

DATED

19 February

2016

(1) ICONIC ESTATES LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 29 September 2014
Between the Mayor and the Burgesses of the
London Borough of Camden and
Iconic Estates Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
78 CAMDEN HIGH STREET LONDON NW1 0LT

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

Tel: 020 7974 5680
Fax: 020 7974 1920

1781.559



THIS AGREEMENT is made on the 19 day of February 2016

BETWEEN

1. **ICONIC ESTATES LIMITED** (registered under company number 08877675) whose registered office is at Solar House, 282 Chase Road, London, N14 6NZ (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 29 September 2014 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 356242 subject to a charge to the Mortgagee.
- 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 20 October 2015 for which the Council resolved to grant permission conditionally under reference 2015/5903/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 29 September 2014 made between the Council and the Owner

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 29 September 2014 referenced 2014/3469/P allowing the conversion of upper floor levels (C3) above existing shop (A1) to create 2x3 bed maisonettes and 2x1 bed flats including a part three and part two storey rear extensions with remaining flat roof as a communal first floor terrace area, and erection of cycle/refuse store and lobby access to Pratt Mews as shown on drawing numbers Location plan, Design & Access Statement, Lifetimes Homes Statement, 14-126-01, 14-126-02, 14-

126-03, 14-126-04, 14-126-05, 14-126-06, 14-126-07, 14-126-08, 14-126-09, 14-126-10-A, 14-126-11, 14-126-12, 14-126-13, 14-126-14, 14-126-15, 14-126-16, 14-126-17

- 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 29 September 2014 for the creation of a secure entrance courtyard, the relocation of bicycle store and the provision of terraces for the two upper maisonettes as shown on drawing numbers Site location plan; Design & Access Statement, 14-126-10G; 14-126-12E; 14-126-14E; 14-126-15C; 14-126-16C; 14-126-17D; 14-126-60; 14-126-62; 14-126-64; 14-126-65; 14-126-66; 14-126-67; 14-126-301 B; 14-126-302; & 14-126-303

3.1.2 "Planning Permission" the planning permission under reference number 2015/5903/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 October 2015 by the Owner and given reference number 2015/5903/P

3.2 After the words "2014/3469/P" in clause 5.2 of the Original Agreement the words "or "2015/5903/P" (as the case may be)" shall be inserted.

3.3 After the words "2014/3469/P" in clause 6.1 of the Original Agreement the words "or "2015/5903/P" (as the case may be)" shall be inserted.

3.4 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

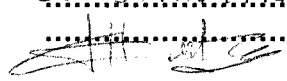
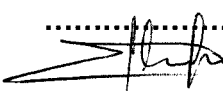
5.1 This Agreement shall be registered as a Local Land Charge

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner has executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY)
ICONIC ESTATES LIMITED)
acting by a Director and its Secretary)
or by two Directors)

Director Name: (CAPITALS))
Director Signature:)

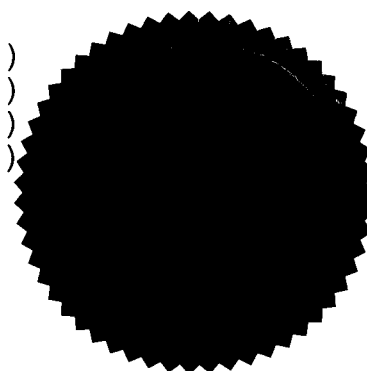
Director/Secretary Name (CAPITALS))
Director/Secretary Signature:)

CONSTANTINOS PIERIS

.....
STELLA PANAYIOTA PIERIS

.....

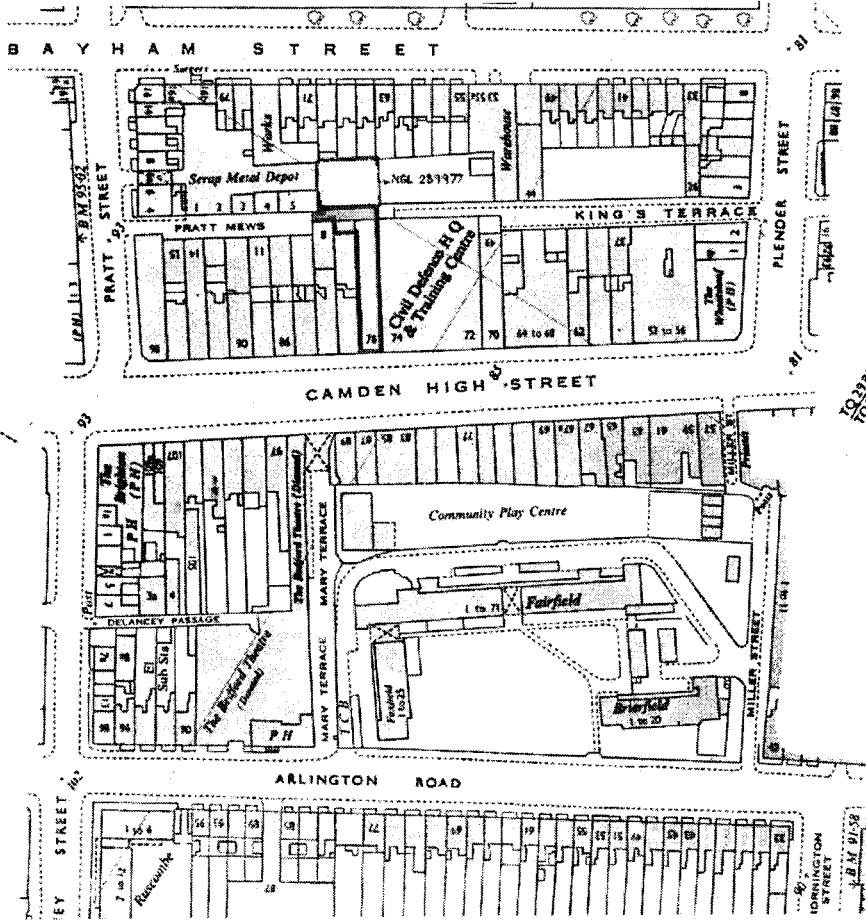
**THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN**
was hereunto affixed by Order:-

R. Alexander

.....
Duly Authorised Officer







5A SITE LOCATION PLAN
SCALE 1:1250



Site Location Plan	
Client:	Ref: 04/03
Camden High Street London E1 1LT	
Theme	
Number	



Koupparis Associates
95 Kentish Town Road
London
NW1 8NY

Tel 020 7974 4444
Fax 020 7974 1930
Textlink 020 7974 6866

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

Application Ref: **2015/5903/P**

01 February 2016

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:
78 Camden High Street
London
NW1 0LT

Proposal:

Variation of planning permission dated 29 September 2014 for the creation of a secure entrance courtyard, the relocation of bicycle store and the provision of terraces for the two upper maisonettes.

DECISION
Drawing Nos: Site location plan; Design & Access Statement, 14-126-10G; 14-126-12E; 14-126-14E; 14-126-15C; 14-126-16C; 14-126-17D; 14-126-60; 14-126-62; 14-126-64; 14-126-65; 14-126-66; 14-126-67; 14-126-301 B; 14-126-302; & 14-126-303.

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 2014/3469/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; Design & Access Statement, Lifetimes Homes Statement, 14-126-01; 14-126-02; 14-126-03; 14-126-04; 14-126-05; 14-126-06; 14-126-07; 14-126-08; 14-126-09; 14-126-10G; 14-126-11; 14-126-12E; 14-126-13; 14-126-14E; 14-126-15C; 14-126-16C; 14-126-17D; 14-126-60; 14-126-62; 14-126-64; 14-126-65; 14-126-66; 14-126-67; 14-126-301 B; 14-126-302; & 14-126-303.

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

- 2 The use of the roofs as terraces shall not commence until the screens, as shown on the approved drawings, have been constructed. The screens shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposed amendments, namely the creation of a secure entrance courtyard, the relocation of the bicycle store and the provision of terraces for the two upper maisonettes is not considered to alter the concept of the previously approved scheme. Given the location and nature of the proposed amendments, the change would not significantly alter the appearance of the building. The full impact of the scheme has already been assessed by virtue of the previous approval granted on 29/09/2014 under ref: 2014/3469/P. In the context of the permitted scheme, it is considered that the amendments would not have any material effect on the approved development in terms of appearance and neighbour impact.

No objections have been received. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.66 (LB's) and s.72 (CA's) 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 2015; 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).
- 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.

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

DECISION

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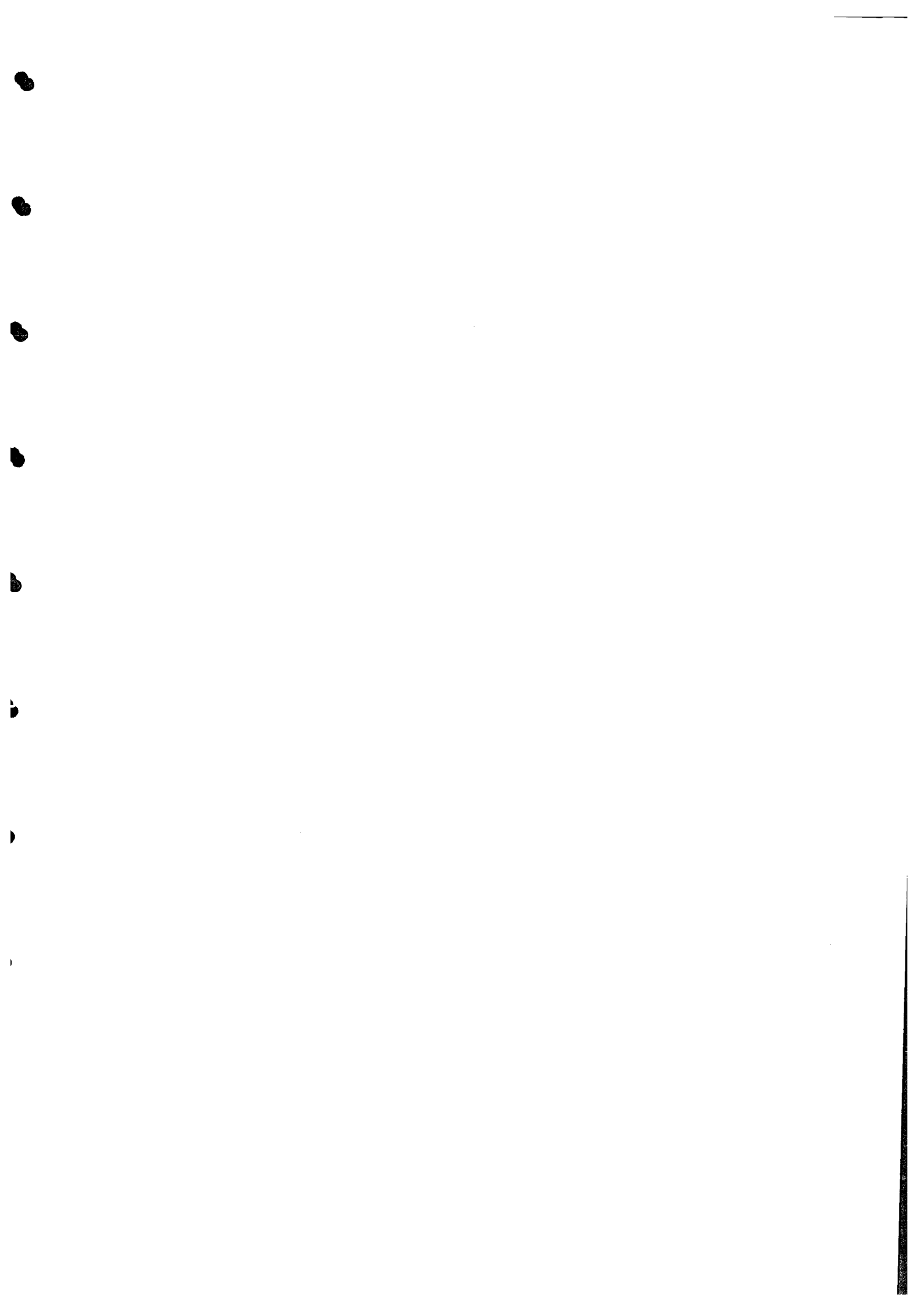
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