

DATED

21 November

2016

(1) GERALD JULIAN LIPTON

-and-

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

FIRST DEED OF VARIATION

Relating to the Agreement dated 30 May 2014
Between the Mayor and the Burgesses of the
London Borough of Camden and
Gerald Julian Lipton under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
77 Avenue Road London NW8 6JD

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

Tel: 020 7974 5680
Fax: 020 7974 1920

1781.884



THIS AGREEMENT is made on the 21 day of November 2016

BETWEEN

1. **GERALD JULIAN LIPTON** of 77 Avenue Road, London, NW8 6QR (hereinafter called "the Owner") of the first part
2. **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 the Owner entered into an Agreement dated 30 May 2014 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 of the Property under title number NGL760698 and the leasehold proprietor with title absolute of the Property under title number LN4587.
- 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 09 May 2016 for which the Council resolved to grant permission conditionally under reference 2016/2581/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.

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 "Original Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 30 May 2014 made between the Council, and the Owner.

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 30 May 2014 referenced 2013/2043/P allowing the renewal of planning permission reference 2010/0351/P dated 6th May 2010 (erection of a new three-storey single family dwellinghouse (Class C3), following demolition of existing three-storey single family dwellinghouse) as shown on drawing numbers Site Location Plan; SK01 P1; Tree Survey; 787-PL02A; PL03; PL04; PL05; PL06; PL09; PL10; PL25; PL15A; PL24; PL14A; PL22; PL12 A; PL23; PL13A; PL11; PL16; PL17; PL18; PL19;

PL20; PL21; Arboricultural Method Statement; Basement Retaining Wall - Structural Options Report; Energy Statement & Sustainability Appraisal report; Noise Impact Assessment.

- 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 affect 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 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 2 (approved plans) of planning permission 2013/2043/P dated 30/05/2014 (for erection of a new three storey dwelling house (class C3), following demolition of existing three storey single family dwelling house) namely to install 5 windows on the front elevation and 4 windows on the rear elevation at first floor level.as shown on drawing numbers:
Superseded Plans: PL05, PL12A and PL13A
Revised Plans: 787-PL05A, 787-PL12B and 787-PL13B

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



[Handwritten signature]
.....

Authorised Signatory



77 Avenue Road London NW8 6JD



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coupdeville
Unit 1A
Woodstock Studios
36 Woodstock Grove
London
W12 8LE

Application Ref: **2016/2581/P**

04 November 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:
77 Avenue Road
London
NW8 6JD

Proposal:

DECISION
Variation of condition 2 (approved plans) of planning permission 2013/2043/P dated 30/05/2014 (for erection of a new three storey dwelling house (class C3), following demolition of existing three storey single family dwelling house) namely to install 5 windows on the front elevation and 4 windows on the rear elevation at first floor level.

Drawing Nos: Superseded Plans: PL05, PL12A and PL13A
Revised Plans: 787-PL05A, 787-PL12B and 787-PL13B

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 2013/2043/P 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: Site Location Plan; SK01 P1; Tree Survey; 787-PL02A; PL03; PL04; PL05A; PL06; PL09; PL10; PL25; PL15A; PL24; PL14A; PL22; PL12 B; PL23; PL13B; PL11; PL16; PL17; PL18; PL19; PL20; PL21; Arboricultural Method Statement; Basement Retaining Wall - Structural Options Report; Energy Statement & Sustainability Appraisal report; Noise Impact Assessment.

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

Informative(s):

- 1 The parent permission (2013/2043/P) was a renewal of a previous consent (2010/0351/P). Under the original consent of 2010/0351/P a minor material amendment (2011/3518/P) was approved which was secured alterations to the windows to the front and rear of the proposed dwelling. This application is seeking the approval of the same amendments as part of the 2013/2043/P. Given there has been no material change in policy to alter this position, no objection is raised on grounds of design or impact on neighbour amenity.

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

As such, the proposed amendment is in general accordance with policies 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.

- 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 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).

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.

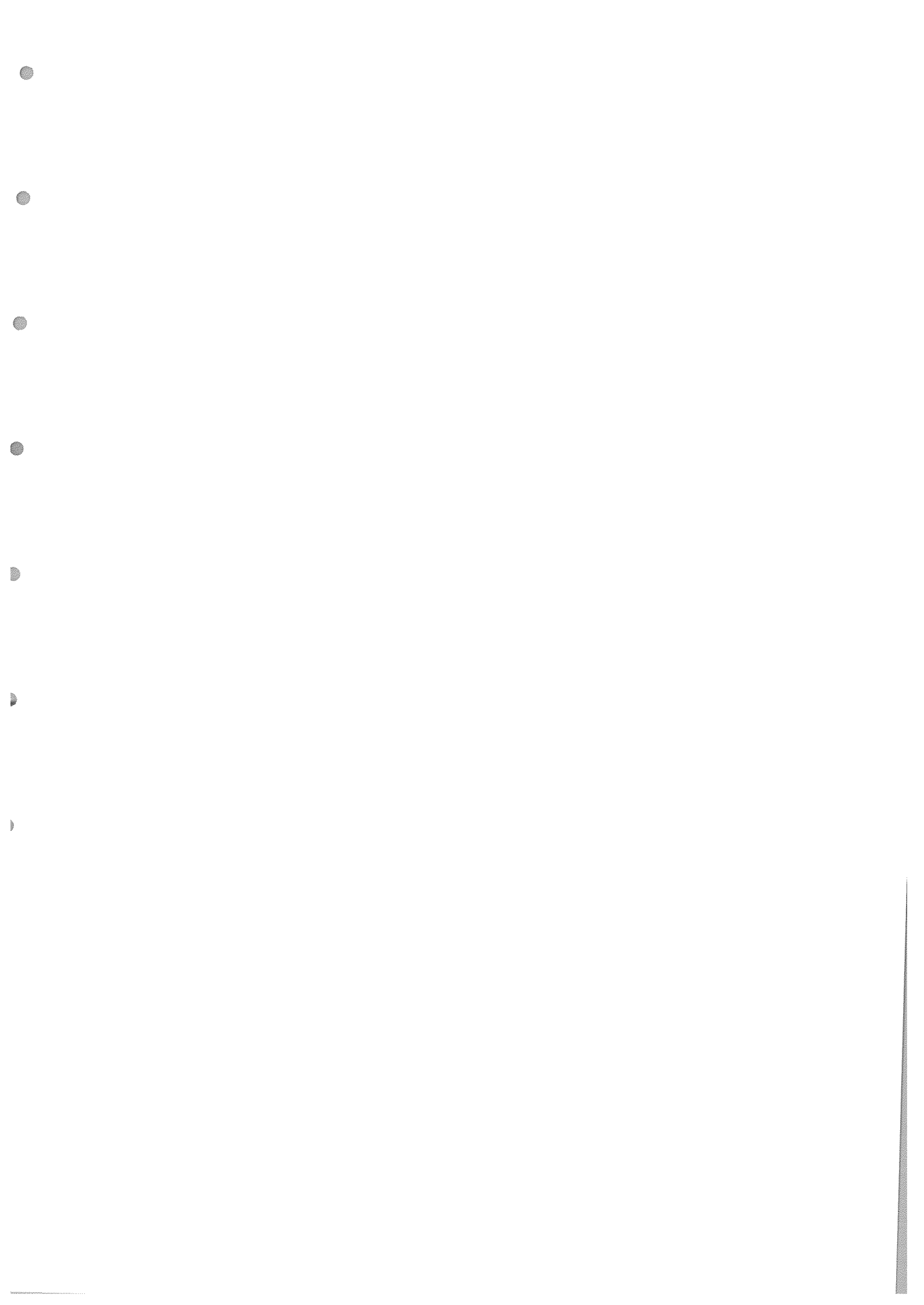
Yours faithfully

Director of Supporting Communities

DRAFT

DECISION





DATED

21 November

2016

(1) GERALD JULIAN LIPTON

-and-

(2) THE MAYOR AND THE BURGESSES OF
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