

DATED

6 September

2018

(1) MURUGAN PROPERTY LIMITED

-and-

(2) SHAWBROOK BANK LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 3 July 2017
Between the Mayor and the Burgesses of the
London Borough of Camden,
AJS Group Services LTD and National Westminster Bank PLC
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
47 York Way, London N7 9QF

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

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/COM/00/1800.706



THIS DEED is made on the 6th day of September 2018

BETWEEN

1. **MURUGAN PROPERTY LIMITED** (Co. Regn. No. 08010110) whose registered office is at Fylde Tax Accountants, 155 Newton Drive, Blackpool, FY3 8LZ (hereinafter called "the Owner") of the first part
2. **SHAWBROOK BANK LIMITED** of Lutea House, Warley Hill Business Park, The Drive, Great Warley, Brentwood, Essex CM13 3BE. (hereinafter called "the 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, AJS Group Services LTD and National Westminster Bank PLC entered into an Agreement dated 3 July 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 272609 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 a mortgagee under legal charge registered under Title Number 272609, dated 3 January 2018 is willing to enter into this Deed 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 27 February 2018 for which the Council resolved to grant permission conditionally under reference 2018/0920/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 3 July 2017 made between the Council, AJS Group Services LTD and National Westminster Bank PLC

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 3 July 2017 referenced 2016/6828/P allowing the conversion of two units to provide 3 self-contained units (1x2-bed; 2x1-bed) (C3); erection of single storey rear infill extension at ground floor level as shown on drawing numbers:- 4644/3 (Location Plan); Existing Rear elevation; Existing Side elevation; 4644 (Rev c); Design Statement prepared by John Philips Building Plans as shown on drawing numbers

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 2016/6828/P dated 3 July 2017 as amended by:
- Variation of condition 3 (approved plans) relating to planning permission ref. 2016/6828/P dated 3/7/2017 for conversion of two units to provide 3 self-contained units (C3); erection of single storey rear infill extension at ground floor level, namely alterations to rear extension including replacement of pitched roof with flat roof as shown on drawing numbers:- Site Location Plan; Ground_Floor_Plan_N79QF (dated 26 April 2018); Proposed_Roof_Plan_N79QF (dated 26 April 2018); Section_AA_N79QF (dated 26 April 2018); Section_BB_N79QF (dated 26 April 2018); Rear_Elevation_N79QF (dated 26 April 2018); Side_01_Elevation_N79QF (dated 26 April 2018); Existing Rear elevation; Existing Side elevation; 4644 (Rev c)
- 3.1.2 "Planning Permission" the planning permission for the Development under reference number 2018/0920/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 20 February 2018 by the Owner and given reference number 2018/0920/P
- 3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/6828/P" shall be replaced with "Planning Permission reference 2018/0920/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 2018/0920/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 and the Owner has caused their respective Common Seals to be affixed and the Mortgagee has caused this Deed to be executed as a Deed the day and year first above written.

Witnessed:

**EXECUTED AS A DEED BY
MURUGAN PROPERTY LIMITED
in the presence of:-**

Periakaruppan Murugan 
Director

McKenzie
L. McKenzie
South Quay Building
189 Marsh Wall
London
E14 9SH
DIRECTOR

.....
Director/Secretary

EXECUTED AS A DEED by the
Attorney Authorised on behalf of
SHAWBROOK BANK LIMITED


.....
Duly Authorised Signatory

WITNESS: 
EMMA CARTER

SHAWBROOK BANK LTD
LUTEA HOUSE
WARLEY HILL BUSINESS PARK
THE DRIVE
GREAT WARLEY
BRENTWOOD, ESSEX
CM8 9PE

CONTINUATION OF THE DEED OF VARIATION IN RELATION TO 47 YORK WAY,
LONDON N7 9QF

THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN

was hereunto affixed by Order:-

R. Alexander
.....
Duly Authorised Officer



Urbanist Architecture
133 Creek Road
London
SE8 3BU

Application Ref: **2018/0920/P**

4 June 2018

Dear Sir/Madam

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:
**47 York Way
LONDON
N7 9QF**

Proposal:

Variation of condition 3 (approved plans) relating to planning permission ref. 2016/6828/P dated 3/7/2017 for conversion of two units to provide 3 self-contained units (C3); erection of single storey rear infill extension at ground floor level, namely alterations to rear extension including replacement of pitched roof with flat roof

Drawing Nos:

Revised Drawings: Ground_Floor_Plan_N79QF (dated 26 April 2018);
Proposed_Roof_Plan_N79QF (dated 26 April 2018); Section_AA_N79QF (dated 26 April 2018); Section_BB_N79QF (dated 26 April 2018); Rear_Elevation_N79QF (dated 26 April 2018); Side_01_Elevation_N79QF(dated 26 April 2018)

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 2016/6826/P dated 03/07/2017.

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 no.3 of planning permission 2016/6828/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: Site Location Plan; Ground_Floor_Plan_N79QF (dated 26 April 2018); Proposed_Roof_Plan_N79QF (dated 26 April 2018); Section_AA_N79QF (dated 26 April 2018); Section_BB_N79QF (dated 26 April 2018); Rear_Elevation_N79QF (dated 26 April 2018); Side_01_Elevation_N79QF (dated 26 April 2018); Existing Rear elevation; Existing Side elevation; 4644 (Rev c)

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

Informative(s):

- 1 Reasons for granting

The replacement of a pitched roof with a flat roof with 3no.rooflights is considered an acceptable alteration to the rear extension that would lessen the impact on the rear elevation of the property by virtue of the overall height being reduced. The increase in the width to the bi-folding glazed doors is an acceptable alteration for the ground floor rear location. No alteration to the footprint of the extension is proposed. The revised proposal is considered acceptable in the context of the approved scheme.

The proposal is considered to preserve the character and appearance of the conservation area. 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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

By reason of the nature of the works, the proposal is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers.

One objection has been received prior to making this decision which has been duly addressed. The planning history of the site has been taken into account when coming to this decision.

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

- 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.

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

DATED

6 September

2018

(1) MURUGAN PROPERTY LIMITED

-and-

(2) SHAWBROOK BANK LIMITED

-and-

(3) THE MAYOR AND THE BURGESSES OF
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