

DATED

28 September

2018

(1) THE QUEEN'S MOST EXCELLENT MAJESTY IN RIGHT OF
HER CROWN

and

(2) THE CROWN ESTATE COMMISSIONERS

and

(3) 6-10 CAMBRIDGE TERRACE DEVELOPMENTS LLP

and

(4) 1 CHESTER GATE LIMITED

and

(5) 2 CHESTER GATE LIMITED

and

(6) CREDIT SUISSE (UK) LIMITED

and

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

SECOND DEED OF VARIATION

Relating to the Existing Agreement dated 7 September 2010 (as varied by the First Deed of Variation dated 23 November 2015) between the Mayor and the Burgesses of the London Borough of Camden, Her Majesty the Queen, The Crown Estate Commissioners, Cambridge Terrace Developments Limited and the Irish Nationwide Building Society

under section 106 of the Town and

Country Planning Act 1990 (as amended)

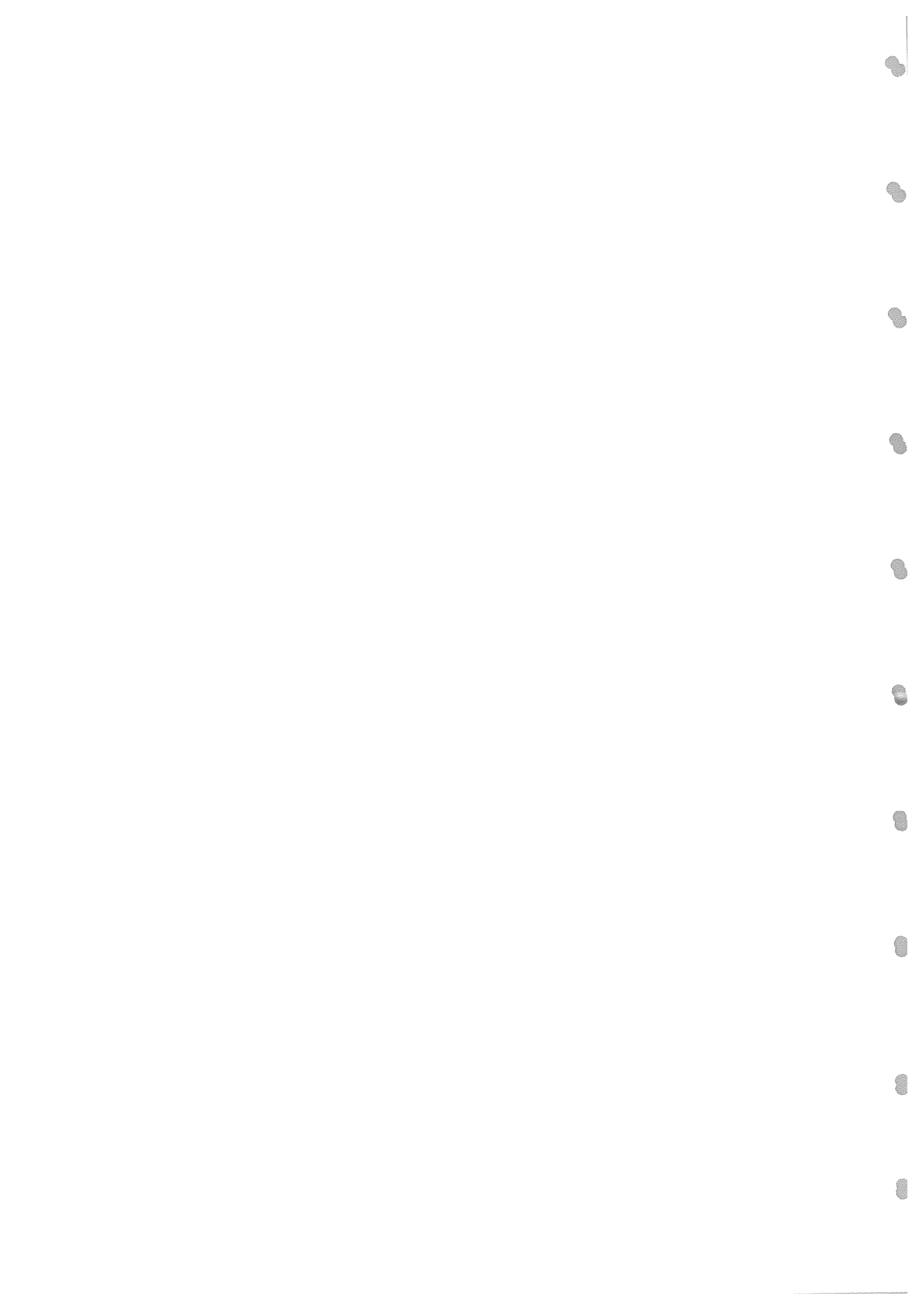
Relating to development at premises known as

6-10 Cambridge Terrace and 1-2 Chester Gate London NW1 4JL

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/ESA/1800.362
DoV FINAL



THIS DEED is made on the 28th day of September 2018

BETWEEN

1. **THE QUEEN'S MOST EXCELLENT MAJESTY IN RIGHT OF HER CROWN** (hereinafter called "Her Majesty") of the first part
2. **THE CROWN ESTATE COMMISSIONERS** of 1 St James's Market, London SW1Y 4AH (hereinafter called "the Commissioners") of the second part
3. **6-10 CAMBRIDGE TERRACE DEVELOPMENTS LLP** (LLP Regn. No. OC404108) whose registered office is at 42-50 Hersham Road, Walton-On-Thames KT12 1RZ (hereinafter called "the First Leaseholder") of the third part
4. **1 CHESTER GATE LIMITED** (incorporated in Guernsey) of Martello Court, Admiral Park, St Peter Court, Guernsey, GY1 3HB and whose address for service in the United Kingdom is CPC London Limited, 39 Sloane Street, London SW1X 9LP (hereinafter called "the Second Leaseholder") of the fourth part
5. **2 CHESTER GATE LIMITED** (incorporated in Guernsey) of Martello Court, Admiral Park, St Peter Court, Guernsey, GY1 3HB and whose address for service in the United Kingdom is CPC London Limited, 39 Sloane Street, London SW1X 9LP (hereinafter called "the Third Leaseholder") of the fifth part
6. **CREDIT SUISSE (UK) LIMITED** (Co. Regn. No. 2009520) of Compliance Department, Credit Suisse Private Banking, 16th Floor, Five Cabot Square, London E14 4QR (hereinafter called "the Mortgagee") of the sixth part
7. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the seventh part

WHEREAS:

- 1.1 The Council, Her Majesty the Queen, the Crown Estate Commissioners, Cambridge Terrace Developments Limited and Irish Nationwide Building Society entered into an

Agreement dated 7 September 2010 relating to the Original Planning Permission pursuant to Section 106 of the Act.

- 1.2 The Council, Her Majesty the Queen, the Crown Estate Commissioners, Emily Rose Crompton-Candy, 1 Chester Gate Limited, 2 Chester Gate Limited and Credit Suisse (UK) Limited entered into an Agreement dated 23 November 2015 relating to the Second Planning Permission pursuant to section 106A of the Act to vary the terms of the Existing Agreement.
- 1.3 Her Majesty and the Commissioners are interested in the Property for the purposes of Section 106 of the Act.
- 1.4 The First Leaseholder is registered at the Land Registry as the leasehold proprietor with Title Absolute under title number NGL953201 and title number NGL953210 both subject to a charge to the Mortgagee.
- 1.5 The First Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.6 The Second Leaseholder is registered at the Land Registry as the leasehold proprietor with Title Absolute under title number NGL946607 subject to a charge to the Mortgagee. *and is entitled to be registered at the Land Registry as the leasehold proprietor with the Title Absolute under title number NGL953201.*
- 1.7 The Second Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.8 The Third Leaseholder is registered at the Land Registry as the leasehold proprietor with Title Absolute under title number NGL946606 subject to a charge to the Mortgagee.
- 1.9 The Third Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.10 The First Leaseholder, Second Leaseholder and Third Leaseholder shall hereinafter be jointly referred to as "the Owner".

- 1.11 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.
- 1.12 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 21 June 2017 for which the Council resolved to grant permission conditionally under reference 2017/3570/P subject to the conclusion of this Deed.
- 1.13 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.
- 1.14 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.
- 1.15 For so long as the freehold reversion forms part of The Crown Estate, a covenant by (or implied by) the Freeholder is made (or implied) by the Commissioners acting in exercise of the powers conferred by the Crown Estate Act 1961. No covenants, agreements or obligations are given by Her Majesty or anyone who reigns after Her. No liability is imposed on Her Majesty or anyone who reigns after Her nor on the Commissioners in any personal or private capacity. With effect from the date that the Reversion ceases to form part of The Crown Estate, those covenants are deemed to be made by the person subsequently entitled to the Reversion. All liability of the Commissioners for those covenants will stop from that date.

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 Deed.

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 Deed 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, 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 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 "this Deed" this deed of variation made pursuant to Section 106A of the Act

2.8.2 "the Existing Agreement" means the Section 106 Agreement under the Act dated 7 September 2010 made between Her Majesty the Queen, The Crown Estate Commissioners, Cambridge Terrace Developments Limited, Irish Nationwide Building Society and the Council as varied by the First Deed of Variation

2.8.3 "the First Deed of Variation" means the variation agreement under Section 106 of the Act dated 23 November 2015 made between Her Majesty the Queen, The Crown Estate Commissioners, Emily Rose Crompton-Candy, 1 Chester Gate Limited, 2 Chester Gate

Limited, Credit Suisse (UK) Limited and the Council

2.8.4 "the Original Planning Permission"

means the planning permission granted by the Council on 7 September 2010 referenced 2009/3041/P for the change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3), excavation of basement, alterations at roof level, including rebuilding part of roof and installation of glazed sliding roof, lift overrun and rooflight to 6-10 Cambridge Terrace, rooflights on 1-2 Chester Gate and associated landscaping works to forecourt as shown on drawing numbers:-

Site location plan; 639-1.001; 639-1.002; 639-1.003; 639-2.001; 639-2.002A; 639-2.003; 639-2.004; 639-2.005A; 639-2.006; 639-2.007; 639-2.008; 639-2.010; 639-2.011; 639-2.012; 639-2.013; 639-2.014; 639-2.015; 639-2.016; 639-2.020; 639-2.021; 639-2.022; 639-2.023; 639-2.024; 639-2.025; 639-2.026; 639-3.001A; 639-3.002; 639-3.003A; 639-3.004; 639-3.005; 639-3.006; 639-3.010; 639-3.011; 639-3.012; 639-3.013; 639-3.014; 639-4.001; 639-4.002; 639-4.003; 639-4.004; 639-4.010; 639-4.011; 639-4.012; 639-4.013; and Design and Access Statement by Moxley Architects dated June 2009 as amended 18/09/09 including appendices 1-19.

2.8.5 "the Second Planning Permission"

means the planning permission granted by the Council on 23 November 2015 referenced 2015/1340/P for the variation of condition 8 (approved plans) of planning permission

2009/3041/P dated 07/09/2010 (for change of use from offices to 3 x dwellinghouses) namely to reconfigure and enlarge basement as shown on drawing numbers:- Superseded: 639-2.020; 639-2.021; 639-2.022; 639-2.023; 639-2.024; 639-2.025; 639-2.026; 639-2.001; 639-2.002A; 639-2.003; 639-2.004; 639-2.005A; 639-2.006; 639-2.007; 639-2.008; 639-3.001A; 639-3.002; 639-3.003A; 639-3.004; 639-3.005; and 639-3.006.

Replacement: 639-2.020A; 639-2.021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 639-2.920; 639-2.001A; 639-2.002B; 639-2.911-P1; 639-2.004A; 639-2.005B; 639-2.006A; 639-2.007A; 639-2.008A; 639-3.001B; 639-3.002A; 639-3.004A; 639-3.005A; and 639-3.006A.

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 8 (approved plans) of planning permission 2009/3041/P, dated 07/09/2010 (as amended by 2015/1778/P, dated 10/04/2015) (for change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from office to residential to provide 3x dwellinghouses, and associated works), namely to allow proposed amendments to the sliding roof light to No. 9 Cambridge Terrace as shown on drawing numbers:-

REVISED PLANS:

Site location plan; 639-1.001; 639-1.002; 639-1.003; 639-2.001C; 639-2.002E; 639-2.003D;

639-2.004D; 639-2.005E; 639-2.006D; 639-2.007E; SK01; SK02; 639-2.010; 639-2.011; 639-2.012; 639-2.013; 639-2.014; 639-2.015; 639-2.016; 639-2.020A ; 639-2021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 639-2.920; 639-2.911-P1; 639-3.001C; 639-3.002B; 639-3.003A; 639-3.004A; 639-3.005B; 639-3.006A; SK03; 639-3.010; 639-3.011; 639-3.012; 639-3.013; 639-3.014; SK04; 639-4.002C; 639-4.003B; 639-4.004B; 639-4.010; 639-4.011; 639-4.012; 639-4.013.

SUPERSEDED PLANS:

Site location plan; 639-1.001; 639-1.002; 639-1.003; 639-2.001C; 639-2.002E; 639-2.003D; 639-2.004D; 639-2.005E; 639-2.006D; 639-2.007E; 639-2.008D; 639-2.009A; 639-2.010; 639-2.011; 639-2.012; 639-2.013; 639-2.014; 639-2.015; 639-2.016; 639-2.020A ; 639-2021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 639-2.920; 639-2.911-P1; 639-3.001C; 639-3.002B; 639-3.003A; 639-3.004A; 639-3.005B; 639-3.006A; 639-3.007B; 639-3.010; 639-3.011; 639-3.012; 639-3.013; 639-3.014; 639-4.001C; 639-4.002C; 639-4.003B; 639-4.004B; 639-4.010; 639-4.011; 639-4.012; 639-4.013.

3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2017/3570/P granted by the Council on 1 November 2017

3.1.3 "Planning Application"

the application for Planning Permission in respect of the Property submitted on 21 June 2017 by the Owner and given reference number 2017/3570/P

3.1.4 "Sustainability Plan"

a plan including a post construction review securing the incorporation of sustainability measures in the carrying out of the Development in its fabric and in its subsequent management and occupation based on a Building Research Establishment Environmental Assessment Method: EcoHomes or Domestic Refurbishment assessment with a target of achieving a Very Good or Excellent rating or such other assessment method as may be agreed with the Council from time to time and attaining at least 25% of the credits in the Energy category and 70% of the credits in the Materials category and using reasonable endeavours to attain 60% of the credits in each of Energy and Water categories providing justification for any shortfall in meeting these targets to be carried out by a recognised independent verification body in respect of the Property such plan to also target a reduction in carbon energy emissions by 33% through the use of combined heat and power (CHP) and other approved initiatives

- 3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/1340/P" shall be replaced with "Planning Permission reference 2017/3570/P".
- 3.3 The Council acknowledges that the Advertisement Consent required under Clause 4.1.1 of the Existing Agreement was granted by the Council on 1 March 2013 (reference 2013/0108/A) and that nothing further is required pursuant to Clause 4.1.1.
- 3.4 The Council acknowledges that the Construction Management Plan required under Clauses 4.4.1 and 4.4.2 of the Existing Agreement was approved by the Council on 21 March 2013 (reference S106:1916) and that nothing further is required pursuant to Clauses 4.4.1 and 4.4.2.

- 3.5 The Council acknowledges that the Listed Structure Plan required under Clauses 4.7.1 and 4.7.2 of the Existing Agreement was approved by the Council on 4 April 2013 (reference S106:1916) and that nothing further is required pursuant to Clauses 4.7.1 and 4.7.2.
- 3.6 The Council acknowledges that the Sustainability Plan required under Clauses 4.10.1 and 4.10.2 of the Existing Agreement was approved by the Council on 10 January 2012 (reference S106:1916) and that nothing further is required pursuant to Clauses 4.10.1 and 4.10.2.
- 3.7 The Council acknowledges that the information required under Clause 4.11 to demonstrate that Cancer Research UK has ceased to have any legal or equitable interest in the Property and has permanently vacated the Property was approved by the Council on 3 January 2012 (reference S106:1916) and that nothing further is required pursuant to Clause 4.11.
- 3.8 In all other respects the Existing Agreement (as varied by the First Deed of Variation and 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 2017/3570/P.

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

7. JOINT AND SEVERAL LIABILITY

7.1 All Covenants made by the Owner in this Agreement are made jointly and severally and shall be enforceable as such.

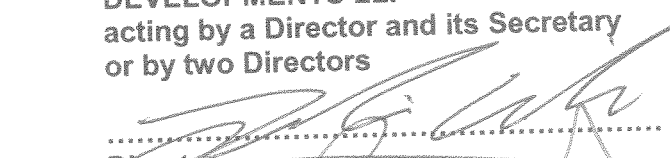
IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner and the Mortgagee have executed this instrument as their Deed the day and year first before written

THE OFFICIAL SEAL OF THE)
CROWN ESTATE COMMISSIONERS)
was hereto affixed)
and authenticated by:-)




Oliver Douglas Smith
Authorised by the Crown Estate Commissioners

EXECUTED AS A DEED BY)
6-10 CAMBRIDGE TERRACE)
DEVELOPMENTS LLP)
acting by a Director and its Secretary)
or by two Directors)

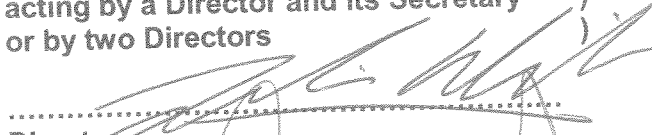


.....
Director




.....
Director/Secretary

EXECUTED AS A DEED BY)
1 CHESTER GATE LIMITED)
acting by a Director and its Secretary)
or by two Directors)



.....
Director



.....
Director/Secretary

THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE
SECTION 106 AGREEMENT IN RELATION TO
6-10 CAMBRIDGE TERRACE and 1-2 CHESTER GATE LONDON NW1 4JL

EXECUTED AS A DEED BY
2 CHESTER GATE LIMITED
acting by a Director and its Secretary
or by two Directors

.....
Director

.....
Director/Secretary

EXECUTED as a Deed
By CREDIT SUISSE (UK) LIMITED
by an authorised signatory
in the presence of:-

)
)
)
)
)
M. A. BRITAIN

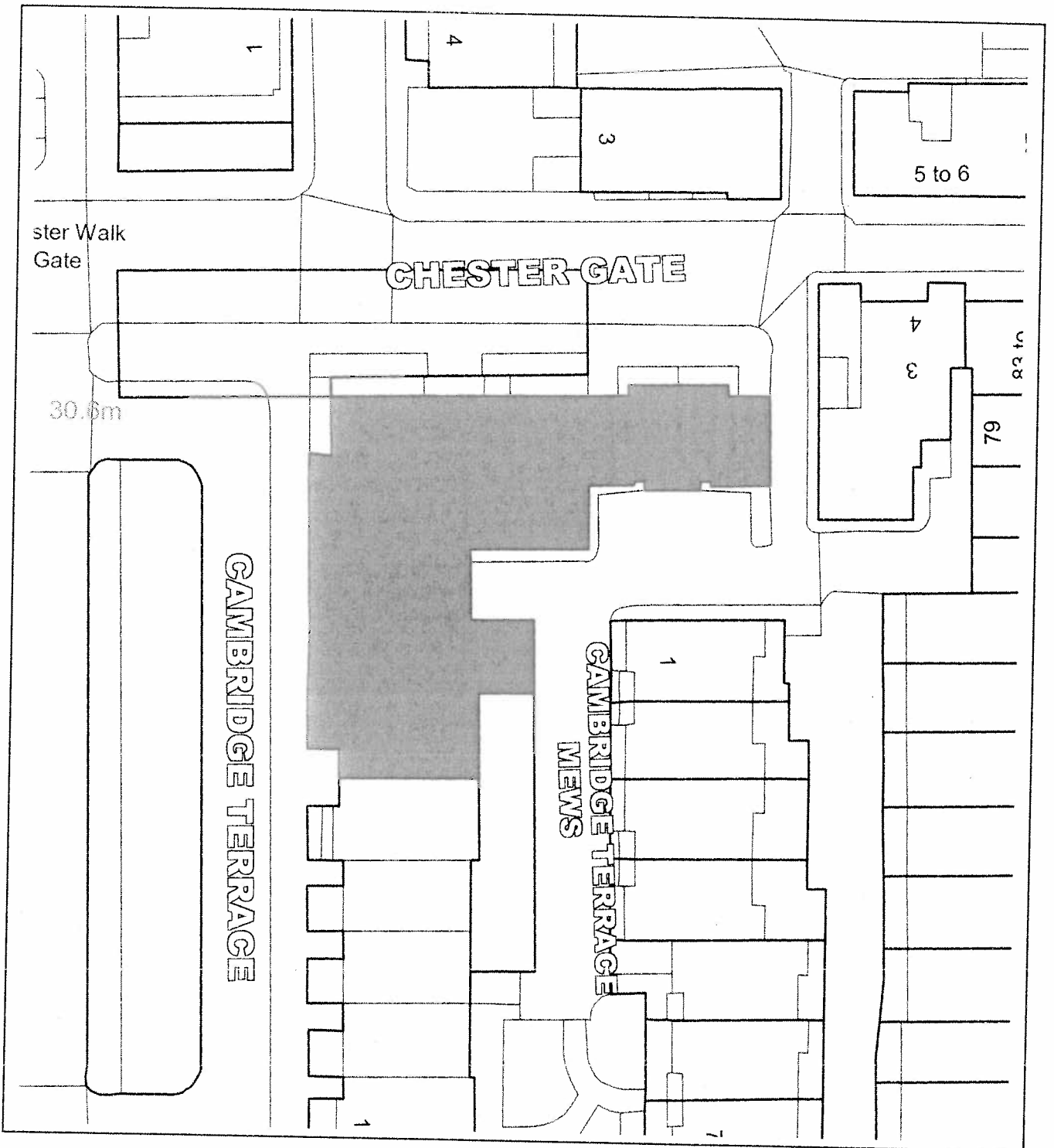
.....
CHIEF COMMANDER

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

.....
Authorised Signatory



NORTHGATE SE GIS Print Template



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Handwritten signatures and initials: [Signature] [Initials] [Initials]



Montagu Evans
5 Bolton Street
London
W1J 8BA

Application Ref: **2017/3570/P**
Please ask for: **Charles Rose**
Telephone: 020 7974 1971

22 June 2018
DRAFT
DECISION

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted subject to a Section 106 Legal Agreement and Warning of Enforcement Action

Address:

**6-10 Cambridge Terrace and 1-2 Chester Gate
London
NW1 4JL**

DECISION

Proposal:

Variation of condition 8 (approved plans) of planning permission 2009/3041/P, dated 07/09/2010 (as amended by 2015/1778/P, dated 10/04/2015) (for change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from office to residential to provide 3x dwellinghouses, and associated works), namely to allow proposed amendments to the sliding roof light to No. 9 Cambridge Terrace.

Drawing Nos:

REVISED PLANS:

Site location plan; 639-1.001; 639-1.002; 639-1.003; 639-2.001C; 639-2.002E;
639-2.003D; 639-2.004D; 639-2.005E; 639-2.006D; 639-2.007E; SK01; SK02; 639-2.010;
639-2.011; 639-2.012; 639-2.013; 639-2.014; 639-2.015; 639-2.016; 639-2.020A ; 639-
2021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 6392-2.920; 6392-
2.911-P1; 639-3.001C; 639-3.002B; 639-3.003A; 639-3.004A; 639-3.005B; 639-3.006A;
SK03; 639-3.010; 639-3.011; 639-3.012; 639-3.013; 639-3.014; SK04; 639-4.002C; 639-
4.003B; 639-4.004B; 639-4.010; 639-4.011; 639-4.012; 639-4.013.

Executive Director Supporting Communities

SUPERSEDED PLANS:

Site location plan; 639-1.001; 639-1.002; 639-1.003; 639-2.001C; 639-2.002E; 639-2.003D; 639-2.004D; 639-2.005E; 639-2.006D; 639-2.007E; 639-2.008D; 639-2.009A; 639-2.010; 639-2.011; 639-2.012; 639-2.013; 639-2.014; 639-2.015; 639-2.016; 639-2.020A ; 639-2021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 6392-2.920; 6392-2.911-P1; 639-3.001C; 639-3.002B; 639-3.003A; 639-3.004A; 639-3.005B; 639-3.006A; 639-3.007B; 639-3.010; 639-3.011; 639-3.012; 639-3.013; 639-3.014; 639-4.001C; 639-4.002C; 639-4.003B; 639-4.004B; 639-4.010; 639-4.011; 639-4.012; 639-4.013.

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

Conditions and Reasons:

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original permission 07/09/2010

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

- 2 Prior to first occupation of the development the refuse and recycling storage facilities shown on the drawings hereby approved shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained as such thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3 Prior to commencement of the development an acoustic report including full details of any proposed noise mitigation measures which demonstrates that resultant indoor noise levels will be below British Standard 8233, shall be submitted to and approved by the Council in writing. The development shall not be carried out otherwise than in accordance with any approval given and shall be maintained and retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of the proposed development in accordance with the requirements of policies SD6, SD7B and Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 4 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 the special character and historic interest of the building and the character and appearance of the conservation area in accordance with the requirements of policies B1, B3, B6 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 5 Prior to first occupation of the development the cycle storage facilities shown on the drawings hereby approved shall be provided in their entirety. The cycle storage

shall be permanently maintained and retained as such thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 6 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council in accordance with the Tree Report by Simon Jones Associates including drawing no. SJA TPP 01 (appendix 16).

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 policy N8 of the London Borough of Camden Replacement Unitary Development Plan 2006.

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

Site location plan; 639-1.001; 639-1.002; 639-1.003; 639-2.001C; 639-2.002E; 639-2.003D; 639-2.004D; 639-2.005E; 639-2.006D; 639-2.007E; SK01; SK02; 639-2.010; 639-2.011; 639-2.012; 639-2.013; 639-2.014; 639-2.015; 639-2.016; 639-2.020A; 639-2.021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 639-2.920; 639-2.911-P1; 639-3.001C; 639-3.002B; 639-3.003A; 639-3.004A; 639-3.005B; 639-3.006A; SK03; 639-3.010; 639-3.011; 639-3.012; 639-3.013; 639-3.014; SK04; 639-4.002C; 639-4.003B; 639-4.004B; 639-4.010; 639-4.011; 639-4.012; 639-4.013.

(added as part of application 2015/1778/P dated 10 April 2015; varied by Variation of Condition 8 application 2015/1340/P on 23 November 2015; Non Material Amendments to planning permission ref: 2015/6946/P dated 14 January 2016 and; Non Material Amendments to planning permission ref: 2016/5891/P dated 10 November 2016.)

Informative(s):

- 1 Reasons for granting permission.

This application seeks to make changes to planning permission 2009/3041/P, dated 07/09/2010, which has been amended by permissions 2015/1340/P, dated 23/11/2015, 2015/6946/P, dated 14/01/2016 and 2016/5891/P dated 10 November 2016.

Permission is sought for the installation of a rooflight to the upper (flat) roof slope at no.9 Cambridge Terrace. Consent was approved for a rooflight of similar size as part of the planning permission and listed building consent application 07/09/2010. The approved rooflight was flush with the roof. This proposal varies the design of the rooflight. The proposed design would require the rooflight to have an 195mm upstand to the front of the rooflight and would be 450mm to the rear upstand which

would potentially increase the visibility of the rooflight

The upstand of the new rooflight would be seen only in long-range views of the roof from Regents Park above the staircase, by virtue of its position it is unlikely to be visible, except in long range. Nevertheless, it is considered to be in keeping with the character of the host building and the terrace of which it forms apart which already have rooflight upstands partially visible from the park.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, 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 policies D1 and D2 of the London Borough of Camden Local Plan. The proposed development also accords with policy 7.8 of the London Plan 2016 consolidated with amendments since 2011, and paragraphs 14, 17 and 126-141 of the National Planning Policy Framework.

- 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 Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email ppp@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 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, Urban Design and Renewal, Camden Town Hall, Argyle Street, WC1H 8EQ
- 5 Active bird nests are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended) which states that it is an offence to disturb, damage or destroy the nest of any wild bird while that nest be in use or being built. Active nests are

highly likely to be present within the site during peak nesting season, considered by Natural England as between 1 March and 31 July. It should be noted that active nests are afforded legal protection at all times and can be encountered throughout a nesting season which may extend between mid February and October depending on bird species and weather conditions. Nesting habitats which includes trees, shrubs, climbing plants, grounds flora, buildings and other structures may be cleared at any time of year where survey (undertaken by a suitably experienced person) can establish active nests are absent. For further information contact Natural England on 020 7932 5800.

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.

ENFORCEMENT ACTION TO BE TAKEN

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control

You can find advice in regard to your rights of appeal at:

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

Yours faithfully

Director of Regeneration and Planning





DATED

28 September

2018

(1) THE QUEEN'S MOST EXCELLENT MAJESTY IN RIGHT OF
HER CROWN

and

(2) THE CROWN ESTATE COMMISSIONERS

and

(3) 6-10 CAMBRIDGE TERRACE DEVELOPMENTS LLP

and

(4) 1 CHESTER GATE LIMITED

and

(5) 2 CHESTER GATE LIMITED

and

(6) CREDIT SUISSE (UK) LIMITED

and

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

SECOND DEED OF VARIATION

Relating to the Existing Agreement dated 7 September 2010 (as varied by the First Deed of Variation dated 23 November 2015) between the Mayor and the Burgesses of the London Borough of Camden, Her Majesty the Queen, The Crown Estate Commissioners, Cambridge Terrace Developments Limited and the Irish Nationwide Building Society

under section 106 of the Town and

Country Planning Act 1990 (as amended)

Relating to development at premises known as

6-10 Cambridge Terrace and 1-2 Chester Gate London NW1 4JL

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

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