

Second Deed of Variation

**Under Section 106A of the Town And Country Planning Act 1990
relating to land known as 101 Camley Street, London N1C 4PF**

Dated *14th July* **2017**

Aragorn Properties Corp
(the Owner)

**The Mayor and Burgesses of
the London Borough of Camden**
(the Council)

Second Deed of Variation

Under Section 106A of the Town And Country Planning Act 1990 relating to land known as 101 Camley Street, London N1C 4PF ("the Property")

Dated *14th July 2017*
Between

(1) **Aragorn Properties Corp** (BVI company number 1891388) whose registered office is at Craigmuir Chambers, PO Box 71, Road Town, Tortola, VG1110 British Virgin Islands c/o Valla Limited, First Floor, 7 Esplanade, St Helier, Jersey, JE2 3QA and whose address for service in the UK is Chalk Farm Development Limited, 54-56 Camden Lock Place, London, NW1 8AF (the "Owner"); and

(2) **The Mayor and Burgesses of the London Borough of Camden** of Town Hall, Judd Street, London WC1H 9LP (the "Council").

Recitals

- A. The Council and B. Webber Holdings Limited entered into a Section 106 Agreement dated 18 March 2015 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (herein defined as the Existing Agreement).
- B. The Council, Midlands Progress Limited, B. Webber Holdings Limited, Bank of Scotland PLC and Aragorn Properties Corp entered into the First Deed of Variation to the Existing Agreement on the 24th March 2016 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- C. The Owner is registered at HM Land Registry as the freehold proprietor with Title Absolute of the Property under Title Number NGL950455 and is also the leasehold proprietor with Title Absolute of the Property under Title Number NGL371242.
- D. The Property is subject to the planning obligations contained in the Existing Agreement as varied by the First Deed of Variation.
- E. This Agreement contains obligations which are planning obligations for the purposes of Section 106 of the Town and Country Planning Act 1990 (as amended).
- F. For the avoidance of doubt Midlands Progress Limited, B. Webber Holdings Limited, Bank of Scotland PLC no longer hold any interest in the Property.
- G. The Council is the local planning authority for the purposes of Section 106 of the Town and Country Planning Act 1990 able to enforce the provisions of this Agreement 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.
- H. A new Planning Application (herein defined) in respect of the Property and to amend condition 2 of the Original Planning Permission (approved plans) was submitted to the Council by the Owner for which the Council resolved to grant permission conditionally subject to the completion of this Agreement.

I. Without prejudice to the terms of the other covenants contained in the Existing Agreement (as amended by the First Deed of Variation) the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

1 INTERPRETATION

- 1.1 All words and phrases defined in the Existing Agreement (as varied by the First Deed of Variation) shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement (as varied by the First Deed of Variation) shall remain in full force and effect save as varied by this Agreement.
- 1.2 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 in the Existing Agreement as varied by the First Deed of Variation.
- 1.3 Headings are for ease of reference only and are not intended to be construed as part of this Second Deed of Variation and shall not affect the construction of the Second Deed of Variation.
- 1.4 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 1.5 References in this Agreement to the Owner shall include its successors in title.
- 1.6 Neither the Owner nor its 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 they no longer have an interest in the Property but without prejudice to liability for any breach committed prior to the time they disposed of their interest.

2 DEFINITIONS

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

Agreement	means this Second Deed of Variation;
Existing Agreement	means the Section 106 Agreement dated 18th March 2015 between B. Webber Holdings Limited and the Council;
First Deed of Variation	means the Deed of Variation to the Existing Agreement dated 24 March 2016 between Midlands Progress Limited; B. Webber Holdings Limited; Bank of Scotland PLC; the Owner; and the Council; and
Original Planning Permission	means the planning permission granted by the Council on 18th March 2015 referenced 2014/4385/P allowing the demolition of existing building and redevelopment for a mixed use building ranging from 6-13 storeys comprising 2,220sqm employment floorspace (Class B1), 121 residential flats, the provision of a pedestrian footbridge with disabled access over the Regent's Canal, and associated landscaping

and other works relating to the public realm as shown on drawing numbers (prefix CML-) L01 rev P1, E01 rev P1, E02 rev P1, E03 rev P1, D01 rev P1, 001 rev P1, 002 rev P1, 090 rev P1, 101 rev P2, 102 rev P1, 103 rev P1, 104 rev P1, 105 rev P1, 106 rev P1, 107 rev P1, 108 rev P1, 109 rev P1, 110 rev P1, 111 rev P1, 112 rev P1, 113 rev P1, 114 rev P1, 120 rev P1, 121 rev P1, 122 rev P1, 123 rev P1, 124 rev P1, 125 rev P1, 126 rev P1, 127 rev P1, 128 rev P1, 129 rev P1, 130 rev P1, 131 rev P1, 132 rev P1, 133 rev P2, 134 rev P2, 135 rev P1, 136 rev P1, 137 rev P1, 201 rev P1, 202 rev P1, 203 rev P1, 301 rev P1, 302 rev P1, 303 rev P1, 304 rev P1, 305 rev P1, 306 rev P1, 307 rev P1, 308 rev P1, 330 rev P1, 331 rev P1, 332 rev P1, 333 rev P1, 334 rev P1; Landscape drawings 156-L02 rev B, 156-L03 rev B. Supporting docs: Covering letter by DP9 dated 03 July 2014, Planning Statement by DP9 dated July 2014, Gateway Sites - Employment Spaces Overview by Shaw corporation dated June 2014, Design and Access Statement by KSR dated July 2014, Townscape, Heritage and Visual Impact Assessment by KM Heritage dated June 2014, Verified Views by AVR London dated June 2014, Verified View from Canal Towpath, Transport Assessment by TTP dated June 2014, Travel Plan by TTP dated June 2014, Framework Construction Management Plan by TTP dated Sept 2014, Ecological Assessment by Aspect dated June 2014, Ecological Assessment Addendum by Aspect dated September 2014, Code for Sustainable Homes Pre-assessment by Price & Myers dated June 2014, BREEAM Pre-assessment by Price & Myers dated June 2014, Energy Strategy (revised) by SWP dated 15.9.14, Ground source heat borehole plan dated 31.07.14, Arboricultural Impact Assessment by Landmark Trees dated July 2014, Wind Microclimate Assessment by RWDI dated June 2014, Daylight and Sunlight Report by GL Hearn dated June 2014, Overshadowing addendum report by GL Hearn dated 29 September 2014, Noise Report by Sandy Brown dated July 2014, Air Quality Assessment by Ove Arup dated June 2014, Basement Impact Assessment by Elliott Wood dated June 2014, Statement of Community Involvement by Your Shout dated July 2014, Affordable Housing Viability Appraisal by Shaw Corporation dated July 2014 (Confidential).

3 VARIATION OF THE EXISTING AGREEMENT (AS VARIED)

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

3.1.1 Development

Variation of Condition 2 (approved plans) of planning permission 2014/4385/P dated 18/03/2015 for (Demolition of existing building and new building ranging from 6 -13 storeys comprising 2,220sqm employment floorspace (Class B1), 121 residential flats, pedestrian footbridge over the Regent's Canal and associated works) CHANGES include the relocation of affordable housing into southern block; changing the tenure of 4 x shared ownership units into

intermediate rent; rationalisation of core arrangements and access points; internal works to basement including removal of car ramp and introduction of lifts; 11 additional cycle parking spaces; uplift of 908sq.m (GIA) of office (B1a) space and associated internal and external alterations as shown on Approved Plans: (01 AP 0010)001-007 Rev 02; 008 Rev 03; 009-017 Rev 02, (01 AP 0400)001-017; 018-019 Rev 01; 020-023, (01 AP 0020)001 Rev 03; 002; 003 Rev 03, (01 AP 0030)001 Rev 02; 002-003; 004 Rev 02; 006-007; 008 Rev 02, 236388-08-SK003, 101 Camley Street, Camden, Minor Material Amendment Transport and Logistics Note, Cover Letter dated 16/11/2016, Daylight and Sunlight Amenity Report in Respect of Residential Habitable Rooms dated 31/10/2016, Cover Letter (ref: J036870/TRL/101 Camley) dated 30 November 2016. Superseded Plans: - (prefix CML-) 001 rev P1, 002 rev P1, 090 rev P1, 101 rev P2, 102 rev P1, 103 rev P1, 104 rev P1, 105 rev P1, 106 rev P1, 107 rev P1, 108 rev P1, 109 rev P1, 110 rev P1, 111 rev P1, 112 rev P1, 113 rev P1, 114 rev P1, 120 rev P1, 121 rev P1, 122 rev P1, 123 rev P1, 124 rev P1, 125 rev P1, 126 rev P1, 127 rev P1, 128 rev P1, 129 rev P1, 130 rev P1, 131 rev P1, 132 rev P1, 133 rev P2, 134 rev P2, 135 rev P1, 136 rev P1, 137 rev P1, 201 rev P1, 202 rev P1, 203 rev P1, 301 rev P1, 302 rev P1, 303 rev P1, 304 rev P1, 306 rev P1, 307 rev P1, 308 rev P1;

3.1.2 Intermediate Housing

Affordable Housing which includes, Affordable Rented Housing, Intermediate Rent and Shared Ownership housing and other intermediate products as agreed in writing by the Council and is:-

- (a) above Target Rents but is substantially below open market levels;
- (b) is affordable to people who at the commencement of their occupancy are eligible for intermediate housing in terms set out in paragraph 3.61 of the London Plan or its successor policies (subject to annual reviews); and,
- (c) comply with the requirements set out for housing of this type in the National Planning Policy Framework and the Regulator document entitled: Affordable Homes Programme 2011-2015 Framework and successor documents;

3.1.3 Intermediate Housing Scheme

the scheme setting out provision of Intermediate Housing within the Development submitted by the Owner and to be approved by the Council in writing ensuring the Intermediate Housing Units are occupied on the following basis:-

- (a) Shared Ownership with an initial equity share offer of at least 25 percent and a rent level of up to 2 percent (per annum) on the retained equity (unless otherwise agreed in writing by the Council) such levels to be retained for the lifetime of the Development subject to incremental increases linked to the Retail Price Index in accordance with Regulator

guidance;

(b) Intermediate Rent units to be occupied on assured shorthold tenancies with prospective occupants selected from the Council's Intermediate Housing Register of Interest and in accordance with the order of priority set out in the Council's Intermediate Housing Priority Matrix, as found on the Council's website;

(c) for all other Intermediate Housing products provision will be on terms to be agreed by the Council in consultation and in consideration of its own policies and those contained in the London Plan with particular reference to paragraph 3.61 (or its successor policies);

3.1.4 Intermediate Housing Units

the 14 (fourteen) units of Intermediate Housing forming part of the Development comprising those units in Shared Ownership (2 x 1 bedroom 2 person and 8 x 2 bedroom 4 person) the same as shown shaded brown on Plan 2 AND those units in Intermediate Rent (1 x 1 bed 2 person and 3 x 2 bed 4 person) the same as shown shaded grey on Plan 2;

3.1.5 Intermediate Rent

Affordable Housing which is above Target Rents for homes but substantially below open market levels to be offered to persons in need of intermediate rented housing where:

- (a) for one-bedroom homes constituting a rent no more than 40% of net household income for households earning no more than £30,000 per annum at the commencement of their occupancy; or
- (b) for two-bedroom homes constituting a rent of no more than 40% of net household income for households earning no more than £40,000 per annum at the commencement of their occupancy; and
- (c) to ensure rent levels not to increase by more than 1% annually above the Consumer Price Index and to meet the requirements set out at paragraph 3.61 of the London Plan or successor policies;

3.1.6 Planning Application

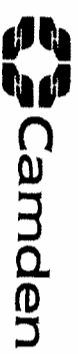
the planning application for Planning Permission in respect of the development of the Property submitted to the Council on 21st November 2016 by the Owner and given reference number 2016/6311/P;

3.1.7 Planning Permission

the draft planning permission to be granted by the Council for the Development substantially in the draft form annexed hereto;

3.2 The following definitions shall be added to the Existing Agreement as follows:

- 3.71 Intermediate Housing Register of Interest a register held by the Council of persons interested and eligible for Intermediate Housing in the borough and used to inform interested and eligible persons when an intermediate home is being marketed
- 3.72 Intermediate Housing Priority Matrix the order of priority of eligible persons to whom Intermediate Housing in the borough is to be marketed with priority being given in the following order:
1. Camden social housing tenant;
 2. Camden resident on Housing Needs Register;
 3. Any other Camden resident;
 4. A non-Camden resident who has worked in the borough for the preceding six months.
- 3.3 Plan 2 (drawing number: CML - Plan 2 showing the Affordable Housing Units) in the Existing Agreement shall be substituted with plan numbered 16022 01 AP 0300 001 and which is annexed to this Agreement at Schedule 1 and labelled "Plan 2".
- 3.4 Clause 4.6.1 of the Existing Agreement shall be deleted and replaced as follows:
"Prior to the Occupation Date to submit to the Council for approval the Community Food Growing Management Plan."
- 3.5 Clause 4.23.1 of the Existing Agreement shall be deleted and replaced as follows:
"Prior to the Occupation Date to submit to the Council for approval the Service Management Plan."
- 3.6 Clause 4.24.1 of the Existing Agreement shall be deleted and replaced with the following:
"Six months prior to the Occupation Date to:-
(a) submit to the Council the Travel Plan for approval; and
(b) pay to the Council the Travel Plan Monitoring Contribution."
- 3.7 Clause 4.24.2 of the Existing Agreement shall be deleted and replaced as follows:
"Not to Occupy or permit Occupation of any part of the Development until such time as:



**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
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London
WC1H 9JE

Tel 020 7974 4444

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

Gerald Eve LLP
72 Welbeck Street
LONDON W1G 0AY

Application Ref: **2016/6311/P**

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
**101 Camley Street
London NW1 0PF**

Proposal:

Variation of Condition 2 (approved plans) of planning permission 2014/4385/P dated 18/03/2015 for (Demolition of existing building and new building ranging from 6 -13 storeys comprising 2,220sqm employment floorspace (Class B1), 121 residential flats, pedestrian footbridge over the Regent's Canal and associated works) **CHANGES** include the relocation of affordable housing into southern block; changing the tenure of 4 x Shared Ownership units into Intermediate Rent; rationalisation of core arrangements and access points; internal works to basement including removal of car ramp and introduction of lifts; 11 additional cycle parking spaces; uplift of 908sq.m (GIA) of office (B1a) space and associated internal and external alterations.

Drawing Nos: Approved Plans: (01 AP 0010)001-007 Rev 02; 008 Rev 03; 009-017 Rev 02, (01 AP 0400)001-017; 018-019 Rev 01; 020-023, (01 AP 0020)001 Rev 03; 002; 003 Rev 03, (01 AP 0030)001 Rev 02; 002-003; 004 Rev 02; 006-007; 008 Rev 02, 236388-08-SK003, 101 Camley Street, Camden, Minor Material Amendment Transport and Logistics Note, Cover Letter dated 16/11/2016, Daylight and Sunlight Amenity Report in Respect of Residential Habitable Rooms dated 31/10/2016, Cover Letter (ref: J036870/TR/L/101 Camley) dated 30 November 2016.

Superseded Plans: - (prefix CML-)001 rev P1, 002 rev P1, 090 rev P1, 101 rev P2, 102 rev P1, 103 rev P1, 104 rev P1, 105 rev P1, 106 rev P1, 107 rev P1, 108 rev P1, 109 rev P1, 110 rev P1, 111 rev P1, 112 rev P1, 113 rev P1, 114 rev P1, 120 rev P1, 121 rev P1, 122 rev P1, 123 rev P1, 124 rev P1, 125 rev P1, 126 rev P1, 127 rev P1, 128 rev P1, 129 rev P1, 130 rev P1, 131 rev P1, 132 rev P1, 133 rev P2, 134 rev P2, 135 rev P1, 136 rev P1, 137 rev P1, 201 rev P1, 202 rev P1, 203 rev P1, 301 rev P1, 302 rev P1, 303 rev P1, 304 rev P1, 306 rev P1, 307 rev P1, 308 rev P1.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than 18/03/2018.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: (CML-)L01 rev P1; E01 rev P1; E02 rev P1; E03 rev P1; D01 rev P1; 305 rev P1; 330 rev P1; 331 rev P1; 332 rev P1; 333 rev P1; 334 rev P1; Landscape drawings 156-L02 rev B; 156-L03 rev B. (01 AP 0010)001-007 Rev 02; 008 Rev 03; 009-017 Rev 02, (01 AP 0400)001-017; 018-019 Rev 01; 020-023, (01 AP 0020)001 Rev 03; 002; 003 Rev 03, (01 AP 0030)001 Rev 02; 002-003; 004 Rev 02; 006-007; 008 Rev 02, 236388-08-SK003, 101 Camley Street, Camden, Minor Material Amendment Transport and Logistics Note, Cover Letter dated 16/11/2016, Daylight and Sunlight Amenity Report in Respect of Residential Habitable Rooms dated 31/10/2016, Cover Letter (ref: J036870/TRL/101 Camley) dated 30 November 2016.

Supporting docs: Covering letter by DP9 dated 03 July 2014, Planning Statement by DP9 dated July 2014, Gateway Sites - Employment Spaces Overview by Shaw Corporation dated June 2014, Design and Access Statement by KSR dated July 2014, Townscape, Heritage and Visual Impact Assessment by KM Heritage dated June 2014, Verified Views by AVR London dated June 2014, Verified View from Canal Towpath, Transport Assessment by TTP dated June 2014, Travel Plan by TTP dated June 2014, Framework Construction Management Plan by TTP dated Sept 2014, Ecological Assessment by Aspect dated June 2014, Ecological Assessment Addendum by Aspect dated September 2014, Code for Sustainable Homes Pre-assessment by Price & Myers dated June 2014, BREEAM Pre-assessment by Price & Myers dated June 2014, Energy Strategy (revised) by SWP dated 15.9.14, Ground source heat borehole plan dated 31.07.14, Arboricultural Impact Assessment by Landmark Trees dated July 2014, Wind Microclimate Assessment by RWDI dated June 2014, Daylight and Sunlight Report by GL Hearn dated June 2014, Overshadowing addendum report by GL Hearn dated 29 September 2014, Noise Report by Sandy Brown dated July 2014, Air Quality Assessment by Ove Arup dated June 2014, Basement Impact Assessment by Elliott Wood dated June 2014, Ground source heat borehole plan dated 31.07.2014, Statement of Community Involvement by Your Shout dated July 2014, Affordable Housing Viability Appraisal by Shaw Corporation dated July 2014 (Confidential).

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

- 3 The details of the following shall be submitted to and approved in writing by the local planning authority (in consultation with the Canal and River Trust where relevant) before any work is commenced on the relevant part of the development:

- a) Facing materials of all buildings;
- b) Details including sections at 1:10 of all windows, timber or other panels, ventilation grills, external doors and gates
- c) Details including materials of all balconies, winter gardens and roof terraces
- d) Details of all external lighting within the public realm of the site and fixed to buildings
- e) Details of CCTV, lighting of entrance areas and control of access points
- f) Detailed design of the bridge
- g) Detailed design of the steps and access lift.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policies CS14, CS15 and CS17 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP29 of the London Borough of Camden Local Development Framework Development Policies.

- 4 A sample panel of the facing materials, including a brickwork panel demonstrating the proposed colour, texture, jointing and fixing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

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

5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes 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.

6 No works on the relevant parts of the development shall commence until full details of hard and soft landscaping and means of enclosure of all un-built, open areas, including the communal roof terraces and roof top allotments have been submitted to and approved by the local planning authority (in consultation with the Canal and River Trust where relevant). The details shall include provision for children's play space and play equipment. The relevant works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP31 of the London Borough of Camden Local Development Framework Development Policies.

7 The submitted landscaping details shall be accompanied by a commentary of wind/microclimate mitigation measures in the areas recommended by the Wind Microclimate Assessment accompanying the application.

Reason: To ensure the external areas of the development provide a reasonable level of amenity in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

8 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to first occupation of the residential units, or in the case of soft landscaping by not later than the end of the planting season following completion of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP31 of the London Borough of Camden Local Development Framework Policies.

- 9 The development should proceed in accordance with the approved details under 2017/09988/P dated 12/04/2017, which demonstrate how trees to be retained shall be protected during construction work. All works shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

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

- 10 No part of the development shall be occupied until detailed plans and specifications of the cycle storage facilities for 242 cycle spaces for the residential units (33 accessible from core A and 209 accessible from cores B & C) and 24 employee spaces plus one visitor space for the business units, have been submitted to and approved by the local planning authority in writing, and the relevant details have been provided in complete accordance with such approval given. The approved details shall be permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Policies.

- 11 Prior to first occupation of the building, full details in respect of the green and brown roofs in the areas indicated on the approved roof plans, including construction profile, materials, substrate depth, full schedule of plant species, density of planting, plan of maintenance and programme for installation shall be submitted to and approved by the local planning authority. The use shall thenceforth not proceed other than in accordance with such details as have been approved.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Policies.

- 12 The development hereby approved shall not be commenced, other than for site clearance & preparation, relocation of services, utilities and public infrastructure and demolition, until details of a surface water drainage scheme for the site, prepared with reference to the London Plan policy 5.13 SuDS hierarchy to minimise the rate of surface water run-off from the site aiming by reasonable endeavours to achieve the greenfield run off rate, shall be submitted to and approved by the local planning authority in consultation with Thames Water. The development shall not be implemented other than in complete accordance with the surface water drainage scheme that has been approved.
- Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.
- 13 None of the dwellings hereby permitted shall be occupied until the detailed layout plans (scale 1:20) of the 4 affordable units to be provided as fully wheelchair accessible and their access from communal entrances have been submitted to and approved by the local planning authority in writing. The approved details shall be incorporated in full prior to the first occupation of each relevant unit.
- Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 (Lifetime homes and wheelchair homes) of the London Borough of Camden Local Development Framework Development Policies.
- 14 The residential units of the development hereby approved shall be built out in full accordance with the relevant lifetime homes standards as set out in the Design and Access Statement.
- 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.
- 15 Before the use commences sound insulation shall be provided for the building in accordance with the approved Residential Planning Noise Report. The use shall thereafter not be carried out other than in accordance with the approved scheme.
- Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

16 The approved development should proceed in accordance with the details under 2017/0988/P dated 12/04/2017, which show details of building vibration levels together with appropriate mitigation measures. The details demonstrate that vibration will meet a level that has low probability of adverse comment. No part of the development shall be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site are not adversely affected by ground or airborne vibration in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

17 Prior to use of the development:

- a) details shall be submitted to and approved in writing by the local planning authority, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.
- b) A post installation noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

18 Noise levels from fixed plant associated with the development 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 (or any part of it) is 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 policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

19 Piling or any other foundation designs using penetrative methods shall not be permitted unless a piling method statement detailing the type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works, has been submitted to and approved by the Local Planning Authority in writing in liaison with Thames Water. The piling shall be undertaken in accordance with the approved method statement.

Reason: To safeguard existing public utility infrastructure and controlled waters in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy.

20 Prior to any superstructure works commencing on site, details showing the precise locations, specifications and design of up to 4 or more bird nesting boxes/bricks and up to 2 or more bat boxes shall be submitted to and approved in writing by the local planning authority. The boxes/bricks shall be installed in accordance with the approved details prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policy 7.19 of the London Plan 2011 and policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

21 At least 28 days before development commences:

- (a) the details of a written programme shall be undertaken as approved under 2017/0988/P dated 12/04/2017; and
 - (b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.
- The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

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

Informative(s):

1 Reasons for granting permission.

The proposed changes include:

- The relocation of all of the affordable accommodation to the southern block, including the switching of tenure from 4 x Shared Ownership (SO) units to Intermediate Rent (IR)

- Rationalisation of the core arrangement and relocation of the market housing, to make the northern block residential use exclusive market housing with 4 units in the southern block
- Rationalisation of the basement, including removal of the car ramp and introduction of a car lift and cycle lift
- Uplift of employment (B1) space in the basement of 908sqm
- Minor internal and external changes which are considered non-material in the context of the scheme

Housing provision (including affordable)

The amount of floorspace and the units numbers and mix for both market and affordable are broadly the same. The quality of the units in terms of their layout and provision of light is deemed acceptable. Officers consider that the relocation of the market units to be canal side would improve the viability of the scheme. To compensate for this the application has confirmed that 4 x SO units would be converted into IR (1x 1 bed and 3 x 2 bed 4 person). Therefore, the resulting affordable offer is considered to have improved significantly over the extant permission and in accordance with the Council's recently adopted Intermediate Housing Strategy.

Commercial space

The uplift in floorspace is welcomed as is the retention of the flexible floorspaces. The existing s106 obligations which protect the type of spaces, with a proportion to be subsidised, would remain.

Transport

Cycle parking provision has been updated to reflect the uplift from the scheme in accordance with the London Plan. Transport Officers are satisfied with the proposal for on-street servicing.

Design and character and appearance

There are no significant changes to the scale or external appearance of the proposed building from the extant permission. For this reason the proposed works are not considered to harm the character or appearance of the building or the conservation area.

Residential amenity

The approved building would not be increased in size and there would be no new windows that could overlook surrounding occupiers. It is therefore considered that the proposed development would not result in an undue loss of sunlight, outlook, privacy, or that it would increase levels of noise and general disturbance over the approved scheme.

Comments received

2 objections have been received which are to the original scheme. This minor material amendment is not altering the height or principle of the development which is the subject of the objections. Only the changes to the scheme are being assessed here. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed amendments are in general accordance with policies CS1, CS5, CS6, CS8, CS9, CS11, CS13, CS14 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP1, DP2, DP3, DP5, DP6, DP13, DP16, DP17, DP18, DP19, DP20, DP21, DP22, DP23, DP24, DP25, DP26, DP27, DP28 and DP29 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

2 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £626,900 (12,538sqm x £50). This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the Additional Information Requirement Form or other changing circumstances.

You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

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

3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

4 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 Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk or on the website 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.

5 You are advised that Approval In Principle is required from the Council for the construction of the building basement adjacent to the public highway. This should be applied for prior to any works commencing. You should contact Camden's Highways Management Team on 020 7974 2410 or email highwayengineering@camden.gov.uk

6 You should be aware that the site adjoins (or, in the case of the proposed pedestrian bridge, encroaches over) land owned by the Canal and Rivers Trust (CRT). You are advised to refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure any necessary consents are obtained (<http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>). Surface water discharge to the canal will require prior consent from the Trust (contact pogson@canalrivertrust.org.uk). For works in regard to the bridge, contact the CRT Estate Team (jonathan.young@canalrivertrust.org.uk).

7 You are advised of the need to ensure that all necessary consents have been obtained from Thames Water regarding the connection of the development to the public sewer. You should incorporate protection to your property from possible surcharge from the sewerage network during storm events, for example by installing a non-return valve to prevent backflow. Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Please contact Thames Water Developer Services on 0845 850 2777.

8 Thames Water have advised that the design of the development should take account of a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves the public water supply pipes.

9 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

DRAFT

DECISION

- (a) the Council has approved the Travel Plan as demonstrated by written notice to that effect; and
 - (b) the Council has received the Travel Plan Monitoring Contribution in full."
- 3.8 After the words "2014/4385/P" in clauses 5.2, 5.6, 5.7, 6.1, 6.10 of the Existing Agreement the words "or 2016/6311/P" shall be inserted.
- 3.9 In all other respects the Existing Agreement (as varied by the First Deed of Variation and this Agreement) shall continue in full force and effect.
- 4 COMMENCEMENT**
- 4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Agreement shall take effect upon completion of this Agreement.
- 5 PAYMENT OF THE COUNCIL'S LEGAL COSTS**
- 5.1 The Owner agrees to pay the Council's reasonable legal costs incurred in the preparation, negotiation and completion of this Agreement.
- 6 REGISTRATION AS LOCAL LAND CHARGE**
- 6.1 This Agreement shall be registered by the Council as a Local Land Charge.

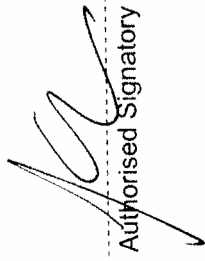
IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner has executed this instrument as its Deed the day and year first before written

Signed as deed on behalf of **ARAGORN PROPERTIES CORP**, a company incorporated in British Virgin Islands, by:
PETER SCULL AND CHARLES HORTON
 and being persons who, in accordance with the laws of that territory, are acting under the authority of the company:

) Signature _____
) Print name *PETER SCULL*
) Signature _____
) Print name *CHARLES HORTON*

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





Authorised Signatory



Handwritten signature

PLAN 2

Architect's floor plan showing boundary, site, and proposed use and structure (including) Affordable Housing units from upper ground level to 6th floor level. Entrance to Core C at lower ground level. Entrance to Core C at Upper Ground level with open market units. Open Market Units below and above ground level. Open Market units.

Residential Use
 Street Amenity
 Transportation Use
 Recreation Use

Affordable Housing
 Open Market Units

FIRST & SECOND FLOOR PLAN
 UPPER GROUND FLOOR PLAN
 LOWER GROUND FLOOR PLAN
 BASEMENT FLOOR PLAN
 THIRD FLOOR PLAN
 FOURTH GROUND FLOOR PLAN
 FIFTH GROUND FLOOR PLAN
 SIXTH FLOOR PLAN

PLANNING
 UNT ARCHITECTS Limited
 Stanley Sidings, 101 Canley Street, Camden
 Affordable Housing Units S.106 APPENDIX
 GF TV 1460 & A1
 16022 16022 01 AP 0300 001

Stanley Sidings Limited

Handwritten signature





Second Deed of Variation

**Under Section 106A of the Town And Country Planning Act 1990
relating to land known as 101 Camley Street, London N1C 4PF**

Dated *14TH JULY 2017*

Aragorn Properties Corp
(the Owner)

**The Mayor and Burgesses of
the London Borough of Camden**
(the Council)