

DATED

18th September

2018

(1) 254 KILBURN HR LLP

-and-

(2) OAKNORTH BANK PLC

-and-

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

**FIRST DEED OF VARIATION
UNDER S106A OF THE TOWN AND COUNTRY
PLANNING ACT 1990 (AS AMENDED)**

Relating to the Agreement dated 22 December 2016
Between the Mayor and the Burgesses of the
London Borough of Camden, 254 Kilburn High Road LLP and
Hemnall Limited

under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

254 Kilburn High Road, London NW6 2BS

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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THIS AGREEMENT is made on the 18th day of September 2018

BETWEEN

1. **254 KILBURN HR LLP** (LLP Regn. No. OC414736) whose registered office is at Suite 210, 50 Eastcastle Street, London W1W 8EA (hereinafter called "the Owner") of the first part
2. **OAKNORTH BANK PLC** (Co. Regn. No. 08595042) of 6th Floor, Nightingale House, 65 Curzon Street, London W1J 8PE (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, 254 Kilburn High Road LLP and Hemnall Limited entered into an Agreement dated 22 December 2016 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 254 Kilburn High Road LLP and Hemnall Limited no longer hold an interest in the Property
- 1.3 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL806238 subject to a charge to the Mortgagee.
- 1.4 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 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 Mortgagee as mortgagee under a legal charge registered under title number NGL806238 and dated 23rd February 2017 is willing to enter into this Deed to give its consent to the same.
- 1.1 The Owner has submitted an Application for First Material Amendments in respect of the Property to amend the Original Planning Permission and the Council has agreed to modify the Original Planning Permission under section 73 of the Act subject to the Parties entering into this Deed to secure amendments to the Existing Agreement.
- 1.7 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.
- 1.8 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

2. INTERPRETATION

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Agreement.
- 2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.8.1	"Act"	the Town and Country Planning Act 1990 (as amended)
2.8.2	"the Application for First Material Amendments"	the application for planning permission for the First Material Amendments in respect of the Property to be granted conditionally by the Council (under planning application reference

		2017/4669/P) subject to the conclusion of this Deed
2.8.3	"the Deed"	this First Deed of Variation
2.8.4	"Existing Agreement"	the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 22 December 2016 between the Council, 254 Kilburn High Road LLP and Hemnall Limited
2.8.5	"the Original Planning Permission"	means the planning permission granted by the Council on 22nd December 2016 referenced 2015/2775/P allowing the: Redevelopment of the site (following demolition of existing buildings) to provide a mixed use development, comprising the erection of six storey building (with set back top floor) to provide 955 sqm of commercial space (Classes B1 and B8) and 60 dwellings plus cycle parking, 2x disabled car parking bays, refuse/recycling facilities and access together with landscaping including outdoor amenity space. as shown on drawing numbers (Prefix 12066-) S.00-A, GA.00-A; GA.01-C, GA.02-C, GA.03-B, GA.04-B, GA.05-A, GA.06-A, GE.01, GE.02, GE.03, GE.04, GS.00, GS.01; Viability Assessment by Savills dated 18/05/2015; Design and Access Statement by Claridge Architects dated March 2015; Planning Statement by CMA Planning dated May 2015; Air Quality Assessment by entran dated 06/03/2014; Air Quality Addendum by entran dated 28/11/2014; Air Quality Planning Checklist; Arboricultural Impact Assessment by PJC Consultancy dated 29/052014; BREEAM assessment by Price and Myers dated 24/03/2015; Construction Logistics Plan by

		Price and Myers dated March 2015; Code for Sustainable Homes Pre-Assessment Report date 24/03/2015; Daylight and Sunlight Report by GL Hearn dated 24 March 2015; Extended Phase 1 Habitat Survey by PJC Ecology dated 2014; Energy Strategy Report by Price and Myers dated 27/03/2015; Flood Risk Assessment by Price and Myers dated March 2015; Geo-Environmental Desk Study by Jomas dated 16/09/2013; Noise Assessment by entran dated 03/04/2014; Surface Water Drainage Pro-forma by Price and Myers dated June 2015
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2.4 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 Deed.

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

2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

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

3. **VARIATION TO THE EXISTING AGREEMENT**

With effect from the date of this Deed and the Council issuing a notice granting planning permission for the First Material Amendment, the Existing Agreement shall be varied as follows:

3.1 The following definitions shall be **added** to the Existing Agreement:

3.1.1	"Existing Agreement"	the Section 106 agreement under the Town and Country Planning Act 1990 (as amended) dated 22 nd December 2016 made between the Council, 254 Kilburn High Road LLP and Hemnall Limited
3.1.3	"the First Material Amendments"	the application for planning permission made under section 73 of the Act having reference number 2017/4669/P substantially in a form found attached to this Deed amending the Original Planning Permission to permit: Variation of Condition 2 (approved plans) to planning permission ref: 2015/2775/P granted 22/12/2016 (Redevelopment to provide a mixed use development, comprising the six storey of commercial space (Classes B1 and B8) and 60 dwellings) and non-material amendment ref: 2017/2768/P granted 08/08/2017, to amend roofline, elevational appearance, internal layout and cycle/substation storage areas as shown on: Superseded: GA.00-A; GA.01-C; GA.02-C; GA.03-B; GA.04-B; GA.05-A; 3144_050. Proposed: 360_20_201; 360_20_202; 360_20_203; 360_20_204; 360_20_205; 360_20_206; 360_20_207; 3144_015; 3144_016; 3144_008; 3144_009; 3144_010; 3144_011; 3144_020 Rev D; 3144_022 (cycle enclosure); Waste Storage & Collection Report (ref: VN81007), dated March 2018.
3.1.2	"Parties"	the Council, the Owner and the Mortgagee being the parties to this Deed and shall include their successors in title, transferees and assigns.
3.1.8	"the First Planning Permission"	the planning permission granted pursuant to the First Material Amendments with reference number 2017/4669/P (substantially in a form

		found attached) subject to this Deed.
3.1.9	"the Original Planning Permission"	<p>means the planning permission granted by the Council on 22nd December 2016 referenced 2015/2775/P allowing the:</p> <p>Redevelopment of the site (following demolition of existing buildings) to provide a mixed use development, comprising the erection of six storey building (with set back top floor) to provide 955 sqm of commercial space (Classes B1 and B8) and 60 dwellings plus cycle parking, 2x disabled car parking bays, refuse/recycling facilities and access together with landscaping including outdoor amenity space. as shown on drawing numbers (Prefix 12066-) S.00-A, GA.00-A; GA.01-C, GA.02-C, GA.03-B, GA.04-B, GA.05-A, GA.06-A, GE.01, GE.02, GE.03, GE.04, GS.00, GS.01; Viability Assessment by Savills dated 18/05/2015; Design and Access Statement by Claridge Architects dated March 2015; Planning Statement by CMA Planning dated May 2015; Air Quality Assessment by entran dated 06/03/2014; Air Quality Addendum by entran dated 28/11/2014; Air Quality Planning Checklist; Arboricultural Impact Assessment by PJC Consultancy dated 29/052014; BREEAM assessment by Price and Myers dated 24/03/2015; Construction Logistics Plan by Price and Myers dated March 2015; Code for Sustainable Homes Pre-Assessment Report date 24/03/2015; Daylight and Sunlight Report by GL Hearn dated 24 March 2015; Extended Phase 1 Habitat Survey by PJC Ecology dated 2014; Energy Strategy Report by Price and Myers dated 27/03/2015; Flood</p>

Matt Corcoran
Argyle House
Joel Street
H6 1NW

Application Ref: **2017/4669/P**

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:
254 Kilburn High Road
London
NW6 2BS

DECISION
Proposal:

Variation of Condition 2 (approved plans) of planning permission ref: 2015/2775/P dated 22/12/2016, as amended by ref: 2017/2768/P dated 08/08/2017, (Redevelopment of the site (following demolition of existing buildings) to provide a mixed use development, comprising the erection of six storey building (with set back top floor) to provide 955 sqm of commercial space (Classes B1 and B8) and 60 dwellings plus cycle parking, 2x disabled car parking bays, refuse/recycling facilities and access together with landscaping including outdoor amenity space), namely to amend approved parapet roofline, internal layout and cycle/substation storage areas.

Drawing Nos: Superseded: GA.00-A; GA.01-C; GA.02-C; GA.03-B; GA.04-B; GA.05-A; 3144_050

Proposed: 360_20_201; 360_20_202; 360_20_203; 360_20_204; 360_20_205; 360_20_206; 360_20_207; 3144_015; 3144_016; 3144_008; 3144_009; 3144_010; 3144_011; 3144_020 Rev D; 3144_022 (cycle enclosure); Waste Storage & Collection Report (ref: VN81007), dated March 2018.

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 permission, reference ref: 2015/2775/P granted 22/12/2016.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 360_20_201; 360_20_202; 360_20_203; 360_20_204; 360_20_205; 360_20_206; 360_20_207; 3144_015; 3144_016; 3144_008; 3144_009; 3144_010; 3144_011; 3144_020 Rev D; 3144_022 (cycle enclosure); Waste Storage & Collection Report (ref: VN81007), dated March 2018.

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be carried out in accordance with the details approved on 24/04/2018 as per ref: 2018/0943/P regarding the following:

a) Details including sections at 1:10 of all windows (including jambs, head and cill) and external doors;

b) Typical plan, elevation and section drawings of balustrading and privacy screens to terraces and balconies;

c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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 D1 of the Camden Local Plan 2017.

- 4 A sample panel (1.5 x 1.5m) of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the Camden Local Plan 2017.

- 5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or man-safe rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the Camden Local Plan 2017.

- 6 The development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition), shall be carried out in accordance with the details approved on 08/02/2018 as per ref: 2017/1912/P regarding hard and soft landscaping and means of enclosure of all un-built, open areas. Such details include the following:

- a. lighting to the commercial amenity space and on-site public areas;
- b. external CCTV and security monitors/fixtures;
- c. layout and landscaping of the commercial amenity space;
- d. the courtyard planters including sections, materials and finishes and planting schedules including a detailed scheme of maintenance and irrigation;
- e. tree planting and other soft landscaping
- f. samples of all ground surface materials and finishes

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 policy D1 of the Camden Local Plan 2017.

- 7 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, prior to the occupation for the permitted use 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: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with policy A2 of the Camden Local Plan 2017.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the [adjoining] premises and the area generally in accordance with the requirements of policies G1, CC1, D1 and A1 of the London Borough of Camden Local Plan 2017.

- 9 At least 28 days before development commences (other than site clearance & preparation, relocation of services, utilities and public infrastructure, but prior to removal of any soil from the site),:

(a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and

(b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy A1 of the Camden Local Plan 2017.

- 10 The development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition), shall be carried out in accordance with the details hereby approved regarding secure and covered cycle storage area for 85 cycles shall be submitted to and approved by the local planning authority. The approved storage areas shall be provided in their entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with policy T1 of the Camden Local Plan 2017.

- 11 Prior to first occupation of flats 111, 211, 312, 412 and 508 details of privacy measures, shall be submitted to and approved in writing by the local planning authority. Such details to include:

a. Privacy measures to the roof terraces serving flats 111, 211, 312, 412 and 508 to protect the privacy of the future occupiers of the flats proposed at No. 248 Kilburn High Road.

All such measures shall be implemented in accordance with the approved details prior to first occupation of the development and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 of the Camden Local Plan 2017.

- 12 Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers as shown on the drawings hereby approved shall be provided in their entirety. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with policy CC5 of the Camden Local Plan 2017

- 13 The development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition), shall be carried out in accordance with the details approved on 14/07/2017 as per ref: 2017/1591/P regarding the brown roof including a section at scale 1:20, and a programme for a scheme of maintenance. The brown roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies C1 and A2 of the Camden Local Plan 2017.

- 14 The development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition) shall be carried out in accordance with the details approved on 14/07/2017 as per ref: 2017/1591/P regarding the sustainable urban drainage system. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies G1, CC1, CC3 and C1 of the Camden Local Plan 2017.

- 15 The bird, bat and insect boxes and species to be accommodated shall be implemented in accordance with the details approved under planning application reference 2018/0079/P dated 06/02/2018 prior to the occupation of the development and thereafter retained.

Reason: To ensure the development contributes towards the protection and creation of habitats and valuable areas for biodiversity, ensuring compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with policy A2 of the Camden Local Plan 2017.

- 16 The trees adjoining the application site in Kilburn Grange Park, shall be retained and protected from damage in accordance with the approved protection details. Protection measures shall be put in place prior to the commencement of any works on site.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with policy A2 of the Camden Local Plan 2017.

- 17 The development shall be carried out in accordance with the noise mitigation measures to ensure acceptable internal noise levels within the proposed residential units as set out in the Noise Assessment by Entran Environmental and Transportation dated 3 April 2014 and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.

Reason: To safeguard the amenities of the [adjoining] premises and the area generally in accordance with the requirements of policies G1, CC1, D1 and A1 of the London Borough of Camden Local Plan 2017.

- 18 Prior to use of any plant full details of all plant, including details of sound attenuation and an acoustic report shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with any approval given and shall thereafter be maintained in effective order to the reasonable satisfaction of the local planning authority.

Reason: To safeguard the amenities of the [adjoining] premises and the area generally in accordance with the requirements of policies G1, CC1, D1 and A1 of the London Borough of Camden Local Plan 2017.

- 19 The development (other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition) shall be carried out in accordance with the details approved on 14/07/2017 as per ref: 2017/1591/P regarding pedestrian, cyclist and vehicles access to the site including any gate or means of enclosure.

The development shall not be carried out otherwise than in accordance with any approval given and shall thereafter be maintained in effective order to the reasonable satisfaction of the local planning authority.

Reason: In the interests of highways and pedestrian safety in accordance with policies A1, T1, T3 and T4 of the Camden Local Plan 2017.

- 20 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policy CC3 of the Camden Local Plan 2017.

- 21 Units 111 and 211, as indicated on the plans hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (3) 2b accessible.

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 H6 of the Camden Local Plan 2017.

- 22 Units 101, 111, 211, 309, 404 and 501, as indicated on the plans hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (3) 2a adaptable.

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 H6 of the Camden Local Plan 2017.

- 23 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2).

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 H6 of the Camden Local Plan 2017.

- 24 The windows hereby approved on the south east elevation serving bedrooms at unit 508 shall be fixed shut and obscurely glazed and retained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The proposal would maintain those changes sought as part of the non-material amendment ref: 2017/2768/P granted 08/08/2017, namely:

At ground floor level the proposal would result in the rationalisation of the stair core and a single entrance to the commercial elements - providing external cycle provision but retaining internal refuse storage.

At upper floor levels, the internal layout of the residential accommodation would also be rationalised. As a result, the number of units at each floor would change from that approved, however the quantum of units, in terms of numbers, mix (bedrooms) and tenure (market/affordable) would remain as per the approved scheme and therefore no additional contributions would be required from the Local Plan.

This proposal would also see changes including the marginal reduction in ceiling heights to provide increased head height at main roof level and an increase in height of the parapet by approximately 160mm. The design changes are minor in nature and will not impact on the overall design concept for the building. The proposal would also be of no harm to the setting of the adjacent grade II listed building to the north-west (Black Lion Pub on Kilburn High Road).

The quality of floorspace provided, both commercial and residential, would remain acceptable and policy compliant.

The nature and extent of the amendments, by virtue of their position and proximity to neighbouring residential properties would not result in detrimental harm to the existing or extant amenity levels enjoyed.

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.

Special regard has been attached to the desirability of preserving the setting of the adjacent listed building and its features of special architectural or historic interest under s.66 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with the requirements of policies G1, D1, D2, CC1, CC2, CC3, CC4, DM1, H1, H3, H4, H6, TC1, TC2, TC4, E1, E2, C2, C3, T1, T2, T3, T4, A1, A2, A3 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 2363).
- 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 Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk or on the website www.camden.gov.uk/pollution) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail 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 this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

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

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

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

- 5 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 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.
- 8 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.

- 9 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 10 Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. You are advised to incorporate a non-return valve or other suitable device to avoid risk of backflow should the sewerage network surcharge to ground level during storm conditions.
- 11 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 12 With regard to condition 9 above the preliminary risk assessment is required in accordance with CLR11 model procedures for management of contaminated land and must include an appropriate scheme of investigation with a schedule of work detailing the proposed sampling and analysis strategy. You are advised that the London Borough of Camden offer an Enhanced Environmental Information Review available from the Contaminated Land Officer (who has access to the Council's historical land use data) on 020 7974 4444, or by email, <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-contaminated-land-officer.en>, and that this information can form the basis of a preliminary risk assessment. Further information is also available on the Council's Contaminated Land web pages at <http://www.camden.gov.uk/ccm/navigation/environment/pollution/contaminated-land/>, or from the Environment Agency at www.environment-agency.gov.uk.
- 13 You are reminded that conditions 4 (facing brickwork), 9 (contamination), 11 (privacy) and 18 (sound attenuation) of planning permission ref 2015/2775/P dated 22/12/2016 are outstanding and require details to be submitted and approved.

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

		Risk Assessment by Price and Myers dated March 2015; Geo-Environmental Desk Study by Jomas dated 16/09/2013; Noise Assessment by entran dated 03/04/2014; Surface Water Drainage Pro-forma by Price and Myers dated June 2015.
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3.2 The definition at clause 2.17 shall be **varied** to the following:

3.2.1 "Development"

Redevelopment of the site (following demolition of existing buildings) to provide a mixed use development, comprising the erection of six storey building (with set back top floor) to provide 955 sqm of commercial space (Classes B1 and B8) and 60 dwellings plus cycle parking, 2x disabled car parking bays, refuse/recycling facilities and access together with landscaping including outdoor amenity space as shown on (Prefix 12066-) S.00-A, GA.00-A; GA.01-C, GA.02-C, GA.03-B, GA.04-B, GA.05-A, GA.06-A, GE.01, GE.02, GE.03, GE.04, GS.00, GS.01; Viability Assessment by Savills dated 18/05/2015; Design and Access Statement by Claridge Architects dated March 2015; Planning Statement by CMA Planning dated May 2015; Air Quality Assessment by entran dated 06/03/2014; Air Quality Addendum by entran dated 28/11/2014; Air Quality Planning Checklist; Arboricultural Impact Assessment by PJC Consultancy dated 29/05/2014; BREEAM assessment by Price and Myers dated 24/03/2015; Construction Logistics Plan by Price and Myers dated March 2015; Code for Sustainable Homes Pre-Assessment Report date 24/03/2015; Daylight and Sunlight Report

by GL Hearn dated 24 March 2015; Extended Phase 1 Habitat Survey by PJC Ecology dated 2014; Energy Strategy Report by Price and Myers dated 27/03/2015; Flood Risk Assessment by Price and Myers dated March 2015; Geo-Environmental Desk Study by Jomas dated 16/09/2013; Noise Assessment by entrant dated 03/04/2014; Surface Water Drainage Proforma by Price and Myers dated June 2015 as varied by the First Material Amendments

3.4 The definition at clause 2.34 shall be **varied** to the following:

3.4.1 "the Planning Application" the application for the Original Planning Permission in respect of the development of the Property validated on the 3rd July 2015 which a resolution to grant permission was passed conditionally under reference number 2015/2775/P subject to the Existing Agreement

3.5 The definition at clause 2.36 shall be **varied** to the following:

3.5.1 "Planning Permission" the Original Planning Permission as varied by the First Material Amendments as granted under the First Planning Permission (reference number 2017/4669/P)

3.6 The definition at clause 2.4 contained in the Existing Agreement shall be deleted and replaced as follows:

2.4 "Affordable Rented Housing

Affordable Housing Units to be occupied on the following basis:-

- (a) are let by a Registered Provider to households who are eligible for Affordable Rented Housing under the London Plan;

(b) comply with the requirements set out for housing of this type in the Homes and Communities Agency document entitled: Affordable Homes Programme 2011-2015 Framework;

(c) ensure that the (two) 3 Bed Affordable Rented Units in Block C of the Development are fully fitted for wheelchair accessibility in accordance with the latest Habinteg design guidance;

(d) provides housing where the annual housing costs for each affordable rented home (including rent and service charge) shall:-

(i) be substantially below local market rent;

(ii) not exceed rents for market homes with the same number of bedrooms available in any part of the London Borough of Camden;

(iii) have regard to such caps on overall benefits that the Government may introduce

(iv) be no more than 50% of the market rent for the 1 and 2 bedroom units and 27% of the market rents for 3 bedroom units as confirmed by the Council in writing (save that the Registered Provider may seek the Council's agreement to a variation to such rental levels in the event of a material change in the market rents

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

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

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

5. **REGISTRATION AS LOCAL LAND CHARGE**

5.1 This Agreement shall be registered as a Local Land Charge

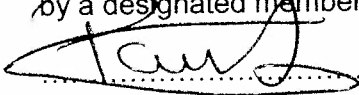
6. **MORTGAGEE CONSENT**

- 6.1 The Mortgagee hereby consents to the completion of this Deed and agrees to be bound by it and to the same being registered at the Land Registry as provided in Clause 6.4 in the Existing Agreement 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.

IN WITNESS WHEREOF the Council and the Owner has caused their respective Common Seals to be affixed 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 254 KILBURN HR LLP

by a designated member, Paul Godfrey, in the presence

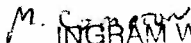


Member

of a witness:

Witness signature:

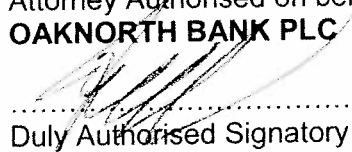


Witness name: M.  INGRAM WINTER GREEN LLP

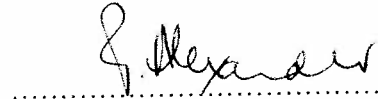
Witness address

Bedford House
21a John Street
London WC1N 2ES
DX 1055 London/Chancery

EXECUTED AS A DEED by the)
Attorney Authorised on behalf of)
OAKNORTH BANK PLC)


Duly Authorised Signatory

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


Duly Authorised Officer



DATED

18th September

2018

(1) 254 KILBURN HR LLP

-and-

(2) OAKNORTH BANK PLC

-and-

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

**FIRST DEED OF VARIATION
UNDER S106A OF THE TOWN AND COUNTRY
PLANNING ACT 1990 (AS AMENDED)**

Relating to the Agreement dated 22 December 2016
Between the Mayor and the Burgesses of the
London Borough of Camden, 254 Kilburn High Road LLP and
Hemnall Limited

under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
254 Kilburn High Road, London NW6 2BS