

DATED

01 May

2014

(1) DELBANCO MEYER AND COMPANY LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 27 August 2013
Between the Mayor and the Burgesses of the
London Borough of Camden and
And Delbanco Meyer and Company Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
**PORTLAND HOUSE, RYLAND ROAD
LONDON NW5 3EB**

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 01 day of

may

2014

BETWEEN

1. **DELBANCO MEYER AND COMPANY LIMITED** (Co. Regn. No.00317934) whose registered office is at registered office is at Delbanco Meyer & Company Limited Ground and First Floor 25a Ryland Road London NW5 3EB (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 the Owner entered into an Agreement dated 27 August 2013 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 24726.
- 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 Deed.
- 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 12 February 2014 for which the Council resolved to grant permission conditionally under reference 2014/0405/P subject to the conclusion of this Deed.
- 1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (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 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 Deed.
- 2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 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 Agreement.
- 2.4 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 Agreement and shall not effect the construction of this Deed.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.
- 2.7 References in this Deed to the Owner and Mortgagee shall include their successors in title.
- 2.8 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

- 2.8.1 "Deed" this Deed of Variation made pursuant to Section 106A of the Act
- 2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 27 August 2013 made between the Council and Delbanco Meyer and Company Limited
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 27 August 2013 referenced 2012/6021/P allowing the change of use of existing showroom building (Class B1) to 1x3 bed residential unit (Class C3) and associated works including alterations to windows and doors, provision of balcony at first floor level and metal fins at second floor level on east (front) elevation, provision of window at first floor and balcony with metal fins at as shown on drawing numbers 1051.25 Rev A; 1051.26 Rev A; 1051.27 Rev C; 1051.28 Rev C; 1051.29; 1051.30 Rev A; Design and Access Statement & Lifetime Homes Standards dated 09/11/2012 Ref 1051/3.1/JM; Energy Statement by Energytest Ltd dated 01/11/2012; Report on the use and marketing activity of the showroom premises by Salter Rex dated 18/12/2012

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 27 August 2013 (Ref. No 2012/6021/P) to variation of condition 7 (approved plans) of planning permission 2012/6021/P dated 27/08/2013 (for

change of use of showroom building (Class B1) to 1x3 bed residential unit (Class C3) and associated works), namely to allow minor external alterations to balconies, entrance doors, windows, creation of sedum roof and internal as shown on drawing numbers Superseded plans: 1051.27 Rev C; 1051.28 Rev C; Lifetime Homes Standards dated 09/11/2012 Ref 1051/3.1/JM; Proposed plans: 150 Rev P2; 210 Rev P2; 211 Rev P2; 350 Rev P2; Lifetime Homes Checklist by CSA

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2014/0405/P granted 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 12 February 2014 by the Owner and given reference number 2014/0405/P

3.1.4 "Education Contribution" the sum of £21,494 (twenty one thousand four hundred and ninety four pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement

3.1.5 "Parks and Open Space Contribution" the sum of £2,642 (two thousand six hundred and forty two pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2012/6021/P" shall be replaced with "Planning Permission reference 2014/0405/P".

- 3.3 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

4. **COMMENCEMENT**

- 4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2014/0405/P.

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

- 5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

6. **REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge

IN WITNESS WHEREOF the Council and the Owner has caused their respective Common
Seals to be affixed and has caused this Deed to be executed as a Deed the day and year
first above written.

EXECUTED AS A DEED BY)
DELBANCO MEYER AND COMPANY LIMITED)
was hereunto affixed)
in the presence of:-)

.....
Director

.....
Director/Secretary

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

.....
Duly Authorised Officer





**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

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planning@camden.gov.uk
www.camden.gov.uk/planning

Savills
33 Margaret Street
London
W1G 0JD

Application Ref: **2014/0405/P**

31 March 2014

Dear Sir/Madam

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

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
Portland House
Ryland Road
London
NW5 3EB

Proposal:

DECISION
Variation of condition 7 (approved plans) of planning permission 2012/6021/P dated 27/08/2013 (for change of use of showroom building (Class B1) to 1x3 bed residential unit (Class C3) and associated works), namely to allow minor external alterations to balconies, entrance doors, windows, creation of sedum roof and internal modifications to add an extra bedroom.

Drawing Nos:

Superseded plans: 1051.27 Rev C; 1051.28 Rev C; Lifetime Homes Standards dated 09/11/2012 Ref 1051/3.1/JM;

Proposed plans: 150 Rev P2; 210 Rev P2; 211 Rev P2; 350 Rev P2; Lifetime Homes Checklist by CSA

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 REPLACEMENT CONDITION 7

The development hereby permitted shall be carried out in accordance with the following approved plans: 1051.25 Rev A; 1051.26 Rev A; 1051.29; 1051.30 Rev A; 150 Rev P2; 210 Rev P2; 211 Rev P2; 350 Rev P2; Lifetime Homes Checklist by CSA; Design and Access Statement dated 09/11/2012 Ref 1051/3.1/JM; Energy Statement by Energytest Ltd dated 01/11/2012; Report on the use and marketing activity of the showroom premises by Salter Rex dated 18/12/2012.

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

2 REPLACEMENT CONDITION 3:

Detailed drawings at scale 1:10, or samples of materials as appropriate, in respect of the aluminium privacy fins at second floor level, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

3 ADDITIONAL CONDITION 8:

Prior to the first occupation of the building for residential purposes a plan showing details of the sedum roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the sedum roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The sedum roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving heritage / conservation areas), CS15 (Protecting and improving our parks

and open spaces and encouraging) biodiversity) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.

4 ADDITIONAL CONDITION 9:

Only the area specifically shown on the plans hereby approved as an external balcony terrace shall be used for such purposes; and no other flat roofed areas (such as the specified sedum roof) shall be used as a roof terrace, and any access out onto these areas shall be for maintenance purposes only.

Reason: In order to prevent any detrimental impacts of overlooking and/or noise and disturbance of the neighbouring premises in accordance with the requirement of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations where applicable as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 2 It is advised that, as a result of the proposed material changing, the wording of condition 3 has been updated accordingly.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

DATED

01 May

2014

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-and-

(2) THE MAYOR AND THE BURGESSES OF
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