

DATED

22ND FEBRUARY

2019

(1) PATRICK PAUL VIEIRA

-and-

(2) COUTTS & COMPANY

-and-

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

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

Relating to the Agreement dated 17 June 2014
Between the Mayor and the Burgesses of the
London Borough of Camden, Patrick Paul Vieira and
Coutts & Company

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

7 BRANCH HILL, LONDON NW3 7LT

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

Tel: 020 7974 1478
Fax: 020 7974 2962

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THIS AGREEMENT is made on the 22nd day of February 2019

BETWEEN

1. **PATRICK PAUL VIEIRA** of Judges Walk House, 7 Branch Hill, Hampstead, London NW3 7LT (hereinafter called "the Owner") of the first part
2. **COUTTS & COMPANY** (Company Registration Number 36695) (an unlimited company) whose registered office is at 440 Strand, London WC2R 0QS (hereinafter called the "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, Patrick Paul Vieira and Coutts Finance Co. (Company Registration Number 908417) (an unlimited company) whose registered office is at 440 Strand, London WC2R 0QS entered into an Agreement dated 17th June 2014 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 of the Property with Title Absolute under title number NGL594036 subject to a charge to the Mortgagee and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.3 The Mortgagee as mortgagee under a legal charge registered under title number NGL594036 dated 25th February 2016 is willing to enter into this Deed to give its consent to the same.
- 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 The Owner has submitted an Application for First Material Amendments in respect of the Property to amend the Original Planning Permission and the Council has agreed

to modify the Original Planning Permission under section 73 of the Act subject to the Parties entering into this Deed to secure amendments to the Existing Agreement.

1.6 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 The planning obligations in the Existing Agreement as modified by this Deed shall be enforceable by the Council against the Owner as provided therein 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.

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

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

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

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

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

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

2.8.1	"Act"	the Town and Country Planning Act 1990 (as amended)
2.8.2	"the Application for First Material Amendments"	the application for planning permission for the First Material Amendments in respect of the Property to be granted conditionally by the Council (under planning application reference 2018/2655/P) subject to the conclusion of this Deed
2.8.3	"the Deed"	this First Deed of Variation
2.8.4	"Existing Agreement"	the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 17 June 2014 between the Mayor and the Burgesses of the London Borough of Camden, Patrick Paul Vieira and Coutts Finance Co.
2.8.5	"the Original Planning Permission"	means the planning permission granted by the Council on 17 June 2014 referenced 2013/4187/P allowing the following: Erection of 4 storey dwelling (including basement level) following demolition of existing 3 storey dwelling as shown on: D_01 Rev A; D_02 rev A; D_03 rev A; D_04 Rev A; D_05 Rev A; D_07 Rev A; D_08 Rev A; D_11 Rev A; D_12 Rev A; D_13 Rev A; D_14 Rev A; D_16 Rev A; E_02 Rev A; E_03 Rev A; E_04 Rev A; E_05 Rev A; P_00 Rev A; P_01 Rev B; P_02 Rev B; P_03 Rev B; P_04 Rev B; P_05 Rev B; P_06 Rev B; P_07 Rev B; P_08 Rev B; P_09 Rev B; P_11 Rev B; P_12 Rev B; P_13 Rev B; P_14 Rev B;

		P_16 Rev B; P_17 Rev B; P_18 Rev A; P_19 Rev A; P_20 Rev B; P_21 Rev A; 00933/SK/111 Rev C; 112 Rev B; 113 Rev B; 114 Rev B; 115 Rev B; MDE4638-M-01; 7922_P001; P002; P003; P004; P005; P006; P007; P008; P009; P101; P12A; P013A; P014A; P20A; P021; Revised Design and Access Statement dated 15/10/2013; Basement Impact Assessment by Sinclair Johnston dated April 2013; Code for Sustainable Homes Pre-assessment by Ashby Energy dated 05/06/2013; Ecological Assessment by Skilled Ecology Consultancy Ltd dated April 2013; Car Lift Specifications; Green Roof Section; Green Roof Specifications; M & E Works Planning Statement by Chris Evans Consulting dated 29/04/2013; Acoustic Report by Emtec dated 28/03/2013; Tree Survey by LaDellWood dated June 2013.
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3. VARIATION TO THE EXISTING AGREEMENT

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

3.1 The following definitions shall be **added** to Clause 2 of the Existing Agreement:

3.1.1	"Existing Agreement"	the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 17 June 2014 between the Mayor and the Burgesses of the London Borough of Camden, Patrick Paul Vieira and Coutts Finance Co
3.1.2	"the First Material Amendments"	the application for planning permission made under section 73 of the Act having reference

		<p>number 2018/2655/P substantially in a form found attached to this Deed amending the Original Planning Permission to permit:</p> <p>Variation of conditions 2 (approved plans) & 13 (basement construction details) of planning permission 2013/4187/P dated 17/06/2014 (for erection of 4 storey dwelling (including basement level) following demolition of existing 3 storey dwelling), namely to vary the footprint of the basement and various alterations at ground level as shown on</p> <p>Superseded: 12021: D_14 Rev A; D_16 Rev A; P_01 Rev B; P_02 Rev B; P_14 Rev B; P_16 Rev B; P_17 Rev B; 7922: P009; P011; P012 Rev.A, P020 Rev.A; P021; Basement Impact Assessment by Sinclair Johnston dated April 2013.</p> <p>Revised: D_14 Rev B; D_16 Rev B; P_01 Rev C; P_02 Rev C; P_14 Rev C; P_16 Rev C; P_17 Rev C; 7922: P009 Rev.A; P010; P011 Rev.A; P012 Rev.B, P020 Rev.B; P021 Rev.A and 022 Rev.A. Basement Impact Assessment (ref. 7922/BIA/TM/Rev A) by Sinclair Johnston dated April 2018; Revised structural design and construction statement by Sinclair Johnston dated April 2018; Technical Specification Sheet for Parklift by WOHR</p>
3.1.3	"Parties"	<p>the Council, the Owner and the Mortgagee being the parties to this Deed and shall include their successors in title, transferees and assigns.</p>
3.1.4	"the First Planning Permission"	<p>the planning permission granted pursuant to the First Material Amendments with reference number 2018/2655/P (substantially in a form found attached) subject to the completion of this Deed.</p>

3.1.5	"the Original Planning Permission"	<p>means the planning permission granted by the Council on 17th June 2014 referenced 2013/4187/P allowing the:</p> <p>Erection of 4 storey dwelling (including basement level) following demolition of existing 3 storey dwelling as shown on:</p> <p>D_01 Rev A; D_02 rev A; D_03 rev A; D_04 Rev A; D_05 Rev A; D_07 Rev A; D_08 Rev A; D_11 Rev A; D_12 Rev A; D_13 Rev A; D_14 Rev A; D_16 Rev A; E_02 Rev A; E_03 Rev A; E_04 Rev A; E_05 Rev A; P_00 Rev A; P_01 Rev B; P_02 Rev B; P_03 Rev B; P_04 Rev B; P_05 Rev B; P_06 Rev B; P_07 Rev B; P_08 Rev B; P_09 Rev B; P_11 Rev B; P_12 Rev B; P_13 Rev B; P_14 Rev B; P_16 Rev B; P_17 Rev B; P_18 Rev A; P_19 Rev A; P_20 Rev B; P_21 Rev A; 00933/SK/111 Rev C; 112 Rev B; 113 Rev B; 114 Rev B; 115 Rev B; MDE4638-M-01; 7922_P001; P002; P003; P004; P005; P006; P007; P008; P009; P101; P12A; P013A; P014A; P20A; P021; Revised Design and Access Statement dated 15/10/2013; Basement Impact Assessment by Sinclair Johnston dated April 2013; Code for Sustainable Homes Pre-assessment by Ashby Energy dated 05/06/2013; Ecological Assessment by Skilled Ecology Consultancy Ltd dated April 2013; Car Lift Specifications; Green Roof Section; Green Roof Specifications; M & E Works Planning Statement by Chris Evans Consulting dated 29/04/2013; Acoustic Report by Emtec dated 28/03/2013; Tree Survey by LaDellWood dated June 2013</p>
3.1.6	"Basement Approval in Principle	<p>an application to the Council's Highways Structural team for an approval in principle of</p>

	Application"	the construction of the basement (forming part of the Development) which is to be assessed by the Council with a view to ensuring that sufficient loadings are maintained at all times at the intersection of the Development site and the Public Highway so as to ensure that the Public Highway is not compromised at any time during the Construction Phase or thereafter
3.1.7	"Basement Approval in Principle Contribution"	the sum of £1,827 (one thousand eight hundred and twenty seven pounds) to be applied by the Council towards the assessment by the Council's Highways Structural team of the Basement Approval in Principle Application

3.2 The following clauses shall be **added** to the Existing Agreement:

4.5 BASEMENT APPROVAL IN PRINCIPLE

4.5.1 On or prior to the completion of the First Deed of Variation the Owner to pay to the Council the Basement Approval in Principle Contribution.

4.5.2 Within two weeks of completion of the First Deed of Variation the Owner to submit the Basement Approval in Principle Application to the Council for approval.

4.5.3 Not to Implement or permit Implementation of any part of the Development until such time as:

- (a) the Council has approved the Basement Approval in Principle Application as demonstrated by written notice to that effect; and
- (b) the Council has received the Basement Approval in Principle Application Contribution in full.

3.3 The definition at clause 2.9 shall be **varied** to the following:

3.2.1 "Development" means (as the case may be) either:

- (a) Erection of 4 storey dwelling (including basement level) following demolition of existing 3 storey dwelling as shown on: D_01 Rev A; D_02 rev A; D_03 rev A; D_04 Rev A; D_05 Rev A; D_07 Rev A; D_08 Rev A; D_11 Rev A; D_12 Rev A; D_13 Rev A; D_14 Rev A; D_16 Rev A; E_02 Rev A; E_03 Rev A; E_04 Rev A; E_05 Rev A; P_00 Rev A; P_01 Rev B; P_02 Rev B; P_03 Rev B; P_04 Rev B; P_05 Rev B; P_06 Rev B; P_07 Rev B; P_08 Rev B; P_09 Rev B; P_11 Rev B; P_12 Rev B; P_13 Rev B; P_14 Rev B; P_16 Rev B; P_17 Rev B; P_18 Rev A; P_19 Rev A; P_20 Rev B; P_21 Rev A; 00933/SK/111 Rev C; 112 Rev B; 113 Rev B; 114 Rev B; 115 Rev B; MDE4638-M-01; 7922_P001; P002; P003; P004; P005; P006; P007; P008; P009; P101; P12A; P013A; P014A; P20A; P021; Revised Design and Access Statement dated 15/10/2013; Basement Impact Assessment by Sinclair Johnston dated April 2013; Code for Sustainable Homes Pre-assessment by Ashby Energy dated 05/06/2013; Ecological Assessment by Skilled Ecology Consultancy Ltd dated April 2013; Car Lift Specifications; Green Roof Section; Green Roof Specifications; M & E Works Planning Statement by Chris Evans Consulting dated 29/04/2013; Acoustic Report by Emtec dated 28/03/2013; Tree Survey by LaDellWood dated June 2013; or
- (b) the development described by the First Material Amendments

3.3 The definition at clause 2.14 shall be **varied** to the following:

3.3.1 "the Planning Application" means (as the case may be) either:

(a) the application for the Original Planning Permission in respect of the development of the Property validated on the 17th June 2013 which a resolution to grant permission was passed conditionally under reference number 2013/4187/P ; or

(b) the Application for First Material Amendments

3.4 The definition at clause 2.16 shall be **varied** to the following:

3.4.1 "Planning Permission" either the Original Planning Permission or the First Planning Permission (as the case may be)

3.5 The draft planning permission reference annexed to this Deed shall be treated as annexed to the Existing Agreement in addition to the existing annexures.

3.6 The numbering of Clause 2 (Definitions) of the Existing Agreement shall be re-numbered accordingly;

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

4. PAYMENT OF THE COUNCIL'S LEGAL COSTS

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

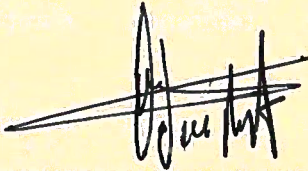
5. REGISTRATION AS LOCAL LAND CHARGE

5.1 This Agreement shall be registered as a Local Land Charge

6. MORTGAGEE CONSENT

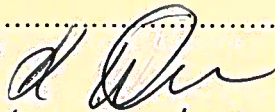
6.1 The Mortgagee hereby consents to the completion of this Deed and agrees that the security of its charge over the Property shall take effect subject to this Deed and to the same being registered at the Land Registry as provided in Clause 6.4 in the Existing Agreement and for the avoidance of doubt agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession of the Property.

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



EXECUTED AS A DEED by
PATRICK PAUL VIEIRA
in the presence of:


Witness signature



Witness name: KRISTIAN WILSON

Witness address 831 BOULEVARD JEAN OSSOLA
06700 ST LAURENT DU VAR

EXECUTED AS A DEED by the
Attorney authorised on behalf of
COUTTS & COMPANY JAMES A
Pool of attached pages 2.12/13


PETER DALLING

Duly Authorised Signatory

In the presence of:



Witness signature

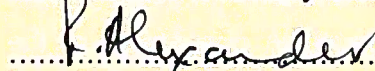
Witness name: DAVID CADERMAN

Witness address

40 COUTTS & CO
440 STRAND
LONDON
WC2R 0QS

THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN

was hereunto affixed by Order:-



Duly Authorised Officer



Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

Application Ref: **2018/2655/P**

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:

**Judges Walk House
7 Branch Hill
London
NW3 7LT**

Proposal:

Variation of conditions 2 (approved plans) & 13 (basement construction details) of planning permission 2013/4187/P dated 17/06/2014 (for erection of 4 storey dwelling (including basement level) following demolition of existing 3 storey dwelling), namely to vary the footprint of the basement and various alterations at ground level.

Drawing Nos: Superseded:

12021: D_14 Rev A; D_16 Rev A; P_01 Rev B; P_02 Rev B; P_14 Rev B; P_16 Rev B;
P_17 Rev B;

7922: P009; P011; P012 Rev.A; P020 Rev.A; P021

Basement Impact Assessment by Sinclair Johnston dated April 2013

Revised:

D_14 Rev B; D_16 Rev B; P_01 Rev C; P_02 Rev C; P_14 Rev C; P_16 Rev C; P_17
Rev C;

7922: P009 Rev.A; P010; P011 Rev.A; P012 Rev.B, P020 Rev.B; P021 Rev.A and 022 Rev.A

Basement Impact Assessment (ref. 7922/BIA/TM/Rev A) by Sinclair Johnston dated April 2018; Revised structural design and construction statement by Sinclair Johnston dated April 2018; Technical Specification Sheet for Parklift by WOHR

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 2013/4187/P dated 17/06/2014.

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

- 2 For the purposes of this decision, condition no.2 planning permission 2013/4187/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

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

D_01 Rev A; D_02 rev A; D_03 rev A; D_04 Rev A; D_05 Rev A; D_07 Rev A; D_08 Rev A; D_11 Rev A; D_12 Rev A; D_13 Rev A; D_14 Rev B; D_16 Rev B; E_02 Rev A; E_03 Rev A; E_04 Rev A; E_05 Rev A; P_00 Rev A; P_01 Rev C; P_02 Rev C; P_03 Rev B; P_04 Rev B; P_05 Rev B; P_06 Rev B; P_07 Rev B; P_08 Rev B; P_09 Rev B; P_11 Rev B; P_12 Rev B; P_13 Rev B; P_14 Rev C; P_16 Rev C; P_17 Rev C; P_18 Rev A; P_19 Rev A; P_20 Rev B; P_21 Rev A; 00933/SK/111 Rev C; 112 Rev B; 113 Rev B; 114 Rev B; 115 Rev B; MDE4638-M-01; 7922_P001; P002; P003; P004; P005; P006; P007; P008; P009 Rev.A; P010; P11 Rev.A; P012 Rev. B; P013A; P014A; P20 Rev.B; P021 Rev.A; 022 Rev.A

Supporting documents: Revised Design and Access Statement dated 15/10/2013; Basement Impact Assessment (ref. 7922/BIA/TM/Rev A) by Sinclair Johnston dated April 2018; Revised structural design and construction statement by Sinclair Johnston dated April 2018; Code for Sustainable Homes Pre-assessment by Ashby Energy dated 05/06/2013; Ecological Assessment by Skilled Ecology Consultancy Ltd dated April 2013; Car Lift Specifications; Green Roof Section; Green Roof Specifications; M & E Works Planning Statement by Chris Evans Consulting dated 29/04/2013; Acoustic Report by Emtec dated 28/03/2013; Tree Survey by LaDellWood dated June 2013; Technical Specification Sheet for Parklift by WOHR

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

- 3 Windows to the rear and south east elevations identified on drawing numbers P_11 Rev B and P_13 Rev B as being obscure glazed shall be installed as such and permanently fixed shut prior to occupation and permanently retained as such thereafter.

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

- 4 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 London Borough of Camden Local Plan 2017.

- 5 The proposed development shall not be occupied until the whole of the cycle parking provision shown on the approved drawings is provided. The whole of the cycle parking provision shall be permanently retained and maintained 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.

- 6 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of the new dwelling.

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 London Borough of Camden Local Plan 2017.

- 7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017.

- 8 The development shall be carried out in full accordance with the details of the green roof approved in connection with 2015/6987/P on 25/02/2016. The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 9 The development shall be carried out in full accordance with the details of the hard and soft landscaping approved in connection with 2015/6987/P on 25/02/2016. 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 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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 10 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 prior to the occupation for the permitted use 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 and D1 of the London Borough of Camden Local Plan 2017.

- 11 A sample panel of the facing brickwork of both the main house and the front boundary wall, demonstrating the proposed colour, texture, face-bond and pointing, shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

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

- 12 A suitably qualified chartered engineer as approved 04/08/2016 under ref 2016/1517/P with membership of the appropriate professional body shall 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 to the chartered engineer approved on 04/08/2016 under ref 2016/1517/P 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.

- 13 For the purposes of this decision, condition no.13 planning permission 2013/4187/P shall be replaced with the following condition:

REPLACEMENT CONDITION 13

The basement shall be constructed in accordance with the details, recommendations, methodologies and mitigation measures in the Basement Impact Assessment (ref 7922/BIA/TM/Rev A dated April 2018) and its supporting documents hereby approved, including but not limited to recommendations in respect of temporary support, groundwater monitoring, and foundations. The development shall thereafter be constructed and monitored in accordance with such approved details and with the Basement Impact Assessment by Sinclair Johnston dated April 2018.

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.

- 14 The roof of the building hereby approved, shall not be used for amenity purposes or any form of roof terrace. Access to the roof shall be for maintenance purposes only.

Reason: In order to prevent any unreasonable overlooking of the neighbouring occupiers in accordance with the requirements of policy A1 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 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).
- 2 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 Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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.
- 3 You are advised that the Transport Strategy Team should be consulted regarding the construction of the temporary crossover on the public highway and any other work to, under, or over, the public highway, including vaults and thresholds. tel: 020-7974 5543 for further advice and information.
- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 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 for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 6 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

DRAFT

DECISION

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DATED

22ND FEBRUARY

2016

(1) PATRICK PAUL VIEIRA

-and-

(2) COUTTS & COMPANY

-and-

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

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

Relating to the Agreement dated 17 June 2014
Between the Mayor and the Burgesses of the
London Borough of Camden, Patrick Paul Vieira and
Coutts & Company

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

7 BRANCH HILL, LONDON NW3 7LT
