

DATED

20 July

2022

(1) 25-26 REDINGTON GARDENS LLP

-and-

(2) WEST ONE LOAN LIMITED

-and-

(3) REDINGTON GARDENS (COGRESS) LLP

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 3 February 2016,
Between the Mayor and the Burgesses of the
London Borough of Camden,
25-26 Redington Gardens LLP and Fern Trading Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
25 & 26 Redington Gardens London NW3 7RX

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

Tel: 020 7974 2176
Fax: 020 7974 2962

CLS/COM/ESA/1800.1254
DoV FINAL

THIS DEED is made on the 20th day of July 2022

BETWEEN

1. **25-26 REDINGTON GARDENS LLP** (Co. Regn. No. OC398107) whose registered office is at 5 Broadbent Close, Highgate, London, United Kingdom, N6 5JW (hereinafter called "the Owner") of the first part
2. **WEST ONE LOAN LIMITED** (Co. Regn. No. 5385677) of The Edward Hyde Building, 38 Clarendon Road, Watford WD17 1JW (hereinafter called "First Mortgagee") of the second part
3. **REDINGTON GARDENS (COGRESS) LLP** of (LLP Regn. No. OC422413) of 5 Broadbent Close, London N6 5JW (hereinafter called "Second Mortgagee") of the third part
4. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the fourth part

WHEREAS:

- 1.1 The Council, 25-26 Redington Gardens LLP and Fern Trading Limited entered into an Agreement dated 3 February 2016 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 LN195710 and LN199117 subject to charges to the First Mortgagee and the Second 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 14 June 2019 for which the Council resolved to grant permission conditionally under reference 2019/3082/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 First Mortgagee and Second 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 3 February 2016 made between the Council and 25-26 Redington Gardens LLP and Fern Trading Limited

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 3 February 2016 referenced 2015/3200/P allowing the demolition of two existing dwellings and the erection of two semi-detached dwellings including the excavations of a basements as shown on drawing numbers 1958: A60, A70, A71, A72, A73, A74, A75, A76, A80, A81, A82, A90, A91, A92, A93, A95, A96, A97, A100, A101, A110, A111, A112, A113, A114, A150, A151, A152, A153, A154, A170, A171 and A800.

Supporting documents: Design and access statement (dated May 2015), planning and heritage statement (June 2015), tree report (dated May 2015), noise assessment (dated May 2015), Daylight/sunlight assessment (dated May 2015), Draft CMP Pro-forma (dated May 2015),

CIL additional information form, GEA desk study & ground investigation report (dated May 2015), historic environment assessment (dated April 2015) and Cundall energy and sustainability report (dated May 2015).

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 condition 5 (approved plans) of planning permission 2015/3200/P dated 03/02/2016 (for: Demolition of two existing dwellings and the erection of two semi-detached dwellings including the excavations of basements.). NAMELY to reduce the size of the approved basement, installation of ASHP to rear, installation of rooflights within the front and rear garden area, installation of front elevation window at lower ground level and increased height of the approved chimney as shown on drawing numbers:- 1958: A60, A70, A71, A72, A73, A74, A75, A76, A80, A81, A82, A90, A91, A92, A93, A95, A96, A97, A100 and A800 (As Approved 03 February 2016)

A101 Rev P2, A110 Rev P1, A111 Rev P1, A112 Rev P1, A113 Rev P1, A114 Rev P1, A150 Rev P, A151 Rev P, A152 Rev P, A153 Rev P, A170 Rev P, A171 Rev P, Detailed Basement Construction Method Statement, Appendix A Proposed Structural Drawings and Sequence of Construction, Appendix B Proposed Structural Drawings and Sequence of Construction, Appendix C Proposed Structural Drawings and Sequence of Construction, Appendix D

Proposed Structural Drawings and Sequence of Construction, Certifying Engineer's Report 19720-PR-01, Energy Statement, Basement Impact Statement (16 June 2019)

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2019/3082/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 14 June 2019 by the Owner and given reference number 2019/3082/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/3200/P" shall be replaced with "Planning Permission reference 2019/3082/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 2019/3082/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.

7. REGISTRATION OF FIRST MORTGAGEE'S CHARGE

- 7.1 The Owner covenants to provide the Council with up to date official copy entries of the title registers for titles numbers LN195710 and LN199117 showing the registration against these titles of the First Mortgagee's charge within five working days after this registration has been completed at HM Land Registry.

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

EXECUTED AS A DEED by)
25-26 REDINGTON GARDENS LLP)
acting by a Partner)

.....
Partner

in the presence of:

.....
Signature of Witness

Name of Witness:

Address of Witness:

Occupation of Witness:

EXECUTED AS A DEED by)
WEST ONE LOAN LIMITED)
acting by its attorney)
STEPHEN HENRY EVANS-JONES)
/ ~~KERRY JULIET FLAHERTY~~)
in the presence of:)

[Signature]
West One Loan Limited

.....
Attorney

.....
Signature of Witness

Name of Witness:

Address of Witness: *PAUL STANLEY*

Occupation of Witness: *Prime Loan Limited, 63A Madley Road, L10 7PL, SK9 1NZ.*

SOLICITOR

EXECUTED AS A DEED by
25-26 REDINGTON GARDENS LLP
acting by a Partner

)
)
)

X

Partner

in the presence of:

Signature of Witness

Name of Witness: NIGEL HOPPER

Address of Witness: KNOLE FARM, KNOLE, TAIO QH4Y

Occupation of Witness: Consultant.

EXECUTED AS A DEED by
WEST ONE LOAN LIMITED
acting by its attorney
STEPHEN HENRY EVANS-JONES
/ KERRY JULIET FLAIVE
in the presence of:

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)
)
)
)

West One Loan Limited

Attorney

Signature of Witness

Name of Witness:

Address of Witness:

Occupation of Witness:

EXECUTED AS A DEED by)
REDINGTON GARDENS (COGRESS) LLP)
acting by a Partner)

.....
Partner

in the presence of:

.....
Signature of Witness

Name of Witness: NIGEL HODDER

Address of Witness: KNOWLE FARM, KNOWLE, TA10 9HY

Occupation of Witness: Consultant.

**CONTINUATION OF DEED OF VARIATION AGREEMENT IN RELATION TO 25 & 26
REDINGTON GARDENS LONDON NW3 7RX**

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

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.....
Duly Authorised Officer

Application ref: 2019/3082/P
Contact:
Tel: 020 7974
Date: 17 December 2021

D. Rose Planning LLP
19-20 Bourne Court
Southend Road
Woodford Green
IG8 8HD
United Kingdom



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

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:
25 & 26 Redington Gardens
London
NW3 7RX

PROPOSAL
Proposal:

Variation of condition 5 (approved plans) of planning permission 2015/3200/P dated 03/02/2016 (for: Demolition of two existing dwellings and the erection of two semi-detached dwellings including the excavations of basements). **NAMELY** to reduce the size of the approved basement, installation of ASHP to rear, installation of rooflights within the front and rear garden area, installation of front elevation window at lower ground level and increased height of the approved chimney.

DECISION
Drawing Nos: 1958: A60, A70, A71, A72, A73, A74, A75, A76, A80, A81, A82, A90, A91, A92, A93, A95, A96, A97, A100 and A800 (As Approved 03 February 2016)
A101 Rev P2, A110 Rev P1, A111 Rev P1, A112 Rev P1, A113 Rev P1, A114 Rev P1, A150 Rev P, A151 Rev P, A152 Rev P, A153 Rev P, A170 Rev P, A171 Rev P, Detailed Basement Construction Method Statement, Appendix A Proposed Structural Drawings and Sequence of Construction, Appendix B Proposed Structural Drawings and Sequence of Construction, Appendix C Proposed Structural Drawings and Sequence of Construction, Appendix D Proposed Structural Drawings and Sequence of Construction, Certifying Engineer's Report 19720-PR-01, Energy Statement, Basement Impact Statement (16 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 permission 2015/3200/P dated 03/02/2016.

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 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans :As Approved. Drawing Nos: 1958: A60, A70, A71, A72, A73, A74, A75, A76, A80, A81, A82, A90, A91, A92, A93, A95, A96, A97, A100 and A800 (03 February 2016)
As Revised: A101 Rev P2, A110 Rev P1, A111 Rev P1, A112 Rev P1, A113 Rev P1, A114 Rev P1, A150 Rev P, A151 Rev P, A152 Rev P, A153 Rev P, A170 Rev P, A171 Rev P, Detailed Basement Construction Method Statement, Appendix A Proposed Structural Drawings and Sequence of Construction, Appendix B Proposed Structural Drawings and Sequence of Construction, Appendix C Proposed Structural Drawings and Sequence of Construction, Appendix D Proposed Structural Drawings and Sequence of Construction, Certifying Engineer's Report 19720-PR-01, Energy Statement, Basement Impact Statement (16 June 2019).

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

- 4 Details of tree protection shall be as approved in respect of application 2018/5420/P dated 07/12/2018, and retained on site, unless alternative details are submitted to and approved in writing by the local planning authority.

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 CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 6 Before the use commences, the extract ventilating system air-conditioning plant shall be provided with acoustic isolation, sound attenuation and anti-vibration measures in accordance with the scheme approved in writing by the local planning authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the [adjoining] premises [and the area generally] in accordance with the requirements of policy G1, A1, A4, D1, CC1 and DM1 [if infrastructure] of the London Borough of Camden Local Plan 2017.

- 7 Before the use commences sound insulation shall be provided for the building in accordance with the scheme approved a scheme to be first approved by the local planning authority in writing. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 8 Radon testing and assessment is recommend in accordance with the Measurement Procedure & Reporting Protocol in the Public Health England publication " Validation scheme for organisations making measurements of radon in UK buildings: 2018." No occupation or use of the basement shall commence until a radon assessment (in accordance with the PHE Guidance "Making Measurements of radon in UK Buildings 2018") and any remedial work has been verified and submitted to the LPA and approved in writing.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a

liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

- 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 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