

DATED

10 May

2017

(1) NEIL JAMES SMITH and JESSICA SARA SMITH

-and-

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

SECOND DEED OF VARIATION

Relating to the Original Agreement dated 17 March 2015 (as varied by the First Deed of
Variation dated 9 May 2017)
Between the Mayor and the Burgesses of the
London Borough of Camden and Anjum Sethia
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
18-20 Lancaster Grove London NW3 4PB

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/ESA/1800.102
DoV FINAL

THIS DEED is made on the 10th day of May 2017

BETWEEN

1. **NEIL JAMES SMITH and JESSICA SARA SMITH** of 18-20 Lancaster Grove, London NW3 4PB (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 Anjum Sethia entered into an Agreement dated 17 March 2015 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Council and Anjum Sethia entered into a further agreement dated pursuant to section 106A of the Town and Country Planning Act 1990 (as amended) to vary the terms of the Original Agreement.
- 1.3 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL477521.
- 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 Deed.
- 1.6 A 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 16 December 2016 for which the Council resolved to grant permission conditionally under reference 2016/6858/P and subject to the conclusion of this Deed.

1.7 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.

1.8 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 Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.8.1 "this Agreement" 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 s106A of the Town and Country Planning Act 1990 (as amended) dated 9 May 2017 referenced 2014/6672/P

2.8.3 "the Original Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 17 March 2015 made between the Council and Anjum Sethia

2.8.4 "the Original Planning Permission" means the planning permission granted by the Council on 17 March 2015 referenced 2014/2811/P allowing the erection of 2 storey 6-bedroom single family dwellinghouse with basement as shown on drawing numbers Site location plan; 5754/PL/12 C; 5754/PL/11 C; 5754/PL/10 C; 5754/PL/09 C - December 2014; 5754/PL/08 C - December 2014; 5754/PL/07 C - December 2014; 5754/PL/06 C - December 2014; 5754/PL/03 E; 5754/PL/02 C; Code for Sustainable Homes Pre-Assessment Report dated 18/03/2014; Lifetimes homes statement (appendix C of design and access statement); Basement impact assessment rev A dated 14/6/13; Geotechnical investigation dated 7/6/13; Interpretive Report on site investigation dated Sept 08; Energy statement dated April 2014

2.8.5 "the Second Planning Permissions" the Original Planning Permission as varied by the following

variation of condition 5 (restriction on permitted development) of planning permission 2014/2811/P dated 17/03/2015 (for the erection of 2 storey single family dwellinghouse with basement), namely to remove restriction on permitted development within Class E (outbuildings), F (Hard Surfacing), and H (satellite antenna) as shown on drawing numbers:- Site location plan; Cover letter prepared by SBW Planning dated 17th October 2016

and

variation of condition 2 (approved plans) of planning permission 2014/2811/P dated 17/03/2015 (for the erection of 2 storey single family dwellinghouse with basement), namely additional rear dormer, removal of pediment and alterations to dormer windows at the rear and glazing to front lightwells as shown on drawing numbers:- Superseded: 5754/PL/06 C; 5754/PL/07 C; 5754/PL/08 C; 5754/PL/09 C; 5754/PL/10 C

Revised: 5754/PL/06 F; 5754/PL/07 F; 5754/PL/08 F; 5754/PL/09 F; 5754/PL/10 F

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"

the Original Planning Permission and Second Planning Permissions as varied by the following Variation of condition 2 (approved plans) of planning permission ref 2014/2811/P dated 17/03/2015 (for the erection of 2 storey, 6 bedroom single dwellinghouse and basement),

namely the replacement of front door with double door, narrowing of 1st floor windows on front elevation, metal framed windows and doors to rear ground floor, replacement of rear window with French doors and Juliette balcony at 1st floor, replacement of 1st floor rear sash windows with casement windows, blanking out of 2x 1st floor windows on side (west) elevation, reduction in width of first floor windows on side (east) elevation and removal of all chimney pots as shown on drawing numbers:- Superseded: 5754/PL/06 F; 5754/PL/07 F; 5754/PL/09 F; 5754/PL/10 F

Revised drawings: 5754/PL: 06 Rev G; 09 G; 10 H; 07 H; E0.1

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2016/6858/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 19 December 2016 by the Owner and given reference number 2016/6858/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2014/2811/P" shall be replaced with "Planning Permission reference 2014/2811/P as varied by 2016/5676/P, 2016/5675/P and 2016/6858/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 2016/6858/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 has caused their respective Common Seals to be affixed and has caused this Deed to be executed as a Deed the day and year first above written.

**EXECUTED AS A DEED BY
NEIL JAMES SMITH
in the presence of:**

) *Neil Smith* X

A. Price

.....
Witness Signature

Witness Name: MUNEIAH AMBADI

Address: FLAT 74 MALFORD COURT, THE DRIVE, E18 2HT

Occupation: BUSINESS ANALYST LEAD

**EXECUTED AS A DEED BY
JESSICA SARA SMITH
in the presence of:**

) *J Smith* X

marcelina

.....
Witness Signature

Witness Name: MARCELINA PRICE

Address: 72 BARNHILL ROAD
WEMBLEY MIDOX HA9 9DE

Occupation: HOUSEKEEPER

CONTINUATION OF DEED OF VARIATION AGREEMENT IN RELATION TO 18-20
LANCASTER GROVE LONDON NW3 4PB

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

was hereunto affixed by Order:-

R. Alexander

.....
Duly Authorised Officer

)
)
)
)



SBW Planning Ltd
117 Mount Pleasant Road
London
N17 6TQ

Application Ref: **2016/6858/P**

07 April 2017

Dear Sir/Madam

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:
**18 Lancaster Grove
London
NW3 4PB**

Proposal:

Variation of condition 2 (approved plans) of planning permission ref 2014/2811/P dated 17/03/2015 (for the erection of 2 storey, 6 bedroom single dwellinghouse and basement), namely the replacement of front door with double door, narrowing of 1st floor windows on front elevation, metal framed windows and doors to rear ground floor, replacement of rear window with French doors and Juliette balcony at 1st floor, replacement of 1st floor rear sash windows with casement windows, blanking out of 2x 1st floor windows on side (west) elevation, reduction in width of first floor windows on side (east) elevation and removal of all chimney pots.

Drawing Nos:

Superseded: 5754/PL/06 F; 5754/PL/07 F; 5754/PL/09 F; 5754/PL/10 F

Revised drawings: 5754/PL: 06 Rev G; 09 G; 10 H; 07 H; E0.1

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 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2014/2811/P dated 17/03/2015.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 5754/PL/12 C; 5754/PL/11 C; 5754/PL/06 G; 5754/PL/07 H; 5754/PL/08 F; 5754/PL/09 G; 5754/PL/10 H; 5754/PL/03 E; 5754/PL/02 C; Code for Sustainable Homes Pre-Assessment Report dated 18/03/2014; Lifetimes homes statement (appendix C of design and access statement); Basement impact assessment rev A dated 14/6/13; Geotechnical investigation dated 7/6/13; Interpretative Report on site investigation dated Sept 08; Energy statement dated April 2014.

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

- 3 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.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of 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.

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A, B, C, D and G) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

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, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 5 A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample panel shall be retained on site until the work has been completed.

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.

- 6 Prior to the first occupation of the dwelling hereby approved, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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.

- 7 All hard and soft landscaping works shall be carried out in accordance with the approved 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 reasonable possible and, in any case, by not later than the end of the following planting season, with others of similar size or species.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality 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.

- 8 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 in accordance with the tree protection details approved on 21/09/2016 under ref 2016/2339/P .

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

- 9 Any subsequent change or reappointment to the chartered engineer approved on 24/06/2016 under ref 2016/2337/P 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 of the London Borough of Camden Local Development Framework Development Policies.

- 10 Prior to the first occupation of the dwelling hereby approved, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility 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.

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 introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. 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 sqm 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. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies need to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 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.
- 5 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 7 If you propose to discharge to a public sewer, prior approval from Thames Water Developer Services would be required. They can be contacted on 0845 850 2777.

In respect of surface water you are advised to ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

You are advised to incorporate within the proposed development, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site

remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 85074890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

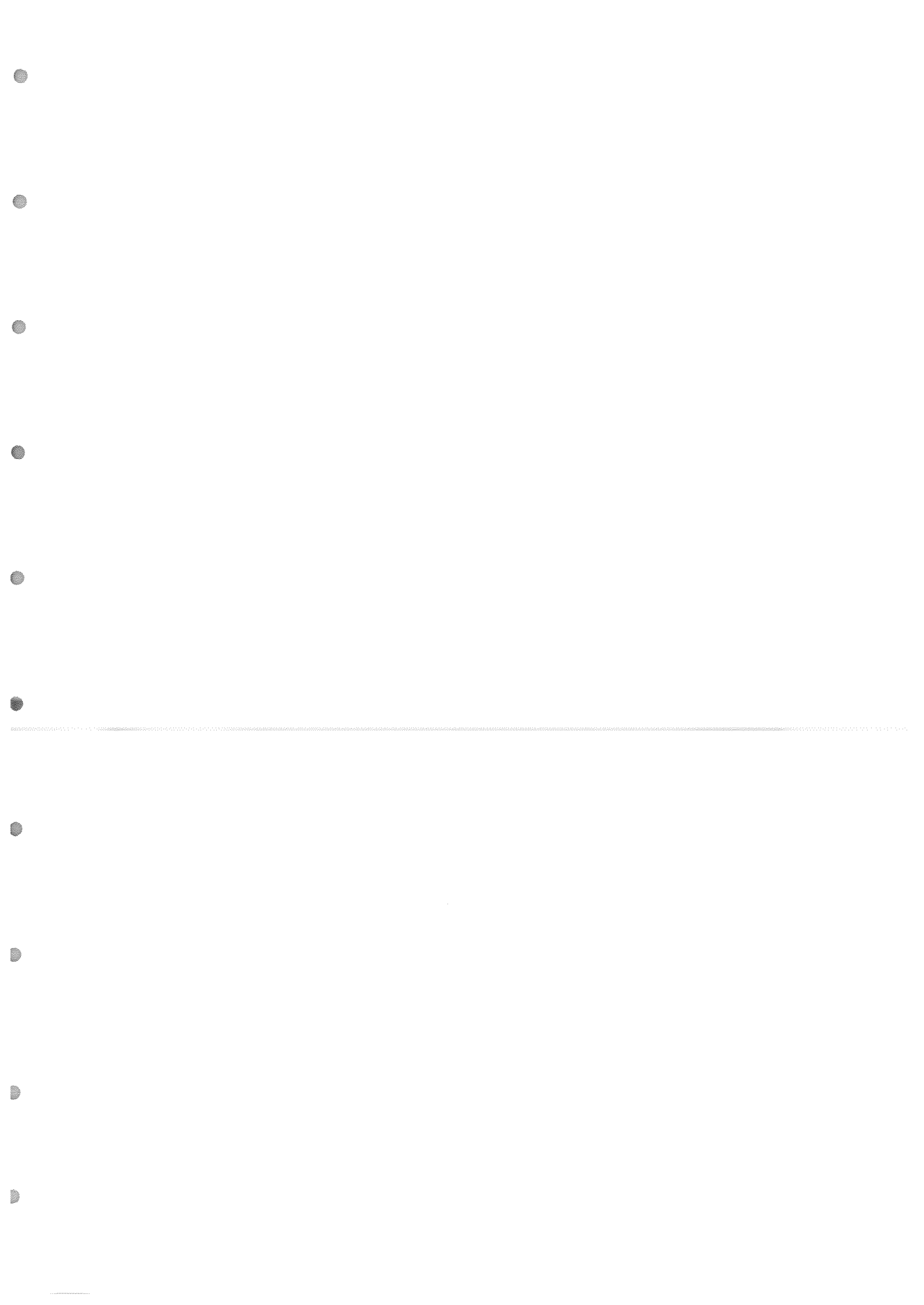
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

DRAFT

DECISION



DATED

10 May

2017

(1) NEIL JAMES SMITH and JESSICA SARA SMITH

-and-

(2) THE MAYOR AND THE BURGESSES OF
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