

DATED 11 DECEMBER 2012

**(1) MOHAMED HUSSEIN AHMED BANDALI**

-and-

**(2) SOHAIL CHOCHAN**

-and-

**(3) BRIDGING LOANS LTD**

-and-

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

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**DEED OF VARIATION**

relating to the Agreement dated 7<sup>th</sup> October 2010  
between  
the Mayor and the Burgesses of the London Borough of Camden  
and  
Niall Fyfe Barnes  
and  
Graham David Charles Barnes  
and  
Barclays Bank Plc

under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**98B Sumatra Road, London, NW6 1PP**

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Andrew Maughan  
Head of Law and Governance  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 5647  
Fax: 020 7974 1920

CLS/PK/1685.1494\_FINAL

THIS AGREEMENT is made on the 11<sup>th</sup> day of December 2012

**BETWEEN**

1. **MOHAMED HUSSEIN AHMED BANDALI** of 57 Cassiobury Drive, Watford, WD17 3AD (hereinafter called "the Freeholder") of the first part
2. **SOHAIL CHOCHAN** of 1 All Saints Mews, Harrow, Middlesex. HA3 6DY (hereinafter called "the Developer") of the second part
3. **BRIDGING LOANS LTD** (registered under company number SC058511) whose registered office is c/o D M McNaught & Co Ltd Chartered Accountants, 166 Buchanan Street, Glasgow, UK, G1 2LS (hereinafter called "the 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 and Niall Fyfe Barnes and Graham David Charles Barnes and Barclays Bank Plc entered into an Agreement dated 7<sup>th</sup> October 2010 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Freeholder is registered at the Land Registry as the freehold proprietor with title absolute under title number NGL795154 subject to a charge to the Mortgagee.
- 1.3 The Developer submitted a new Planning Application to the Council in respect of the Property to amend the Original Planning Permission and validated the Planning Application on 15<sup>th</sup> March 2012 and the Council resolved to grant permission conditionally under reference 2012/1540/P subject to the conclusion of this Agreement.
- 1.4 The Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act and the Freeholder and the Developer shall hereinafter collectively be known as the Owner.

- 1.5 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.
- 1.6 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 (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 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 references in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "Agreement" this Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 7<sup>th</sup> October 2010 made between the Council and Niall Fyfe Barnes and Graham David Charles Barnes and Barclays Bank Plc

2.3.3 "the Original Planning Permission" the planning permission granted by the Council on 7<sup>th</sup> October 2010 referenced 2010/2597/P permitting the erection of a 2 storey with

basement dwellinghouse in place of an existing garage as shown on drawing numbers Site Location Plan; Existing Elevations (12 05 2010); Existing Plans (29 07 2010); Context Elevations (12 05 2010); Context + Axonmetric (12 05 2010); Proposed Elevation D & Section AA (12 05 2010); Proposed Street Elevation A1 & A2 (12 05 2010); Proposed Elevations B + C (12 05 2010); Proposed Plans (29 07 2010); Sustainability Statement Dated 12 May 2010; Lifetime Homes Statement Dated 12 May 2010; Daylight and Sunlight Report Dated 06 May 2010 By Accon uk Environmental Consultants

- 2.4 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.
- 2.5 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 effect the construction of this Agreement.
- 2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.7 References in this Agreement to the Owner and Mortgagee shall include their successors in title.

### **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 7<sup>th</sup> October 2010 granted under reference number 2010/2597/P (the erection of a 2 storey with basement dwellinghouse in place of an existing

garage as shown on drawing numbers Site Location Plan; Existing Elevations (12 05 2010); Existing Plans (29 07 2010); Context Elevations (12 05 2010); Context + Axonmetric (12 05 2010); Proposed Elevation D & Section AA (12 05 2010); Proposed Street Elevation A1 & A2 (12 05 2010); Proposed Elevations B + C (12 05 2010); Proposed Plans (29 07 2010); Sustainability Statement Dated 12 May 2010; Lifetime Homes Statement Dated 12 May 2010; Daylight and Sunlight Report Dated 06 May 2010 By Accon uk Environmental Consultants) to provide (variation of Condition 3 - development in accordance with approved plans) alterations to fenestration on eastern side elevation and changes to pattern/layout of glass bricks on side and rear walls of the approved house Site Location Plan; Existing elevations (12 05 2010); Existing plans (29 07 2010); RS/3155/11/01D; 02C; 03A; 04B; Sustainability Statement dated 12 May 2010; Lifetime Homes Statement dated 12 may 2010; Daylight and Sunlight Report Dated 06 May 2010 by Accon UK Environmental Consultants

- 3.1.2 "Planning Permission" the planning permission under reference number 2012/1540/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 on 15<sup>th</sup> March 2012 by the Owner and given reference number 2012/1540/P
- 3.1.4 "the Property" the land known as 98b Sumatra Road, London, NW6 1PP the same as shown edged red on the

plan annexed to the Deed of Variation dated  
11<sup>th</sup> December 2012

- 3.2 The words "2010/2597/P" in clause 5.2 of the Existing Agreement shall be deleted and replaced with "2012/1540/P".
- 3.3 The words "2010/2597/P" in clause 5.5 of the Existing Agreement shall be deleted and replaced with "2012/1540/P".
- 3.4 The words "2010/2597/P" in clause 6.1 of the Existing Agreement shall be deleted and replaced with "2012/1540/P".
- 3.5 The draft planning permission reference 2012/1540/P annexed to this Agreement shall be treated as annexed to the Existing Agreement in addition to the existing annexures.
- 3.6 In all other respects the Existing Agreement (as varied by this Agreement) shall continue in full force and effect.

4. **PAYMENT OF THE COUNCIL'S LEGAL COSTS**

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

5. **REGISTRATION AS LOCAL LAND CHARGE**

- 5.1 This Agreement 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 Agreement to be executed as a Deed the day and year first above written.

**EXECUTED AS A DEED BY**  
**MOHAMED HUSSEIN AHMED BANDALI**  
in the presence of:

Witness Signature:

Witness Name: (CAPITALS)

)  
)  
)

)

)

M. Bandal

M. Bandal

M. Bandal

Address:

74 HILLSIDE ROAD

NORTHWOOD, HAV 1 2 B

Occupation:

PROJECT MANAGER

EXECUTED AS A DEED BY  
SOHAIL CHOCHAN  
in the presence of:

Witness Signature:

Witness Name: (CAPITALS)

Address:

Occupation:

BANDALI

ABRAHAM BANDALI

57 CASSANDRA DRIVE

WATFORD WD17 3AN

FINANCE MANAGER

EXECUTED AS A DEED BY  
BRIDGING LOANS LTD LIMITED  
acting by a Director and its Secretary  
or by two Directors

Director Name: (CAPITALS)

Director Signature:

Director/Secretary Name (CAPITALS)

Director/Secretary Signature:

DEROTHY FLEMING

D. Fleming

DAVID LEVITUS

David

THE COMMON SEAL OF THE MAYOR

AND BURGESSES OF THE LONDON  
BOROUGH OF CAMDEN was hereunto  
Affixed by Order:-

  
Authorised Signatory



98B SUMATRA ROAD, LONDON, NW6 1PP



11/12/2012 (2K)



Anglia Design LLP  
11 Charing Cross  
Norwich  
Norfolk  
NR2 4AX

Application Ref: **2012/1540/P**

9 May 2012

Dear Sir/Madam

**DRAFT**  
FOR INFORMATION ONLY - NOT A FORMAL DECISION  
Town and Country Planning Acts 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**98b Sumatra Road  
London  
NW6 1PP**

**Proposal:**

**DECISION**  
Variation of conditions of planning permission (in accordance with proposed plans) of planning permission granted on 01/05/10 (ref: 12/257/1) for the construction of a grey with basement dwelling house in place of an existing garage, namely alterations to fenestration on eastern side elevation and changes to pattern/ layout of glass bricks on side and rear walls of the approved house.

Drawing Nos: Site Location Plan; Existing elevations (12 05 2010); Existing plans (29 07 2010); RS/3155/11/01D; 02C; 03A; 04B; Sustainability Statement dated 12 May 2010; Lifetime Homes Statement dated 12 May 2010; Daylight and Sunlight Report Dated 06 May 2010 by Accon UK Environmental Consultants.

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 Condition 3 of planning permission reference 2010/2597/P granted on 07/10/2010 is hereby removed subject to the following replacement condition being imposed:

REPLACEMENT CONDITION 3

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

Site Location Plan; Existing elevations (12 05 2010); Existing plans (29 07 2010); RS/3155/11/01D; 02C; 03A; 04B; Sustainability Statement dated 12 May 2010; Lifetime Homes Statement dated 12 May 2010; Daylight and Sunlight Report Dated 06 May 2010 by Accon UK Environmental Consultants.

Reason: For the avoidance of doubt and the nature of proper planning.

- 2 In addition to the replacement condition 3 above, this approval shall be subject to all the extant conditions attached to the parent permission (ref 2010/2597/P) granted on 07/10/2010.

Reason: In order to comply with the reasons for granting permission as set out in the approval (ref 2010/2597/P) granted on 07/10/2010.

Informative(s):

- 1 Reasons for granting permission

The proposed development is in accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high Quality Places and Conserving Our Heritage) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP24 (Securing High Quality Design), DP25 (Conserving Camden's Heritage) and DP26 (Managing the impact of development on occupiers and neighbours). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 2 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.

- 3 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 2363).
- 4 You are advised that only condition 3 has been amended. All other relevant conditions attached to the 2010/2597/P consent remain fully applicable.
- 5 You are reminded in connection with condition 2 above that conditions 4 (details of the front area within the boundary of the property), and 5 (details in respect of green roof) of planning permission 2010/2597/P (granted on 07/10/2010) as amended are outstanding and must be submitted.

**DRAFT**

Yours faithfully

Culture and Environment Directorate

**DECISION**

DATED

11 DECEMBER

2012

**(1) MOHAMED HUSSEIN AHMED BANDALI**

-and-

**(2) SOHAIL CHOCHAN**

-and-

**(3) BRIDGING LOANS LTD**

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**(4) THE MAYOR AND THE BURGESSES OF  
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