

DATED

23 SEPTEMBER

2019

(1) VULCAN PROPERTY LIMITED

-and-

(2) LENDINVEST SECURITY TRUSTEES LIMITED

-and-

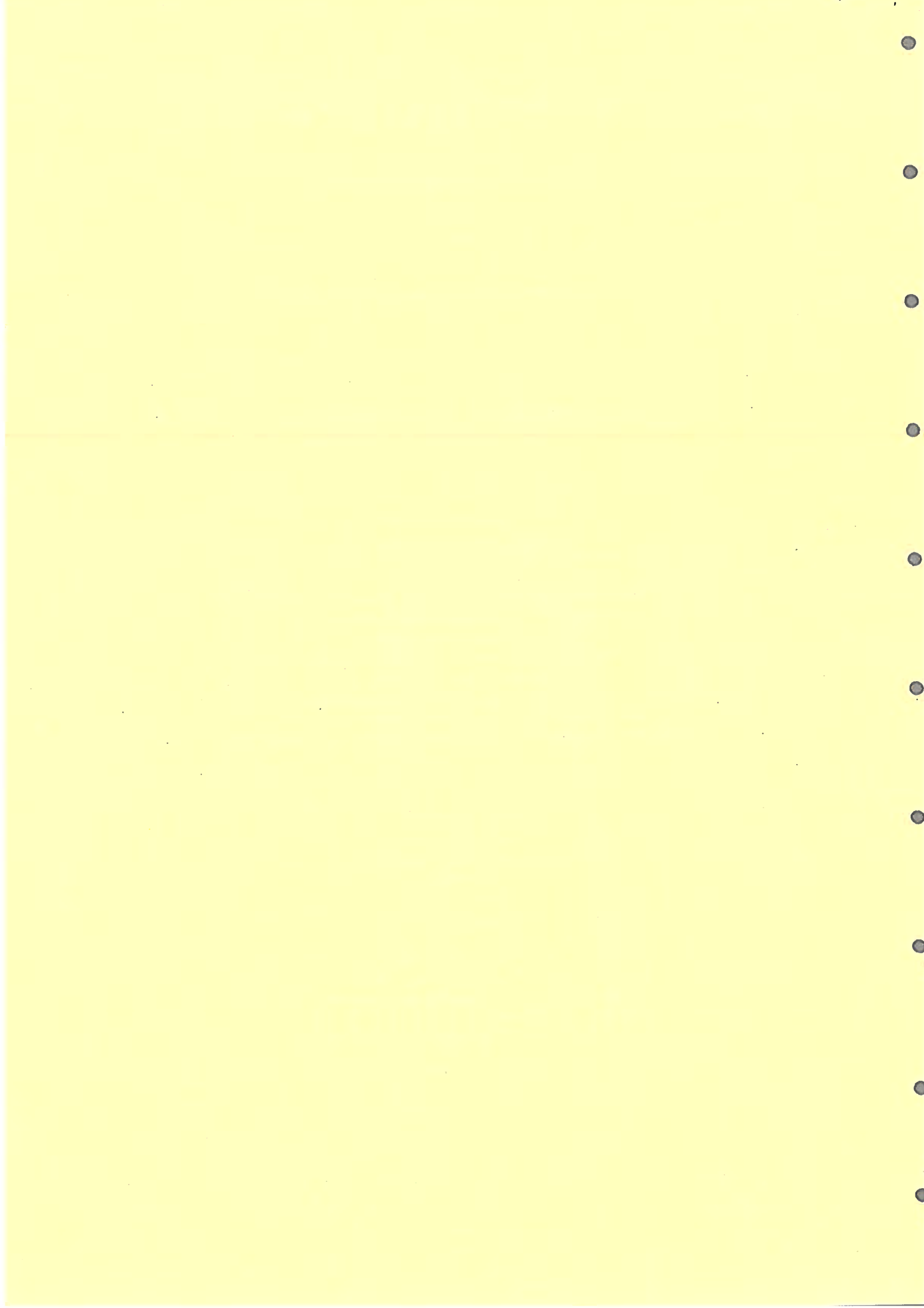
**(3) THE MAYOR AND THE BURGESSES OF
THE LONDON BOROUGH OF CAMDEN**

DEED OF VARIATION

Relating to the Agreement dated 28 June 2017
Between the Mayor and the Burgesses of the
London Borough of Camden,
Vulcan Property Limited and Lendinvest Capital S.A.R.L.
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
Belsize Fire Station, 36 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 5680
(DoV) CLS/COM/HM/1800.1220
FINAL



THIS DEED is made on the 23rd day of SEPTEMBER 2019

BETWEEN

1. **VULCAN PROPERTY LIMITED** (Co. Regn. No. 09545624) whose registered office is at 8 Queripel House 1 Duke of York Square, Kings Road, London, SW3 4LY (hereinafter called "the Owner") of the first part
2. **LENDINVEST SECURITY TRUSTEES LIMITED** (Co. Regn. No. 8743617) whose registered office is at 8 Mortimer Street, London W1T 3JJ (hereinafter called "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 Vulcan Property Limited and Lendinvest Capital S.A.R.L entered into an Agreement dated 28 June 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 164222 subject to charges to the Mortgagee.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this 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 8 January 2019 for which the Council resolved to grant permission conditionally under reference 2019/0106/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.

1.8 The Mortgagee as mortgagee under legal charges registered under Title Number 164222 and dated 21 December 2017 is willing to enter into this Agreement to give its consent to the same.

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 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 28 June 2017 made between the Council and the owner and mortgagee

2.8.3 "the Original Planning

Permission”

means the planning permission granted by the Council on 28 June 2017 referenced ref 2016/0745/P allowing the Part change of use of former fire station (Sui Generis) to provide 11 self-contained residential units (Class C3) including replacement single storey side extension to east elevation and erection of two single storey side extensions to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking as shown on drawing numbers 001; 002F; 003; 004G; 005F; 006; 007A; 008; 051C; 052E; 053D; 054A; 055; 056; 057D; 060; 061; 062; 063; 064B; 065; 066; 067; 068B; 069B; 070; 070; 071; 072; 080; 081; 082; 083; 084; 100; 101; 102; 104; 104; 105; 106; 107; 108; 109; 110; 111; 112; 113; 201; 202; 203; 204; 205; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; SK01-B; SK02-B; SK03-B; SK04-B; SK05-B; SK06-B.

Arboricultural Impact Assessment & Arboricultural Method Statement prepared by Challice Consulting dated 31st January 2016; Energy Statement prepared by XCO2 Energy dated May 2016; Sustainability Statement prepared by XCO2 Energy dated February 2016; Design & Access Statement prepared by Shaun Knight Architecture dated January 2016; Fire Strategy prepared by BB7 dated 2nd February 2016; Draft Construction Management Plan; Letter from Building Control Surveyor dated 29 January 2016; Heritage Statement prepared by DLG Architects dated January 2016; Planning Statement prepared by NTA Planning dated February 2016; Structural Assessment prepared by Hockley & Dawson Consulting Engineers; Surface Water Drainage

Statement prepared by Dr Paul Garrad dated February 2016; Daylight and Sunlight and Overshadowing Statement prepared by Brooke Vincent + Partners dated February 2016; Daylight & Sunlight Addendum prepared by Brooke Vincent + Partners dated 28th July 2016; Daylight & Sunlight Addendum prepared by Brooke Vincent + Partners dated 12th August 2016.

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" variation of planning permission dated 18 April 2019 to vary condition 3 (development in accordance with approved plans) of planning permission dated 28/06/2017 ref 2016/0745/P (for Part change of use of former fire station to provide 11 self-contained residential units including replacement single storey side extension to east elevation and erection of two single storey side extensions to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking), namely to redesign approved eastern side extension and incorporate a new lightwell and lowered floor level.
- 3.1.2 "Planning Permission" the planning permission for the Development under reference number 2019/0106/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 8 January

2019 by the Owner and given reference number
2019/0106/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/0745/P" shall be replaced with "Planning Permission reference 2019/0106/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 2019/0106/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 and the Owner has caused their respective Common Seals to be affixed and the Mortgagee has caused this Deed to be executed as a Deed the day and year first above written.

**THE COMMON SEAL OF
EXECUTED AS A DEED BY
VULCAN PROPERTY LIMITED
was hereunto affixed
in the presence of:-**



Andrew G. ...
.....
Director

WITNESS NAME : T WATTS Russell
Signature : 
Address : 8 Orangerie House
Lansdown Bristol G4 4Y

.....
Director/Secretary

**CONTINUATION OF SECTION 106 DEED OF VARIATION IN RELATION TO
BELSIZE FIRE STATION, 36 LANCASTER GROVE, LONDON NW3 4PB**

EXECUTED AS A DEED by the)
Attorney Authorised on behalf of)
LENDINVEST SECURITY TRUSTEES LIMITED)

[Signature]
.....
Duly Authorised Signatory

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

[Signature]
.....
Duly Authorised Officer



Nicholas Taylor + Associates
46 James Street
London W1U 1EZ

Application Ref: **2019/0106/P**

01 August 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:

**36 Lancaster Grove
London NW3 4PB**

Proposal:

DECISION
Variation of condition 3 (development in accordance with approved plans) of planning permission dated 28/06/2017 ref 2016/0745/P (for Part change of use of former fire station to provide 11 self-contained residential units including replacement single storey side extension to east elevation and erection of two single storey side extensions to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking), namely to redesign approved eastern side extension and incorporate a new lightwell and lowered floor level.

Drawing Nos: BFS-THA-EX-AL-001-P2; (prefix BFS-THA-PR-SK-) 077 P4, 078 P3, 079 P3, (prefix BFS-THA-PR AL-) 080 P1, 200 P5; Basement Impact Assessment by Senan Pyne dated June 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 the end of three years from the date of the original planning permission ref 2016/0745/P dated 28/06/2017.

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-
BFS-THA-EX-AL-001-P2; (prefix BFS-THA-PR-SK-) 077 P4, 078 P3, 079 P3; (prefix BFS-THA-PR AL-) 080 P1, 200 P5; Basement Impact Assessment by Senan Pyne dated June 2019.

001; 002H; 003D; 004J; 005H; 006E; 007A; 008B; 052F; 055; 056 C; 060B; 061A; 062; 063C; 064B; 065; 066C; 067C; 068B; 069B; 070; 070A; 071; 072; 080A; 081B; 082A; 083A; 084; 100; 101; 102; 104; 104; 105; 106A; 107; 108; 109; 110; 111; 112A; 113A; 201; 202A; 203; 204; 205; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; SK01-B; SK02-B; SK03-B; SK04-B; SK05-B; SK06-B.

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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

- 4 All trees on the site, or parts of trees growing from adjoining sites shall be retained and protected from damage in accordance with the tree protection details as approved on 26/02/2019 ref 2018/1527/P.

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.

- 5 The approved cycle storage facility shall be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter, in accordance with the cycle store details as approved on 26/02/2019 ref 2018/1527/P.

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 Condition 6 of 2016/0745/P has been discharged- the updated bat survey was approved on 26/02/2019 ref 2018/1527/P.

- 7 The approved lighting strategy shall be installed in accordance with the lighting plans as approved on 26/02/2019 ref 2018/1527/P.

Reason: To limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation, in accordance with the requirements of policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 8 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted 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 and CC3 of the London Borough of Camden Local Plan 2017.

- 9 The approved sustainable drainage system shall be implemented and thereafter retained and maintained in accordance with the drainage details as approved on 26/02/2019 ref 2018/1527/P.

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 2017.

- 10 Prior to occupation, evidence that the SUDS system has been implemented in accordance with the approved details within condition no.9 as part of the development shall be submitted to the Local Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

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 2017.

- 11 The approved bird and bat boxes shall be installed and thereafter retained in accordance with the biodiversity details as approved on 26/02/2019 ref 2018/1527/P.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 12 The approved drainage strategy shall be installed and completed in accordance with the drainage details as approved on 26/02/2019 ref 2018/1527/P.

Reason: To ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community, in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 All site operatives must be made aware of the possible presence of protected species during works. If any protected species or signs of protected species are found, works should stop immediately and an ecologist should be contacted.

Reason: To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended).

- 2 The Preliminary Ecological Assessment identified the presence of buddleia and green alkanet both of which are listed by the London Invasive Species Initiative as species of concern. Care should be taken to ensure that these species do not spread beyond the site during vegetation works.

Reason: To support the objectives of the Camden Biodiversity Action Plan 2013-18.

- 3 You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Greenspace Information for Greater London [GIGL], the capital's environmental records centre.

Reason: To support the collation of ecological data to assist future decision making, and support the objectives of the Camden Biodiversity Action Plan 2013-

18.

- 4 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.
- 5 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/20142/1260042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-82b1-aa6d-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)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

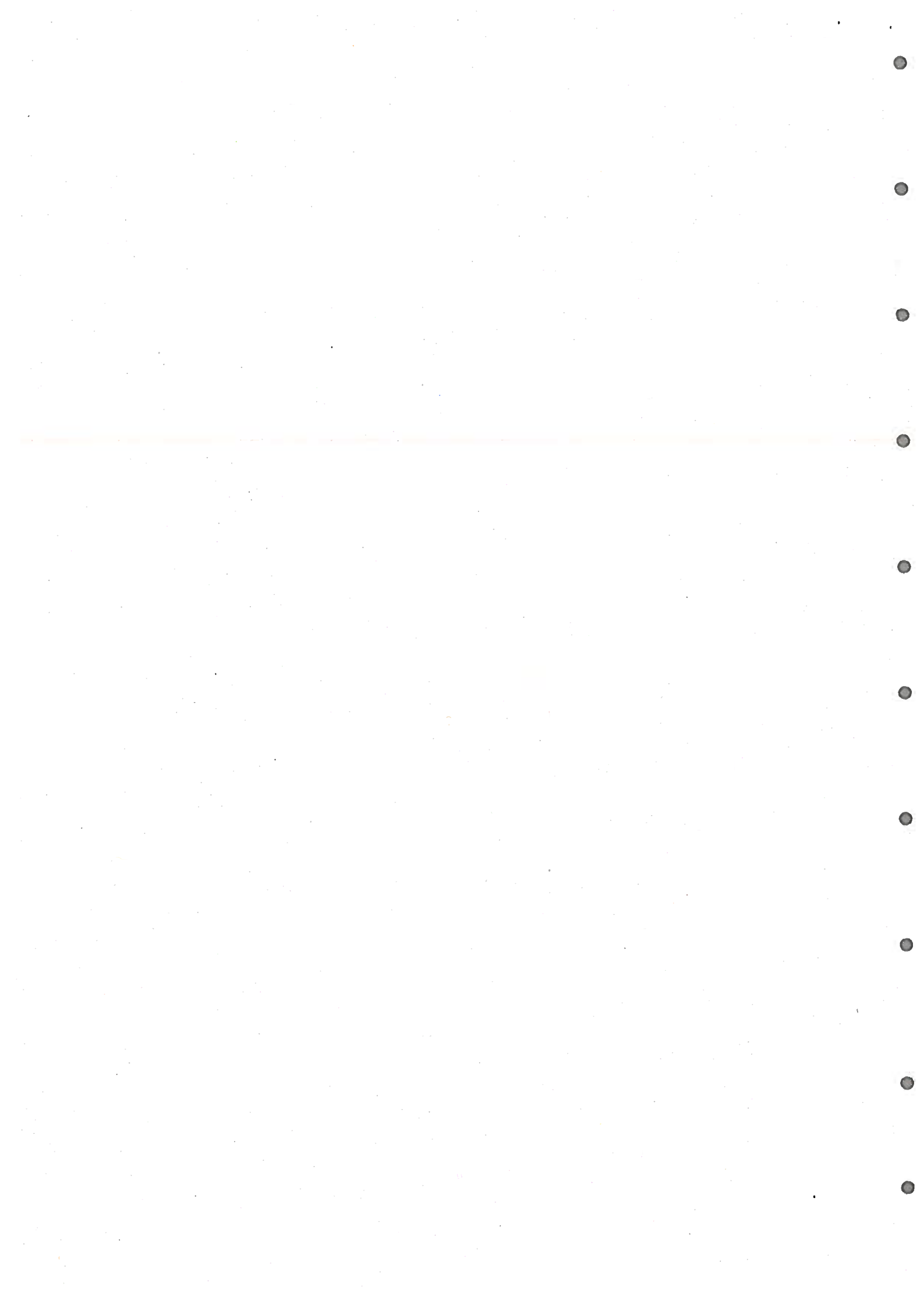
- 6 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult The Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 7 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.

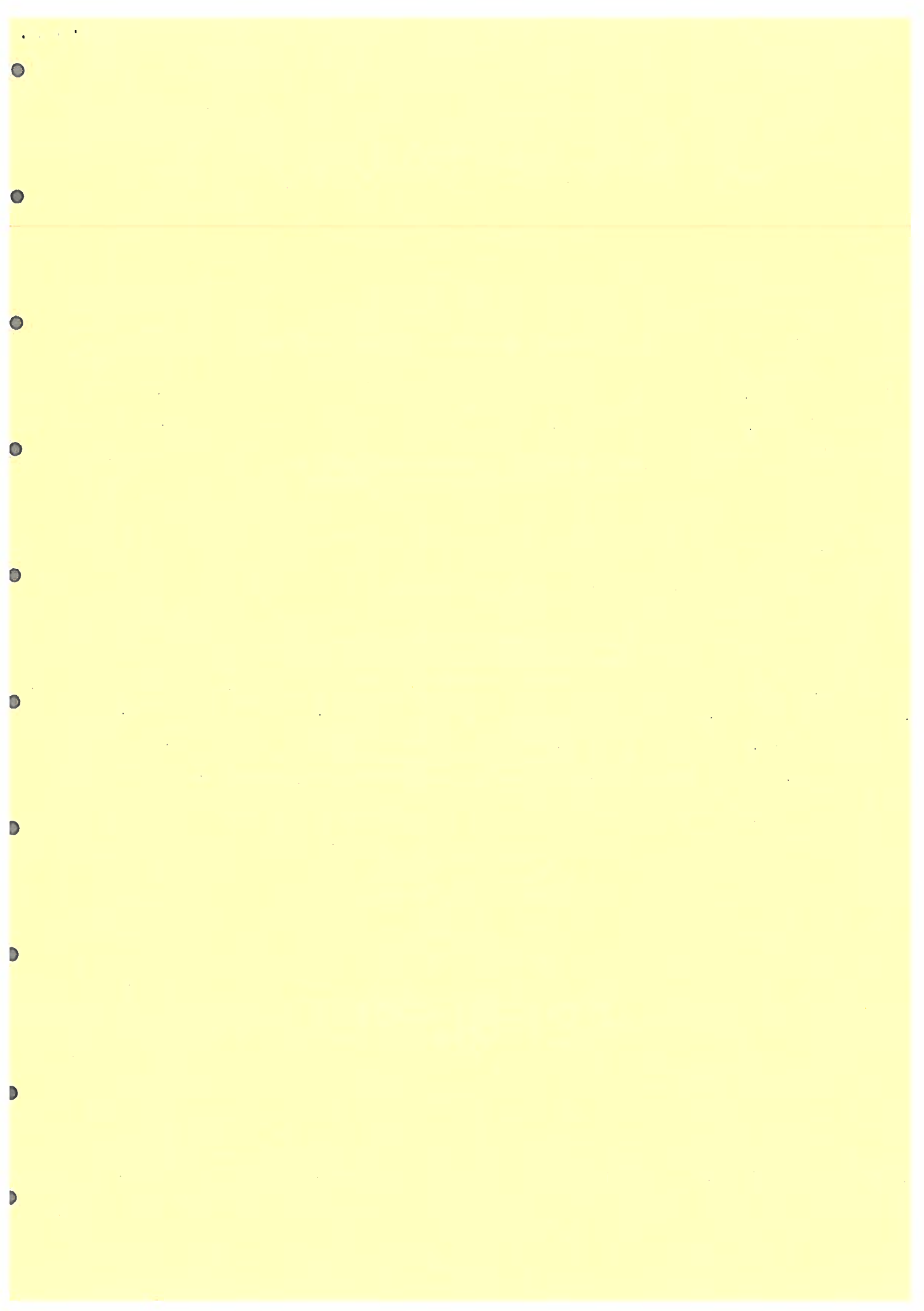
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

Executive Director Supporting Communities





DATED

23 SEPTEMBER

2019

(1) VULCAN PROPERTY LIMITED

-and-

(2) LENDINVEST SECURITY TRUSTEES LIMITED

-and-

**(3) THE MAYOR AND THE BURGESSES OF
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