

DATED

8 APRIL

2016

**(1) A2 DOMINION DEVELOPMENTS LIMITED**

-and-

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

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**DEED OF VARIATION**

Relating to the Agreement dated 21 May 2014  
Between the Mayor and the Burgesses of the  
London Borough of Camden and A2 Dominion Developments Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980  
Relating to 142-150 Arlington Road, Camden  
London NW1 7HP

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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 8<sup>th</sup> day of APRIL 2016

**BETWEEN**

- i. **A2 DOMINION DEVELOPMENTS LIMITED** (Co. Regn. No. 0558321) whose registered office is at The Point, 37 North Wharf Road, London W2 1BD (hereinafter called "the Owner") of the first part
- ii. **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 A2 Dominion Developments Limited entered into an Agreement dated 21 May 2014 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and section 278 of the Highways Act 1980.
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number 371404.
- 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 7 December 2015 for which the Council resolved to grant permission conditionally under reference 2015/6594/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 21 May 2014 made between the Council and A2 Dominion Developments Limited
- 2.8.3 "the Original Planning Permission" means the planning permission granted on appeal referenced APP/X5210/A/13/2208051 (Council ref: 2013/3487/P) allowing extensions and alterations to existing building to provide 21 residential dwellings (16 private tenure and 5 affordable housing units) including change of use from Class D2 (assembly and leisure) to C3 (residential), following partial demolition and remodelling of the rear elevation, erection of part three, part four storey rear extension, roof extension above existing roof levels installation of windows openings to the Underhill Street façade and creation of private amenity space at basement level to Stanmore Place with balconies and roof terraces to the upper floors as shown on the drawings approved by the Planning Permission (Prefix 1223-] 100, (as existing:) 101-108/P01, (as proposed:) 150-155/P02, 156/P01, 250-252/P02, 300/P02, 301-302/P01, 350-352/P01)

### **3. VARIATION TO THE EXISTING AGREEMENT**

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

### 3.1.1 “the Development”

the development authorised by the Original Planning Permission as amended by the following:

Repositioning of the hand rail to enlarge the size of the external terrace and replacement of full height window with sliding door on the 4th floor northern and southern side elevations as an amendment to condition 2 (approved plans) of planning permission granted on appeal referenced APP/X5210/A/13/2208051 (Council ref: 2013/3487/P (for extensions and alterations to existing building to provide 21 residential dwellings (16 private tenure and 5 affordable housing units) including change of use from Class D2 (assembly and leisure) to C3 (residential), following partial demolition and remodelling of the rear elevation, erection of part three, part four storey rear extension, roof extension above existing roof levels, installation of windows openings to the Underhill Street façade and creation of private amenity space at basement level to Stanmore Place with balconies and roof terraces to the upper floors) as shown on drawing numbers:-

Superseded plans: 1223-165 NMA00; 1223-260 NMA02; 1223-261 NMA00.

Approved plans: 1223-165 MMA00; 1223-260 MMA00; 1223-261 MMA00.

### 3.1.2 “the Planning Permission”

the planning permission for the Development under reference number 2015/6594/P granted by the Council in the form of the draft annexed hereto

3.2 All references in Clause 5.1.2, Clause 5.6.2 and Clause 9.2 of the Existing Agreement to planning reference "2013/3487/P" shall be replaced with planning reference "2015/6594/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 This Deed shall take effect on the Implementation of the Planning Permission referenced 2015/6594/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**

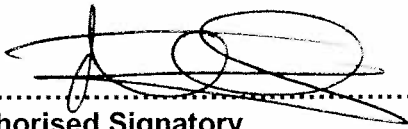
6.1 This Deed shall be registered as a Local Land Charge.

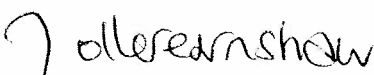
**IN WITNESS WHEREOF** the Council and the Owner has caused their respective Common Seals to be affixed has caused this Deed to be executed as a Deed the day and year first above written.

**THE COMMON SEAL OF  
A2 DOMINION DEVELOPMENTS  
LIMITED**  
was hereunto affixed  
in the presence of:-



2016-  
13429

  
.....  
**Authorised Signatory**

  
.....  
**Authorised Signatory**

CONTINUATION OF DEED OF VARIATION FOR 142-150 ARLINGTON ROAD, CAMDEN  
NW1 7HP

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

)  
)  
)  
)



*Ap BQ*

.....  
Duly Authorised Officer



Studio 54 Architecture  
54 Rivington Street  
London  
EC2A 3QNApplication Ref: **2015/6594/P**

07 March 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:  
**142-150 Arlington Road**  
**London**  
**NW1 7HP**

## Proposal:

**DECISION**  
Repositioning of the hand rail to enlarge the size of the external terrace and replacement of full height window with sliding door on the 4th floor northern and southern side elevations as an amendment to condition 2 of planning permission ref 2013/3487/P dated 11/07/2014 (for extensions and alterations to existing building to provide 21 residential dwellings (16 private tenure and 5 affordable housing units) including change of use from Class D2 (assembly and leisure) to C3 (residential), following partial demolition and remodelling of the rear elevation, erection of part three, part four storey rear extension, roof extension above existing roof levels, installation of windows openings to the Underhill Street façade and creation of private amenity space at basement level to Stanmore Place with balconies and roof terraces to the upper floors) as further amended by non material amendment ref 2015/6762/P on 23/12/2015.

Drawing Nos: Superseded plans: 1223-165 NMA00; 1223-260 NMA02; 1223-261 NMA00.

Approved plans: 1223-165 MMA00; 1223-260 MMA00; 1223-261 MMA00.

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. 2 of planning permission 2013/3487/P dated 11/07/2014 as further amended by non material amendment ref 2015/6762/P on 23/12/2015 shall be replaced with the following condition:

**REPLACEMENT CONDITION 2**

The development hereby permitted shall be carried out in accordance with the following approved plans: Prefix 1223-] 100, (as existing) 101- 108/P01, (as proposed) 160 NMA00; 161 rev NMA00; 162 rev NMA02; 163 rev NMA00; 164 rev NMA00; 165 rev MMA00; 250 PC02; 251-PC01; 252-PC01; 260 MMA00; 261 rev MMA00; 262 rev NMA02.

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

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 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 You are reminded of the requirement to comply with the details contained within the construction management plan that was approved on 13/10/2015 under ref 2015/2747/P especially hours of operation and parking of vehicles for site operatives.

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

8 APRIL

2016

**(1) A2 DOMINION DEVELOPMENTS LIMITED**

-and-

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

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**DEED OF VARIATION**

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