

DATED

21 August

2012

**(1) OCTAVIA HOUSING**

and

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

---

**FIRST DEED OF VARIATION**

Relating to the Agreement dated 6 July 2009  
Between the Mayor and the Burgesses  
of the London Borough of Camden and  
Octavia Housing  
Under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**Olive & Douglas Waite House, 73-79 Priory Road, London NW6 3NJ**

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

Tel: 020 7974 5826  
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CLS/COM/AL/1685.1383  
2011/6209/P DoV final 20.7.12

THIS AGREEMENT is made on the 21<sup>st</sup> day of August 2012

**BETWEEN**

- i. **OCTAVIA HOUSING** (Industrial and Provident Society Number 13991R) of Emily House, 202-208 Kensel Road, London (hereinafter called "the Owner") of the first part
- ii. **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

1. **WHEREAS:**

- 1.1 The Council and the Owner entered into an Agreement dated 6 July 2009 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Council and the Owner now wish to vary the terms of the Original Agreement.
- 1.3 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN53775.
- 1.4 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 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 Original Agreement the parties hereto have agreed to vary the terms of the Original Agreement hereinafter provided.



"the Development"

Removal of conditions 5(a) and 5(b) of planning permission dated 06/07/2009 (ref. 2009/1534/P) for the erection of a part 3, part 4 storey building to provide 55 affordable housing units namely, to omit the requirement to install 1.8 metre high screening on the west elevation of 2 balconies at 2nd and 3rd floor levels of Block A; and the north elevation of 2 balconies (west facing) at 1st and 3rd floor levels of Block C as shown on plans PL(00)01; PL(00)02; PL(00)03; PL(00)04; PL(00)05; PL(00)06; PL(00)007A; PL(00)008A; PL(00)009A; PL(00)010A; PL(00)011C; PL(00)012A; PL(00)013A; PL(00)014A; PL(00)015B; PL(00)016A; PL(00)17; PL(00)019; PL(00)020; PL(00)21; PL(00)22; PL(00)23; PL(00)024; L(80)004A; L(80)005B; L(80)006A; L(80)013A; L(80)014A; L(80)015A; Design & Access Statement by PTEa dated March 2009 including: Appendix 1: Arboricultural Impact assessment and Tree Protection Method Statement by RGS Tree Services dated July 2008; Appendix 2: Daylight and Sunlight Report by Anstey Horne dated 9th March 2009; Appendix 3: Transport Statement and Travel Plan Statement by Campbell Reith August 2008; Appendix 4: Energy Assessment by DSSR dated 6th March 2009; Appendix 5: Ecological Report by Middlemarch Environmental Ltd dated July 2008; Appendix 6: Consultation by PTEa dated March 2009; Appendix 7: Landscape by PTEa dated

March 2009; Appendix 8: Report on the Architectural Importance and Heritage Value of Waites House by Barry Stow Architect Ltd dated 14th November 2006; Appendix 9: Condition Survey and Refurbishment/Conversion Options Report by Baily Garner dated November 2004; Appendix 10: Schedule of Proposed Accommodation by PTEa dated 03/06/09; Appendix 11: Code for Sustainable Homes Pre-Development Assessment by PTEa dated March 2009; Lifetimes Homes Statement; Plan Showing Proposed Traffic Routes for Deliveries dated August 2008; Tree Survey by Caroline Hay Associates dated 13/02/08; Letter from Spectrum Acoustic Consultants dated 08/12/08; and E-mail from PTEa dated 05/06/09

- 3.2 Clause 2.25 of the Original Agreement (definition of "the Planning Application") shall be deleted in its entirety and replaced with the following:

"the Planning Application" a planning application in respect of the development of the Property submitted to the Council and validated on 8 December 2011 for which a resolution to grant permission has been passed conditionally under reference number 2011/6209/P subject to conclusion of this Agreement

- 3.3 Clause 2.27 of the Original Agreement (definition of "the Planning Permission") shall be deleted in its entirety and replaced with the following:

"the Planning Permission" a planning permission granted for the Development substantially in the draft

form annexed to the Deed of Variation

3.4 All references in the Original Agreement to 2009/1534/P shall be read as 2011/6209/P.

3.5 All references in the Original Agreement to the validation date shall be read as 8 December 2011.

3.6 In all other respects the Original Agreement shall continue in full force and effect.

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

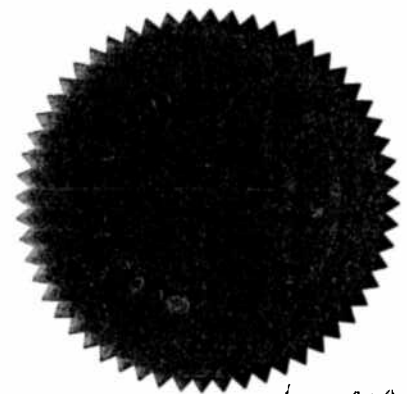
4.1 The Owner agrees to pay the Council (on or prior to completion of this Agreement) its reasonable legal costs incurred in preparing this Agreement.

**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 executed this instrument as a Deed on the day and year first above written.

THE COMMON SEAL OF )  
OCTAVIA HOUSING )  
was hereunto affixed in the )  
presence of two authorised )  
signatories )

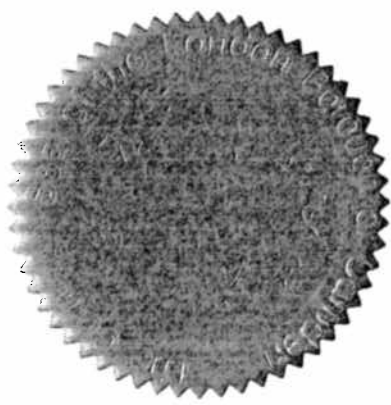


seal no: 1848

*[Handwritten signature]*  
.....  
Authorised signatory

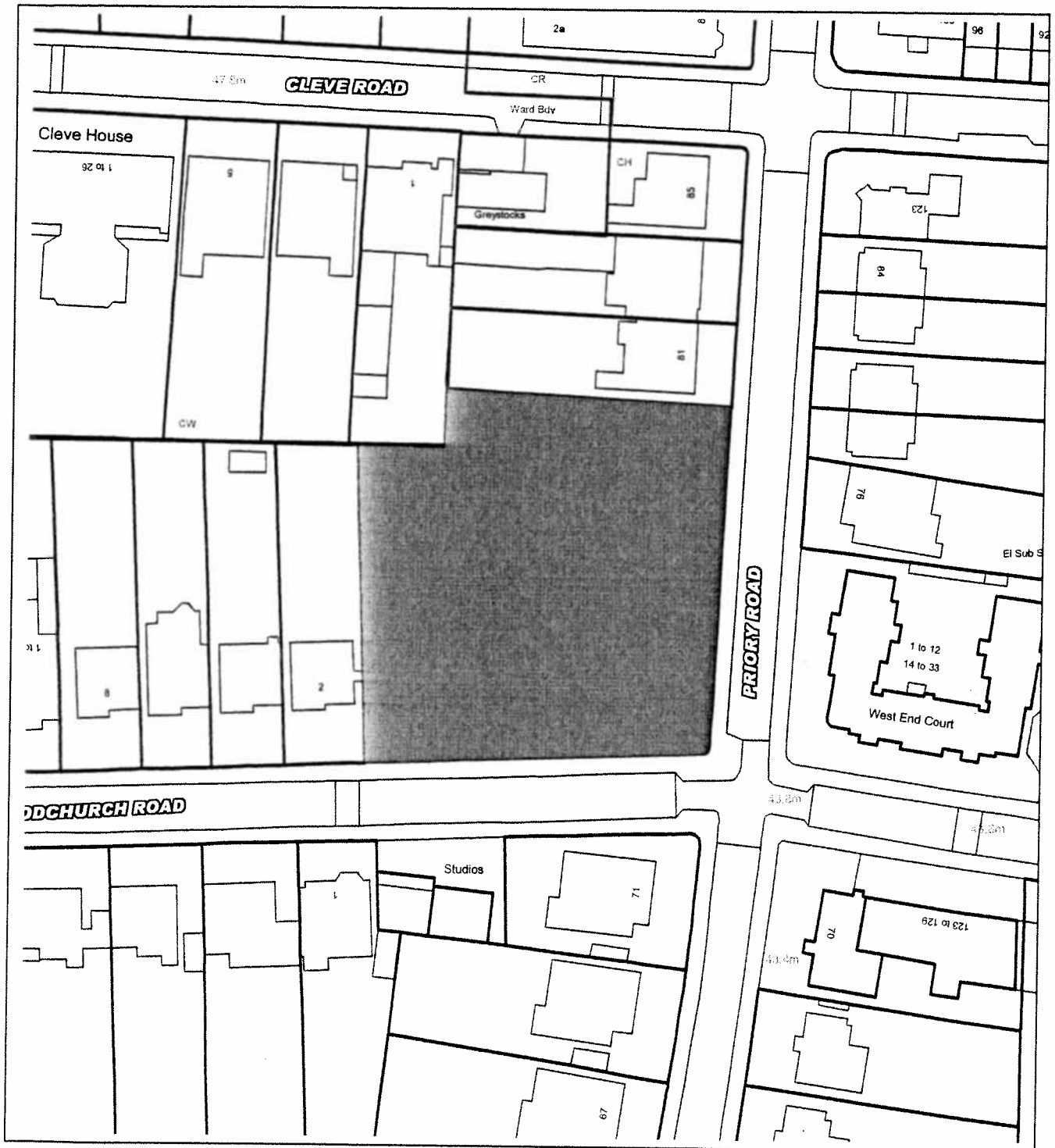
*[Handwritten signature]*  
.....  
Authorised signatory

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



*[Handwritten signature]*  
.....  
Duly Authorised Officer

Olive & Douglas Waite House, 73-79 Priory Road,  
London NW6 3NJ 2011/6209/P



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Pollard Thomas Edwards Architects  
Diespeker Wharf  
38 Graham Street  
London  
N1 8JXApplication Ref: **2011/6209/P**

2 February 2012

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Acts 1990 (as amended)**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:

**Olive & Douglas Waite Houses**  
**73-79 Priory Road**  
**London**  
**NW6 3NJ**

Proposal:

Removal of conditions 5(a) and 5(b) of planning permission dated 06/07/2009 (ref. 2009/1534/P) for the erection of a part 3, part 4 storey building to provide 55 affordable housing units namely, to omit the requirement to install 1.8 metre high screening on the west elevation of 2 balconies at 2nd and 3rd floor levels of Block A; and the north elevation of 2 balconies (west facing) at 1st and 3rd floor levels of Block C.

Drawing Nos:

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):



Informative(s):

- 1 Reasons for granting permission. [Delegated]

The proposed development is in general 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 the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DF26 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 You are reminded of the need to comply with the conditions attached to the original planning permission (2009/1534/P) dated 06/07/09 unless they have been varied by any later application (e.g. 2010/1983/P and 2011/6212/P - relating to conditions 16 and 6a).

Yours faithfully

**DECISION**

Culture and Environment Directorate

DATED

21 August

2012

**(1) OCTAVIA HOUSING**

and

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

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