

DATED

9 OCTOBER

2017

(1) WHITEHALL PARK LIMITED

and

(2) NATIONAL WESTMINSTER BANK PUBLIC LIMITED COMPANY

and

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

AGREEMENT
relating to land known as

**85 Camden Mews
London
NW1 9BU**

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

Andrew Maughan
Borough Solicitor
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London WC1H 9LP

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CLS/PK/1781.294 (final)



THIS AGREEMENT is made the 9th day of October 2017

B E T W E E N:

1. **WHITEHALL PARK LIMITED** (registered under company number 03888709) whose registered office is at 106 Hampstead Road, London, NW1 2LS (hereinafter called "the Owner") of the first part
2. **NATIONAL WESTMINSTER BANK PUBLIC LIMITED COMPANY** (registered under company number 00929027) whose registered office is at 135 Bishopsgate, London, EC2M 3UR (hereinafter called "the Mortgagee") of the second part *and whose address for service is Credit Documentation, PO Box 339, Manchester M60 2SH* *AT DT*
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 the Land Registry as the freehold proprietor with Title absolute of the Property under title number NGL510050 subject to a registered 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 The Council, the Owner and the Mortgagee entered in to the First Agreement on 6 January 2017 and on the same date the Council granted the Planning Permission for the Development at the Property.
- 1.4 This Agreement supersedes and replaces in its entirety the First Agreement and the Parties agree that the First Agreement shall have no legal effect from the date of this Agreement.

- 1.5 The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.6 As local highway authority the Council considers the Highways Works to be carried out pursuant to this section 278 Agreement to be in the public benefit.
- 1.7 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.
- 1.8 The Mortgagee as mortgagee under a charge registered under title number NGL510050 and dated 25th October 2013 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 "Acoustic Report" a report to be prepared by the Owner for submission to the Council (for approval by the Council) in respect of noise related to the Development and to include:
- (i) a survey of the existing background noise at the Property;
 - (ii) taking account of the results of the survey provided under sub-clause 2.1(i) hereof to specify the maximum noise levels to be permitted on site during the Construction Phase so that the noise levels are not significantly higher than the existing noise levels which, in any event, must not exceed 75 db;

- (iii) details of monitoring of noise levels to ensure compliance with sub-clause 2.1(i) hereof;
- (iv) details of noise insulation measures to be deployed to ensure that noise emissions from the Development to neighbouring properties are reduced as far as practicable;
- (v) any other measures requested by the Council (acting reasonably)

2.2	"the Act"	the Town and Country Planning Act 1990 (as amended)
2.3	"this Agreement"	this planning obligation made pursuant to Section 106 of the Act
2.4	"Basement Approval in Principle Application"	an application to the Council's Highways Structural team for an approval in principle of the construction of the basement (forming part of the Development) which is to be assessed by the Council with a view to ensuring that sufficient loadings are maintained at all times at the interaction of the Development site and the Public Highway so as to ensure that the Public Highway is not compromised at any time during the Construction Phase or thereafter
2.5	"Basement Approval in Principle Contribution"	the sum of £1,500 (one thousand five hundred pounds) to be applied by the Council in event of receipt towards the assessment by the Council's Highways Structural team of the Basement Approval in Principle Application

- 2.6 “the Burland Category of Damage” an industry recognised category of structural damage as specified at para 2.30 of Camden Planning Guidance 4: Basements and lightwells (as amended from time to time) and shown in the Fourth Schedule annexed hereto
- 2.7 “the Certificate of Practical Completion” the certificate issued by the Owner’s contractor or architect or project manager certifying that the Development has been completed
- 2.8 “Construction Management Plan” a plan setting out the measures that the Owner will adopt in undertaking the demolition of the Existing Buildings and the construction of the Development using good site practices in accordance with the Council’s Considerate Contractor Manual to ensure the Construction Phase of the Development can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network including (but not limited to):-
- (i) a statement to be submitted to the Council giving details of the environmental protection highways safety and community liaison measures proposed to be adopted by the Owner in order to mitigate and offset potential or likely effects and impacts arising from the demolition of the Existing Buildings or structures on the Property and the building out of the Development;
 - (ii) incorporation of the provisions set out in the Council’s construction management plan pro forma at the First Schedule

annexed hereto SUBJECT TO THE FOLLOWING:

working hours

- (a) standard works shall be permitted to take place between the hours of 8.00 a.m. and 6.00 p.m. Monday to Friday;
- (b) non-standard works (to include any piling, pneumatic drilling and excavation by machinery) shall be permitted between the hours of 9.30 a.m. and 4.30 p.m. Monday to Friday only;
- (c) no development works approved under the Planning Permission shall be carried out on Saturdays, Sundays or public holidays;

construction vehicles

- (d) construction vehicles shall be permitted to access and egress Camden Mews between the hours of 9.30 a.m. to 4.30 p.m. Monday to Friday only and, for the avoidance of doubt, not at all on Saturdays, Sundays or public holidays;
- (e) vehicles entering Camden Mews in relation to the works at the site shall not exceed 8.1 metres in length and 2.55 metres in width (excluding mirrors);

(f) not more than 3 construction vehicles shall enter Camden Mews on any one working day;

(g) all construction vehicles (related to the works at site) parked near the site shall be parked so that they do not impede or obstruct traffic flows in Camden Mews;

(h) amelioration and monitoring measures over construction traffic including procedures for notifying the owners and or occupiers of the residences and businesses in the locality in advance of major operations delivery schedules and amendments to normal traffic arrangements (if any)

dust

(i) the dust nuisance amelioration measures as specified at the First Schedule shall be adhered to by the Owner;

local consultation

(j) evidence that the Owner has consulted residents/occupiers in the vicinity of the Development on the contents of the plan prior to submission of the plan to the Council;

(k) details of the methods of consultation to be deployed ensuring that residents/occupiers in the vicinity of the Development are consulted on an

ongoing basis during the Construction Phase;

(l) a statement summarising all representations received by the Owner pursuant to the consultation under sub-clause 2.8(j) hereof;

(m) evidence that the Owner (in preparing the plan) has taken account of any representations received pursuant to sub-clause 2.8(j) hereof;

(iii) effects on the health and amenity of local residences site construction workers local businesses and adjoining developments undergoing construction;

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

(v) identifying means of ensuring the provision of information to the Council and provision of a mechanism for monitoring and reviewing as required from time to time

2.9 "the Construction Phase"

the whole period between

(i) the Implementation Date and

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

and for the avoidance of doubt includes the demolition of the Existing Buildings

2.10 "the Council's Considerate

Contractor Manual”

the document produced by the Council from time to time entitled “Guide for Contractors Working in Camden” relating to the good practice for developers engaged in building activities in the London Borough of Camden

2.11 “Detailed Basement
Construction Plan”

a plan setting out detailed information relating to the design and construction of the basement forming part of the Development with a view to minimising any or all impacts of the Development on Neighbouring Properties and the water environment and to provide a programme of detailed mitigating measures to be undertaken and put in place by the Owner with the objective of maintaining the structural stability of the Property and Neighbouring Properties as described in the “Basement Impact Assessments (Site Investigation and Screening/Scoping Report)” by Southern Testing dated January 2015; “Structural Engineers Construction Method Statement Rev P3” by Axiom Structures dated April 2015; “Structural Stability Report Rev B” by John Romer; “Ground Movement Report” by Geotechnical Consulting Group dated 05/03/2015; “Structural Calculations” by CS Ltd dated March 2015; BIA Assumed Construction Sequence; “Construction Method Statement” by West Design and Build dated October 2014; “Independent Assessments” by LBH Wembley dated 08/12/2014, 23/03/2015, 15/04/2015, 14/05/2015 submitted with the Planning Application and to include the following key stages:-

(i) the Owner to appoint an independent suitably certified engineer (qualified in the fields of geotechnical and or structural engineering) from a recognised relevant professional body having relevant experience of sub-ground level construction commensurate with the Development (“the Basement Design Engineer”) AND for details of the appointment to be submitted to the Council for written approval such approval not be unreasonably withheld or delayed (and the Owner to confirm that any change in Basement Design Engineer during the Construction Phase with the Council in advance); and

(ii) the Basement Design Engineer to formulate the appropriate plan to fulfil the requirements of the Detail Construction Basement Plan and at all times to ensure the following:-

(a) that the design plans have been undertaken in accordance with the terms of this Agreement incorporating proper design and review input into the detailed design phase of the Development and ensuring that appropriately conservative modelling relating to the local ground conditions and local water environment and structural condition of Neighbouring Properties have been incorporated into the final design; and

(b) that the result of these appropriately conservative figures ensure that that the Development will be

undertaken without any impact on the structural integrity of the Neighbouring Properties beyond "Slight" with reference to the Burland Category of Damage; and

(c) that the Basement Design Engineer having confirmed that the design plans have been undertaken in accordance with this Agreement and includes a letter of professional certification confirming this and that the detailed measures set out in sub-clauses (1) - (7) below have been incorporated correctly and appropriately and are sufficient in order to achieve the objectives of the Detailed Basement Construction Plan;

(1) reasonable endeavours to access and prepare a detailed structural appraisal and conditions survey of all the Neighbouring Properties to be undertaken by an independent suitably qualified and experienced chartered surveyor (and for details to be offered if this is not undertaken in full or part);

(2) a method statement detailing the proposed method of ensuring the safety and stability of Neighbouring Properties throughout the Construction Phase including temporary works sequence drawings and assumptions with appropriate monitoring control risk assessment contingency measures and any other methodologies associated

with the basement and the basement temporary works;

(3) detailed design drawings incorporating conservative modelling relating to the local ground conditions and local water environment and structural condition of Neighbouring Properties prepared by the Basement Design Engineer for all elements of the groundworks and basement authorised by the Planning Permission together with specifications and supporting calculations for both the temporary and permanent basement construction works;

(4) the Basement Design Engineer to be retained throughout the Construction Phase to inspect approve and undertaking regular monitoring of both permanent and temporary basement construction works throughout their duration and to ensure compliance with the plans and drawings as approved by the building control body;

(5) measures to ensure the on-going maintenance and upkeep of the basement forming part of the Development and any and all associated drainage and/or ground water diversion measures order to maintain structural stability of the Property the Neighbouring Properties

and the local water environment (surface and groundwater);

(6) measures to ensure ground water monitoring equipment shall be installed prior to Implementation and retained with monitoring continuing during the Construction Phase and not to terminate monitoring until the issue of the Certificate of Practical Completion (or other time agreed by the Council in writing); and,

(7) amelioration and monitoring measures of construction traffic including procedures for co-ordinating vehicular movement with other development taking place in the vicinity and notifying the owners and or occupiers of the residences and businesses in the locality in advance of major operations delivery schedules and amendments to normal traffic arrangements.

(iii) the Owner to appoint a second independent suitably certified engineer (qualified in the fields of geotechnical and/or structural engineering) from a recognised relevant professional body having relevant experience of sub-ground level construction commensurate with the Development (“the Certifying Engineer”) (from the same company as the Basement Design Engineer if the Owner so thinks fit) and for details of the appointment of the Certifying

Engineer to be submitted to the Council for written approval in advance; and,

(iv) for the Certifying Engineer to review the design plans and offer a 2 page review report to the Council confirming that the design plans have been formulated in accordance with the terms of this Agreement and have appropriately and correctly incorporated the provisions of sub-clauses (1) - (7) above and are sufficient to achieve the objectives of the Detailed Basement Construction Plan AND should any omissions, errors or discrepancies be raised by the Certifying Engineer then these to be clearly outlined in the report and thereafter be raised directly with the Basement Design Engineer with a view to addressing these matters in the revised design plans.

(v) Only thereafter shall the Owner submit the agreed finalised version of the Detailed Basement Construction Plan to the Council for its written approval (such approval not be unreasonably withheld or delayed) with a letter of professional certification from the Certifying Engineer confirming that the Detailed Basement Construction Plan is an approved form and has been formulated in accordance with the terms and clauses of this Agreement.

(vi) The Owner to respond to any further questions and requests for further information about the submitted plan from the Council AND IN THE EVENT that a further technical assessment be required then the Owner agrees to reimburse the Council for any costs expended

which requires the instruction of an independent assessment in order to resolve any unresolved issues or technical deficiencies in the Council's consideration of the submitted plan

2.12 "the Development"

erection of two storey side and rear extensions following demolition of existing garage and rear extension, replacement roof, and excavation of basement. as shown on drawing numbers Site Location Plan 85_CM_ P01 Rev P01; P02b Rev P01; P03 Rev P01; P04 Rev P01; P05 Rev P01; P06 Rev P01; P07 Rev P01; P10 Rev P01; P11 Rev P01; P12 Rev P02; P13 Rev P01; P20 Rev P01; P30 Rev P01; P40 Rev P01; P60; P61; P100; P101; 85_CM_BIA_01 Rev B; 02 Rev A; 03 Rev B; 06 Rev A; 07 Rev A; Design and Access Statement Rev P01 by Cullinan Studio dated 18/07/2014; Construction Management Plan dated 17th August 2015; Construction Management Programme dated 17th August 2015; Basement Impact Assessment (Site Investigation) by Southern Testing dated January 2015; Structural Engineers Construction Method Statement Rev P3 by Axiom Structures dated April 2015; Outline Structural Calculations by Axiom Structures Ltd dated April 2015 Rev P1; Structural Stability Report Rev B by John Romer; Ground Movement Report by Geotechnical Consulting Group dated 05/03/2015; Structural Calculations by CS Ltd dated March 2015; Basement Impact Assessment (Screening/Scoping Report) by Southern Testing dated January 2015; BIA Assumed Construction Sequence; Construction Method Statement by West Design and Build dated October 2014 Independent Review by

LBH Wembley dated 08/12/2014; Independent Review (Updated) by LBH Wembley dated 23/03/2015; Email from LBH Wembley dated 15/04/2015; Email from LBH Wembley dated 14/05/2015

2.13 "the Existing Buildings"

the existing garage and rear extension existing at the Property at the date hereof

2.14 "the First Agreement"

the legal agreement dated 6 January 2017 pursuant to Section 106 of the Act and Section 278 of the Highways Act 1980 between the Owner, the Mortgagee and the Council

2.15 "the Highways Contribution"

the sum of £17,300 (seventeen thousand three hundred pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the Council in event of receipt for the carrying out works to the Public Highway and associated measures in the vicinity of the Property such works to include the following ("the Highways Works"):

- (i) to repave the footway directly adjacent to the Property on Camden Mews;
- (ii) where any part of the carriageway in the vicinity of the Development is damaged as a result of carrying out the Development To repave that part of the carriageway on Camden Mews; and
- (iii) any other works required as a direct result of the Development (such works as considered necessary by the Council)

all works will be subject to final measure and any level adjustment required and for the avoidance of doubt the Council in accepting this sum does

not undertake any responsibility in connection with any required statutory undertaker's works and excludes any statutory undertaker's costs

2.16 "the Implementation Date"

the date of implementation of the Development by the carrying out of a material operation as defined in Section 56(4) of the Act and references to "Implementation" and "Implement" shall be construed accordingly

2.17 "the Level Plans"

plans demonstrating the levels at the interface of the Development the boundary of the Property and the Public Highway

2.18 "Neighbouring Properties"

the properties known as 83 Camden Mews and 87 Camden Mews and shown hatched in black on the Neighbouring Properties Plan

2.19 "Neighbouring Properties Plan"

the plan at the Fifth Schedule annexed hereto

2.20 "Occupation Date"

the first date when any part of the Development is occupied and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly

2.21 "the Parties"

the Council, the Owner and the Mortgagee

2.22 "the Planning Application"

the planning application in respect of the Development of the Property submitted to the Council and having reference number 2014/4726/P

2.23 "Planning Obligations"

- Monitoring Officer" a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to Section 106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof
- 2.24 "the Planning Permission" the planning permission granted for the Development in the form at the Second Schedule annexed hereto
- 2.25 "the Property" the land known as 85 Camden Mews, London, NW1 9BU the same as shown edged red on the plan at the Third Schedule annexed hereto
- 2.26 "the Public Highway" any carriageway footway and/or verge adjoining the Property maintainable at public expense

NOW THIS DEED WITNESSETH as follows:-

- 3.1 This Agreement is made in pursuance of Section 106 of the Act and is a planning obligation for the purposes of Section 106 as aforesaid and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 3.2 Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies corporations and other artificial persons.
- 3.3 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute.

3.4 The clause and paragraph headings do not form part of this Agreement and shall not be taken into account in its construction or interpretation.

3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6, 7 and 8 hereof all of which shall come into effect on the date hereof the covenants, undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.

3.6 The Parties save where the context states otherwise shall include their successors in title.

4. **OBLIGATIONS OF THE OWNER**

The Owner hereby covenants with the Council as follows:-

4.1 **BASEMENT APPROVAL IN PRINCIPLE**

4.1.1 On or prior to the Implementation Date to:-

- (i) submit the Basement Approval in Principle Application; and
- (ii) pay to the Council the Basement Approval in Principle Contribution

4.1.2 Not to Implement or permit Implementation of any part of the Development until such time as:

- (i) the Council has approved the Basement Approval in Principle Application as demonstrated by written notice to that effect; and
- (ii) the Council has received the Basement Approval in Principle Application Contribution in full.

4.2 **CONSTRUCTION MANAGEMENT PLAN**

4.2.1 On or prior to the Implementation Date to provide the Council with a draft Construction Management Plan for approval.

4.2.2 Not to Implement nor allow Implementation of the Development until such time as the Council has approved the Construction Management Plan as demonstrated by written notice to that effect.

- 4.2.3 The Owner acknowledges and agrees that the Council will not approve the Construction Management Plan unless it demonstrates to the Council's reasonable satisfaction that the Construction Phase of the Development can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network.
- 4.2.4 To ensure that throughout the Construction Phase the Development shall not be carried out otherwise than in strict accordance with the requirements of the Construction Management Plan and not to permit the carrying out of any works comprised in demolition or building out the Development at any time when the requirements of the Construction Management Plan are not being complied with and in the event of non-compliance with this sub-clause the Owner shall upon notice from the Council forthwith take any steps required to remedy such non-compliance.
- 4.3 **DETAILED BASEMENT CONSTRUCTION PLAN**
- 4.3.1 On or prior to the Implementation Date to provide the Council for approval the Detailed Basement Construction Plan.
- 4.3.2 Not to Implement nor allow Implementation of the Development until such time as the Council has approved the Detailed Basement Construction Plan as demonstrated by written notice to that effect such notice not to be unreasonably withheld or delayed.
- 4.3.3 The Owner acknowledges and agrees that the Council will not approve the Detailed Basement Construction Plan (such approval not to be unreasonably withheld or delayed) unless it demonstrates by way of certification by a suitably qualified engineer from a recognised relevant professional body to the Council's reasonable satisfaction that the Development can be constructed safely in light of the ground and water conditions and will control ground movements such that impact on the Neighbouring Properties is limited to "slight" in accordance with the Fourth Schedule annexed hereto.
- 4.3.4 To ensure that throughout the Construction Phase the Development shall not be carried out otherwise than in accordance with the requirements of the Detailed Basement Construction Plan and not to permit the carrying out of any works comprised in building out the Development at any time when the requirements of the Detailed Basement Construction Plan are not being complied with and in the event

of non-compliance with this sub-clause the Owner shall upon notice from the Council forthwith take any steps required to remedy such non-compliance.

- 4.3.5 Not to Occupy or permit Occupation of the Development until a satisfactory post-completion review has been submitted to and approved by the Council (such approval not to be unreasonably withheld or delayed) in writing by way of certification by a suitably qualified engineer from a recognised relevant professional body confirming that the measures incorporated in the Detailed Basement Construction Plan as approved by the Council (such approval not to be unreasonably withheld or delayed) have been incorporated into the Development.

4.4 HIGHWAYS

- 4.4.1 On or prior to the Implementation Date to:-

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

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

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

- 4.4.3 For the avoidance of doubt the Owner acknowledges that the Council has the right reserved to it to construct the Public Highway to levels it considers appropriate and does not undertake any responsibility in connection with any required statutory undertaker's works and that the Highways Contribution excludes any statutory undertaker's costs.

- 4.4.4 On completion of the Highway Works the Council may provide to the Owner a certificate specifying the sum ("the Certified Sum") expended by the Council in carrying out the Highway Works together with a schedule of costs included in such Certified Sum.

- 4.4.5 If the Certified Sum exceeds the Highway Contribution then the Owner shall within twenty-one (21) days of the issuing of the said certificate pay to the Council the amount of the excess.

4.4.6 If the Certified Sum is less than the Highway Contribution then the Council shall within twenty-one (21) days of the issuing of the said certificate pay to the Owner the amount of the difference.

4.5 **ACOUSTIC REPORT**

4.5.1 On or prior to the Implementation Date to provide the Council for approval with a draft Acoustic Report.

4.5.2 Not to Implement nor allow Implementation of the Development until such time as the Council has approved the Acoustic Report such approval to be demonstrated by written notice to that effect (such notice not to be unreasonably withheld or delayed).

4.5.3 Not to permit at any time the carrying out of any works comprised in building out the Development during which the requirements of the Acoustic Report (as approved by the Council) are not being complied with and in the event of non-compliance with this sub-clause the Owner shall upon notice from the Council forthwith take any steps required to remedy such non-compliance.

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

5.1 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place.

5.2 Within seven days (7) 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 2014/4726/P the date upon which the Development is ready for Occupation.

5.3 The Parties shall act in good faith and shall co-operate with each other to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part

of the Property or any requests to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.

- 5.4 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned herein and shall not make any claim for compensation in respect of any condition restriction or provision imposed by this Agreement and further shall indemnify the Council for any expenses or liability arising to the Council in respect of breach by the Owner of any obligations contained herein save to the extent that any act or omission of the Council its employees or agents has caused or contributed to such expenses or liability.
- 5.5 If satisfied as to the compliance of the Owner in respect of any obligation in this Agreement the Council shall (if requested to do so in writing and subject to payment of a fee of £1,000 in respect of each such obligation) provide through its Head of Legal Services a formal written certification of compliance, partial compliance or ongoing compliance (as and if appropriate) with the provisions of any such obligation.
- 5.6 Submission of any plan to the Council under Clause 4 for approval by the Council under the terms of this Agreement shall be made by the Owner to the Council sending the full document and any appendices in electronic format to the Planning Obligations Monitoring Officer referring to the names dates and Parties to this Agreement and citing the specific clause of this Agreement to which such plan relates quoting the planning reference 2014/4726/P.
- 5.7 Payment of the financial contributions pursuant to Clause 4 of this Agreement shall be made by the Owner to the Council sending the full amount in the form of a banker's draft to the Planning Obligations Monitoring Officer referring to the names dates and Parties to this Agreement and citing the specific clause of this Agreement to which such contribution relates quoting planning reference 2014/4726/P or by Electronic Transfer directly to National Westminster Bank of Hampstead Village, Enfield Customer Service Centre, PO Box 145 Baird Road Middlesex EN1 1FN quoting Sort Code 50-30-03 and London Borough of Camden General Account no. 24299480 and to inform the Planning Obligations Monitoring Officer of such payment quoting the above details as if the payment had been made by banker's draft.

5.8 All consideration given in accordance with the terms of this Agreement shall be exclusive of any value added tax properly payable in respect thereof and all parties other than the Council shall pay and indemnify the Council against any such value added tax properly payable on any sums paid to the Council under this Agreement upon presentation of an appropriate value added tax invoice addressed to the Owner.

5.9 Any sums referred to in this Agreement as payable or to be applied by any party other than the Council under this Agreement shall be paid or applied TOGETHER WITH if such payment or application is made more than three (3) 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 AIIRP") figure last published by the Central Statistical Office at the date hereof is the denominator ("X") and the last AIIRP figure published before the date such payment or application is made ("Y") less the last published AIIRP figure at the date hereof ("X") is the numerator so that

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

5.10 All costs and expenses payable to the Council under this Agreement shall bear interest at the rate of 4% above the base rate of the National Westminster Bank plc from time to time being charged from the date such payment is due until payment is made.

6. **IT IS HEREBY AGREED AND DECLARED** by the Parties hereto that:-

6.1 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval or agreement to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and Parties to the Agreement and shall cite the clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Planning Obligations Officer, Urban Design and Renewal, Planning and Public Protection, Culture and Environment Directorate, Town Hall Annex, Argyle Street, London WC1H 9LP quoting the planning reference number 2014/4726/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 hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.
- 6.4 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.
- 6.5 Neither the Owner or the Mortgagee nor their successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.
- 6.6 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.
- 6.7 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before 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.

7. **MORTGAGEE EXEMPTION**

The Mortgagee hereby consents to the completion of this Agreement and agrees to be bound by it and to the same being registered at the Land Registry as provided in Clause 6.3 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. **RIGHTS OF THIRD PARTIES**

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

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

EXECUTED AS A DEED BY)
WHITEHALL PARK LIMITED)
acting by a Director and its Secretary)
or by two Directors)

Director Name: (CAPITALS))
Director Signature:)

ADAM ANDERSON
.....
[Signature]
.....

Director/Secretary Name (CAPITALS))
Director/Secretary Signature:)

MARINA ANDERSON
.....
[Signature]
.....

~~**EXECUTED AS A DEED BY**)
NATIONAL WESTMINSTER BANK)
PUBLIC LIMITED COMPANY)
acting by a Director and its Secretary)
or by two Directors)~~

~~**Director Name: (CAPITALS)**)
Director Signature:)~~

~~.....
.....~~

~~**Director/Secretary Name (CAPITALS)**)
Director/Secretary Signature:)~~

~~.....
.....~~

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



.....
Authorized Signatory

Signed and Delivered as a Deed
For and on behalf of
National Westminster Bank Plc
By a duly authorised Attorney

Martyn Freeman

In the presence of **DALE THOMAS**

DOCUMENTOR
CREDIT DOCUMENTATION

REF 4682297 / MS5

.....
Witness' Signature-Bank employee

THE FIRST SCHEDULE
Construction Management Plan



Construction Management Plan

pro forma v2.1

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Revisions & additional material

Please list all iterations here:

Date	Version	Revisions

Additional sheets

Please note – the review process will be quicker if these are submitted as Word documents or searchable PDFs.

Date	Version	Revisions

Introduction

The purpose of the **Construction Management Plan (CMP)** is to help developers to minimise construction impacts, and relates to both on site activity and the transport arrangements for vehicles servicing the site.

It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses.

The completed and signed CMP must address the way in which any impacts associated with the proposed works, and any **cumulative impacts of other nearby construction sites**, will be mitigated and managed. The level of detail required in a CMP will depend on the scale and kind of development. Further policy guidance is set out in Camden Planning Guidance [\(CPG\) 6: Amenity](#) and [\(CPG\) 8: Planning Obligations](#).

This CMP follows the best practice guidelines as described in [Transport for London's \(TfL's Standard for Construction Logistics and Cyclist Safety \(CLOCS\) scheme\)](#) and [Camden's Minimum Requirements for Building Construction \(CMRBC\)](#).

The approved contents of this CMP must be complied with unless otherwise agreed with the Council in writing. The project manager shall work with the Council to review this CMP if problems arise in relation to the construction of the development. Any future revised plan must also be approved by the Council and complied with thereafter.

It should be noted that any agreed CMP does not prejudice or override the need to obtain any separate consents or approvals such as for road closures or hoarding licences.

If your scheme involves any demolition, you need to make an application to the Council's Building Control Service. Please complete the "[Demolition Notice](#)."

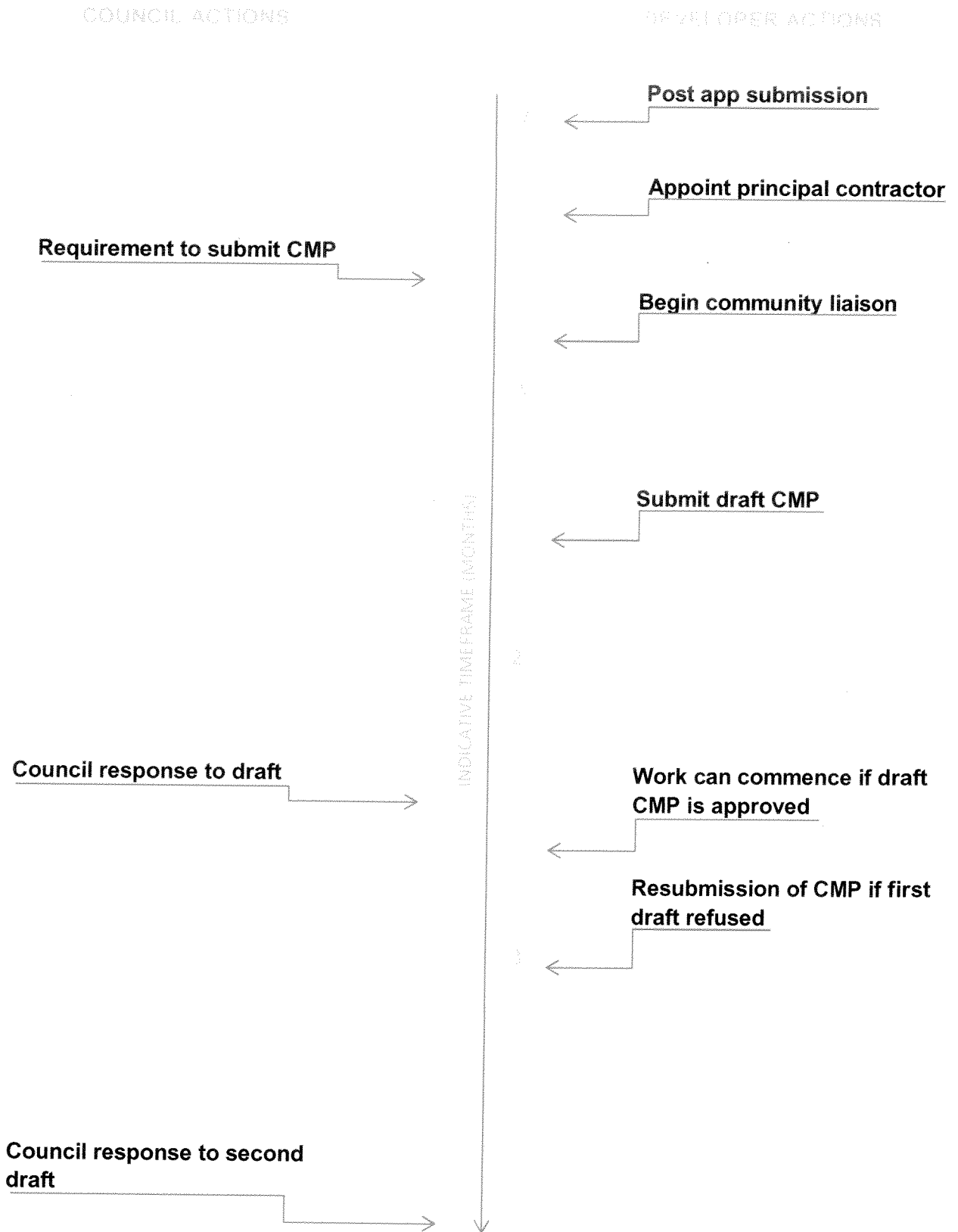
Please complete the questions below with additional sheets, drawings and plans as required. The boxes will expand to accommodate the information provided, so please provide as much information as is necessary. **It is preferable if this document, and all additional documents, are completed electronically and submitted as Word files to allow comments to be easily documented. These should be clearly referenced/linked to from the CMP.**

Please notify that council when you intend to start work on site. Please also notify the council when works are approximately **3 months from completion**.

(Note the term 'vehicles' used in this document refers to all vehicles associated with the implementation of the development, e.g. demolition, site clearance, delivery of plant & materials, construction, etc.)

Revisions to this document may take place periodically.

Timeframe



Contact

1. Please provide the full postal address of the site and the planning reference relating to the construction works.

Address:

Planning ref:

Type of CMP - Section 106 planning obligation/Major sites framework:

2. Please provide contact details for the person responsible for submitting the CMP.

Name:

Address:

Email:

Phone:

3. Please provide full contact details of the site project manager responsible for day-to-day management of the works and dealing with any complaints from local residents and businesses.

Name:

Address:

Email:

Phone:

4. Please provide full contact details of the person responsible for community liaison and dealing with any complaints from local residents and businesses if different from question 3. In the case of Community Investment Programme (CIP), please provide contact details of the Camden officer responsible.

Name:

Address:

Email:

Phone:

5. Please provide full contact details including the address where the main contractor accepts receipt of legal documents for the person responsible for the implementation of the CMP.

Name:

Address:

Email:

Phone:

Site

6. Please provide a site location plan and a brief description of the site, surrounding area and development proposals for which the CMP applies.

7. Please provide a very brief description of the construction works including the size and nature of the development and details of the main issues and challenges (e.g. narrow streets, close proximity to residential dwellings etc).

8. Please identify the nearest potential receptors (dwellings, business, etc.) likely to be affected by the activities on site (i.e. noise, vibration, dust, fumes, lighting etc.).

9. Please provide a scaled plan detailing the local highway network layout in the vicinity of the site. This should include details of on-street parking bay locations, cycle lanes, footway extents and proposed site access locations.

10. Please provide the proposed start and end dates for each phase of construction as well as an overall programme timescale. (A Gantt chart with key tasks, durations and milestones would be ideal).

11. Working hours for the site

The working hours shall be as specified at 2.8(ii) (Construction Management Plan) in this Agreement

12. Please indicate if any changes to services are proposed to be carried out that would be linked to the site during the works (i.e. connections to public utilities and/or statutory undertakers' plant). Larger developments may require new utility services. If so, a strategy and programme for coordinating the connection of services will be required. If new utility services are required, please confirm which utility companies have been contacted (e.g. Thames Water, National Grid, EDF Energy, BT etc.) You must explore options for the utility companies to share the same excavations and traffic management proposals. Please supply details of your discussions.

Community Liaison

A neighbourhood consultation process must have been undertaken prior to submission of the CMP first draft. This consultation must relate to construction impacts, and must take place prior to commencement of the works approved under the planning permission in the lead up to the submission of the CMP. A consultation process specifically relating to construction impacts must take place regardless of any prior consultations relating to planning matters. This consultation must include all of those individuals that stand to be affected by the proposed construction works and shall specifically include (but not be restricted to) the occupiers of the Neighbouring Properties. These individuals should be provided with a copy of the draft CMP, or a link to an online document. They should be given adequate time and, in any event, not less than 14 days within which to respond to the draft CMP, and any subsequent amended drafts. Contact details which include a phone number and email address of the site manager should also be provided.

Significant time savings can be made by running an effective neighbourhood consultation process. This must be undertaken in the spirit of cooperation rather than one that is dictatorial and unsympathetic to the wellbeing of local residents and businesses.

These are most effective when initiated as early as possible and conducted in a manner that involves the local community. Involving locals in the discussion and decision making process helps with their understanding of what is being proposed in terms of the development process. **The consultation and discussion process should have already started, with the results incorporated into the CMP first draft submitted to the Council for discussion and sign off.** This communication should then be ongoing during the works, with neighbours and any community liaison groups being regularly updated with programmed works and any changes that may occur due to unforeseen circumstances through newsletters, emails and meetings.

Please note that for larger sites, details of a construction working group may be required as a separate S106 obligation. If this is necessary, it will be set out in the S106 Agreement as a separate requirement on the developer.

Cumulative impact

Sites located within high concentrations of construction activity that will attract large numbers of vehicle movements should consider establishing contact with other sites in the vicinity in order to manage traffic routeing and volumes. Developers in the Tottenham Court Road area have done this to great effect.

The Council can advise on this if necessary.

13. Consultation

The Council expects meaningful consultation. For large sites, this may mean two or more meetings with local residents **prior to submission of the first draft CMP.**

Evidence of who was consulted, how the consultation was conducted and a summary of the comments received in response to the consultation. Details of meetings including minutes, lists of attendees etc. must be included.

In response to the comments received, the CMP should then be amended where appropriate and, where not appropriate, a reason should be given. The revised CMP should also include a list of all the comments received. Developers are advised to check proposed approaches to consultation with the Council before carrying them out. If your site is on the boundary between boroughs then we would recommend contacting the relevant neighbouring planning authority.

Please provide details of consultation of draft CMP with local residents, businesses, local groups (e.g. residents/tenants and business associations) and Ward Councillors.

In addition to the above, the developer shall comply fully with the requirements of clause 2.8(ii) (Construction Management Plan) in this Agreement.

14. Construction Working Group

Please provide details of community liaison proposals including any Construction Working Group that will be set up, addressing the concerns of the community affected by the works, the way in which the contact details of the person responsible for community liaison will be advertised to the local community, and how the community will be updated on the upcoming works i.e. in the form of a newsletter/letter drop, or weekly drop in sessions for residents.

15. Schemes

Please provide details of any schemes such as the 'Considerate Constructors Scheme', such details should form part of the consultation and be notified to the Council. Contractors will also be required to follow the "Guide for Contractors Working in Camden" also referred to as "Camden's Considerate Contractors Manual".

16. Neighbouring sites

Please provide a plan of existing or anticipated construction sites in the local area and please state how your CMP takes into consideration and mitigates the cumulative impacts of construction in the vicinity of the site. The council can advise on this if necessary.

Transport

This section must be completed in conjunction with your principal contractor. If one is not yet assigned, please leave the relevant sections blank until such time when one has been appointed.

Camden is a CLOCS Champion, and is committed to maximising road safety for Vulnerable Road Users (VRUs) as well as minimising negative environmental impacts created by motorised road traffic. As such, all vehicles and their drivers servicing construction sites within the borough are bound by the conditions laid out in the [CLOCS Standard](#).

This section requires details of the way in which you intend to manage traffic servicing your site, including your road safety obligations with regard to VRU safety. It is your responsibility to ensure that your principal contractor is fully compliant with the terms laid out in the CLOCS Standard. It is your principal contractor's responsibility to ensure that all contractors and sub-contractors attending site are compliant with the terms laid out in the CLOCS Standard.

Checks of the proposed measures will be carried out by the council to ensure compliance. Please refer to the CLOCS Standard when completing this section. Guidance material which details CLOCS requirements can be accessed [here](#), details of the monitoring process are available [here](#).

Please contact CLOCS@camden.gov.uk for further advice or guidance on any aspect of this section.

Please refer to the CLOCS Overview and Monitoring Overview documents referenced above which give a breakdown of requirements.

CLOCS Considerations

17. Name of Principal contractor:

18. Please submit the proposed method for checking operational, vehicle and driver compliance with the CLOCS Standard throughout the duration of the contract (please refer to our [CLOCS Overview document](#) and [Q18 example response](#)).

19. Please confirm that you as the client/developer and your principal contractor have read and understood the [CLOCS Standard](#) and included it in your contracts. Please sign-up to join the [CLOCS Community](#) to receive up to date information on the standard by expressing an interest online.

I confirm that I have included the requirement to abide by the CLOCS Standard in my contracts to my contractors and suppliers:

Please contact CLOCS@camden.gov.uk for further advice or guidance on any aspect of this section.

Site Traffic

Sections below shown in blue directly reference the CLOCS Standard requirements. The CLOCS Standard should be read in conjunction with this section.

20. Traffic routing: *“Clients shall ensure that a suitable, risk assessed vehicle route to the site is specified and that the route is communicated to all contractors and drivers. Clients shall make contractors and any other service suppliers aware that they are to use these routes at all times unless unavoidable diversions occur.”* (P19, 3.4.5)

Routes should be carefully considered and risk assessed, taking into account the need to avoid where possible any major cycle routes and trip generators such as schools, offices, public buildings, museums etc. Where appropriate, on routes that use high risk junctions (i.e. those that attract high volumes of cycling traffic) installing Trixi mirrors to aid driver visibility should be considered.

Consideration should also be given to weight restrictions, low bridges and cumulative impacts of construction (including neighbouring construction sites) on the public highway network. The route(s) to and from the site should be suitable for the size of vehicles that are to be used.

a. Please indicate routes on a drawing or diagram showing the public highway network in the vicinity of the site including details of links to the Transport for London Road Network (TLRN).

b. Please confirm how contractors, delivery companies and visitors will be made aware of the route (to and from the site) and of any on-site restrictions, prior to undertaking journeys.

21. Control of site traffic, particularly at peak hours: *"Clients shall consider other options to plan and control vehicles and reduce peak hour deliveries"* (P20, 3.4.6)

Construction vehicle movements shall be in accordance with clause 2.8(ii) (Construction Management Plan) in this Agreement.

If there is a school in the vicinity of the site or on the proposed access and/or egress routes, then deliveries must be restricted to between 9.30am and 3pm on weekdays during term time. (Refer to the *Guide for Contractors Working in Camden*).

A delivery plan should ensure that deliveries arrive at the correct part of site at the correct time. Instructions explaining such a plan should be sent to all suppliers and contractors. Consideration should be given to the location of any necessary holding areas for large sites with high volumes of traffic. Vehicles must not wait or circulate on the public highway. Whilst deliveries should be given set times to arrive, dwell and depart, no undue time pressures should be placed upon the driver at any time.

a. Please provide details of the typical sizes of all vehicles and the approximate frequency and times of day when they will need access to the site, for each phase of construction. You should estimate the average daily number of vehicles during each major phase of the work, including their dwell time at the site. High numbers of vehicles per day and/or long dwell times may require vehicle holding procedures.

As specified under clause 2.8(ii) (Construction Management Plan) in this Agreement.

b. Please provide details of other developments in the local area or on the route.

c. Please outline the system that is to be used to ensure that the correct vehicle attends the correct part of site at the correct time.

d. Please identify the locations of any off-site holding areas (an appropriate location outside the borough may need to be identified, particularly if a large number of delivery vehicles are expected) and any measures that will be taken to ensure the prompt admission of vehicles to site in light of time required for any vehicle/driver compliance checks. Please refer to question 24 if any parking bay suspensions will be required for the holding area.

e. Please provide details of any other measures designed to reduce the impact of associated traffic (such as the use of construction material consolidation centres).

22. Site access and egress: *"Clients shall ensure that access to and egress from the site is appropriately managed, clearly marked, understood and clear of obstacles."* (P18, 3.4.3)

Vehicles entering and leaving the site should be carefully managed, using gates that are clearly marked and free from obstacles. Traffic Marshalls must ensure the safe passage of pedestrians, cyclists and other traffic when vehicles are entering and leaving site, particularly if reversing.

a. Please detail the proposed access and egress routes to and from the site

b. Please describe how the access and egress arrangements for construction vehicles will be managed.

c. Please provide swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary (if necessary).

d. Provision of wheel washing facilities should be considered if necessary. If so, please provide details of how this will be managed and any run-off controlled.

23. Vehicle loading and unloading: *"Clients shall ensure that vehicles are loaded and unloaded on-site as far as is practicable."* (P19, 3.4.4)

If this is not possible, Traffic Marshalls must ensure the safe passage of pedestrians, cyclists and motor traffic in the street when vehicles are being loaded or unloaded.

Please provide details of the parking and loading arrangements for construction vehicles with regard to servicing and deliveries associated with the site (e.g. delivery of materials and plant, removal of excavated material). This is required as a scaled site plan, showing all points of access and where materials, skips and plant will be stored, and how vehicles will access and egress the site. If loading is to take place off site, please identify where this is due to take place and outline the measures you will take to ensure that loading/unloading is carried out safely. Please outline in question 24 if any parking bay suspensions will be required.

Highway interventions

Please note that Temporary Traffic Orders (TTOs) and hoarding/scaffolding licenses may be applied for prior to CMP submission but won't be granted until the CMP is signed-off.

24. Parking bay suspensions and temporary traffic orders

Please note, parking bay suspensions should only be requested where absolutely necessary. Parking bay suspensions are permitted for a maximum of 6 months, requirement of exclusive access to a bay for longer than 6 months you will be required to obtain Temporary Traffic Order (TTO) for which there is a separate cost.

Please provide details of any proposed parking bay suspensions and TTO's which would be required to facilitate construction. **Building materials and equipment must not cause obstructions on the highway as per your Considerate Contractors obligations unless the requisite permissions are secured.**

Information regarding parking suspensions can be found [here](#).

25. Scaled drawings of highway works

Please note that use of the public highway for storage, site accommodation or welfare facilities is at the discretion of the Council and is generally not permitted. If you propose such use you must supply full justification, setting out why it is impossible to allocate space on-site. You must submit a detailed (to-scale) plan showing the impact on the public highway that includes the extent of any hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements. We prefer not to close footways but if this is unavoidable, you should submit a scaled plan of the proposed diversion route showing key dimensions.

- a. Please provide accurate scaled drawings of any highway works necessary to enable construction to take place (e.g. construction of temporary vehicular accesses).

b. Please provide details of all safety signage, barriers and accessibility measures such as ramps and lighting etc.

26. Diversions

Where applicable, please supply details of any diversion, disruption or other anticipated use of the public highway during the construction period (alternatively a plan may be submitted).

27. VRU and pedestrian diversions, scaffolding and hoarding

Pedestrians and/or cyclist safety must be maintained if diversions are put in place. Vulnerable footway users should also be considered. These include wheelchair users, the elderly, those with walking difficulties, young children, those with prams, the blind and partially sighted. Appropriate ramping must be used if cables, hoses, etc. are run across the footway.

Any work above ground floor level may require a covered walkway adjacent to the site. A licence must be obtained for scaffolding and gantries. The adjoining public highway must be kept clean and free from obstructions. Lighting and signage should be used on temporary structures/skips/hoardings etc.

A secure hoarding will generally be required at the site boundary with a lockable access.

a. Please provide details describing how pedestrian and cyclist safety will be maintained, including any proposed alternative routes (if necessary), and any Traffic Marshall arrangements.

b. Please provide details of any temporary structures which would overhang the public highway (e.g. scaffolding, gantries, cranes etc.) and details of hoarding requirements or any other occupation of the public highway.

● SYMBOL IS FOR INTERNAL USE

Environment

To answer these sections please refer to the relevant sections of **Camden's Minimum Requirements for Building Construction (CMRBC)**.

28. Please list all noisy operations and the construction method used, and provide details of the times that each of these are due to be carried out.

To be in accordance with the approved Acoustic Report.

29. Please confirm when the most recent noise survey was carried out (before any works were carried out) and provide a copy. If a noise survey has not taken place please indicate the date (before any works are being carried out) that the noise survey will be taking place, and agree to provide a copy.

See the approved Acoustic Report.

30. Please provide predictions for noise and vibration levels throughout the proposed works.

To be in accordance with the submitted Acoustic Report.

31. Please provide details describing mitigation measures to be incorporated during the construction/demolition works to prevent noise and vibration disturbances from the

activities on the site, including the actions to be taken in cases where these exceed the predicted levels.

To be in accordance with the approved Acoustic Report.

32. Please provide evidence that staff have been trained on BS 5228:2009

To be in accordance with the approved Acoustic Report.

33. Please provide details on how dust nuisance arising from dusty activities, on site, will be prevented.

Before any demolition works take place the Owner shall ensure that any buildings or structures to be demolished shall be wrapped with a suitable dust sheeting, such as Monarflex or an equivalent, to prevent (as far as possible) dust escaping from the demolished areas to neighbouring premises.

34. Please provide details describing how any significant amounts of dirt or dust that may be spread onto the public highway will be prevented and/or cleaned.

35. Please provide details describing arrangements for monitoring of noise, vibration and dust levels.

Details to be provided in the Acoustic Report.

36. Please confirm that a Risk Assessment has been undertaken at planning application stage in line with the GLA policy. The Control of Dust and Emissions During Demolition and Construction 2104 (SPG), that the risk level that has been identified, and that the appropriate measures within the GLA mitigation measures checklist have been applied. Please attach the risk assessment and mitigation checklist as an appendix.

37. Please confirm that all of the GLA's 'highly recommended' measures from the SPG document relative to the level of risk identified in question 36 have been addressed by completing the GLA mitigation measures checklist.

- 38. If the site is a 'High Risk Site', 4 real time dust monitors will be required. If the site is a 'Medium Risk Site', 2 real time dust monitors will be required. The risk assessment must take account of proximity to sensitive receptors (e.g. schools, care homes etc), as detailed in the SPG. Please confirm the location, number and specification of the monitors in line with the SPG and confirm that these will be installed 3 months prior to the commencement of works, and that real time data and quarterly reports will be provided to the Council detailing any exceedances of the threshold and measures that were implemented to address these.

39. Please provide details about how rodents, including rats, will be prevented from spreading out from the site. You are required to provide information about site inspections carried out and present copies of receipts (if work undertaken).

40. Please confirm when an asbestos survey was carried out at the site and include the key findings.

41. Complaints often arise from the conduct of builders in an area. Please confirm steps being taken to minimise this e.g. provision of a suitable smoking area, tackling bad language and unnecessary shouting.

42. If you will be using non-road mobile machinery (NRMM) on site with net power between 37kW and 560kW it will be required to meet the standards set out below. The standards are applicable to both variable and constant speed engines and apply for both PM and NOx emissions.

From 1st September 2015

(i) Major Development Sites – NRMM used on the site of any major development will be required to meet Stage IIIA of EU Directive 97/68/EC

(ii) Any development site within the Central Activity Zone - NRMM used on any site within the Central Activity Zone will be required to meet Stage IIIB of EU Directive 97/68/EC

From 1st September 2020

(iii) Any development site - NRMM used on any site within Greater London will be required to meet Stage IIIB of EU Directive 97/68/EC

(iv) Any development site within the Central Activity Zone - NRMM used on any site within the Central Activity Zone will be required to meet Stage IV of EU Directive 97/68/EC

Please provide evidence demonstrating the above requirements will be met by answering the following questions:

- a) Construction time period (mm/yy - mm/yy):
- b) Is the development within the CAZ? (Y/N):
- c) Will the NRMM with net power between 37kW and 560kW meet the standards outlined above? (Y/N):
- d) Please provide evidence to demonstrate that all relevant machinery will be registered on the NRMM Register, including the site name under which it has been registered:
- e) Please confirm that an inventory of all NRMM will be kept on site and that all machinery will be regularly serviced and service logs kept on site for inspection:
- f) Please confirm that records will be kept on site which details proof of emission limits, including legible photographs of individual engine plates for all equipment, and that this documentation will be made available to local authority officers as required:

● SYMBOL IS FOR INTERNAL USE

Agreement

The agreed contents of this Construction Management Plan must be complied with unless otherwise agreed in writing by the Council. This may require the CMP to be revised by the Developer and reapproved by the Council. The project manager shall work with the Council to review this Construction Management Plan if problems arise in relation to the construction of the development. Any future revised plan must be approved by the Council in writing and complied with thereafter.

It should be noted that any agreed Construction Management Plan does not prejudice further agreements that may be required such as road closures or hoarding licences.

Please notify the Council when you intend to start work on site. Please also notify the Council when works are approximately 3 months from completion.

Signed:

Date:

Print Name:

Position:

Please submit to: planningobligations@camden.gov.uk

End of form.



THE SECOND SCHEDULE

PLANNING PERMISSION REF. 2014/4726/P





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

Tel 020 7974 4444

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

Mr. Alexander Abbey
Cullinan Studio
5 Baldwin Terrace
London
N1 7RU

Application Ref: **2014/4726/P**
Please ask for: **Rob Tulloch**
Telephone: 020 7974 **2516**

6 January 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted Subject to a Section 106 Legal Agreement

Address:
85 Camden Mews
London
NW1 9BU

Proposal:

Erection of two storey side and rear extensions following demolition of existing garage and rear extension, replacement roof, and excavation of basement.

Drawing Nos: Site Location Plan 85_CM_P01 Rev P01; P02b Rev P01; P03 Rev P01; P04 Rev P01; P05 Rev P01; P06 Rev P01; P07 Rev P01; P10 Rev P01; P11 Rev P01; P12 Rev P02; P13 Rev P01; P20 Rev P01; P30 Rev P01; P40 Rev P01; P60; P61; P100; P101; 85_CM_BIA_01 Rev B; 02 Rev A; 03 Rev B; 06 Rev A; 07 Rev A;

Design and Access Statement Rev P01 by Cullinan Studio dated 18/07/2014; Construction Management Plan dated 17th August 2015; Construction Management Programme dated 17th August 2015; Basement Impact Assessment (Site Investigation) by Southern Testing dated January 2015; Structural Engineers Construction Method Statement Rev P3 by Axiom Structures dated April 2015; Outline Structural Calculations by Axiom Structures Ltd dated April 2015 Rev P1; Structural Stability Report Rev B by John Romer; Ground Movement Report by Geotechnical Consulting Group dated 05/03/2015; Structural Calculations by CS Ltd dated March 2015; Basement Impact Assessment (Screening/Scoping Report) by Southern Testing dated January 2015; BIA Assumed Construction Sequence; Construction Method Statement by West Design and Build dated October 2014



Independent Review by LBH Wembley dated 08/12/2014; Independent Review (Updated) by LBH Wembley dated 23/03/2015; Email from LBH Wembley dated 15/04/2015; Email from LBH Wembley dated 14/05/2015

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

Condition(s) and Reason(s):

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

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan 85_CM_P01 Rev P01; P02b Rev P01; P03 Rev P01; P04 Rev P01; P05 Rev P01; P06 Rev P01; P07 Rev P01; P10 Rev P01; P11 Rev P01; P12 Rev P02; P13 Rev P01; P20 Rev P01; P30 Rev P01; P40 Rev P01; P60; P61; P100; P101; 85_CM_BIA_01 Rev B; 02 Rev A; 03 Rev B; 06 Rev A; 07 Rev A; Design and Access Statement Rev P01 by Cullinan Studio dated 18/07/2014; Construction Management Plan dated 17th August 2015; Construction Management Programme dated 17th August 2015; Basement Impact Assessment (Site Investigation) by Southern Testing dated January 2015; Structural Engineers Construction Method Statement Rev P3 by Axiom Structures dated April 2015; Outline Structural Calculations by Axiom Structures Ltd dated April 2015 Rev P1; Structural Stability Report Rev B by John Romer; Ground Movement Report by Geotechnical Consulting Group dated 05/03/2015; Structural Calculations by CS Ltd dated March 2015; Basement Impact Assessment (Screening/Scoping Report) by Southern Testing dated January 2015; BIA Assumed Construction Sequence; Construction Method Statement by West Design and Build dated October 2014 Independent Review by LBH Wembley dated 08/12/2014; Independent Review (Updated) by LBH Wembley dated 23/03/2015; Email from LBH Wembley dated 15/04/2015; Email from LBH Wembley dated 14/05/2015

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

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Manufacturer's specification details of all roofing and facing materials including a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 (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.

- 6 Details of the location, design and method of waste storage and removal, shall be submitted to and approved by the local planning authority in writing. The storage as approved shall be provided prior to the first occupation of the new house and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Before any works hereby authorised begin, details of how the stability of the retained front (south eastern) and side (north eastern) elevations of the building will be maintained and protected shall be submitted to and approved by the Council. Such details shall include both temporary and permanent measures to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface and to provide protection for the building against the weather during progress of the works. The development shall not be carried out other than in accordance with the approved details.

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.

- 8 For the avoidance of doubt, the fabric of the south eastern and north eastern facades of the building shall be retained as part of the development hereby permitted.

Reason: In the interests of proper planning and clarity and in order to demonstrate that the facade is a fundamental element of the scheme hereby approved and 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.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 4 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay the CIL charge.

The proposed CIL charge will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please refer to the information on the Camden website which may be accessed via the following link: http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3298006

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from the planning portal; <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. 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 queries to CIL@Camden.gov.uk

- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 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.

You can find advice about your rights of appeal at:

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

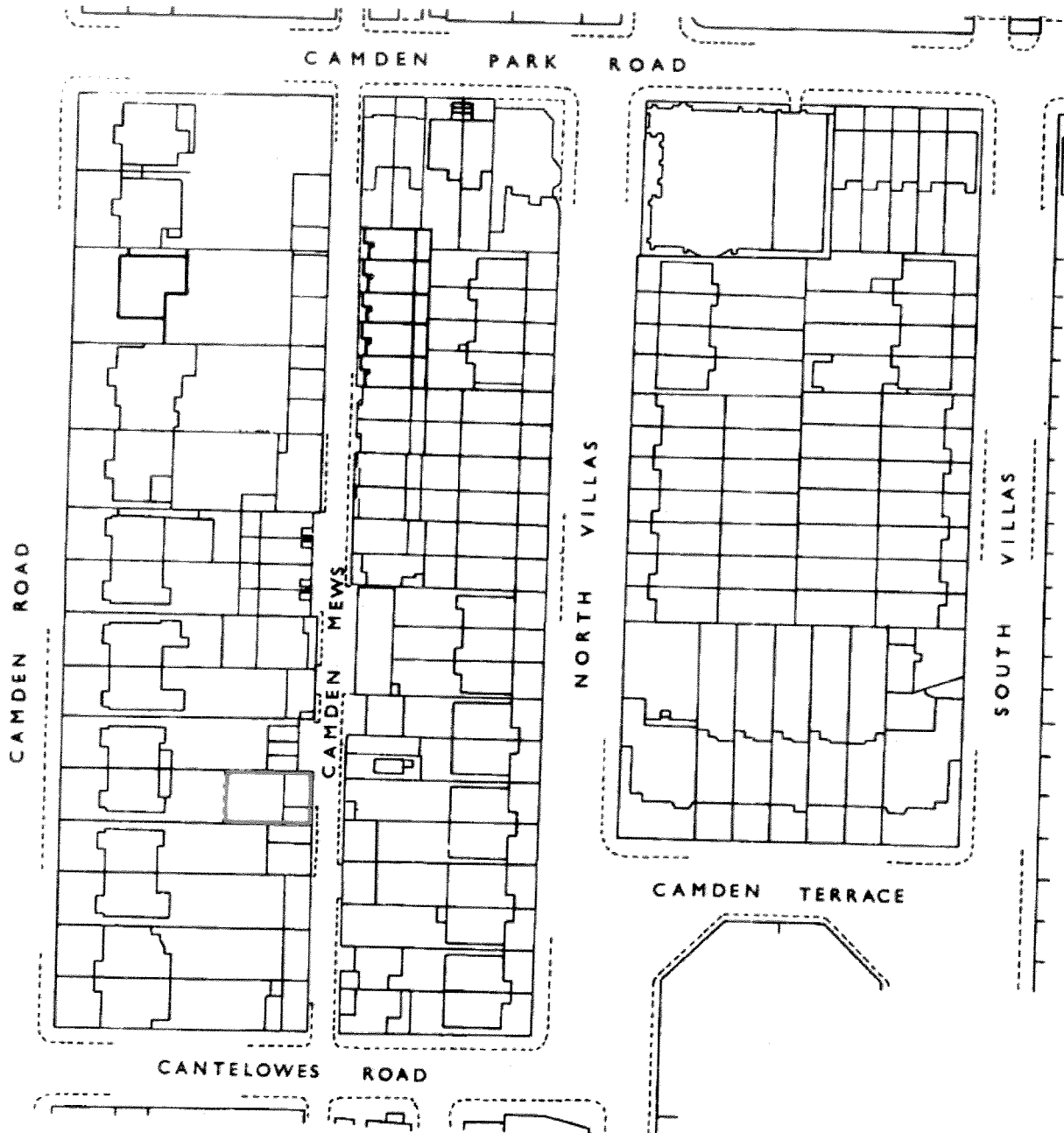
Yours faithfully



David Joyce
Executive Director Supporting Communities

THE THIRD SCHEDULE

PLAN OF THE PROPERTY: 85 CAMDEN MEWS, LONDON, NW1 9BU





THE FOURTH SCHEDULE

The Burland Category of Damage

Category of damage	Description of typical damage	Approximate crack width (mm)	Limiting tensile strain ϵ_{lim} (per cent)
0 Negligible	Hairline cracks of less than about 0.1 mm are classed as negligible	<0.1	0.0-0.05
1 Very slight	Fine cracks that can easily be treated during normal decoration. Perhaps isolated slight fracture in building. Cracks in external brickwork visible on inspection	<1	0.05-0.075
2 Slight	Cracks easily filled. Redecoration probably required. Several slight fractures showing inside of building. Cracks are visible externally and some repointing may be required externally to ensure weathertightness. Doors and windows may stick slightly.	<5	0.075-0.15
3 Moderate	The cracks require some opening up and can be patched by a mason. Recurrent cracks can be masked by suitable lining. Repointing of external brickwork and possibly a small amount of brickwork to be replaced. Doors and windows sticking. Service pipes may fracture. Weathertightness often impaired.	5-15 or a number of cracks > 3	0.15-0.3
4 Severe	Extensive repair work involving breaking-out and replacing sections of walls, especially over doors and windows. Windows and frames distorted, floor sloping noticeably. Walls leaning or bulging noticeably, some loss of bearing in beams. Service pipes disrupted.	15-25 but also depends on number of cracks	>0.3
5 Very severe	This requires a major repair involving partial or complete rebuilding. Beams lose bearings, walls lean badly and require shoring. Windows broken with distortion. Danger of instability.	Usually > 25 but depends on number of cracks	

Damage Category Chart (CiRIA C580)

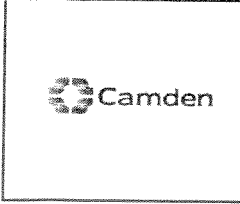
Extract from para 2.30 of the Camden Planning Guidance 4: Basements and Lightwells



THE FIFTH SCHEDULE

Neighbouring Properties Plan





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Scale 1/789 Date 14/9/2016
 Centre = 529678 E 184714 N

TK
Site
John
AA
MA





DATED 9 OCTOBER 2017

(1) WHITEHALL PARK LIMITED

and

(2) NATIONAL WESTMINSTER BANK PUBLIC LIMITED COMPANY

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

**85 Camden Mews
London
NW1 9BU**

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

Andrew Maughan
Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Tel: 020 7974 5647
Fax: 020 7974 2962

CLS/PK/1781.294 (final)