

DATED

5 March

2018  
~~2017~~

**(1) JEEVAN MORAS and NEETHA BENEDICTA LOBO**

and

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 5 May 2017  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Jeevan Moras and Neetha Benedicta Lobo  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**16 Hollycroft Avenue Hampstead London NW3 7QL**

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Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

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THE NATIONAL BUREAU OF STANDARDS  
COLLEGE

DEPARTMENT OF COMMERCE  
WASHINGTON, D. C.

MEMORANDUM FOR THE RECORD

DATE: 10/10/60

TO: SAC, NEW YORK

FROM: SA [Name], NEW YORK

SUBJECT: [Name], [Address], [City], [State]

[Faded text describing the subject of the memorandum, including a list of items and their quantities.]

APPROVED AND FORWARDED:

[Signature]

SPECIAL AGENT IN CHARGE

THIS DEED is made on the 5<sup>th</sup> day of March ~~2017~~ 2018

**BETWEEN**

1. **JEEVAN MORAS and NEETHA BENEDICTA LOBO** of 16 Hollycroft Avenue, London NW3 7QL and of Flat 8, Ormonde Court, 10-14 Belsize Grove, London NW3 4UP (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, Jeevan Moras and Neetha Benedicta Lobo entered into an Agreement dated 5 May 2017 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 103039.
- 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 19 September 2017 for which the Council resolved to grant permission conditionally under reference 2017/5214/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 5 May 2017 made between the Council, Jeevan Moras and Neetha Benedicta Lobo
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 5 May 2017 referenced 2016/5365/P allowing the erection of a two storey rear extension at basement level with terrace above, following the demolition of the existing rear extension, erection of single storey infill extension to the flank elevation, new first floor extension, excavation of existing basement for ancillary accommodation with front lightwell, replacement of the rear dormer windows with door and installation of balustrade for inset balcony at roof level, new windows to the flank at ground floor level, installation of new rooflights and solar panels to the rear elevation all associated with the use as a dwelling house. as shown on drawing numbers 06.951.01, 06.951.02 REVF, 06.951.04, 06.951.05, 06.951.06, 06.951.07 REVA, 06.951.08 REV F, 06.951.09 REV G, 06.951.10 REV F, 06.951.11 REV F, 06.951.12 REV G, 06.951.13 REV F, 06.951.14 REV F, 06.951.15 REV F, 06.951.16 REV C, 06.951.18, 06.951.19, Revised Basement Impact Audit from Campbell Reith dated February 2017, Basement Impact Audit from Campbell Reith dated December 2016, Basement Impact Assessment commissioned by Vincent & Rymill dated October 2016, Ground Investigation and Basement Impact Assessment

Report commissioned by Vincent & Rymill Dated November 2016, Construction Management Plan Pro Forma dated October 2016, Construction Management Plan Pro Forma dated March 2017, Ground & Water Ground Investigation and Basement Impact Report Dated November 2016 and (Superseded) Design and Access Statement Revision C Dated 19th April 2017

### **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 condition 3 (approved plans) of planning permission 2016/5365/P dated 05/05/2017 for: The erection of a two storey rear extension at basement level with terrace above, following the demolition of the existing rear extension, erection of single storey infill extension to the flank elevation, new first floor extension, excavation of existing basement for ancillary accommodation with front lightwell, replacement of the rear dormer windows with door and installation of balustrade for inset balcony at roof level, new windows to the flank at ground floor level, installation of new rooflights and solar panels to the rear elevation all associated with the use as a dwelling house, namely the installation of metal balustrade associated with the use of the flat roofs as terraces at first and second floor level as shown on drawings numbers:- Proposed plans; 06.951.10 REVJ, 06.951.11 REVJ, 06.951.12 REV K, 06.951.13 REV H, 06.951.15 REV H, and 06.951.16. REV E



Superseded: 06.951.10 REVF, 06.951.11 REV F, 06.951.12 REV G, 06.951.13 REV F, 06.951.15 REV F and 06.951.16 REV C

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2017/5214/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 19 September 2017 by the Owner and given reference number 2017/5214/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/5365/P" shall be replaced with "Planning Permission reference 2017/5214/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 2017/5214/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 Owner have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY  
JEEVAN MORAS  
in the presence of:

)  
) Jeevan M  
)

Laura Bolohan

.....  
Witness Signature

Witness Name ANTONELA LAURA BOLOHAN

Address Flat 14 ORMONDE COURT, NW3 4UP LONDON

Occupation PHYSIOTHERAPIST

EXECUTED AS A DEED BY  
NEETHA BENEDICTA LOBO  
in the presence of:

)  
) Neetha  
)

~~Neetha~~ Laura Bolohan

.....  
Witness Signature

Witness Name ANTONELA LAURA BOLOHAN

Address Flat 14 ORMONDE COURT NW3 4UP LONDON

Occupation PHYSIOTHERAPIST

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

)  
)  
)  
)

J. Alexander

.....  
Authorised Signatory





5d architects ltd  
764 Finchley Road,  
Temple Fortune  
London  
NW11 7TH

Application Ref: **2017/5214/P**

03 January 2018

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:  
**16 Hollycroft Avenue**  
**Hampstead**  
**London**  
**NW3 7QL**

**Proposal:**

**DECISION**  
Variation of condition 3 (approved plans) of planning permission 2016/5365/P dated 05/05/2017 for: The erection of a two storey rear extension at basement level with terrace above, following the demolition of the existing rear extension, erection of single storey infill extension to the flank elevation, new first floor extension, excavation of existing basement for ancillary accommodation with front lightwell, replacement of the rear dormer windows with door and installation of balustrade for inset balcony at roof level, new windows to the flank at ground floor level, installation of new rooflights and solar panels to the rear elevation all associated with the use as a dwelling house, namely the installation of metal balustrade associated with the use of the flat roofs as terraces at first and second floor level.

Drawing Nos: Proposed plans; 06.951.10 REVJ, 06.951.11 REVJ, 06.951.12 REV K, 06.951.13 REV H, 06.951.15 REV H, and 06.951.16. REV E.

Superseded: 06.951.10 REVF, 06.951.11 REV F, 06.951.12 REV G, 06.951.13 REV F, 06.951.15 REV F and 06.951.16 REV C.

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 2016/5365/P dated 05/05/2017.

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

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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 For the purposes of this decision, condition 3 of planning permission 2016/5365/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-06.951.01, 06.951.02 REV F, 06.951.04, 06.951.05, 06.951.06, 06.951.07 REVA, 06.951.08 REV F, 06.951.09 REV H, 06.951.10 REV J, 06.951.11 REV F, 06.951.12 REV K, 06.951.13 REV H, 06.951.14 REV G, 06.951.15 REV G, 06.951.16 REV E, 06.951.18, 06.951.19, Revised Basement Impact Audit from Campbell Reith dated February 2017, Basement Impact Audit from Campbell Reith dated December 2016, Basement Impact Assessment commissioned by Vincent & Rymill dated October 2016, Ground Investigation and Basement Impact Assessment Report commissioned by Vincent & Rymill Dated November 2016, Construction Management Plan Pro Forma dated October 2016, Construction Management Plan Pro Forma dated March 2017, Ground & Water Ground Investigation and Basement Impact Report Dated November 2016 and (Superseded) Design and Access Statement Revision C Dated 19th April 2017.

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

- 4 The development hereby approved shall not be implemented except in accordance with the details of the engineer approved under reference 2017/2594/P dated 26/05/2017 or in accordance with other such details which are submitted to and approved in writing by the local planning authority prior to commencement.

Such details to confirm that a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body and shall include details of the appointment and the appointee's responsibilities. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All work 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) in accordance with the requirements of policies A1 and A3 of the London Borough of Camden Local Plan 2017.

- 6 The development shall not be implemented other than in accordance with the landscape details approved under reference 2017/2603/P dated 12/07/2017 or in accordance with other such details which are submitted to and approved in writing by the local planning authority. Such details to include full details of hard and soft landscaping, including replacement trees and means of enclosure of all un-built, and including such details as earthworks, grading, mounding and other changes in ground levels.

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 A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 The proposed window to the flank elevation at ground floor level (serving the proposed store room) shall be obscure glazed and fixed shut.

This glazing shall be retained permanently thereafter.

Reason: To ensure that the amenity of occupiers of neighbouring residential properties and gardens in the area is not adversely affected by in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 8 Any trees removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted.

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.

Informative(s):

1 Reasons for granting permission

The application seeks minor amendments to the development approved under ref. 2016/5365/P dated 05/05/2017, namely to the installation of metal balustrades at first and second floor level following the replacement of the approved windows with timber framed doors. The neighbouring properties no's 14 and 18 Hollycroft Avenue consist of roof terraces to the rear (south) at first and roof level. Moreover, no. 14 annex-wing extension includes a glass balustrade with full width doors at first and second floor levels.

The originally submitted glass balustrades for the proposed terraces at first and second floor were revised to metal railings, which are considered to be appropriate to a building of this age and style. The first floor roof terrace would measure approximately 2.6m in depth x 4.2m in width, while the 2nd floor terrace would measure approximately 1.4m in depth x 3.9m in width. The proposed terrace would be similar size with no.14 which was approved under reference 2015/3208/P. These changes represent minor amendments to the approved design that are sympathetic to the host building and will preserve the character and appearance of the conservation area.

There are mutual levels of overlooking between the neighbouring properties and the proposed roof terraces at first and second floor and the proposals would not exacerbate this by virtue of their size and positioning on the rear elevation. The proposed terraces would be located approximately 7.9m from no.14 to the west, 5.6m from number 18 Hollycroft Crescent to the east. Furthermore, both terraces would face away from the rear door of the neighbouring properties. As such, the harm of the proposed roof terraces would be less than detrimental. Given the size of the terraces and its use as ancillary residential use it is not anticipated that the roof terrace would give rise to noise nuisance or loss of privacy in this location.

The original permission was granted subject to a s106 agreement for a construction management plan and associated financial contribution. A deed of variation to the s106 legal agreement would be required to secure the changes to the development. The planning and appeal history of the site has been taken into account when coming to this decision. No objections were received prior to making this decision.

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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with the London Borough of Camden Local Plan 2017, policies A1, D1 and D2. The proposals also accord with the London Plan 2016 and the National Planning Policy Framework 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 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 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

The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research. The second part of the report is a detailed description of the methodology used in the study. This includes a description of the data sources, the sampling method, and the statistical methods used to analyze the data. The third part of the report is a discussion of the results of the study. This includes a description of the findings and an interpretation of the results. The final part of the report is a conclusion and a list of references.

The methodology used in the study was a combination of qualitative and quantitative methods. The qualitative methods included interviews with experts in the field and a review of the literature. The quantitative methods included a survey of a large number of respondents. The data from the survey was analyzed using statistical methods to identify trends and patterns. The results of the study are presented in a series of tables and graphs. The findings of the study are discussed in detail in the discussion section of the report. The conclusion of the study is that there is a strong correlation between the variables studied. The references listed at the end of the report provide a list of the sources used in the study.

The study was conducted over a period of six months. The data was collected from a sample of 1000 respondents. The survey was conducted using a computerized system. The data was analyzed using a statistical software package. The results of the study are presented in a series of tables and graphs. The findings of the study are discussed in detail in the discussion section of the report. The conclusion of the study is that there is a strong correlation between the variables studied. The references listed at the end of the report provide a list of the sources used in the study.

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DATED

5 March

2018  
2017

**(1) JEEVAN MORAS and NEETHA BENEDICTA LOBO**

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**(2) THE MAYOR AND THE BURGESSES OF  
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Relating to development at premises known as  
**16 Hollycroft Avenue Hampstead London NW3 7QL**

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Andrew Maughan  
Head of Legal Services  
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