

DATED

4 April

2018

(1) GRANADA DEVELOPMENTS LIMITED

-and-

(2) SECURE TRUST BANK PLC

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 14 July 2016
Between the Mayor and the Burgesses of the
London Borough of Camden,
Granada Developments Limited and Mizrahi Tefahot Bank Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
73A MAYGROVE ROAD, LONDON NW6 2EN

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/00/1800.359
DoV



THIS DEED is made on the

4th day of April

2018

BETWEEN

1. **GRANADA DEVELOPMENTS LIMITED** (Co. Regn. No. 02861300) whose registered office is at 109 Gloucester Place, London W1H 3PH (hereinafter called "the Owner") of the first part;
2. **SECURE TRUST BANK PLC** (Co. Regn. No. 00541132) of 1 Arleston Way, Shirley, Solihull B90 4LH (hereinafter called "the Mortgagee") of the second part; and
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part.

WHEREAS:

- 1.1 The Council, Granada Developments Limited and Mizrahi Tefahot Bank Limited entered into an Agreement dated 14 July 2016 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title numbers NGL683335 and NGL453066, both subject to a charge to the Mortgagee.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.5 The Mortgagee as the new mortgagee under a legal charge registered under Title Numbers NGL453066 and NGL683335, dated 4 April 2017 is willing to enter into this Agreement to give its consent to the same.

1.6 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 26 May 2017 for which the Council resolved to grant permission conditionally under reference 2017/2984/P subject to the conclusion of this Deed.

1.7 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.

1.8 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 14 July 2016 made between the Council, Granada Developments Limited and Mizrahi Tefahot Bank Limited

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 14 July 2016 referenced 2015/2396/P allowing the erection of a mansard roof incorporating 3 residential dwellings (1x1bed & 2x2bed) as shown on drawing numbers 219-B10P00 A; 219-A10P00 B; A20E01 B; 219-PL0E04 A; 219-PL20E05 A; A20P01 C; A20P03 B; A20P10 B; A20S00 A; A20S01 A; B10P01 A; B10E01 A; B20PO1 B

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 2015/2396/P dated 14 July 2016 as amended by:

Variation of condition 9 (the approved plans) pursuant to planning permission 2015/2396/P dated 14/07/2016 for: Erection of a mansard roof incorporating 3 residential dwellings (1x1bed & 2x2bed) to alter roof level and internal layout at mansard level, namely, the installation of 1 x skylight, 3 x smoke vents, PV panels and the installation of balcony doors to the mansard roof extension as shown on drawing numbers:- 73-01-Roof-Plan-REV1, 73-02-Elevation-REV1, 73-03-Elevation-REV1, 2019-B10P00 REV A and Covering letter from Rapleys dated 24th May 2017

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2017/2984/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 24 May 2017 by the Owner and given reference number 2017/2984/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/2396/P" shall be replaced with "Planning Permission reference 2017/2984/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 2017/2984/P.

5 **PAYMENT OF THE COUNCIL'S LEGAL COSTS**

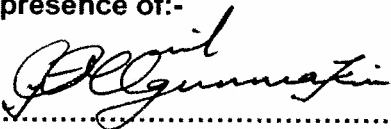
5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

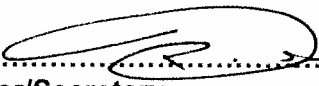
6. **REGISTRATION AS LOCAL LAND CHARGE**

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 and the Mortgagee have caused this Deed to be executed as a Deed the day and year first above written

EXECUTED AS A DEED BY)
GRANADA DEVELOPMENTS LIMITED)
in the presence of:-)

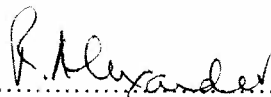

.....
Director


.....
Director/Secretary

EXECUTED AS A DEED by the)
Attorney Authorised on behalf of)
SECURE TRUST BANK PLC)


.....
Duly Authorised Signatory

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


.....
Duly Authorised Officer





Rapleys LLP
51 Great Marlborough Street
London
W1F 7JT

Application Ref: **2017/2984/P**

22 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:
73 A Maygrove Road
London
NW6 2EG

Proposal:

DECISION

Erection of a mansard roof incorporating 3 residential dwellings (1x1bed & 2x2bed) to alter roof level and internal layout at mansard level, namely, internal and external alteration associated with an additional bedroom to create an overall mix of 3 x 2Bed self-contained flats, installation of new lift overrun, 1 x skylight, 3 x smoke vents including PV panels and the reduction in the size of the roof terrace all associated with mansard roof extension at roof level.

Drawing Nos: Superseded:

219-A20P10-B, 219-A20P03-B and 219-A20E01-A.

Proposed:

73-01-Roof-Plan-REV1, 73-02-Elevation-REV1, 73-03-Elevation-REV1.

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 shall be carried out in accordance with the following approved plans: 73-01-Roof-Plan-REV1, 73-02-Elevation-REV1, 73-03-Elevation-REV1, 2019-B10P00 Rev A and Covering letter from Rapleys dated 24th May 2017.

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

- 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 if in CA] of the London Borough of Camden Local Plan 2017.

- 3 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

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

- 4 The 3x residential units within the mansard hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policies C6 and H6 of the London Borough of Camden Local Plan 2017.

- 5 Before the development commences, details of secure and covered cycle storage area for at least 30 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 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. 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 CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 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 of the London Borough of Camden Local Plan 2017.

- 8 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the occupation for the permitted use of the development or any phase of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3 and D1 of the London Borough of Camden Local Plan 2017.

- 9 The development hereby permitted must be begun not later than the end of three years from the date of planning permission reference 2015/2396/P dated 14/07/2017

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

Informative(s):

- 1 Reasons for granting permission:

The approved scheme comprised of the erection of a mansard roof extension for the addition of 3 x new residential flats consisting of 2 x 2Bed and 1 x 1Bed self-contained units. Planning consent is sought to vary condition 9 (the approved plans), namely, alteration is proposed to the mansard roof extension and internal and external alterations associated with the residential mix for the provision of an additional bedroom which would change the existing 1 x 1Bed flat into a 2Bed flat (east elevation).

The alteration proposed to the roof including the reduction of the scale of the inset roof terraces to the rear towards the east and west elevations, would have limited visual impact on the host building; the addition of the 24 new Photovoltaic Panels would be a welcomed addition in achieving energy efficiency in accordance with the Local Plan policy CC1. The new lift overrun, installation of three new smoke vents and a skylight at roof level would not have a material impact on the host building's overall appearance which would remain as existing from street level. Moreover, the design, scale and appearance would not detract from the host building. The proposed residential mix would provide an additional 1 x 2Bed flat, measuring 72sqm. 2-bedroom flats are considered a high priority within the borough and as such acceptable. The proposed flat would have double aspect rooms with good ventilation and natural lighting.

It is not anticipated that the proposed amendment would result in any additional harm to the residential amenity of the neighbouring occupiers. No additional windows are proposed. Nor would the location or height of the mansard change.

The site has a PTAL score of 5, which indicates that it has a very good level of accessibility by public transport. As the new flats are likely to generate additional on street parking demand this permission is subject to a legal agreement to ensure the new flats will be car free. Cycle parking at new developments should be provided in accordance with the standards set out in the London Plan of March 2015. As the proposed development comprises 3 x 2 bedroom units this gives a requirement for the total provision required is therefore for 30 spaces.

No objections or comments were received in relation to this application. The site's planning history was taken into consideration when reviewing this application.

As such, As such, the proposed development is in general accordance with policies A1, A4, C6, D1, H6, T1 and T2 of the Camden Local Plan 2017 and policies in the London Plan March 2016, relevant paragraphs of the National Policy Framework and the Fortune Green And West Hampstead Neighbourhood Plan 2014.

- 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) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £1450 (290sqm x £50) for the Mayor's CIL and £72,500 (290sqm x £250 using the relevant rate for uplift in that type of floorspace) for the Camden CIL .

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 CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 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.
- 6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 7 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.
- 8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

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

4 April

2018

(1) GRANADA DEVELOPMENTS LIMITED

-and-

(2) SECURE TRUST BANK PLC

-and-

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

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