

DATED

8th December

2010

(1) RALF SCHOEPFER

and

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

DEED OF VARIATION

Relating to the Agreement dated 9 July 2010
Between the Mayor and the Burgesses of the
London Borough of Camden,
and Ralf Schoepfer
under section 106 of the Town and
Country Planning Act 1990 (as amended)
and section 278 of the Highways Act 1980
relating to development at premises known as
Land Adjacent to 2b Briardale Gardens, London NW3 7PP

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

CLS/DR/1685.774

THIS AGREEMENT is made on the 8th day of December 2010

BETWEEN

1. **RALF SCHOEPFER** of 2B Briardale Gardens, London NW3 7PP (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 Ralf Schoepfer entered into an Agreement dated 9 July 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 under title number NGL790882.
- 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 13 October 2010 for which the Council resolved to grant permission conditionally under reference 2010/5086/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.

1 **INTERPRETATION**

1.1 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.

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

1.3 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 9 July 2010 made between the Council and Ralf Schoepfer

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 9 July 2010 referenced 2009/1017/P allowing the scheme for the erection of a new 3 storey and basement detached dwelling house including balcony at rear and with forecourt carparking following demolition of existing garage as shown on drawings arboricultural report, impact assessment & method; permeable block paving 00B; 01A; 02A; 03A; 04A; 10A; 11A; 15A; 16A; 17A; 20; 21A; 22A; 23A; site location plan

1.4 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.

1.5 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.

1.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

1.7 References in this Agreement to the Owner shall include their successors in title.

2 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 condition 9 of planning permission 2009/1017/P granted (subject to S106) on 9th July 2010 (for erection of a 3-storey and basement detached dwelling house including balcony at rear and with forecourt car parking (Class C3)) to allow for a minor material amendment involving increase in height of second floor flat roof, reducing width of approved house immediately adjacent to 2B Briardale Gardens, extending basement to match ground floor footprint of property, inserting new door to basement on front elevation and external staircase from forecourt to basement as shown on drawings numbered Site Location Plan; 285 00/02 (Site Location Plan); 50 / 00 D; 50 / 01 C; 50 / 02 B; 50 / 03 B; 50 / 04 B; 50 / 10 C; 50 / 11 B; 50 / 15 C; 50 / 17 B and details of Barrot range grill cover by Orsogrill

3.1.2 "Planning Permission" the planning permission granted under reference number 2010/5086/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 13 October 2010 by the Owner and given reference number 2010/5086/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
RALF SCHOEPFER
in the presence of:**

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)


.....
Witness Signature

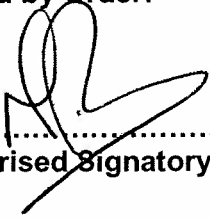
Witness Name: L BATTEN

Address: Town Hall, Judd Street, WC1H 9LP

Occupation: LEGAL SUPPORT OFFICER

(Continuation of Deed of Variation relating to Land adjacent to 2B Briardale Gardens,
London NW3 7PP)

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



.....
Authorised Signatory



Panter Hudspith Architects
4-8 Emerson Street
LONDON
SE1 9DU

Application Ref: **2010/5086/P**

02 December 2010

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:

**land Adjacent to
2B Briardale Gardens
LONDON
NW3 7PP**

Proposal:

DECISION
Variation of condition 9 of planning permission 2009/1017/P granted (subject to S106) on 9th July 2010 (for erection of a 3-storey and basement detached dwelling house including balcony at rear and with forecourt car parking (Class C3)) to allow for a minor material amendment involving increase in height of second floor flat roof, reducing width of approved house immediately adjacent to 2B Briardale Gardens, extending basement to match ground floor footprint of property, inserting new door to basement on front elevation and external staircase from forecourt to basement.

Drawing Nos: 285 00/02 (Site Location Plan); 50 / 00 D; 50 / 01 C; 50 / 02 B; 50 / 03 B; 50 / 04 B; 50 / 10 C; 50 / 11 B; 50 / 15 C; 50 / 17 B and details of Barrot range grill cover by Orsogrill.

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 shall be carried out in accordance with the following approved plans: 285 00/02 (Site Location Plan); 50 / 00 D; 50 / 01 C; 50 / 02 B; 50 / 03 B; 50 / 04 B; 50 / 10 C; 50 / 11 B; 50 / 15 C; 50 / 17 B and details of Barrot range grill cover by Orsogrill.

Reason:

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

Informative(s):

- 1 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, Urban Design and Renewal, Camden Town Hall, Argyle Street, WC1H 8EQ
- 2 Reasons for granting permission.

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), 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), CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and CS19 (Delivering and Monitoring the Core Strategy) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP2 (Making full use of Camden's capacity for housing), DP5 (Homes of different sizes), DP6 (Lifetime Homes and wheelchair homes), DP17 (Walking, cycling and public transport), DP18 (Parking standards and the availability of car parking), DP19 (Managing the impact of parking), DP21 (Development connecting to the highway network), DP24 (Securing high quality design), DP25 (Conserving Camden's Heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and lightwells). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer's report.

- 3 The applicant is advised that this permission is for an amendment to an earlier grant of planning permission and can only be construed in conjunction with planning permission referenced 2009/1017/P granted on 9th July 2010, which is the substantive permission. All conditions attached to the substantive permission and the provisions of the associated S106 Planning Obligation still apply and are not superseded by this permission.

Yours faithfully

Culture and Environment Directorate

DRAFT

DECISION

DATED

8th December

2010

(1) RALF SCHOEPFER

and

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

DEED OF VARIATION

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