

DATED *2nd November* 2018

**(1) LOREMAR INVESTMENTS LIMITED**

and

**(2) CBRE LOAN SERVICES LIMITED**

and

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

**A G R E E M E N T**  
relating to land known as  
**251-259 CAMDEN HIGH STREET, LONDON, NW1 7BU**  
pursuant to Section 106 of the Town and Country Planning  
Act 1990 (as amended) and Section 278 of the Highways Act 1980

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

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CLS/COM/PM/1800.434  
FINAL 190918



THIS AGREEMENT is made the *2nd* day of *November* 2018

**BETWEEN:**

- i. **LOREMAR INVESTMENTS LIMITED** (incorporated in the British Virgin Islands) of Craigmuir Chambers, P.O. Box 71, Road Town, Tortola, VG1110, BVI and whose address for service in the United Kingdom is at c/o First Floor, 7 Esplanade, St Helier, Jersey, JE2 3QA (hereinafter called "the Owner") of the first part
- ii. **CBRE LOAN SERVICES LIMITED** (Co. Regn. No. 5469838) of St. Martins Court, 10 Paternoster Row, London EC4M 7HP (hereinafter called "the Mortgagee") of the second part
- iii. **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

1. **WHEREAS**

- 1.1 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number NGL66424 subject to a charge to the Mortgagee.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 The Original Planning Permissions were granted by the Council following the completion of the Original Agreement on 16<sup>th</sup> January 2017.
- 1.4 Planning Applications were submitted by the Owner under Section 73 of the Act seeking to vary the Original Planning Permissions and were validated by the Council on the 24<sup>th</sup> July 2017. The Council has resolved to grant the Planning Permissions conditionally under reference numbers 2017/3904/P, 2017/3905/P, 2017/3906/P, 2017/3908/P subject to the conclusion of this legal Agreement.

- 1.5 The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.6 As local highway authority the Council considers the Highways Works to be carried out pursuant to this Agreement to be in the public interest.
- 1.7 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.
- 1.8 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL66424 and dated 15 December 2015 is willing to enter into this Agreement to give its consent to the same.

2. **DEFINITIONS**

In this Agreement the following expressions (arranged in alphabetical order) shall unless the context otherwise requires have the following meanings:-

2.1	"the Act"	means the Town and Country Planning Act 1990 (as amended)
2.2	"Additional Basement Investigations and Assessment Works"	<p>site investigations and assessment works to be carried out in accordance with the recommendations by Campbell Reith (consulting engineers) in the audit reports entitled "12336-49 Revision: F1 dated August 2016" and "12336-49 Revision: F3 dated September 2017" which prescribes safe working practices undertaken with minimal possible impact on and disturbance to the surrounding environment and highway network and where:</p> <p>I. the Owner shall appoint an independent suitably certified engineer (qualified in the fields of geotechnical and/or structural engineering) from a recognised relevant professional body having relevant experience of sub-ground level construction</p>

		<p>("the Engineer") commensurate with the First Development, Second Development, Third Development and Fourth Development AND FOR DETAILS OF THE APPOINTMENT TO BE SUBMITTED TO THE COUNCIL by way of a letter and for the Owner to confirm that any change in Basement Design Engineer during the Construction Phase with the Council in advance of any appointment); and</p> <p>II. at all times the Engineer to formulate the appropriate plan to fulfil the requirements the recommendations prescribed in the aforementioned Campbell Reith audit reports.</p>
2.3	"the Agreement"	this planning obligation made pursuant to Section 106 of the Act
2.4	"Basement Impact Assessment"	the assessment carried out in the report titled "CG/18648 Revision 7 (CGL) dated September 2017" and as updated by the Additional Basement Investigations and Assessments Works
2.5	"the Certificate of Practical Completion"	the certificate issued by the Owner's contractor architect or project manager certifying that the Developments have been completed
2.6	"the Construction Phase"	<p>the whole period between</p> <p>(i) the Implementation Date and</p> <p>(ii) the date of issue of the Certificate of Practical Completion</p>
2.7	Construction Management Plan"	a plan setting out the measures that the Owner will adopt in undertaking the partial demolition of the Existing Buildings and the construction of the Developments using good site practices in accordance with the Council's Considerate Contractor Manual and in the form of the Council's Pro Forma Construction Management Plan as

		<p>set out in the Schedule hereto to ensure the Construction Phase of the Developments can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network including (but not limited to):-</p> <p>(i) a statement to be submitted to Council giving details of the environmental protection highways safety and community liaison measures proposed to be adopted by the Owner in order to mitigate and offset potential or likely effects and impacts arising from the demolition of the Existing Buildings or structures on the Property and the building out of the Development;</p> <p>(ii) amelioration and monitoring effects on the health and amenity of local residences site construction workers local businesses and adjoining developments undergoing construction;</p> <p>(iii) amelioration and monitoring measures over construction traffic including procedures for notifying the owners and or occupiers of the residences and businesses in the locality in advance of major operations delivery schedules and amendments to normal traffic arrangements (if any);</p> <p>(iv) the inclusion of a waste management strategy for handling and disposing of construction waste; and</p> <p>(v) identifying means of ensuring the provision of information to the Council and provision of a mechanism for monitoring and reviewing as required from time to time.</p>
2.8	"the Council's Considerate	the document produced by the Council from time to time entitled "Guide for Contractors Working in Camden"

	Contractor Manual"	relating to the good practice for developers engaged in building activities in the London Borough of Camden
2.9	"the Developments"	means the First Development, the Second Development, the Third Development and the Fourth Development
2.10	"the Existing Buildings"	the buildings existing on the Property as at the date of this Agreement
2.11	"the First Planning Application"	means the planning application for the First Development in respect of that part of the Property known as 251 Camden High Street submitted to the Council and validated on 24 July 2017 for which a resolution to grant permission has been passed conditionally under reference number 2017/3904/P subject to conclusion of this Agreement
2.12	"the First Planning Permission"	means the planning permission for the First Development substantially in the draft form annexed at Appendix 2
2.13	"the First Development"	Variation of condition 3 of permission ref: 2016/0818/P dated 16/01/2017 (Excavation at basement level to provide 76sqm additional retail (A1) floorspace) to allow for an increased basement excavation as shown on 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2, BIA ref: CG/18648 Revision 7 (CGL)
2.14	"the Fourth Planning Application"	means a planning application for the Fourth Development in respect of that part of the Property known as 259 Camden High Street submitted to the Council and validated on 25 July 2017 for which a resolution to grant permission has been passed conditionally under

		reference number 2017/3906/P subject to conclusion of this Agreement
2.15	“the Fourth Planning Permission”	means the planning permission for the Fourth Development substantially in draft form annexed at Appendix 5
2.16	“the Fourth Development”	Variation of condition 3 of permission 2016/0820/P dated 16/01/2017 (Erection of rear extension with roof lights at ground and basement level to provide 151sqm additional retail floorspace (A1) following demolition of existing rear extension) to increase basement excavation, alter the plant enclosure and provide waterproofed upstands for future service installations as shown on 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2, Italia Plant Screen Spec, BIA ref: CG/18648 Revision 7 (CGL)
2.17	“the Highway Contribution”	means the sum of £10,084.88 (ten thousand an eighty four pounds and eighty eight pence) to be applied by the Council for the carrying out works to the Public Highway and associated measures in the vicinity of the Property such works to include the following (the "Highways Works"):-  (i) repaving and repair works to the Public Highway including the inset bay following the carrying out of the Development; and  (ii) any other works the Council acting reasonably requires as a direct result of the Development



		all works will be subject to final measure and any level adjustment required and for the avoidance of doubt the Council in accepting this sum does not undertake any responsibility in connection with any required statutory undertakers works and <u>excludes any statutory undertakers costs</u>
2.18	"the Implementation Date"	means the date of implementation of any or all of the Developments by the carrying out of a material operation as defined in Section 56 of the Act and references to "Implementation", "Implemented" and "Implement" shall be construed accordingly
2.19	"Occupation Date"	means the date when any part of the Developments is occupied and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly
2.20	"the Original Agreement"	means the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 16th January 2017 made between Owner the Mortgagee and the Council
2.21	"the Original Planning Permissions"	means the planning permissions granted by the Council on 16th January 2017 in respect of development at the Property with planning reference numbers 2016/0818/P, 2016/0819/P, 2016/0820/P and 2016/0821/P subject to the Original Agreement
2.22	"the Parties"	means the Council the Owner and the Mortgagee
2.23	"Planning Obligations Monitoring Officer"	means a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to section 106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof

2.24	"the Planning Applications"	means the First Planning Application, the Second Planning Application, the Third Planning Application and the Fourth Planning Application
2.25	"the Planning Permissions"	means any or all (as the context may require) of the First Planning Permission, the Second Planning Permission, the Third Planning Permission and the Fourth Planning Permission
2.26	"the Property"	means the land known as 251-259 Camden High Street, London NW1 7BU the same as shown edged red on the plan annexed hereto at Appendix 1
2.27	"the Public Highway"	means the carriageway footway and/or verge adjoining the Property maintainable at public expense
2.28	"the Second Planning Application"	means the planning application for the Second Development in respect of that part of the Property known as 253-255 Camden High Street submitted to the Council and validated on 25 July 2017 for which a resolution to grant permission has been passed conditionally under reference number 2017/3908/P subject to conclusion of this Agreement
2.29	"the Second Planning Permission"	means the planning permission for the Second Development substantially in draft form annexed at Appendix 3
2.30	"the Second Development"	to increase basement excavation, erect new metal key clamp style railing and install metal mechanical hatch, reduced and extended metal plant screen, metal steps and balustrade and waterproofed upstands for future service installations as shown on 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 10.253 Rev P1; 15.201 Rev P1; 15.202 Rev P2; 15.203 Rev P2; 15.251 Rev P1; 15.252 Rev P1;

		15.253 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2; 20.253 Rev P2, Italia Plant Screen Spec, BIA ref: CG/18648 Revision 7 (CGL)
2.31	"the Third Planning Application"	means the planning application for the Third Development in respect of that part of the Property known as 257 Camden High Street submitted to the Council and validated on 25 July 2017 for which a resolution to grant permission has been passed conditionally under reference number 2017/3905/P subject to conclusion of this Agreement
2.32	"the Third Planning Permission"	means the planning permission for the Third Development to substantially in draft form annexed at Appendix 4
2.33	"the Third Development"	Variation of condition 3 of permission ref: 2016/0819/P dated: 16/01/2017 (Rear extension with rooflights at ground and basement level to provide 175sqm additional retail floorspace (A1) following demolition of existing rear extension) to increase basement excavation, install waterproof upstands for future service installations and additional detail provided regarding plant screen design as shown on drawing numbers: 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2, Italia Plant Screen Spec, BIA ref: CG/18648 Revision 7 (CGL)

3. **NOW THIS DEED WITNESSETH** as follows:-

- 3.1 This Agreement is made in pursuance of Section 106 of the Act, and is a planning obligation for the purposes of Section 106 as aforesaid, and is also made pursuant to Section 278 of the Highways Act 1980 and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 3.2 Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies corporations and other artificial persons.
- 3.3 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute.
- 3.4 The clause and paragraph headings do not form part of this Agreement and shall not be taken into account in its construction of interpretation.
- 3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6, 7 and 8 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.
- 3.6 For the avoidance of doubt this Agreement shall only apply to the Property to the extent the Developments have been Implemented and shall not apply to any part of the Property where that part of the Property is being developed pursuant to the Original Planning Permissions.
- 3.7 The Council hereby agrees to grant the Planning Permissions on the date hereof.
- 3.8 The Parties save where the context states otherwise shall include their successors in title.

4. **OBLIGATIONS OF THE OWNER**

The Owner and the Council hereby covenant with one another as follows:-

**4.1. ADDITIONAL BASEMENT INVESTIGATIONS AND ASSESSMENTS WORKS**

- 4.1.1. The Owner confirms that the Additional Basement Investigations and Assessment Works have been carried out and the Council confirms the Additional Basement Investigations and Assessment Works have been approved as demonstrated by written notice to that effect.
- 4.1.2. The Owner agrees to Implement any and all of the Developments in full compliance with the Basement Impact Assessment as updated by the Additional Basement Investigations and Assessments Works.
- 4.1.3. The Owner acknowledges and agrees by way of certification by the suitably qualified engineers from a recognised relevant professional body to the Council's reasonable satisfaction that the First Development, Second Development, Third Development and Fourth Development (respectively) can be constructed safely in light of the ground and water conditions and will not cause any structural problems with neighbouring properties nor with the First Development, Second Development, Third Development and Fourth Development themselves .
- 4.1.4. The Owner agrees that throughout the Construction Phase the First Development, Second Development, Third Development and Fourth Development (respectively) shall not be carried out otherwise than in strict accordance with the requirements of the approved Basement Impact Assessment AND not to permit the carrying out of any works comprised in building out the Developments at any time when the requirements of the approved Basement Impact Assessment are not being complied with and in the event of non-compliance with this sub-clause the Owner shall upon notice from the Council forthwith take any steps required to remedy such non-compliance.
- 4.1.5. Not to Occupy or permit Occupation of the respective Developments until a satisfactory post-completion review has been submitted to and approved by the Council in writing by way of certification by a suitably qualified engineer from a recognised relevant professional body confirming that the Basement Impact Assessments as approved by

the Council have been incorporated into the First Development, Second Development, Third Development and Fourth Development.

#### **4.2. HIGHWAYS CONTRIBUTION**

- 4.2.1. It is acknowledged by the Council that the Owner has paid the Highways Contribution in full to the Council under the Original Agreement.
- 4.2.2. For the avoidance of doubt the Owner acknowledges that the Council has the right reserved to it to construct the Public Highway to levels it considers appropriate (acting reasonably as a result of making good any deficiency in the Public Highway arising from the Developments and repaving the crossover and the footway immediately outside the front of the Property but for the avoidance of doubt not to otherwise put the Public Highway in a better state of repair and condition than as at the date of hereof).
- 4.2.3. On completion of the Highway Works the Council will provide to the Owner a certificate specifying the sum (the "Certified Sum") expended by the Council in carrying out the Highway Works.
- 4.2.4. If the Certified Sum exceeds the Highway Contribution then the Owner shall within fourteen days of the issuing of the said certificate pay to the Council the amount of the excess.
- 4.2.5. If the Highway Contribution exceeds the Certified Sum the Council shall within fourteen days of the issuing of the said certificate pay to the Owner the amount of the excess.

#### **4.3. CONSTRUCTION MANAGEMENT PLAN**

- 4.3.1. The Owner confirms that the Construction Management Plan has been submitted and the Council confirms that it has approved the Construction Management Plan in accordance with this Agreement.
- 4.3.2. The Owner shall ensure that throughout the Construction Phase the Developments shall not be carried out otherwise than in strict accordance with the requirements of the Construction Management Plan and that it shall not permit the carrying out of any works comprised in demolition or building out the Developments at any time when the requirements of the Construction Management Plan are not being complied with

and in the event of non-compliance with this sub-clause the Owner shall forthwith take any steps required to remedy such non-compliance

#### **4.4. GENERAL COUNCIL COVENANTS**

- 4.4.1. The Council covenants that where any approval, agreement, consent, certificate or expression of satisfaction is to be given by the Council under this Agreement such approval, agreement, consent, certificate or expression of satisfaction shall not be unreasonably withheld or delayed.
- 4.4.2. In the event of receipt of any contribution payable in connection with this Agreement by the Owner the Council covenants to spend (or commit for expenditure) such monies for the purposes specified in this Agreement for which those monies are paid only.
- 4.4.3. In the event any part or all of the Highways Contribution has not been allocated or used for the delivery of the Highway Works within 5 years from the date of Occupation and unless the Owner and the Council agree otherwise the Council covenants on written request from the owner to repay such sums or amounts (or such parts thereof) to the Owner (or its successors in title or assigns as the case may be) within 28 days of the Owner's written request.

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

- 5.1 Within 7 days of the date of this Agreement the Owner shall certify in writing to the Council which (if any) of the Planning Permission or the Original Planning Permission have been implemented and the date that Implementation occurred and thereafter the owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of any or all of the Planning Permissions has taken or is about to take place (as the case may be) and shall at the same time certify which of the Planning Permissions or the Original Planning Permissions are being or have been (as the case may be) Implemented.
- 5.2 Within seven days following completion of the First Development, Second Development, Third Development or Fourth Development respectively the Owner shall certify in writing to the Planning Obligations Monitoring Officer in the manner outlined at clause 6.1 hereof quoting the relevant planning reference number 2017/3904/P, 2017/3905/P, 2017/3906/P, 2017/3908/P the date upon which the First Development,

Second Development, Third Development or Fourth Development will be ready for Occupation.

- 5.3 The Owner shall act in good faith and shall co-operate with the Council to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part of the Property or to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.
- 5.4 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned herein and shall not make any claim for compensation in respect of any condition restriction or provision imposed by this Agreement and further shall indemnify the Council for any expenses or liability arising to the Council in respect of breach by the Owner of any obligations contained herein save to the extent that any act or omission of the Council its employees or agents has caused or contributed to such expenses or liability.
- 5.5 If satisfied as to the compliance of the Owner in respect of any obligation in this Agreement the Council shall (if requested to do so in writing and subject to payment of a fee of £1000.00 in respect of each such obligation) provide through its Borough Solicitor a formal written certification of compliance, partial compliance or ongoing compliance (as and if appropriate) with the provisions of any such obligation.
- 5.6 Submission of any plan for approval by the Council under the terms of this Agreement shall be made by the Owner to the Council sending the full document and any appendices in electronic format (where practicable) to the Planning Obligations Monitoring Officer referring to the names dates and Parties and citing the specific clause of this Agreement to which such plan relates quoting and quoting the reference number of the Planning Permission to which that submission relates.
- 5.7 Any payment by the Owner pursuant to this Agreement shall be made to the Council sending the full amount via electronic transfer (where practicable). The Owner shall notify the Planning Obligations Monitoring Officer that payment has been made referring to names date and Parties and citing the specific clause of this Agreement to which such contribution relates quoting any of the reference numbers of the Planning



Permissions (as the case may be) to which that payment relates. Such electronic transfer shall be made directly to the National Westminster Bank of Hampstead Village, Enfield Customer Service Centre, PO Box 145 Baird Road Middlesex EN1 1FN quoting Sort Code 50-30-03 and London Borough of Camden General Account no. 24299480.

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

5.9 Any sums referred to in this Agreement as payable or to be applied by any Party other than the Council shall be paid or applied TOGETHER WITH if such payment or application is made more than three months from the date of this Agreement a further sum ("A") being equal to the original sum payable ("B") multiplied by a figure being a fraction of which the All Items of Retail Prices ("the AIIRP") figure last published by the Central Statistical Office at the date hereof is the denominator ("X") and the last AIIRP figure published before the date such payment or application is made ("Y") less the last published AIIRP figure at the date hereof ("X") is the numerator so that

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

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

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

6.1 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval or agreement to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and Parties and shall cite the clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Supporting Communities, Planning and Regeneration, Town Hall, 5 Pancras Square, London N1C 4AG quoting any of the reference numbers of the Planning Permissions in clause 5.6 and in the case of any notice or approval or agreement from the Council this shall be signed by a representative of the Council's Planning Department.

- 6.2 This Agreement shall be registered as a Local Land Charge by the Council.
- 6.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Agreement on or prior to the date of completion of the Agreement.
- 6.4 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.
- 6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.
- 6.6 Neither the Owner nor the Mortgagee nor their successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.
- 6.7 No person shall be liable for any breach of the covenants restrictions or obligations contained in this Agreement to the extent that such breach relates to any part of the Property in which that person has no interest.
- 6.8 For the avoidance of doubt the provisions of this Agreement (other than those contained in this sub-clause) shall not have any effect until this Agreement has been dated.
- 6.9 If any or all of the Planning Permissions are quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of the

Developments this Agreement shall forthwith determine and cease to have effect in relation to the relevant part of the Property which Planning Permission is quashed in relation to.

7. **MORTGAGEE EXEMPTION**

7.1 The Mortgagee hereby consents to the Owner entering into this Agreement and agrees that the security of its charges over the Property shall take effect subject to this Agreement.

7.2 The Parties agree that the Mortgagee or any mortgagee or chargee of the whole or any part of the Property shall not be liable for any breach of the obligations in this Agreement unless committed or continuing at a time when it takes possession of the whole or any part of the Property to which such obligations relate in which case it will be bound by the obligations in relation to that part of the Property as a person deriving title from the Owner.

8. **RIGHTS OF THIRD PARTIES AND JURISDICTION**

8.1 No provision of this Agreement shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

8.2 This Agreement is governed and interpreted in accordance with the Laws of England and the Parties irrevocably agree that the Courts of England shall have exclusive jurisdiction to settle any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with this Agreement.

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

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

*[Handwritten signature]*

.....  
Director

*[Handwritten signature]*

.....  
Director/Secretary

EXECUTED AS A DEED BY )  
CBRE LOAN SERVICES LIMITED )  
acting by a Director and its Secretary )  
or by two Directors )

*[Handwritten signature]*

.....  
Director

*[Handwritten signature]*

.....  
Director/Secretary

*[Stamp]*  
Authorised Signatory

DIPALI KHAGRAM  
Authorised Signatory

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

*[Handwritten signature]*

.....  
Authorised Signatory



## THE SCHEDULE

### Pro Forma Construction Management Plan

The Council has produced a pro-forma Construction Management Plan that can be used to prepare and submit a Construction Management Plan to meet technical highway and environmental health requirements. This document should be prepared, submitted and receive approval from the Council well in advance of works starting.

The pro-forma Construction Management Plan can be found on the Council's website at:-

<https://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-applications/making-an-application/supporting-documentation/planning-obligations-section-106/>

Please use the Minimum Requirements (also available at the link above) as guidance for what is required in the CMP and then download the Construction Management Plan

**It should be noted that any agreed Construction Management Plan does not prejudice further agreement that may be required for things such as road closures or hoarding licences**



**Appendix 1**  
**The Property**





*Debra*  
*Debra*  
*M.P. R Alexander*



**For Planning**  
 Rev. Description By Date  
 P0 Issued for Planning HS 11.10.16  
 Client  
**Castlehaven Row Ltd**

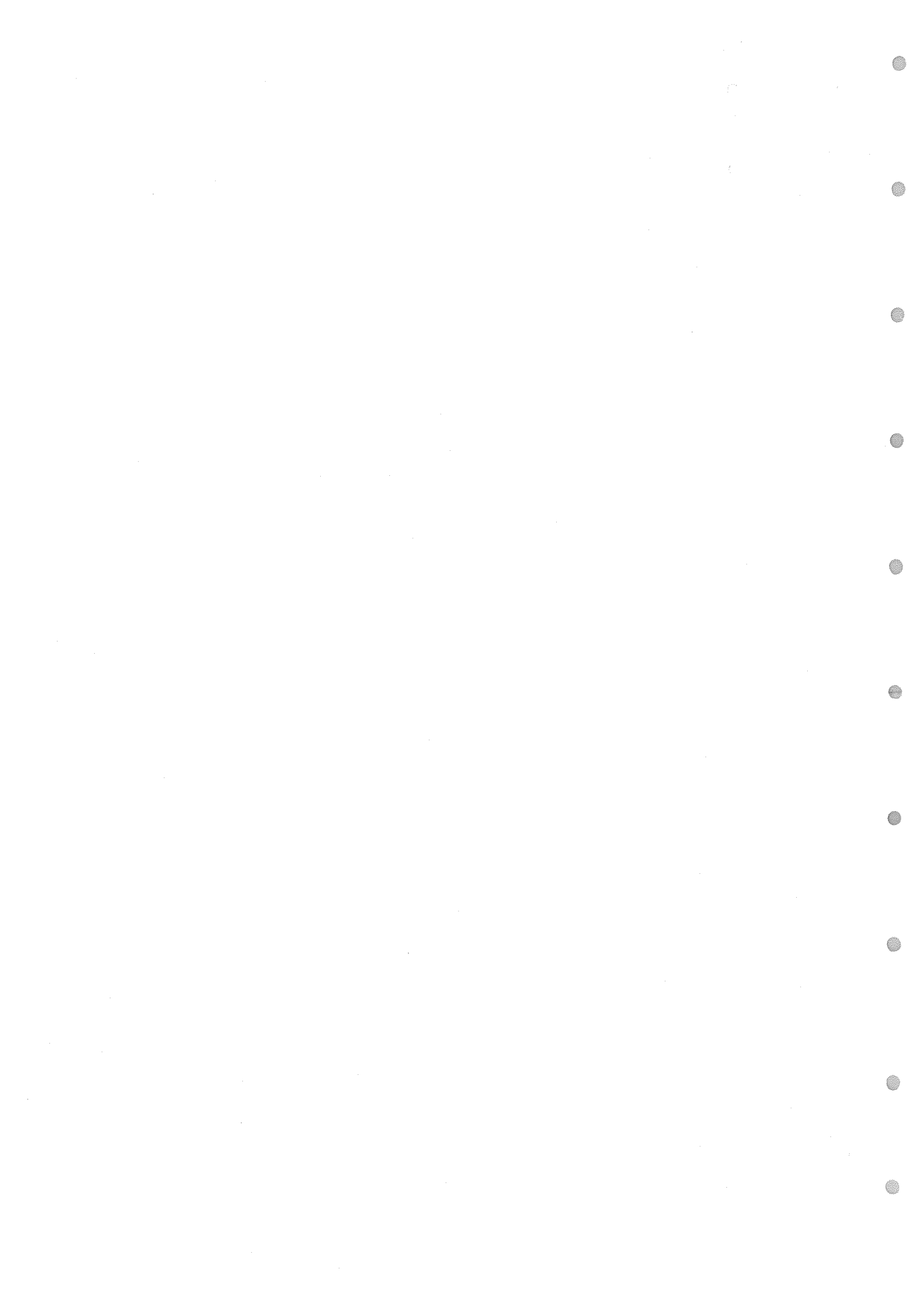
Project  
**251-259 Camden High Street**

Title  
**Existing Site Location Plan**

Project No	Drawing No	Rev
1523	10.101	P0
Scale	1:250 @ A1	1:250 @ A3
Drawn	Checked	Date
HS	CD	10.10.16

Do not scale from this drawing. The Contractor is to take and check all dimensions on site before work commences. The Contractor shall be responsible for the accuracy of the dimensions. Subcontractors must verify all dimensions on site before making a shop drawing or commencing manufacturing. This drawing is copyright ©

01  
 10.101  
 Existing Site Location Plan  
 Scale 1:250 @ A3



**Appendix 2**  
**The First Planning Permission**



Gerald Eve LLP  
72 Welbeck Street  
London  
W1G 0AYApplication Ref: **2017/3904/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:  
**251 Camden High Street**  
London  
**NW1 7BU**

**DECISION**

Proposal:  
Variation of condition 3 of permission ref: 2016/0818/P dated 16/01/2017 (Excavation at basement level to provide 76sqm additional retail (A1) floorspace) to allow for an increased basement excavation.

Drawing Nos: 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2, BIA ref: CG/18648 Revision 7 (CGL)

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: 2016/0818/P dated 16/01/2017

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

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

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

- 3 For the purposes of this decision, condition 3 (approved plans) of planning permission 2016/0818/P dated 16/01/2017 condition 3 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 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2, BIA ref: CG/18648 Revision 7 (CGL)

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

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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

#### Informative(s):

- 1 Reason for granting permission

This application proposes minor material amendments to permission ref: 2016/0818/P dated 16/01/2017 which granted excavation at basement level to provide 76sqm additional retail (A1) floorspace).

The amendment is to increase the depth of the approved basement by 0.5 m.

The basement extension to provide additional retail floorspace was assessed and was considered to be acceptable in the former application. This extension would be subordinate in scale and the additional retail floorspace is supported in this town centre location.

The basement extension in the original application was independently audited and additional basement investigation and assessment works were secured by s.106 legal agreement. The basement extension as amended has been independently audited and these works have been found to be acceptable on the grounds of the impact on the structural, ground, or water conditions of the area in accordance with Camden's CPG4 and Local Plan Policy A5.

A construction management plan would be secured by s.106 agreement to ensure that the basement works do not harm amenity or highway safety.

No objections were received and the site's planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, A5, D1, TC1, TC2, TC4 and T4 of the Camden Local Plan 2017. The proposed development also accords with policies 7.4 and 7.6 of the London Plan 2016; and paragraphs 14, 17, and 56-66 of the National Planning Policy Framework 2018.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 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](mailto:CIL@Camden.gov.uk)

- 5 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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

Yours faithfully

Supporting Communities Directorate

**DECISION**



**Appendix 3**  
**The Second Planning Permission**

2000

Gerald Eve LLP  
72 Welbeck Street  
London  
W1G 0AYApplication Ref: **2017/3908/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:

**253 - 255 Camden High Street**  
**London**  
**NW1 7BU**

Proposal:

**DECISION**

Variation of condition 3 of permission 2016/0821/P (Conversion of two units into one; erection of rear extension with 4x roof lights at ground and basement level to provide 355sqm additional retail floorspace (A1) following demolition of existing rear extension) to increase basement excavation, erect new metal key clamp style railing and install metal mechanical hatch, reduced and extended metal plant screen, metal steps and balustrade and waterproofed upstands for future service installations

Drawing Nos: 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 10.253 Rev P1; 15.201 Rev P1; 15.202 Rev P2; 15.203 Rev P2; 15.251 Rev P1; 15.252 Rev P1; 15.253 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2; 20.253 Rev P2, Italia Plant Screen Spec, BIA ref: CG/18648 Revision 7 (CGL)

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 2016/0821/P dated 16/01/2017.

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

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

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

- 3 For the purposes of this decision, condition no.3 of planning permission ref: 2016/0821/P dated 16/01/2017 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 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 10.253 Rev P1; 15.201 Rev P1; 15.202 Rev P2; 15.203 Rev P2; 15.251 Rev P1; 15.252 Rev P1; 15.253 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2; 20.253 Rev P2, Italia Plant Screen Spec, BIA ref: CG/18648 Revision 7 (CGL).

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

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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

Informative(s):

- 1 Reason for granting permission

This application proposes minor material amendments to permission ref: 2016/0821/P dated 16/01/2017 which granted the conversion of two retail units into one; the erection of rear extension with 4x roof lights at ground and basement levels to provide 355sqm of additional retail floorspace (A1) following the demolition of the existing rear extension.

The proposed amendments are to increase the depth of the approved basement by 0.5 m together with minor alterations to the roof of the rear extension including the installation of metal safety railings and steps, an access hatch, a plant screen and roof stands for future service installations.

The conversion of the two retail units into one, the rear extension and basement extension were all assessed and were considered to be acceptable in the former application. The rear and basement extensions would be subordinate in scale and the additional retail floorspace is supported in this town centre location.

The basement extension in the original application was independently audited and additional basement investigation and assessment works were secured by s.106 legal agreement. The basement extension as amended has been independently audited and these works have been found to be acceptable on the grounds of the impact on the structural, ground, or water conditions of the area in accordance with Camden's CPG4 and Local Plan Policy A5.

A construction management plan would be secured by s.106 agreement to ensure that the basement works do not harm amenity or highway safety.

The proposed metal safety railings and steps, access hatch and stands for future service installations which would be located on the roof of the proposed rear extension. They would all be small rooftop structures with a functional design which would not impact on the character or appearance of the building or wider area.

The approved plant screen area was located in the rear part of the roof of the rear extension. This amendment application would increase the width of a section of the plant enclosure from 2m to 4 m approx. and provides more detail on the design of the plant screen which would be a grey louvered metal enclosure with a height of 2 m. The plant screen would have a suitable design for a functional rooftop structure and would harmonise with the character and appearance of the building in this location. There are no residential properties located in close proximity and therefore the proposed screen would also not impact on the amenity of nearby properties.

No objections were received and the site planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, A5, D1, TC1, TC2, TC4 and T4 of the Camden Local Plan 2017. The proposed development also accords with policies 7.4 and 7.6 of the London Plan 2016; and paragraphs 14, 17, and 56-66 of the National Planning Policy Framework 2018.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 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](mailto:CIL@Camden.gov.uk)

- 5 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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

Yours faithfully

**DRAFT**

**DECISION**





**Appendix 4**  
**The Third Planning Permission**



Gerald Eve LLP  
72 Welbeck Street  
London  
W1G 0AY

Application Ref: **2017/3905/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:  
**257 Camden High Street**  
**London**  
**NW1 7BU**

**DECISION**  
Proposal:

Variation of condition 3 of permission ref: 2016/0819/P dated: 16/01/2017 (Rear extension with rooflights at ground and basement level to provide 175sqm additional retail floorspace (A1) following demolition of existing rear extension) to increase basement excavation, install waterproof upstands for future service installations and additional detail provided regarding plant screen design.

Drawing Nos: 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2, Italia Plant Screen Spec, BIA ref: CG/18648 Revision 7 (CGL)

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: 2016/0819/P dated 16/01/2017.

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

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

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

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/0819/P dated 16/01/2017 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 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2, Italia Plant Screen Spec, BIA ref: CG/18648 Revision 7 (CGL).

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

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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

Informative(s):

- 1 Reason for granting permission:

This application proposes minor material amendments to permission ref: 2016/0819/P dated 16/01/2017 which granted extensions at ground and basement levels to provide 175sqm additional retail floorspace (A1) following the demolition of the existing rear extension.

The proposed amendments are to increase the depth of the approved basement by 0.5 m together with minor alterations to the roof of the rear extension to add roof stands for future service installations and provide more detail regarding the design of the plant screen.

The extensions were assessed and were considered to be acceptable in the former application. The rear and basement extensions would be subordinate in scale and the additional retail floorspace is supported in this town centre location.

The basement extension in the original application was independently audited and additional basement investigation and assessment works were secured by s.106 legal agreement. The basement extension as amended has been independently audited and these works have been found to be acceptable on the grounds of the impact on the structural, ground, or water conditions of the area in accordance with Camden's CPG4 and Local Plan Policy A5.

A construction management plan would be secured by s.106 agreement to ensure that the basement works do not harm amenity or highway safety.

The proposed stands for future service installations which would be located on the roof of the proposed rear extension would be small rooftop structures with a functional design which would not impact on the character or appearance of the building or wider area.

The approved plant screen area was located in the rear part of the roof of the rear extension. This amendment application provides more detail on the design of the plant screen which would be a grey louvered metal enclosure with a height of 2 m. The plant screen would have a suitable design for a functional rooftop structure and would harmonise with the character and appearance of the building in this location. There are no residential properties located in close proximity and therefore the proposed screen would also not impact on the amenity of nearby properties.

No objections were received and the site planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, A5, D1, TC1, TC2, TC4 and T4 of the Camden Local Plan 2017. The proposed development also accords with policies 7.4 and 7.6 of the London Plan 2016; and paragraphs 14, 17, and 56-66 of the National Planning Policy Framework 2018.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 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](mailto:CIL@Camden.gov.uk)

- 5 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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

Yours faithfully

**DRAFT**

**DECISION**



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**Appendix 5**  
**The Fourth Planning Permission**

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Gerald Eve LLP  
72 Welbeck Street  
London  
W1G 0AYApplication Ref: **2017/3906/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:  
**259 Camden High Street**  
London  
**NW1 7BU**

## Proposal:

**DECISION**

Variation of condition 3 of permission 2016/0820/P dated 16/01/2017 (Erection of rear extension with roof lights at ground and basement level to provide 151sqm additional retail floorspace (A1) following demolition of existing rear extension) to increase basement excavation, alter the plant enclosure and provide waterproofed upstands for future service installations.

Drawing Nos: 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2, Italia Plant Screen Spec, BIA ref: CG/18648 Revision 7 (CGL)

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: 2016/0820/P dated 16/01/2017

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

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

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

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/0820/P dated 16/01/2017 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 10.101 Rev P1; 10.201 Rev P1; 10.202 Rev P1; 10.203 Rev P1; 10.251 Rev P1; 10.252 Rev P1; 15.201 Rev P1; 15.202 Rev P1; 15.203 Rev P1; 15.251 Rev P1; 15.252 Rev P1; 20.201 Rev P2; 20.202 Rev P2; 20.203 Rev P2; 20.251 Rev P2; 20.252 Rev P2, Italia Plant Screen Spec, BIA ref: CG/18648 Revision 7 (CGL)

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

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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

Informative(s):

- 1 Reason for granting permission:-

This application proposes minor material amendments to permission ref: 2016/0820/P dated 16/01/2017 which granted the erection of rear extensions at ground and basement levels to provide 151sqm additional retail floorspace (A1) following the demolition of the existing rear extension.

The proposed amendments are to increase the depth of the approved basement by 0.5 m together with minor alterations to the roof of the rear extension including an altered plant screen and roof stands for future service installations.

The extensions were assessed and were considered to be acceptable in the former application. The rear and basement extensions would be subordinate in scale and the additional retail floorspace is supported in this town centre location.

The basement extension in the original application was independently audited and additional basement investigation and assessment works were secured by s.106 legal agreement. The basement extension as amended has been independently audited and these works have been found to be acceptable on the grounds of the impact on the structural, ground, or water conditions of the area in accordance with Camden's CPG4 and Local Plan Policy A5.

A construction management plan would be secured by s.106 agreement to ensure that the basement works do not harm amenity or highway safety.

The proposed stands for future service installations would be located on the roof of the proposed rear extension and would be small rooftop structures with a functional design which would not impact on the character or appearance of the building or wider area.

The approved plant screen area was located in the rear part of the roof of the rear extension. This amendment application would reposition this 0.5 m further to the rear and marginally increase its depth and width by 0.5 m. The application provides more detail on the design of the plant screen which would be a grey louvered metal enclosure with a height of 2 m. The plant screen would have a suitable design for a functional rooftop structure and would harmonise with the character and appearance of the building in this location. There are no residential properties located in close proximity and therefore the proposed screen would also not impact on the amenity of nearby properties.

No objections were received and the site planning history was taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A4, A5, D1, TC1, TC2, TC4 and T4 of the Camden Local Plan 2017. The proposed development also accords with policies 7.4 and 7.6 of the London Plan 2016; and paragraphs 14, 17, and 56-66 of the National Planning Policy Framework 2018.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 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 need to be 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](mailto:CIL@Camden.gov.uk)

- 5 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

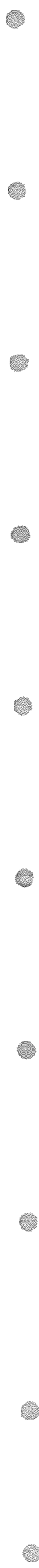
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Executive Director Supporting Communities

**DRAFT**

**DECISION**

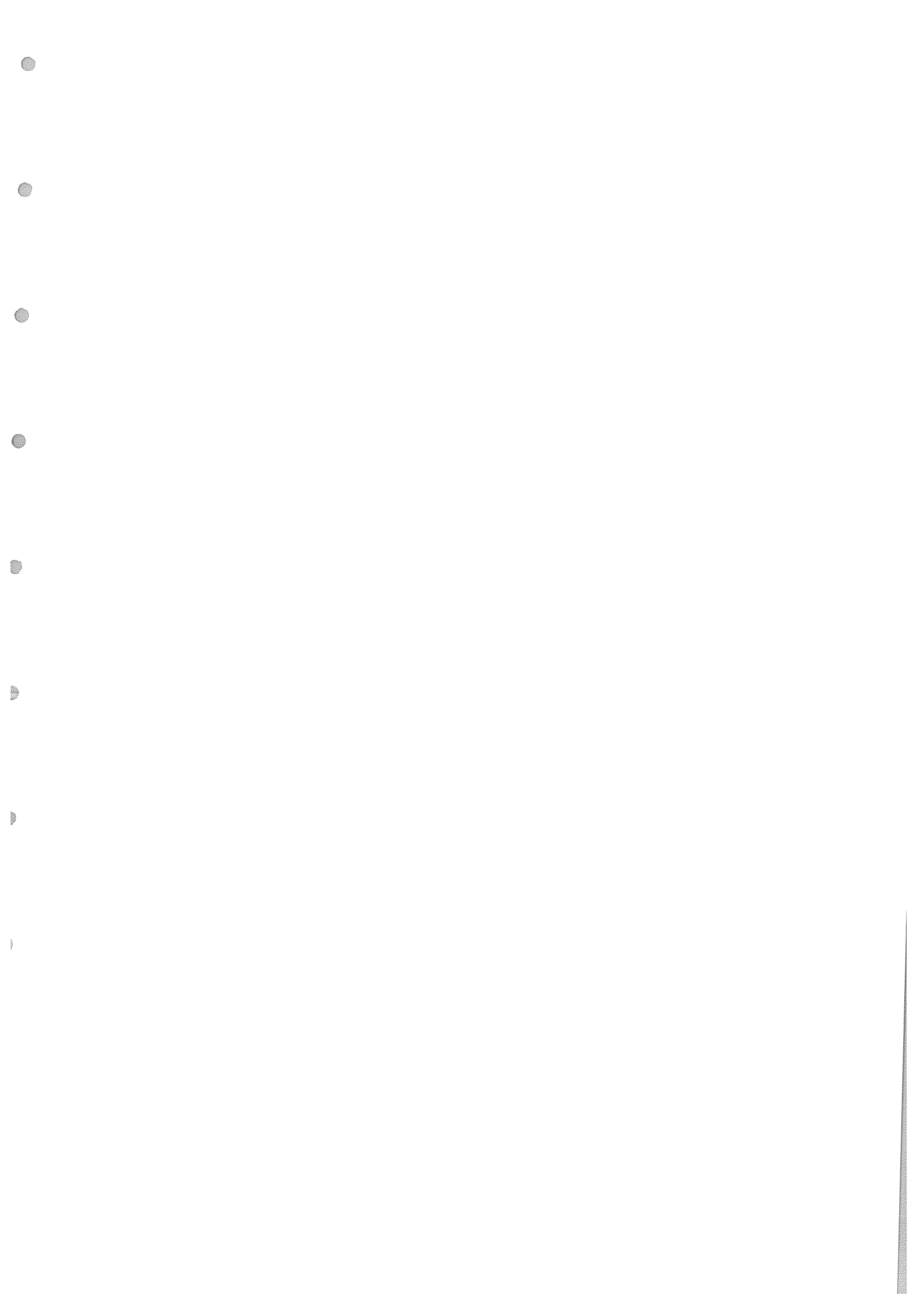


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DATED *2nd November* 2018

(1) LOREMAR INVESTMENTS LIMITED

and

(2) CBRE LOAN SERVICES LIMITED

and

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

**AGREEMENT**  
relating to land known as  
251-259 CAMDEN HIGH STREET, LONDON, NW1 7BU  
pursuant to Section 106 of the Town and Country Planning  
Act 1990 (as amended)

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

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