

DATED

5 February

2019

**(1) GEEMORE LIMITED**

-and-

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

---

**DEED OF VARIATION**

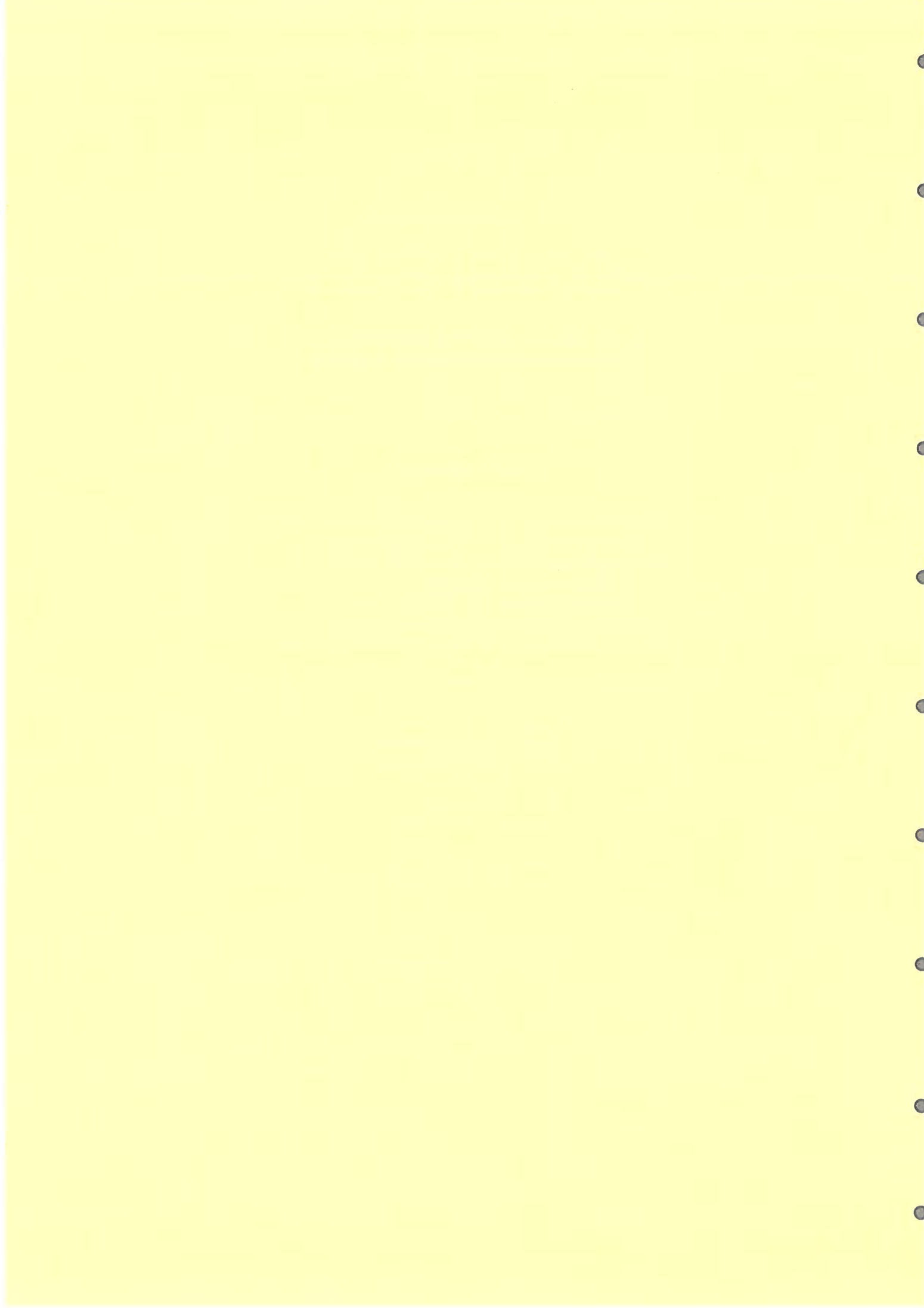
Relating to the Agreement dated 5 September 2018  
Between the Mayor and the Burgesses of the  
London Borough of Camden and Geemore Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**162 CLERKENWELL ROAD LONDON EC1R 5DU**

---

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/00/1800.982  
DoV



THIS DEED is made on the 5<sup>th</sup> day of February 2018 2019

**BETWEEN**

1. **GEEMORE LIMITED** (Co. Regn. No. 11186454) whose registered office is at 6th Floor Cardinal House, 20 St Mary's Parsonage, Manchester, Lancashire, United Kingdom, M3 2LG (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 and Geemore Limited entered into an Agreement dated 5 September 2018 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 NGL364120 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 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 25 October 2018 for which the Council resolved to grant permission conditionally under reference 2018/5161/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, 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 5 September 2018 made between the Council and Geemore Limited
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 5 September 2018 referenced 2018/2468/P allowing the conversion of four bed dwelling into three studio flats including erection of single storey rear extension at first floor level and enlargement of rear dormer extension at third floor level as shown on drawing numbers P001 (Site Location Plan). Existing: P002, P100, P101, P102, P103, P104, P120, P130, P131. Proposed: P201/A, P202/A, P203/A, P204/A, P220/B, P230/B, P231/B, Design and Access Statement (dated 25/05/2018), Planning Statement

### **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 2018/2468/P dated 5 September 2018 as amended by:  
Variation of condition 3 of planning permission 2018/2468/P dated 05/09/18 (for conversion of four bed dwelling into three studio flats including erection of single storey rear extension at first floor level and enlargement of rear dormer

extension at third floor level), namely the addition of smoke ventilation rooflight to rear elevation as shown on drawing numbers:  
Superseded: P204/A; P230/B; P203/A  
Revised: P204/B; P230/C; P203/B

- 3.1.2 "Planning Permission" the planning permission for the Development under reference number 2018/5161/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 26 September 2018 by the Owner and given reference number 2018/5161/P
- 3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2018/2468/P" shall be replaced with "Planning Permission reference 2018/5161/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 2018/5161/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.

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

X *J.A. Prosser* X  
.....  
Director

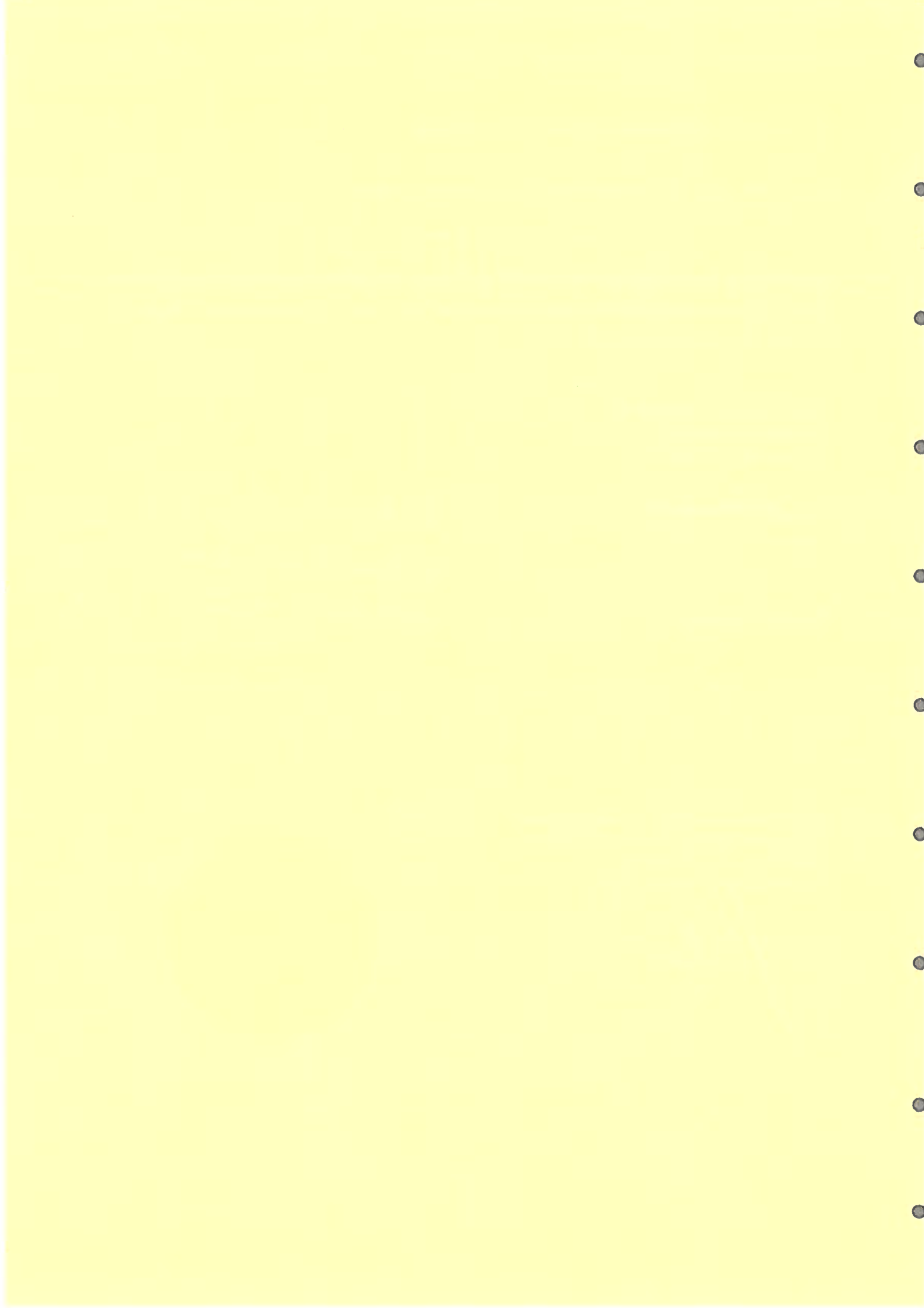
.....  
Director/Secretary

Witness: *A. G. [Signature]*  
Witness Name: *ANTHONY L. LAWSON*  
Address: *5 Highgate, Delabury Road  
Hale, Cheshire  
Cheshire WA15 8DZ*

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

*[Signature]*  
.....  
Duly Authorised Officer







Application ref: 2018/5161/P  
Contact: David Peres Da Costa  
Tel: 020 7974 5262  
Date: 16 January 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

MATA Architects  
Mata Architects  
London  
W2 5EU

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted subject to a Section 106 Legal Agreement and Warning of Enforcement Action**

Address:  
**162 Clerkenwell Road**  
**London**  
**EC1R 5DU**

# DECISION

**Proposal:**

Variation of condition 3 of planning permission 2018/2468/P dated 05/09/18 (for conversion of four bed dwelling into three studio flats including erection of single storey rear extension at first floor level and enlargement of rear dormer extension at third floor level), namely the addition of smoke ventilation rooflight to rear elevation.

**Drawing Nos:**

Superseded: P204/A; P230/B; P203/A

Revised: P204/B; P230/C; P203/B

The Council has considered your application and decided to grant permission subject to the following condition(s):

**Conditions and Reasons:**

- 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 2018/2468/P dated 05/09/18.

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 2018/2468/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: P001 (Site Location Plan). Existing: P002, P100, P101, P102, P103, P104, P120, P130, P131. Proposed: P201/A, P202/A, P203/B, P204/B, P220/B, P230/C, P231/B, Design and Access Statement (dated 25/05/2018), Planning Statement. Design and Access Statement dated 26.10.2018

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

- 4 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
  - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used areas of green roof add in : and showing a variation depth with peaks and troughs]
  - iii. full details of planting species and density
- [for large of substrate

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 Before the use commences, the extract ventilating system shall be provided with sound attenuation and anti-vibration measures and shown on plans approved in writing by the Local Planning Authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the residential occupiers of the hereby approved studio flats in accordance with the requirements of policies A1 and

Informative(s):

1 Reason for granting permission

The automatic opening smoke vent would measure 1.18m by 1.14m and would be located on the upper part of the roof above the enlarged dormer previously approved (planning ref: 2018/2468/P). The vent would have the appearance of a rooflight. The size and location of the vent are considered acceptable and would not harm the appearance of the host property. As it is located at the rear of the property it would not be prominent in the streetscape and would preserve the character and appearance of the Hatton Garden Conservation Area. The high level vent would be located above a communal stairwell and would have no impact on neighbouring amenity in terms of loss of privacy.

As the original permission was secured car free via legal agreement, a deed of variation will be required.

The planning and appeal history of the site has been taken into account when coming to 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.

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

- 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.

- 5 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 6 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 7 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2018.

#### **ENFORCEMENT ACTION TO BE TAKEN**

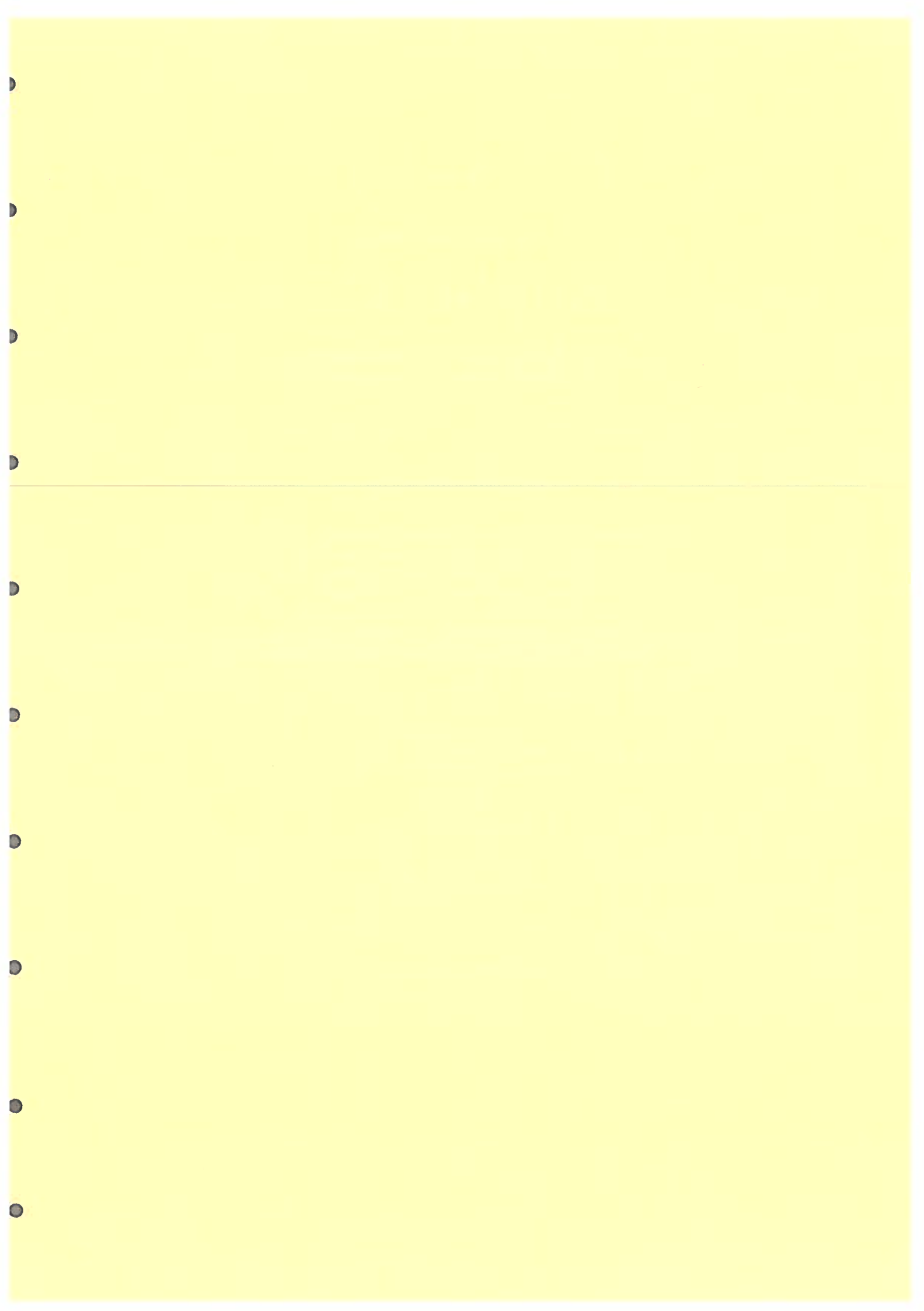
The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control.

You can find advice in regard to your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning



DATED

5 February

2019

**(1) GEEMORE LIMITED**

-and-

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 5 September 2018  
Between the Mayor and the Burgesses of the  
London Borough of Camden and Geemore Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**162 CLERKENWELL ROAD LONDON EC1R 5DU**

---

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/00/1800.982  
DoV