

DATED

10 June

2019

(1) BARHOS DEVELOPMENTS LIMITED

-and-

(2) CLOSE BROTHERS LIMITED

-and-

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

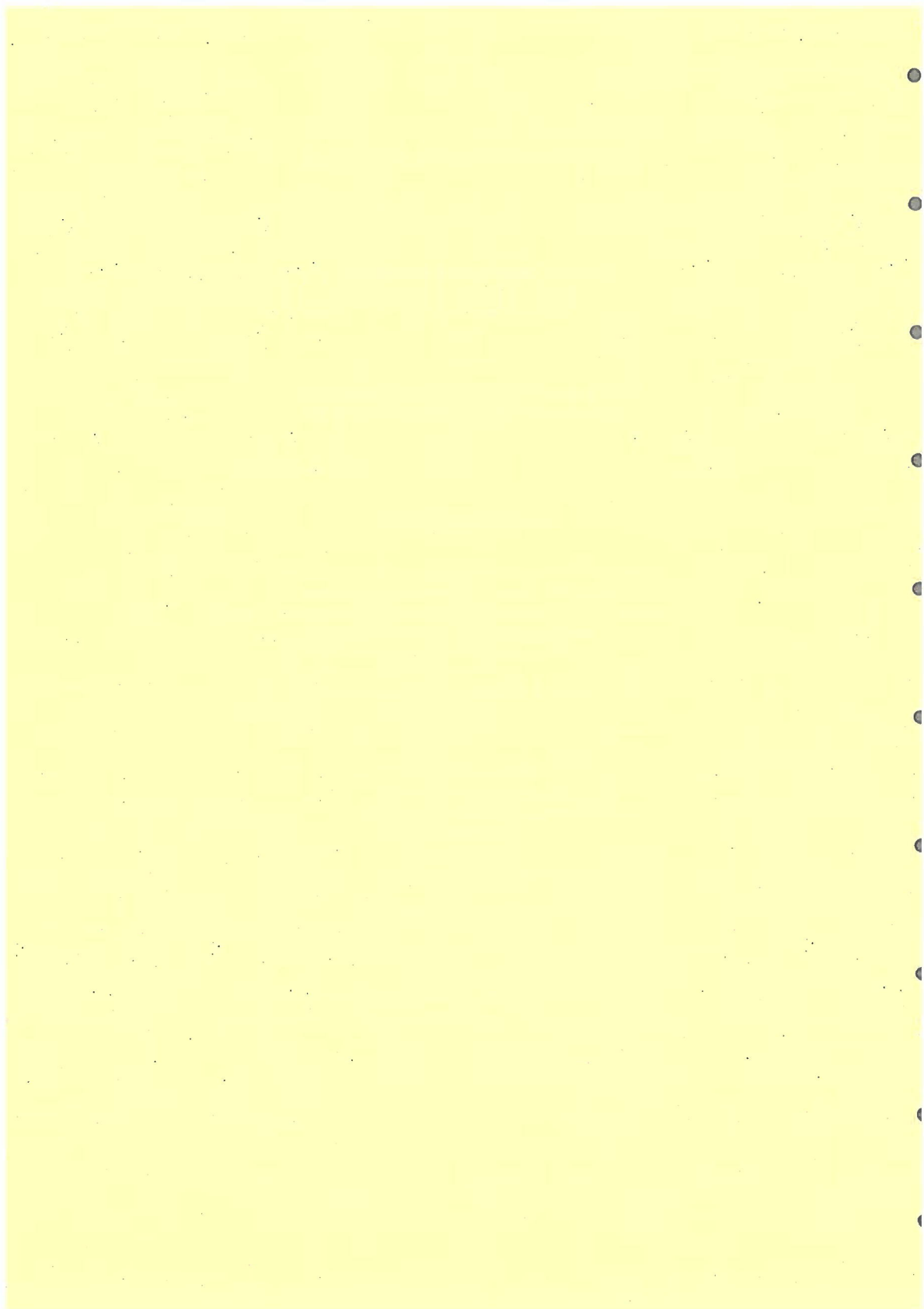
DEED OF VARIATION

Relating to the Agreement dated 16 October 2018
Between the Mayor and the Burgesses of the
London Borough of Camden and Barhos Developments Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
10-11 KING'S MEWS, LONDON WC1N 2HZ

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

Tel: 020 7974 5826

CLS/COM/LN/1800.1075
DoV FINAL



THIS AGREEMENT is made on the 10th day of June 2019

BETWEEN

1. **BARHOS DEVELOPMENTS LIMITED** (Co. Regn. No. 04487042) whose registered office is at James Taylor House, St. Albans Road East, Hatfield AL10 0HE (hereinafter called "the Owner") of the first part
2. **CLOSE BROTHERS LIMITED** (Co. Regn. No. 195626) whose registered office is at 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 Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Numbers LN195831 and NGL969009 subject to charges to the Mortgagee.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 The 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.
- 1.4 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 5 December 2018 for which the Council resolved to grant permission conditionally under reference 2018/5690/P subject to the conclusion of this Agreement.
- 1.5 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.

2.7.2 "Existing Agreement"

the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 16 October 2018 made between the Council and the Owner

2.7.3 "the Original Planning Permission"

means the planning permission granted by the Council on 16 October 2018 referenced 2017/4543/P allowing the erection of three storey plus basement building to provide 1 x 1 bed, 2 x 2 bed and 2 x 3 bed flats as shown on drawing numbers: Site Location Plan P001 Rev P02; P002 Rev P02; P010 Rev P02; P021 Rev P01; P031 Rev P02; P099 Rev P08; P100 Rev P09; P101 Rev P09; P102 Rev P06; P103 Rev P04; P121 Rev P04; P131 Rev P07; P132 Rev P03; Supporting documents: Proposed Elevation and Materials 26/02/18; Design and Access Statement by WAA Architects dated June 2018; Planning Statement by Indigo dated July 2017; Basement Impact Assessment by GEA dated September 2017; Campbell Reith BIA Audit dated D1 January 2018; Air Quality Assessment by WSP Parsons Brinckerhoff dated June 2017; Daylight Sunlight Report by WSP dated 14th November 2017, Daylight Sunlight Addendum by WSP dated April 2018; Amptec Boiler User Guide; Hot Water Cylinder User Manual; Energy Statement by Blew Burton dated April 2018; Energy Statement Addendum by Blew Burton dated 10th November 2017; Energy Efficiency and Renewable Energy and Sustainability Plan a Construction Management Plan Rev E

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 amended by the following: variation of conditions 2(drawing numbers) and 14 (sustainability) of permission ref: 2017/4543/P dated 16/10/2018 for (Erection of three storey plus basement building to provide 1 x1 bed, 2 x 2 bed and 2 x 3 bed flats); CHANGES include installation of external lighting and revised sustainability report as shown on drawing numbers: superseded: P131 Rev P07; P132 Rev P03; Energy Statement Addendum by Blew Burton dated 10th November 2017 and Energy Statement by Blew Burton dated April 2018 Proposed: P131 Rev. P07 (received 5/12/18); P132 Rev. P03 (received 5/12/18), Data Sheet: LWALL2 and Energy Strategy Statement version 1 dated October 2018 by Briary Energy

3.1.2 "Planning Permission"

The Original Planning Permission amended by the planning permission granted for the Development under reference number 2018/5690/P substantially in the draft form annexed hereto

3.1.3 "Planning Application"

the application for Planning Permission in respect of the Property submitted to the Council and validated on 5 December 2018 and given reference 2018/5690/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2017/4543/P" shall be replaced with "Planning Permission reference 2018/5690/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 2018/5690/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)
BARHOS DEVELOPMENTS LIMITED)
acting by a Director and its Secretary)
or by two Directors)

.....
Director

.....
Director/Secretary

**THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106 AGREEMENT
IN RELATION TO 10-11 KINGS MEWS LONDON WC1N 2HZ**

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/2019/01 pursuant
to a facility letter dated 14th January 2019).

| | |
|------------------------|--|
| [Redacted Signature] | Close Brothers Ltd [Redacted Signature] |
| Authorised Signatory | Authorised Signatory |
| George Kettenis | Shamir Rao |
| Name of Signatory | Name of Signatory |
| [Redacted Signature] | [Redacted Signature] |
| Witnessed by | Witnessed by |
| Jan Maslen-Brown | Jan Maslen-Brown |
| Name of Witness | Name of Witness |

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:-

[Redacted Signature]
.....
Authorised Signatory





**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Tel 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Mr Shital Thakkar
James Taylor House
St Albans Road East
Hatfield
AL10 0HE

Application Ref: **2018/5690/P**

17 May 2019

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:
**10-11 King's Mews
London
WC1N 2HZ**

Proposal:
Variation of conditions 2 (drawing numbers) and 14 (sustainability) of permission ref: 2017/4543/P dated 16/10/2018 for (Erection of three storey plus basement building to provide 1 x1 bed, 2 x 2 bed and 2 x 3 bed flats); CHANGES include installation of external lighting and revised sustainability report

Drawing Nos: Superseded: P131 Rev P07; P132 Rev P03; Energy Statement Addendum by Blew Burton dated 10th November 2017 and Energy Statement by Blew Burton dated April 2018.

Proposed: P131 Rev. P07 (received 5/12/18); P132 Rev. P03 (received 5/12/18), Data Sheet: LWALL2 and Energy Strategy Statement version 1 dated October 2018 by Briary Energy.

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 2017/4543/P dated 16/10/2018.

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

- 2 REPLACEMENT CONDITION 2:

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

Site Location Plan P001 Rev P02; P002 Rev P02; P010 Rev P02; P021 Rev P01; P031 Rev P02; P099 Rev P08; P100 Rev P09; P101 Rev P09; P102 Rev P06; P103 Rev P04; P121 Rev P04; P131 Rev P07 (received 5/12/18); P132 Rev. P03 (received 5/12/18);

Supporting documents: Proposed Elevation and Materials 26/02/18; Design and Access Statement by WAA Architects dated June 2018; Planning Statement by Indigo dated July 2017; Basement Impact Assessment by GEA dated September 2017; Campbell Reith BIA Audit dated D1 January 2018; Air Quality Assessment by WSP Parsons Brinckerhoff dated June 2017; Daylight Sunlight Report by WSP dated 14th November 2017; Daylight Sunlight Addendum by WSP dated April 2018; Data Sheet: LWALL2; Amptec Boiler User Guide; Hot Water Cylinder User Manual; Energy Strategy Statement version 1 dated October 2018 by Briary Energy; Energy Efficiency and Renewable Energy and Sustainability Plan a Construction Management Plan Rev E.

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

- 3 The development shall be carried out in full accordance with the details of the materials and detailed drawings approved in connection with 2018/5009/P on 06/03/2019.

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

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' shall be fixed or installed on the external face of the buildings.

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 London Borough of Camden Local Plan 2017.

- 5 The development shall be carried out in full accordance with the details of the mechanical ventilation system approved in connection with 2018/5030/P on 06/03/2019. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy 7.14.

- 6 The development shall be carried out in full accordance with the details of the NO₂ scrubbing system on the mechanical ventilation intake which is to be installed and its maintenance approved in connection with 2018/5030/P on 06/03/2019. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy 7.14.

- 7 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise and vibration in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 The development shall be carried out in full accordance with the details of the enhanced sound insulation value $D_{nT,w}$ 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 (eg. living room and kitchen above bedroom of separate dwelling) approved in connection with 2018/5030/P on 06/03/2019. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 Cycle storage for 7x cycles, as shown on the plans hereby approved, shall 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.

- 10 The development shall be carried out in full accordance with the details of the waste storage and removal including recycled materials approved in connection with 2018/5011/P on 11/01/2019. 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.

- 11 The development shall be carried out in full accordance with the details of the photovoltaic cells approved in connection with 2018/5030/P on 06/03/2019. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 12 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwellings 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.

- 13 The development shall be carried out in full accordance with the details of the green roof approved in connection with 2018/5046/P on 23/11/2018. The development shall thereafter be constructed and maintained in accordance with the approved details. The living roofs 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.

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.

- 14 **REPLACEMENT CONDITION 14:**
Prior to occupation of any relevant part of the development, the applicant will have constructed and implemented all the measures contained in the Energy Strategy Statement version 1 dated October 2018 by Briary Energy, and such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with Policies G1, C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 15 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

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 C6 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting consent:

Material changes from planning ref. 2017/4543/P dated 16/10/2018 include:

Condition 2:

The plan numbers have been received to reflect the alterations proposed in varying condition 4 and 14.

Condition 4:

The main external alterations regarding external fixtures include the installation of external lighting at ground and second floor on the front elevation and only at second floor on the rear elevation. It is considered that the proposed lighting is small scale and would not detract from the host property. The proposed amendment to include lighting is considered to be of an acceptable design quality and would overall result in minor changes to the approved scheme. The proposed alterations are considered to preserve the character and appearance of the host property and the Bloomsbury Conservation Area.

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 Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Given the nature of the amendments, being the installation of minor lighting to the building with no increases to its size or height, the development is not considered to create additional amenity concerns in terms of overlooking, loss of privacy, light or a sense of enclosure.

Condition 14:

The original sustainability report in the approved scheme related to 7 units which were originally proposed rather than the 5 units granted following revisions. The revised report sought to rectify this. Sustainability officers have assessed the revised sustainability report and raised no objection following further information provided by the applicant.

The full impact of the scheme has already been assessed by virtue of permitted scheme, and it is considered that the amendments would have a minor material effect in terms of appearance, neighbouring amenity and general impact.

No comments or objections were received during the consultation period. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017. The proposal also accords with the London Plan 2016 and the NPPF 2019.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £23,950 (479sqm x £50 per sqm) for the Mayor's CIL and £239,500 (479sqm x £500 per sqm) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 5 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.
- 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

Executive Director Supporting Communities

(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.
- 8 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.

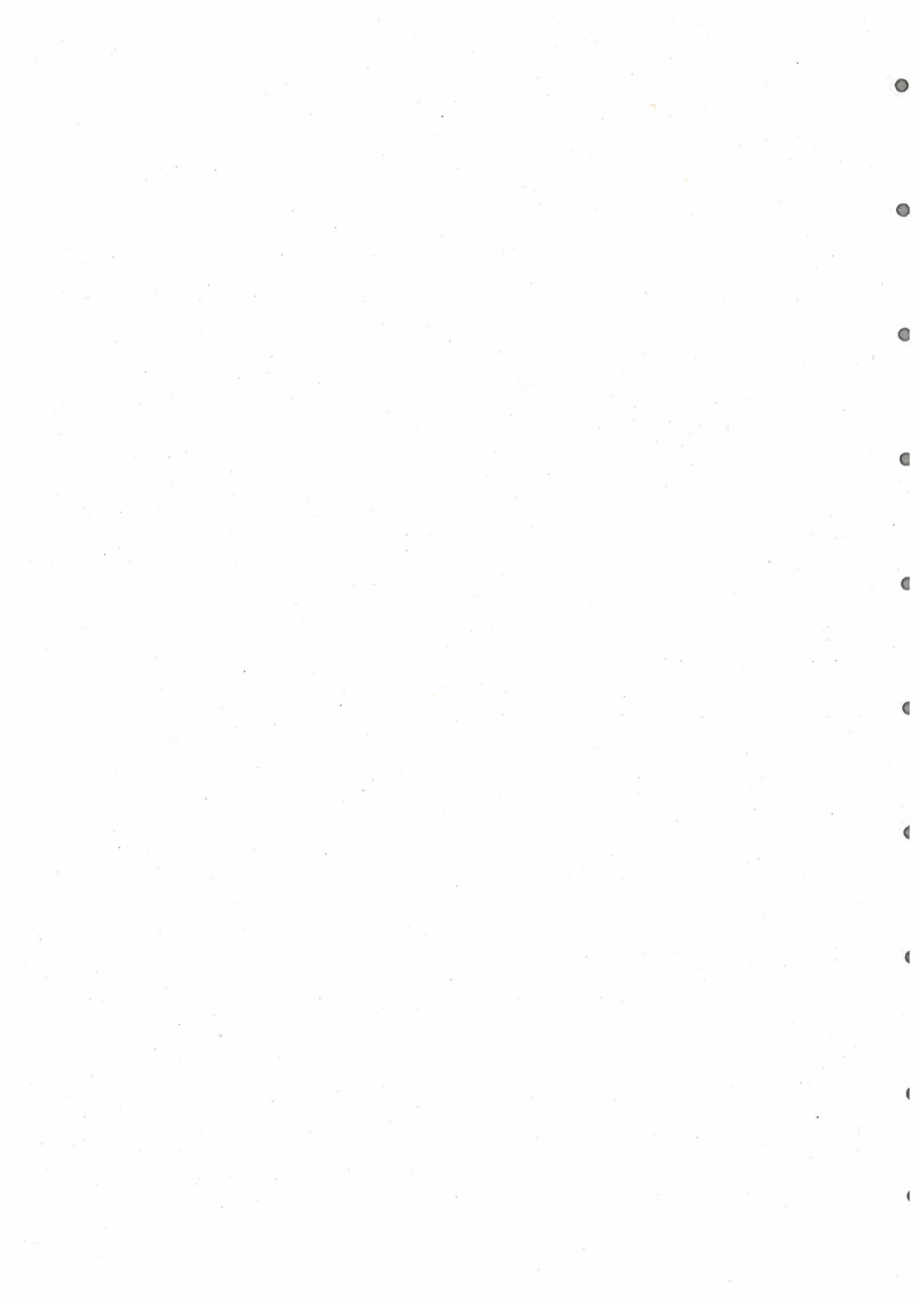
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

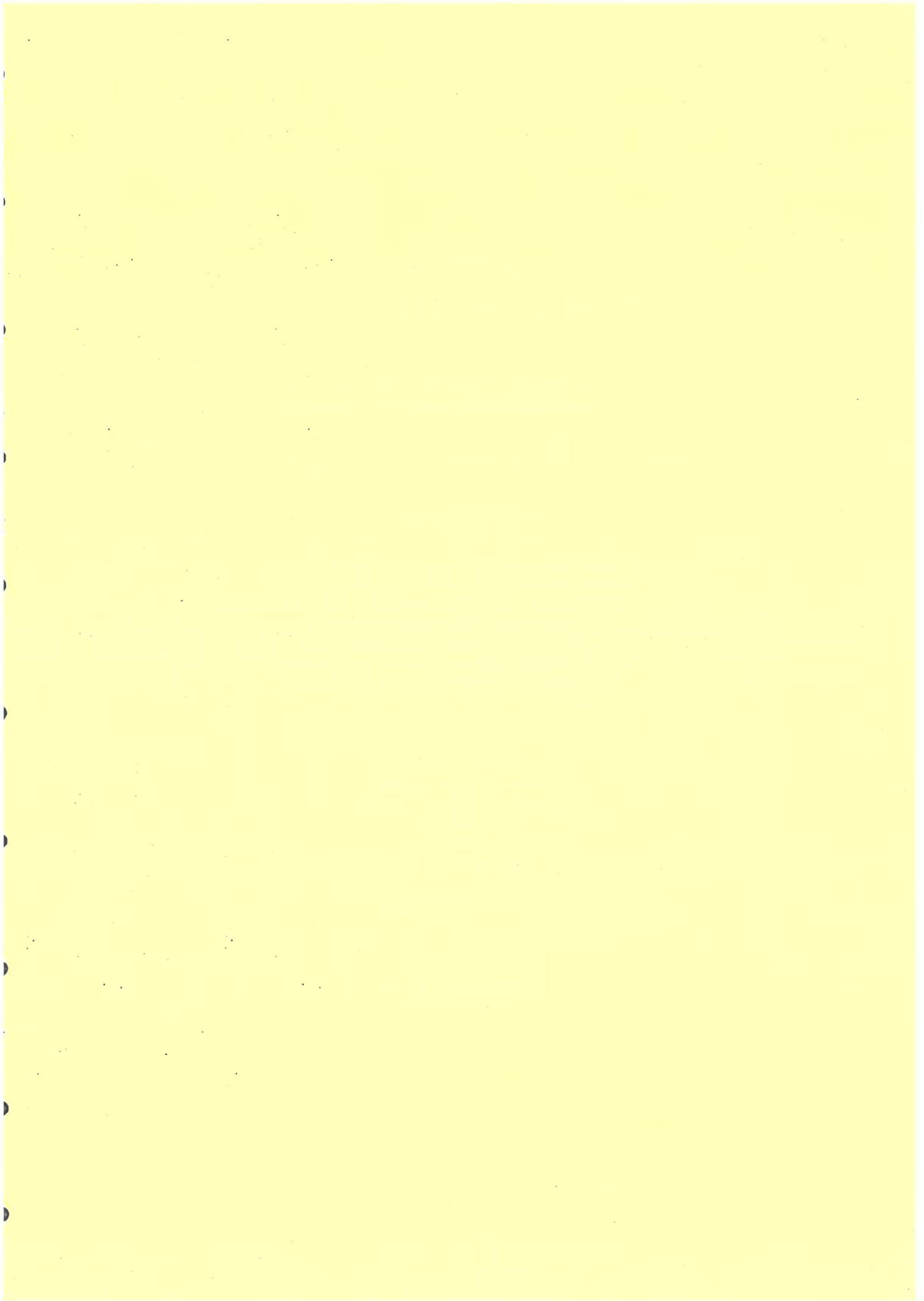
Yours faithfully

Supporting Communities Directorate

DECISION

Executive Director Supporting Communities





DATED

10 June

2019

(1) BARHOS DEVELOPMENTS LIMITED

-and-

(2) CLOSE BROTHERS LIMITED

-and-

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

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