agreement to the Owner and Mortgagee shall include their successors in title.

### **3 VARIATION TO THE EXISTING AGREEMENT**

- 3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

**3.1.1 "Development"**

Amendments to planning permission granted 16/05/2006) (2006/0776/P) "for the demolition of existing 3 and 4 storey buildings and the redevelopment of the site through the erection of a five-storey plus basement level building, with retail (Class A1) at basement and ground floor levels, and 14 self-contained flats above (Class C3)" including amending the approved basement (reduction in size), amendment to the approved side and rear elevation to ensure they are consistent with the approved 3rd floor plan, inclusion at roof level of a lift shaft, vrv units including acoustic screen, solar panels and the

raising of each residential storey by 50mm and amendments to the approved design of the front, side and rear elevation. Discharge of conditions elevational details (condition 2), external materials (condition 3), method of storage and waste removal (condition 4), renewable energy (condition 5), cycle storage (condition 6), security measures on Underhill Passage (condition 8), and biodiversity (condition 9) of planning permission 2006/0776/P as shown on drawings numbered Location plan; P09A; P10A; P23A; P24A; P26A; P27A; P28A; P29; L10 REV F; L11 REV F; L16 REV C; L20 REV D; L21 REV C; L22 REV D; L30 REV F; PC02 REV A; PC04 REV B; PC03 REV A;

**3.1.2 "Planning Permission"**

the planning permission granted under reference number 2009/3719/P to be issued by the Council

**3.1.3 "Planning Application"**

the application for Planning Permission in respect of the Property validated on 15 March 2010 by the Owner and given reference number 2009/3719/P

- 3.2 In all other respects the Existing Agreement (as varied by this Agreement) shall continue in full force and effect.

**4. PAYMENT OF THE COUNCIL'S LEGAL COSTS**

- 4.1 The Owner agrees to pay the Council (on or prior to completion of this Agreement) its reasonable legal costs incurred in preparing this Agreement.

**5. REGISTRATION AS LOCAL LAND CHARGE**

- 5.1 This Agreement shall be registered as a Local Land Charge.

IN WITNESS WHEREOF the Council has caused its Common Seal to be affixed and the Owner and the Mortgagee have caused this Agreement to be executed as a Deed the day and year first above written

EXECUTED AS A DEED BY  
SURYAKANT CHUNIBHAI PATEL  
in the presence of:

) Sangeeta Chidambaram

.....  
Witness Signature

Witness Name:

M. Vatsis

Address:

811 Highgate Road, London N12 8JF

Occupation:

Solicitor

EXECUTED AS A DEED BY  
AIB GROUP (UK) PLC  
by  
in the presence of:-

Witness

.....  
Brendan Shanahan

Bankcentre

Belmont Road

Uxbridge

Bank Official

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

.....  
Authorised Signatory

Executed as a deed by AIB Group (UK) p.l.c.  
acting by its lawful Attorneys

(Name) Lynn Grace

Philip Beer

(Name) .....

As Attorneys for  
AIB Group (UK) p.l.c.

