

DATED

9 AUGUST

2016

**(1) SASHA TRADERS LIMITED**

-and-

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

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**SECOND DEED OF VARIATION**

Relating to the Agreement dated 29 November 2013 (as varied by the First Deed of Variation dated 27 January 2015)  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Sasha Traders Limited and Yorkshire Building Society  
under section 106 of the Town and  
Country Planning Act 1990 (as amended) and  
Section 278 of the Highways Act 1980  
Relating to development at premises known as  
**192 Haverstock Hill, London NW3 2AJ**

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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

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THIS DEED is made on the 9<sup>th</sup> day of AUGUST 2016

**BETWEEN**

- i. **SASHA TRADERS LIMITED** (Co. Regn. No.05653731) whose registered office is at 192 Haverstock Hill, London NW3 2AJ (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, Sasha Traders Limited and Yorkshire Building Society entered into an Agreement dated 29 November 2013 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 NGL923489.
- 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 as varied by the Second Planning Permission was submitted to the Council by the Owner and validated on 21 March 2016 for which the Council resolved to grant permission conditionally under reference 2016/1480/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 Original Agreement the parties hereto have agreed to vary the terms of the Original Agreement as hereinafter provided.

## 2. **INTERPRETATION**

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

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, 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 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 "the First Deed of Variation" the deed of variation under section 106A of the Town and Country Planning Act 1990 (as amended) dated 27 January 2015 made between the Council, Sasha Traders Limited and Yorkshire Building Society
- 2.8.3 "the Original Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 29 November 2013 made between the Council, Sasha Traders Limited and Yorkshire Building Society
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 29 November 2013 referenced 2012/5391/P allowing the erection of a five storey building, plus basement, to create retail space at ground and basement levels (Class A1), and five self contained flats (1x studio, 1x1 bed, 2x2 bed & 1x3 bed) from first to fourth floor level (Class C3), following demolition of existing single storey building (Class A1) as shown on drawing numbers 312/HH/001; -101; -102; -103; -104; -105; -106; -110C; -111C; -112B; -113A; -114A; -115A; -200; -201; -202; -203; -210A; -211A; -212A; -213A; -310A; -311A; -312 -401; Basement Impact Assessment by Train and Kemp Rev 07 dated 09/10/12; Bat Site Assessment by Amphibian, Reptile & Mammal Conservation Limited dated 2012; Daylight and Sunlight Study by Delva Patman Redler Ref SG/sg/09113 dated June 2012; Energy Statement by XCO2 energy Issue 01 Ref 8241 dated 20/04/12; Lifetime Homes Compliance

List; Note on Bat and Bird Boxes & Biodiverse Extensive Green Roof Specification dated October 2012 by Gary Grant; Planning, design and access statement by NT&A Ref 367-11 (App V.2) dated October 2012; Strategic Construction Management Plan by Train and Kemp Revision 08 dated 18th March 2013; Sustainability Statement by XCO2 energy Issue 03 Ref 8241 dated 10/10/12; Transport Statement by PTP Ref 21142/01 dated 8th October 2012; Tree Constraints Plan, Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan by Greenman Environmental Management Ref TCP/AIA/AMS/TPP-SR-Haverstock Hill-2132012; Tree Report by Adam Cook Landscape Planning and Design dated June 2012; Outline Landscape Layout Plan Draft dated June 2012 rev.3 by Adam Cook; Outline Design Perspective View East dated June 2012 Fig 2 by Adam Cook; Outline Design Perspective View South dated June 2012 Fig 3 by Adam Cook; Computer Generated Image of Haverstock Hill streetscene

2.8. "the Second Planning Permission"

means the planning permission granted by the Council on 27 January 2015 referenced 2014/6672/P allowing variation of condition 2 (approved plans) of planning permission 2012/5391/P dated 29/11/2013 (for erection of a five storey building, plus basement, to create retail space at ground and basement levels (Class A1), and five self-contained flats), namely to reduce the width of the upper floors by 1 m

### 3. VARIATION TO THE ORIGINAL AGREEMENT

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

#### 3.1.1 "Development"

Variation of condition 2 (approved drawings) of planning permission 2012/5391/P dated 29/11/2013 and as amended by planning permission 2014/6672/P dated 27/01/2015 (for the erection of a five storey building plus basement to create retail space at ground and basement levels (Class A1), and five self-contained flats (1x studio, 1x1 bed, 2x2 bed & 1x3 bed) from first to fourth floor level (Class C3), , following demolition of the existing single storey building (Class A1); namely to allow an overall increase in height of the building of 1.2 metres, an increase in the width of the ground floor by 1 metre, an increase in the width of the upper floors by 0.585 metres, alterations to fenestration and external appearance, alterations to internal layout and change in dwelling mix as shown on drawing numbers:

15047\_G100\_P\_AL\_001-A;

15047\_G200\_P\_00\_001-B;

15047\_G200\_P\_B1\_001-B;

15047\_G200\_P\_01\_001-B;

15047\_G200\_P\_02\_001-A;

15047\_G200\_P\_03\_001-A;

15047\_G200\_P\_04\_001-A;

15047\_G200\_P\_RF\_001-A;

15047\_G200\_S\_AA\_001-B;

15047\_G200\_S\_BB\_001-A;

15047\_G200\_E\_SW\_001-A;

15047\_G200\_E\_SE\_001-B;



15047\_G200\_E\_NE\_001-B;  
15047\_G200\_E\_NW\_001-B; 11922/09;  
Planning Statement by Squire & Partners (dated  
May 2016); Daylight and Sunlight addendum  
(letter from Delva Patman Redler Chartered  
Surveyors dated 16/03/2016); BIA addendum  
(letter from Train and Kemp Engineers dated  
01/02/2015).

3.1.2 "Planning Permission" the planning permission for the Development  
under reference number 2016/1480/P granted  
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 21 March  
2016 by the Owner and given reference number  
2016/1480/P

3.2 All references in Clause 5 and Clause 6 of the Original Agreement to "Planning  
Permission reference 2012/5391/P" shall be replaced with "Planning Permission  
reference 2016/1480/P".

3.3 In all other respects the Original Agreement (as varied by the First Deed of Variation  
and this Deed) and save references to Yorkshire Building Society shall continue in  
full force and effect.

#### 4. COMMENCEMENT

4.1 Without prejudice to the effect of Clause 3.5 in the Original Agreement (as varied by  
the First Deed of Variation and this Deed) the provisions in this Deed shall take effect  
on the implementation of the Planning Permission referenced 2016/1480/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 have 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** )  
**SASHA TRADERS LIMITED** )  
**in the presence of:-** )

*D. Zakari*  
.....  
Director

*J. H.*  
.....  
Director/Secretary

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

*R. Alexander*  
.....  
Duly Authorised Officer





Nicholas Taylor + Associates  
31 Windmill Street  
London  
W1T 2JN

Application Ref: 2016/1480/P

27 July 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:

**192 Haverstock Hill**  
**London**  
**NW3 2AJ**

Proposal:

**DECISION**  
Variation of condition 2 (approved plans) of planning permission 2012/5391/P dated 29/11/2013 and as amended by planning permission 2014/6672/P dated 27/01/2015 for the Erection of a five storey building, plus basement, to create retail space at ground and basement levels (Class A1), and five self-contained flats (1x studio, 1x1 bed, 2x2 bed & 1x3 bed) from first to fourth floor level (Class C3), following demolition of existing single storey building (Class A1); namely to allow an overall increase in height of the building of 1.2 metres, an increase in the width of the ground floor by 1 metre, an increase in the width of the upper floors by 0.585 metres, alterations to fenestration and external appearance, alterations to internal layout and change in dwelling mixDrawing Nos: 15047\_G100\_P\_AL\_001-A; 15047\_G200\_P\_00\_001-B;  
15047\_G200\_P\_B1\_001-B; 15047\_G200\_P\_01\_001-B; 15047\_G200\_P\_02\_001-A;  
15047\_G200\_P\_03\_001-A; 15047\_G200\_P\_04\_001-A; 15047\_G200\_P\_RF\_001-A;  
15047\_G200\_S\_AA\_001-B; 15047\_G200\_S\_BB\_001-A; 15047\_G200\_E\_SW\_001-A;  
15047\_G200\_E\_SE\_001-B; 15047\_G200\_E\_NE\_001-B; 15047\_G200\_E\_NW\_001-B;  
11922/09; Planning Statement by Squire & Partners (dated May 2016); Daylight and Sunlight addendum (letter from Delva Patman Redler Chartered Surveyors dated 16/03/2016); BIA addendum (letter from Train and Kemp Engineers dated 01/02/2015).

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 purpose of this decision, Condition 2 of planning permission 2012/5391/P, dated 29/11/2013, shall be replaced with the following condition:

REPLACEMENT CONDITION

The development hereby permitted shall be carried out in accordance with the following approved plans: 15047\_G100\_P\_AL\_001-A; 15047\_G200\_P\_00\_001-B; 15047\_G200\_P\_B1\_001-B; 15047\_G200\_P\_01\_001-B; 15047\_G200\_P\_02\_001-A; 15047\_G200\_P\_03\_001-A; 15047\_G200\_P\_04\_001-A; 15047\_G200\_P\_RF\_001-A; 15047\_G200\_S\_AA\_001-B; 15047\_G200\_S\_BB\_001-A; 15047\_G200\_E\_SW\_001-A; 15047\_G200\_E\_SE\_001-B; 15047\_G200\_E\_NE\_001-B; 15047\_G200\_E\_NW\_001-B; 11922/09; Planning Statement by Squire & Partners (dated May 2016); Daylight and Sunlight addendum (letter from Delva Patman Redler Chartered Surveyors dated 16/03/2016); BIA addendum (letter from Train and Kemp Engineers dated 01/02/2015).

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 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).
- 2 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.
- 3 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 4 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).
- 5 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@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

Supporting Communities Directorate

Director of Supporting Communities





TABLE 1

INFORMATION

IN THE STATE OF TEXAS

IN THE COUNTY OF DALLAS

IN THE DISTRICT COURT OF THE COUNTY OF DALLAS

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DATED

9 AUGUST

2016

**(1) SASHA TRADERS LIMITED**

-and-

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

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