

DATED

14 September

2011

(1) GERALD JULIAN LIPTON

and

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

DEED OF VARIATION

Relating to the Agreement dated 6 May 2011
Between the Mayor and the Burgesses of the
London Borough of Camden
and Gerald Julian Lipton
under section 106 of the Town and
Country Planning Act 1990 (as amended)
relating to development at premises known as
77 Avenue Road, London NW8 6JD

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

Tel: 020 7974 5826
Fax: 020 7974 2962

THIS AGREEMENT is made on the 14th day of September 2011

BETWEEN

1. **GERALD JULIAN LIPTON** 77 Avenue Road, London NW8 6JD (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 and Gerald Julian Lipton entered into an Agreement dated 6 May 2010 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 of the Property under Title Number NGL760698 and as the leasehold proprietor with title absolute of the Property under Title Number LN4587.
- 1.3 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.
- 1.4 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 20 July 2011 for which the Council resolved to grant permission conditionally under reference 2011/3518/P subject to the conclusion of this Agreement.
- 1.5 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.

1.6 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 6 May 2010 made between the Council and Gerald Julian Lipton

2.3.3 "the Original Planning

Permission" means the planning permission granted by the Council on 6 May 2010 referenced 2010/0351/P allowing the scheme for the erection of a new three-storey single family dwellinghouse (Class C3), following demolition of existing three-storey single family dwellinghouse as shown on drawing numbers Site Location Plan; SK01 P1; Tree Survey; 787-PL02A; PL03; PL04; PL05; PL06; PL09; PL10; PL25; PL15A; PL24; PL14A; PL22; PL12 A; PL23; PL13A; PL11; PL16; PL17; PL18; PL19; PL20; PL21

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 shall include its 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" the variation of condition 2 of planning permission dated 6/5/2010 (Ref. 2010/0351/P) for erection of a new three-storey single family dwelling house (Class C3), following demolition of existing three-storey single family dwelling house; for the installation of x 5 windows on the front elevation and x 4 windows on the rear elevation at first floor level as shown on drawings numbered 787-PL01A; 787-PL05; 787-PL12A; 787-PL13A; 787-PL05A; 787-PL12B; 787-PL13B

3.1.2 "Planning Permission" the planning permission granted under reference number 2011/3518/P to be issued by the Council substantially in the draft form annexed hereto

3.1.3

"Planning Application" the application for Planning Permission in respect of the Property validated on 20 July 2011 by the Owner and given reference number 2011/3518/P

3.2 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.

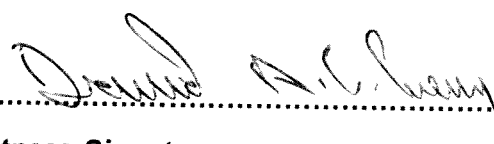
IN WITNESS WHEREOF the Council has caused its Common Seal to be affixed and the Owner has caused this Agreement to be executed as a Deed the day and year first above written

EXECUTED AS A DEED BY

GERALD JULIAN LIPTON

in the presence of:

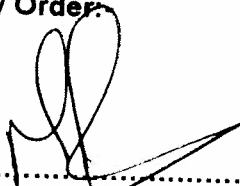
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.....
Witness Signature

Witness Name DAVID A.C. LIPTON
15 THIRD ACRE RISE
Address OXFORD OX2 9AA.

Occupation

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

A handwritten signature in black ink, consisting of a stylized 'M' and 'C' followed by a long horizontal stroke.

.....
Authorised Signatory



Mr Giles Lovegrove
coupdeville
Unit 1A Woodstock Studios36
Woodstock Grove
London
W12 8LE

Application Ref: **2011/3518/P**

8 September 2011

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:
77 Avenue Road
London
NW8 6JD

DECISION
Proposal:

Variation of condition 2 of planning permission dated 6/5/2010 (Ref. 2010/0351/P) for erection of a new three-storey single family dwelling house (Class C3), following demolition of existing three-storey single family dwelling house; for the installation of x5 windows on the front elevation and x4 windows on the rear elevation at first floor level.
Drawing Nos: 787-PL01A; 787-PL05; 787-PL12A; 787-PL13A; 787-PL05A; 787-PL12B; 787-PL13B

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 2 of the planning permission dated 6th May 2010 (ref 2010/0351/P) shall be replaced by the following condition:

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; SK01 P1; Tree Survey; 787-PL02A; PL03; PL04; PL05A; PL06; PL09; PL10; PL25; PL15A; PL24; PL14A; PL22; PL12B; PL23; PL13B; PL11; PL16; PL17; PL18; PL19; PL20; PL21; Arboricultural Method Statement; Basement Retaining Wall - Structural Options Report; Energy Statement & Sustainability Appraisal report; Noise Impact Assessment.

Reason:

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

Informative(s):

- DRAFT**
- 1 You are advised that this permission relates only to the replacement condition 2 and shall only be read in the context of the substantive permission granted on 6th May 2010 (under reference 2010/0351/P) and is bound by all the conditions, informatives and obligations attached to that permission.
 - 2 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

Yours faithfully

DECISION

Culture and Environment Directorate