

DATED

10 June

2016

**(1) NEKTON INVESTMENTS LIMITED**

-and-

**(2) LLOYDS BANK PLC**

-and-

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

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**FIRST DEED OF VARIATION**

Relating to the Agreement dated 24 February 2015  
Between the Mayor and the Burgesses of the  
London Borough of Camden and  
Nekton Investments Limited and Lloyds Bank Plc  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**REGENT HOUSE 72 EVERSOLT STREET LONDON NW1 1BY**

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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

1781.611



THIS AGREEMENT is made on the

10

day of

June

2016

**BETWEEN**

1. **NEKTON INVESTMENTS LIMITED** (Co. Regn. No.2198630) whose registered office is at 10 Pipers Close London N7 8TA (hereinafter together called "the Owner") of the first part
2. **LLOYDS BANK PLC** (Co. Regn. No. 2065) of Pendeford Securities Centre, Pendeford Business Park, Wobaston Road, Wolverhampton WV9 5HZ (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 and the Owner entered into an Agreement dated 24 February 2015 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 247528.
- 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 14 December 2015 for which the Council resolved to grant permission conditionally under reference 2015/6038/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.
- 1.8 The Mortgagee as mortgagee under a legal charge registered under Title Number 247528 and dated 20 March 2013 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 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 24 February 2015 made between the Council and the Owner                             |
| 2.3.3 | “the Original Planning Permission” | means the planning permission granted by the Council on 24 February 2015 referenced 2014/4630/P allowing the 2 storey extension at roof level on east elevation to provide an |

additional duplex apartment (1 x 3 bed) with terraces as shown on drawing numbers:- DC\_GA\_000, DC\_GA\_001, DC\_GA\_002, DC\_GA\_003 Revision B, DC\_GA\_004 Revision B, DC\_GA\_005, DC\_GA\_006, Internal Daylight & Sunlight report by Waldrons (dated 10th June 2014)

- 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 condition 4 (Approved plans) of planning permission 2014/4630/P dated 24/02/2015 for erection of 2 storey roof extension on rear east wing to provide a 3 bed flat (Class C3) with 2 external roof terraces, namely to alter the three bedroom flat to two 2 bed flats within the approved extension as shown on drawing numbers: Superseded Plans:

DC\_GA\_003 Revision B & DC\_GA\_004  
Revision B Revised Plans: DC\_GA\_003  
Revision C & DC\_GA\_004 Revision C

- 3.1.2 "Planning Permission" the planning permission under reference number 2015/6038/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 09 July 2015 by the Owner and given reference number 2015/3906/P
- 3.2 The words "2014/4630/P" in clause 5.1 of the Existing Agreement shall be deleted and replaced with "2015/6038/P".
- 3.3 The words "2014/4630/P" in clause 5.6 of the Existing Agreement shall be deleted and replaced with "2015/6038/P".
- 3.4 The words "2014/4630/P" in clause 6.1 of the Existing Agreement shall be deleted and replaced with "2015/6038/P".
- 3.5 The draft planning permission reference 2015/6038/P annexed to this Agreement shall be treated as annexed to the Existing Agreement in addition to the existing annexures.
- 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.

6 **MORTGAGEE EXEMPTION**

6.1 The Mortgagee hereby consents to the completion of this Agreement and agrees to be bound by it and to the same being registered at the Land Registry and for the avoidance of doubt agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession of the Property.

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

**EXECUTED AS A DEED BY  
NEKTON INVESTMENTS LIMITED  
acting by a Director and its Secretary  
or by two Directors**

..... *MARGARET R. KIDDLE* .....

**Director**

..... *Neophytos Neophytos* .....

**Director/Secretary**

**EXECUTED AS A DEED BY  
LLOYDS BANK PLC**

**By  
in the presence of:-**

.....

**THE COMMON SEAL OF THE MAYOR  
AND BURGESSES OF THE LONDON  
BOROUGH OF CAMDEN**

was hereunto affixed by Order:-

..... *R. Alexander* .....

**Duly Authorised Officer**

*Middle  
Neophytos*

SIGNED AS A DEED	
BY LISA JANE PACKHAM as authorised signatory for Lloyds Bank in the presence of (signature of witness)	Per Pro Lloyds Bank
..... <i>[Signature]</i> .....	..... <i>[Signature]</i> .....
Wobaston Rd, Wolverhampton WV9 5HZ	

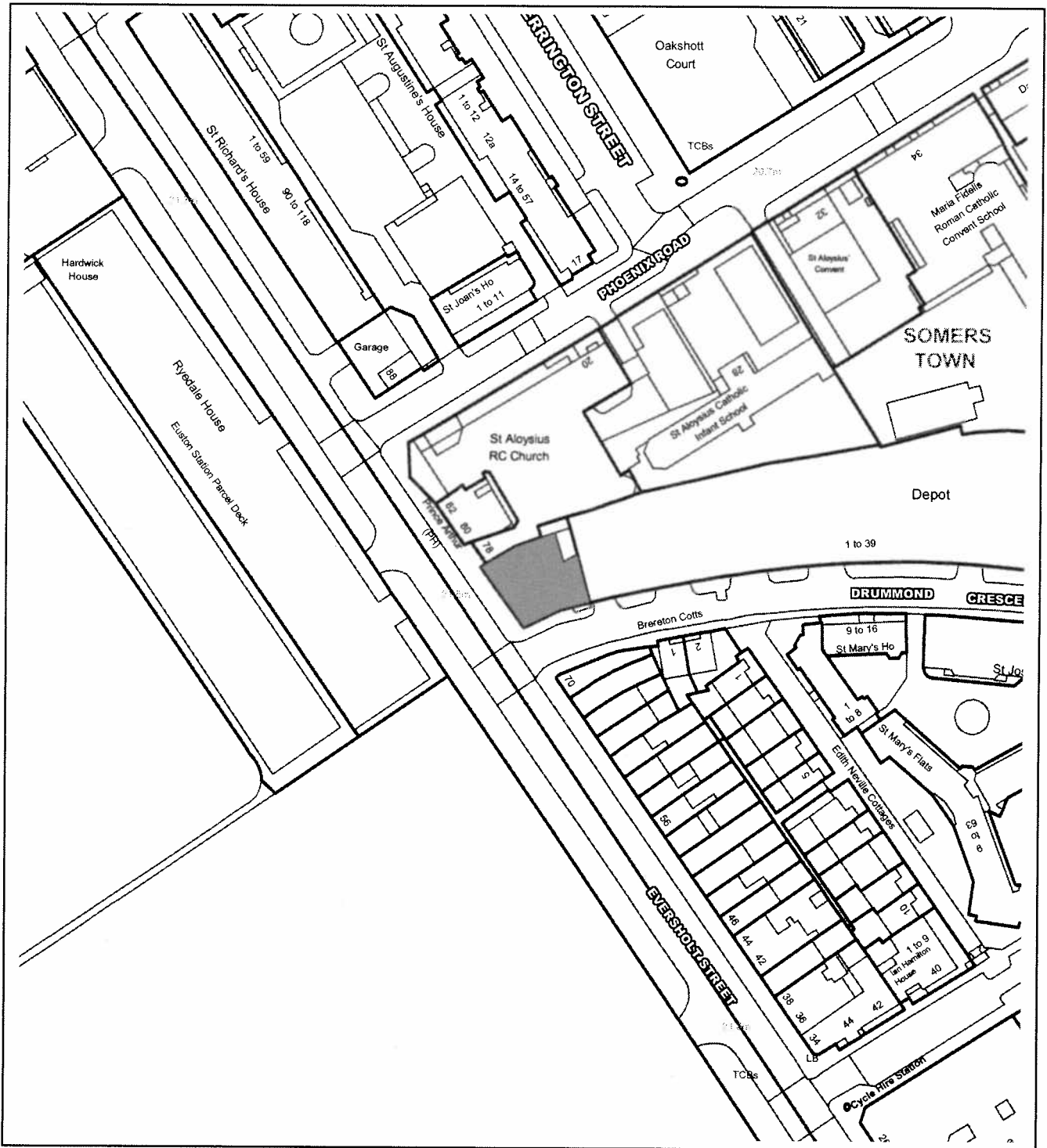






R. Alexander

Regent House 72 Eversholt Street London NW1 1BY



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www.camden.gov.uk/planning

Application Ref: **2015/6038/P**

20 April 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:

**Regent House**  
**72 Eversholt Street**  
**NW1 1BY**

Proposal:

**DECISION**  
Variation of Condition 4 (Approved plans) of planning permission 2014/4630/P (Erection of 2 storey roof extension on rear east wing to provide a 3 bed flat (Class C3) with 2 external roof terraces) dated 24/02/2015, namely to alter the three bedroom flat to 2 x 2 bedroom flats within the approved extension.

Drawing Nos: Superseded Plans:

DC\_GA\_003 Revision B & DC\_GA\_004 Revision B

Revised Plans:

DC\_GA\_003 Revision C & DC\_GA\_004 Revision C

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 4 of planning permission 2014/4630/P shall be replaced with the following condition:

The development hereby permitted shall be carried out in accordance with the following approved plans:

DC\_GA\_000, DC\_GA\_001, DC\_GA\_002, DC\_GA\_003 Revision C, DC\_GA\_004 Revision C, DC\_GA\_005, DC\_GA\_006 & Internal Daylight & Sunlight report by Waldrons (dated 10th June 2014).

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

Informative(s):

- 1 Reason for granting permission:

The original application proposed one 3 bedroom unit within the fourth floor and roof extension. This application proposes to vary the approval by splitting the approved 3 bedroom unit into 2 x two bedroom units. Originally approved Unit E (118m<sup>2</sup> of gross internal floorspace) would be divided into Unit E (76m<sup>2</sup> of gross internal floorspace) and Unit F (60m<sup>2</sup> of gross internal floorspace). Policy DP5 advises that two bedroom units are the highest priority within the borough and therefore the proposal is considered to offer an appropriate mix of units.

Both residential units would meet the Government's current technical housing space standards. Each unit is also proposed to have an external amenity space area. The proposed units are well designed in terms of internal arrangement, size and the quality of accommodation provided. Both units would contain one double and one single bedroom plus open plan kitchen/dining/siting rooms. All habitable rooms would contain adequate sized windows and natural lighting and ventilation, in addition to suitable internal floor to ceiling heights.

The application does not propose any car parking for the proposed residential accommodation. This accords with the Council's maximum residential parking standards and policy DP18 which seeks to deter unnecessary car use in highly accessible locations and promote the use of more sustainable modes of transport. Given the site's location with good public transport links nearby (PTAL rating of '6b'), it is considered that the additional unit created will also be car free to be secured by S106 legal agreement.

The external changes proposed include a new window on the northern elevation. This would not give rise to any significant harm to the amenity of neighbouring occupiers as the window faces towards the rear of the St Aloysius Church.

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

As such, the proposed development is in general accordance with policies CS1,CS3, CS5, CS6 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP5, DP6, DP16, DP17, DP18, DP19, DP24, and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.3, 3.5, 3.8, 6.9, 6.13, 7.4, and 7.6 of the London Plan March 2015, consolidated with alterations since 2011; and paragraphs 14, 17, 51 and 56 - 66 of the National Planning Policy Framework.

- 2 You are advised that this decision relates only to the changes highlighted on the plans and/or set out in the description and on the application form and shall only be read in the context of the substantive permission granted on 24/02/15 under reference 2014/4630/P and is bound by all the conditions and obligations attached to that permission.

**DRAFT**

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**





DATED

10 June

2016

**(1) NEKTON INVESTMENTS LIMITED**

-and-

**(2) LLOYDS BANK PLC**

-and-

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

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