

DATED

25 AUGUST

2010

**(1) ELSA MARI NELSON and TRUFELIA LIMITED**

-and-

**(2 ELSA MARI NELSON  
and TRUFELIA LIMITED**

-and-

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

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**DEED OF VARIATION**

Relating to the Agreement dated 12 March 2009  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Elsa Mari Nelson, Beaul Properties Limited and Oakmead Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
2 Maresfield Gardens London NW3 5SU

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

Tel: 020 7974 1918  
Fax: 020 7974 2962

THIS DEED is made on the 25 day of AUGUST 2010

**BETWEEN**

1. **ELSA MARI NELSON** of Second Floor Flat 4, 2 Maresfield Gardens London NW3 5SU and **TRUFELIA LIMITED** (incorporated in the Republic of Cyprus) of 48 Watling Street Radlett Herts WD7 7NN (hereinafter called "the Owners")
2. **TRUFELIA LIMITED** and **ELSA MARI NELSON** (aforesaid) (hereinafter together called the "Lessees" )
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

**WHEREAS:**

- 1.1 The Council Elsa Mari Nelson, Beaulieu Properties Limited and Oakmead Limited entered into an Agreement dated 12 March 2009 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 Trufelia Limited purchased a freehold and leasehold interest in the Property on 5 February 2010
- 1.3 The Owners are registered at the Land Registry as the freehold proprietor with Title Absolute under title number 48601.
- 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.
- 1.5 The Lessees are individually registered at The Land Registry as the leasehold proprietors for the four current leasehold titles of four different parts of the Property with Title absolute under Title Numbers NGL899608, NGL899607, NGL901430 and NGL897315.

- 1.6 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 May 2010 for which the Council resolved to grant permission conditionally under reference 2010/2772/P subject to the conclusion of this Deed.
- 1.7 This Deed 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.
- 1.8 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 Deed 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 reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "Deed" this Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 12 March 2009 made between the Council, Elsa Mari Nelson, Beaul Properties Limited and Oakmead Limited

**2.3.3 "the Original Planning Permission"**

means the planning permission granted by the Council on 12 March 2009 referenced 2009/2288/P allowing the Change of use from 5 to 6 flats, including erection of a basement extension with lightwell to the front and rear and a rear internal courtyard, erection of single-storey ground floor extension on the front elevation, erection of a lower ground and ground floor rear extension as shown on drawing numbers 190/100; 190/101; 190/102; 190/103; 190/104; 190/105; 190/106; 190/107; 190/108; 190/301-RevA; 190/302-RevA; 190/303-RevA; 190/304-RevA; 190/305-RevA; 190/306-RevA; 190/307-RevA; 190/308; 190/500

- 2.4** Where in this Deed 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 Deed.
- 2.5** Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Deed 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 Deed to the Owners and Lessees 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 12 March 2009 (Ref. No2008/2288/P) to revise the internal layouts to provide vertically arranged duplex apartments, extension at lower ground floor level, extension of existing coach house at lower ground and upper ground floor levels and erection of a timber enclosure in rear gardens as shown on drawings: Amendment to the existing approved scheme; Supplementary design report; Existing approved scheme 2008/2288/P; TM-1209-L-001; TM-1209-E-002; TM-1209-E-110; TM-1209-E-120; TM-1209-E-200; TM-1209-E-210; TM-1209-E-300; TM-1209-D-100; TM-1209-D-200; TM-1209-P-002; TM-1209-P-110; TM-1209-P-120; TM-1209-P-200; TM-1209-P-210; TM-1209-P-300; 20334/M/1005 P1; 20334/M/1006 P1; 20334/M/1007 P1

3.1.2 "Planning Permission"

the planning permission under reference number 2010/2772/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 20 May 2010 by the Owners and given reference number 2010/2772/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**

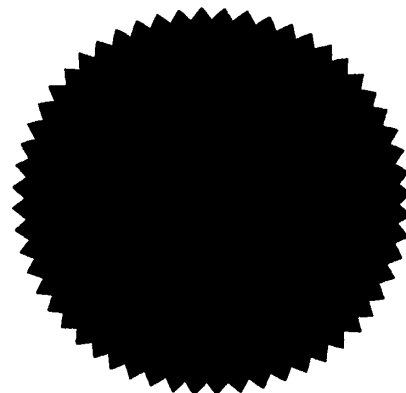
5.1 This Deed shall be registered as a Local Land Charge

3) Bill Allen

**Director/Secretary**

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

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)  
)  
)



.....  
Duly Authorised Officer

Jane Duncan Architects  
The Old Warehouse  
Chalfont Station Road  
Little Chalfont  
Amersham  
Buckinghamshire  
HP79PN

Application Ref: 2010/2772/P

10 August 2010

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:  
**2 Maresfield Gardens**  
**London**  
**NW3 5SU**

**Proposal:**

**DECISION**  
Amendment to planning permission granted on 12 March 2008 (2008/2288/P) including revision of internal layout to provide a fully furnished brick pavements, extension at lower ground floor level, extension of existing coach house at lower ground and upper ground floor levels and erection of a timber enclosure in rear garden.

Drawing Nos: Amendment to the existing approved scheme;

Supplementary design report;

Existing approved scheme 2008/2288/P;

TM-1209-L-001; TM-1209-E-002; TM-1209-E-110;

TM-1209-E-120; TM-1209-E-200; TM-1209-E-210;

TM-1209-E-300; TM-1209-D-100; TM-1209-D-200;

TM-1209-P-002; TM-1209-P-110; TM-1209-P-120;

TM-1209-P-200; TM-1209-P-210; TM-1209-P-300;

20334/M/1005 P1; 20334/M/1006 P1;

20334/M/1007 P1;

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 the end of three years from the date of this permission.

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

**DRAFT**

Informative(s):

1

Yours faithfully

Culture and Environment Directorate

**DECISION**

DATED

25 August

2010

**(1) ELSA MARI NELSON and TRUFELIA LIMITED**

-and-

**(2 ELSA MARI NELSON  
and TRUFELIA LIMITED**

-and-

**(3) THE MAYOR AND THE BURGESSES OF  
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