

DATED

29 November

2018

**(1) 80 GREENCROFT GARDENS LLP**

-and-

**(2) A2 CAPITAL LLP**

-and-

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

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**DEED OF VARIATION**

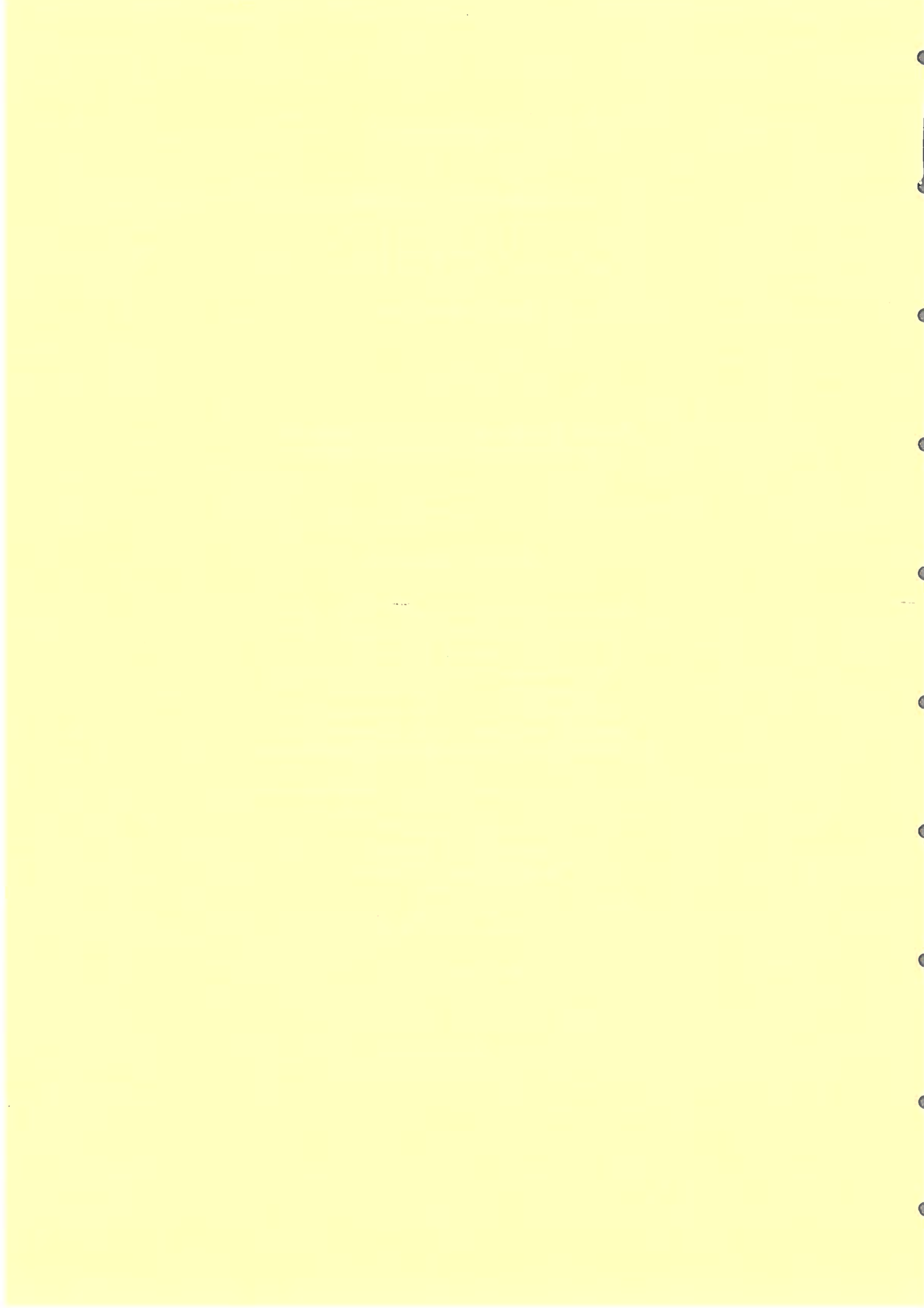
Relating to the Agreement dated 17 April 2018  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
80 Greencroft Gardens LLP and A2 Capital LLP  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**80 GREENCROFT GARDENS LONDON NW6 3JQ**

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

Tel: 020 7974 5826

CLS/COM/LN/1800.867  
DoV FINAL



THIS AGREEMENT is made on the 29<sup>th</sup> day of November 2018

**BETWEEN**

1. **80 GREENCROFT GARDENS LLP** (LLP Regn. No. OC403705) whose registered office is at 37 Commerical Road, Poole BH14 0HU (hereinafter called "the Owner") of the first part
2. **A2 CAPITAL LLP** (LLP Regn. No. OC423663) of 27 Queensdale Place, London W11 4SQ (hereinafter called "the Mortgagee") of the second part
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

**WHEREAS:**

- 1.1 The Council the Owner and the Mortgagee entered into an Agreement dated 17 April 2018 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL318326 subject to a charge to the Mortgagee.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.5 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 24 August 2018 for which the Council resolved to grant permission conditionally under reference 2018/3103/P subject to the conclusion of this Agreement.

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

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

## **2. INTERPRETATION**

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

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

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

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

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

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

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

2.7.1 "Agreement"

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

2.7.2 "Existing Agreement"

the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 17 April 2018 made between the Council the Owner and the Mortgagee

2.7.3 "the Original Planning Permission"

means the planning permission granted by the Council on 17 April 2018 referenced 2016/2822/P allowing the extensions to the property at basement, ground and roof levels including the provision of no.2 front lightwells, rear sunken garden and rear terraces to facilitate sub-division from 4x into 7x self-contained residential units (C3) as shown on drawing numbers (Prefix: ARC-532-) A-00, A-01, A-02, A-03, A-04, A-05, A-06, A-07, E-02, E-03, E-04 (received 13.11.17), E-05, E-06, S-01, S-02, S-03 Supporting documents: Basement Impact Assessment (Surface Water BIA and Design/construction proposals) Rev1 by Croft Structural Engineers (dated 31 Aug 2017); Flood risk assessment Rev2 by Croft Structural Engineers ref. 170503 (dated 31 Aug 2017); Basement Impact Assessment (Slope and Land stability report) ref. 30207-1 80 Greencroft BIA Rev 1 by Ground and Project Consultants Ltd (dated Aug 2017); Email correspondence - Croft Structural Engineers/Campbell Reith (dated Sept 2017); Planning, Design and Access Statement by Archian Ltd; Daylight and Sunlight report by Waldrams Ltd; Arboricultural Impact Assessment Report and Methods Statement ref. QPM/80GRC/AIM/01 (dated 26.10.17).

### 3. VARIATION TO THE EXISTING AGREEMENT

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

3.1.1 "Affordable Housing Contribution"

the sum of £7,950 (seven thousand nine hundred and fifty pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement to be applied by the Council in the event of receipt towards the provision of the Affordable Housing with the London Borough

3.1.2 "Development"

the development authorised by the Original Planning Permission as amended by the following: Variation to conditions 3 (approved plans) and 11 (cycle parking spaces) of planning permission 2016/2822/P dated 17/04/2018 for the 'Extensions to the property at basement, ground and roof levels including the provision of rear terraces to facilitate sub-division from 4x into 7x self-contained residential units (C3)'; namely, to reduce the scale of the proposed basement, omit approved front lightwells and reduce size of one unit from a 3bed into a 1bed unit (resulting mix 2x3 bed 2x2bed and 3x1 bed) (Prefix: ARC-532-) A-00, A-03, A-04, A-05, A-06, A-07, E-02, E-03, E-04 (received 13.11.17), E-05, E-06, S-01, S-02, S-03; Revised ground floor plan, basement floor plan and proposed AA Section produced by 'The Draughtsman London' dated 20/03/2018 (received 07.09.18) Supporting documents: Basement Impact Assessment (Surface Water BIA and Design/construction proposals) Rev1 by Croft Structural Engineers (dated 31 Aug

2017); Flood risk assessment Rev2 by Croft Structural Engineers ref. 170503 (dated 31 Aug 2017); Basement Impact Assessment (Slope and Land stability report) ref. 30207-1 80 Greencroft BIA Rev 1 by Ground and Project Consultants Ltd (dated Aug 2017); Email correspondence - Croft Structural Engineers/Campbell Reith (dated Sept 2017); Planning, Design and Access Statement by Archian Ltd; Daylight and Sunlight report by Waldrams Ltd; Arboricultural Impact Assessment Report and Methods Statement ref. QPM/80GRC/AIM/01 (dated 26.10.17)

3.1.3 "Planning Permission"

The planning permission granted for the Development under reference number 2018/3103/P substantially in the draft form annexed hereto

3.1.4 "Planning Application"

the application for Planning Permission in respect of the Property submitted to the Council and validated on 24 August 2018 and given reference 2018/3103/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/2822/P" shall be replaced with "Planning Permission reference 2016/2822/P as varied by application 2018/3103/P".

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

4. **COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2018/3103/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 Agreement) its reasonable legal costs incurred in preparing this Agreement

**6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Agreement shall be registered as a Local Land Charge

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

**EXECUTED AS A DEED BY** )  
**80 GREENCROFT GARDENS LLP** )  
**in the presence of:-** )


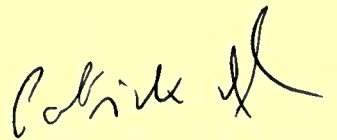


.....  
**Director**

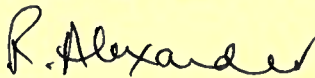


.....  
**Director/Secretary**

**EXECUTED AS A DEED BY** )  
**A2 CAPITAL LLP** )  
**by** )  
**in the presence of:-** )



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

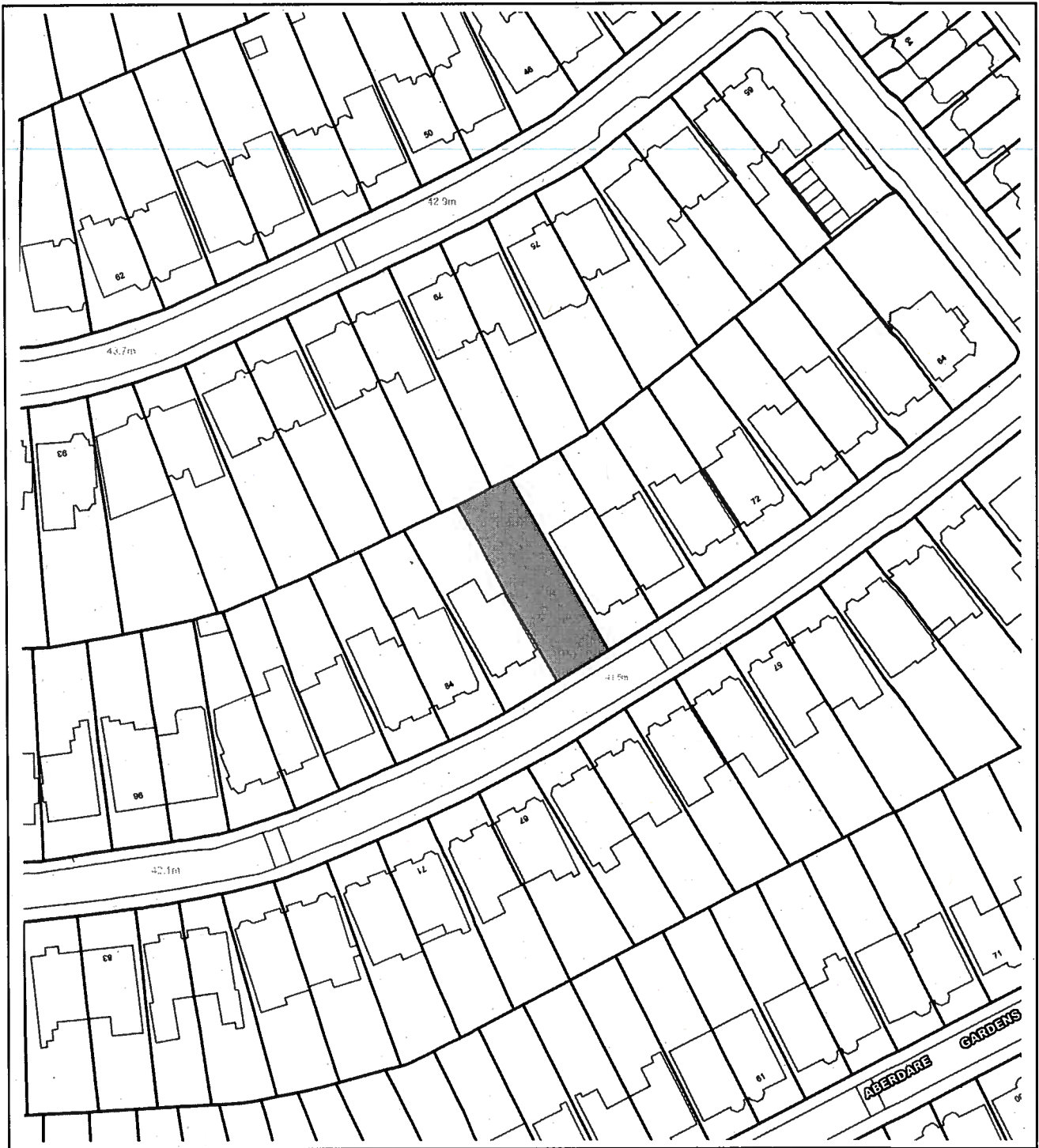


.....  
**Duly Authorised Officer**

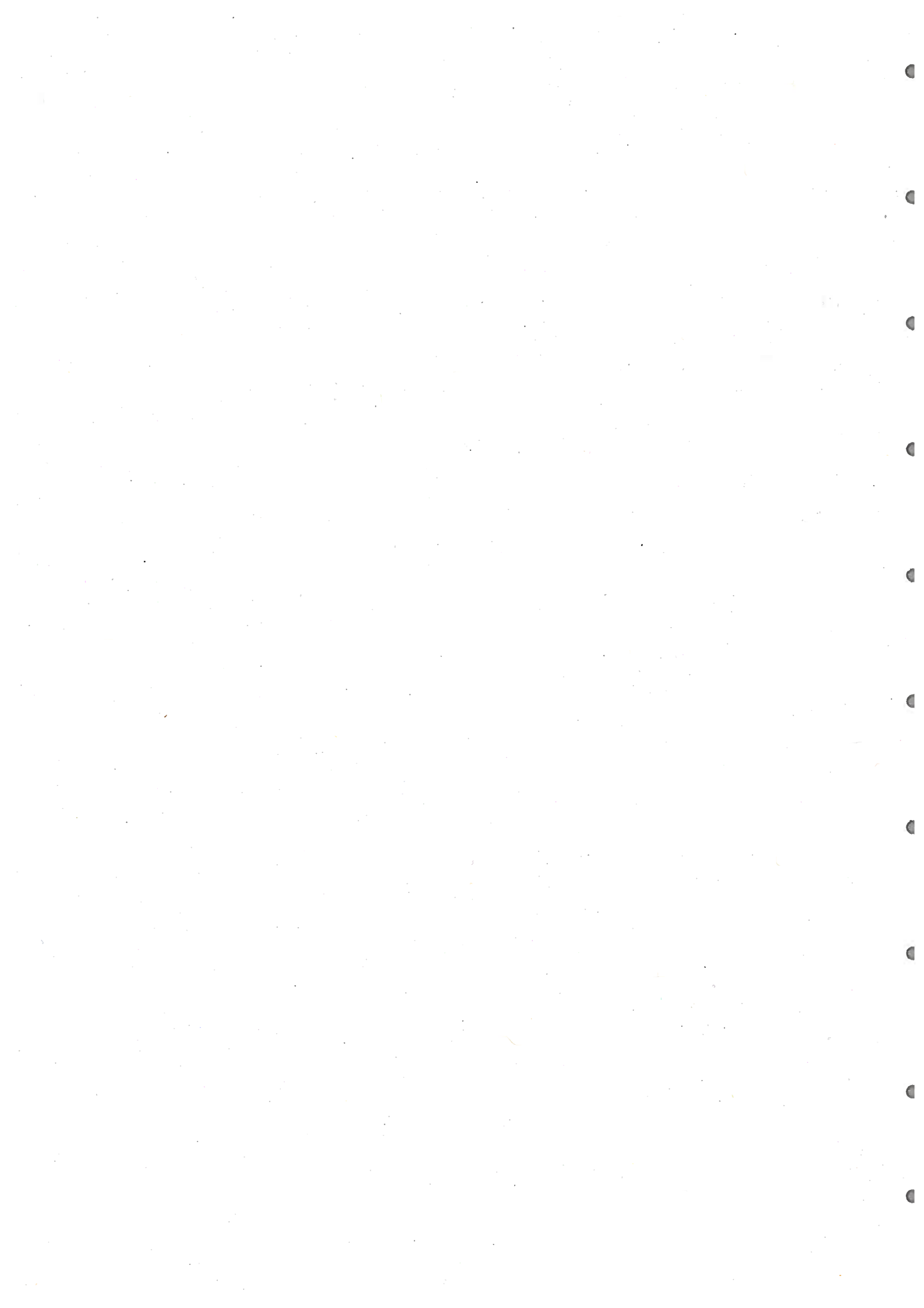




# NORTHGATE SE GIS Print Template



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Suite 201-Ocean Air House  
750 High Rd  
Leytonstone  
London  
E11 3AW

Application Ref: **2018/3103/P**

01 November 2018

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:

**80 Greencroft Gardens  
London  
NW6 3JQ**

Proposal:

**DECISION**  
Variation to conditions 3 (approved plans) and 11 (cycle parking spaces) of planning permission 2016/2822/P dated 17/04/2018 for the 'Extensions to the property at basement, ground and roof levels including the provision of rear terraces to facilitate sub-division from 4x into 7x self-contained residential units (C3)'; namely, to reduce the scale of the proposed basement, omit approved front lightwells and reduce size of one unit from a 3bed into a 1bed unit (resulting mix 2x3 bed 2x2bed and 3x1 bed).

Drawing Nos: (Prefix: ARC-532-) A-00, A-03, A-04, A-05, A-06, A-07, E-02, E-03, E-04 (received 13.11.17), E-05, E-06, S-01, S-02, S-03; Revised ground floor plan, basement floor plan and proposed AA Section produced by 'The Draughtsman London' dated 20/03/2018 (received 07.09.18).

Supporting documents: Basement Impact Assessment (Surface Water BIA and Design/construction proposals) Rev1 by Croft Structural Engineers (dated 31 Aug 2017); Flood risk assessment Rev2 by Croft Structural Engineers ref. 170503 (dated 31 Aug 2017); Basement Impact Assessment (Slope and Land stability report) ref. 30207-1 80 Greencroft BIA Rev 1 by Ground and Project Consultants Ltd (dated Aug 2017); Email correspondence - Croft Structural Engineers/Campbell Reith (dated Sept 2017); Planning, Design and Access Statement by Archian Ltd; Daylight and Sunlight report by Waldrams Ltd; Arboricultural Impact Assessment Report and Methods Statement ref. QPM/80GRC/AIM/01 (dated 26.10.17).

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 2016/2822/P dated 17/04/2018.

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

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/2822/P dated 17/04/2018 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-

(Prefix: ARC-532-) A-00, A-03, A-04, A-05, A-06, A-07, E-02, E-03, E-04 (received 13.11.17), E-05, E-06, S-01, S-02, S-03; Revised ground floor plan, basement floor plan and proposed AA Section produced by 'The Draughtsman London' dated 20/03/2018 (received 07.09.18).

Supporting documents: Basement Impact Assessment (Surface Water BIA and Design/construction proposals) Rev1 by Croft Structural Engineers (dated 31 Aug 2017); Flood risk assessment Rev2 by Croft Structural Engineers ref. 170503 (dated 31 Aug 2017); Basement Impact Assessment (Slope and Land stability report) ref. 30207-1 80 Greencroft BIA Rev 1 by Ground and Project Consultants Ltd (dated Aug 2017); Email correspondence - Croft Structural Engineers/Campbell Reith (dated Sept 2017); Planning, Design and Access Statement by Archian Ltd; Daylight and Sunlight report by Waldrams Ltd; Arboricultural Impact Assessment Report and Methods Statement ref. QPM/80GRC/AIM/01 (dated 26.10.17).

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

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

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 Prior to commencement of any impact piling, a piling method statement shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in consultation with Thames Water or the relevant statutory undertaker, and shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of Policy CC3 of the London Borough of Camden Local Plan 2017.

- 6 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, CC1, CC2, CC3, D1 and D2 of the London Borough of Camden Local Plan 2017.

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

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, CC1, CC2, CC3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 Prior to the commencement of any works on site, the tree protection measures demonstrating how trees to be retained shall be protected during construction work detailed in the with the hereby approved Arboricultural Impact Assessment Report and Methods Statement ref. QPM/80GRC/AIM/01 (dated 26.10.17) shall be installed and adhered to for the duration of works on site. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in relation to design, demolition and construction". 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 in accordance with the approved protection details

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017

- 9 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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

- 10 Prior to first occupation of the units hereby approved, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w [and L'nT,w] of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely between the habitable rooms within the adjoining units. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the future occupiers of the development and occupiers of the adjoining premises in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017

- 11 For the purposes of this decision, condition no.11 of planning permission 2016/2822/P dated 17/04/2018 shall be replaced with the following condition:

**REPLACEMENT CONDITION 11:**

Prior to first occupation of the units hereby approved, details of secure and covered cycle storage area for 11 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

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

- 12 Prior to first occupation of the units hereby approved, details of the location, design and method of waste storage and removal (including recycled materials), shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 13 A 1.8 metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected to either side return of the first floor rear terrace prior to commencement of use of the roof terrace and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 14 Only the area specifically shown on the plans hereby approved as an external terrace/balcony shall be used for such purposes; and no other flat roofed areas shall be used at any time as amenity space, and any access out onto these areas shall be for maintenance purposes only.

Reason: In order to prevent any overlooking of the neighbouring occupiers in accordance with the requirements of policies G1 and A1 of the Camden Local Plan 2017.

- 15 The development hereby approved shall not be commenced, other than for site clearance, preparation and demolition, until details of a surface water drainage scheme for the site, prepared with reference to the London Plan policy 5.13 'SuDS hierarchy' to minimise the rate of surface water run-off from the site aiming by reasonable endeavours to achieve the greenfield run off rate, shall be submitted to and approved by the local planning authority in consultation with Thames Water. The development shall not be implemented other than in complete accordance with the surface water drainage scheme that has been approved.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 16 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.



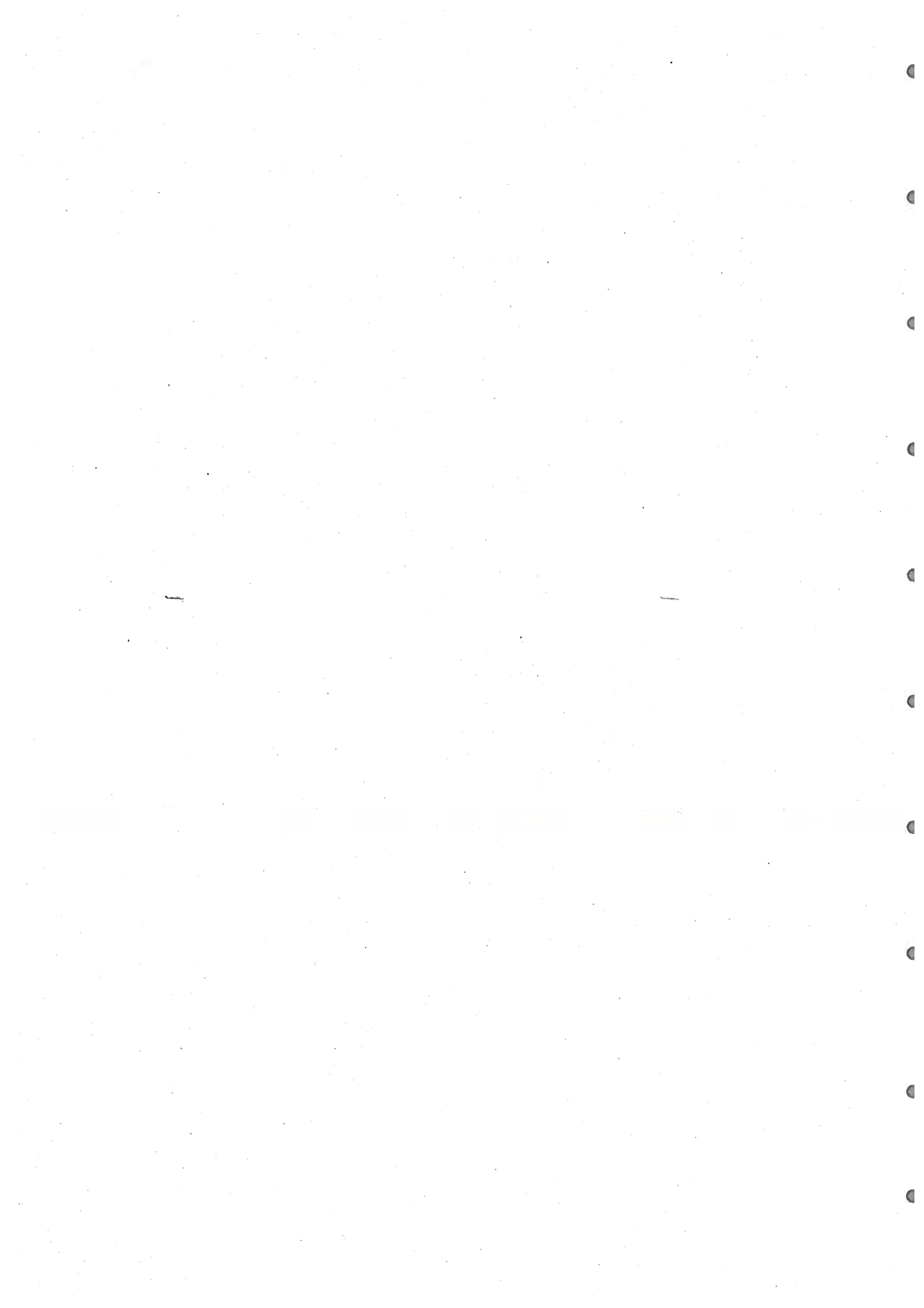
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays 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 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.

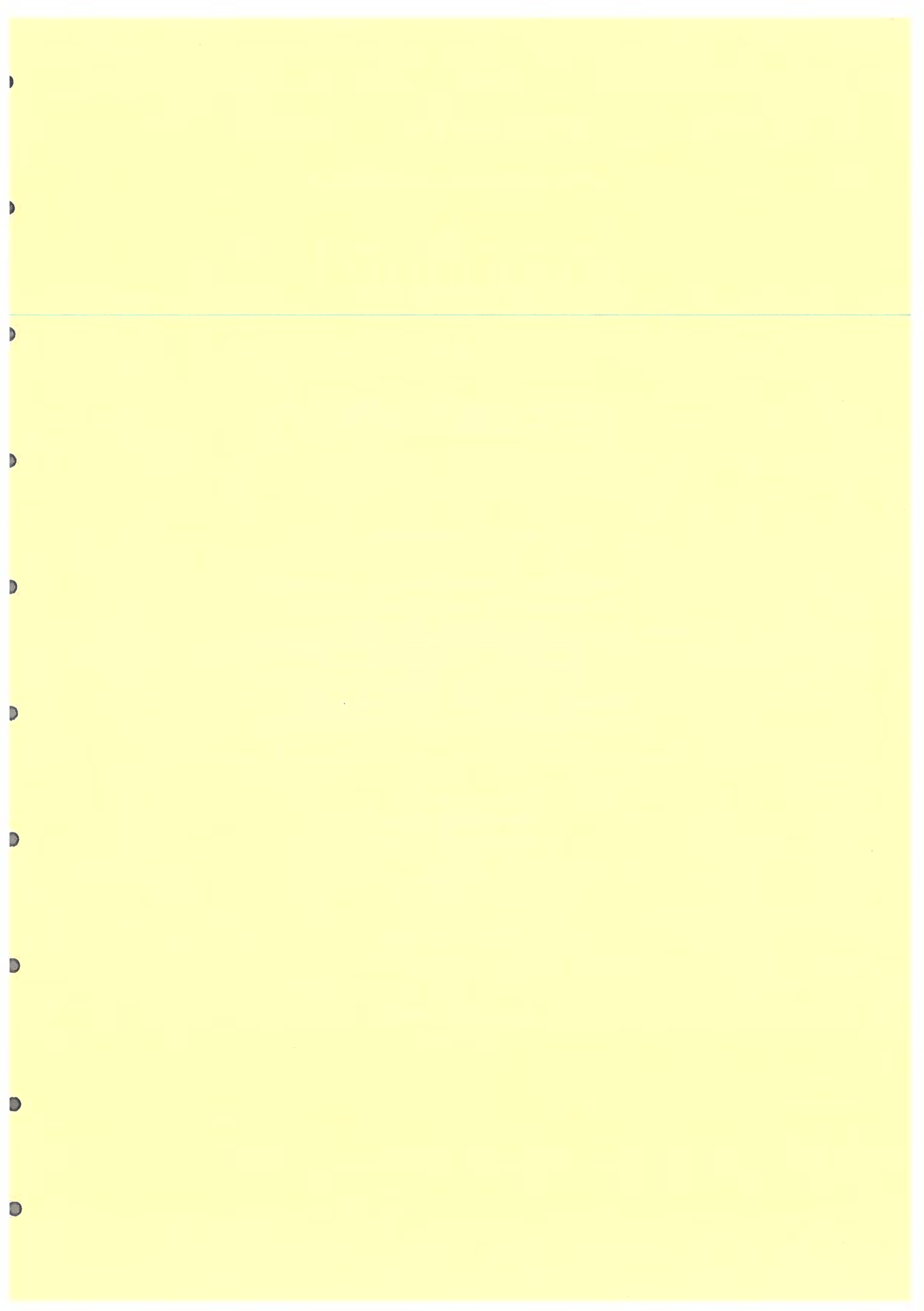
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

Executive Director Supporting Communities





DATED

29 November

2018

**(1) 80 GREENCROFT GARDENS LLP**

-and-

**(2) A2 CAPITAL LLP**

-and-

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 17 April 2018  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
80 Greencroft Gardens LLP and A2 Capital LLP  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**80 GREENCROFT GARDENS LONDON NW6 3JQ**

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

Tel: 020 7974 5826

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