

DATED

13th August

2015

(1) HELEN GINIS-MAULE

-and-

(2) DANIEL LEO CHEIFETZ

-and-

(3) BARCLAYS BANK PLC

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 2 May 2014
Between the Mayor and the Burgesses of the
London Borough of Camden
Helen Ginis-Maule and Daniel Leo Cheifetz
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
35 Buckland Crescent London NW3 5DJ

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

CLS/COM/FP/1685.3039
DoV FINAL 26.5.2015



THIS DEED is made on the

13th day of August

2015

BETWEEN

1. **HELEN GINIS-MAULE** of 3 Upper Park Road London NW3 (hereinafter called "the Freeholder") of the first part
2. **DANIEL LEO CHEIFETZ** of Second Floor Flat 43 Belsize Park Gardens London NW3 4JJ (hereinafter called "the Leaseholder") of the second part
3. **BARCLAYS BANK PLC** (Co. Reg, No. 01026167) of PO Box 16276, One Snowhill, Snowhill, Queensway, Birmingham B2 2XE (hereinafter called "the Mortgagee") of the third part
4. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the fourth part

WHEREAS:

- 1.1 The Council, Helen Ginis-Maule and Daniel Leo Cheifetz entered into an Agreement dated 2 May 2014 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL324768.
- 1.3 The Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Leaseholder is registered at the Land Registry as the leasehold proprietor with Title absolute of the Property under Title Number NGL942855 subject to a charge to the Mortgagee.
- 1.5 The Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106 of the Act.

- 1.6 The Freeholder and the Leaseholder shall hereinafter be jointly referred to as “the Owner”.
- 1.7 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 First Development and Second Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.8 A new Planning Application (hereinafter called the First Planning Application) in respect of the First Development of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 25 November 2014 for which the Council resolved to grant permission conditionally under reference 2014/7312/P subject to the conclusion of this Deed.
- 1.9 A further Planning Application (hereinafter called the Second Planning Application) in respect of the Second Development of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 2 February 2015 for which the Council resolved to grant permission conditionally under reference 2015/0464/P subject to the conclusion of this Deed.
- 1.10 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.
- 1.11 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.
- 1.12 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL942855 and dated 30 June 2014 is willing to enter into this Agreement to give its consent to the same.

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 2 May 2014 made between the Council Helen Ginis-Maule and Daniel Leo Cheifetz

2.8.3 "the Original Planning

Permission”

means the planning permission granted by the Council on 2 May 2015 referenced 2014/1096/P allowing the conversion of existing raised and lower ground floor maisonette and excavation of a new basement to create a two bedroom flat at raised ground level and three bedroom maisonette at ground floor and basement levels. Works to include the demolition of the existing rear ground floor extension and the creation of a new rear extension at ground floor level as shown on drawing numbers:- Site location plan; 35BC/DC/E1/B; 35BC/DC/E2/B; 35BC/DC/E3/B; 35BC/DC/E4/B;35BC/DC/P8/B; 35BC/DC/P7/C; 35BC/DC/P2/D;35BC/DC/P5/C; 35BC/DC/P6/C; 35BC/DC/P3/B;35BC/DC/P1/D; 35BC/DC/P4/C; 35BC/DC/P9/B; 35BC/DC/P10; Basement Impact Assessment JB15296.1; Arboricultural Impact Assessment February 2014

3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

3.1.1 “First Development”

variation of condition 3 (approved plans) 2014/1096/P, 02/05/14, for; 'conversion of existing raised and lower ground floor maisonette and excavation of a new basement to create a two bedroom flat at raised ground level and three bedroom maisonette at ground floor and basement levels; works to include the demolition of the existing rear ground floor extension and the creation of a new rear extension at ground floor level', namely alteration to glazing, rooflights and cladding as shown on drawing numbers:-

Superseded: 35BC/DC/P1/D; 35BC/DC/P2/D;
35BC/DC/P3/B;35BC/DC/P4/C; 35BC/DC/P7/C;
35BC/DC/P5/C;35BC/DC/P6/C; 35BC/DC/P9/B;
35BC/DC/P10

Proposed: A2001; A2002; A2003; A2004;
A2005; A2006; A2008; A2009

3.1.2 "Second Development"

decrease in size of rear extension and increase in size of lightwell, fully glazed roof to extension and reconfiguration of stairs to 'conversion to 2-bed flat and 3-bed maisonette with rear extension and basement' approved under planning permission 2014/1096/P dated 02/05/14 as shown on drawing numbers
Superseded: A2001; A2002; A2003; A2004; A2005; A2006; A2008; A2009

Proposed: A2001 rev 01; A2002 rev 01; A2003 rev 01; A2004 rev 01; A2005 rev 01; A2006 rev 01; A2008 rev 01; A2009 rev 01

3.1.3 "Planning Permission"

the planning permission for the First Development and Second Development under reference number 2014/7312/P and 2015/0464/P granted by the Council in the form of the draft annexed hereto

3.1.4 "First Planning Application"

the application for Planning Permission in respect of the Property submitted on 25 November 2014 by the Owner and given reference number 2014/7312/P

3.1.5 "Second Planning Application"

the application for Planning Permission in respect of the Property submitted on 2 February 2015 by the Owner and given reference number 2015/0464/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2014/1096/P" shall be replaced with "Planning Permission reference 2014/7312/P and 2015/0464/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 2014/7312/P and 2015/0464/P.

5. PAYMENT OF THE COUNCIL'S LEGAL COSTS

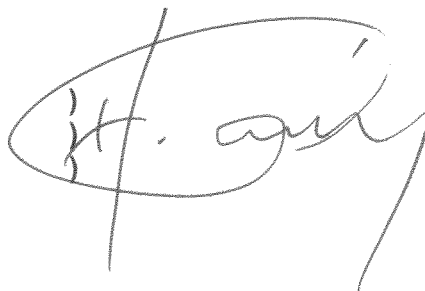
5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

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 the Mortgagee has caused this Deed to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY
HELEN GINIS-MAULE
in the presence of:



.....
Witness Signature

John O'Hara

Witness Name:

JOHN O'HARA

Address:

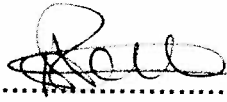
76 WILBERFORCE ROAD N4 2SR

Occupation:

PROPERTY MANAGER

CONTINUATION OF DEED OF VARIATION AGREEMENT IN RELATION TO 35
BUCKLAND CRESCENT LONDON NW3 5DJ

EXECUTED AS A DEED BY
DANIEL LEO CHEIFETZ
in the presence of:



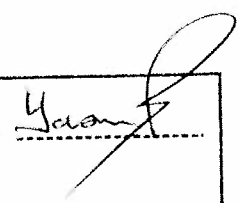
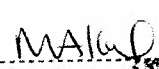
.....
Witness Signature

Witness Name: MISS. A. PATEL

Address: 387 CHY ROAD, LONDON, EC1V 1NA

Occupation: LEGAL ASSISTANT

EXECUTED AS A DEED by the
Attorney Authorised on behalf of
BARCLAYS BANK PLC

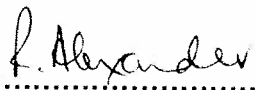
Signed as a deed
By Yasmj Roberta Glynn Roberts 
as Attorney for and
on behalf of
Barclays Bank PLC
in the presence of
Name Signed 

.....
Duly Authorised Signatory

Margaret Ann Kelly

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

)
)
)
)



.....
Duly Authorised Officer



CC 2



LBMVarchitects
27 Elizabeth Mews
London
NW3 4UHApplication Ref: **2014/7312/P**

26 May 2015

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 AGREEMENTAddress:
35 Buckland Crescent
London
NW3 5DJ

Proposal:

DECISION

Variation of condition 3 (approved plans) of planning permission 2014/1096/P dated 02/05/14 (for; 'conversion of existing raised and lower ground floor maisonette and excavation of a new basement to create a two bedroom flat at raised ground level and three bedroom maisonette at ground floor and basement levels; works to include the demolition of the existing rear ground floor extension and the creation of a new rear extension at ground floor level), namely alteration to glazing, rooflights and cladding.

Drawing Nos:

Superseded: 35BC/DC/P1/D; 35BC/DC/P2/D; 35BC/DC/P3/B; 35BC/DC/P4/C;
35BC/DC/P7/C; 35BC/DC/P5/C; 35BC/DC/P6/C; 35BC/DC/P9/B; 35BC/DC/P10

Proposed: A2001; A2002; A2003; A2004; A2005; A2006; A2008; A2009

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 For the purposes of this decision, condition no. 3 of planning permission 2014/1096/P shall be replaced with the following condition:

REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 35BC/DC/E1/B; 35BC/DC/E2/B; 35BC/DC/E3/B; 35BC/DC/E4/B; 35BC/DC/P8/B; Basement Impact Assessment JB15296.1; Arboricultural Impact Assessment February 2014; A2001; A2002; A2003; A2004; A2005; A2006; A2008; A2009

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

Informative(s):

- 1 Reason for granting permission

The proposed amendment consists of an alteration to the fenestration detail and materials including frameless glazing and stone cladding.

The simplified design of the glazing is sympathetic to the host property and would not detract from the appearance of the host property. The repositioning and enlargement of the rooflights and the omission of the green roof would not significantly alter the appearance of the proposed extension. The proposed Portland stone cladding on the side and rear elevation (rather than zinc cladding) of the extension would have an acceptable relationship with the brickwork of the host property. The proposed alterations are not considered to be harmful.

The planning and appeal history of the site has been taken into account when coming to this decision. No objections were received prior to making this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan 2011; and paragraphs 14, 17, 56-66 and 126-141 of the National Planning Policy Framework.

- 2 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).

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

DRAFT

Culture and Environment Directorate

DECISION



LBM V Architects
27c Winchester Road
27 Elizabeth Mews
London
NW3 4UH

Application Ref: **2015/0464/P**
Please ask for: **David Peres Da Costa**
Telephone: 020 7974 **5262**

13 August 2015

DRAFT

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

**Grant of Non Material Amendments to planning permission subject to Section 106
Legal Agreement**

Address:
35 Buckland Crescent
London
NW3 5DJ

DECISION

Proposal:

Decrease in size of rear extension and increase in size of lightwell, fully glazed roof to extension and reconfiguration of stairs to 'conversion to 2-bed flat and 3-bed maisonette with rear extension and basement' approved under planning permission 2014/1096/P dated 02/05/14.

Superseded plans/documents:

[insert Superseded plans/documents:]

Drawing Nos:

Superseded: A2001; A2002; A2003; A2004; A2005; A2006; A2008; A2009

Proposed: A2001 rev 01; A2002 rev 01; A2003 rev 01; A2004 rev 01; A2005 rev 01; A2006 rev 01; A2008 rev 01; A2009 rev 01.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above **subject to** the conclusion of a Section 106 Legal Agreement.

Informative(s):

1 Reasons for granting permission.

The decrease in the size of the proposed extension and the resulting increase in the size of the lightwell would not materially affect the appearance of the proposed development. Likewise the reconfiguration of the steps and the small increase in the size of the lightwell would not materially affect the appearance of the proposed development. The proposed fully glazed roof of the extension would result in a doubling of the area of roof glazing. However given its location in the roof of the ground floor extension, this alteration would not materially affect the appearance of the extension when viewed from the garden.

The planning and appeal history of the site has been taken into account when coming to this decision. One objection has been received and has been duly addressed prior to making this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan 2011; and paragraphs 14, 17, 56-66 and 126-141 of the National Planning Policy Framework.

- 2 You are advised that this decision relates only to the decrease in size of rear extension and increase in size of lightwell, fully glazed roof to extension and reconfiguration of stairs and shall only be read in the context of the substantive permission granted on 02/05/14 under reference number 2014/1096/P and is bound by all the conditions and obligations attached to that permission.

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

Director of Culture & Environment

DRAFT

DECISION



DATED

13th August

2015

(1) HELEN GINIS-MAULE

-and-

(2) DANIEL LEO CHEIFETZ

-and-

(3) BARCLAYS BANK PLC

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 2 May 2014
Between the Mayor and the Burgesses of the
London Borough of Camden
Helen Ginis-Maule and Daniel Leo Cheifetz
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
35 Buckland Crescent London NW3 5DJ

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

CLS/COM/FP/1685.3039
DoV FINAL 26.5.2015