

DATED

9 September

2019

(1) YUHONG TANG

-and-

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

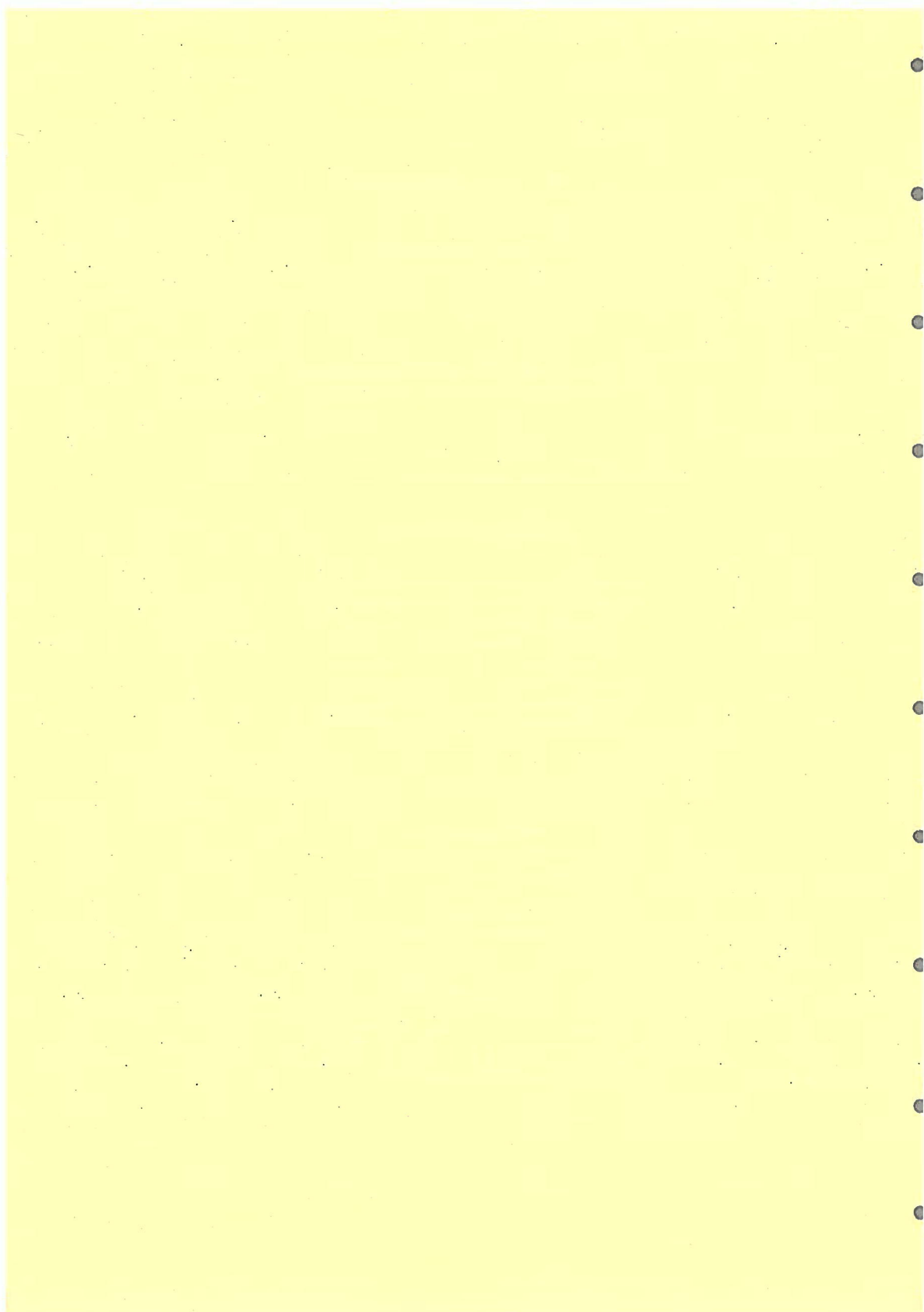
DEED OF VARIATION

Relating to the Agreement dated 29 March 2017
Between the Mayor and the Burgesses of the
London Borough of Camden and
Yuhong Tang
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
22 Lancaster Grove London NW3 4PB

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

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/COM/00/1800.1108



THIS DEED is made on the *9th* day of *September* 2019

BETWEEN

- i. **YUHONG TANG** of 22 Lancaster Grove, London NW3 4PB (hereinafter called "the Owner") of the first part
- ii. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

WHEREAS:

- 1.1 The Council and Yuhong Tang entered into an Agreement dated 29 March 2017 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL734470.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.5 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 4 February 2019 for which the Council resolved to grant permission conditionally under reference 2018/4896/P subject to the conclusion of this Deed.
- 1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (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 Deed 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 Deed.
- 2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 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 Agreement.
- 2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Agreement and shall not effect the construction of this Deed.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 4, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.
- 2.7 References in this Deed to the Owner and Mortgagee shall include their successors in title.
- 2.8 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

- 2.8.1 "Deed" this Deed of Variation made pursuant to Section 106A of the Act
- 2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 29 March 2017 made between the Council and Yuhong Tang
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 29 March 2017 referenced 2015/6106/P allowing the demolition of the existing dwelling house and replacement with a two storey, 7 bed dwellinghouse with basement and attic as shown on drawing numbers:- Noise Impact Assessment prepared by Syntegra Consulting dated 27 February 2014; Arboricultural Method Statement prepared by RPS ground dated 17 September 2015. Daylight, Sunlight and Shadow report prepared by point surveyors dated February 2015; Basement Impact Assessment including flood risk assessment prepared by Chelmer Site Investigations dated October 2015; Independent assessment of documentation submitted for Basement assessment prepared by Geotechnical Consulting Group dated August 2014.22LG-P8-A-(00)-00; 22LG-P8-(15)-001;22LG-P8-(00)-10; 22LG-P8-(00)-11; 22LG-P8-(00)-001; 22LG-P8-(00)-002; 22LG-P8-(10)-012 Rev D; 22LG-P8-(11)-010 Rev D; 22LG-P8-(10)-001 Rev D; 22LG-P8-(10)-002 Rev D; 22LG-P8-(10)-003 Rev D; 22LG-P8-(10)-010 Rev D; 22LG-P8-(10)-011 Rev D; Tree protection plan JKK8117_Figure 03.01 rev C; Tree retention and removals plan JKK8117_Figure 02.01 rev C

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"

shall mean the development authorised by the planning permission with reference 2015/6106/P dated 29 March 2017 as amended by:

Variation of condition 2 (approved drawings) of planning permission 2015/6106/P (dated 29/03/2017) for demolition of the existing dwelling house and replacement with a two storey, 7 bed dwellinghouse with basement and attic; changes relate to detailed design and materials on all elevations including position and number of proposed chimneys; addition of side dormer to rear and side windows (west) at 1st floor; alterations to footprint of basement as shown on drawing numbers:

Drawing Nos: Noise Impact Assessment prepared by Syntegra Consulting dated 27 February 2014. Daylight, Sunlight and Shadow report prepared by point surveyors dated February 2015; Basement Impact Assessment including flood risk assessment prepared by Chelmer Site Investigations dated October 2015; Independent assessment of documentation submitted for Basement assessment prepared by Geotechnical Consulting Group dated August 2014;

Existing drawings: 22LG-P8-A-(00)-00; 22LG-P8-(15)-001; 22LG-P8-(00)-10; 22LG-P8-(00)-11; 22LG-P8-(00)-001; 22LG-P8-(00)-002;

Proposed drawings (prefix 228-17-): PL01 (lower ground floor), PL02 (ground floor), PL03 (1st floor), PL04 (2nd floor), PL11 (roof plan); PL07-revB (front elevation), PL08-revA (east elevation), PL09-revA (rear elevation), PL10-revA (west elevation); PL14-revA (material sample); 22LG-P8-(11)-010 Rev D (section AA). Tree protection plan JKK8117_Figure 03.01 rev C; Tree retention and removals plan JKK8117_Figure 02.01 rev C; Arboricultural Impact Assessment/method statement by rpsgroup, ref JMK8117 dated 31st January 2019

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2018/4896/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 on 11 October 2018 by the Owner and given reference number 2018/4896/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to Planning Permission reference "2015/6106/P" shall be replaced with Planning Permission reference "2018/4896/P".

3.3 In all other respects the Existing Agreement (as varied by this Deed) 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 2018/4896/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 Deed) its reasonable legal costs incurred in preparing this Deed

6. **REGISTRATION AS LOCAL LAND CHARGE**

- 6.1 This Deed shall be registered as a Local Land Charge

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY
YUHONG TANG
in the presence of:

)
)
)

.....
Witness Signature

Witness Name

YUE TU

Address

29B EDWITT ROAD NW34LT LONDON

Occupation

Operations Manager

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

)
)
)
)

.....
Duly Authorised Officer





**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

GMA Architecture Ltd
UK House
82 Heath Road
Twickenham
TW1 4BA

Application Ref: **2018/4896/P**

12 July 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:
22 Lancaster Grove
London
NW3 4PB

DECISION
Proposal:

Variation of condition 2 (approved drawings) of planning permission 2015/6106/p (dated 29/03/2017) for demolition of the existing dwelling house and replacement with a two storey, 7 bed dwellinghouse with basement and attic; changes relate to detailed design and materials on all elevations including position and number of proposed chimneys; addition of side dormer to rear and side windows (west) at 1st floor; alterations to footprint of basement. Drawing Nos: Noise Impact Assessment prepared by Syntegra Consulting dated 27 February 2014. Daylight, Sunlight and Shadow report prepared by point surveyors dated February 2015; Basement Impact Assessment including flood risk assessment prepared by Chelmer Site Investigations dated October 2015; Independent assessment of documentation submitted for Basement assessment prepared by Geotechnical Consulting Group dated August 2014;

Existing drawings: 22LG-P8-A-(00)-00; 22LG-P8-(15)-001; 22LG-P8-(00)-10; 22LG-P8-(00)-11; 22LG-P8-(00)-001; 22LG-P8-(00)-002;

Proposed drawings (prefix 228-17-): PL01 (lower ground floor), PL02 (ground floor), PL03 (1st floor), PL04 (2nd floor), PL11 (roof plan); PL07-revB (front elevation), PL08-revA (east elevation), PL09-revA (rear elevation), PL10-revA (west elevation); PL14-revA (material sample); 22LG-P8-(11)-010 Rev D (section AA).

Tree protection plan JKK8117_Figure 03.01 rev C; Tree retention and removals plan JKK8117_Figure 02.01 rev C; Arboricultural Impact Assessment/method statement by rpsgroup, ref JMK8117 dated 31st January 2019.

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 three years from the date of the original permission (29th March 2017).

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

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

Noise Impact Assessment prepared by Syntegra Consulting dated 27 February 2014. Daylight, Sunlight and Shadow report prepared by point surveyors dated February 2015; Basement Impact Assessment including flood risk assessment prepared by Chelmer Site Investigations dated October 2015; Independent assessment of documentation submitted for Basement assessment prepared by Geotechnical Consulting Group dated August 2014;

Existing drawings: 22LG-P8-A-(00)-00; 22LG-P8-(15)-001; 22LG-P8-(00)-10; 22LG-P8-(00)-11; 22LG-P8-(00)-001; 22LG-P8-(00)-002;

Proposed drawings (prefix 228-17-): PL01 (lower ground floor), PL02 (ground floor), PL03 (1st floor), PL04 (2nd floor), PL11 (roof plan); PL07-revB (front elevation), PL08-revA (east elevation), PL09-revA (rear elevation), PL10-revA (west elevation); PL14-revA (material sample); 22LG-P8-(11)-010 Rev D (section AA).

Tree protection plan JKK8117_Figure 03.01 rev C; Tree retention and removals plan JKK8117_Figure 02.01 rev C; Arboricultural Impact Assessment/method statement by rpsgroup, ref JMK8117 dated 31st January 2019.

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

Executive Director Supporting Communities

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

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

- 4 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) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door at a scale of 1:10 with typical glazing bar details at 1:1.

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

c) Samples and manufacturer's details of new facing materials including brickwork and windows and door units shall be submitted to and approved by the local planning authority prior to commencement of the development and implemented in accordance with any such approval.

d) The sample panel of brickwork shall be 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 for inspection for the local planning authority.

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 policy D1 of the London Borough of Camden Local Plan 2017.

- 5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing 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 policy D1 of the London Borough of Camden Local Plan 2017.

- 6 Prior to construction of the development above ground level, details of secure and covered cycle storage area for four cycles shall be submitted to and approved in writing by the local planning authority.

The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

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

- 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 A1 and D1 of the London Borough of Camden Local Plan 2017.

- 8 Prior to first occupation the windows located on the east and west flank wall elevations at first floor and roof level as shown on approved plans shall be obscurely glazed and fixed shut up to 1.7m above finished floor level and permanently retained as such.

Reason: To ensure no unreasonable overlooking of adjacent properties in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

- 9 Prior to construction of the development above ground level, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing.

Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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

- 10 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with the recommendations of the Arboricultural Impact assessment/Method Statement and drawing JKK8117_ Figure 03.01 rev.C, as approved.

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.

The protection shall then remain in place for the duration of works on site, unless otherwise agreed in writing by the local authority.

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

- 11 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2) in relation to accessible dwellings and shall be maintained thereafter.

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 Camden Local Plan 2017.

- 12 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 additional litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

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 Prior to construction of the development above ground level, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. 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 policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 14 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan June 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 4 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.
- 5 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.

Executive Director Supporting Communities

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

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

- 6 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.
- 7 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-4a6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

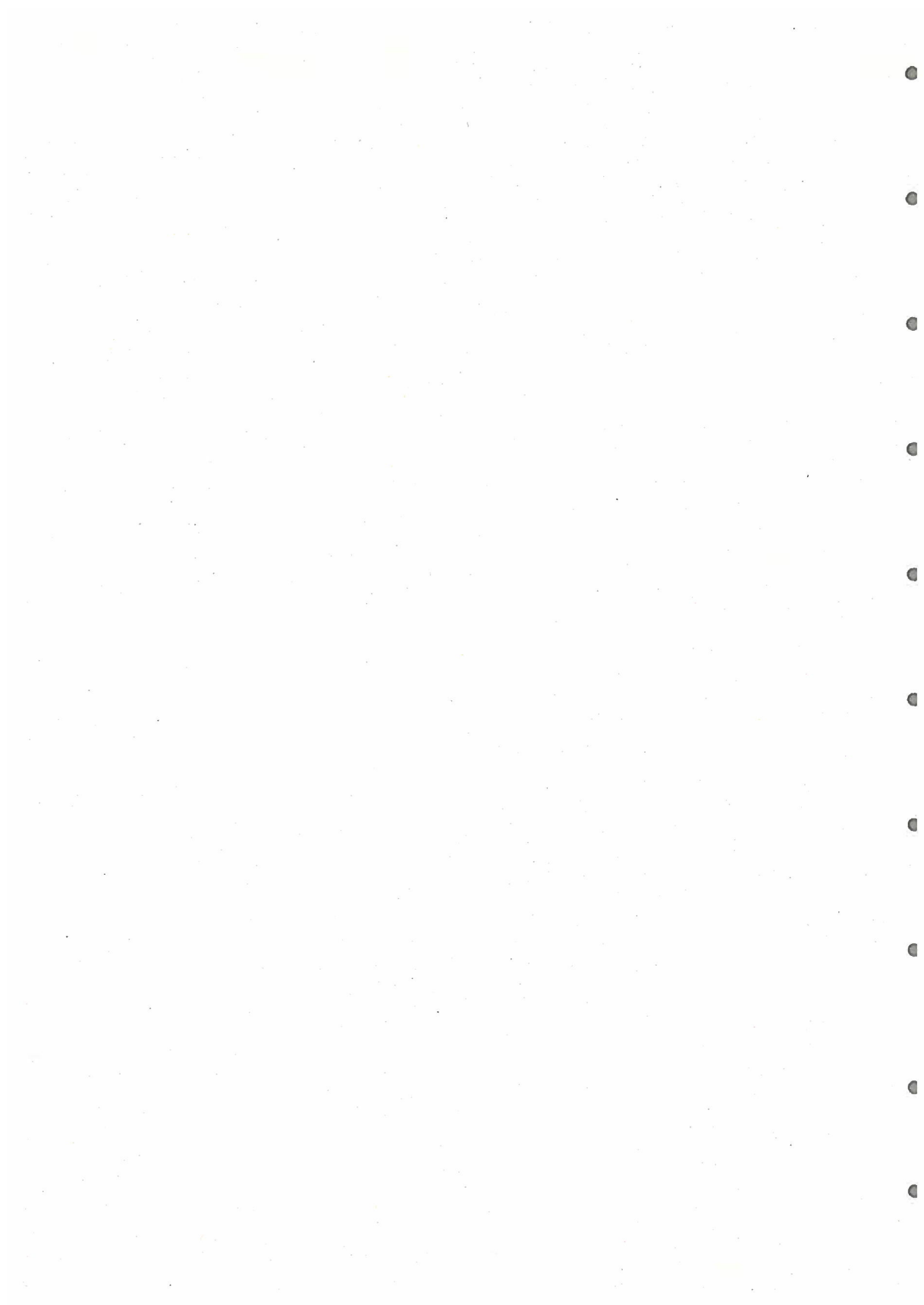
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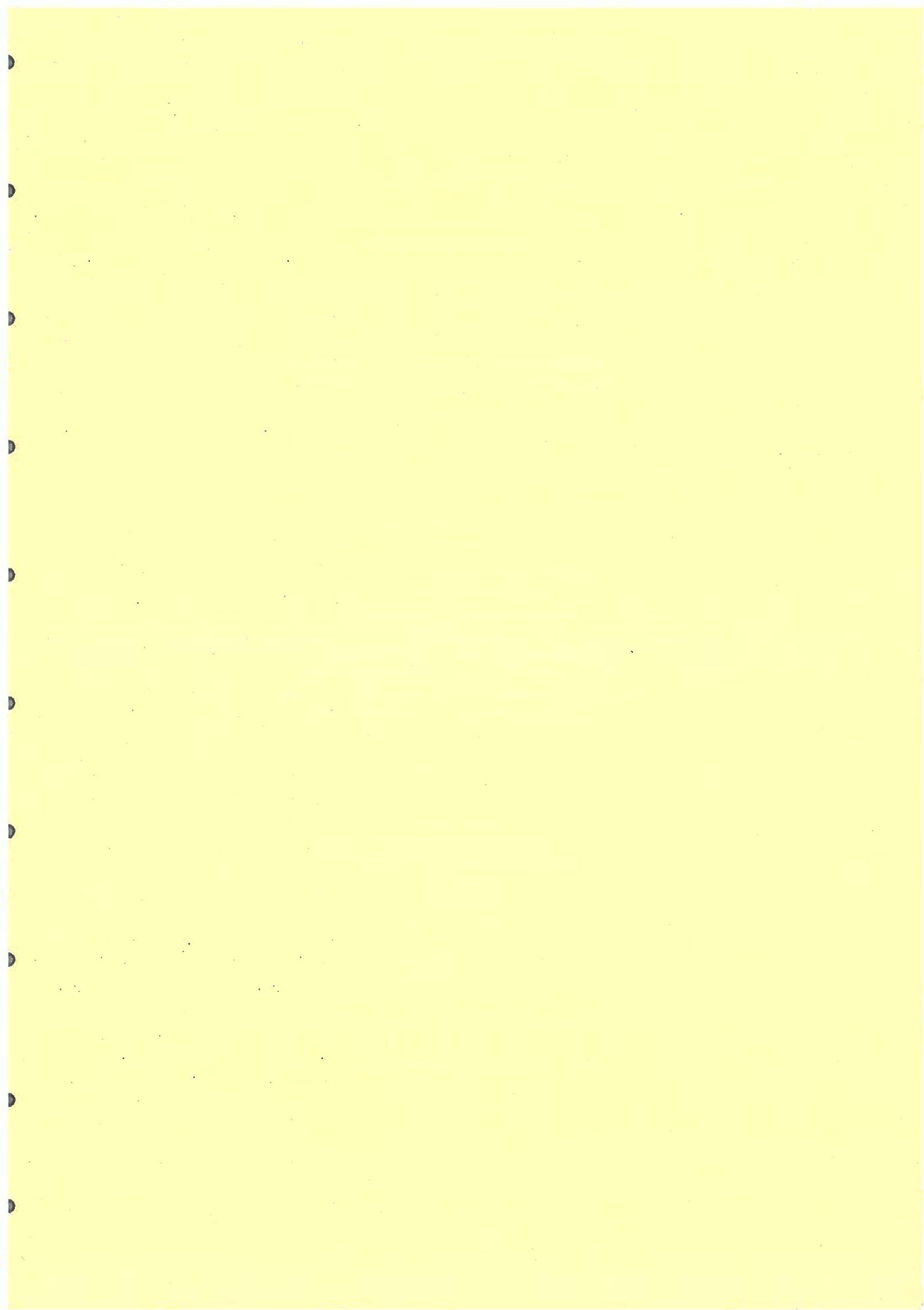
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

Executive Director Supporting Communities





DATED

9 September

2019

(2) YUHONG TANG

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 29 March 2017
Between the Mayor and the Burgesses of the
London Borough of Camden and
Yuhong Tang
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
22 Lancaster Grove London NW3 4PB

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

Tel: 020 7974 1918
Fax: 020 7974 2962

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