DATED 19th February 2015

(1) BELSIZE PARK DEVELOPMENTS LIMITED

-and-

(2) ABBEY NATIONAL TREASURY SERVICES PLC

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 30 March 2013
Between the Mayor and the Burgesses of the
London Borough of Camden,
Goldsmith Cottages Limited in Liquidation, Abbey National Treasury Services PLC, Trevor John Binyon and Steven John Parker and Belsize Park Developments
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
42-45 Belsize Park London NW3 4EE

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/ESA/1685.2926
FINAL

THIS DEED is made on the 19th day of February 2015

BETWEEN

1. **BELSIZE PARK DEVELOPMENTS LIMITED** (Co. Regn. No. 6657968) whose registered office is at Third Floor, Sterling House, Langston Road, Loughton, Essex IG10 3TS (hereinafter called "the Owner") of the first part

2. **ABBEY NATIONAL TREASURY SERVICES PLC** of (Co. Regn. No. 02338548) whose registered office is at 2 Triton Square London NW1 3AN (hereinafter called "the Mortgagee") of the second part

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, Goldsmith Cottages Limited in Liquidation, Abbey National Treasury Services PLC, Trevor John Binyon and Steven John Parker and Belsize Park Developments entered into an Agreement dated 30 March 2012 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 NGL705657 and NGL830803 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 Deed.

1.5 A new planning application in respect of the Property was submitted to the Council by the Owner, validated on 6 September 2013 and accorded reference 2013/5769/P ("the New Planning Application")

1.6 The Council resolved to grant permission conditionally pursuant to the New Planning Application in the form of the draft annexed hereto ("the New Permission") subject to the conclusion of this Deed.

1.7 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.

1.8 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.

1.9 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL705657 and NGL830803 and dated 9 August 2012 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 in relation to the Original Planning Permission and shall apply to the New Planning Permission 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 Deed.

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 Deed and shall not affect 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 of the New Planning Permission.

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 30 March 2012 made between the Council and Goldsmith Cottages Limited in Liquidation, Abbey National Treasury Services PLC, Trevor John Binyon and Steven John Parker and Belsize Park Developments
2.8.3	"the Original Planning Permission"	means the planning permission granted by the Council on 30 March 2012 referenced 2011/2986/P

3. VARIATION TO THE EXISTING AGREEMENT

3.1 Save as expressly varied by the Deed the Existing Agreement shall apply to the New Planning Permission as it does to the Original Planning Permission

3.2 The following definition in the Existing Agreement shall not apply in respect of development of the Property pursuant to the New Planning Permission:-

"the Façade Retention Plan"	a plan setting out a detailed scheme of structural and engineering measures drawn up and undertaken by a suitably qualified engineer from a recognised relevant professional body to be implemented by the Owner during the carrying out of whole of the Construction Phase to safeguard and protect from damage the structural integrity and stability of the retained façade of 44-45 Belsize Park during the carrying out of demolition construction and linked works

3.3 The following clause in the Existing Agreement shall not apply in respect of development of the Property pursuant to the New Planning Permission:-

4.2 THE FAÇADE RETENTION PLAN

4.2.1 On or prior to the Implementation Date to provide the Council for approval a draft Façade Retention Plan.

4.2.2 Not to Implement nor allow Implementation of the Development until such time as the Council has approved the Façade Retention Plan as demonstrated by written notice to that effect.

4.2.3 To ensure that throughout the Construction Phase the Development shall not be carried out otherwise than in strict accordance with the requirements of the Façade Retention Plan and not to permit the carrying out of any works comprised in demolition or building out the Development at any time when the requirements of the Façade Retention Plan are not being complied with and in the event of non compliance with this sub-clause the Owner shall forthwith take any steps required to remedy such non-compliance.

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 New Planning Permission.

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

7. **MORTGAGEE**

7.1 The Mortgagee is party to this Deed for the purpose of consenting to the provisions hereof binding the Property but for the avoidance of doubt the Mortgagee shall not have any liability in respect of this Deed unless it shall have become a mortgagee in possession of the Property

7.2 No mortgagee shall have any liability under this Deed unless it takes possession of the interest in the Property over which it has a charge in which case it too will be bound by the obligations as if it were a person deriving title from the mortgagor.

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)
BELSIZE PARK DEVELOPMENTS LIMITED)
Acting by a director and its Secretary)
or by two Directors)

.....
Director

.....
Director/Secretary

CONTINUATION OF DEED OF VARIATION IN RELATION TO 42-45 BELSIZE PARK
LONDON NW3 4EE

EXECUTED AS A DEED by the)
Attorney Authorised on behalf of)
ABBEY NATIONAL TREASURY SERVICES PLC)

.....
Duly Authorised Signatory

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

.....
Duly Authorised Officer

Camden

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

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

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

Mr Phillip Clark
Belsize Park Developments Limited
3rs Floor Sterling House
Langston Road
Loughton
Essex
IG10 3TS

Application Ref: **2013/5769/P**

13 January 2015

DRAFT

Dear Sir/Madam

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:
42-45 Belsize Park
London
NW3 4 EE

DECISION

Proposal:
Erection of new building on site of 42-43 Belsize Park comprising basement, lower ground, ground and first to third floor along with new building on site of 44-45 Belsize Park linked at lower ground and ground floor, to provide 10 residential units (2 x 6 bed, 2 x 3 bed & 6 x 2 bed) with associated car parking and landscaping.
Drawing Nos: Site location plan; 11-029/AP3 01C; 11-029/AP3-02 C; 11-029/AP03-03 C; 11-029/AP03-04 B; 11-029/AP03 05 B; 11-029/AP3 06 C; E11-29/AP3-07 C; 11-029/AP3-08 C; 11-029/AP3-09 B; 11-029/AP3-10 B; 11-29/AP3-11 C; 11-029/AP3-12 C; 11-029/AP3-13 D; 11-29/AP3-14 B; 646/400 Rev C9; 413 Rev C1; 502 Rev T1; 503 Rev C1; 504 Rev C1; 510 Rev T2; 511 Rev T3; 512 Rev T3; 513 Rev T4; 514 Rev T2; 515 Rev T2; 518 Rev C2; 519 Rev C4; 520 Rev C4; 522 Rev C5; 523 Rev C1; 524 Rev T1; 525 Rev T1; 526 Rev T1; 527 Rev T1; 528 Rev T1; 529 Rev T1; 531 Rev C1; 532 Rev C2; 533 Rev C1; 534 Rev C2; 537 Rev C2; 538 Rev T1; 539 Rev T1; 540 Rev C1; 541 Rev C1 & 11-029/AP3-09 Rev E.

Statement of Significance and Impact (by J. Sanderson, 10/8/11), Draft construction transport plan (by TTP Consulting, June 2011), Basement impact assessment (CGL, October 2011), Construction Management Plan (by Belsize Park Developments, June 2011), Transport Statement (by TTP Consulting, June 2011), Internal Daylighting Calculations (by Abba Energy Ltd, 16/6/11), Energy Statement (by Abba Energy Ltd, 8/6/11), Affordable Housing Economic Appraisal (by Shaw Corporation), Heritage

Statement (by Maddox & Assoc's, 8/6/11), Design and Access Statement (by Maddox & Assoc's, June 2011), Planning Statement (by Maddox & Assoc's, 10/6/11) & Code for Sustainable Homes pre-assessment report by Eco Design Consultants dated 1st Sept 2014

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.

DRAFT DECISION

Condition(s) and Reason(s):

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 11-029/AP3 01C; 11-029/AP3-02 C; 11-029/AP03-03 C; 11-029/AP03-04 B; 11-029/AP03 05 B; 11-029/AP3 06 C; E11-29/AP3-07 C; 11-029/AP3-08 C; 11-029/AP3-09 B; 11-029/AP3-10 B; 11-29/AP3-11 C; 11-029/AP3-12 C; 11-029/AP3-13 D; 11-29/AP3-14 B; 646/400 Rev C9; 413 Rev C1; 502 Rev T1; 503 Rev C1; 504 Rev C1; 510 Rev T2; 511 Rev T3; 512 Rev T3; 513 Rev T4; 514 Rev T2; 515 Rev T2; 518 Rev C2; 519 Rev C4; 520 Rev C4; 522 Rev C5; 523 Rev C1; 524 Rev T1; 525 Rev T1; 526 Rev T1; 527 Rev T1; 528 Rev T1; 529 Rev T1; 531 Rev C1; 532 Rev C2; 533 Rev C1; 534 Rev C2; 537 Rev C2; 538 Rev T1; 539 Rev T1; 540 Rev C1; 541 Rev C1 & 11-029/AP3-09 Rev E.

Statement of Significance and Impact (by J. Sanderson, 10/8/11), Draft construction transport plan (by TTP Consulting, June 2011), Basement impact assessment (CGL, October 2011), Construction Management Plan (by Belsize Park Developments, June 2011), Transport Statement (by TTP Consulting, June 2011), Internal Daylighting Calculations (by Abba Energy Ltd, 16/6/11), Energy Statement (by Abba Energy Ltd, 8/6/11), Affordable Housing Economic Appraisal (by Shaw Corporation), Heritage Statement (by Maddox & Assoc's, 8/6/11), Design and Access Statement (by Maddox & Assoc's, June 2011), Planning Statement (by Maddox & Assoc's, 10/6/11), Code for Sustainable Homes pre-assessment report by Eco Design Consultants dated 1st Sept 2014

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

2 The detailed drawings and samples of materials for the hereby approved development shall not be otherwise than those which were approved by the Local Planning Authority under numbers 2013/4608/P dated 19/08/2014 and 2013/5807/P dated 29/10/2013.

Reason: To safeguard the appearance of the premises and the character of the

immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

3 The details of hard and soft landscaping and means of enclosure of all un-built, open areas shall not be otherwise than those which were approved by the Local Planning Authority under reference numbers 2012/2735/P dated 30/07/13 and 2013/7435/P dated 09/04/2014

Reason: To ensure that the landscaping is carried out within a reasonable period of time and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

DRAFT

4 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

DECISION

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

5 The details of the proposed cycle storage area for 24 cycles approved by the Local Planning Authority under reference 2012/2365/P dated 18/06/2012 shall be provided in their entirety prior to the first occupation of any of the new units, and thereafter permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 and DP18 of the London Borough of Camden Local Development Framework Development Policies.

6 The basement works hereby approved shall be supervised by the qualified chartered engineer who was given approval by the Local Planning Authority under reference 2012/2365/P dated 18/06/2012. Any subsequent change or reappointment will require approval from the Planning Authority.

Reason: To protect the structural stability of the host building and neighbouring buildings, in accordance with policies CS5 and CS14 of the London Borough of

Camden Local Development Framework Core Strategy and policies DP24, DP25, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies.

7 The details of the location, design and method of waste storage and removal (including recycled materials) approved by the Local Planning Authority under reference 2012/2365/P dated 18/06/2012 shall be provided prior to the first occupation of any of the new units and permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the area generally in accordance with the requirements of policies CS5 and CS18 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

8 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units and shall be permanently maintained and retained thereafter.

Reason: To ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

9 The details of the sustainable urban drainage system approved by the Local Planning Authority under reference 2013/1381/P dated 03/05/2013 shall be implemented as part of the overall development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

10 The windows and skylights indicated as being fixed shut and obscure glazed on the drawings hereby approved shall be provided as such and shall be retained with obscure glazing for as long as those windows remain in existence.

Reason: In order to protect adjoining occupiers from loss of privacy as a result of overlooking in accordance with Policy CS5 of the Core Strategy and DP26 of the Development Policies of the Camden Local Development Framework.

DRAFT DECISION

11 The slab levels and building heights of the development hereby approved shall not be otherwise than those details approved by the Local Planning Authority under reference 2012/2365/P dated 18/06/2012.

Reason: In order to ensure that the height of the development is no greater than indicated on the approved drawings, so as to protect the amenities of the area and the availability of light enjoyed by nearby premises, in accordance with policies CS5 of the Core Strategy and DP26 of the Development Policies of the Camden Local Development Framework.

12 The security measures including lighting to entrance areas, windows, entrances/exits, CCTV (including camera positions, plus appearance of cameras, mountings and any other associated equipment) shall accord with those details approved by the Local Planning Authority under reference number 2012/4021/P dated 25/09/2012.

Reason: To ensure that suitable measures are taken in respect of community safety/security of the site in its location, in accordance with Policy CS17 of the Core Strategy of the Camden Local Development Framework.

13 The development shall be carried out in accordance with the structural survey of neighbouring structures which was approved by the Local Planning Authority under reference 2012/4252/P dated 30/07/2013.

Reason: To protect the structural stability of the host building and neighbouring buildings, in accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies.

14 The energy output measures approved by the Planning Authority under reference 2014/6055/P dated 25/09/2014 shall be provided in their entirety into each of the new units hereby approved prior to their first occupation and permanently maintained and retained thereafter.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

15 Within 3 months of 1st occupation a final Code for certificate of compliance and accompanying statement should be submitted to the local planning authority demonstrating that by reasonable endeavours the target credits have been met.

Reason: To ensure a sustainable and resource efficient development in accordance with the requirements of policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies..

DRAFT DECISION

Informative(s):

1 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).

2 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 Compliance and Enforcement team [Regulatory Services], 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.

3 Reasons for granting permission. [Delegated]

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies ..... .(officer to insert relevant policy number and title) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies.... (officer to insert relevant policy number and title). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer report.

DRAFT DECISION

4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of

development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

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

DRAFT

DECISION

DATED 19th February 2015

(1) BELSIZE PARK DEVELOPMENTS LIMITED

-and-

(2) ABBEY NATIONAL TREASURY SERVICES PLC

-and-

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

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