

DATED

18 August

2017

(1) HAMILTON COURT DEVELOPMENTS LIMITED

-and-

(2) MIZRAHI TEFAHOT BANK LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 12 February 2015
Between the Mayor and the Burgesses of the
London Borough of Camden
and Formedge Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended) and
Section 278 of the Highways Act 1980
Relating to development at premises known as
REGENT HOUSE 1 TO 6 PRATT MEWS LONDON NW1 0AB

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/00/1800.212



THIS DEED is made on the 18th day of August 2017

BETWEEN

1. **HAMILTON COURT DEVELOPMENTS LIMITED** (Co. Regn. No. 08297675) whose registered office is at 35 Ballards Lane, London N3 1XW (hereinafter called "the Owner") of the first part
2. **MIZRAHI TEFAHOT BANK LIMITED** (incorporated in Israel) (UK Regn. No. FC011504) acting through its London Branch at 30 Old Broad Street, London EC2N 1HQ (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 and Formedge Limited entered into an Agreement dated 12 February 2015 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 NGL959083 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 Mortgagee is mortgagee under a legal charge registered under Title Number NGL959083 and dated 4 April 2016.
- 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 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

September 2016 for which the Council resolved to grant permission conditionally under reference 2016/4778/P 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, 4, 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 12 February 2015 made between the Council and Formedge Limited

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 12 February 2015 referenced 2013/7739/P allowing the demolition of Existing Buildings and erection of a 3 storey mixed use building including office (B1a) at ground floor level and 1x 1 bedroom studio unit, 5 x 2-bedroom and 2 x 3-bedroom self-contained flats (Class C3) on upper floors as shown on drawing numbers PRT-PL2-001; R-M3697_202; R-M3697_203 Revision A; R-M3697_204; R-M3697_205; PRT-PL2-100; PRT-PL2-110; PRT-PL2-120; PRT-PL2-140; PRT-PL2-200; PRT-PL2-210; PRT-PL2-220; PRT-PL2-230; PRT-PL2-300; PRT-PL2-310; PRT-PL2-320; PRT-PL2-330; Design and Access Statement by KSR Architects (dated November 2013)

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 2013/7739/P dated 12 February 2015 as amended by:

Variation of condition 2 (approved plans) of permission reference 2013/7739/P dated 12/02/2015 (Demolition of existing building and erection of a 3 storey mixed use building including office (B1a) at ground floor level and 1x 1 bedroom studio unit, 5 x 2-bedroom and 2 x 3-bedroom self-contained flats (Class C3) on upper floors) namely installation of second floor roof terrace with associated privacy screen as shown on drawing numbers:- PRT-PL2-001; R-M3697_202; R-M3697_203 Revision A; R-M3697_204; R-M3697_205; PRT-PL2-100; PRT-PL2-110; Street elevation Rev B; PRT-PL2-140; PRT-PL2-200; PRT-PL2-210; PRT-PL2-220; PRT-PL2-230; 518-PL.03 P3; PRT-PL2-310; PRT-PL2-320; 518-PL.18 P3; Design and Access Statement by KSR Architects (dated November 2013).

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2016/4778/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 30 August

2016 by the Owner and given reference number
2016/4778/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference "2013/7739/P" shall be replaced with "Planning Permission reference "2016/4778/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 2016/4778/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

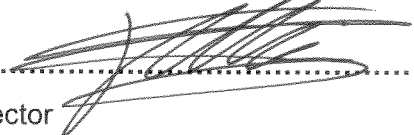
7. MORTGAGEE EXEMPTION

7.1 The Mortgagee hereby consents to the Existing Agreement (as varied by this Deed) and to the same being registered at the Land Registry as provided in Clause 7 hereof and for the avoidance of doubt agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession of the Property.

7.2 The Parties agree that the obligations contained in the Existing Agreement (as varied by this Deed) 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.

IN WITNESS WHEREOF the Council has caused its Common Seal to be 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)
HAMILTON COURT DEVELOPMENTS LIMITED)
acting by a Director)
in the presence of:-/)

.....
Director 


.....
Witness Signature 

Witness Name: **ABIGAIL ROGERS**

Address: **Flat 3, 79, Saltcrum Crescent, London, W9 3JS**

Occupation: **PA / office manager.**

EXECUTED AS A DEED by)
and)
on behalf of)
MIZRAHI TEFAHOT BANK LIMITED)


.....
Authorised Signatory

ARON STORFER
PROPERTY FINANCE
MIZRAHI TEFAHOT BANK LTD


.....
Authorised Signatory

ELTON HILLMAN
HEAD OF CREDIT
MIZRAHI TEFAHOT BANK LIMITED
LONDON BRANCH

CONTINUATION OF DEED OF VARIATION IN RELATION TO REGENT HOUSE 1 to 6 Pratt Mews
LONDON NW1 0AB

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

G. Alexander

.....
Duly Authorised Officer





Gpad London Ltd
Unit1 9a Dallington Street
London
EC1V 0BQ

Application Ref: **2016/4778/P**

24 July 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:

Regent House
1-6 Pratt Mews
London
NW1 0AD

Proposal:

DECISION
Variation of condition 2 (approved plans) of permission reference 2013/7739/P dated 12/02/2015 (Demolition of existing building and erection of a 3 storey mixed use building including office (B1a) at ground floor level and 1x 1 bedroom studio unit, 5 x 2-bedroom and 2 x 3-bedroom self-contained flats (Class C3) on upper floors) namely installation of second floor roof terrace with associated privacy screen.

Drawing Nos: Superseded
PRT-PL2-120, PRT-PL2-300, PRT-PL2-330

Plans for approval

Street elevation Rev B, 518-PL.18 P3, 518-PL.03 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 permission, reference 2013/7739/P dated 12/02/2015.

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

- 2 For the purposes of this decision, condition no.2 of planning permission ref 2013/7739/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: PRT-PL2-001; R-M3697_202; R-M3697_203 Revision A; R-M3697_204; R-M3697_205; PRT-PL2-100; PRT-PL2-110; Street elevation Rev B; PRT-PL2-140; PRT-PL2-200; PRT-PL2-210; PRT-PL2-220; PRT-PL2-230; 518-PL.03 P3; PRT-PL2-310; PRT-PL2-320; 518-PL.18 P3; Design and Access Statement by KSR Architects (dated November 2013).

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

- 3 Details of all windows, Juliet balconies, balustrades, external doors, and downpipes and bronze cladding and bricks shall be implemented in accordance with details approved in connection with 2016/2163/P dated 14/07/2016. All approved samples shall be retained on site during the course of the works.

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.

- 4 The refuse facilities shown on the approved drawing PRT-PL2-100 shall be provided in their entirety prior to first occupation of the commercial or residential units and maintained as such thereafter.

Reason: To ensure the development provides adequate refuse facilities in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy.

- 5 Prior to the occupation of unit 5 as shown on drawing PRT-PL-120 the window facing to the north which serves the room labelled 'bedroom' shall be obscurely glazed and fixed shut and maintained as such permanently thereafter.

Reason: To protect the amenity of the neighbouring property on Pratt Street by preventing overlooking, in accordance with 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.

- 6 Full details in respect of the green roof in the areas indicated on the approved roof plan shall not be carried out other than in accordance with the details approved in connection with application reference 2016/2163/P dated 14/07/2016, the approved details shall be implemented prior to first occupation of the building and shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity, the water environment and air quality in accordance with policies CS13 and CS15 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.

- 7 The cycling facilities shown on the approved drawing PRT-PL2-100 which include a revised layout to provide 15 spaces at the site shall not be carried out other than in accordance with the details approved in connection with application 2016/2163/P dated 14/07/2016.

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 and DP18 of the London Borough of Camden Local Development Framework Development Policies

- 8 The remediation measures shall be implemented strictly in accordance with the details approved in connection with application 2016/1587/P dated 23/06/2017.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with 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.

- 9 The demolition works hereby approved shall not commence until such time that a contract for the associated works for redevelopment of the site granted planning permission has been entered into.

Reason: To protect the visual amenity of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 10 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.

- 11 Prior to commencement of the relevant works, manufacturer's specification details of all roof terraces and samples of the privacy screens (to be provided on site) shall be submitted to and approved in writing by the local planning authority.

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.

Informative(s):

- 1 The proposed second floor terrace area would have a footprint of approximately 9sqm and would be surrounded by 1.8m high perforated metal privacy screens, the details of which would be secured by condition. The size, scale and design of the proposal would represent a minor amendment to the approved development and is not considered to materially alter the overall appearance of the approved development. Furthermore, the terrace would be set 1.8m back from the front elevation of the host property, which would limit its visibility from the public realm and ensure no undue harm would be caused to the character of the surrounding conservation area.

The proposed terrace would be located on the northern elevation of the site and it is not considered to cause unacceptable levels of overlooking to neighbouring properties, particularly as it would be surrounded by 1.8m high privacy screens, which would sufficiently protect the amenity of the adjoining properties along Pratt Street. Furthermore, the additional rear bedroom window on the northern elevation would be obscure glazed and fixed shut to prevent any loss of privacy to neighbouring properties.

The full impact of the scheme has already been assessed by virtue of the previous approval granted under permission reference 2013/7739/P dated 12/02/2015. In the context of the permitted scheme, it is considered that the amendment would not have a significant effect on the approved development in terms of appearance and neighbouring amenity.

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 (ERR) 2013.

No objections were received following statutory consultation one comment has been received and duly taken into consideration. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposal is in general accordance with policies CS5 and 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 and Policies D1, D2 and A1 of the Camden Local Plan Submission Draft 2016. The proposed development also accords with the policies of the London Plan 2016 and National Planning Policy Framework.

- 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 The emerging Camden 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.
- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 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 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

- 7 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 needs to 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

- 8 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.
- 9 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).

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

18 August

2017

(1) HAMILTON COURT DEVELOPMENTS LIMITED

-and-

(2) MIZRAHI TEFAHOT BANK LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 12 February 2015
Between the Mayor and the Burgesses of the
London Borough of Camden
and Formedge Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended) and
Section 278 of the Highways Act 1980
Relating to development at premises known as
REGENT HOUSE 1 to 6 Pratt Mews LONDON NW1 0AB

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/00/1800.212