

DATED

8 June

2017

(1) REGAL OFFICES LLP

-and-

(2) HSBC PRIVATE BANK (UK) LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 28 October 2014
Between the Mayor and the Burgesses of the
London Borough of Camden,
Regal Offices LLP and HSBC Private Bank (UK) Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
4 - 5 Coleridge Gardens, London NW6 3QH

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

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/COM/OO/1800.203

THIS DEED is made on the 8th day of June 2017

BETWEEN

1. **REGAL OFFICES LLP** (registered under company number OC357334) whose registered office is at Palladium House, 1-4 Argyll Street, London, W1F 7LD (hereinafter called "the Owner") of the first part
2. **HSBC PRIVATE BANK (UK) LIMITED** (registered under company number 00499482) whose registered office is at 8 Canada Square, London, E14 5HQ (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, Regal Offices LLP and HSBC Private Bank (UK) Limited entered into an Agreement dated 28 October 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 under title number NGL446274 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 16/12/2016 for which the Council resolved to grant permission conditionally under reference 2016/6935/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 28 October 2014 made between the Council, Regal Offices LLP and HSBC Private Bank (UK) Limited

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 28 October 2014 referenced 2014/2762/P allowing the raising of eaves and formation of a green barrel roof to northernmost section of building to enhance entire second floor level. Construction of extension over and behind front elevation to southernmost element to adjoin new barrel roof. Works also include the construction of a first and second floor extension to enhance existing part single, part two-storey back addition as shown on drawing numbers: Existing: 139PL/ 100A, 101A, 102, PL103, Proposed: 139 PL/ 105C, 106C, 107C, 108C, 109

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" shall mean the development authorised by the planning permission with reference 2014/2762/P dated 28 October 2014 as amended by:

Variation of condition 3(approved plans) of planning permission ref 2014/2762/P (dated:28/10/2014), for formation of a green barrel roof to northernmost section of building to enhance entire second floor level, extension over and behind front elevation to southernmost element to adjoin new barrel roof, first and second floor extension, part single part two storey back addition; changes to include installation of external staircase to rear elevation as shown on drawing numbers:- 139PL/ 100A, 101A, 102, PL103; 139/109; 139/PL110A; 139/PL111A; 139/PL112; Proposed product specifications for timber; Timber material picture.

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2016/6935/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 16 December2016 by the Owner and given reference number 2016/6935/P

3.2 The following clause shall be added to the Existing Agreement:-

7.2 The Parties agree that the obligations contained in this Agreement shall not be enforceable against any mortgagee or chargee of the whole or any part of the Property unless it takes possession of the Property in which case it will be bound by the obligations as a person deriving title from the Owner.

3.3 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2014/2762/P" shall be replaced with "Planning Permission reference 2016/6935/P".

3.4 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 2016/6935/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 has caused its Common Seal to be hereunto affixed and the Owner and the Mortgagee have caused this Deed to be executed as a Deed the day and year first above written

EXECUTED AS A DEED BY)
REGAL OFFICES LLP)
in the presence of:-)

.....
Director

.....
Director/Secretary

CONTINUATION OF THE DEED OF VARIATION IN RELATION TO 4 - 5 COLERIDGE GARDENS,
LONDON NW6 3QH

EXECUTED AS A DEED by the)
Attorney Authorised on behalf of)
HSBC PRIVATE BANK (UK) LIMITED)

.....
Duly Authorised Signatory
ADAM JAMES BROOKES

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

E. Alexander
.....
Duly Authorised Officer



pedder & scampton architects
United House
North Road London
N7 9DP
United Kingdom

Application Ref: **2016/6935/P**

31 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:
4-5 Coleridge Gardens
London
NW6 3QH

DECISION
Proposal:
Variation of condition 3 (approved plans) of planning permission ref 2014/2762/P (dated: 28/10/2014), for formation of a green barrel roof to northernmost section of building to enhance entire second floor level, extension over and behind front elevation to southernmost element to adjoin new barrel roof, first and second floor extension, part single part two storey back addition; changes to include installation of external staircase to rear elevation.

Drawing Nos: 139PL/ 100A, 101A, 102, PL103; 139/109; 139/PL110A; 139/PL111A; 139/PL112; Proposed product specifications for timber; Timber material picture.

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 permission, reference 2014/2762/P granted on 28/10/2014.
- 2 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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/0544/P 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:

139PL/ 100A, 101A, 102, PL103; 139/109; 139/PL110A; 139/PL111A; 139/PL112;
Proposed product specifications for timber; Timber material picture.

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

- 4 Details as approved under application 2016/4386/P dated 21/12/2016 of all facing materials shall be implemented in accordance with the approved details or subsequently approved details prior to occupation of the development and permanently retained thereafter.

Reason: To safeguard the amenities of the future occupiers and adjoining neighbours 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 Reasons for granting permission:

The proposed changes to the previous permission granted for the "Raising of eaves and formation of a green barrel roof to northernmost section of building to enhance entire second floor level. Construction of extension over and behind front elevation to southernmost element to adjoin new barrel roof. Works also include the construction of a first and second floor extension to enhance existing part single, part two-storey back addition." under planning application reference no

2014/2762/P, are in relation to the installation of external staircase to rear elevation.

The applicant has revised the internal layout of the building and in order to improve means of escape in the event of a fire, it is proposed to construct an external spiral escape stair in the existing courtyard on the southwest corner of the site. The stair will be screened to the South side with vertical timber boarding to prevent overlooking to the rear gardens of the adjoining properties. Due to the proposed staircase location and position and the great distance to the neighbouring properties, it is not considered that any impact in terms of loss of outlook or light would be caused.

Considering the previous extensions already granted in the parent application, the staircase and the proposed timber structure appear to complement the overall appearance of the building, with this vertical lightweight element. The proposed timber would be Kebony Pine which is the same material as the one previously approved as part of the approval of details application ref no 2016/4386/P which discharges condition 4 (Materials), used in the south elevation of the building facing Belsize Road for the second floor extension. The proposed staircase is located to the rear of the building and would not be visible from the streetscene.

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

As such, the proposed development is in general accordance with policy CS1, CS5, 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 London Plan 2016 and National Planning Policy Framework 2012.

The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

- 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 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.

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

8 June

2017

(1) REGAL OFFICES LLP

-and-

(2) HSBC PRIVATE BANK (UK) LIMITED

-and-

**(3) THE MAYOR AND THE BURGESSES OF
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