

DATED 8 July 2016

(1) THIERRY DANIEL HENRY

-and-

(2) BARCLAYS BANK PLC

-and-

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

SECOND DEED OF VARIATION

Relating to the Original Agreement dated 9 October 2012 (as varied by the First Deed of
Variation dated 2 October 2013)
Between

the Mayor and Burgesses of the London Borough of Camden
and

Thierry Daniel Henry

under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

17 TEMPLEWOOD AVENUE LONDON NW3 7UY

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

Tel: 020 7974 5680
Fax: 020 7974 1920

1781.458



THIS AGREEMENT is made on the

8

day of

July

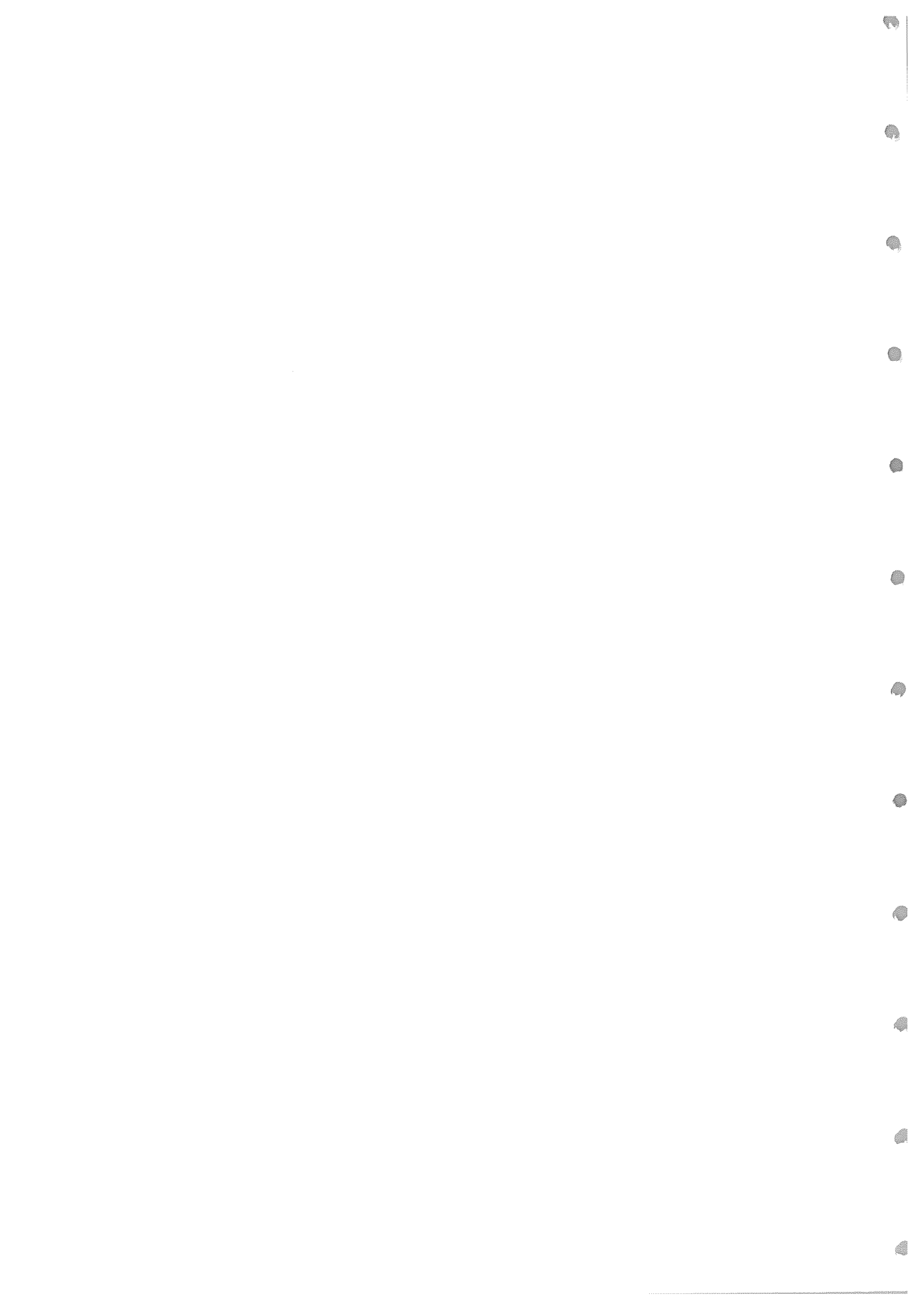
2016

BETWEEN

1. **THIERRY DANIEL HENRY** of 17 Templewood Avenue London NW3 7UY (hereinafter called "the Owner") of the first part
2. **BARCLAYS BANK PLC** of P.O. Box 187, Leeds LS11 1AN (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 the Original Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Council and the Owner entered into the First Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.3 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number 146946 subject to a charge to the Mortgagee.
- 1.4 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.5 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.
- 1.6 A new Planning Application in respect of the Property and to amend the Original Planning Permission as varied by the Second Planning Permission was submitted to the Council by the Owner and validated on 26 June 2015 for which the Council resolved to grant permission conditionally under reference 2015/3556/P subject to the conclusion of this Agreement.



1.7 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.

1.8 Without prejudice to the terms of the other covenants contained in the Original Agreement as varied by the First Deed of Variation the parties hereto have agreed to vary the terms of the Original Agreement as varied by the First Deed of Variation as hereinafter provided.

1.9 The Mortgagee as mortgagee under a legal charge registered under Title Number 146946 and dated 6 May 2015 is willing to enter into this Agreement to give its consent to the same.

2. **INTERPRETATION**

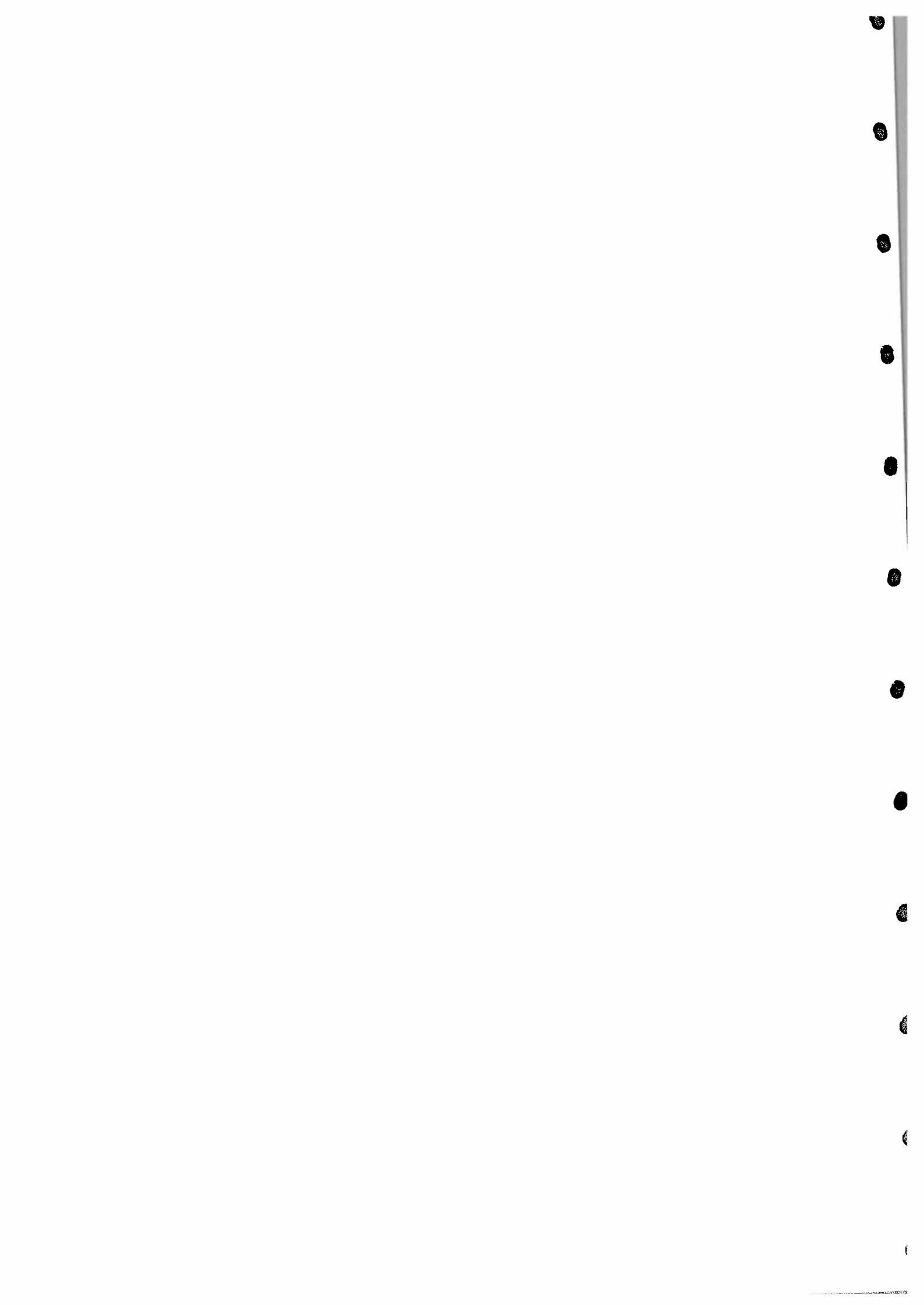
2.1 All words and phrases defined in the Original Agreement as varied by the First Deed of Variation shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Original Agreement as varied by the First Deed of Variation shall remain in full force and effect save as varied by this Agreement.

2.2 All references in this Agreement to clauses in the Original Agreement as varied by the First Deed of Variation are to clauses within the Original Agreement as varied by the First Deed of Variation.

2.3 In this Agreement the following expressions shall unless the context otherwise states have the following meanings now allocated to them.

2.3.1 "Agreement" this Second Deed of Variation

2.3.2 "the First Deed of Variation" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 2 October 2013 made between the Council and the Owner.



2.3.3 "Original Agreement"

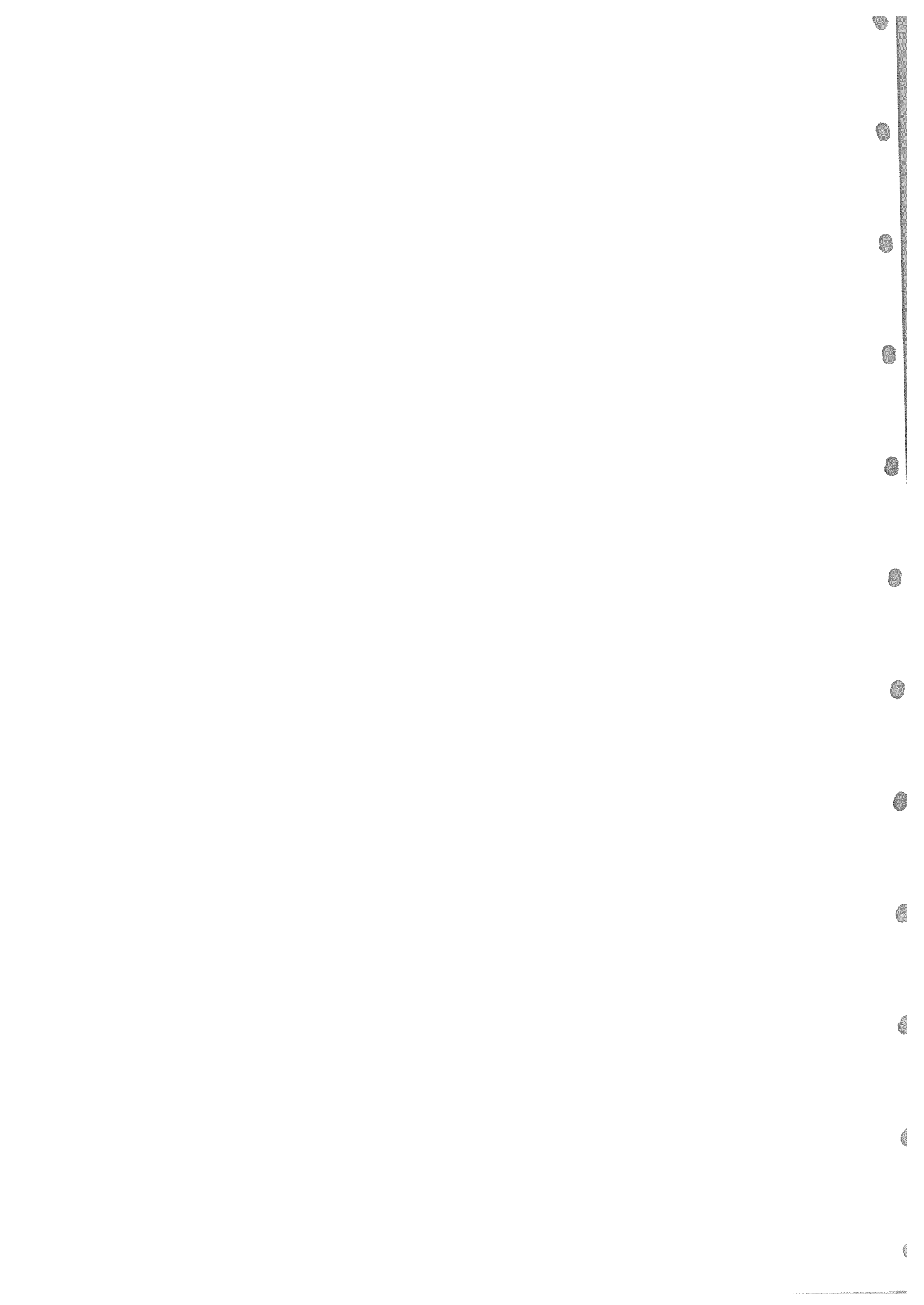
the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 9th October 2012 made between the Council and the Owner

2.3.4 "the Original Planning Permission"

the planning permission granted by the Council on 9th October 2012 referenced 2012/0684/P allowing the allowing the erection of 3-storey plus basement building for use as a single-family dwellinghouse (following demolition of existing 3-storey dwelling) (Class C3) as shown on drawing numbers:- (existing plans) A00; A91; A92; A93; A80; A81; A82; A85; A86; A87; A88; A89; A90 (demolition plans) A95; A96; A97; A98; A99 (proposed plans) A100 REVD; A101 REVF; A102 REVE; A103 REVE; A104 REVE; A150 REVH; A151 REVH; A152 REVH; A155 REVH; A156 REVH; A157 REVI; A158 REVH; A159 REVH; A160 REVH; A161 REVC; A8000 REVA; SW01; 0208; TPP 7101

2.3.5 "the Second Planning Permission"

the planning permission granted by the Council on 2 October 2013 referenced 2013/3854/P permitting amendments to previously approved scheme (referenced 2012/0684/P dated 9 October 2012) for the variation condition 2 (development built in accordance with approved plans) of planning permission granted 09/10/2012 (ref: 2012/0684/P) for the erection of 3-storey plus basement building for use as a single-family dwellinghouse (following demolition of existing 3-storey dwelling) (Class C3), namely additional window openings at first



floor level as shown on drawing numbers:-
(Existing plans) A00; A91; A92; A93; A80; A81;
A82; A85; A86; A87; A88; A89; A90; (demolition
plans) A95; A96; A97; A98; A99; (proposed
plans) A100 REVD; A101 REVF; A102 REVG;
A103 REVE; A104 REVE; A150 REVH; A151
REVH; A152 REVH; A155 REVH; A156 REVH;
A157 REVI; A158 REVH; A159 REVJ; A160
REVH; A161 REVC; A8000 REVA; SW01;
0208; TPP 7101; Window Sketch received
07/08/2013

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.

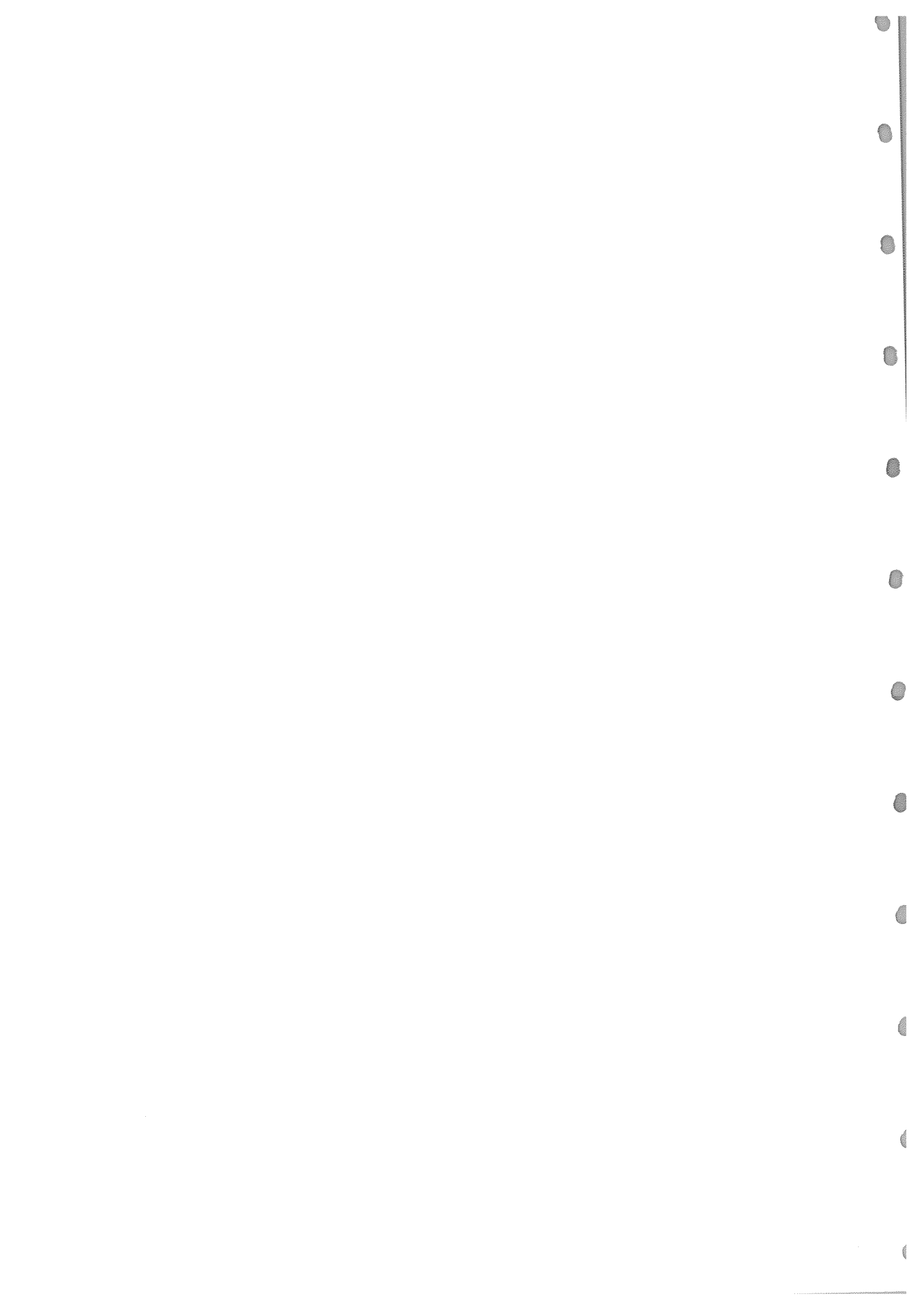
2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.7 References in this Agreement to the Owner [and Mortgagee] shall include their successors in title.

3. VARIATION TO THE ORIGINAL AGREEMENT AS VARIED BY THE FIRST DEED OF VARIATION

3.1 The following definitions contained in the Original Agreement as varied by the First Deed of Variation shall be varied as follows:

3.1.1 "Development" the definition of "Development" shall be replaced by the following: "the development permitted pursuant to planning permission dated 9 October 2012 (reference number



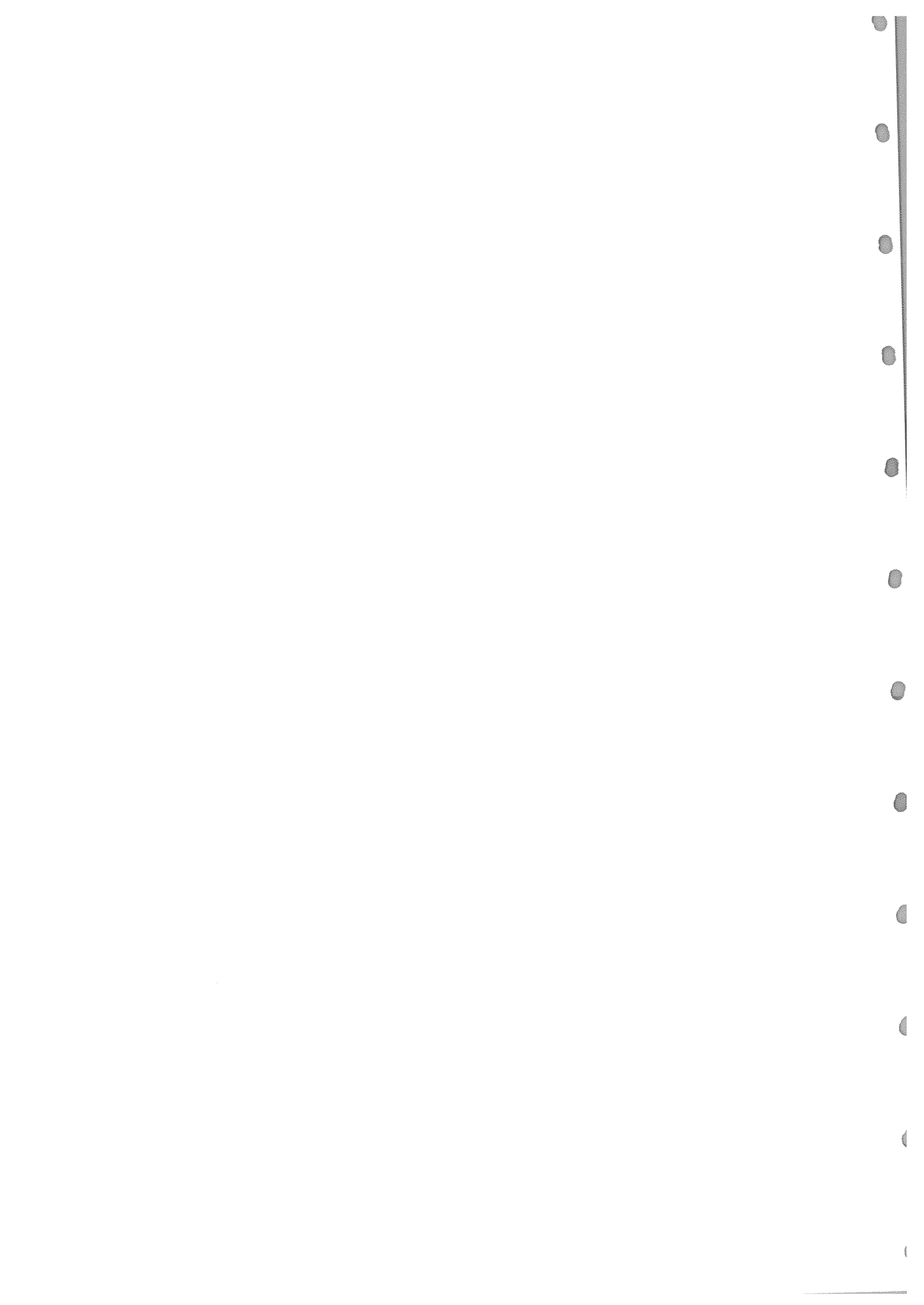
2012/0684/P) as amended by planning permission dated 2 October 2013 (reference number 2013/3854/P) and amended by the Planning Application for Variation of condition 2 (approved plans) of planning permission 2012/0684/P dated 09/10/2012 (for erection of a 3-storey plus basement building), namely to alter the detailing of the gates and consolidate previous permissions as shown on drawing numbers: (Existing plans) A00; A91; A92; A93; A80; A81; A82; A85; A86; A87; A88; A89; A90. (Demolition plans) A95; A96; A97; A98; A99. (Proposed plans) A100 REVD; A101 REVG; A102 REVH; A103 REVE; A104 REVG; A150 REVJ; A151 REVI; A152 REVH; A155 REVI; A156 REVI; A157 REVI; A158 REVI; A159 REVK; A160 REVH; A161 REVC; A2000REVB; A2001REVB; A2003REVB; A2010REVB; A2011; A2012; A8000 REVB; SW01; 0208; TPP 7101; TD Range of Satellite Dishes; Window Sketch; 17TWA-01-GF-CAM; 17TWA-02-FF-CAM; 17TWA-02-SF-CAM; TPP7101B; AMS7101B; Arboricultural Method Statement dated 18/03/13; Michael Alexander letter dated 21 May 2012.

3.1.2 "Planning Application"

the application for Planning Permission in respect of the Property submitted on 23 June 2015 by the Owner and given reference number 2015/3556/P

3.1.2 "Planning Permission"

the definition of "Planning Permission" shall be amended by adding the following words at the end: "as amended by the planning permission under reference number 2015/3556/P to be



issued by the Council in the form of the draft annexed hereto”

3.2 The draft planning permission reference 2015/3556/P annexed to this Agreement shall be treated as annexed to the Original Agreement as varied by the First Deed of Variation in addition to the existing annexures.

3.3 In all other respects the Original Agreement as varied by the First Deed of Variation (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

The Mortgagee hereby consents to the completion of this Agreement and agrees to be bound by it 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.

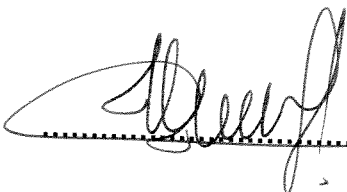

IN WITNESS WHEREOF the Council and the Owner has caused their respective Common Seals to be affixed and the Mortgagee has caused this Agreement to be executed as a Deed the day and year first above written.

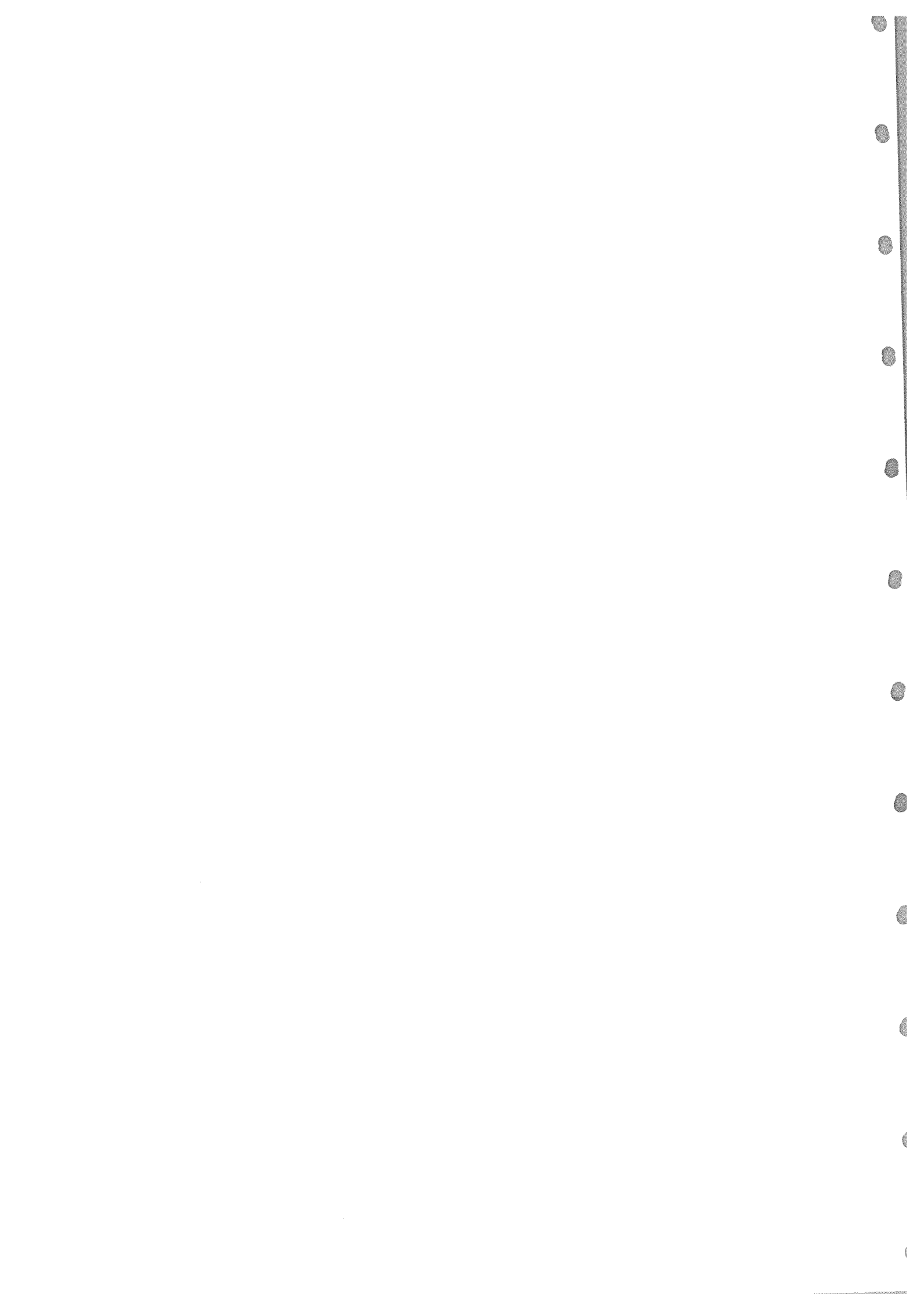
**EXECUTED AS A DEED BY
THIERRY DANIEL HENRY
in the presence of:**

Witness Signature:

Witness Name: (CAPITALS)

Address:

) 
)
) **STUART PETERS**
)
) 
)
) **GARRILWON COURT**
)
) **2 SUNBURY GARDENS**
)
) **MILL HILL**
) **NO 7 3G1**



Occupation:

)
)

EXECUTED AS A DEED BY
BARCLAYS BANK PLC

By
in the presence of:-

) *Simon Kinsella*
)
) SIMON KINSELLA
) BARCLAYS BANK PLC
) 1 CHURCHILL PLACE
) LONDON
) E14 5HP.

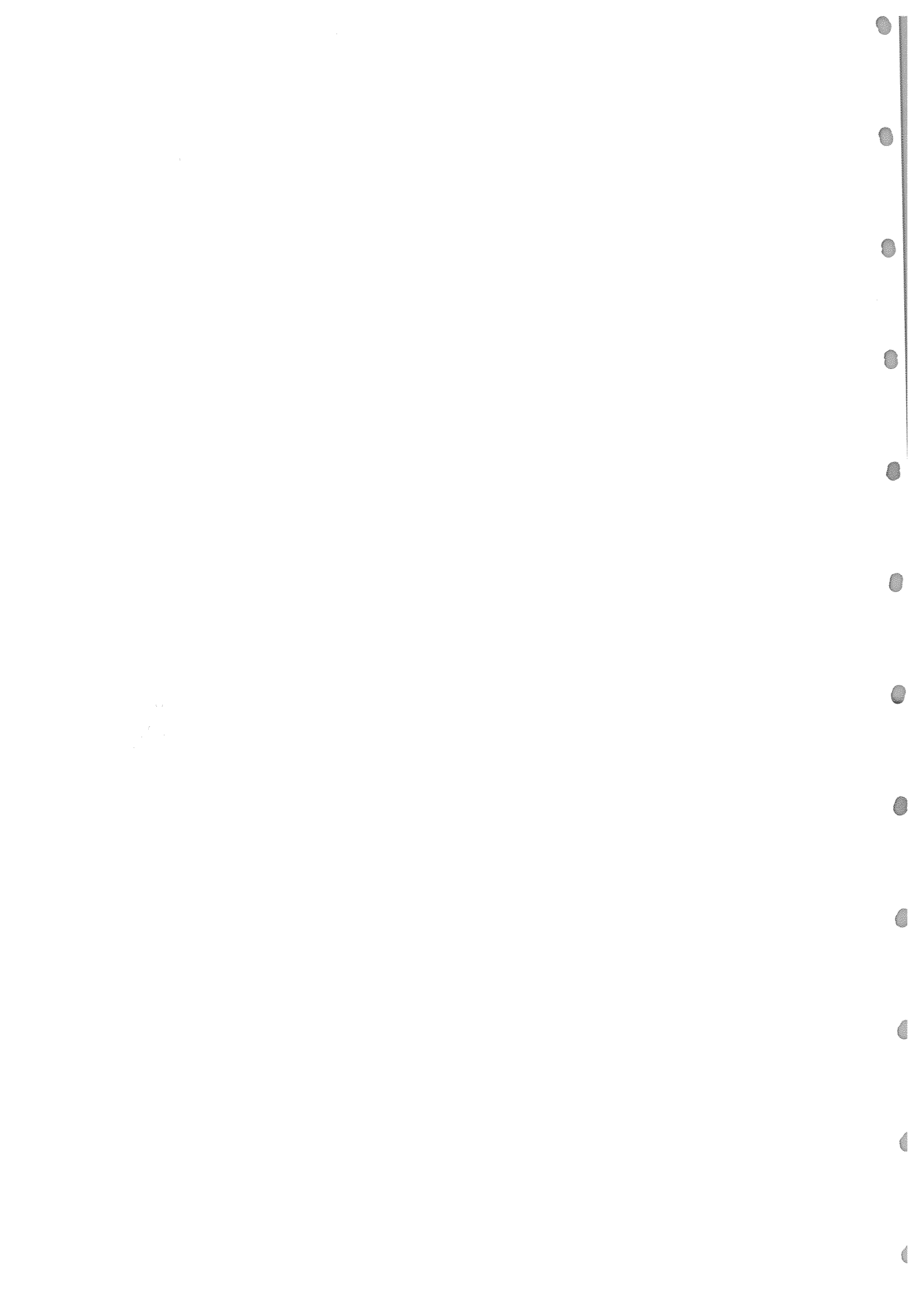
THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN was hereunto
Affixed by Order:-

)
)
)
)

P. Alexander
.....

Authorised Signatory





17 Templewood Avenue, London, NW3 7UY



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Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

Application Ref: 2015/3556/P

09 May 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 AGREEMENTAddress:
17 Templewood Avenue
London
NW3 7UY

Proposal:

DECISION

Variation of condition 2 (approved plans) of planning permission 2012/0684/P dated 09/10/2014 (for erection of a 3-storey plus basement building), namely to alter the detailing of the gates and consolidate previous permissions.

Drawing Nos: (Existing plans) A00; A91; A92; A93; A80; A81; A82; A85; A86; A87; A88; A89; A90.

(Demolition plans) A95; A96; A97; A98; A99.

(Proposed plans) A100 REVD; A101 REVG; A102 REVH; A103 REVE; A104 REVG; A150 REVJ; A151 REVI; A152 REVH; A155 REVI; A156 REVI; A157 REVI; A158 REVI; A159 REVK; A160 REVH; A161 REVC; A2000REVB; A2001REVB; A2003REVB; A2010REVB; A2011; A2012; A8000 REVB; SW01; 0208; TPP 7101; TD Range of Satellite Dishes; Window Sketch; 17TWA-01-GF-CAM; 17TWA-02-FF-CAM; 17TWA-02-SF-CAM; TPP7101B; AMS7101B Arboricultural Method Statement dated 18/03/13; Michael Alexander letter dated 21 May 2012.

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 REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans: The development hereby permitted shall be carried out in accordance with the following approved plans: (existing plans) A00; A91; A92; A93; A80; A81; A82; A85; A86; A87; A88; A89; A90 (demolition plans) A95; A96; A97; A98; A99 (proposed plans) A100 REVD; A101 REVG; A102 REVH; A103 REVE; A104 REVG; A150 REVJ; A151 REVI; A152 REVH; A155 REVI; A156 REVI; A157 REVI; A158 REVI; A159 REVK; A160 REVH; A161 REVC; A2000REVB; A2001REVB; A2003REVB A2010REVB; A2011; A2012; A8000 REVB; SW01; 0208; TPP 7101; TD Range of Satellite Dishes; Window Sketch; 17TWA-01-GF-CAM; 17TWA-02-FF-CAM; 17TWA-02-SF-CAM; TPP7101B; AMS7101B Arboricultural Method Statement dated 18/03/13; Michael Alexander letter dated 21 May 2012

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

2 REPLACEMENT CONDITION 3

The development hereby approved shall be in accordance with the letter dated 21.05.2012 from Michael Alexander Limited and approved under 2012/5708/P whereby a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

3 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s).

- 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.

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 policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

5 REPLACEMENT CONDITION 6

All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council. These shall be in accordance with drawing TPP 7101B and Arboricultural method statement reference AMS 7101B dated 18.03.13 approved under reference number 2013/1635/P that demonstrate how trees to be retained shall be protected during construction work: following guidelines and standards set out in BS5837:2005 "Trees in Relation to Construction"

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 6 By not later than the end of the planting season following the completion of the development hereby permitted, or any phase of the development, trees shall be planted on the land in such positions and of such size and species as may be agreed with the Council. Any trees removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area and to prevent over

development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 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.

- 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 sustainable urban drainage system, as approved, shall be implemented as part of the 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 green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 11 REPLACEMENT CONDITION 12 The details of new external window and doors, railings and balustrades and facing materials shall be carried out in accordance with the details as approved in applications 2013/8033/P and 2013/7632/P.

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.

- 12 With the exception of the details shown on the drawings hereby approved, no lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the Council.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies CS14 of the London Borough of Camden Local Development Framework Core Strategy and DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 13 The use of the terraces shall not commence until the yew hedge screening, as shown on the approved drawings, has been constructed. The screening shall be permanently retained and maintained 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 The proposed amendment to approval 2012/0684/P involves alterations to the front gate. The gate is slightly set back to match number 15 Templewood Avenue. The proposed changes would not give rise to any unacceptable design or amenity impacts.

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

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 CA's of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

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 and 7.6 of the London Plan 2015; and the provisions of paragraphs 14, 17 and 56-66 of the National Planning Policy Framework 2012.

- 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).

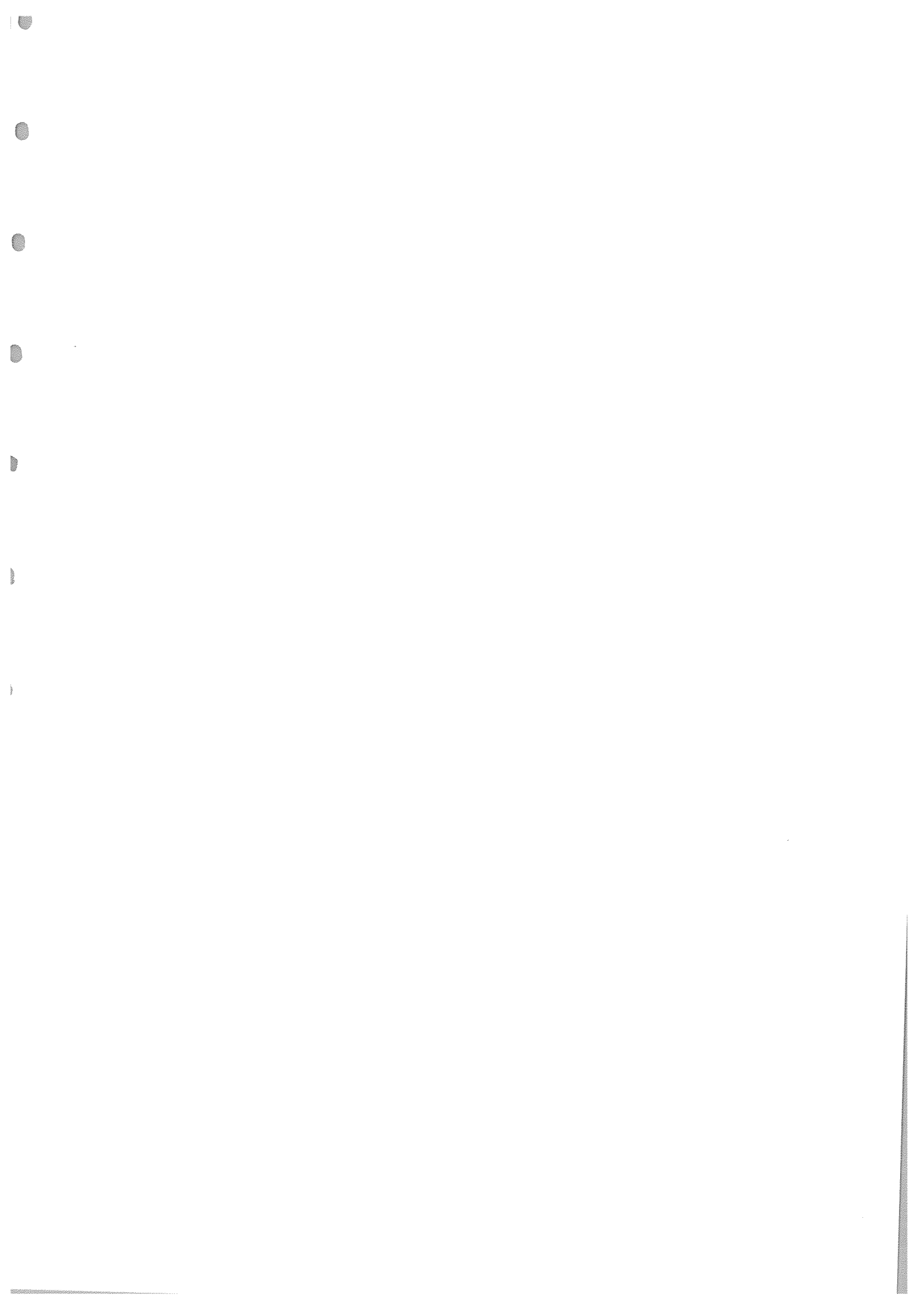
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 4 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.
- 5 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.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

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

Supporting Communities Directorate

Director of Supporting Communities



DATED

8 July

2016

(1) THIERRY DANIEL HENRY

-and-

(2) BARCLAYS BANK PLC

-and-

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

SECOND DEED OF VARIATION

Relating to the Original Agreement dated 9 October 2012 (as varied by the First Deed of
Variation dated 2 October 2013)
Between

the Mayor and Burgesses of the London Borough of Camden
and

Thierry Daniel Henry

under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

17 TEMPLEWOOD AVENUE LONDON NW3 7UY

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

Tel: 020 7974 5680
Fax: 020 7974 1920

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