

DATED

14 February

2018

(1) MARTIN DAVIS and CELIA ABERY

-and-

(2) SOUNDNET LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 10 July 2017
Between the Mayor and the Burgesses of the
London Borough of Camden,
Martin Davis, Celia Abery and Soundnet Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
4 GREENLAND PLACE LONDON NW1

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

Tel: 020 7974 5826

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THIS AGREEMENT is made on the 14th day of February 2018⁹

BETWEEN

1. **MARTIN DAVIS** of 23 Mountview Close, London NW11 7HG and **CELIA ABERY** of 112 Woodfield Way, London N11 2NT (hereinafter called "the Freeholder") of the first part
2. **SOUNDNET LIMITED** (Co Regn No 04108050) of 21 St Thomas Street, Bristol BS1 6JS (hereinafter called "the Interested Party") of 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 Martin Davis and Celia Abery and Soundnet Limited entered into an Agreement dated 10 July 2017 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL557359.
- 1.3 The Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Interested Party is registered as the beneficiary of a unilateral notice in respect of an agreement for lease dated 9 June 2014 in the Charges Register of title number NGL557359 in respect of the Property.
- 1.5 The Freeholder and the Interested Party shall hereinafter together be referred to as "the Owner".
- 1.6 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.

- 1.7 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 17 January 2018 for which the Council resolved to grant permission conditionally under reference 2017/4889/P subject to the conclusion of this Agreement.
- 1.8 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.
- 1.9 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 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "Agreement" this Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 10 July 2017 made between the Council and the Owner

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 10 July 2017 referenced

2016/4198/P allowing the erection of roof level extension with roof terrace in front elevation to create additional commercial space (Class B1) as shown on drawing numbers GREp4_ex 001 A; GREp4_ex 002 A; GREp4_ex 100 A; GREp4_ex 101 A; GREp4_ex 102 A; GREp4_ex 103 A; GREp4_ex 200 A; GREp4_ex 201 A; GREp4_ex 300 A; GREp4_ex 301 A; GREp4_ex 100 Rev D; GREp4_pl 103 Rev B; GREp4_ga 104 Rev B; GREp4_GA 200 Rev C; GREp4_GA 201 Rev C; GREp4_GA 300 Rev F; GREp4_GA 301 Rev F; GREp4_SK 012; GREp4_SK 013; GREp4_SK 014; GREp4_SK 015; GREp4_SK 016

- 2.4 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.
- 2.5 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.
- 2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.7 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 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.
- 2.8 References in this Agreement to the Owner shall include their successors in title.

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 planning permission dated 10 July 2017 (Ref. No 2016/4198/P) to include installation of plant to include 9x AC units at roof level as shown on drawing numbers: Proposed drawings: GREp4_TR_GA_B_104; GREp4_TR_GA_E_300; GREp4_TR_GA_C_301; Acoustic Report 17216-002 Revision A dated December 2017 Superseded drawings: GREp4_GA 104 Rev B; GREp4_GA 300 Rev F; GREp4_GA 301 Rev F
- 3.1.2 "Planning Permission" The planning permission under reference number 2017/4889/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 and validated on 17 January 2018 and given reference number 2017/4889/P
- 3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/4198/P" shall be replaced with ""Planning Permission reference 2016/4198/P as varied by application 2017/4889/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 Deed shall take effect on the Implementation of the Planning Permission referenced 2017/4889/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 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 Seals 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
MARTIN DAVIS
in the presence of:**

) 

.....
Witness Signature

Witness Name: SIMON MARTIN

Address: 30 EAST END ROAD N3 3QE

Occupation: COMPANY DIRECTOR

**EXECUTED AS A DEED BY
CELIA ABERY
in the presence of:**

) 

.....
Witness Signature

Witness Name: SIMON MARTIN

Address: 30 EAST END ROAD N3 3QE

Occupation: COMPANY DIRECTOR

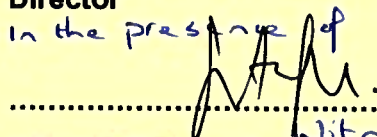
THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106
AGREEMENT IN RELATION TO 4 GREENLAND PLACE

EXECUTED AS A DEED BY
SOUNDNET LIMITED

Signed for and on behalf of Soundnet Limited by a duly authorised officer
in the presence of:
acting by a Director and its Secretary
or by two Directors



Director
in the presence of



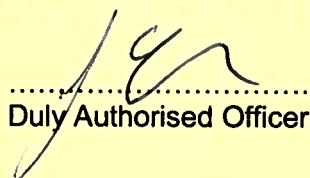
Witness Signature

Witness Name JOANNE ALFORD

Witness Address 1 WOODBERRY CRESCENT
LONDON N10 1PT

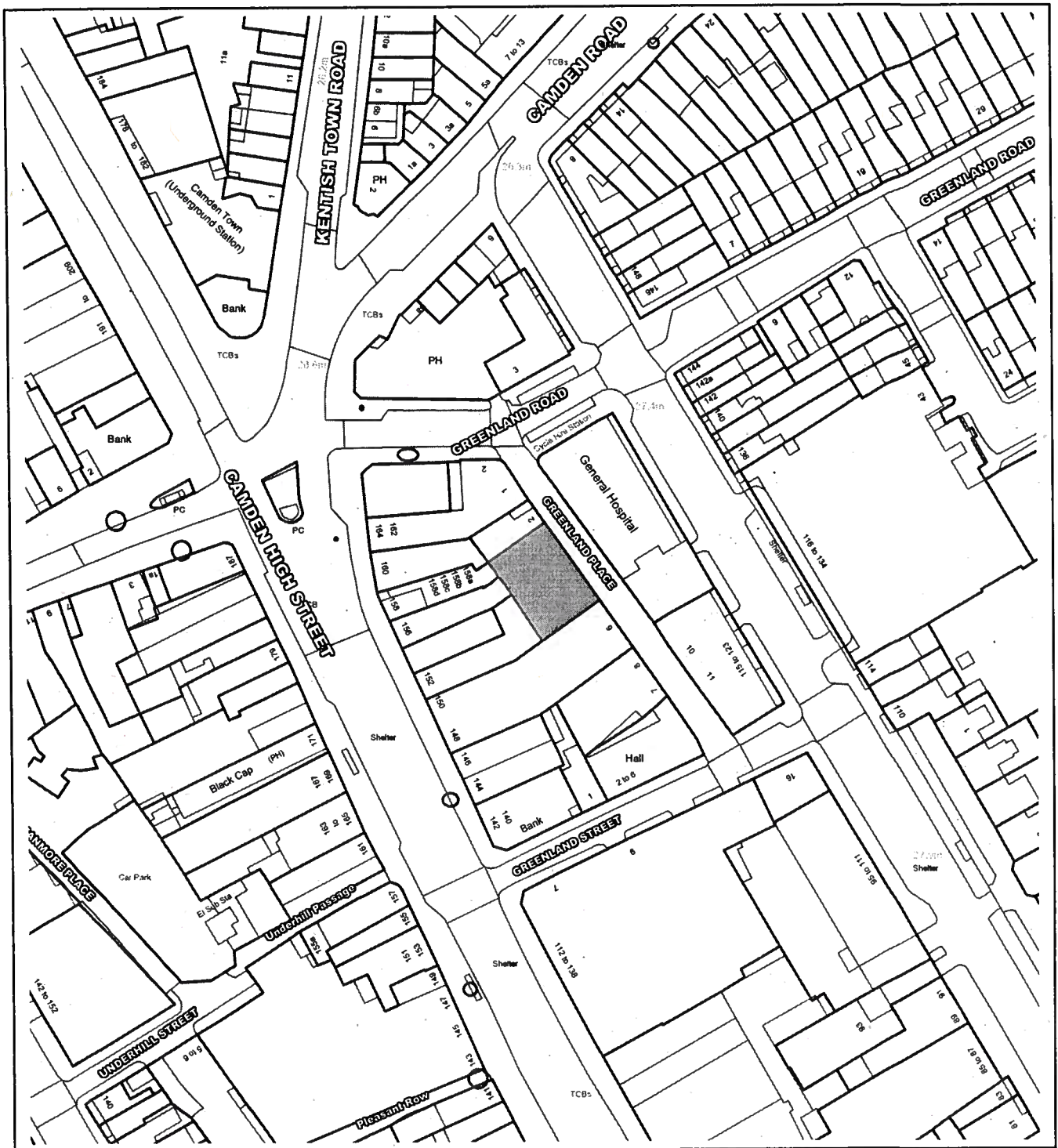
Witness Occupation FINANCE MANAGER

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


Duly Authorised Officer



NORTHGATE SE GIS Print Template



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16 March 1971

Douglas and King Architects
Back Building
148-150 Curtain Road
London
EC2A 3AR

Application Ref: **2017/4889/P**

09 August 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:
4 Greenland Place
London
NW1 0AP

Proposal:

DECISION
Variation of condition 3 (approved plans) of planning permission ref 2016/4198/P dated 10/07/2017 (for the erection of roof level extension with roof terrace in front elevation to create additional commercial space), namely to include installation of 9 air-conditioning units at roof level.

Drawing Nos: Proposed drawings: GREp4_TR_GA_B_104; GREp4_TR_GA_E_300; GREp4_TR_GA_C_301; Acoustic Report 17216-002 Revision A dated December 2017. Superseded drawings: GREp4_GA 104 Rev B; GREp4_GA 300 Rev F; GREp4_GA 301 Rev F.

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 2016/4198/P dated 10/07/2017.

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 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 2016/4198/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:

GREp4_ex 001 A; GREp4_ex 002 A; GREp4_ex 100 A; GREp4_ex 101 A; GREp4_ex 102 A; GREp4_ex 103 A; GREp4_ex 200 A; GREp4_ex 201 A; GREp4_ex 300 A; GREp4_ex 301 A; GREp4_ex 100 Rev D; GREp4_pl 103 Rev B; GREp4_GA 200 Rev C; GREp4_GA 201 Rev C; GREp4_SK 012; GREp4_SK 013; GREp4_SK 014; GREp4_SK 015; GREp4_SK 016; GREp4_TR_GA_B_104; GREp4_TR_GA_E_300; GREp4_TR_GA_C_301; Acoustic Report 17216-002 Revision A December 2017.

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

- 4 The works relating to the front balustrade, junctions around the picture frame window, and parapet of the roof extension shall be carried out in accordance with the details as approved under application ref 2017/5854/P dated 16/04/2018.

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 Camden Local Plan 2017.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Before the use commences, the air-conditioning plant shall be provided with acoustic isolation and anti-vibration measures in accordance with the recommendations in Section 5 of the Acoustic Report hereby approved. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The existing building has currently 9 air-conditioning units at the third floor level, located adjacent to the boundary with no. 6 Greenland Place. These will be relocated to the flat roof at fourth floor level.

The submitted Acoustic Report shows that, in order to comply with the requirements of Camden Local Plan to have the nearest sensitive receiver set to 15dB below the lowest measured background noise level, additional mitigation measures are proposed. The mitigation measures are considered acceptable and the cumulative noise levels at the most affected noise sensitive receivers are expected to comply with the Council's standards, provided the measures are carried out. Compliance with these standards and measures will be secured by conditions.

It is therefore considered that the proposed a/c units would not cause significant harm to the amenity of the neighbouring occupiers.

The proposed a/c units would be located at the rear of the site and behind existing roof parapets projecting above by only 0.14m. Due to their position and projection, it is considered that the a/c units would be barely visible from street level and have minimal impact on the appearance of the host building, its fourth floor roof extension, the streetscene and 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.

No objections were received prior making this decision. The planning history of the site has been taken into account when coming to this decision.

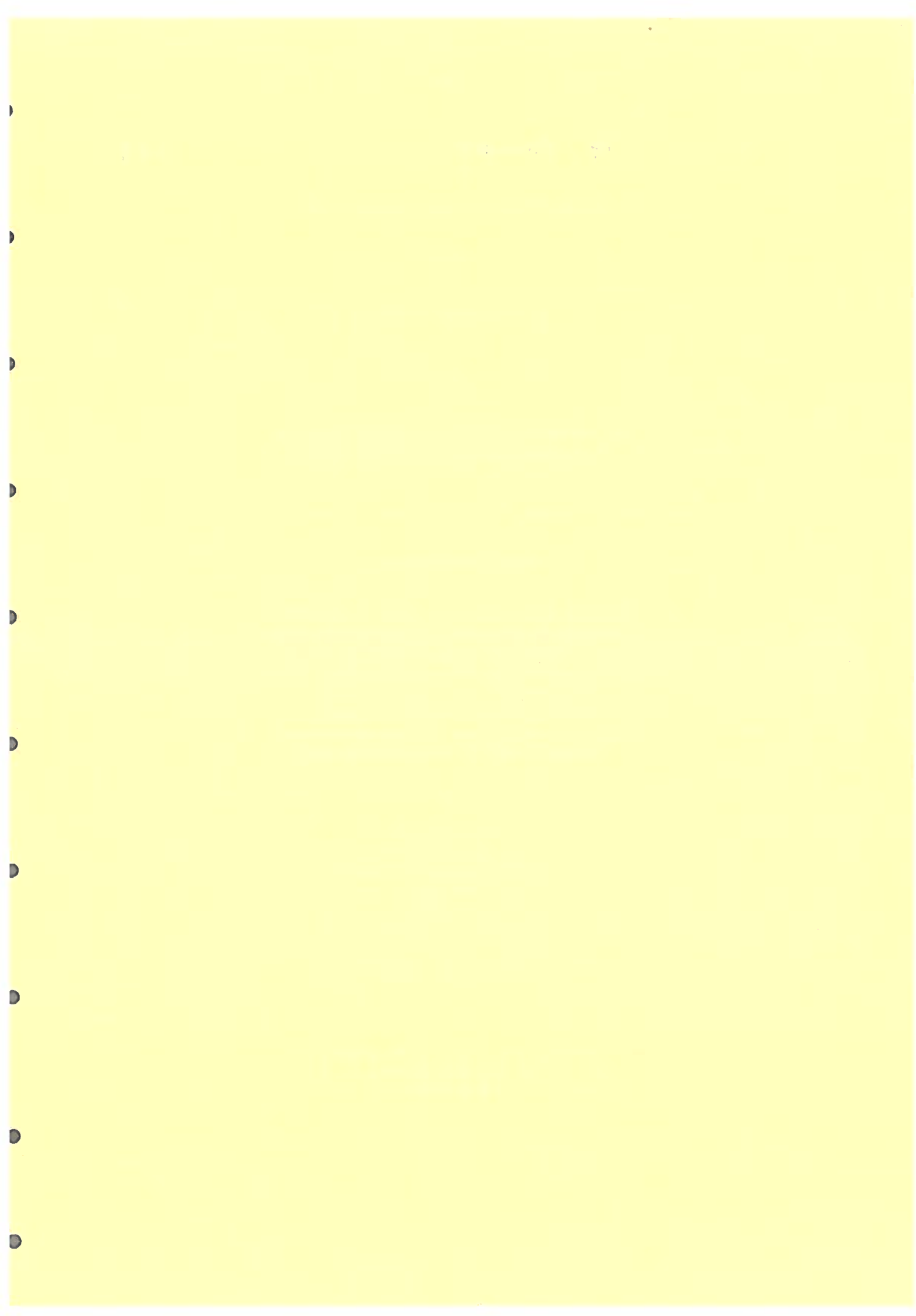
As such, the proposed development is in general accordance with policies D1, D2, A1 and A4 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

- 2 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.
- 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 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.

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

14 February

20189

(1) MARTIN DAVIS and CELIA ABERY

-and-

(2) SOUNDNET LIMITED

-and-

**(3) THE MAYOR AND THE BURGESSES OF
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