

DATED 9 NOVEMBER 2017

(1) UNITED SYNAGOGUE TRUSTS LIMITED  
and  
(2) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN

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**DEED OF VARIATION**

Relating to the Agreement dated 28 January 2016 between  
(1) John Bryan Austin and Maurice Ostro and Richard Loftus and  
Simon Laurence Bernstein and Leon Saul Blitz  
(2) United Synagogue Trusts Limited and  
(3) the Mayor and the Burgesses of the London Borough of Camden

under section 106 of the Town and  
Country Planning Act 1990 and Section 278 of the Highways Act 1980

Relating to development at premises known as

**South Hampstead Synagogue  
21-22 Eton Villas  
London  
NW3 4SG**

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

Tel: 020 7974 5647  
Fax: 020 7974 2962

CLS/PK/1800.381 (final)

THIS DEED is made the 9<sup>th</sup> day of November 2017

**BETWEEN:**

1. **UNITED SYNAGOGUE TRUSTS LIMITED** (registered under company number 00516140) whose registered office is at 305 Ballards Lane, London, N12 8GB (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**

- A. The Owner is registered at the Land Registry as the freehold proprietor with title absolute of the Property under title number NGL737960 and the Owner is interested in the Property for the purposes of Section 106 of the Act.
- B. The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated 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 the Existing Agreement as modified by this Deed.
- C. The Council, John Bryan Austin, Maurice Ostro, Richard Loftus, Simon Laurence Bernstein, Leon Saul Blitz and United Synagogue Trusts Limited entered into the Existing Agreement on 28 January 2016.
- D. The Owner has submitted the Section 73 Application in respect of the Development at the Property to vary the Original Planning Permission and the Council has agreed to vary the Original Planning Permission under section 73 of the Act subject to the Parties entering into this Deed to vary the Existing Agreement.

NOW IT IS HEREBY AGREED and WITNESSED as follows:

**1 LEGAL EFFECT AND INTERPRETATION**

- 1.1 This Deed is made in pursuance of Section 106 and Section 106A of the Act.
- 1.2 The planning obligations in the Existing Agreement as modified by this Deed shall be enforceable by the Council against the Owner as provided therein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 1.3 Save as expressly stated otherwise all words and expressions used in this Deed shall have the same meaning as in the Existing Agreement.
- 1.4 For the purposes of this Deed the following words and expressions shall have the meanings assigned unless the context states otherwise:

<b>Act</b>	Town and Country Planning Act 1990
<b>Annex 1</b>	the annex number "Annex 1" attached to this Deed
<b>this Deed</b>	this deed of variation to the Existing Agreement made pursuant to Section 106 and Section 106A of the Act
<b>Existing Agreement</b>	the agreement dated 28 January 2016 between (1) John Bryan Austin and Maurice Ostro and Richard Loftus and Simon Laurence Bernstein and Leon Saul Blitz (2) United Synagogue Trusts Limited and (3) the Mayor and the Burgesses of the London Borough of

Camden entered into pursuant to Section 106 of the Act and Section 278 of the Highways Act 1980

**Original Planning Permission**

the planning permission granted by the Council for development at the Property by a notice dated 28 January 2016 and having the reference number 2013/7887/P

**Section 73 Approval**

the decision of the Council pursuant to the Section 73 Application substantially in the form attached to this Deed at Annex 1”

**Section 73 Application**

an application under Section 73 of the Act having reference number 2017/0478/P in respect of the Original Planning Permission to:

**vary condition 4** (approved plans) for alterations to the façade (including increasing height of lift overrun; revised boundary wall plinth; increased height of parapet on the north-west boundary; and alterations to window locations and acoustic panel type); and floor plan alterations (including reduction in seating number within the Shul; relocation of kitchen, alteration to classroom layout/number with no change in capacity; and alterations to forecourt layout);

**vary condition 11** (details of design and method of waste storage) following submission of details;

**vary condition 12** (details of cycle storage for 30 cycles) following submission of details;

**vary condition 16** (details of glazed privacy screen) following submission of details;

**vary condition 17** (details of electric vehicle charging point) following submission of details;

**remove condition 13** (lift access to the ancillary residential units)

as shown on drawings numbered

882\_07\_050 P1; 882\_07\_010 P2;

882\_07\_002 P1; 882\_07\_200 P1;

882\_07\_201 P1; 882\_07\_100 P7;

882\_07\_101 P4; 882\_07\_102 P5;

882\_07\_210 P2; 882\_07\_211 P2;

882\_07\_230 P7; 882\_07\_231 P6;

882\_07\_232 P6; 882\_07\_233 P8;

882\_07\_234 P2; 882\_07\_235 P1;

882\_07\_310 P2; 882\_07\_311 P2;

882\_07\_526 P1; 882\_90\_400 P6;

882\_90\_455 P2; 882\_SK\_102 S2;

Detailed Shul layout; Basement Plan  
Access revisions and Design and Access  
Statement; Planning Statement;  
Transport Statement; Transport  
Statement Addendum; Travel Plan  
September 2014; Construction Traffic  
Management Plan; Transport Technical  
Note Rev A; Transport Technical Note  
Rev B; Transport Letter 19.11.14;  
Arboricultural Report; BREEAM Pre-  
Assessment; Energy Statement; Energy  
and Sustainability Statement Rev B;

Heritage Appraisal; Statement of Community Involvement; Acoustic Report; Sunlight, Daylight and Overshadowing Report; Letter re Alternative Sites; Note to Planners July 2014; Basement Impact Assessment; Basement Impact Assessment Addendum Report October 2014; Basement Impact Assessment Addendum Report P2; BIA Sequence P4. Platform lift specification by Stannah; letter from CST undated; letter from Paul Callegari; email from Richard Loftus dated 19 June 2017

**Parties**

the Council and the Owner the being the parties to this Deed and shall include their successors in title, transferees and assigns

**2 VARIATION OF THE EXISTING AGREEMENT**

With effect from the date of this Deed and the Council issuing a notice granting the Section 73 Approval, the Existing Agreement shall be varied as follows:

2.1 the following definitions are **added** at **Clause 2 (Definitions)** of the Existing Agreement:

2.1.1 ““Building Contract Documents” the construction contract and all related procurement and appointment documents relevant to the construction of the Development whether already signed or and completed or to be signed and completed”

2.1.2 ““Lift Structure” the platform lift of internal dimensions of 950mm x 1250mm providing wheelchair-compliant vertical lift access between levels 2 and 3 within

the Development in the location defined as “the Soft Spot” on the drawing numbered 882\_SK\_102 S2 being an approved drawing under the Section 73 Approval”

### 2.1.3 “Section 73 Application”

an application under Section 73 of the Act having reference number 2017/0478/P in respect of the Original Planning Permission to:

**vary condition 4** (approved plans) for alterations to the façade (including increasing height of lift overrun; revised boundary wall plinth; increased height of parapet on the north-west boundary; and alterations to window locations and acoustic panel type); and floor plan alterations (including reduction in seating number within the Shul; relocation of kitchen, alteration to classroom layout/number with no change in capacity; and alterations to forecourt layout);

**vary condition 11** (details of design and method of waste storage) following submission of details;

**vary condition 12** (details of cycle storage for 30 cycles) following submission of details;

**vary condition 16** (details of glazed privacy screen) following submission of details;

**vary condition 17** (details of electric vehicle charging point) following submission of details;

**remove condition 13** (lift access to the ancillary residential units)

as shown on drawings numbered 882\_07\_050 P1; 882\_07\_010 P2; 882\_07\_002 P1; 882\_07\_200 P1; 882\_07\_201 P1; 882\_07\_100 P7; 882\_07\_101 P4; 882\_07\_102 P5; 882\_07\_210 P2; 882\_07\_211 P2; 882\_07\_230

P7; 882\_07\_231 P6; 882\_07\_232 P6; 882\_07\_233 P8; 882\_07\_234 P2; 882\_07\_235 P1; 882\_07\_310 P2; 882\_07\_311 P2; 882\_07\_526 P1; 882\_90\_400 P6; 882\_90\_455 P2; 882\_SK\_102 S2; Detailed Shul layout; Basement Plan Access revisions and Design and Access Statement; Planning Statement; Transport Statement; Transport Statement Addendum; Travel Plan September 2014; Construction Traffic Management Plan; Transport Technical Note Rev A; Transport Technical Note Rev B; Transport Letter 19.11.14; Arboricultural Report; BREEAM Pre-Assessment; Energy Statement; Energy and Sustainability Statement Rev B; Heritage Appraisal; Statement of Community Involvement; Acoustic Report; Sunlight, Daylight and Overshadowing Report; Letter re Alternative Sites; Note to Planners July 2014; Basement Impact Assessment; Basement Impact Assessment Addendum Report October 2014; Basement Impact Assessment Addendum Report P2; BIA Sequence P4. Platform lift specification by Stannah; letter from CST undated; letter from Paul Callegari; email from Richard Loftus dated 19 June 2017”

- 2.1.4 ““Section 73 Approval” the decision of the Council pursuant to the Section 73 Application substantially in the form attached to this Deed at Annex 1”
- 2.1.5 ““Soft Spot” the alteration to the concrete slab and its frame in the location shown edged red of the Approved Drawings and the construction of alternative materials which can without difficulty be removed in order to provide the Lift Structure.”



occupiers is in fact demonstrably necessary or required."

2.2 the definition at clause **2.14 (the Development)** of the Existing Agreement is **varied** to the following:

"2.14 the Development"

erection of a synagogue comprising 4 storeys plus basement, following demolition of existing synagogue (Use Class D1) as shown on drawing numbers 882\_07\_050 P1; 882\_07\_010 P2; 882\_07\_002 P1; 882\_07\_200 P1; 882\_07\_201 P1; 882\_07\_100 P4; 882\_07\_101 P3; 882\_07\_102 P4; 882\_07\_210 P2; 882\_07\_211 P2; 882\_07\_230 P3; 882\_07\_231 P3; 882\_07\_232 P4; 882\_07\_233 P4; 882\_07\_234 P2; 882\_07\_235 P1; 882\_07\_310 P2; 882\_07\_311 P2 Documents: Design and Access Statement; Planning Statement; Transport Statement; Transport Statement Addendum; Travel Plan September 2014; Construction Traffic Management Plan; Transport Technical Note Rev A; Transport Technical Note Rev B; Transport Letter 19.11.14; Arboricultural Report; BREEAM Pre-Assessment; Energy Statement; Energy and Sustainability Statement Rev B; Heritage Appraisal; Statement of Community Involvement; Acoustic Report; Sunlight, Daylight and Overshadowing Report; Letter re Alternative Sites; Note to Planners July 2014; Basement Impact Assessment; Basement Impact Assessment Addendum Report October 2014; Basement Impact Assessment Addendum Report P2; BIA Sequence P4 **as varied by the Section 73 Approval**

2.3 the clause at **3.1** of the Existing Agreement shall be **varied** to the following:

2.1.6

“Trigger Events”

any of the following:

- (i) a sale of the Property by the Owner on arm's length terms such that it is no longer held for the purposes of a synagogue and related uses;
- (ii) a material change of use of the Development such that the Development ceases to be used as a synagogue or for similar purposes;
- (iii) a change in the nature of the occupation of the ancillary residential units within the Development such that any of the units is or is likely to be used by an ambulant disabled wheelchair user incapable of accessing a residential flat on the top floor of the Development without lift access;
- (iv) a material change in the nature of the occupation of one or more of the ancillary residential units the effect of such is that the use of the unit or units are no longer ancillary to the primary use of the Development;
- (v) a notice served by the Council (not earlier than 10 years from the date of this Deed) stating on reasonable grounds the Council's requirements for the Lift Structure to be provided, by reason of a change in the law necessitating disability access to be provided, whether or not the use of the flats by ambulant disabled

"This Agreement is made in pursuance of Section 106 of the Act, Section 16 of the Greater London Council (General Powers) Act 1974, Section 111 of the Local Government Act 1972, Section 1(1) of the Localism Act 2011 and Section 278 of the Highways Act 1980 and is a planning obligation for the purposes of Section 106 of the Act as aforesaid and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers."

2.4 the numbering of Clause 2 (Definitions) of the Existing Agreement shall be re-numbered accordingly.

2.5 the following clause shall be **added** at **Clause 4 (Obligations of the Owner)** to the Existing Agreement:

**"4.15 LIFT STRUCTURE**

4.15.1 To vary the Building Contract Documents such that these feasibly provide for the construction of the Development on terms that incorporate the Soft Spot.

4.15.2 Prior to the commencement of shell and core of the Development above ground level to provide evidence to the Council (to the Council's satisfaction as confirmed in writing) that the Building Contract Documents have been so varied.

4.15.3 To provide to the Council details (including an outline specification and manufacturer's details) of the proposed Lift Structure prior to its construction, sufficient to demonstrate that, once built and operational, this will fulfil all legal requirements for disabled access to the ancillary residential units referenced at Clause 4.14 (Residential Units) of the Existing Agreement.

4.15.4 Within 28 days of the date of this Deed to bind all titles (freehold, leasehold or other interest) to the Property so that in the event of a Trigger Event occurring the Owner shall at its own cost build out the Lift Structure providing access for the Council to satisfy itself that this obligation is being and has been complied with."

- 2.6 the words "2013/7887/P" in each of the clauses 5.2, 5.6, 5.7 and 6.1 of the Existing Agreement shall be deleted and replaced by the words "2017/0478/P".
- 2.7 the draft planning permission reference 2017/0478/P at Annex 1 to this Deed shall be treated as annexed to the Existing Agreement in addition to the existing annexures.
- 2.8 in all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

### 3 MISCELLANEOUS PROVISIONS

- 3.1 This Deed shall be registered as a Local Land Charge.
- 3.2 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Deed in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Deed in the Charges Register of the title to the Property.
- 3.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Deed on or prior to the date of completion of this Deed.
- 3.4 If any provision in this Deed shall in whole or in part be found (for whatever reason) to be invalid or unenforceable then such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 3.5 No provisions of this Agreement shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 3.6 This Deed is governed by and shall be interpreted in accordance with the laws of England.

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

EXECUTED as a Deed by affixing  
THE COMMON SEAL OF  
UNITED SYNAGOGUE TRUSTS  
LIMITED  
in the presence of:

Director Name: (CAPITALS)

LEONID LUY

Director Signature:

*Leonid Luy*

Director/Secretary Name (CAPITALS)

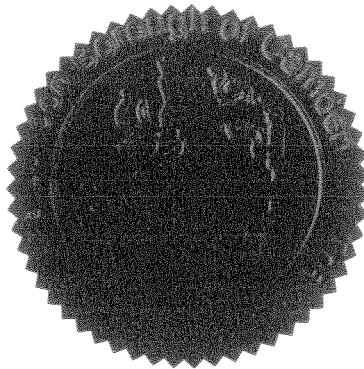
SAUL TAYLOR

Director/Secretary Signature:

*S. Taylor*

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

*[Signature]*  
.....  
Authorised Signatory





ANNEX 1

draft planning permission ref. 2017/0478/P





Boyer Planning  
Boyer Planning 24 Southwark Bridge  
Road London SE1 9HF

Application Ref: 2017/0478/P

24 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:

**South Hampstead Synagogue**  
**21-22 Eton Villas**  
**NW3 4SG**

Proposal:

**DECISION**  
Variation of Condition 4 (approved plans) of planning permission 2013/7887/P (dated 28/01/16) [for Erection of a synagogue comprising 4 storeys plus basement]; CHANGES INCLUDE alterations to the façade (including increasing height of lift overrun; revised boundary wall plinth; increased height of parapet on the north-west boundary; and alterations to window locations and acoustic panel type); and floor plan alterations (including reduction in seating number within the Shul; relocation of kitchen, alteration to classroom layout/number with no change in capacity; and alterations to forecourt layout). Variation to wording of Condition 11 (details of design and method of waste storage) following submission of details. Variation to wording of Condition 12 (details of cycle storage for 30 cycles) following submission of details. Variation to wording of Condition 16 (details of glazed privacy screen) following submission of details. Variation to wording of Condition 17 (details of electric vehicle charging point) following submission of details. Removal of Condition 13 (lift access to the ancillary residential units). (Revised plans, description and additional supporting information)Drawing Nos: 882\_07\_050 P1; 882\_07\_010 P2; 882\_07\_002 P1; 882\_07\_200 P1;  
882\_07\_201 P1; 882\_07\_100 P7; 882\_07\_101 P4; 882\_07\_102 P5; 882\_07\_210 P2;  
882\_07\_211 P2; 882\_07\_230 P7; 882\_07\_231 P6; 882\_07\_232 P6; 882\_07\_233 P8;  
882\_07\_234 P2; 882\_07\_235 P1; 882\_07\_310 P2; 882\_07\_311 P2; 882\_07\_526 P1;  
882\_90\_400 P6; 882\_90\_455 P2; 882\_SK\_102 S2; Detailed Shul layout; Basement Plan  
Access revisions.

Documents: Design and Access Statement; Planning Statement; Transport Statement; Transport Statement Addendum; Travel Plan September 2014; Construction Traffic Management Plan; Transport Technical Note Rev A; Transport Technical Note Rev B; Transport Letter 19.11.14; Arboricultural Report; BREEAM Pre-Assessment; Energy Statement; Energy and Sustainability Statement Rev B; Heritage Appraisal; Statement of Community Involvement; Acoustic Report; Sunlight, Daylight and Overshadowing Report; Letter re Alternative Sites; Note to Planners July 2014; Basement Impact Assessment; Basement Impact Assessment Addendum Report October 2014; Basement Impact Assessment Addendum Report P2; BIA Sequence P4. Platform lift specification by Stannah; letter from CST undated; letter from Paul Callegari; email from Richard Loftus dated 19 June 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.

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 2013/7887/P dated 28/01/16.

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 cill), ventilation grills, external doors and gates;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site);

c) Details including elevations, sections and a roof plan at a scale of 1:50 of the security hut in the forecourt.

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.

- 6 Prior to the commencement of any works on site, details demonstrating 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 protection details.

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.

- 7 Details of the design of the basement and building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, in accordance with the details set out in the Arboricultural Report by Crown Consultants (25.11.13), shall be submitted to and approved in writing by the local planning authority before any works on site are commenced. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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.

- 8 Before the use commences sound insulation shall be provided for the building in accordance with a scheme to be first approved by the local planning authority in writing. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 9 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 10 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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.

- 3 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of 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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: 882\_07\_050 P1; 882\_07\_010 P2; 882\_07\_002 P1; 882\_07\_200 P1; 882\_07\_201 P1; 882\_07\_100 P7; 882\_07\_101 P4; 882\_07\_102 P5; 882\_07\_210 P2; 882\_07\_211 P2; 882\_07\_230 P7; 882\_07\_231 P6; 882\_07\_232 P6; 882\_07\_233 P8; 882\_07\_234 P2; 882\_07\_235 P1; 882\_07\_310 P2; 882\_07\_311 P2; 882\_07\_526 P1; 882\_90\_400 P6; 882\_90\_455 P2; 882\_SK\_102 S2; Detailed Shul layout; Basement Plan Access revisions

Documents: Design and Access Statement; Planning Statement; Transport Statement; Transport Statement Addendum; Travel Plan September 2014; Construction Traffic Management Plan; Transport Technical Note Rev A; Transport Technical Note Rev B; Transport Letter 19.11.14; Arboricultural Report; BREEAM Pre-Assessment; Energy Statement; Energy and Sustainability Statement Rev B; Heritage Appraisal; Statement of Community Involvement; Acoustic Report; Sunlight, Daylight and Overshadowing Report; Letter re Alternative Sites; Note to Planners July 2014; Basement Impact Assessment; Basement Impact Assessment Addendum Report October 2014; Basement Impact Assessment Addendum Report P2; BIA Sequence P4. Platform lift specification by Stannah; letter from CST undated; letter from Paul Callegari; email from Richard Loftus dated 19 June 2017.

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

- 5 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 11 The development hereby permitted shall be carried out in accordance with the following approved SHS Waste Calculations and drawing no. 882\_90\_455 P2. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy A1 and CC5 of the London Borough of Camden Local Plan 2017.

- 12 The development hereby permitted shall be carried out in accordance with the following approved drawing no. 882\_90\_400 P6. The 26 cycle spaces as approved shall be provided in their entirety and prior to the first occupation of the development 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.

- 13 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 14 Notwithstanding the provisions of the Use Class Order (1995) (as amended), the development shall be used as a synagogue only (Use Class D1).

Reason: In order to control the use on site to accord with policy C2 of the London Borough of Camden Local Plan 2017.

- 15 The glazed screen of the external amenity area at third floor level shall be obscure glazed to a height of 1.8m, in accordance with drawing 882\_07\_526\_NE\_Section and shall be permanently retained.

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.

- 16 The development hereby permitted shall be carried out in accordance with the following approved drawing no. 882\_90\_400 P6. The approved Electric Vehicle Charging Point shall thereafter be provided in its entirety prior to the first occupation of the development and permanently retained thereafter.

Reason: To ensure the development includes sustainable parking measures in accordance with the requirements of policy T2 of the London Borough of Camden Local Plan 2017

- 17 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 18 An appropriate automatic noise control device shall be used for any amplified sound. The device shall be set so that the volume of any amplified sound emanating from the premises is inaudible at the façade of any noise sensitive premises and shall be maintained at a level as agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 19 Automatic time clocks shall be fitted to the equipment/machinery hereby approved, prior to commencement of the use of the units, to ensure that the plant/equipment does not operate after the time to be agreed within the Events Management Plan. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 20 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.

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.

- 21 Prior to the commencement of development, trial pits shall be dug to determine the extent of the roots of T1(False acacia) and T4 (Tree of Heaven) within the proposed basement area, to give a clearer indication of the Root Protection Area.

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.

- 22 Prior to the commencement of development a detailed specification of all pruning to be carried out at the time of the scaffold installation shall be submitted to and approved in writing by the local planning authority. All approved works shall be carried out by trained arborists in accordance with the approved details.

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.

- 23 Prior to the commencement of development, details of all underground services/ utilities, their impact on the trees to be retained on site and any required mitigation measures shall be submitted to and approved in writing by the local planning authority.

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.

- 24 Prior to the commencement of development, a detailed Arboricultural Method Statement to include an auditable system of on-site monitoring of trees on and adjacent to the site, shall be submitted to and approved in writing by the local planning authority.

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.

- 25 The two disabled parking bay in the forecourt, hereby approved, shall be provided prior to first occupation of the building and retained and used for no other purpose than disabled parking thereafter.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets and to ensure access for all in accordance with policies C6 and T2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 You are advised that this permission should be read in conjunction with the scheme approved on 28/01/2016 (ref: 2013/7887/P) and all other conditions and informative attached to the original decision are still applicable.
- 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 Drawing no. 882\_SK\_102 S2 is indicative only and have been submitted to demonstrate that should it ever be required a platform lift could be installed within the existing building envelope.
- 5 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 6 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.



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

9 NOVEMBER

2017

(1) UNITED SYNAGOGUE TRUSTS LIMITED

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 28 January 2016 between  
(1) John Bryan Austin and Maurice Ostro and Richard Loftus and  
Simon Laurence Bernstein and Leon Saul Blitz  
(2) United Synagogue Trusts Limited and  
(3) the Mayor and the Burgesses of the London Borough of Camden

under section 106 of the Town and  
Country Planning Act 1990 and Section 278 of the Highways Act 1980

Relating to development at premises known as

**South Hampstead Synagogue  
21-22 Eton Villas  
London  
NW3 4SG**

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

Tel: 020 7974 5647  
Fax: 020 7974 2962

CLS/PK/1800.381 (final)