

DATED

10 July

2018

(1) DANIEL GORNIG and JULIA MATHILDA ELMGREN

-and-

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

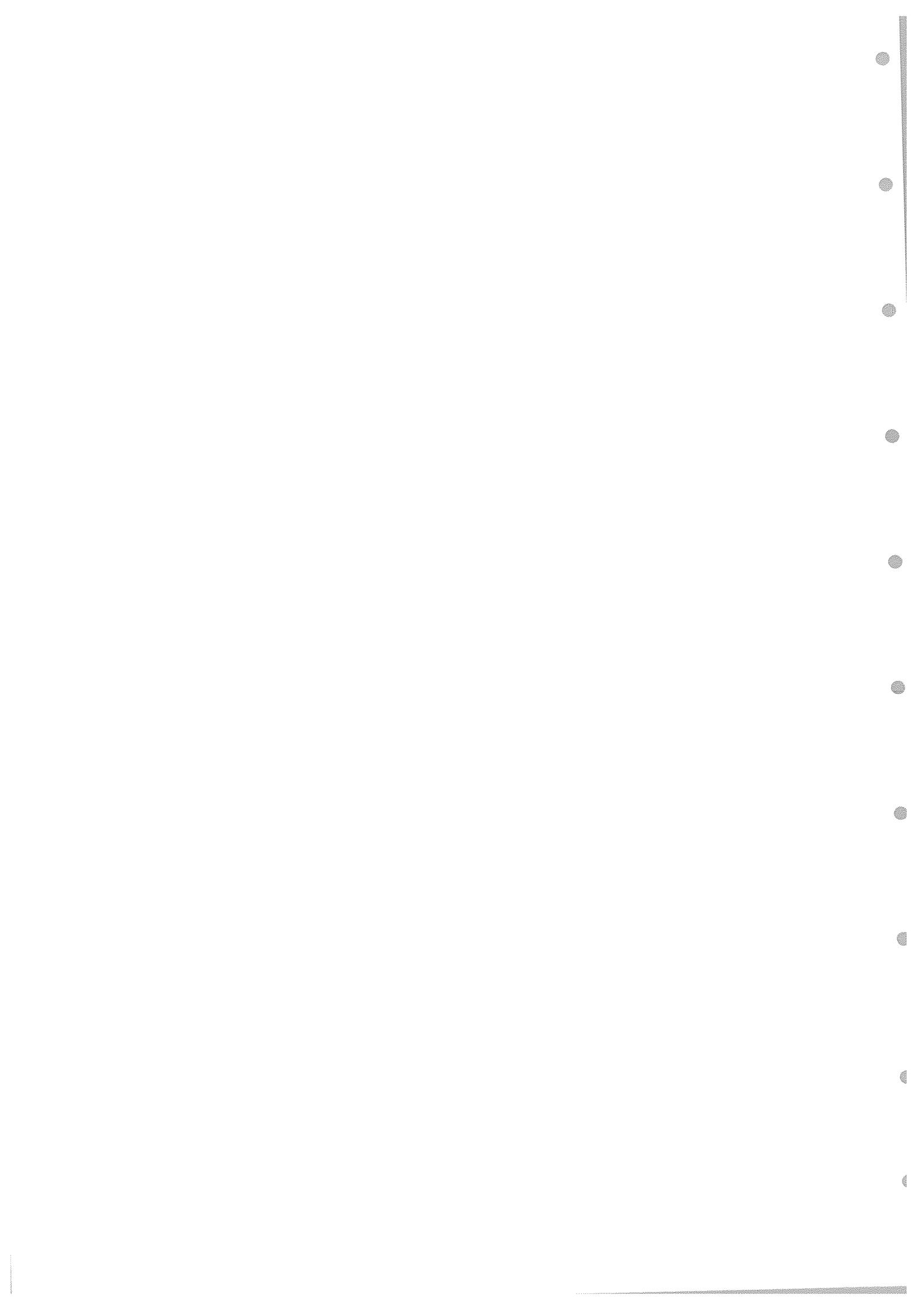
DEED OF VARIATION

Relating to the Agreement dated 25 May 2016
Between the Mayor and the Burgesses of the
London Borough of Camden,
Abdel-Razak Aboulkheir and Sara Aboulkheir and HSBC Private Bank (UK) Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
47 QUEENS GROVE, LONDON NW8 6HH

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/LN/1800.717
DoV FINAL



THIS AGREEMENT is made on the 10th day of July 2018

BETWEEN

1. **DANIEL GORNIG and JULIA MATHILDA ELMGREN** of 47 Queens Grove, London NW8 6HH (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 Abdel-Razak Aboulkheir and Sara Aboulkheir and HSBC Private Bank (UK) Limited entered into an Agreement dated 25 May 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 number NGL864440.
- 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 Agreement.
- 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 12 April 2018 for which the Council resolved to grant permission conditionally under reference 2018/1758/P subject to the conclusion of this Agreement.
- 1.6 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 (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 Agreement 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 Agreement.

2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 Where in this Agreement 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 Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.

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, 4, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.

2.7 References in this Agreement to the Owner shall include their successors in title.

2.8 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.8.1 "Agreement"

this Deed of Variation

2.8.2 "Existing Agreement"

the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 25 May 2016 made between the Council Abdel-Razak Aboulkheir and Sara Aboulkheir and HSBC Private Bank (UK) Limited

2.8.3 "the Original Planning Permission"

means the planning permission granted by the Council on 25 May 2016 referenced 2015/5630/P allowing the erection of side and rear extensions including external alterations; extension and alterations to rear outbuilding as shown on drawing numbers Site Location Plan; 5862/10; 5862/11; 5862/13; 5862/15; 5862/16; 5862/20; 5862/25A; 5862/26A; 5862/27A; 5862/28A; 5862/30A; 5862/31B; 5862/35A; 5862/36A

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"

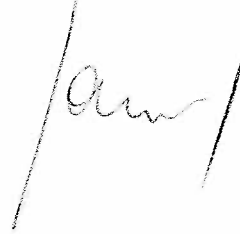
variation of planning permission dated 25 May 2016 (Ref. No 2015/5630/P) to include a new rear access stair, reduce upper floor extensions and to vary external treatment and garden landscaping as shown on drawing numbers: Site Location Plan; 5862/10, 5862/11, 5862/13, 5862/15, 5862/16, 5862/20; 1000.1, 1000.2, 1000.3, 1001.1, 1001.2, 1001.3, 1002.1, 1002.2 Rev.1, 1002.3, 1010.1, 1010.2, 2001.1, 2001.2, 2002.1 Rev.1, 2002.2, 3002.1; Arboricultural Assessment and Protection Method Statement (ref. ha/aiams1/47qg dated 05/10/15); Design and Access Statement (dated 28.03.18); Covering Letter prepared by Camouflage

- 3.1.2 "Planning Permission" the planning permission under reference number 2018/1758/P to be issued 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 12 April 2018 by the Owner and given reference number 2018/1758/P
- 3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/5630/P" shall be replaced with ""Planning Permission reference 2015/5630/P as varied by application 2018/1758/P".
- 3.3 In all other respects the Existing Agreement (as varied by this Agreement) 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 Agreement shall take effect on the Implementation of the Planning Permission referenced 2018/1758/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 Agreement) its reasonable legal costs incurred in preparing this Agreement.
6. **REGISTRATION AS LOCAL LAND CHARGE**
- 6.1 This Agreement shall be registered as a Local Land Charge.
7. **JOINT AND SEVERAL LIABILITY**
- 7.1.1 All Covenants made by the Owner(s) in this Agreement are made jointly and severally and shall be enforceable as such.

IN WITNESS WHEREOF the Council has caused their Common Seal to be affixed and the Owner has caused this Agreement to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY
DANIEL GORNIG
in the presence of:

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)



.....
Witness Signature

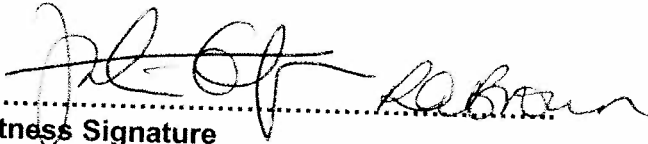
Witness Name: SHAW STACEY

Address: LEXINGTON, BLOOMFIELD PARK, ABER, SLS QJT

Occupation: GENERAL MANAGER

EXECUTED AS A DEED BY
JULIA MATHILDA ELMGREN
in the presence of:

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)



.....
Witness Signature

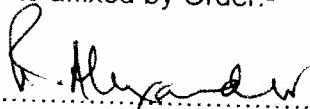
Witness Name: REBEKAH BROWN

Address: 11 ELVETHAM ROAD, FLEET, GU15 4QL

Occupation: COMMERCIAL OPERATIONS MANAGER

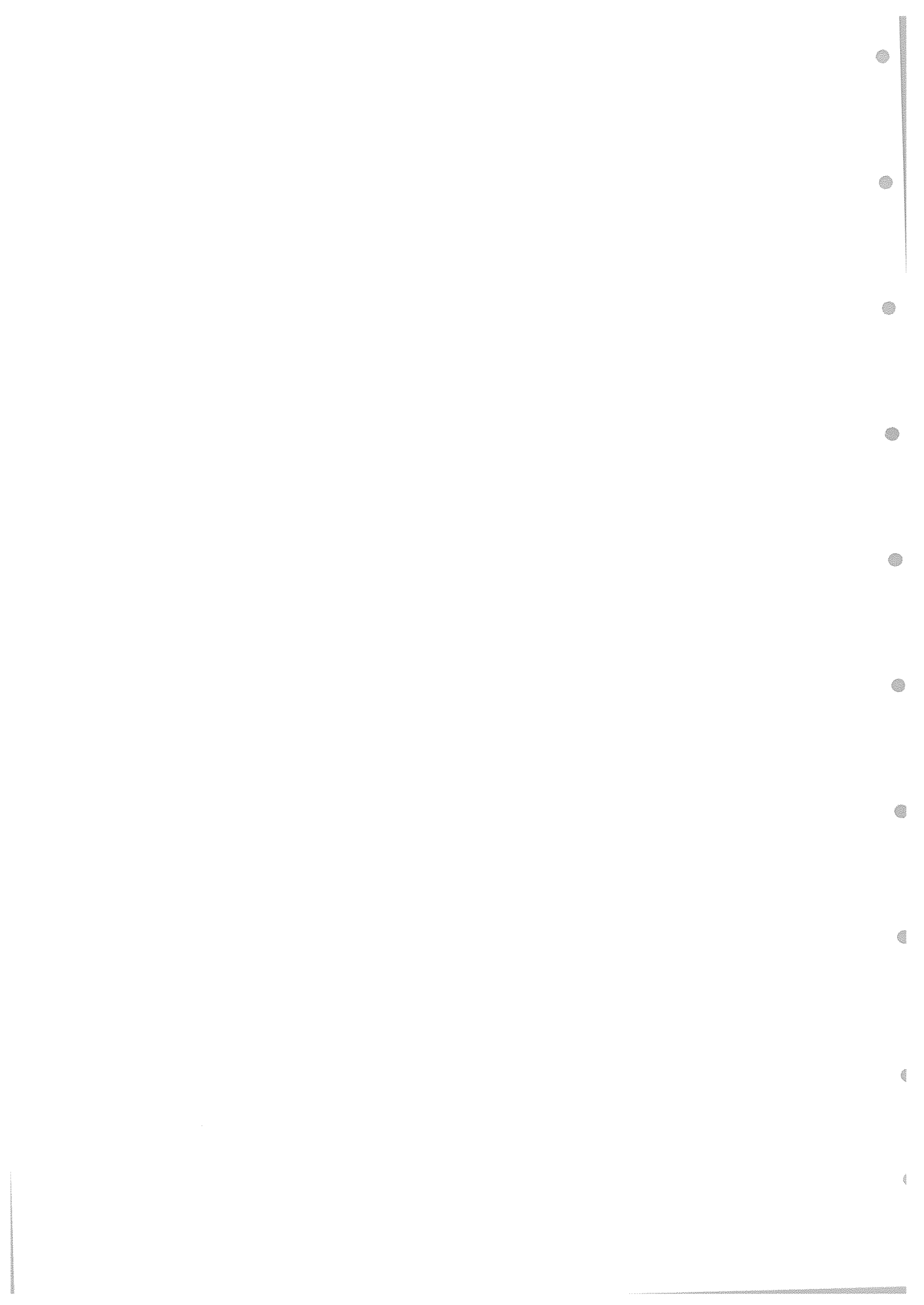
THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN
was hereunto affixed by Order:-

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.....
Duly Authorised Officer





NORTHGATE SE GIS Print Template



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Camouflage
Camouflage
8a Bartlett Street
Bath
BA1 2QZApplication Ref: **2018/1758/P**

21 June 2018 21 June 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 AGREEMENTAddress:
47 Queen's Grove
London
NW8 6HH

Proposal:

DECISION

Variation to condition 3 (approved drawings) of planning permission 2015/5630/P dated 25/05/2016 for the 'Erection of side and rear extensions including external alterations; extension and alterations to rear outbuilding, namely to include a new rear access stair, reduce upper floor extensions and to vary external treatment and garden landscaping.

Drawing Nos: Site Location Plan; 5862/10, 5862/11, 5862/13, 5862/15, 5862/16, 5862/20; 1000.1, 1000.2, 1000.3, 1001.1, 1001.2, 1001.3, 1002.1, 1002.2 Rev.1, 1002.3, 1010.1, 1010.2, 2001.1, 2001.2, 2002.1 Rev.1, 2002.2, 3002.1;

Arboricultural Assessment and Protection Method Statement (ref. ha/aiams1/47qg dated 05/10/15); Design and Access Statement (dated 28.03.18); Covering Letter prepared by Camouflage

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 2015/5630/P dated 25/05/2016.

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 (approved drawings) of planning permission 2015/5630/P dated 25/05/2016 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:

1000.1, 1000.2, 1000.3, 1001.1, 1001.2, 1001.3, 1002.1, 1002.2 Rev.1, 1002.3, 1010.1, 1010.2, 2001.1, 2001.2, 2002.1 Rev.1, 2002.2, 3002.1;

Arboricultural Assessment and Protection Method Statement (ref. ha/aiams1/47qg dated 05/10/15); Design and Access Statement (dated 28.03.18); Covering Letter prepared by Camouflage

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

- 4 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 local planning authority 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 D1, D2, A2 and A3 of the London Borough of Camden Local Plan 2017.

- 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 changes in ground levels and the planted screening along the boundary with no.46. 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.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the commencement of development on the new external stairs, detailed drawings, including a plan, elevation, sections and details of materials, shall be submitted to and approved in writing by the local planning authority.

The external stairs shall be carried out in accordance with the details thus approved and any approved samples shall be retained on site during the course of the works.

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.

Informative(s):

- 1 The proposed variations would include a reduction to the previously approved front garden excavations, the omission of the first floor rear extension and would seek permission for an altered design to the fenestration of the side extension. The proposed variation would an external access stair between the upper ground floor terrace and garden level.

The variation would not increase the footprint of the permitted extensions and would include a reduction in scale and massing. The works to the rear would not be visible in any public view and only glimpses would be afforded from a limited number of private views. The varied fenestration to the rear of a more modern design, with large openable sliding panels and slimline aluminium frames. Given that these would be located within an extended modern side wing or at lower ground floor level and the majority of existing traditional fenestration to the main dwelling would be retained, this is not objectionable as it would preserve the character of the host dwelling. The garden stair is an existing and characteristic feature and its replacement is not objectionable in principle. To ensure that the design of this element remains lightweight and not visually dominant, a condition is recommended for the submission of full details, including materials. The only variation proposed to the front would be the omission of the front garden excavation and replacement with a modest retaining wall to form a partial lightwell. This change would lessen the visual impact of the approved front light well as well as reduced impacts from construction. The works are considered to preserve the character of the CA.

The removal of trees T1, T2 and T5 and reduction to the crown of tree T4 was accepted as part of the original application. Although the variation would include some minor rearrangement to the garden steps and planters adjacent to the proposed extension, the works would not cause any greater impact than previously, with the size and position of the outbuilding to match the approved scheme. In order to ensure that adequate protection measures are implemented on site and that the final landscaping design maintains the verdant quality of the site, the tree protection and landscaping conditions will be reapplied.

The proposed extensions would be of a lesser scale and massing than approved, meaning that no greater harm would be caused on neighbouring occupiers by means of natural light or outlook. Although views would be afforded from the ground floor terrace and side windows towards the neighbouring property (no.46), this is consistent with the existing/approved relationship and it is not considered that the change would result in a detrimental loss of privacy - particularly when screening vegetation has re-established along the shared boundary. Details of this screening are secured by condition.

In order to ensure that the condition of the adjacent footway and highway are protected during the implementation of the development, this recommendation would be subject a deed of variation to the former legal agreement securing a highways contribution in case of damage.

- 2 The site's planning history was taken into account. No objections or comments were received following public consultation. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the St John's Wood 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.

As such the proposed variation is considered to remain in accordance with policies D1, D2, A1, A4 and T2 of the London Borough of Camden Local Plan 2017. The development also accords with the London plan (2016) and the NPPF (2012).

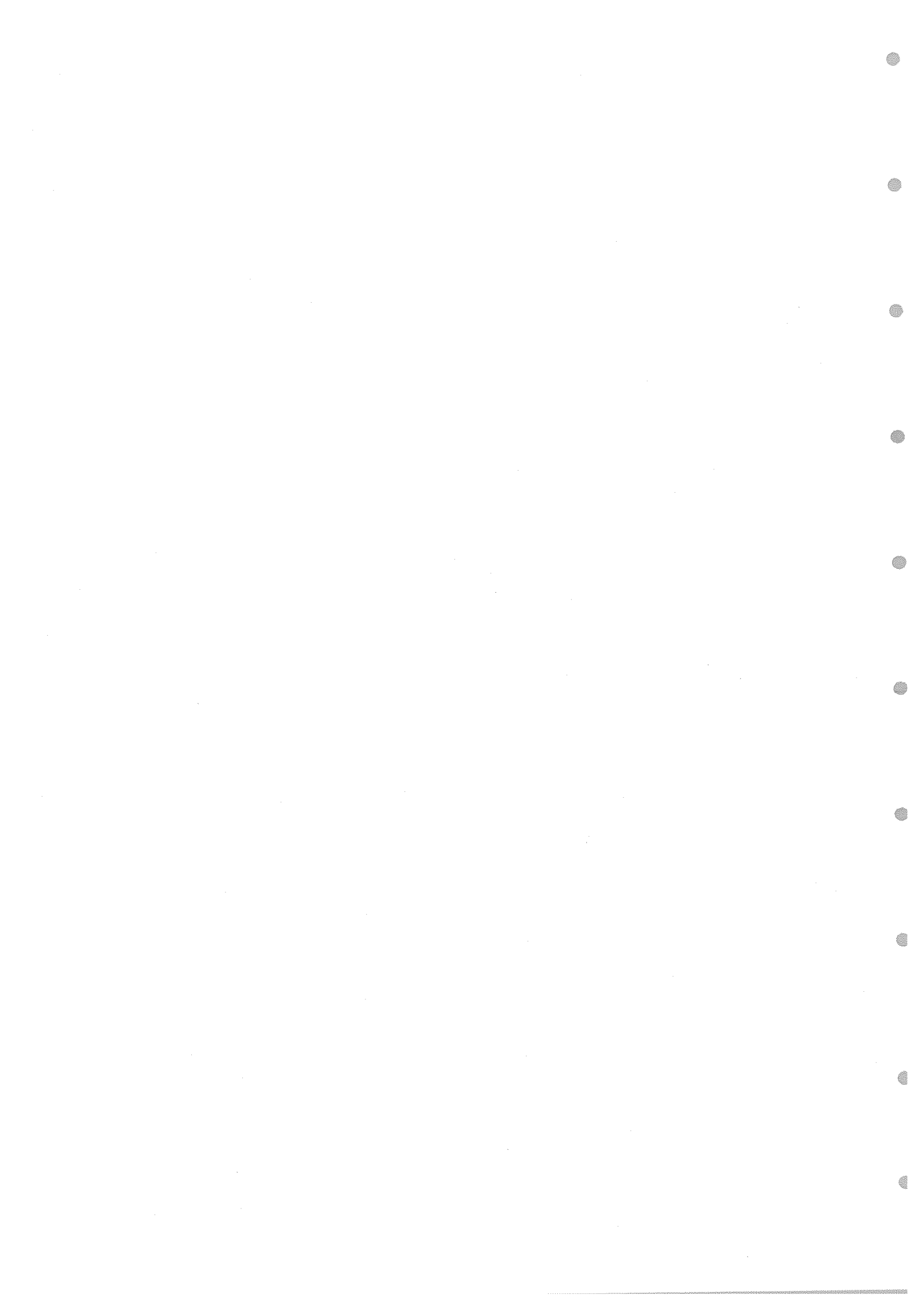
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 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.

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

DECISION





DATED

10 July

2018

(1) DANIEL GORNIG and JULIA MATHILDA ELMGREN

-and-

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

DEED OF VARIATION

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