

DATED

5 OCTOBER

2012

(1) TRYFON NATSIS and DESPINA PANTOPOULOU

and

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

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**DEED OF VARIATION**

relating to the Agreement dated 20<sup>th</sup> October 2011  
between  
the Mayor and the Burgesses of the London Borough of Camden  
and  
Tryfon Natsis  
and  
Despina Pantopoulou

under section 106 of the Town and  
Country Planning Act 1990 (as amended)

relating to development at premises known as  
**4 Templewood Avenue**  
**London**  
**NW3 7XA**

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Andrew Maughan  
Borough Solicitor  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 5647  
Fax: 020 7974 1920

THIS AGREEMENT is made on the 5<sup>th</sup> day of October 2012

**BETWEEN**

1. **TRYFON NATSIS** and **DESPINA PANTOPOULOU** both of 4 Templewood Avenue, London NW3 7XA (hereinafter together 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 and Tryfon Natsis and Despina Pantopoulou entered into an Agreement dated 20<sup>th</sup> October 2011 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL905083.
- 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 10<sup>th</sup> August 2012 for which the Council resolved to grant permission conditionally under reference 2012/4259/P subject to the conclusion of 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 20<sup>th</sup> October 2011 made between the Council and Tryfon Natsis and Despina Pantopoulou

2.3.3 "the Original Planning Permission" the planning permission granted by the Council on 20<sup>th</sup> October 2011 referenced 2011/1710/P permitting the excavation and enlargement of existing basement to provide a new swimming pool, gym, utility spaces and associated light wells; erection of a ground floor rear extension, new terraces at ground and first floor levels, new replacement roof, works to chimneys, new dormer windows, new entrance gates and associated external alterations and landscaping to single dwelling house (Class C3) following works of demolition to dwelling as shown on

drawing numbers 251\_PL,\_001; 002; 100; 101; 102; 103; 104; 110; 111; 112; 120; 121; 122; 123; 200/01; 200/2; 201/01;201/02; 202; 203; 204; 205, 210, 220; 300; 301/01,301/02; 306; 307, 308; 320; 321; 322; 323; 900; 901; 902; 903; 904; 905; 906; 907; 908, Basement Impacts Assessment (Issue 2), Hydrology Report, Design and Access Statement, Basement Stability Report (Revision X2))

- 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 20<sup>th</sup> October 2011 granted under reference number 2011/1710/P (excavation and enlargement of existing basement to provide a new swimming pool, gym, utility spaces and associated light wells; erection of a ground floor rear extension, new terraces at ground and first floor levels, new replacement roof, works to chimneys, new

dormer windows, new entrance gates and associated external alterations and landscaping to single dwelling house (Class C3) following works of demolition to dwelling as shown on drawing numbers 251\_PL\_001; 002; 100; 101; 102; 103; 104; 110; 111; 112; 120; 121; 122; 123; 200/01; 200/2; 201/01;201/02; 202; 203; 204; 205, 210, 220; 300; 301/01,301/02; 306; 307, 308; 320; 321; 322; 323; 900; 901; 902; 903; 904; 905; 906; 907; 908, Basement Impacts Assessment (Issue 2), Hydrology Report, Design and Access Statement, Basement Stability Report (Revision X2)) to provide amendments to Condition 12 (approved drawings) relating to alterations to location of south facing ground floor extension and first floor level balcony and lowering of west facing dormer as shown on drawing numbers 251\_PL\_001, 210; 201/02 Rev B; 202 Rev B; 203 Rev A; 300 Rev B; 322 Rev A; 323 Rev C and 916

3.1.2 "Planning Permission" the planning permission under reference number 2012/4259/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 10<sup>th</sup> August 2012 by the Owner and given reference number 2012/4259/P

3.2 The words "2011/1710/P" in clause 5.2 of the Existing Agreement shall be deleted and replaced with "2012/4259/P".

3.3 The words "2011/1710/P" in clause 5.5 of the Existing Agreement shall be deleted and replaced with "2012/4259/P".

- 3.4 The words "2011/1710/P" in clause 6.1 of the Existing Agreement shall be deleted and replaced with "2012/4259/P".
- 3.5 The draft planning permission reference 2012/4259/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 has caused its Common Seal to be affixed and the Owner has caused this Agreement to be executed as a Deed the day and year first above written.

**EXECUTED AS A DEED BY**  
**TRYFON NATSIS**  
 in the presence of:

**Witness Signature:**

**Witness Name: (CAPITALS)**

**Address:**

**Occupation:**

) ~~WOTS~~

) \_\_\_\_\_

) \_\_\_\_\_

) **X ANA JACKSON**

) \_\_\_\_\_

) **VEO TENNIS PLAZA**

) \_\_\_\_\_

) **FIRST HILLS, NY 11375**

) \_\_\_\_\_

) **X OFFICE MANAGER**

) \_\_\_\_\_

EXECUTED AS A DEED BY  
DESPINA PANTOPOULOU  
in the presence of:

Witness Signature:

Witness Name: (CAPITALS)

Address:

Occupation:

) X D. Pantopoulou )  
) )  
) )  
) X ANNA JACSON )  
) X 60 TENNIS PLACE )  
) X FOREST HILLS, NY 11375 )  
) X OFFICE MANAGER )

THE COMMON SEAL OF THE MAYOR )

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

.....  
Authorized Signatory



DP9  
100 Pall Mall  
London  
SW1Y 5NQTel 020 7974 4444  
Fax 020 7974 1930  
Textlink 020 7974 6866planning@camden.gov.uk  
www.camden.gov.uk/planningApplication Ref: **2012/4259/P**

01 October 2012

Dear Sir/Madam

**DRAFT**

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

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**Address:  
**4 Templewood Avenue**  
London  
**NW3 7XA**

## Proposal:

**DECISION**

Variation of condition 2 (planning permission) (land) 2011/1710/P for:  
Excavation and enlargement of existing ground floor rear extension, new terraces at ground and first floor levels, new replacement roof, works to chimneys, new dormer windows, new entrance gates and associated external alterations and landscaping to dwelling house (Class C3) following works of demolition to dwelling]. Amendments to condition 12 (approved drawings) relate to alterations to location of south facing ground floor extension and first floor level balcony and lowering of west facing dormer.

Drawing Nos: 251\_PL\_001, 210; 201/02 Rev B; 202 Rev B; 203 Rev A; 300 Rev B; 322 Rev A; 323 Rev C and 916

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 20 October 2014.

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

- 2 Prior to first occupation of the development, the recommendations in the Sustainable Urban Drainage Statement (Revision:x1) prepared by Webb Yates Engineers, shall be implemented in full to achieve a peak outflow rate from the site of 5L/s. The installed measures shall and the site shall be properly maintained and maintained in accordance with the manufacturers recommendations.

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 CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 3 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development which have to be done. A tree or trees of planting which, within a period of 5 years from the completion of the development, are removed or become seriously injured, diseased, or in need of removal as is reasonably possible and, if such a tree or trees are removed, the Council shall, within the planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS14 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.

- 4 Works shall not commence on site until the Council's Tree Officer has inspected and approved in writing the implementation of the tree protection measures set out in the approved tree protection methodology.

Reason: to ensure that the Council may be satisfied that the implementation of the development does not have an adverse affect on trees to be retained in order to maintain the character and amenities of the area in accordance with the requirements of policy CS14 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 Prior to the first beneficial occupation of the development, the applicant shall have installed the ground source heat pump and solar collectors, referred to in the Environmental Strategy 251\_07A\_101110, and such measures thereafter shall be permanently retained and maintained in accordance with the manufacturers recommendations.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings of all new dormer windows at a scale of 1:5 with typical glazing bars and panes:

b) Specific details of materials and methods of opening and detailed elevation plans for the new front entrance gates

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies

- 7 All new work and work to be carried out shall be carried out to match the original work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies..

- 8 Samples of all materials for new build and replacement elements, including a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond, pointing, and a 1m x 1m sample panel of the replacement roof tiles, shall be provided on site and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample 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 policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework

Development Policies.

- 9 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to 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. The appointment shall be confirmed in writing to the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the structural stability of the building and the character of the immediate neighbourhood with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans/ Drawing Nos.

251\_PL\_001; 002; 100; 101; 102; 103; 104; 110; 111; 112; 120; 121; 122; 123; 200/01; 200/02; 201/01; 201/02 Rev B; 202 Rev B; 203 Rev A; 204; 205, 210, 220; 300 Rev B; 301/01; 301/02; 306; 307, 308; 320; 321; 322 Rev A; 323 Rev C; 900; 901; 902; 903; 904; 905; 906; 907; 908; 916; Basement Impacts Assessment (Issue 2), Hydrology Report, Design and Construction Statement, Basement Stability Report (Revision X2).

Reason: For the avoidance of doubt and to ensure compliance with the planning.

- 11 Notwithstanding the details on the drawings hereby approved the development shall not be occupied until such time as the French doors/casement windows at first floor level to 'Guest Bedroom 1' on the West elevation have been fitted with obscure glazing and fixed shut to a height of 1.8 metres. Such measures shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of residential premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 12 The development shall not be occupied until such time as all windows on the West elevation not shown as 'Clear Glass' on the approved drawings have been fitted with obscure glazing and fixed shut to a height of 1.8 metres. Such measures shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of residential premises in accordance with the requirements of policy CS5 of the London Borough of Camden

Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 13 The flat roof to the West facing extension at first floor level shall not be used as a terrace at any time.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- DRAFT**
- 1 Your proposals may be subject to 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).
  - 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 should consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444) or visit the website <http://www.camden.gov.uk/council/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 Thames Water advises that in order to prevent risk of flooding or surcharging (i) the pool only be emptied overnight or in dry periods (ii) the discharge rate is controlled such that it does not exceed flow rate of 5 litres/second into the public sewer network. Any pool with a volume exceeding 10 cubic metres of water will need metering. You are advised to contact Thames Water on 0845 9200 800.
  - 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 Reasons for granting planning permission/conservation area consent/listed building consent.
- DECISION**

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy with particular regard to CS6 Providing Quality Homes, CS11 Promoting sustainable and efficient travel, CS13 Tackling Climate Change through promoting higher environmental standards, CS14 Promoting high quality places and conserving our heritage, and CS15 Protecting and Improving our parks and Open Spaces, and with the London Borough of Camden Local Development Framework Development Policies with particular regard to DP2 Making full use of Camden's capacity for housing, DP5 Homes of different sizes, DP6 Lifetime homes and wheelchair homes, DP18 Parking standards and limiting the availability of car parking, DP20 Movement of goods and materials, DP21 Development connecting to the highway network, DP22 Promoting sustainable design, DP25 Conserving Camden's Heritage, DP26 Managing the impact of development on occupiers and neighbours, and DP27 Basements and Lightwells. It is considered that the proposed demolition and development are acceptable in terms of design and appearance and would preserve the character and appearance of the building, its street scene and the wider conservation area, and the proposal would not significantly reduce the amenities of neighbouring occupiers.

**DRAFT**

- 6 Please note conditions 3 and 5 of original planning permission Ref: 2011/1710/P have been discharged under application Ref: 2012/2430/P

Yours faithfully

Culture and Environment Director

**DECISION**

DATED

5 OCTOBER

2012

(1) TRYFON NATSIS and DESPINA PANTOPOULOU

and

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

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under section 106 of the Town and  
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