

DATED

20 February

2019

(1) SWAINS LANE LIMITED

-and-

(2) CLOSE BROTHERS LIMITED

-and-

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

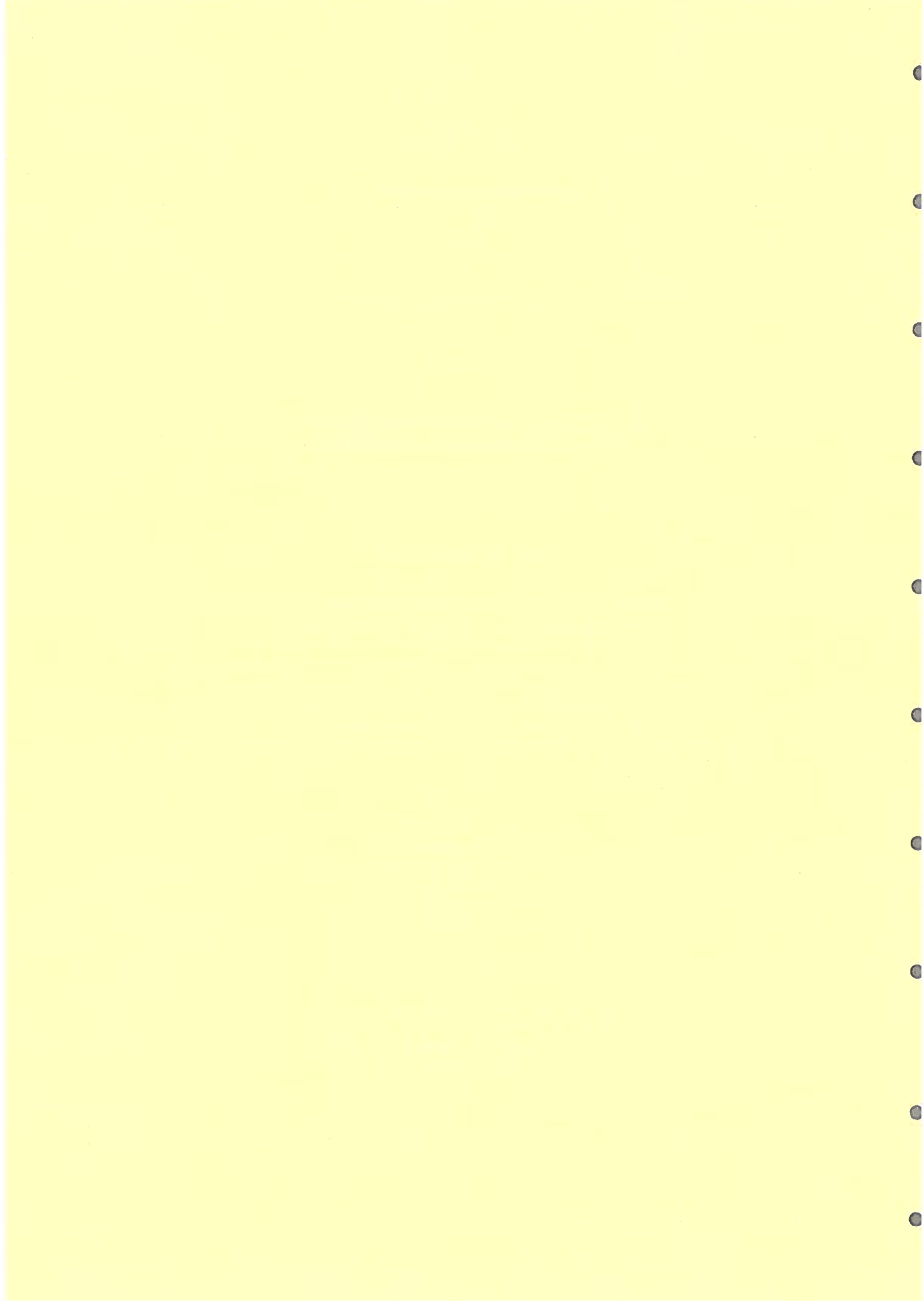
DEED OF VARIATION

Relating to the Agreement dated 26 February 2015
Between the Mayor and the Burgesses of the
London Borough of Camden and The Right Honourable Francis Michael Earl of Listowel (as
varied by the First Deed of Variation dated 11 October 2017 and the Second Deed of
Variation dated 17 May 2018) under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
1-11A SWAIN'S LANE & 109-110 HIGHGATE WEST HILL LONDON N6 6QX

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

Tel: 020 7974 5826

CLS/LN/1800.878
DoV FINAL



THIS AGREEMENT is made on the 20th day of February 2019

BETWEEN

1. **SWAINS LANE LIMITED** (Co. Regn. No. 9383203) whose registered office is at 150 Aldersgate Street London EC1A 4AB (hereinafter called "the Owner") of the first part
2. **CLOSE BROTHERS LIMITED** (Co. Regn. No. 195626) of 10 Crown Place London EC2A 4FT (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 and The Right Honourable Francis Michael Earl of Listowel entered into an Agreement dated 26 February 2015 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Council, Swains Lane Limited and Close Brothers Limited entered into an Agreement dated 11 October 2017 pursuant to section 106A of the Town and Country Planning Act 1990 (as amended) to vary the terms of the Existing Agreement.
- 1.3 The Council, Swains Lane Limited and Close Brothers Limited entered into an Agreement dated 17 May 2018 pursuant to section 106A of the Town and Country Planning Act 1990 (as amended) to vary the terms of the Existing Agreement.
- 1.4 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number 365873 subject to a charge to the Mortgagee.
- 1.5 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.

- 1.6 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.
- 1.7 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 30 August 2018 for which the Council resolved to grant permission conditionally under reference 2018/4187/P subject to the conclusion of this Agreement.
- 1.8 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 (as amended) and is a planning obligation for the purposes of that section.
- 1.9 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

2. INTERPRETATION

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Agreement.
- 2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 Where in this Agreement reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.
- 2.4 Headings are for ease of reference only and are not intended to be construed as part of this Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.6 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 26 February 2018 made between the Council and The Right Honourable Francis Michael Earl of Listowel

2.7.3 "the Original Planning Permission" means the planning permission granted by the Council on 26 February 2015 referenced 2013/6674/P allowing the erection of a part 2 / part 3 storey (above part basement level) building comprising 5 retail units (Classes A1/A2/A3) and 7 residential units (Class C3) on upper floors; and a 3 storey building comprising 3 retail units (Classes A1/A2/A3) and 5 residential units (Class C3) on upper floors; with associated car parking, landscaping and works to the public realm (following the demolition of existing buildings). as shown on drawing numbers SWL/PL/0.1; /1.0; /1.1; /1.2; /2.1; /2.2; /2.3; /2.4; /3.1; /3.2; /4.1; /4.2; /10.0 rev B; /10.1 rev B; /11 rev B; /11.1 rev G; /11.2 rev E; /11.3 rev E; /11.4 rev C; /12.1 rev C; /12.2 rev E; /12.3 rev D; /12.4 rev D; /13.1 rev D; /13.2 rev D; /13.4 rev B; /13.5 rev B; /14.1 rev B; /14.2 rev B; SWL/DAS/16.1 rev C; /16.2 rev C; /16.3 rev B; DFC 1246 TPP rev C; Nathaniel Lichfield &

Partners letter dated 23 June 2014 ref 13015/JF/HP/7003760v1; Nathaniel Lichfield & Partners letter dated 23 April 2014 ref 13015/JF/HP/6657845v3 (including attached Area Schedule); Nathaniel Lichfield & Partners letter dated 17 February 2014 ref 13015/JF/HP/6321548v1; Nathaniel Lichfield & Partners letter dated 24 January 2014 ref 13015/JF/DPa/6132890v2; 120578A/A/03; /AT/D01; /AT/D02; /AT/D03; /AT/D04; /AT/D05; /SK/01 D; Servicing Management Plan prepared by Vectos dated April 2014; Draft Construction Management Plan prepared by Nathaniel Lichfield & Partners dated 22 April 2014 ref 6672285v1; Landscape Proposals for Swain's Lane prepared by Fisher Tomlin & Bowyer dated February 2014 ref April V5 2014; Assessment of Affordability of Retail Units Proposed prepared by Nathaniel Lichfield & Partners ref 5991349v1; Crime Impact Statement prepared by Nathaniel Lichfield & Partners ref 5958999v1; Basement Impact Screening Study prepared by Cundall dated 05/12/2013 ref 1005586 RPT 010; Ground Investigation prepared by Harrison Environmental dated November 2013 ref GL16486 GI rev 2; Air Quality Assessment prepared by Air Quality Consultants dated 7 October 2013; Arboricultural Impact Assessment prepared by DF Clark Bionomique Ltd, dated 17 September 2013 ref DFC 1246 rev C; Daylight, Sunlight and Overshadowing Assessment prepared by Nathaniel Lichfield & Partners dated October 2013 ref 13015/JF/BK; Drainage Strategy prepared by Cundall dated October 2013 ref 1005586-RPT-00009 A; Energy & Sustainability Report prepared by

Cundall dated 7 October 2013 rev B; Environmental Noise Report prepared by Cundall dated 7/10/2013 ref 1005586-RPT-0001 C; Heritage Impact Assessment prepared by Nathaniel Lichfield & Partners dated October 2013 ref CL13015; Planning Statement prepared by Nathaniel Lichfield & Partners dated October 2013 ref 13015/JF/DPa; Transport Statement prepared by Vectos dated October 2013; Design and Access Statement prepared by Liam O'Connor Architects dated October 2013 ref SWL/DAS/16.0; Statement of Community Involvement prepared by M&N Place Limited dated October 2013; Tree Protection Plan DFC 1246 TPP rev B.

2.7.4 “the First Deed of Variation” the Deed of Variation made pursuant to Section 106A Agreement under the Town and Country Planning Act 1990 (as amended) dated 11 October 2017 made between the Council Swains Lane Limited and Close Brothers Limited

2.7.5 “the Second Planning Permission”

means the planning permission granted on 11 October 2017 under reference number 2017/0529/P allowing the variation of condition 2 (approved plans) of planning permission 2013/6674/P dated 26/02/2015 for: (Erection of a part 2/part 3 storey (plus basement) building comprising 5 retail units (A1/A2/A3) at ground floor level and 7 residential units (C3) on upper floors; and a 3 storey building comprising 3 retail units (A1/A2/A3) with 5 residential units (C3) above and associated works following the demolition of existing buildings); CHANGES include - commercial frontage sizes

modularised/equalled; internal layout revisions to commercial and residential units; circulation core sizes increased; rendered window reveals revised to brick facing reveals; rendered masonry coping stone to parapet walls revised to pre-cast stone coping; facing brick to principal elevations revised from stretcher to flemish brick bond; external metal balustrade relocated to internal balustrades; basement layout revised; eight first floor windows revised to flush fixed pane windows; ground floor infill to western building; second floor window surrounds revised to a chamfered design; east building ground floor residential undercroft openings on east elevation revised to hit-and-miss brick infill:- as shown on drawing numbers:- (GA-)001-005; 101 Rev A; 103 Rev A; 201-202 Rev A; 203; 204 (Proposed Elevations East Building North & West); 204 (Proposed Street Elevation South), DD-119 and Sketch Detail 2nd Floor Chamfered Window Reveal.

2.7.6 "the Second Deed of Variation"

the Deed of Variation made pursuant to Section 106A Agreement under the Town and Country Planning Act 1990 (as amended) dated 17 May 2018 made between the Council Swains Lane Limited and Close Brothers Limited

2.7.7 "the Third Planning Permission"

means the planning permission granted on 17 May 2018 under reference number 2017/6643/P allowing variation of condition 2 (approved plans) of planning permission 2013/6674/P dated 26/02/2015 (as amended by 2017/0529/P dated 11/10/2017) for: (Erection of a part 2/part

3 storey (plus basement) building comprising 5 retail units (A1/A2/A3) at ground floor level and 7 residential units (C3) on upper floors; and a 3 storey building comprising 3 retail units (A1/A2/A3) with 5 residential units (C3) above and associated works following the demolition of existing buildings); CHANGES are to the internal layout of the second floor of the West Building, to enable the amalgamation of a two bed flat and a three bed flat into one three bed flat as shown on drawing numbers:- GA-004 Rev A

3. VARIATION TO THE EXISTING AGREEMENT

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

3.1.1 "Development"

the development authorised by the Original Planning Permission as varied by the Second Planning Permission and the Third Planning Permission and variation of condition 2 (approved plans) and 3a (details of windows and doors) of planning permission 2013/6674/P dated 26/02/2015 (as amended by 2017/0529/P dated 11/10/2017 and 2017/6643/P dated 17/05/2018) for: (Erection of a part 2/part 3 storey (plus basement) building comprising 5 retail units (A1/A2/A3) at ground floor level and 7 residential units (C3) on upper floors; and a 3 storey building comprising 3 retail units (A1/A2/A3) with 5 residential units (C3) above and associated works following the demolition of existing buildings); CHANGES include East and West building entrances revised to timber slats clad in copper with bronze entrance doors and

gate, first and second floor windows on West Building revised, openable windows revised to Secco bronze units, entrance door positions to timber shopfronts revised. as shown on drawing numbers: approved drawings: SK-001 Rev A; SK-002 Rev A; GA-003 Rev A; GA-004 Rev B; GA-005 Rev A; GA-201 Rev C; GA-202 Rev C; GA-203 Rev B; GA-204 Rev B; DD-126 Rev B; OS265-F2A-EST; DWS.09 Rev A and DD-111 Rev B superseded drawings: GA-003 Rev A; GA-004 Rev A; GA-005; GA-201 Rev A; GA-202 Rev A; GA-203 and GA-204

3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2018/4187/P granted by the Council in the form of the draft annexed hereto

3.1.3 "Planning Application"

the application for Planning Permission in respect of the Property submitted to the Council and validated on 30 August 2018 and given reference 2018/4187/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2013/6674/P" shall be replaced with "Planning Permission reference 2013/6674/P as varied by 2017/0529/P, 2017/6643/P and 2018/4187/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 2018/4187/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
SWAINS LANE LIMITED
in the presence of:-**

.....
Director

.....
Director/Secretary

**EXECUTED AS A DEED BY
CLOSE BROTHERS LIMITED
by
in the presence of:-**

Executed by Close Brothers Limited as a Deed pursuant to a Power of Attorney dated 14th December 2018 (filed at Land Registry Head Office under reference CAS/Close Brothers Limited/2019 pursuant to a facility letter dated 14th January 2019)

.....
Authorised Signatory

Darren Morris
Name of Signatory

.....
Witnessed by

Emily Danno
Name of Witness

.....
Authorised Signatory

Gary Sutherland
Name of Signatory

.....
Witnessed by

Emily Danno
Name of Witness

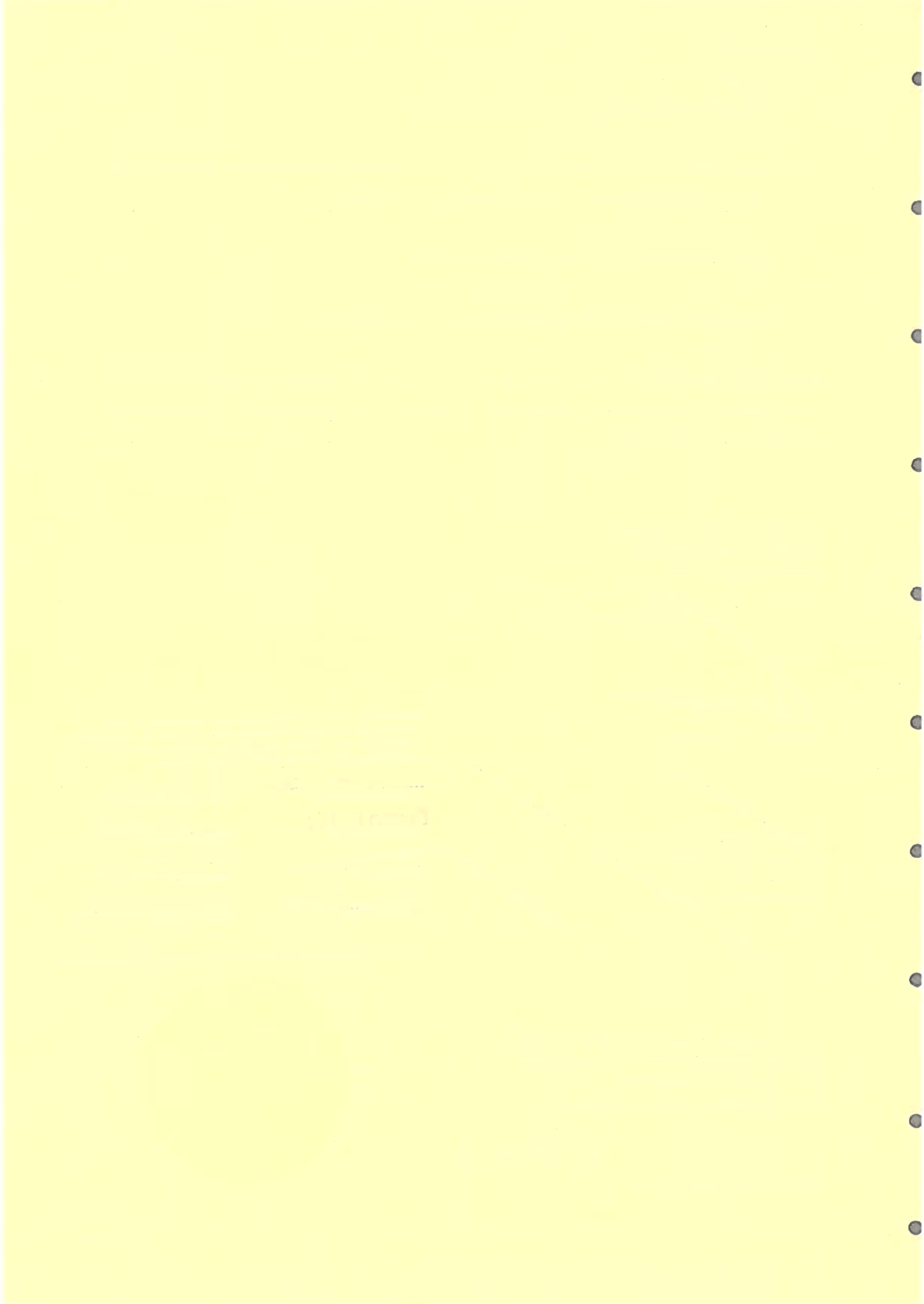
10 Crown Place, London EC2A 4FT 10 Crown Place, London EC2A 4FT

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

.....
Duly Authorised Officer

R. Alexander





Tasou Associates Limited
4 Amwell Street
London
EC1R 1UQ

Application Ref: **2018/4187/P**

01 February 2019

Dear Sir/Madam

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:

**1-11A Swain's Lane &
109-110 Highgate West Hill
London
N6 6QX**

Proposal:

Variation of condition 2 (approved plans) and 3a (details of windows and doors) of planning permission 2013/6674/P dated 26/02/2015 (as amended by 2017/0529/P dated 11/10/2017 and 2017/6643/P dated 17/05/2018) for: (Erection of a part 2/part 3 storey (plus basement) building comprising 5 retail units (A1/A2/A3) at ground floor level and 7 residential units (C3) on upper floors; and a 3 storey building comprising 3 retail units (A1/A2/A3) with 5 residential units (C3) above and associated works following the demolition of existing buildings); **CHANGES** include East and West building entrances revised to timber slats clad in copper with bronze entrance doors and gate, first and second floor windows on West Building revised, openable windows revised to Secco bronze units, entrance door positions to timber shopfronts revised.

Drawing Nos: Approved drawings: SK-001 Rev A; SK-002 Rev A; GA-003 Rev A; GA-004 Rev B; GA-005 Rev A; GA-201 Rev C; GA-202 Rev C; GA-203 Rev B; GA-204 Rev B; DD-126 Rev B; OS265-F2A-EST; DWS.09 Rev A and DD-111 Rev B.

Superseded drawings: GA-003 Rev A; GA-004 Rev A; GA-005; GA-201 Rev A; GA-202 Rev A; GA-203 and GA-204.

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 shall be carried out in accordance with the following approved plans: (SWL/PL/0.1; 1.0; 1.1; 1.2; 2.1; 2.2; 2.3; 2.4; 3.1; 3.2; 4.1; 4.2; 10.0 rev B; 10.1 rev B, (GA-001-003 Rev A; 004 Rev B; 005 Rev A; 101 Rev A; 103 Rev A; 201-202 Rev C; 203 Rev B; 204 Rev B, DD-119, Sketch Detail 2nd Floor Chamfered Window Reveal, DFC 1246 TPP rev C; DD-126 Rev B; OS265-F2A-EST; DWS.09 Rev A; DD-111 Rev B; Nathaniel Lichfield & Partners letter dated 23 June 2014 ref 13015/JF/HP/7003760v1; Nathaniel Lichfield & Partners letter dated 23 April 2014 ref 015/JF/HP/6657845v3 (including attached Area Schedule); Nathaniel Lichfield & Partners letter dated 17 February 2014 ref 13015/JF/HP/6321548v1; Nathaniel Lichfield & Partners letter dated 24 January 2014 ref 13015/JF/DPa/6132890v2; 120578A/A/03; /AT/D01; /AT/D02; /AT/D03; /AT/D04; /AT/D05; /SK/01 D; Servicing Management Plan prepared by Vectos dated April 2014; Draft Construction Management Plan prepared by Nathaniel Lichfield & Partners dated 22 April 2014 ref 6672285v1; Landscape Proposals for Swain's Lane prepared by Fisher Tomlin & Bowyer dated February 2014 ref April V5 2014; Assessment of Affordability of Retail Units Proposed prepared by Nathaniel Lichfield & Partners ref 5991349v1; Crime Impact Statement prepared by Nathaniel Lichfield & Partners ref 5958999v1; Basement Impact Screening Study prepared by Cundall dated 05/12/2013 ref 1005586 RPT 010; Ground Investigation prepared by Harrison Environmental dated November 2013 ref GL16486 GI rev 2; Air Quality Assessment prepared by Air Quality Consultants dated 7 October 2013; Arboricultural Impact Assessment prepared by DF Clark Bionomique Ltd, dated 17 September 2013 ref DFC 1246 rev C; Daylight, Sunlight and Overshadowing Assessment prepared by Nathaniel Lichfield & Partners dated October 2013 ref 13015/JF/BK; Drainage Strategy prepared by Cundall dated October 2013 ref 1005586-RPT-00009 A; Energy & Sustainability Replot prepared by Cundall dated 7 October 2013 rev B; Environmental Noise Report prepared by Cundall dated 7/10/2013 ref 1005586-RPT-0001 C; Heritage Impact Assessment prepared by Nathaniel Lichfield & Partners dated October 2013 ref CL13015; Planning Statement prepared by Nathaniel Lichfield & Partners dated October 2013 ref 3015/JF/DPa; Transport Statement prepared by Vectos dated October 2013; Design and Access Statement prepared by Liam O'Connor Architects dated October 2013 ref SWL/DAS/16.0; Statement of Community Involvement prepared by M&N Place Limited dated October 2013; Tree Protection Plan DFC 1246 TPP rev B.

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

- 2 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Jambs, head and cill, of all new external windows and doors in accordance with the approved details, or any other such details at a scale of 1:10 with typical glazing bar details at 1:1.

b) Typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.

c) Details elevations and sections showing typical facing brick arrangement including expansion joints vertical and horizontal banding and parapet coping detail.

d) The 2nd floor 75mm fins shall be implemented as approved under 2017/1801/P dated 16/05/2017

e) Typical details of the new shopfronts at a scale of 1:20 including any integrated security shutters and tenants signage strategy, and a shopfront design code which all shopfronts must adhere to

f) Samples and manufacturer's details of new facing materials including brickwork, surface materials; windows and door frames, glazing, balconies, balustrades, timber, render panels and any other facing materials.

g) A sample panel of brickwork no less than 1m by 1m including junction with window opening demonstrating the proposed colour, texture, face bond, pointing, expansion joints and vertical and horizontal banding, shall be erected on site.

The on-site sample panel shall be retained in place for the duration of the relevant works. The relevant part of the works shall then be carried in accordance with the approved details.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan June 2017.

- 3 The development shall be undertaken in accordance with the Preliminary Risk Assessment (PRA) and scheme of investigation and the written scheme of remediation measures that has been submitted to and approved by the local planning authority in writing under 2016/5630/P dated 18/11/2016. The remediation measures shall be implemented strictly in accordance with the approved documents and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

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

- 4 The development hereby approved shall commence in accordance with the details submitted under 2016/4912/P dated 01/12/2016, which confirm that 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. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A4 of the Camden Local Plan June 2017.

- 5 The proposed development should proceed in accordance with the details approved under 2016/4912/P dated 01/12/2016, which demonstrate how trees to be retained (and trees on adjacent land) shall be protected during construction work. The works shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to 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 policy D1 of the Camden Local Plan June 2017.

- 6 Details of hard and soft landscaping including tree/plant species and sizes, all hard landscape materials, play structures, and means of enclosure of all unbuilt, open areas shall be submitted to and approved in writing by the local planning authority before the relevant parts of work are begun. Such details shall include details on how the spaces are accessible by all including details on level access, ramp gradients, landings, handrails, step dimensions, colour contrast nosings etc. Implementation of the hard and soft landscaping and the boundary treatment shall be carried out in accordance with the approved details.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy D1 of the Camden Local Plan June 2017.

- 7 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the relevant part of the development. Any newly planted 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 satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy D1 of the Camden Local Plan June 2017.

- 8 Full details, including maintenance, in respect of the brown roofs and green walls in the area indicated on the approved roof plans shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan June 2017.

- 9 The use of the roof as a terrace shall not commence until the screen of trees as shown on the approved drawings, has been installed. The screen shall be permanently retained and maintained thereafter. Should the trees die they shall be replaced within one month.

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

- 10 Prior to the occupation of the ground floor of the development a scheme for the layout of the units shall be submitted and approved by the Council and thereafter implemented in accordance with the approved scheme. Notwithstanding the layout shown on drawing ref: SW/PL/11.1 Rev G the approved scheme shall contain no less than three and no more than five units in the West Building and no less than two and no more than three units in the East Building unless otherwise agreed.

Reason: To ensure that suitable retail facilities are provided in this location in accordance with the requirements of policies TC1 and TC5 of the Camden Local Plan June 2017.

- 11 A minimum of 50% of the ground floor flexible retail/restaurant floorspace to both buildings shall be provided as class A1 retail floorspace

Reason: To ensure a minimum provision of retail space and to prevent an over concentration of food and drink uses in this Central London location in accordance with policy TC1 of the Camden Local Plan June 2017.

- 12 Notwithstanding the provisions of Class D of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 as amended by any Order revoking and re-enacting that Order, no change of use of the ground floor units to Swains Lane and Highgate West Hill shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and TC1 of the Camden Local Plan June 2017.

- 13 Prior to the first use of the premises for any A3 floorspace hereby permitted, full details of a scheme for extract ventilation, including manufacturers specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall be retained and maintained in accordance with the manufacturers' recommendations. In the event of no satisfactory ventilation plant and/or machinery being provided, no primary cooking shall take place on the premises.

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 Camden Local Plan June 2017.

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

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

- 15 Prior to the commencement of any plant being used, a noise survey shall be carried out to ascertain the noise levels in condition 14 from the machinery are being met. A Noise Report shall be submitted in writing for the approval of the Local Planning Authority. The Noise Report shall clearly contain map/plan showing all measurements locations, tabulated and graphically raw data, calculations/façade corrections/assumptions made, time date, etc.

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 Camden Local Plan June 2017.

- 16 No plant or machinery shall be installed on the external parts of the building other than in the areas indicated as switch/plant rooms on the approved plans.

Reason: To ensure that the appearance of any external plant is compatible with the appearance of the building and the area and to ensure that residential amenities are protected, in accordance with the requirements of policies A1, A4, D1 and D2 of the Camden Local Plan June 2017.

- 17 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2) with at least 10% designed and constructed in accordance with Building Regulations Part M4 (3) adaptable.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the Camden Local Plan June 2017.

- 18 No meter boxes, flues, vents, pipes or satellite dishes shall be fixed or installed on the street and return elevations of the new buildings or any elevations that can be seen from the highway, without the prior written consent of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan June 2017.

- 19 Full details of the position, specification in terms of luminance and typical design of fixtures in respect of external lighting shall be submitted in writing to and approved by the Local Planning Authority before work starts on the relevant part of the development. The details shall include the provision of street lighting on the facades of the building where possible. The details shall not be implemented other than in accordance with the scheme as approved.

Reason: To ensure a satisfactory standard of visual amenity and a safe and secure environment in accordance with the requirements of policies D1 and D2 of the Camden Local Plan June 2017.

- 20 Details of the secure and covered cycle storage area for 24 cycles shall be undertaken in accordance with the details submitted to and approved by the local planning authority under 2016/4912/P dated 01/12/2016. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently retained thereafter.

Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with policy T1 of the Camden Local Plan June 2017.

- 21 The development should be implemented in accordance with the details approved under 2016/4912/P dated 01/12/2016 for the location, design and method of waste storage and removal including recycled materials. 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 policies A1 and CC5 of the Camden Local Plan June 2017.

- 22 No loading or unloading of goods associated with the use of the buildings, including fuel, by vehicles arriving at or departing from the premises shall be carried out outside the following times: 07:00-20:00 Monday to Saturday and 08:00 - 20.00 Sunday and on Public/Bank Holidays.

Reason: To safeguard amenities of the adjoining premises and the area generally in accordance with the requirements of policies TC1 and A1 of the Camden Local Plan June 2017.

- 23 No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises associated with the use of the buildings shall be carried out at the application site otherwise than via the on street servicing bays to Swains Lane.

Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policy T4 the Camden Local Plan Submission Draft 2016.

- 24 The windows on the north elevation denoted on the approved plans, shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed before occupation of the building hereby permitted and shall be permanently retained and maintained thereafter.

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

Informative(s):

- 1 Reasons for granting approval.

This Minor Material Amendment is seeking to amend a permission for the demolition of all buildings on site and the erection of two new buildings. The buildings permitted are both 3 storeys in height with 8 retail units and 11 residential flats (as approved under 2017/6643/P dated 17/05/2018). The relevant pre-demolition planning conditions and legal obligations have been discharged and works on-site are now substantially completed. Permission is sought to vary condition 2 (approved drawings) of the extant permission (2013/6674/P dated 26/02/2015) to make a variety of amendments and provide details relating to condition 3a (windows and doors). Minor-amendments have already been approved under 2017/0529/P dated 11/10/2017 and 2017/6643/P dated 17/05/2018, and the cumulative impacts of the proposals have been duly considered. Overall, the works are considered to be minor-material in the context of the original approval, and would result in a development that would be in accordance with the Development Plan. The proposed changes include:

- East and West Building residential entrances revised to timber slats clad in copper with bronze entrance doors and gate.
- Openable windows on the West Building first floor curve revised to fixed flush curved windows.
- West Building first floor east elevation openable window revised to fixed flush window.
- West Building second floor east elevation window position revised.
- Openable windows revised to Secco bronze units.
- Entrance door positions to timber shopfronts revised to suit commercial tenant requirements.
- Details plans to discharge condition 3a

The revised residential entrances to both the East and West Building would reference the same architectural language of second floor by introducing a timber slat design that is clad in the same copper finish. Bringing this tactile material and the rhythm of the timbers fins down from second floor helps to distinguish the residential from the commercial which was lacking from the previous timber design which was simply an extension of the shopfronts. There are now distinct architectural languages defining the residential use from commercial use. A high-quality Secco Bronze profile is proposed to all the main residential entrance doors which is far superior to the hardwood doors previously proposed.

Internal layout revisions to West Building are included to improve the layout of the second floor penthouse. As a result the stairwell has been relocated to be positioned centrally to the plan which increases the size of the kitchen.

The revised drawings and details have been reviewed by the Council's Principal Conservation Officer and are considered to contribute to a high quality building that would preserve and enhance the conservation area.

The massing and height of the building is not being materially altered and there are no upper floor windows or external amenity spaces being introduced. Furthermore, a condition would be retained requiring the windows on the north-facing elevation to be obscurely glazed and non-openable to a height of 1.7m. On this basis, impacts on the living conditions of adjoining occupiers would be no worse than the extant permission.

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

No objections have been received from third parties. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies G1, H1, H6, H7, A1, A5, D1, D2, D3, TC1, TC2, TC5, T1 and DM1 of the Camden Local Plan June 2017. The proposed development also accords with the London Plan and the National Planning Policy Framework.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 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 Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk or on the website www.camden.gov.uk/pollution) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

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

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

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

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

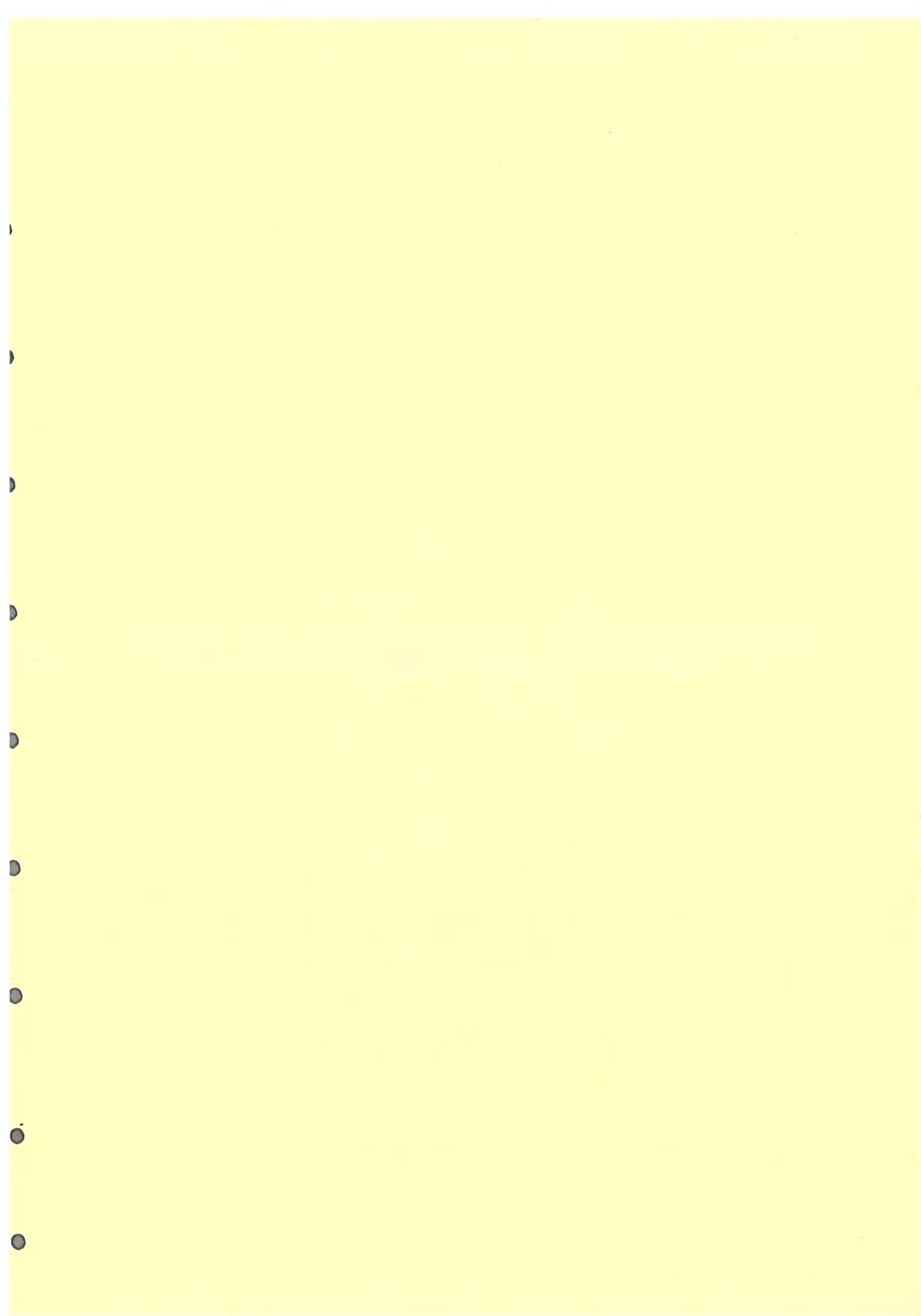
- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for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

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

Yours faithfully

Supporting Communities Directorate

DECISION



DATED

20 February

2019

(1) SWAINS LANE LIMITED

-and-

(2) CLOSE BROTHERS LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 26 February 2015
Between the Mayor and the Burgesses of the
London Borough of Camden and The Right Honourable Francis Michael Earl of Listowel (as
varied by the First Deed of Variation dated 11 October 2017 and the Second Deed of
Variation dated 17 May 2018) under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
1-11A SWAIN'S LANE & 109-110 HIGHGATE WEST HILL LONDON N6 6QX

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

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DoV FINAL