

DATED

17 January

2018
2017

(1) 151 AND 153 ST PANCRAS WAY LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 13 September 2016
Between the Mayor and the Burgesses of the
London Borough of Camden and
151 AND 153 ST PANCRAS WAY LIMITED
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
151 and 153 St Pancras Way, London NW1 0SY

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

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/COM/00
DoV

CONFIDENTIAL

THE SECRETARY OF THE ARMY
WASHINGTON, D.C.

MEMORANDUM FOR THE SECRETARY

Subject: [Illegible]
Reference: [Illegible]
1. [Illegible]
2. [Illegible]
3. [Illegible]
4. [Illegible]
5. [Illegible]
6. [Illegible]
7. [Illegible]
8. [Illegible]
9. [Illegible]
10. [Illegible]

Very truly yours,

[Illegible Signature]

[Illegible Title]

[Illegible Date]

THIS DEED is made on the 17th day of January 2018
2017

BETWEEN

1. **151 AND 153 ST PANCRAS WAY LIMITED** (Co. Regn. No. 05564228) whose registered office is at M Hubbard And C To (re 151-153), 53 Selly Park Road, Selly Park, Birmingham, B29 7PH (hereinafter called "the Owner") of the first part
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

WHEREAS:

- 1.1 The Council and 151 AND 153 ST PANCRAS WAY LIMITED entered into an Agreement dated 13 September 2016 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL113637.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.5 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 25 September 2017 for which the Council resolved to grant permission conditionally under reference 2017/4809/P subject to the conclusion of this Deed.
- 1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.

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

2. INTERPRETATION

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Deed.
- 2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.
- 2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Agreement and shall not effect the construction of this Deed.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 4, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.
- 2.7 References in this Deed to the Owner shall include their successors in title.
- 2.8 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.8.1 "Deed"

this Deed of Variation made pursuant to Section
106A of the Act

2.8.2 "Existing Agreement"

the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 13 September 2016 made between the Council and 151 AND 153 ST PANCRAS WAY LIMITED

2.8.3 "the Original Planning Permission"

means the planning permission granted by the Council on 13 September 2016 referenced 2016/2246/P allowing the erection of a mansard roof extension with front dormer windows to provide a new 3 bedroom residential flat at third floor as shown on drawing numbers 01 (Location Plan), 010 (Existing Floor Plans), 011 (Existing Elevations), 012 (Existing Sections), 020B (Proposed Floor Plans), 021C (Proposed Third Floor Plan), 022B (Proposed Elevations), 023A (Proposed Sections).

3. VARIATION TO THE EXISTING AGREEMENT

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

3.1.1 "Development"

shall mean the development authorised by the planning permission with reference 2016/2246/P dated 13 September 2016 as amended by:

Variation of planning conditions 3 (approved plans) and 4 (noise mitigation) of permission ref: 2016/2246/P dated 13/09/2016 (for the erection of a mansard roof extension with front dormer windows to provide a new 3 bedroom residential flat at third floor) for minor material amendments to the design of the rear dormer windows, a minor 60mm reduction in the internal floor to ceiling height of the proposed flat and an

amendment to the floor/ceiling noise insulation requirement as shown on drawing numbers: P001 (Location Plan), P002 (Block Plan), 010 (Existing Floor Plans), 011 (Existing Elevations), 012 (Existing Sections), 020C (Proposed Floor Plans), 021D (Proposed Third Floor Plan), 022C (Proposed Elevations), 023B (Proposed Sections)

3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2017/4809/P granted by the Council in the form of the draft annexed hereto

3.1.3 "Planning Application"

the application for Planning Permission in respect of the Property submitted on 25 August 2017 by the Owner and given reference number 2017/4809/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to planning permission "reference 2016/2246/P" shall be replaced with planning permission "reference 25/08/2017".

3.3 In all other respects the Existing Agreement (as varied by this Deed) 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 Deed shall take effect on the Implementation of the Planning Permission referenced 25/08/2017.

5. PAYMENT OF THE COUNCIL'S LEGAL COSTS

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

6. **REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered 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 a Deed the day and year first before written

**THE COMMON SEAL OF
EXECUTED AS A DEED BY
151 AND 153 ST PANCRAS WAY LIMITED
was hereunto affixed
in the presence of:-**

)
) M. Hussard
)
)

.....
Director

.....
Director/Secretary

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

)
)
)
)

.....
Duly Authorised Officer



GENERAL INSTRUCTIONS

1. The first page of the report should be a cover page.

CONTENTS

2. The contents page should list the chapters and sections of the report.

3. The chapters and sections should be numbered in the following order:

- 1. Introduction
- 2. Background
- 3. Methodology
- 4. Results
- 5. Discussion
- 6. Conclusion
- 7. References
- 8. Appendixes



Whiteman Design
2A Cadogan road
Surbiton
KT6 4DL

Application Ref: **2017/4809/P**

19 December 2017

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:
151-153 St Pancras Way
London
NW1 0SY

Proposal:

Variation of planning conditions 3 (approved plans) and 4 (noise mitigation) of permission ref: 2016/2246/P dated 13/09/2016 (for the erection of a mansard roof extension with front dormer windows to provide a new 3 bedroom residential flat at third floor) for minor material amendments to the design of the rear dormer windows, a minor 60mm reduction in the internal floor to ceiling height of the proposed flat and an amendment to the floor/ceiling noise insulation requirement.

Drawing Nos: Drawing Nos: P001 (Location Plan), P002 (Block Plan), 010 (Existing Floor Plans), 011 (Existing Elevations), 012 (Existing Sections), 020C (Proposed Floor Plans), 021D (Proposed Third Floor Plan), 022C (Proposed Elevations), 023B (Proposed Sections).

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

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

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission 2016/2246/P dated 13th September 2016.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/2246/P shall be replaced with the following condition:

REPLACEMENT CONDITION 3:-

The development hereby permitted shall be carried out in accordance with the following approved plans:

P001 (Location Plan), P002 (Block Plan), 010 (Existing Floor Plans), 011 (Existing Elevations), 012 (Existing Sections), 020C (Proposed Floor Plans), 021D (Proposed Third Floor Plan), 022C (Proposed Elevations), 023B (Proposed Sections).

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

- 4 Enhanced sound insulation to meet a standard at least 5dB above the Building Regulations requirements shall be installed in the floor/ceiling between the second and third floors of the building. The insulation shall be implemented prior to first residential occupation of the relevant building and thereafter be permanently retained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

Informative(s):

- 1 Reason for granting planning consent:-

This application is for the variation of planning conditions 3 (approved plans) and 4 (noise mitigation) of permission ref: 2016/2246/P dated 13/09/2016 (for the erection of a mansard roof extension with front dormer windows to provide a new 3 bedroom residential flat at third floor) for minor material amendments to the design of the rear dormer windows a minor 60mm reduction in the internal floor to ceiling height of the proposed flat and an amendment to the floor/ceiling noise insulation requirements.

The amendments to the design of the rear dormer windows would provide a wider zinc window surround in a light brown/bronze colour finish. This minor change in the design of the dormer windows would complement the contemporary design of the rear elevation of the mansard and asymmetrical dormer windows which was supported in the original application. The wider surround would result in a minor increase in the size of the dormer windows, but they would still appear as subordinate features within the rear roofslope. As acknowledged in the original application the rear roofslope of this site is not highly visible and the traditional design for the mansard and dormers at the front of the site would be retained. Overall, the amended development still proposes a high standard of design that respects local context and character, and preserves and enhances the conservation area and nearby listed buildings.

The amendments to the internal floor to ceiling height would reduce this from 2.55 m to 2.49m. Although this would now be 10mm below the recommended London Plan housing standard, it is only a marginal deviation which is considered to be within acceptable tolerances. It is noted that the amended floor to ceiling height would comply with the Council's own 2.3 m standard in CPG 2 and satisfactory living conditions would be provided for future residents of the new flat.

The amendment to floor/ceiling noise insulation requirements would require the sound between the second and third floors of the building to provide a minimum of 5db instead of 10db noise insulation above Building Regulations. The Council's Environmental Health section is satisfied that this amended floor/ceiling noise insulation requirement would be acceptable and would safeguard the amenities of the adjoining premises.

The other aspects of the development remain the same as the previously assessed and approved.

A consultation summary has been completed which sets out the Council's response to the comments received. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies C6, A1, A4, D1 and D2 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 4 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount will be calculated on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 5 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 6 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.
- 7 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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

Yours faithfully

Supporting Communities Directorate

DRAFT

DECISION

1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research.

2. The second part of the report is a detailed description of the methodology used in the study.

3. The third part of the report is a detailed description of the results of the study.

4. The fourth part of the report is a detailed description of the conclusions of the study.

5. The fifth part of the report is a detailed description of the recommendations of the study.

6. The sixth part of the report is a detailed description of the references used in the study.

7. The seventh part of the report is a detailed description of the appendixes used in the study.

DATED

17 January

2018
~~2017~~

(1) 151 AND 153 ST PANCRAS WAY LIMITED

-and-

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

DEED OF VARIATION

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