

DATED

3 AUGUST

2020

(1) COOPER GROUP DEVELOPMENTS (ST EDMUNDS) LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 9 February 2018
Between the Mayor and the Burgesses of the
London Borough of Camden and Cooper Group Developments (St Edmunds) Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
Guinness Court, St Edmund's Terrace, London NW8 7QE

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/SW/1800.1522
DoV FINAL

THIS DEED is made on the 3 day of AUGUST 2020

BETWEEN

1. **COOPER GROUP DEVELOPMENTS (ST EDMUNDS) LIMITED** (Co. Regn. No. 55442, incorporated in Guernsey) whose registered office is at Les Echelons Court Les Echelons St Peter Port GUERNSEY GY1 1AR (hereinafter called "the Owner") of the first part
2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

WHEREAS:

- 1.1 The Council and the Owner entered into an Agreement dated 9 February 2018 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 280140.
- 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 16 January 2020 for which the Council resolved to grant permission conditionally under reference 2019/6167/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 LSC It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6 ^{and} ~~7 and 8~~ 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 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 9 February 2018 made between the Council and the Owner

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 9 February 2018 referenced 2017/1465/P allowing the conversion of existing waste/recycling refuse store to include excavation to create 1x2 bedroom self-contained flat and creation of associated lightwell within residential development (Class C3)

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 conversion of existing waste/recycling refuse store to include excavation to create 1x2 bedroom self-contained flat and creation of associated lightwell within residential development (Class C3) as authorised by the planning permission dated 9 February 2018 and given reference number 2017/1465/P as varied by the Planning Permission

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2019/6167/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 validated on 16 January

2020 by the Council and given reference number 2019/6167/P for the variation of condition 3 (approved plans) of planning permission 2017/1465/P dated 09/02/2018 (for conversion of existing waste/recycling refuse store to include excavation to create 1x 2bedroom self-contained flat and creation of associated lightwell), namely to relocate half-basement to south side of dwelling with changes to location and number of windows and doors, creation of new lightwell with railings on east side and creation of new terrace on south side with associated railings and screen as shown on drawing numbers P01; P02; P03 rev A; P04; P08 rev A; P09 rev A; P10 rev 1; SP; Letter prepared by Barden Chapman dated 10 December 2019; S-2000_T3; S-2100_T3

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2017/1465/P" shall be replaced with "Planning Permission reference 2019/6167/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 2019/6167/P.

5 PAYMENT OF THE COUNCIL'S LEGAL COSTS

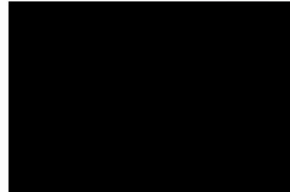
5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

6. REGISTRATION AS LOCAL LAND CHARGE

6.1 This Deed shall be registered as a Local Land Charge

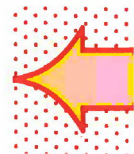
IN WITNESS WHEREOF the Council has caused its Common Seal to be affixed and the Owner has caused this Deed to be executed as a Deed the day and year first above written.

***SIGNED as a deed on behalf of Cooper
Group Developments (St Edmunds) Limited,
a company incorporated in Guernsey, by
Marcus Cooper, being a person who, in
accordance with the laws of that
territory, is acting under the authority of
the company***)
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**THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN**)
)
)
)
was hereunto affixed by Order:-


.....
Duly Authorised Officer





Application ref: 2019/6167/P
Contact:
Tel: 020 7974
Date: 23 June 2020

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

Phone: 020 7974 4444

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

Simoni Devetzi
23 Cranbrook Lane
London
N11 1PH
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:
**Regent's Gate
St Edmund's Terrace
London
NW8 7QE**

Proposal:
Variation of condition 3 (approved plans) of planning permission 2017/1465/P dated 09/02/2018 (for conversion of existing waste/recycling refuse store to include excavation to create 1x 2bedroom self-contained flat and creation of associated lightwell), namely to relocate half-basement to south side of dwelling with changes to location and number of windows and doors, creation of new lightwell with railings on east side and creation of new terrace on south side with associated railings and screen.
Drawing Nos: P01; P02; P03 rev A; P04; P08 rev A; P09 rev A; P10 rev 1; SP; Letter prepared by Barden Chapman dated 10 December 2019; S-2000_T3; S-2100_T3

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 2017/1465/P dated 09/02/2018.

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

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

- 3 For the purposes of this decision, condition no. 3 of planning permission 2017/1465/P shall be replaced with the following condition:

REPLACEMENT CONDITION 3

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

001; 100_C; 101; 200_A; 300_A; 910;
Planning Statement by JAA dated 13 March 2017; Basement Impact Assessment by Brett Mahony (Document No: 17708-RP-01); Construction Timeline;
P01; P02; P03 rev A; P04; P08; P09 rev A; P10; SP; Letter prepared by Barden Chapman dated 10 December 2019; 18867: S-2000_T3; S-2100_T3

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

- 4 The secure and covered cycle storage area for 2 cycles shall be provided in accordance with the details approved under ref: 2019/3487/P dated 25/07/2019 or any subsequent submission, prior to the first occupation of the dwelling hereby approved, for details of secure and covered cycle storage area for 2 cycles approved by the local planning authority. The approved facility shall be provided in its entirety prior to the first occupation of the new dwelling, 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.

- 5 A suitably qualified chartered engineer as approved 25/07/2019 under ref 2019/3487/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 25/07/2019 under ref 2019/3487/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 and A5 of the London Borough of Camden Local Plan 2017.

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

- 7 The use of the new patio on the southeast side shall not commence until the privacy screen, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission

The relocation of windows and the introduction of a door to the front elevation would have a balanced appearance and would be acceptable in design terms. The railing around the proposed lightwell would be extended along the whole of the front elevation. This elevation was revised so that the railing and plinth would be uniform along this elevation. The amendment to the south side elevation would include the creation of a new small patio surrounded by a railing and privacy screen. There would also be a new basement lightwell patio at the front of the property. Overall the proposed amendments would not affect the quality of the accommodation in the approved flat. Indeed, the proposed terraces would enhance the quality of accommodation. At the rear, the frosted windows would be enlarged and their positions changed. The rooflights would also be changed in location and size. The various elevational changes are considered acceptable and would not harm the appearance of the property or area.

The basement layout would now be swapped around, so that the proposed basement excavation would be on the south side and moved 4m away from the existing party wall. This offers a significant reduction in the impact of the revised scheme, given the approved excavation works would have been immediately adjacent to the existing party wall. The Council's engineering consultants have confirmed that no further Basement Impact Assessment is required and that, by moving the proposed basement further from the adjacent structure, the potential stability impacts should be further reduced than the approved scheme.

The relocation of windows and doors and the ground floor terraces would not harm neighbouring amenity in terms of loss of privacy, given the location of the terrace and the previously approved windows. The proposed new terrace to the side elevation would directly face two parking spaces with a blank wall beyond. This terrace would include a 1.8m high timber screen to protect the privacy of neighbouring properties, which would be secured by condition.

The original decision was subject to a legal agreement securing the new unit as 'car-free' to prevent additional onstreet carparking. A Deed of Variation to the S106 would therefore be required.

The planning history of the site has been taken into account when coming to this decision.

Two objections were received prior to making this decision and have been duly taken into consideration.

As such, the proposed development is in general accordance with policies D1, A5, T2, T1 and A1 of the Camden Local Plan 2017. The development also accords with the National Planning Policy Framework 2019 and the London Plan 2016.

- 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 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 proposal creates a new residential unit. 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 £3,855 (77.1sqm x £50) and £38,550 (77.1sqm x £500) 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 circumstance. 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 construction costs index.

- 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 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.
- 6 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.
- 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-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.

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

DATED

3 AUGUST

2020

(1) COOPER GROUP DEVELOPMENTS (ST EDMUNDS) LIMITED

-and-

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

DEED OF VARIATION

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