

DATED

26th July

2018

(1) VIPUL MAHENDRA PANCHAL AND OLGA MANKO

-and-

(2) YORKSHIRE BUILDING SOCIETY

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 22 December 2016
Between the Mayor and the Burgesses of the
London Borough of Camden,
Vipul Mahendra Panchal and Olga Manko and the Yorkshire Building Society
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
26 ROSECROFT AVENUE LONDON NW3 7QB

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

Tel: 020 7974 5826
Fax: 020 7974 2962

CLS/COM/LN/1800.703
DoV FINAL

THIS DEED is made on the 26th day of July

2018

BETWEEN

1. **VIPUL MAHENDRA PANCHAL and OLGA MANKO** of 26 Rosecroft Avenue, London NW3 7QB (hereinafter called "the Owner") of the first part
2. **YORKSHIRE BUILDING SOCIETY trading as CHELSEA BUILDING SOCIETY** of Timbercombe House, Charlton Kings Business Park, Cirencester Road, Cheltenham, Glos GL53 8DZ (hereinafter called "Mortgagee") of the second part
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, the Owner and the Mortgagee entered into an Agreement dated 22 December 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 leasehold proprietor with Title Absolute under title number NGL908697 subject to a charge to the Mortgagee.
- 1.3 The Owner is the leasehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL908697 and dated 29 December 2015 is willing to enter into this Agreement to give its consent to the same.
- 1.5 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.
- 1.6 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

February 2018 for which the Council resolved to grant permission conditionally under reference 2018/1039/P subject to the conclusion of this Agreement.

1.7 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.

1.8 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 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 and Mortgagee shall include their successors in title.

2.8 In this Agreement the following expressions shall unless the context otherwise states have the following meanings now allocated to them.

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 22 December 2016 made between the Council, the Owner and the Mortgagee

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 22 December 2016 referenced 2016/0231/P allowing the alterations to the ground and lower ground floor flat including enlargement of the existing semi-basement (within the building existing footprint), formation of a front lightwell, ground floor rear extension and formation of a rear basement level lightwell as shown on drawing numbers OS map, PL 101A, EX 100, EX 101, EX 102, EX 103, EX 200, EX 201, EX 300, EX 301, EX 302, PL 100, PL 101, PL 102, PL 103, PL 200, PL 201, PL 300, PL 301, PL 302, PL 303 and 1-38-3917 3rd May 2016.

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" the development authorised by the Original Planning Permission as amended by the following: variation of condition 3 (approved

plans) of planning permission 2016/0231/P dated 22/12/2016 (for alterations to the ground and lower ground floor flat including enlargement of the existing semi-basement (within the building existing footprint), formation of a front lightwell, ground floor rear extension and formation of a rear basement level lightwell), namely erect an infill extension within a void space in the rear elevation at lower ground and ground floor as shown on drawing numbers: Superseded: PL 100, PL 101, PL 102, PL 103, PL 201, PL 202, PL 300 and PL 301 Proposed: PL 100 RevA, PL 101 RevA, PL 102 RevA, PL 103 RevA, PL 201 RevA, PL 202 RevA, PL 300 RevA and PL 301 RevA

3.1.2 "Planning Permission"

the Original Planning Permission amended by the planning permission granted for the Development under reference number 2018/1039/P substantially in the draft form annexed hereto

3.1.3 "Planning Application"

the application for Planning Permission in respect of the Property submitted to the Council and validated on 26 February 2018 and given reference number 2018/1039/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/0231/P" shall be replaced with "'Planning Permission reference 2016/0231/P as varied by application 2018/1039/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 2018/1039/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

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

**EXECUTED AS A DEED BY
VIPUL MAHENDRA PANCHAL
in the presence of:**

.....
Witness Signature

Witness Name

Address

Occupation

[Signature]
J H F


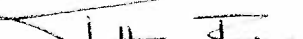
JOHN FOX

10 ROSECREFT AVENUE
LONDON NW3 7QB

IMPORTER

THIS IS A CONTINUATION OF THE DEED OF VARIATION IN RELATION TO
26 ROSECROFT AVENUE

EXECUTED AS A DEED BY)
OLGA MANKO)
in the presence of:)



.....
Witness Signature 

Witness Name JOHN FOX

Address 10 ROSECROFT AVENUE
LONDON NW1 7QB

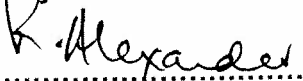
Occupation I M PORTER

EXECUTED AS A DEED)
By YORKSHIRE BUILDING SOCIETY)
By)
in the presence of:-)


.....

by authority of the board of directors

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


.....

Authorised Signatory

NORTHGATE SE GIS Print Template



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by authority of the board of

City Planning Ltd
40-41 Pall Mall 2
nd Floor West Wing
London
SW1Y 5JG

Application Ref: **2018/1039/P**

26 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 AGREEMENT

Address:
26 Rosecroft Avenue
London
NW3 7QB

DECISION
Proposal:

Variation of condition 3 (approved plans) of planning permission 2016/0231/P dated 22/12/2016 (for alterations to the ground and lower ground floor flat including enlargement of the existing semi-basement (within the building existing footprint), formation of a front lightwell, ground floor rear extension and formation of a rear basement level lightwell), namely erection of an infill extension within void space in rear elevation at lower ground and ground floor.

Drawing Nos: Superseded:

PL 100, PL 101, PL 102, PL 103, PL 201, PL 202, PL 300 and PL 301.

Proposed:

PL 100 RevA, PL 101 RevA, PL 102 RevA, PL 103 RevA, PL 201 RevA, PL 202 RevA, PL 300 RevA and PL 301 RevA.

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 2016/0231/P dated 22/10/2016.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/0231/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:

OS map, EX 100, EX 101, EX 102, EX 103, EX 200, EX 201, EX 300, EX 301, EX 302, PL 100 RevA, PL 101 RevA, PL 102 RevA, PL 103 RevA, PL 200, PL 201 RevA, PL 202 RevA, PL 300 RevA, PL 301 RevA, PL 302, PL 303 and 1-38-3917 3rd May 2016.

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

- 4 The development hereby approved shall not commence until such time as 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. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. 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 policy A5 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved drawings and evidence of this shall be submitted to the council. The protection shall then remain in place for the duration of works on site, unless otherwise agreed in writing by the local authority.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy A3 and D1 of the London Borough of Camden Local Plan 2017.

- 6 By not later than the end of the planting season following the completion of the development hereby permitted, or any phase of the development, trees shall be planted on the land in such positions and of such size and species as may be agreed with the Council within the approved arboricultural report. 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 enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy A3 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission

The revised proposal shall infill a void area of 0.8m width by 2.2m high at ground and basement level and shall connect a rear extension to the side return. The infill extension is marginal and does not harm the character of the host building or the conservation area. The revised proposal is considered acceptable in the context of the approved scheme.

The revised proposal does not raise any amenity concerns as the infill shall fill the void between two rear projections internally and would not cause any loss of light, outlook or privacy for neighbours.

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

- 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 Compliance and Enforcement team [Regulatory Services], 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.

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

26th July

2018

(1) VIPUL MAHENDRA PANCHAL AND OLGA MANKO

-and-

(2) YORKSHIRE BUILDING SOCIETY

-and-

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

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