

DATED

20 December

2017

(1) TAMARA ANNABEL WOOD

and

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

DEED OF VARIATION

Relating to the Agreement dated 16 September 2015
Between the Mayor and the Burgesses of the
London Borough of Camden and Tamara Annabel Wood
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
19 Parliament Hill, London NW3 2TA

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/1798.26



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

BETWEEN

1. **TAMARA ANNABEL WOOD** of 19 Parliament Hill, London NW3 2TA (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 Tamara Annabel Wood entered into an Agreement dated 16 September 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 LN95171.
- 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 18 August 2016 for which the Council resolved to grant permission conditionally under reference 2016/4476/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 Deed 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 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 16 September 2015 made between the Council and Tamara Annabel Wood

2.8.3 "the Original Planning Permission"

means the planning permission granted by the Council on 16 September 2015 referenced 2015/0233/P allowing the excavation of a single storey basement extension under building and rear terrace with associated rear external access stair and rear skylights as shown on drawing numbers 034 P 203; 034 P 302; 034 P 204; 034 P 006; 034 P 201; 034 P 301; 034 P 202; 034 P 200; 034 P 005; 034 P 001; 034 P 300; 034 P 004; 034 P 002; 034 P 003; Design and Access Statement; Basement Impact Assessment; Arboricultural Impact Assessment; Ground Movement Analysis; Surface Water Statement; Monitoring Specification.

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"

excavation of a single storey basement extension under building and rear terrace with associated rear external access stair and rear skylights) as varied by planning permission 2016/4476/P to increase the size of the basement by approximately 30sqm as shown on drawings 034 P 203; 034 P 204; 034 P 006; 034 P 201; 034 P 301; 034 P 202; 034 P 200; 034 P 005; 034 P 001; 034 P 300; 034 P 004; 034 P 002; PA2009 Rev00, A2200Rev06,

Further basement details letter dated 12/9/17 by MA engineers, Special Foundation Consent dated 24th February 2016 by The executors for the estate of the late Diana Mar O'Brien, party wall award pages by surveyors, Michael Alexander Consulting Engineers (document ref. P2957, dated July 2016), Ground Movement Assessment Report prepared by GEA (document ref. J14245A, dated July 2016, Design and Access Statement; Basement Impact Assessment; Arboricultural Impact Assessment; Ground Movement Analysis; Surface Water Statement; Monitoring Specification

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2016/4476/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 11 August 2016 by the Owner and given reference number 2016/4476/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "planning permission reference 2015/0233/P" shall be replaced with "planning permission reference 2016/4476/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 2016/4476/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 by the Council.

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
TAMARA ANNABEL WOOD
in the presence of:**

) Tamara Wood .

Emma Laddie
.....
Witness Signature

Witness Name EMMA LADDIE
Address 13 CONNAUGHT RD
N4 4NT
Occupation NURSERY TEACHER.

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

R. Alexander
.....
Authorised Signatory





Michael Burroughs Associates
Michael Burroughs Associates
93 Hampton Road
TW12 1JQ
Middlesex

Application Ref: **2016/4476/P**

6 November 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:
19 Parliament Hill
London
NW3 2TA

Proposal:

DECISION
Variation to condition 3 (approved plans) of planning permission 2015/0233/P dated 16/9/2015 (for the excavation of a single storey basement extension), namely to increase size of basement to the front of the house.

Drawing Nos: Superseded drawings: 023(P)003, 034(P)302.

Revised drawings PA2009 Rev00, A2200 Rev06, Further basement details letter dated 12/9/17 by MA engineers, Special Foundation Consent dated 24th February 2016 by The executors for the estate of the late Diana Mar O'Brien, party wall award pages by surveyors, Michael Alexander Consulting Engineers (document ref. P2957, dated July 2016), Ground Movement Assessment Report prepared by GEA (document ref. J14245A, dated July 2016.

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.3 of planning permission 2015/0233/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-

034 P 203; 034 P 204; 034 P 006; 034 P 201; 034 P 301; 034 P 202; 034 P 200; 034 P 005; 034 P 001; 034 P 300; 034 P 004; 034 P 002; PA2009 Rev00, A2200Rev06, Further basement details letter dated 12/9/17 by MA engineers, Special Foundation Consent dated 24th February 2016 by The executors for the estate of the late Diana Mar O'Brien, party wall award pages by surveyors, Michael Alexander Consulting Engineers (document ref. P2957, dated July 2016), Ground Movement Assessment Report prepared by GEA (document ref. J14245A, dated July 2016, Design and Access Statement; Basement Impact Assessment; Arboricultural Impact Assessment; Ground Movement Analysis; Surface Water Statement; Monitoring Specification .

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

- 2 All landscaping works granted under 2016/0151/P shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s).

Informative(s):

- 1 Reason for granting.

This minor material amendment is seeking to amend 2015/0233/P dated 16/9/2015 (for the excavation of a single storey basement extension), namely to increase size of basement to the front of the house by some 25 square metres floor area and still be below the footprint of the main house. The works to this building have now been completed.

Permission is sought to vary condition 3 (approved drawings) of the extant permission. It is noted that the principle of the development has been approved. The main issues to consider include the changes to the detailed design and its effect on the character and appearance of the building and conservation area, as well as any impacts on the residential amenities of neighbouring occupiers.

The proposed revisions are considered to continue to preserve the character and appearance of the building. It would not be visible from the public domain and would preserve the character and appearance of the building and the South Park Hill conservation area.

Campbell Reith were made aware that the planning application was retrospective, as basement construction works were already complete. On 12 September 2017, a letter from Michael Alexander was received confirming that works had been completed under the Party Wall Act to the satisfaction of the Party Wall Engineers, and detailed the actions of the supervising Engineer during the works. A revised BIA and further details were submitted and was concluded sound by Campbell Reith.

It is considered that the works would not have any impact on the amenity of neighbouring occupiers or properties.

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.

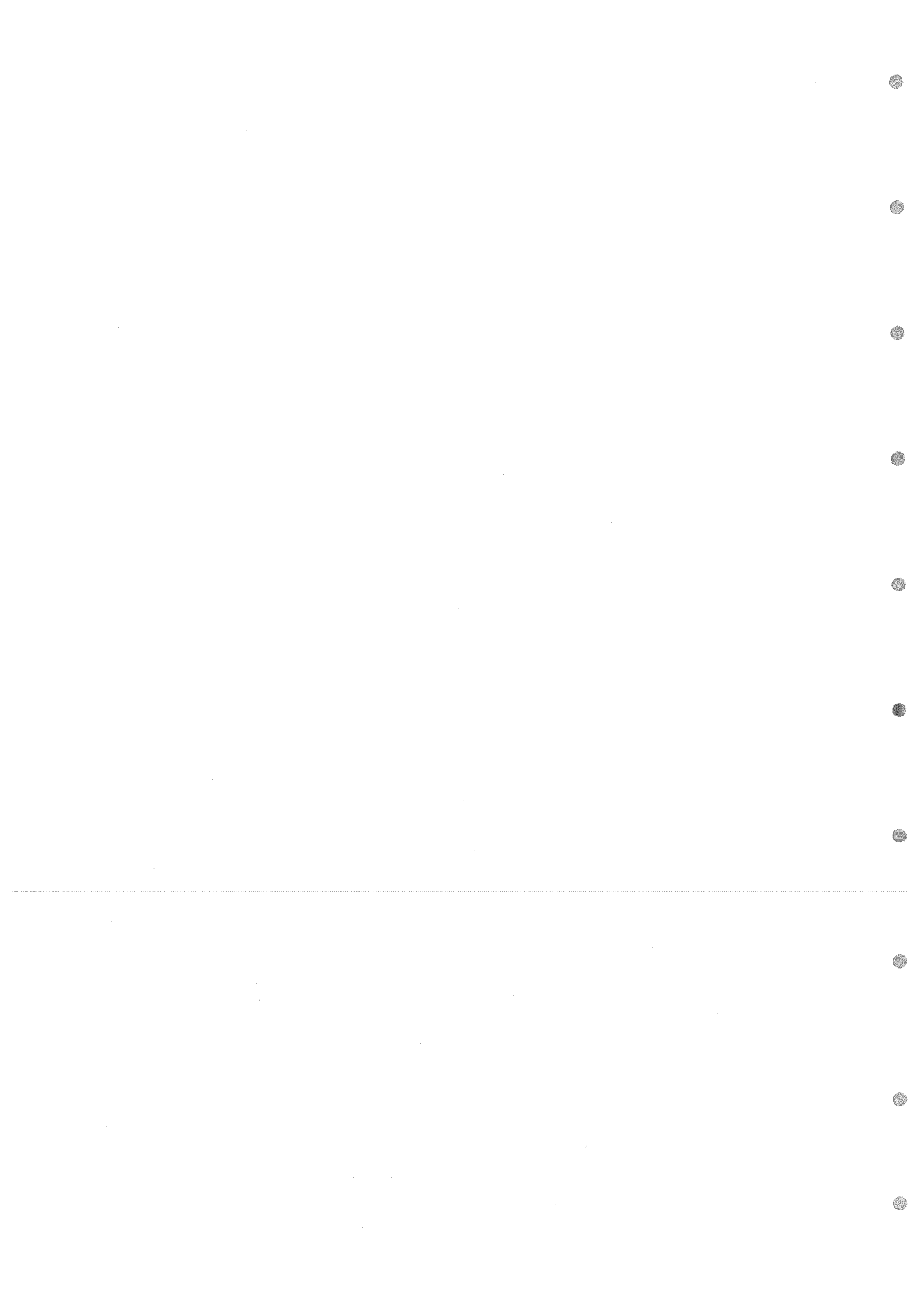
No objections were received prior to making this decision. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

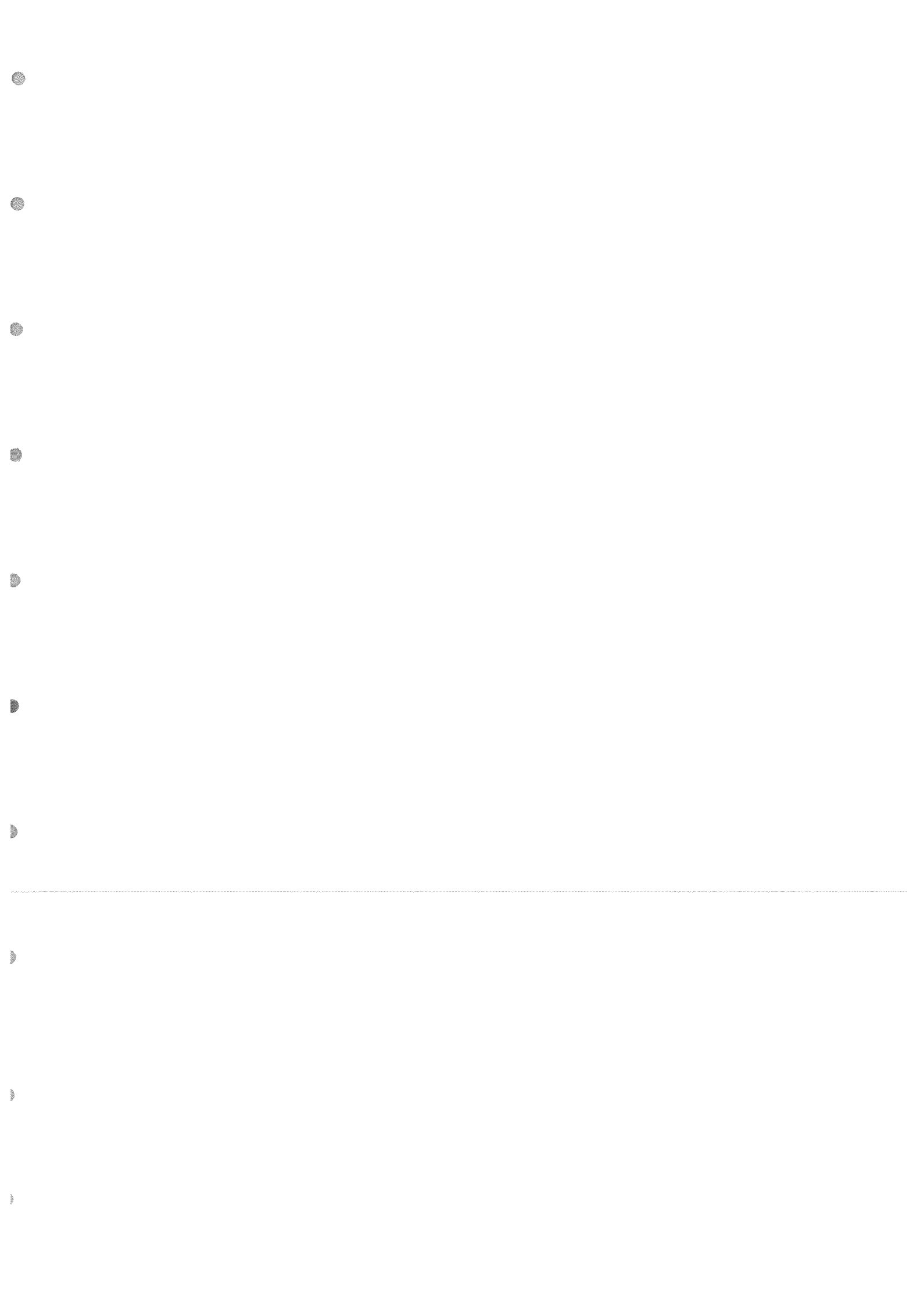
As such the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan and the National Planning Policy Framework.

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

20 December

2017

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**(2) THE MAYOR AND THE BURGESSES OF
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