

DATED

4 August

2017

(1) SC ABBEY ROAD FREEHOLD LIMITED

-and-

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

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**DEED OF VARIATION**

Relating to the Agreement dated 13 June 2016  
Between the Mayor and the Burgesses of the  
London Borough of Camden and  
SC Abbey Road Freehold Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**145 A Sylvan Court Abbey Road London NW6 4SP**

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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

CLS/COM/ESA/1800.282  
DoV FINAL



THIS DEED is made on the \_\_\_\_\_ day of \_\_\_\_\_ 2017

**BETWEEN**

1. **SC ABBEY ROAD FREEHOLD LIMITED** (Co. Regn. No. 6959652) whose registered office is at Flat 5, Sylvan Court 145A Abbey Road, London NW6 4SP (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 SC Abbey Road Freehold Limited entered into an Agreement dated 13 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 NGL457779.
- 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 5 April 2017 for which the Council resolved to grant permission conditionally under reference 2017/1966/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 13 June 2017 made between the Council and SC Abbey Road Freehold Limited
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 13 June 2016 referenced 2016/0644/P allowing the erection of an additional storey at roof level associated with the new 1 x 2Bed self-contained flat with roof terrace to the side elevation, the installation of Photovoltaic panels and lift overrun and other improvements including new insulated cladding and fenestration alterations at all elevations as shown on drawing numbers:- 962-X01, 962-X02, 962-X03, 962-X04, 962-OD1, 962-OD2, 962-OD3, 962-OD6, P2 962-OD7 P2, 962-OD8, 962-OD9, 962-OD10, 962-OD11, Design and Access Statements Part 1 and 2 from Living Architects dated 29th January 2016 and Daylight/Sunlight report

### **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 as varied by:- variation of condition 3 (approved plans) of planning permission 2016/0644/P dated 13/6/2016 for: Erection of an additional storey at roof level associated with the new 1 x 2Bed self-

contained flat with roof terrace to the side elevation, the installation of Photovoltaic panels and lift overrun and other improvements including new insulated cladding and fenestration alterations at all elevations, namely alterations to the fenestration of the proposed roof extension as shown on drawing numbers:- 962-OD2 P3, 962-OD6 P3 and 962-OD7 P3

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2017/1966/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 5 April 2017 by the Owner and given reference number 2017/1966/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/0644/P" shall be replaced with "Planning Permission reference 2016/0644/P as varied by 2017/1966/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 2017/1966/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 executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY )  
SC ABBEY ROAD FREEHOLD LIMITED )  
acting by a Director and its Secretary )  
or by two Directors )

  
.....  
JOVAN MIHAILOVIC  
Director

  
.....  
STUART SMITH  
Director/Secretary

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

  
.....  
Duly Authorised Officer







Mr Muhammad A Bhatti  
91-93 Baker Street  
London  
W1U 6QQ

Application Ref: 2017/1966/P

20 June 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:  
**145 A Sylvan Court Abbey Road**  
**LONDON**  
**NW6 4SP**

**DECISION**  
Proposal:

Variation of condition 3 (approved plans) of planning permission 2016/0644/P dated 13/06/2016 for: Erection of an additional storey at roof level associated with the new 1 x 2Bed self-contained flat with roof terrace to the side elevation, the installation of Photovoltaic panels and lift overrun and other improvements including new insulated cladding and fenestration alterations at all elevations, namely alterations to the fenestration of the proposed roof extension.

Drawing Nos: Superseded: 962-OD2, 962-OD6 P2, 962-OD7 P2

Proposed: 962-OD2 P3, 962-OD6 P3 and 962-OD7 P3

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 2016/0644/P dated 13/06/2016.

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

- 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 policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies; and policies DP1 and DP2 of the Camden Local Plan Submission Draft.

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/0644/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: 962-X01, 962-X02, 962-X03, 962-X04, 962-OD1, 962-OD2 P3, 962-OD3, 962-OD6 P3, 962-OD7 P3, 962-OD8, 962-OD9, 962-OD10, 962-OD11, Design and Access Statements Part 1 and 2 from Living Architects dated 29th January 2016 and Daylight/Sunlight report.

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

- 4 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water); and policies CC1 and CC3 of the Camden Local Plan Submission Draft.

Informative(s):

- 1 Reasons for granting permission:

The approved scheme comprised the erection of roof extension to the four-storey building. It is proposed to re-align the windows of the roof extension to the front and side elevation to match the fenestration detail with the windows below to the side and front elevations. Due to the internal configuration of the roof extension, the single pane window to the front elevation would be re-aligned to be in a central position to match the window below. In regards to the side elevation windows, there approved single 2 x single pane windows would be replaced with 1 x single and 1 x double aluminium framed windows to match the fenestration treatment below. The proposed windows would introduce a hierarchy that complements the front and side façade treatment in accordance with CPG1 and policies D1 and D2 of the Local Plan.

Due to its location, the proposal would not have a detrimental impact with the amenity of any adjoining residential occupiers in terms of light, outlook or privacy. Therefore the proposal accord with CP6 and A1 of the London Plan 2016.

The proposal is considered to preserve the character and appearance of the conservation area. 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 policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies; and policies A1, A3, C1, C2, D1, D2, H1, H6, T1 and T2 of the London Borough of Camden Local Plan Submission Draft and the National Planning Policy Framework.

- 2 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).
- 3 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 Noise and Licensing Enforcement Team, 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.

- 4 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. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £????(???sqm x £50) for the Mayor's CIL and £????(???sqm x £500/£450/£250/£175/£150/£45/£40/£30/£25 using the relevant rate for uplift in that type of floorspace ) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. 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.

- 5 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.
- 6 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.

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



DATED

4 August

2017

(1) SC ABBEY ROAD FREEHOLD LIMITED

-and-

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

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