

DATED

14 September

2018

(1) PAICONOM PROPERTIES NOMINEE INC

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 29 July 2014
Between the Mayor and the Burgesses of the
London Borough of Camden, Paiconom Properties Nominee Inc and
EFG Private Bank Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
14 WELL ROAD LONDON NW3 1LH

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/LN/1800.715
DoV FINAL



THIS AGREEMENT is made on the 14th day of September 2018

BETWEEN

1. **PAICONOM PROPERTIES NOMINEE INC** care of Paicolex Trust Management AG, Kasper-Fenner-Strasse 6, CH-8700, Kuesnacht, Switzerland and whose address for service in the United Kingdom is care of Bryan Cave Leighton Paisner LLP (reference: Martin Paisner), Adelaide House, London Bridge, London EC4R 9HA (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 second part

WHEREAS:

- 1.1 The Council the Owner and EFG Private Bank Limited entered into an Agreement dated 29 July 2014 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 NGL401426.
- 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 Agreement.
- 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 1 December 2017 for which the Council resolved to grant permission conditionally under reference 2017/6700/P subject to the conclusion of this Agreement.
- 1.6 This Agreement is made by virtue of Section 106 of the Act 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 Agreement 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 Agreement.

2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 Where in this Agreement 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 Agreement and shall not be construed as part of this Agreement and shall not affect the construction of this Agreement.

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, 3, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.

2.7 References in this Agreement to the Owner and Mortgagee shall include their successors in title.

2.8 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

- 2.8.1 "Agreement" this Deed of Variation made pursuant to Section 106A of the Act
- 2.8.2 "Existing Agreement" the Section 106 Agreement under the Act dated 29 July 2014 made between the Council the Owner and EFG Private Bank Limited
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 29 July 2014 referenced 2013/3998/P allowing the erection of 3 storey dwelling (Class C3) following demolition of existing as shown on drawing numbers: Site location Plan; (Prefix: 639/) 01 Rev A; 02 Rev B; 04; 05 Rev A; 06; 07; 08; 30 Rev H; 31 Rev N, 32 Rev J; 33 Rev E; 34 Rev H; 36 Rev H; 37 Rev B; 38 Rev D; 39 Rev D; 639/SK 100, 101 Rev A,102; Design and access statement by Philip Wagner Architects (including revised lifetime homes diagram); Tree report by Tree Projects Ltd dated June 2013; Code for Sustainable Homes Pre-assessment by Mendick Waring Ltd dated May 2013; Bat Survey; Draft Construction Management Plan by Philip Wagner Architects dated February 2014 (Ref: 140106/pwhamp)

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 condition 9 (approved plans) of planning permission ref:2013/3998/P dated 29/07/2014 for 'Erection of 3 storey

dwelling (Class C3) following demolition of existing', namely to change the material of the southern (side) elevation of the garage from stained boarding to painted render; update the windows on the right flank wall to match the plan; revert the existing bin store of no.15 Well Road; and to allow painted timber garage door and panels as shown on drawing numbers: Superseded: 639/31 Rev N, 639/34 Rev H & 639/36 Rev H Amended: 639/31 Rev O, 639/34 Rev I & 639/36 Rev I

3.1.2 "Planning Permission" the Original Planning Permission amended by the planning permission granted for the Development under reference number 2017/6700/P to be issued 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 to the Council and validated on 1 December 2017 by the Owner and given reference number 2017/6700/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2013/3998/P" shall be replaced with ""Planning Permission reference 2013/3998/P as varied by application 2017/6700/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 Agreement shall take effect on the Implementation of the Planning Permission referenced 2017/6700/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 has caused this Agreement to be executed as a Deed the day and year first above written.

GAMMA DIRECTORS INC

**EXECUTED AS A DEED on behalf of
PAICONOM PROPERTIES NOMINEE INC
a company incorporated in British Virgin
Islands by:-**

[Redacted]

and

[Redacted]

being persons who in accordance
with the laws of that territory are acting
under the authority of the company

[Redacted]

Authorised Signatory

[Redacted]

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

[Redacted]

.....
Duly Auth





NORTHGATE SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

GAMMA DIRECTORS INC
FOR AND ON BEHALF OF
PAKONCM PROPERTIES NCHINGEE INC
G. J. E. *W. J. H.*

•

•

•

•

•

•

•

•

•

•



**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

Philip Wagner Architects
5 Ladbroke Road
London
W11 3PA

Application Ref: **2017/6700/P**

02 August 2018

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:
14 Well Road
London
NW3 1LH

DECISION
Proposal:

Variation of condition 9 (approved plans) of planning permission Ref: 2013/3998/P dated 29/07/2014 for 'Erection of 3 storey dwelling (Class C3) following demolition of existing', namely to change the material of the southern (side) elevation of the garage from stained boarding to painted render; update the windows on the right flank wall to match the plan; revert the existing bin store of no.15 Well Road; and to allow painted timber garage door and panels

Drawing Nos: Superseded:
639/31 Rev N, 639/34 Rev H & 639/36 Rev H

Amended:
639/31 Rev O, 639/34 Rev I & 639/36 Rev I

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 permission ref. 2013/3998/P dated 29/07/2014.

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

- 2 For the purposes of this decision, condition 9 (approved plans) of planning permission 2013/3998/P dated 29/07/2014 shall be replaced with the following condition:

REPLACEMENT CONDITION 9

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

(Prefix: 639/) 01 Rev A; 02 Rev B; 04; 05 Rev A; 06; 07; 08; 30 Rev H; 31 Rev O, 32 Rev J; 33 Rev E; 34 Rev I; 36 Rev I; 37 Rev B; 38 Rev D; 39 Rev D; 639/SK 00, 101 Rev A, 102; Design and access statement by Philip Wagner Architects (including revised lifetime homes diagram); Tree report by Tree Projects Ltd dated June 2013; Code for Sustainable Homes Pre-assessment by Mendick Waring Ltd dated May 2013; Bat Survey; Draft Construction Management Plan by Philip Wagner Architects dated February 2014 (Ref: 140106/pwhamp)

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 policy A1 and A2 of the London Borough of Camden Local Plan (2017).

- 4 The facing brickwork of the development shall be completed in accordance with the details of the sample panel demonstrating the proposed colour, texture, face-bond and pointing approved under details application Ref: 2017/0789/P dated 05/03/2017. The approved panel shall be retained on site until the work has been completed.

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 use of the roof terrace at rear first floor level hereby approved shall not commence until the screen, as shown on the approved drawings, has been constructed. The screen shall be permanently retained and maintained thereafter.

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

- 6 The window hereby approved in the ground floor flank elevation which is to face 15 Well Road, shall be obscure glazed and fixed shut and shall be permanently retained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 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 (Class A-H) and Part 2 (Classes A-C) of schedule 2 of that order as far as it relates to the location and width of the garage door hereby approved shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard local parking conditions and to ensure that the development does not interfere with the free flow of traffic in accordance with CPG7 (Transport).

- 8 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work) and in accordance with the tree report submitted by Tree Projects Ltd dated June 2013.

Reason: To ensure the preservation of the amenity value and health of the tree(s).

Informative(s):

- 1 Reasons for Granting Permission.

This application is for the variation of condition 9 (approved plans) of permission ref: 2013/3998/P dated 29/07/2014 for 'Erection of 3 storey dwelling (Class C3) following demolition of existing', namely to change the material of the southern (side) elevation of the garage from stained boarding to painted render; update the windows on the right flank wall to match the plan; revert the existing bin store of no.15 Well Road; and to allow painted timber garage door and panels.

The proposed alterations are relatively minor and are considered to be commensurate with the design of the main building. The alterations would not serve to harm the character or appearance of the host property or the surrounding area. No internal alterations are proposed which would impact on the quality of accommodation provided as a result of the amendment.

Executive Director Supporting Communities

The property is sited within the Hampstead Conservation Area and backs onto a Grade II Listed building (no. 21 Well Walk). Despite this, the alterations would serve to preserve the character and appearance of the conservation area and would not impact on the setting of the listed building.

The development would otherwise remain as assessed and approved in permission ref: 2013/3998/P dated 29/07/2014.

The planning history of the site was taken into account when coming to this decision. No responses were received following public consultation on this scheme.

Considerable importance and weight has been attached to the harm and 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in accordance with Policies A1, D1 & D2 of the Camden Local Plan (2017), the London Plan (2016), and National Planning Policy Framework (2012).

- 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 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.
- 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 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.
- 5 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 (Deed of Variation to transfer S106 from 2013/3998/P dated 29/07/2014 to this application). 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.

Executive Director Supporting Communities

- 6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

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

DRAFT

DECISION

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

•

.....

DATED

14 September

2018

(1) PAICONOM PROPERTIES NOMINEE INC

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 29 July 2014
Between the Mayor and the Burgesses of the
London Borough of Camden, Paiconom Properties Nominee Inc and
EFG Private Bank Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
14 WELL ROAD LONDON NW3 1LH

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/LN/1800.715
DoV FINAL