

DATED

19 July

2018

(1) TAPKESHWAR SANJAY WADHWANI and SEEMA WADHWANI

and

(2) UBS AG

and

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

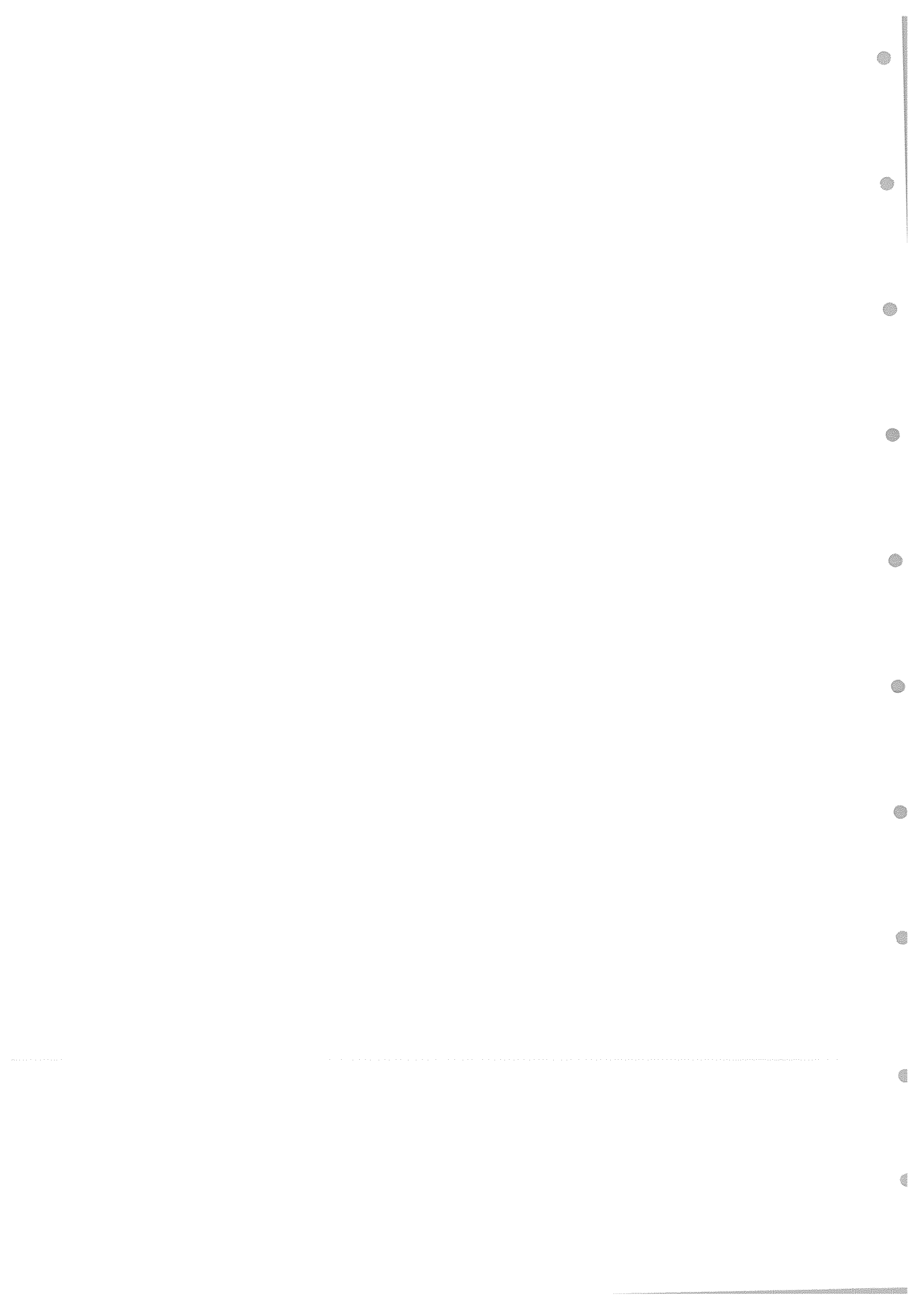
DEED OF VARIATION

Relating to the Agreement dated 25 October 2016
Between the Mayor and the Burgesses of the
London Borough of Camden,
Tapkeshwar Sanjay Wadhvani, Seema Wadhvani and UBS AG.
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
36 HEATH DRIVE, LONDON, NW3 7SD

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

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/COM/LN/1800.702
FINAL



THIS AGREEMENT is made on the 19th day of July 2018

BETWEEN

1. **TAPKESHWAR SANJAY WADHWANI and SEEMA WADHWANI** of 36 Heath Drive, Hampstead, London NW3 7SD (hereinafter called "the Owner") of the first part
2. **UBS AG** (incorporated in Switzerland) of 1 Finsbury Avenue, London EC2M 2PP (hereinafter called "the Mortgagee") of the second part
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

WHEREAS:

- 1.1 The Council the Owner and the Mortgagee entered into an Agreement dated 25 October 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 NGL676842 subject to a charge to the Mortgagee.
- 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 Mortgagee as mortgagee under a legal charge registered under Title Number NGL676842 and dated 19 August 2011 is willing to enter into this Agreement to give its consent to the same.
- 1.5 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.6 The First Amendment 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 19 February 2018 for which the Council resolved to grant permission

conditionally under reference 2018/0877/P subject to the conclusion of this Agreement.

1.7 The Second Amendment 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 20 March 2018 for which the Council resolved to grant permission conditionally under reference 2018/0821/P subject to the conclusion of this Agreement.

1.8 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 (as amended) and is a planning obligation for the purposes of that section.

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

2. INTERPRETATION

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

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

2.3 Where in this Agreement reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.

2.4 Headings are for ease of reference only and are not intended to be construed as part of this Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.

2.5 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, 3, 4, 5 and 6 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.

2.7 References in this Agreement to the Owner and Mortgagee shall include their successors in title.

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

2.8.1 "Agreement" this Deed of Variation

2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 25 October 2016 made between the Council the Owner and the Mortgagee

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 25 October 2016 referenced 2016/0272/P allowing the excavation to create new basement with 3 front and 1 rear light wells, erection of two storey rear extension including the reconfiguration of existing dormers to single dormer window in rear roof slope, and side extensions at ground and first floor as shown on drawing numbers:- Arboricultural Impact Assessment (Addendum), Construction Method statement (Rev A) , Foundation scheme Sheet 1 (Rev A) sheet 2, Sheet 3, Basement Plan (SQ01, TP101, TP102) , Anti flood value product, Location plan, D032.41, D032.40, D032.50, D032.51, D032.42, D032.52, D032.45, D032.00, D032.01, D032.02, D032.10, D032.11, D032.12 & D032.29

- 2.8.4 "First Amendment Planning Permission" The planning permission reference number 2018/0877/P to be issued by the Council in the form of the draft annexed hereto
- 2.8.5 "Second Amendment Planning Permission" The planning permission reference number 2018/0821/P to be issued by the Council in the form of the draft annexed hereto
- 2.8.6 "First Amendment Planning Application" The application for planning permission in respect of the Property submitted and validated on 19 February 2018 and given reference number 2018/0877/P
- 2.8.7 "Second Amendment Planning Application" The application for planning permission in respect of the Property submitted and validated on 20 March 2018 and given reference number 2018/0821/P

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" Variation of condition 3 (approved plans) of planning permission ref 2016/0272/P dated 25/10/2016 (Excavation to create new basement with 3 front and 3 rear light wells, erection of two storey rear extension including the reconfiguration of the existing 3 x rear dormers to a single dormer, alterations to front and rear first floor dormers and a single storey rear garage extension) namely to allow amendments to the approved lightwells, removal of the approved canopy to the rear

elevation, amended configuration of roof lights, and amendments to the window sills on the front elevation as shown on drawing numbers arboricultural Impact Assessment (Addendum), Construction Method statement (Rev A), Foundation scheme Sheet 1 (Rev A), Sheet 2, Sheet 3, Basement Plan (SQ01, TP101, TP102), Anti flood value product, Location plan, D032.00, D032.01, D032.02, D032.10, D032.11, D032.12, D032.29, 166: P(00)_100A; P(02)_100B; P(02)_101B; P(02)_102A; P(02)_103A; P(02)_104B; P(03)_100A; P(04)_100C; P(04)_101B; P(04)_102A; P(04)_103A under planning reference 2018/0877/P and variation of Condition 5 of planning permission 2016/0272/P dated 25/10/2016 namely to change the wording to allow hard and soft landscaping details to be submitted before works start on the relevant part of the development under planning reference 2018/0821/P

3.1.2 "Planning Permission" The First Amendment Planning Permission and the Second Amendment Planning Permission together

3.1.3 "Planning Application" The First Amendment Planning Application and the Second Amendment Planning Application together

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/0272/P" shall be replaced with "'Planning Permission reference 2016/0272/P as varied by application 2018/0877/P and 2018/0821/P'".

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

4. COMMENCEMENT

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Agreement shall take effect on the Implementation of either or both of the First Amendment Planning Permission or the Second Amendment Planning Permission.

5. PAYMENT OF THE COUNCIL'S LEGAL COSTS


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

6. REGISTRATION AS LOCAL LAND CHARGE

6.1 This Agreement shall be registered as a Local Land Charge

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

EXECUTED AS A DEED BY
TAPKESHWAR SANJAY WADHWANI)
in the presence of:)


.....
Witness Signature

Witness Name: T. S. WADHWANI SONIA AKDA

Address: 85 GROVE ROAD, LONDON E18 2JY

Occupation: BUSINESS DEVELOPMENT EXECUTIVE

THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106 AGREEMENT IN RELATION TO 36 HEATH DRIVE

EXECUTED AS A DEED BY
SEEMA WADHWANI
in the presence of:

)
) *Seema Wadhvani*
)

.....
Witness Signature

Witness Name:

S. Akera
SOMIA AKERA

Address:

85 GROVE ROAD, LONDON E18 2JY

Occupation:

BUSINESS DEVELOPMENT EXECUTIVE

EXECUTED AS A DEED by the
Attorney Authorised on behalf of
UBS AG LIMITED

)
)
)

.....
ANDREW MANNING AND DAVID LAKEMAN
Duly Authorised Signatory

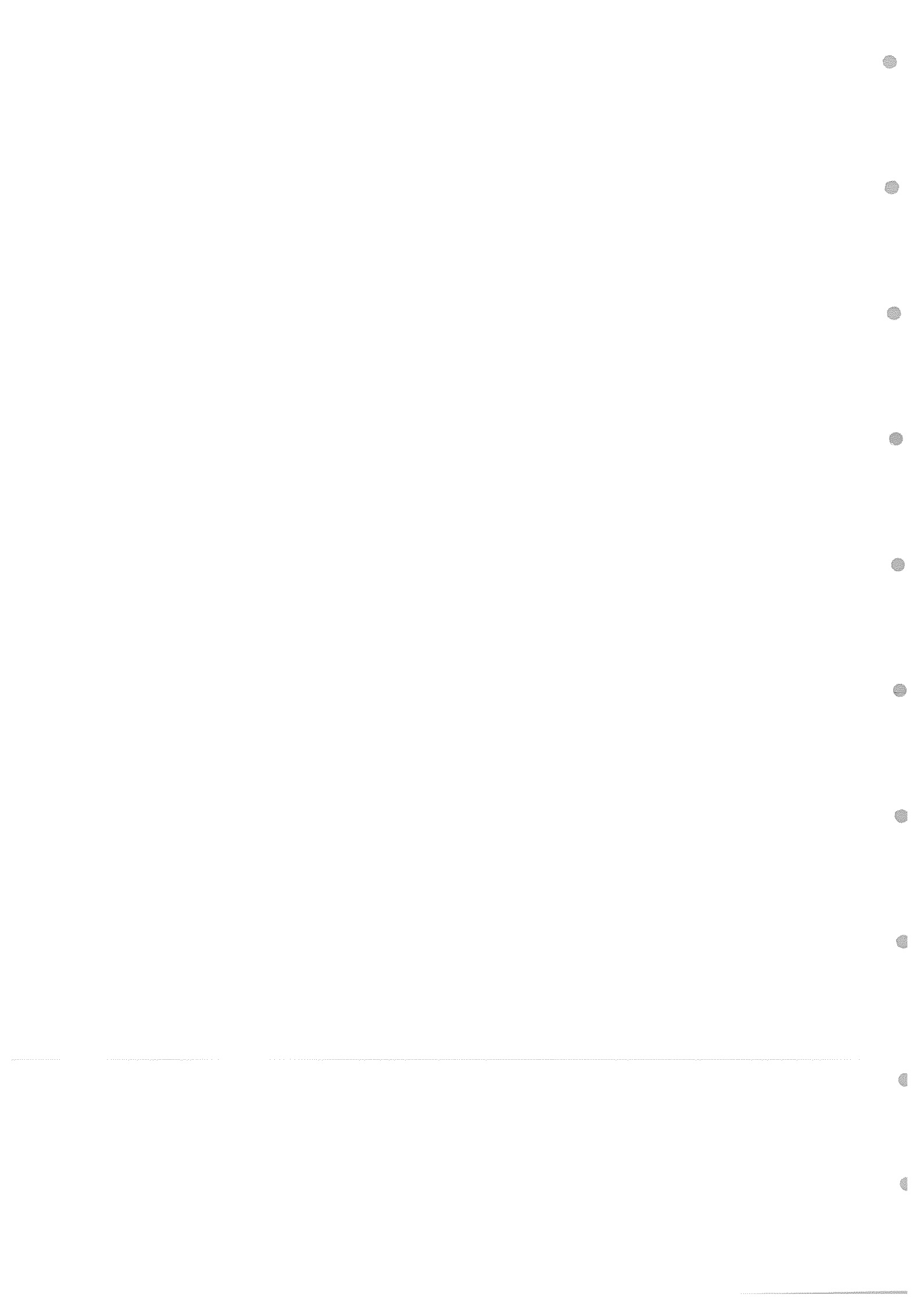
[Signature]
[Signature]

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

)
)
)
)

.....
R. Alexander
Duly Authorised Officer

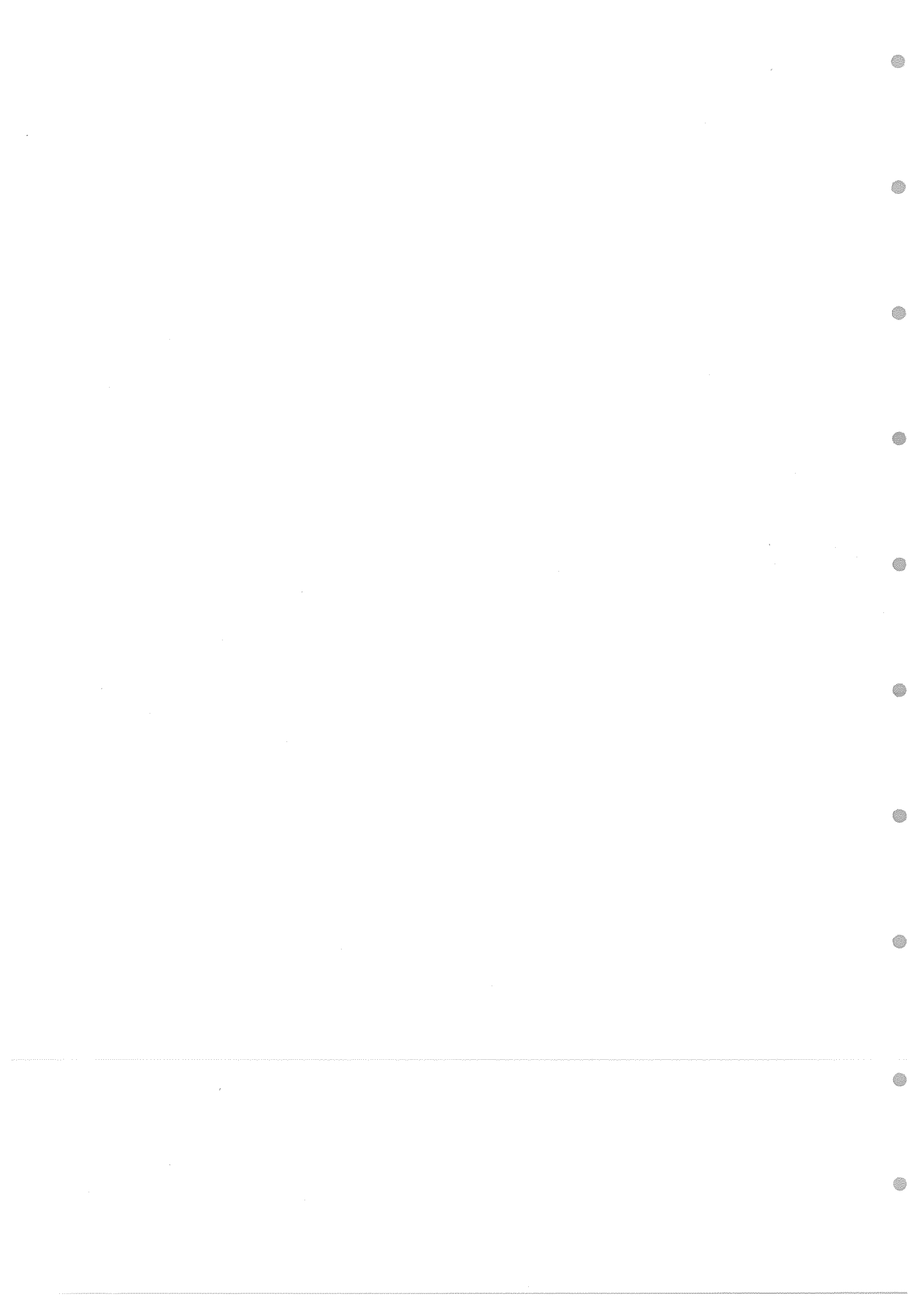




NORTHGATE SE GIS Print Template



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Iceni Projects
Flitcroft House
114-116 Charing Cross Road
London
WC2H 0JR

Application Ref: **2018/0877/P**

29 May 2018 29 May 2018

Dear Sir/Madam

DRAFT
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:
36 Heath Drive
London
NW3 7SD

DECISION
Proposal:

Variation of condition 3 (approved plans) of planning permission ref 2016/0272/P dated 25/10/2016 (Excavation to create new basement with 3 front and 3 rear light wells, erection of two storey rear extension including the reconfiguration of the existing 3 x rear dormers to a single dormer, alterations to front and rear first floor dormers and a single storey rear garage extension), namely to allow amendments to the approved lightwells, removal of the approved canopy to the rear elevation, amended configuration of roof lights, and amendments to the window cills on the front elevation

Drawing Nos: Arboricultural Impact Assessment (Addendum), Construction Method statement (Rev A), Foundation scheme Sheet 1 (Rev A), Sheet 2, Sheet 3, Basement Plan (SQ01, TP101, TP102), Anti flood value product, Location plan, D032.00, D032.01, D032.02, D032.10, D032.11, D032.12, D032.29,
166: P(00)_100A; P(02)_100B; P(02)_101B; P(02)_102A; P(02)_103A; P(02)_104B;
P(03)_100A; P(04)_100C; P(04)_101B; P(04)_102A; P(04)_103A.

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 ref 2016/0272/P dated 25/10/2016.

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 purpose of this decision, condition no. 3 of planning permission 2016/0272/P dated 25/10/2016 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- Arboricultural Impact Assessment (Addendum), Construction Method statement (Rev A), Foundation scheme Sheet 1 (Rev A), Sheet 2, Sheet 3, Basement Plan (SQ01, TP101, TP102), Anti flood value product, Location plan, D032.00, D032.01, D032.02, D032.10, D032.11, D032.12 & D032.29, 166: P(00)_100A; P(02)_100B; P(02)_101B; P(02)_102A; P(02)_103A; P(02)_104B; P(03)_100A; P(04)_100C; P(04)_101B; P(04)_102A; P(04)_103A.

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

- 4 For the duration of the development, all trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected during construction work. Records of all Tree Protection Monitoring and Site Supervision visits, as detailed in section 5 of Tree Survey And Arboricultural Assessment Report by A J Moffat & Associates, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A3 and D1 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of the relevant works on site, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the Council. Such details shall include:
- Scaled plans showing all existing and proposed vegetation and landscape features;
 - A schedule detailing species, sizes, and planting densities;
 - Location, type and materials to be used for hard landscaping and boundary treatments;
 - Specifications for replacement trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014;
 - Details of any proposed earthworks including grading, mounding and other changes in ground levels;
 - A management plan including an initial scheme of maintenance.

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

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

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

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A3 and D1 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission-

The revised proposal comprises a number of small amendments to vary the size, design and location of the previously approved front and rear lightwells, to add the installation of black painted metal balustrading around one, to remove the previously approved canopy at first floor level, to slightly lower the rear window cills, and to reconfigure the size and location of approved rooflights. The amendments are acceptable in design and indeed some will be barely visible from ground level or public realm. They will not harm the character of the host building or the surrounding conservation area. The revised proposal is considered acceptable in the context of the approved scheme.

The variations do not raise any amenity concerns as the amendments would not cause any loss of light, outlook or privacy for neighbours.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

No objections have been received prior to making this decision. 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 A1, 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 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).
- 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 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.

- 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. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £19,700 (394 sqm x £50) for the Mayor's CIL and £197,00 (394 sqm x £500) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the 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.

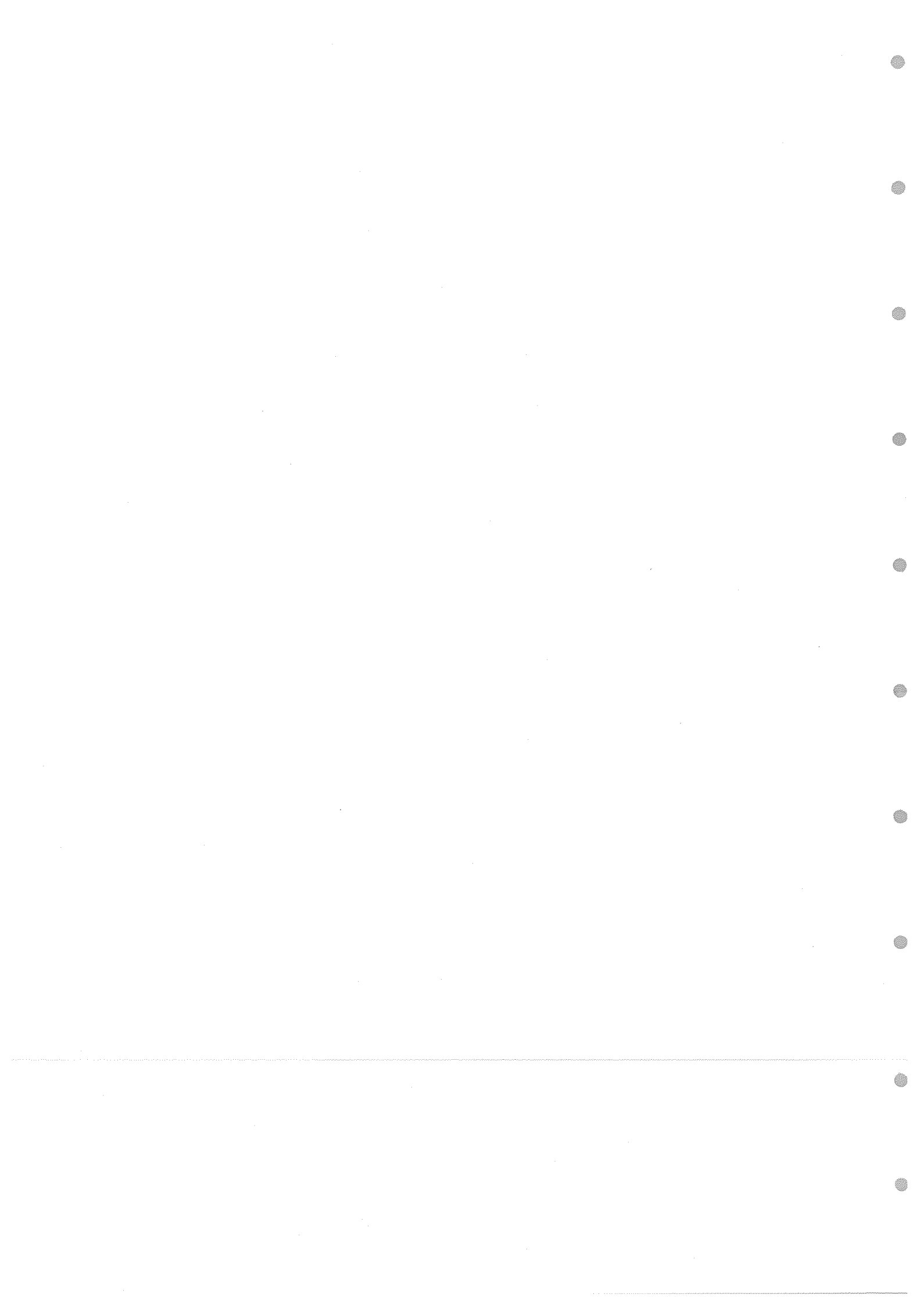
- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for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

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

DECISION

Supporting Communities Directorate



Iceni Projects Limited
Flitcroft House
114-116 Charing Cross Road
London
WC2H 0JR

Application Ref: **2018/0821/P**

29 May 2018

Dear Sir/Madam

DRAFT
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:
36 Heath Drive
London
NW3 7SD

DECISION
Proposal:
Variation of Condition 5 of planning permission 2016/0272/P dated 25/10/2016 (for Excavation to create new basement with 3 front and 3 rear light wells, erection of two storey rear extension including the reconfiguration of the existing 3 x rear dormers to a single dormer, alterations to front and rear first floor dormers and a single storey rear garage extension) namely to change the wording to allow hard and soft landscaping details to be submitted before works start on the relevant part of the development

Drawing Nos: 1056/S-01

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 ref 2016/0272/P dated 25/10/2016.

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 The development hereby permitted shall be carried out in accordance with the following approved plans- Arboricultural Impact Assessment (Addendum), Construction Method statement (Rev A), Foundation scheme Sheet 1 (Rev A), Sheet 2, Sheet 3, Basement Plan (SQ01, TP101, TP102), Anti-flood valve product, Location plan, D032.00, D032.01, D032.02, D032.10, D032.11, D032.12 & D032.29, 166: P(00)_100A; P(02)_100B; P(02)_101B; P(02)_102A; P(02)_103A; P(02)_104B; P(03)_100A; P(04)_100C; P(04)_101B; P(04)_102A; P(04)_103A.

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

- 4 For the duration of the development, all trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected during construction work. Records of all Tree Protection Monitoring and Site Supervision visits, as detailed in section 5 of Tree Survey And Arboricultural Assessment Report by A J Moffat & Associates, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A3 and D1 of the London Borough of Camden Local Plan 2017.

- 5 For the purpose of this decision, condition no. 5 of planning permission 2016/0272/P dated 25/10/2016 shall be replaced with the following condition:

REPLACEMENT CONDITION 5

Prior to the commencement of the relevant works on site, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the Council. Such details shall include:

- Scaled plans showing all existing and proposed vegetation and landscape features;
- A schedule detailing species, sizes, and planting densities;
- Location, type and materials to be used for hard landscaping and boundary treatments;
- Specifications for replacement trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014;

- Details of any proposed earthworks including grading, mounding and other changes in ground levels;
 - A management plan including an initial scheme of maintenance.
- The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

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

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A3 and D1 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The proposed amended wording to Condition 5 still requires the same level of information be submitted to discharge the condition; however, the trigger is amended so that the details can be submitted prior to the commencement of the relevant works rather than the commencement of development.

The variation does not raise any amenity concerns as it does not impact the scale or extent of the previously approved development.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

No objections have been received prior to making this decision. 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 A1, 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 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).
- 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 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.
- 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. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £19,700 (394 sqm x £50) for the Mayor's CIL and £197,00 (394 sqm x £500) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the 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 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.

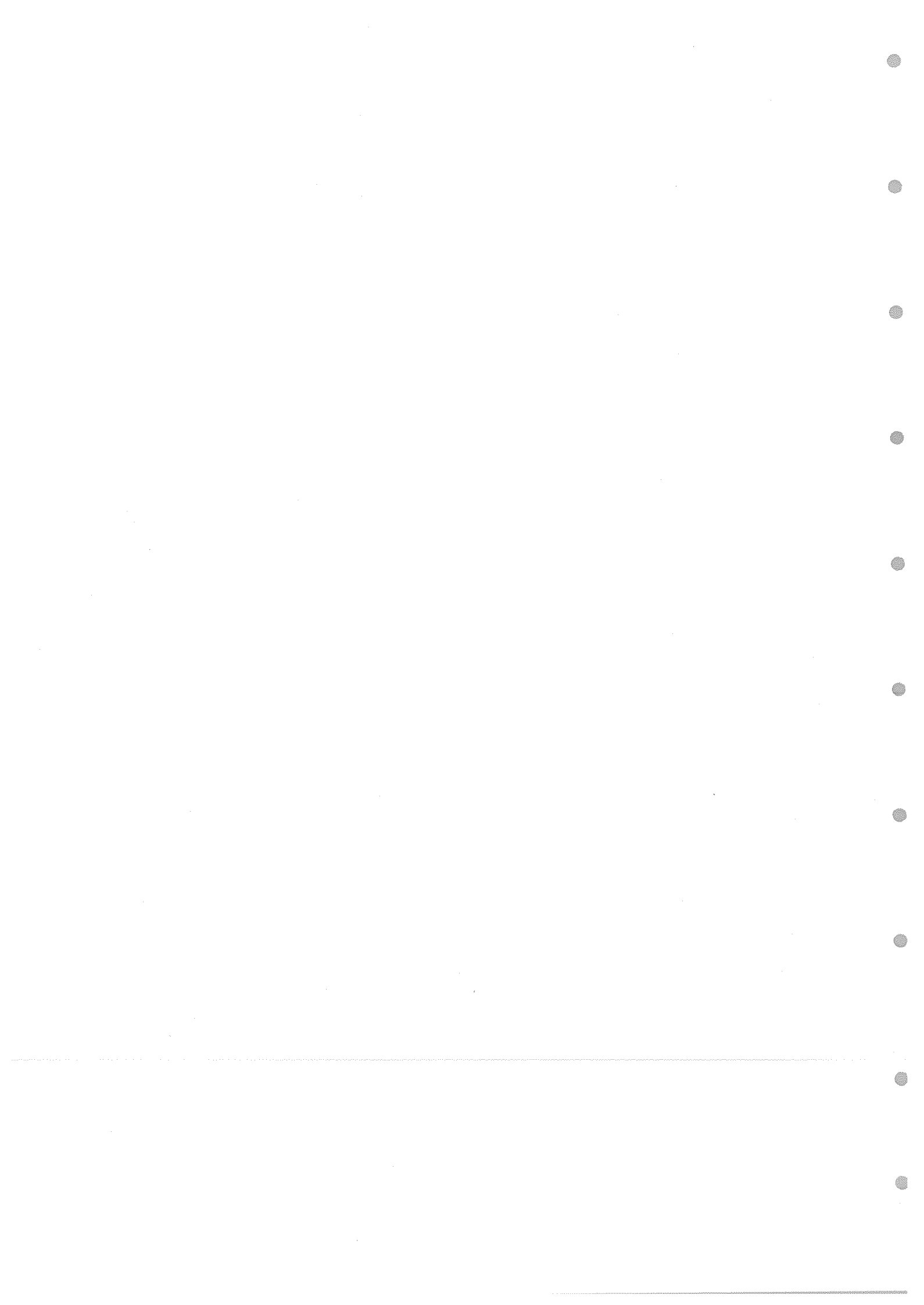
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

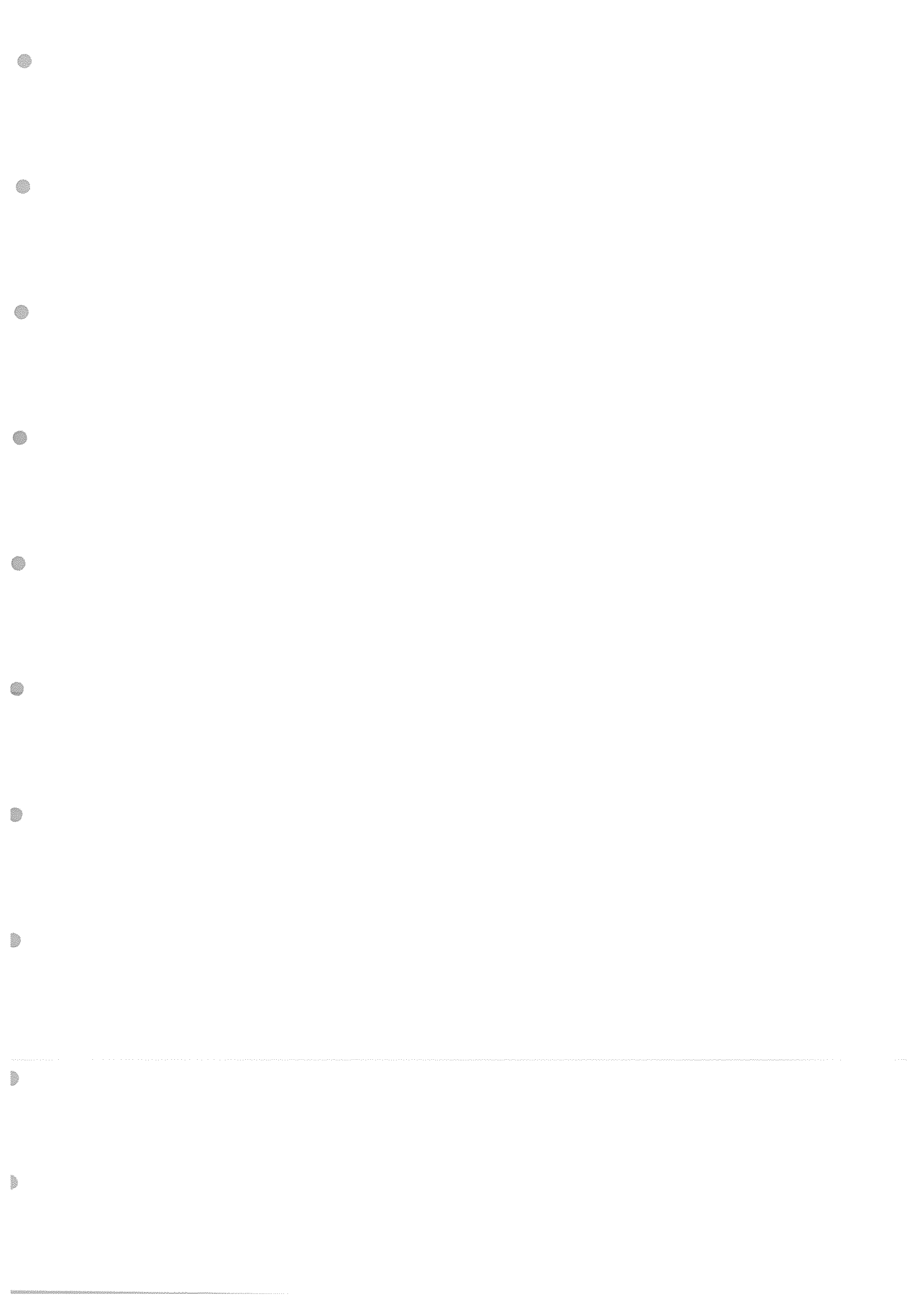
Yours faithfully

Supporting Communities Directorate

DRAFT

DECISION





DATED

19 July

2018

(1) TAPKESHWAR SANJAY WADHWANI and SEEMA WADHWANI

and

(2) UBS AG

and

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

DEED OF VARIATION

Relating to the Agreement dated 25 October 2016
Between the Mayor and the Burgesses of the
London Borough of Camden,
Tapkeshwar Sanjay Wadhvani, Seema Wadhvani and UBS AG.
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
36 HEATH DRIVE, LONDON, NW3 7SD

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

Tel: 020 7974 1918
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