

DATED

20 April

2017

(1) GLOBALHOME ESTATES LIMITED

and

(2) EFG PRIVATE BANK (CHANNEL ISLANDS) LIMITED

and

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

DEED OF VARIATION

Relating to the Agreement dated 22 June 2016
Between the Mayor and the Burgesses of the
London Borough of Camden, Globalhome Estates Limited, and
EFG Private Bank (Channel Islands) Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
1 Ardwick Road, London NW2 2BX

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

CLS/COM/SEA/1800.116
DoV FINAL



THIS DEED is made on the 20th day of April 2016/7

BETWEEN

1. **GLOBALHOME ESTATES LIMITED** (Co. Regn. No. 05327595) whose registered office is at 869 High Road, London N12 8QA (hereinafter called "the Owner") of the first part
2. **EFG PRIVATE BANK (CHANNEL ISLANDS) LIMITED** (incorporated in Gernsey) of PO Box 603, EFG House, St Julian's Avenue, St Peter Port, Guernsey GY1 4NN (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 Globalhome Estates Limited and EFG Private Bank (Channel Islands) Limited entered into an Agreement dated 22 June 2016 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 160679 subject to a charge to the Mortgagee.
- 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 14 November 2016 for which the Council resolved to grant permission conditionally under reference 2016/6015/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 22 June 2016 made between the Council and Globalhome Estates Limited and EFG Private Bank (Channel Islands) Limited

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 22 June 2016 referenced 2015/3136/P allowing the conversion of a single family dwelling house into eight self-contained flats with lower ground floor excavation and rear extensions at lower ground floor, first floor and second floor along with roof alterations including additional rooflights and 2 side dormers as shown on drawing numbers Location Plan, 7852/11A, 7852/12A, 7852/13, 7852/14, 7852/15, 7852/23 D, 7852/24 D, 7852/25 D, 7852/22F, 7852/21 J, 7852/32 Design and Access Statement, Arboriculture report prepared by John Cromar's Arboricultural Company Limited, BIA prepared by Chelmer Consultancy Services dated May 2015; Engineering Method Statement prepared by Green Structural Engineering Ltd dated May 2015

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 planning permission dated 22 June 2016 (2015/3136/P) for the conversion of a single family dwelling house into eight self-contained flats with lower ground floor excavation and rear extensions at lower ground floor, first floor and second floor along with roof alterations including additional rooflights and 2 side dormers following demolition of an upper ground floor rear conservatory, namely to include internal layout changes, alteration to the side window and treatment of conservatory, the infill of a section of rear elevation with new window and the addition/variation to rooflights as shown on drawings Location Plan, 7852/11A, 7852/12A, 7852/13, 7852/14, 7852/15; (Prefix: HA-233-P-20-) 010, 020, 030, 510, 520 (all dated Nov 2016); Design and Access Statement, Arboricultural report prepared by John Cromar's Arboricultural Company Limited, BIA prepared by Chelmer Consultancy Services dated May 2015; Engineering Method Statement prepared by Green Structural Engineering Ltd dated May 2015

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2016/6015/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 1

November 2016 by the Owner and given reference number 2016/6015/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/3136/P" shall be replaced with "Planning Permission reference 2016/6015/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 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2016/6015/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

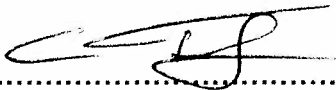
CONTINUATION OF DEED OF VARIATION IN RELATION TO 1 ARDWICK ROAD

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)
GLOBALHOME ESTATES LIMITED)
in the presence of:-/)
acting by a Director and its Secretary)
or by two Directors)

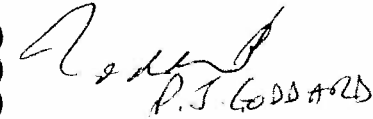


Director



Director/Secretary

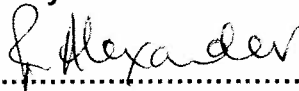
EXECUTED as a Deed)
By EFG PRIVATE BANK (CHANNEL ISLANDS) LIMITED)
By)
in the presence of:-)
A P Langlois)



Assistant Director

ANDREW PETER LANGLOIS
EFG PRIVATE BANK (CHANNEL ISLANDS) LIMITED
P.O. BOX 1, EFG HOUSE, ST JULIAN'S AVENUE
ST PETER PORT, GUERNSEY GY1 4NN

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



Authorised Signatory



Haptic Architects
Fourth Floor
74-77 White Lion Street
Islington
London
N1 9PF

Application Ref: **2016/6015/P**

22 March 2017

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:
1 Ardwick Road
London
NW2 2BX

DECISION
Proposal:

Variation of condition 3 (approved plans) of permission 2015/3136/P (dated 22/06/2016) for the conversion of a single family dwelling house into eight self-contained flats with lower ground floor excavation and rear extensions at lower ground floor, first floor and second floor along with roof alterations including additional rooflights and 2 side dormers following demolition of an upper ground floor rear conservatory; namely to include internal layout changes, alteration to side window and treatment of conservatory, the infill of a section of rear elevation with new window and the addition/ variation to rooflights.

Drawing Nos: Location Plan, 7852/11A, 7852/12A, 7852/13, 7852/14, 7852/15; (Prefix: HA-233-P-20-) 010, 020, 030, 510, 520 (all dated Nov 2016); Design and Access Statement, Arboricultural report prepared by John Cromar's Arboricultural Company Limited, BIA prepared by Chelmer Consultancy Services dated May 2015; Engineering Method Statement prepared by Green Structural Engineering Ltd dated May 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 purposes of this decision, condition no.3 of planning permission 2015/3136/P (dated 22/06/2016) shall be replaced with the following condition:

REPLACEMENT CONDITION 3:

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

Location Plan, 7852/11A, 7852/12A, 7852/13, 7852/14, 7852/15; (Prefix: HA-233-P-20-) 010, 020, 030, 510, 520 (all dated Nov 2016); Design and Access Statement , Arboricultural report prepared by John Cromar's Arboricultural Company Limited, BIA prepared by Chelmer Consultancy Services dated May 2015; Engineering Method Statement prepared by Green Structural Engineering Ltd dated May 2015.

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

- 2 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2015/3136/P dated 22/06/2016.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 3 The cycle store for 12 cycles hereby approved shall be provided in its entirety prior to the first occupation of the new dwelling, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies and Policy 8 of the Fortune Green and West Hampstead Neighbourhood Plan.

- 4 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with the approved tree report prepared by John Cromer's Arboricultural Company Ltd dated 16th March 2015. Relatedly, 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 local planning authority gives written consent to any variation.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, 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 and Policy 18 of the Fortune Green and West Hampstead Neighbourhood Plan.

- 5 The development shall not be constructed other than in accordance with the conclusions, methodologies and recommendations of the Basement Impact Assessment by Chelmer Consultancy Services dated May 2015; Engineering Method Statement prepared by Green Structural Engineering Ltd dated May 2015 hereby approved, including inter alia the need for further pre-commencement trial excavations and pre-condition surveys, monitoring and surface water mitigation measures. In the event that further evidence of site or building conditions necessitate amendments to the BIA or associated methodologies they shall be submitted to the local planning authority for approval in writing prior to the commencement of development and the development shall be constructed in accordance with such amendments.

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 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.

- 6 The recycling and waste storage store hereby approved shall be provided in its entirety prior to the first occupation of the new dwelling and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS18 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.

- 7 Sustainable urban drainage:

A) Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be designed to accommodate all storms up to and including a 1:100 year storm with a 30% provision for climate change, and shall demonstrate that greenfield run off rates (5l/s) will be achieved.

B) Prior to occupation of the development, evidence that the sustainable drainage system has been implemented shall be submitted to the Local Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

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.

- 8 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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 of the London Borough of Camden Local Development Framework Development Policies and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.

DRAFT

Informative(s):

- 1 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).
- 2 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 Compliance and Enforcement team [Regulatory Services], 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.
- 3 The Mayor of London intends to introduce a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time will need to pay a CIL including those submitted before April. This CIL will be collected by Camden on behalf of the Mayor of London. From April Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable. The proposed charge in Camden will be £50 per m2 on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented and we will issue a CIL demand notice setting out what monies needs to paid when and how to pay The CIL will be collected from Camden on behalf of the Mayor.

4 Reasons for granting permission:

The extension and sub-division of the property into no.8 self-contained residential units has already been approved under planning permission ref. 2015/3136/P dated 22/06/2016. This application seeks to vary the approved plans to include a number of external alterations as well as reconfiguring the internal layout.

The proposed external alterations can be summarised as follows: (1) Lowering of no.2 approved windows on the eastern façade in order to better align with the fenestration on this elevation; (2) A small infill rear extension at first floor level to the rear outrigger with a depth of 0.65m / width of 5.2m in order to create a flush rear elevation (as approved this had been slightly recessed/ cantilevered in this location); (3) Introduction no.1 additional rooflight and the relocation of the no.1 approved rooflight (total of no.2), both to be situated on the flat section of the main crown roof; (4) Alteration to design of the approved ground floor rear conservatory including replacing the approved glazed side boundary with brick (same height and depth as approved).

These external alterations are considered to rationalise the elevational treatment of the two highly visible facades; declutter the roofline by relocating rooflights away from visible roof slopes to the flat roof; and form a more formal shared boundary with the adjacent property at ground floor level. The proposed external alterations are considered to result in a scheme which appears less contrived by virtue of greater balance/composition to fenestrations and elevations, addressing the approved somewhat disjointed rear elevation and cluttered roof slopes and would thus improve the overall visual integrity of the property. The proposed external alterations would increase the property's appearance as a single family dwellinghouse rather than a series of extensions, an approach considered to be important during the previous determination.

Internal alterations are also proposed in order to rationalise the plans of units at all levels (maintaining the same number of units with the same mix of unit sizes as approved). The proposed internal alterations would mean that all habitable rooms maintain an outlook and are exposed to daylight (an improvement from the approved scheme) and would remain in accordance with the minimum national housing standards. The proposed internal scheme is considered to provide a standard of accommodation in line with national and local requirements as well as an improvement to the approved scheme.

Due to the siting and scale of the proposed external alterations as considering the approved scheme, it is not considered that the residential amenities of any neighbouring occupier would be harmed in term of light or outlook. The proposed amendments would not lead to any overlooking/privacy issues. Similarly the amended scheme is not considered to lead to any greater level of noise or disturbance, subject to the previously applied conditions and legal agreement.

Overall the proposed alterations are not considered to lead to any harm to neighbouring residential amenity, design and appearance of the building, character

of the streetscene, or transport issues.

One objection comment was received and was duly considered when forming this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS10, CS11, CS14, CS15 and CS18 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP15, DP17, DP20, DP24, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the Policies 2, 8 and 18 of the Fortune Green and West Hampstead Neighbourhood Plan as well as the London Plan 2016 and the National Planning Policy Framework 2012.

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

Supporting Communities Directorate

DECISION



DATED

20 April

2017

(1) GLOBALHOME ESTATES LIMITED

and

(2) EFG PRIVATE BANK (CHANNEL ISLANDS) LIMITED

and

**(3) THE MAYOR AND THE BURGESSES OF
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