

DATED

28 August

2015

(1) SHOBHNA MUKESH KHATRI AND URMILA CHANDRAPRAKASH KHATRI  
AND CHANDRAPRAKASH VALLABH KHATRI

-and-

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

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**FIRST DEED OF VARIATION**

Relating to the Agreement dated 4 December 2013  
Between the Mayor and the Burgesses of the  
London Borough of Camden, Shobhna Mukesh Khatri and Urmila Chandraprakash Khatri  
and Chandraprakash Vallabh Khatri

under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**127 MALDEN ROAD LONDON NW5 4HS**

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Andrew Maughan  
Borough Solicitor  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 5680  
Fax: 020 7974 1920



THIS AGREEMENT is made on the 28 day of August 2015

**BETWEEN**

1. **SHOBHNA MUKESH KHATRI** of 75 Greenhill Park New Barnet, Hertfordshire EN5 1HP **AND URMILA CHANDRAPRAKASH KHATRI AND CHANDRAPRAKASH VALLABH KHATRI** both of 3 Myddleton Park, London N20 0HT (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, Shobhna Mukesh Khatri and Urmila Chandraprakash Khatri and Chandraprakash Vallabh Khatri entered into an Agreement dated 4 December 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 341546.
- 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 Agreement.
- 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 15 October 2014 for which the Council resolved to grant permission conditionally under reference 2014/6524/P subject to the conclusion of this Agreement.

1.6 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.

1.7 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 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 reference 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 First Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 4 December 2013 made between the Council Shobhna Mukesh Khatri and Urmila Chandraprakash Khatri and Chandraprakash Vallabh Khatri

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 4 December 2013 referenced 2013/4020/P allowing the erection of mansard roof extension and associated conversion of property from 2 units to 3 x 1 bedroom units and 1 x 2 bedroom unit (Class C3). as shown on

drawing numbers: Site Location; MR/001B;  
MR/002B; MR/004B; MR/005B; MR/007B;  
MR/008A; MR/007 (Street View Elevation)

- 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 and Mortgagee 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 4 December 2013 to variation of condition 3 (approved drawings) of planning permission (ref: 2013/4020/P) dated on 03/12/13 (erection of mansard roof extension and associated conversion), namely alteration of mansard form, reinstatement of rear valley parapet, fenestration throughout and installation of rear lower ground stairway to garden as show on drawing numbers Revised Plans: MR/002, MR/001A, MR/Resub/002B, MR/Resub/003A, MR/Resub/004, MR/Resub/006B Superseded Plans: MR/001B; MR/002B; MR/004B;


MR/005B; MR/007B; MR/008A; MR/007 (Street View Elevation)

- 3.1.2 "Planning Permission" the planning permission under reference number 2014/6524/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 15 October 2014 by the Owner and given reference number 2014/6524/P
- 3.2 The words "2013/4020/P" in clause 5.2 of the Existing Agreement shall be deleted and replaced with "2014/6524/P".
- 3.3 The words "2013/4020/P" in clause 6.1 of the Existing Agreement shall be deleted and replaced with "2014/6524/P".
- 3.4 The draft planning permission reference 2014/6524/P annexed to this Agreement shall be treated as annexed to the Existing Agreement in addition to the existing annexures.
- 3.5 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 hereunto affixed and the Owner have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY  
SHOBHNA MUKESH KHATRI  
in the presence of:

)  
)  
) Shobhna Khatri.

  
.....

Witness Signature


Witness Name: M. KHATRI

Address: 8 Blackstock Mews  
Islington London N4 2BT

Occupation: Chartered Accountant

EXECUTED AS A DEED BY  
URMILA CHANDRAPRAKASH KHATRI  
in the presence of:

)  
)  
) Urmila Khatri

  
.....

Witness Signature

Witness Name: M. KHATRI

Address: 8 Blackstock Mews  
Islington London N4 2BT

Occupation: Chartered Accountant

EXECUTED AS A DEED BY  
CHANDRAPRAKASH VALLABH KHATRI  
in the presence of:

)  
)  
) CKhatri

  
.....

Witness Signature

Witness Name: M. KHATRI

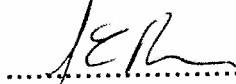
Address: 8 Blackstock Mews  
Islington London N4 2BT

Occupation:



CONTINUATION S106 AGREEMENT IN RELATION TO 127 MALDEN ROAD LONDON  
NW5 4HS

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

  
.....  
Authorised Signatory





# 127 Malden Road London NW5 4HS



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Urban Insights  
8 Woodbank  
101 Tollington Park  
Finsbury Park  
London  
N4 3AH United Kingdom

Application Ref: **2014/6524/P**  
Please ask for: **Gideon Whittingham**  
Telephone: 020 7974 5180

07 April 2015  
**DRAFT**  
**DECISION**

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

**Variation or Removal of Condition(s) Granted subject to a Section 106 Legal  
Agreement and Warning of Enforcement Action**

Address:  
**127 Malden Road  
London  
NW5 4HS**

**DECISION**

**Proposal:**

Variation of condition 3 (approved drawings) of planning permission (ref: 2013/4020/P) dated on 03/12/13 (erection of mansard roof extension and associated conversion), namely alteration of mansard form, reinstatement of rear valley parapet, fenestration throughout and installation of rear lower ground stairway to garden.

Drawing Nos: Revised Plans: MR/002, MR/001A, MR/Resub/002B, MR/Resub/003A, MR/Resub/004, MR/Resub/006B

Superseded Plans: MR/001B; MR/002B; MR/004B; MR/005B; MR/007B; MR/008A; MR/007 (Street View Elevation)

The Council has considered your application and decided to grant permission subject to the following condition(s):

**Conditions and Reasons:**

2     **ADDITIONAL CONDITION 4:**

The development hereby granted planning permission shall be completed in accordance with the drawings hereby approved within 3 months of the date of this permission.

Reason: In order to safeguard the amenities and appearance of the area generally in accordance with the requirements of policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development.

Informative(s):

- 1 The proposed mansard remains recessed and retains/introduces the rear valley parapet. The pitch of the mansard increases from that approved and the fenestration, appropriate for the context and the age and style of the building, has been introduced. The alterations are considered in keeping with the character and appearance of the host building. The details forming part of this application comply with the Council's policies and guidance for conservation areas and securing high quality design.

The details as submitted would not have any adverse impact on the character and appearance of the host building, street scene, or the surrounding area, nor would they impact on the amenities of adjoining occupiers.

Neighbouring occupiers were consulted on the application. Two objections have been received prior to making this decision and duly taken into account prior to making this decision. The concerns have been considered and the site's planning history was taken into account in coming to this decision.

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

- 2 **WARNING OF ENFORCEMENT ACTION**

The Director of Culture and Environment can instruct the Head of Legal Services to issue an Enforcement Notice alleging a breach of planning control.

- 3 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.
- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape,

access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

- 5 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 6 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

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.

#### **ENFORCEMENT ACTION TO BE TAKEN**

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control

You can find advice in regard to your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Culture and Environment Directorate  
(Duly authorised by the Council to sign this document)





DATED

28 August

2015

**(2) SHOBHNA MUKESH KHATRI AND URMILA CHANDRAPRAKASH KHATRI  
AND CHANDRAPRAKASH VALLABH KHATRI**

-and-

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

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