

DATED

20 October

2017

(1) HELEN MARY BOORER and ROSALINE HALPIN

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 30 April 2015
Between the Mayor and the Burgesses of the
London Borough of Camden,
Helen Mary Boorer and Rosaline Halpin
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
22 Hillfield Road, London NW6 1PZ

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

Tel: 020 7974 4125
Fax: 020 7974 2962

CLS/COM/00/1800.403
DoV



THIS DEED is made on the 20th day of October 2017

BETWEEN

- i. **HELEN MARY BOORER and ROSALINE HALPIN LIMITED** of 22 Hillfield Road London NW6 1PZ (hereinafter called "the Owner") of the first part
- ii. **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 the Owner entered into an Agreement dated 30 April 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 LN200761.
- 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 4 August 2017 for which the Council resolved to grant permission conditionally under reference 2017/4298/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, 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 30 April 2015 made between the Council and the Owner
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 30 April 2015 referenced 2014/3266/P allowing the erection of 2 storey 2 bed dwellinghouse in rear garden area as shown on drawing numbers:- PL 001, PL 002-A, PL 003, PL 004, PL 005, PL 006, PL 007, Lifetime Homes Compliance statement, Code for sustainable homes pre-assessment report, Daylight & Sunlight assessment, Tree protection plan

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 2014/3266/P dated 30 April 2015 as amended by:

Minor material amendment to planning permission 2014/3266/P dated 30/04/2017 for: Erection of 2 storey 2 bed dwellinghouse in rear garden area, namely, reduction of the footprint of the residential dwelling , installation of new gate, railings & new means of access between Mill Lane and the existing house, alteration to

the fenestration at ground floor level, the replacement of the kerbstone to the front elevation and installation of new external staircase to the rear as shown on drawing numbers:- PL001-A , PL002-B, PL003, PL004-A, PL005-A , PL006-A, PL007-A and Design & Access Statement dated 4th August 2017

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2017/4298/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 25 July 2017 by the Owner and given reference number 2017/4298/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2014/3266/P" shall be replaced with "Planning Permission reference 2017/4298/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 2017/4298/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 Owners have executed this instrument as a Deed the day and year first before written

EXECUTED AS A DEED BY
HELEN MARY BOORER
in the presence of:

)
) *Helen Boorer*
)

M. Keating
.....
Witness Signature

Witness Name: *MICHAEL KEATING*

Address: *40 Mill Lane,
West Hampstead*

Occupation:
Pub landlord

EXECUTED AS A DEED BY
ROSALINE HALPIN
in the presence of:

)
) *Rosaline Halpin*
)

M. Keating
.....
Witness Signature

Witness Name: *MICHAEL KEATING*

Address: *40 Mill Lane
West Hampstead*

Occupation:
Pub landlord

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

)
)
)
)

Alexander
.....
Duly Authorised Officer





As such, the proposed development is in general accordance with policies A1, D1, and D2 of the London Borough of Camden Local Plan 2017, policies in the London Plan 2016, and relevant paragraphs of the National Policy Framework.

- 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 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.
- 4 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £3200 (64sqm x £50). 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 Additional Information Requirement Form or other changing circumstances.
- 5 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.

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

- 5 Before the development commences, details of secure and covered cycle storage area for 1 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting 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 G1, D1 and A1 of London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposal would create a new entrance to the flank elevation for means of access between the host building and Mill Lane to the rear elevation. The width of the dwelling house at ground floor level would be reduced by approximately 1m for a walkway to the east elevation and the structural pillar to the flank east elevation would be reduced along with the design of the fenestration at ground floor level no changes are proposed at first floor level.

The ground floor area would be reduced by approximately 6.3sqm the proposed smaller extension is still considered appropriate in scale, bulk and design and would not harm the plan form or volume of the approved scheme. In addition, the reduced floor space would still be acceptable for a 2-storey dwelling in accordance with the London Plan 2016 measuring approximately 57.7sqm. As such, no objection is raised. Highways were consulted and raised no objection.

Given the nature of the works, it is unlikely that the proposed means of access would contribute to any additional impact on the residential amenities of the neighbouring properties. The full impact of the proposed development has already been assessed in relation to other aspects of the scheme by virtue of planning permission 2014/3266/P dated 30/04/2015.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

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 this permission.

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

- 2 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 before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and sill), ventilation grills, external doors and gates;

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [insert drawing no.s]

OR

The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule [inset name or number of schedule of plans]

Reason:

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

- 4 Prior to the commencement of any works on site, a method statement detailing how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 approved method statement.

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 policies A2 and A3 of the London Borough of Camden Local Plan 2017.

Kenneth Lynch Architectural Design
Flat 1
Sydenham Court
18 Kingsborough Gardens
Dowanhill
Glasgow
G12 9QD

Application Ref: **2017/4298/P**

05 October 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:
22 Hillfield Road
West Hampstead
London
NW6 1PZ

Proposal:

DECISION

Amendment to planning permission 2014/3266/P dated 30/04/2017 for: Erection of 2 storey 2 bed dwellinghouse in rear garden area, namely, reduction of the footprint of the residential dwelling, installation of new gate, railings & new means of access between Mill Lane and the existing house, alteration to the fenestration at ground floor level, the replacement of the kerbstone to the front elevation and installation of new external staircase to the rear.

Drawing Nos: Superseded: PL 001, PL 002-A, PL 003, PL 004, PL 005, PL 006 and PL 007.

Replacement Plans: PL001-A, PL002-B, PL003, PL004-A, PL005-A, PL006-A, PL007-A and Design & Access Statement dated 4th August 2017.

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.



DATED

20 October

2017

(1) HELEN MARY BOORER and ROSALINE HALPIN

-and-

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