

DATED

14 September

2017

(1) THALIA AUBREY FORDHAM and SIGURD MAX FORDHAM

and

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

DEED OF VARIATION

Relating to the Agreement dated 2 August 2016
Between the Mayor and the Burgesses of the
London Borough of Camden,
Sigurd Max Fordham and Thalia Aubrey Fordham
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
3 Camden Square, London, NW1 9UY

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/1800.335
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CONCORDIA UNIVERSITY

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THIS DEED is made on the 14th day of September 2017

BETWEEN

1. **THALIA AUBREY FORDHAM and SIGURD MAX FORDHAM** of 3 Camden Square, London, NW1 9UY (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, Sigurd Max Fordham and Thalia Aubrey Fordham entered into an Agreement dated 2 August 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 NGL962444 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 6 June 2017 for which the Council resolved to grant permission conditionally under reference 2017/3036/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 2 August 2016 made between the Council and Sigurd Max Fordham and Thalia Aubrey Fordham
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 2 August 2016 referenced 2015/6764/P allowing the demolition of a single storey garage to the rear of 3 Camden Square (with façade retention) and the erection of a four bedroom three storey single family dwelling as shown on drawing numbers 0442.B5.G20.P01, Rev_G, 0442.B5.G20.P02 Rev_G, 0442.B5.G20.S01 Rev_G, 0442.B5.G20.S02 Rev_G, 0442.B5.G20.S03 Rev_G, 0442.B5.G20.S04 Rev_G, 0442.B5.G20.E01 Rev_G, 0442.B5.G20.E02 Rev_G, 0442.B5.G20.P00 Rev_G, 0442.B5.G20.V01 Rev_G, 0442.B5.G20.V02 Rev_G, 0442.B5.G20.V03 Rev_G, 0442.B5.G20.V03 Rev_G, 0442.B5.G20.V04 Rev_G, 0442.B5.G20.V05 Rev_G, 0442.B5.G20.V04 Rev_G, 0442.B5.G20.E00 Rev_A, 0442.B5.G20.E01 Rev_A, 0442.B3.G20.P01 Rev_A, 0442.B3.G20.S01 Rev_A, 0442.B5.G10.P00 Rev_C and Bere Architects Design and Access Statement (dated November 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 2 August 2017 (2015/6764/P) for the demolition of a single storey garage to the rear of 3 Camden Square (with façade retention) and the erection of a four bedroom three storey single family dwelling to alter the approved windows, rooflights, cladding, wall planters, raised terrace, bin store, rear wall and front gate as shown on drawings (Prefix: 0442.A.G20.) S01 Rev K, S03 Rev H, S04 Rev H, S07 Rev D, S13 Rev H, S15 Rev G, V01 Rev G, V02 Rev E, P00 Rev J, P01 Rev L, P02 Rev L, P03 Rev E, E01 Rev J, E02 Rev I; V01 Rev G, V02 Rev E, 0442.B3.G20.P01 Rev_A, 0442.B3.G20.S01 Rev_A, 0442. B5.G10.P00 Rev_C, and Bere Architects Design and Access Statement (dated November 2015)

3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2017/3036/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 26 May 2017 by the Owner and given reference number 2017/3036/P

3.2 Clause 6.4 shall be deleted from the Existing Agreement and replaced with the following Clause 6.4:

The Owner hereby covenants with the Council that it will within 28 days from the date of issue of planning permission 2017/3036/P apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property which is affected by the Development and will furnish the Council forthwith on written demand with official copies of such

title to show the entry of this Agreement in the Charges Register of the title to the Property.

3.3 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/6764/P" shall be replaced with "Planning Permission reference 2017/3036/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 2017/3036/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 AGREEMENT IN RELATION TO 3 CAMDEN
SQUARE, LONDON, NW1 9UY

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and
the Owner have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY
THALIA AUBREY FORDHAM
in the presence of:

)
) *Thalia Aubrey Fordham*
)

.....
Witness Signature *[Signature]*

Witness Name *Paul Medley*
Address *28 Fairways Road, Oxford OX4 1TF*
Occupation *charity trustee*

EXECUTED AS A DEED BY
SIGURD MAX FORDHAM
in the presence of:

)
) *Sigurd Max Fordham*
)

A. Raghunathan
.....
Witness Signature

Witness Name *A. RAGHUNATHAN*
Address *POST OFFICE 20, BRICKNOCK ROAD LONDON N7 0DD*
Occupation *Manager*

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

R. Alexander
.....
Authorised Signatory



Bere Architects
54a Newington Green
Islington
London
N16 9PX

Application Ref: **2017/3036/P**

22 August 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:
3 Camden Square
London
NW1 9UY

PROPOSAL

DECISION
Variation of condition 2 (approved plans) of planning permission 2015/6764/P dated 02/08/2016 for the 'Demolition of garage to rear of 3 Camden Sq and the erection of a 3 storey single family dwelling'. Variations include alteration to approved windows, rooflights, cladding, wall planters, raised terrace, bin store, rear wall and front gate.

Drawing Nos: (Prefix: 0442.A.G20.) S01 Rev K, S03 Rev H, S04 Rev H, S07 Rev D, S13 Rev H, S15 Rev G, V01 Rev G, V02 Rev E, P00 Rev J, P01 Rev L, P02 Rev L, P03 Rev E, E01 Rev J, E02 Rev I; V01 Rev G, V02 Rev E, 0442.B3.G20.P01 Rev_A, 0442.B3.G20.S01 Rev_A, 0442. B5.G10.P00 Rev_C, and Bere Architects Design and Access Statement (dated November 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. of planning permission 2015/6764/P (dated 02/08/2016) 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:

(Prefix: 0442.A.G20.) S01 Rev K, S03 Rev H, S04 Rev H, S07 Rev D, S13 Rev H, S15 Rev G, V01 Rev G, V02 Rev E, P00 Rev J, P01 Rev L, P02 Rev L, P03 Rev E, E01 Rev J, E02 Rev I, V01 Rev G, V02 Rev E, 0442.B3.G20.P01 Rev_A, 0442.B3.G20.S01 Rev_A, 0442. B5.G10.P00 Rev_C, and Bere Architects Design and Access Statement (dated November 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 2015/6764/P dated 02/08/2016

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

- 3 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Samples of all facing materials to include brickwork, mortar and timber cladding and timber window frames together with manufacturer's specifications.

b) Details including typical sections at 1:10 of all windows (including jambs, head, cill and reveal), external doors and gates;

The relevant part of the works shall be carried out in accordance with the details thus approved and 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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to first occupation of the new dwelling, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used [for large areas of green roof add in : and showing a variation of substrate depth with peaks and troughs]
 - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, , D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 The use of the roof as a terrace shall not commence until screening, as shown on the approved drawings, has been constructed. The screening shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 6 No development shall take place until full details of hard and soft landscaping have been submitted to and approved by the Council. Such details shall include:
- scaled plans showing all existing and proposed vegetation and landscape features
 - a schedule detailing species, sizes, and planting densities
 - location, type and materials to be used for hard landscaping and boundary treatments
 - a management plan including an initial scheme of maintenance

All landscaping works shall be carried out to a reasonable standard in strict accordance with the approved landscape details prior to the occupation for the permitted use of the development. Any 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.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and reenacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] 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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 The dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

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.

- 9 Prior to construction the development hereby approved shall submit a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development to be approved by the Local Planning Authority. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies A1, CC1, CC2, CC3, CC4 and CC5 of the London Borough of Camden Local Plan 2017.

- 10 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use (110l,p,d). Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission for variation.

The erection of a three storey, single-family dwellinghouse has already been approved under application 2015/6764/P dated 02/08/2016. This application seeks to vary the approved plans to include a number of external alterations.

The external alterations proposed can be summarised as follows: (1) alteration to front fenestrations at 2nd floor level; (2) increase to size of front entrance gate; (3) alterations to rear first floor terrace; (4) addition of a brick garden wall within the rear garden; (5) alteration to timber cladding to the rear; (6) addition of planters and planting trellis to front elevation; (7) increase to the size of the permitted bin store to align with Council requirements.

The proposed variations to the approved scheme are being sought after the technical specifications for the implementation of the scheme have made allowances for internal fit out and building control requirements. Following discussions with the Council's Design officers and the subsequent submission of revisions, the varied scheme is considered to rationalise the elevational treatment of the new dwelling and improve its aesthetic as well as access arrangement. The majority of changes to the side/rear would not be visible from outside the site other than in private views from upper floors of surrounding properties and these alterations are not considered to have eroded the quality of the approved design. The proposed variation would therefore be considered to preserve the character and appearance of the conservation area.

Due to the siting and scale of the proposed external alterations, it is not considered that the residential amenities of any neighbouring occupier would be harmed in terms of light or outlook. The proposed amendments would not lead to any overlooking/privacy issues subject to the inclusion of conditions previously attached to the original application. 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. Special regard has been attached to the desirability of preserving the character and appearance of the conservation area, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies H1, H8, C5, A1, A3, A4, D1, D2, CC1, CC2, CC3, CC4, CC5, T1, T2 and T4 of the London Borough of Camden Local Plan 2017. The development also accords with the London Plan 2015 as well as the NPPF 2012.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 4 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, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 5 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.
- 6 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 7 In good time, prior to the start of construction (or if appropriate, demolition) on site, the contractor shall discuss and agree with the Council's Engineering Service Network Management team (tel: 020-7974 2410) detailed arrangements for the transportation of goods and materials to and from the site. The Council will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site.

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

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