

DATED

23 September

2019

(1) ENDGRADE LIMITED

-and-

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

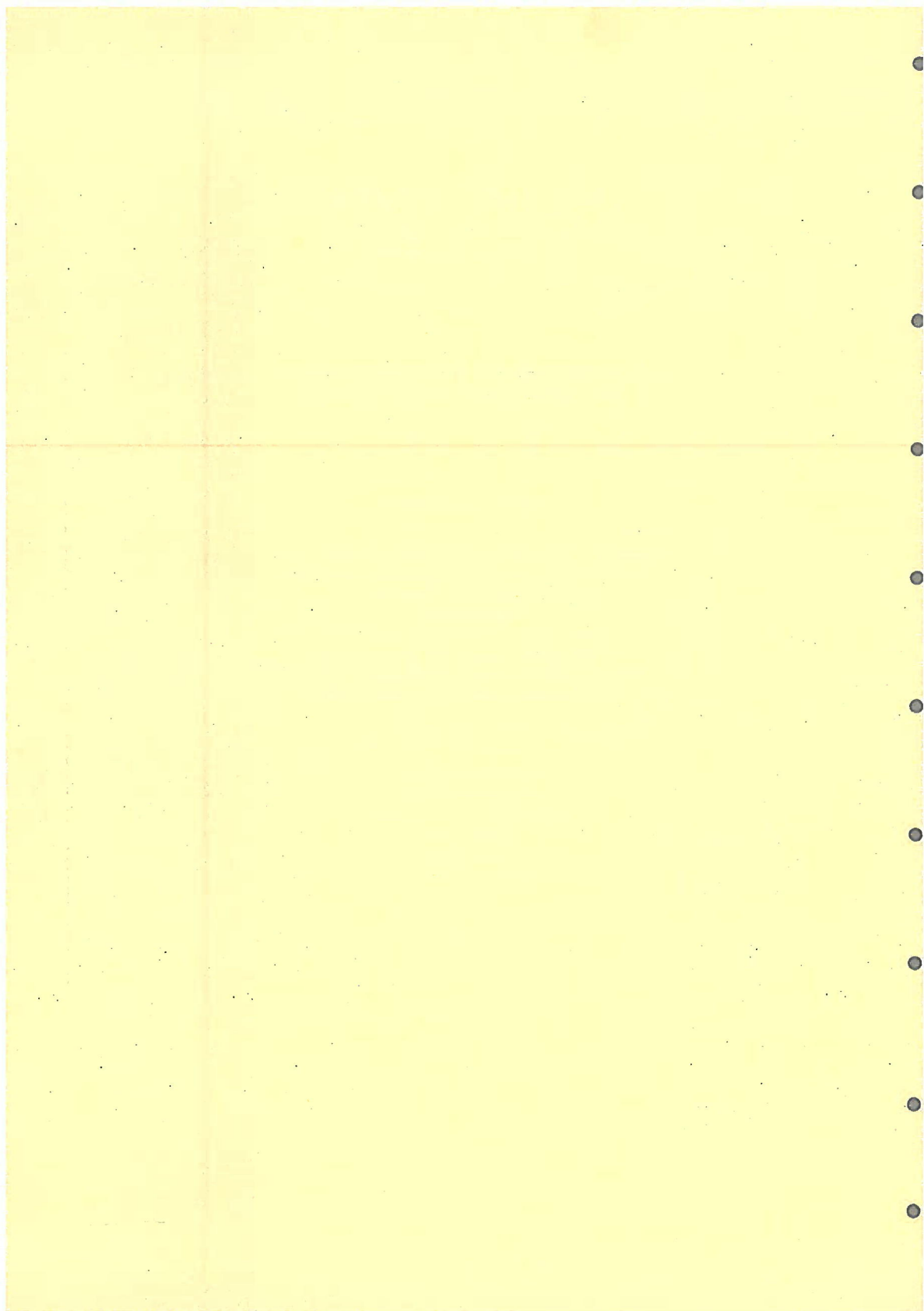
DEED OF VARIATION

Relating to the Agreement dated 30 January 2017
Between the Mayor and the Burgesses of the
London Borough of Camden and
Endgrade Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
21 Princess Road, London NW1 8JR

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/00/1800.829
DoV Final



THIS DEED is made on the 23rd day of September 2019

BETWEEN

- A. **ENDGRADE LIMITED** (Co. Regn. No. 01121951) whose registered office is at 28 Church Road, Stanmore, Middlesex, HA7 4XR (hereinafter called "the Owner") of the first part
- B. **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 and Endgrade Limited entered into an Agreement dated 30 January 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 268335.
- 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 1 August 2018 for which the Council resolved to grant permission conditionally under reference 2018/3354/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 30 January 2017 made between the Council and Endgrade Limited

2.8.3 "the Original Planning Permission"

means the planning permission granted by the Council on 30 January 2017 referenced 2016/5349/P allowing the change of use of lower ground floor from office (Class B1a) to create 1 no. self-contained 2 bed flat (Class C3), and erection of part single and part two storey rear extension to provide additional floor space at lower and upper ground floor levels; and associated works as shown on drawing numbers:- SW276 / 00; SW276 / 01; SW276 / 10; SW276 / 12; SW276 / 20 Rev. B; SW276 / 22 Rev. B; SW276 / 25

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 2016/5349/P dated 30 January 2017 as amended by variation of Condition 2 (approved plans) of planning permission dated 30/01/2017 ref 2016/5349/P for Change of use of lower ground floor from office (Class B1a) to create 1 no. self-contained 2 bed flat (Class C3), and erection of part single and part two storey rear extension to provide

additional floor space at lower and upper ground floor levels; changes to include increase in height and alterations to fenestration of the rear structure as shown on drawing numbers:

Superseded drawings: SW276 / 25; SW276 / 22 Rev. B

Approved drawings: SW276/41 Rev A

3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2018/3354/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 16 July 2018 by the Owner and given reference number 2018/3354/P

3.2 Clause 4.1 (Car Capped obligation) of the Existing Agreement continues to apply to the Development and to all owner / occupiers in the Development granted approval under the Planning Permission.

3.3 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/5349/P" shall be replaced with "Planning Permission reference 2018/3354/P".

3.4 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 2018/3354/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
ENDGRADE LIMITED
By Peter David Fraser
in the presence of:-

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Witness Signature

Witness Name: MELANIE HANS

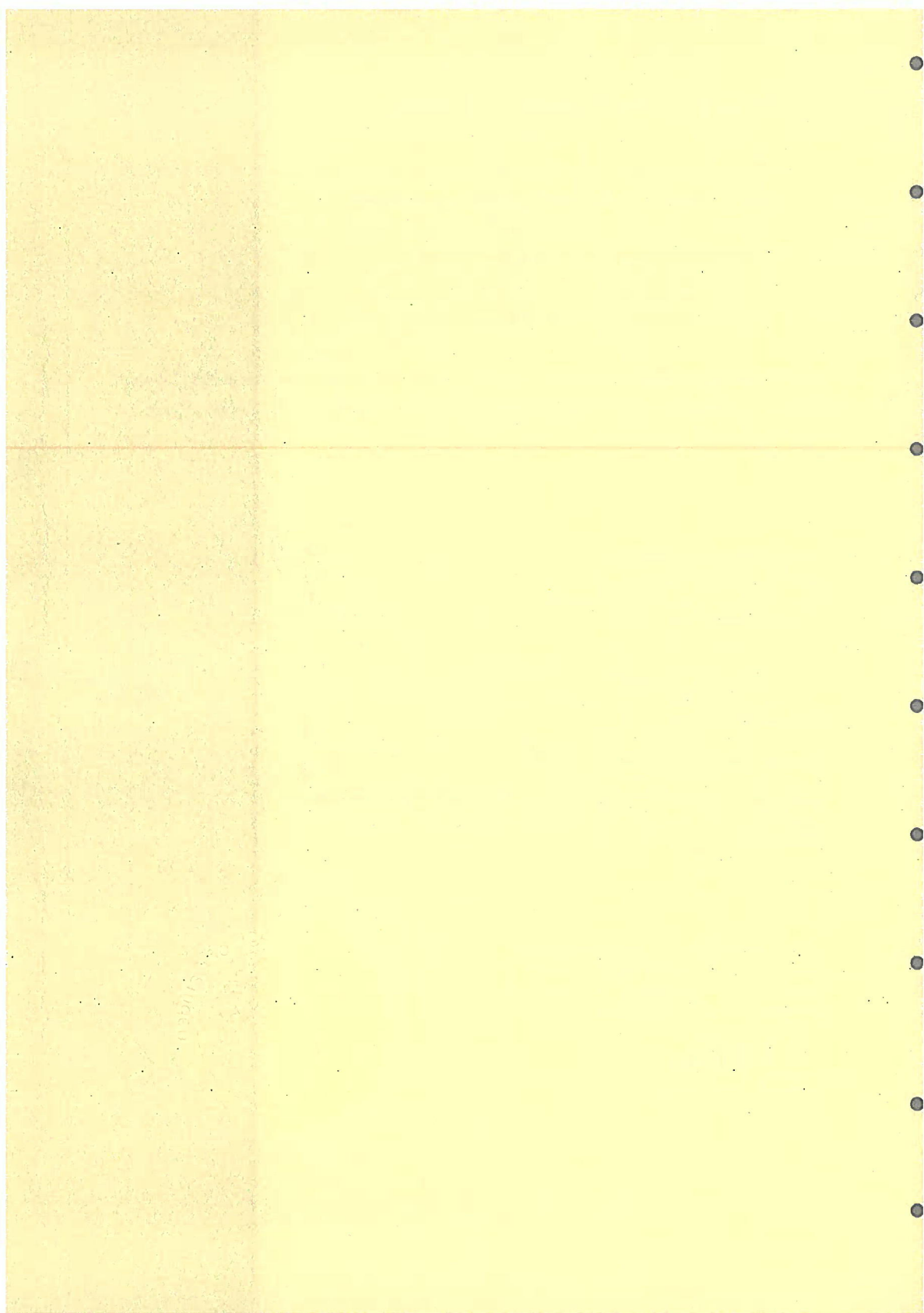
Address: 68 STOK NEWTON LANE, WINSTON
HOUSE, 2 DOLLIS PARK, LONDON N2 1HF
Occupation: LEGAL PA

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







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

Tel 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Stephen Wax Associates Ltd
2nd Floor Compass House
Pynnales Close
Stanmore
HA7 4AF

Application Ref: **2018/3354/P**

10 September 2019

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:
**21 Princess Road
London
NW1 8JR**

PROPOSAL
Proposal:

Variation of Condition 2 (approved plans) of planning permission dated 30/01/2017 ref 2016/5349/P for Change of use of lower ground floor from office (Class B1a) to create 1 no. self-contained 2 bed flat (Class C3), and erection of part single and part two storey rear extension to provide additional floor space at lower and upper ground floor levels; changes to include increase in height and alterations to fenestration of the rear structure.

Drawing Nos: Superseded drawings: SW276 / 25; SW276 / 22 Rev. B.

Approved drawings: SW276/41 Rev A.

DECISION
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 30/01/2020.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

SW276 / 00 Rev A; SW276/40 Rev A; SW276/41 Rev A; SW276 / 10; SW276 / 20 Rev. B; SW276 / 01

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

- 3 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.

- 4 The proposed ventilation grille on the front elevation shall be painted the same colour as the surrounding wall tiles.

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 Camden Local Plan 2017.

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

Planning permission has been granted under application ref no. 2016/5349/P for the change of use of lower ground floor from office (Class B1a) to create 1 no. self-contained 2 bed flat (Class C3), and erection of part single and part two storey rear extension to provide additional floor space at lower and upper ground floor levels; and associated works. Therefore a substantial part of the built structure was assessed and considered acceptable as part of the previous assessment.

The structure on site has been built 400mm higher than permitted. The reason for this change is due to the limited internal height that would have resulted after the addition of ceiling materials and insulation at construction stage.

The wider building group along Princess Road has been extended and altered with single or two storey rear extensions demonstrates a clear mix of heights and depths. As such, it is considered that the increase of 400mm of the ground floor element of the rear extension is not considered to significantly alter this varied character of rear additions, and therefore it would be considered acceptable in this instance.

The fenestration of the rear structure has been altered, through the removal of one window on flank wall, insertion of brick arches above windows and doors, and reduction in height of the windows at ground floor level. The difference is acknowledged and it is considered that in line with the hierarchy of spaces much larger windows would be more appropriate considering the architectural style and appearance of the host building; however, considering the mix of windows opening and general fenestration along the rear of this terrace row, the resulting built structure is considered to preserve the appearance of the host building, wider terrace and conservation area.

The built brick arches above the windows and doors, appear within the host building's detailed design and are considered to preserve its character and therefore are considered acceptable in this instance.

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.

The increased height has no implications for the amenity of the surrounding occupiers in terms of loss of light and outlook.

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

The parent planning application permission has been granted subject to a s106 legal agreement for car capped development, in line with policy T2, due to the conversion from office to residential. The permission granted under this application would replace the previous one and therefore granted subject to a new s106 legal agreement.

As such, the proposed development is in general accordance with policies A1, D1, D2, T2 of Camden Local Plan 2017. The development would also accord with the National Planning Policy Framework 2018 and the London Plan 2016.

- 2 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 3 You are advised that the Transport Strategy Team should be consulted regarding the construction of the crossover on the public highway and any other work to, under, or over, the public highway, including vaults and thresholds. tel: 020-7974 5543 for further advice and information.
- 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.

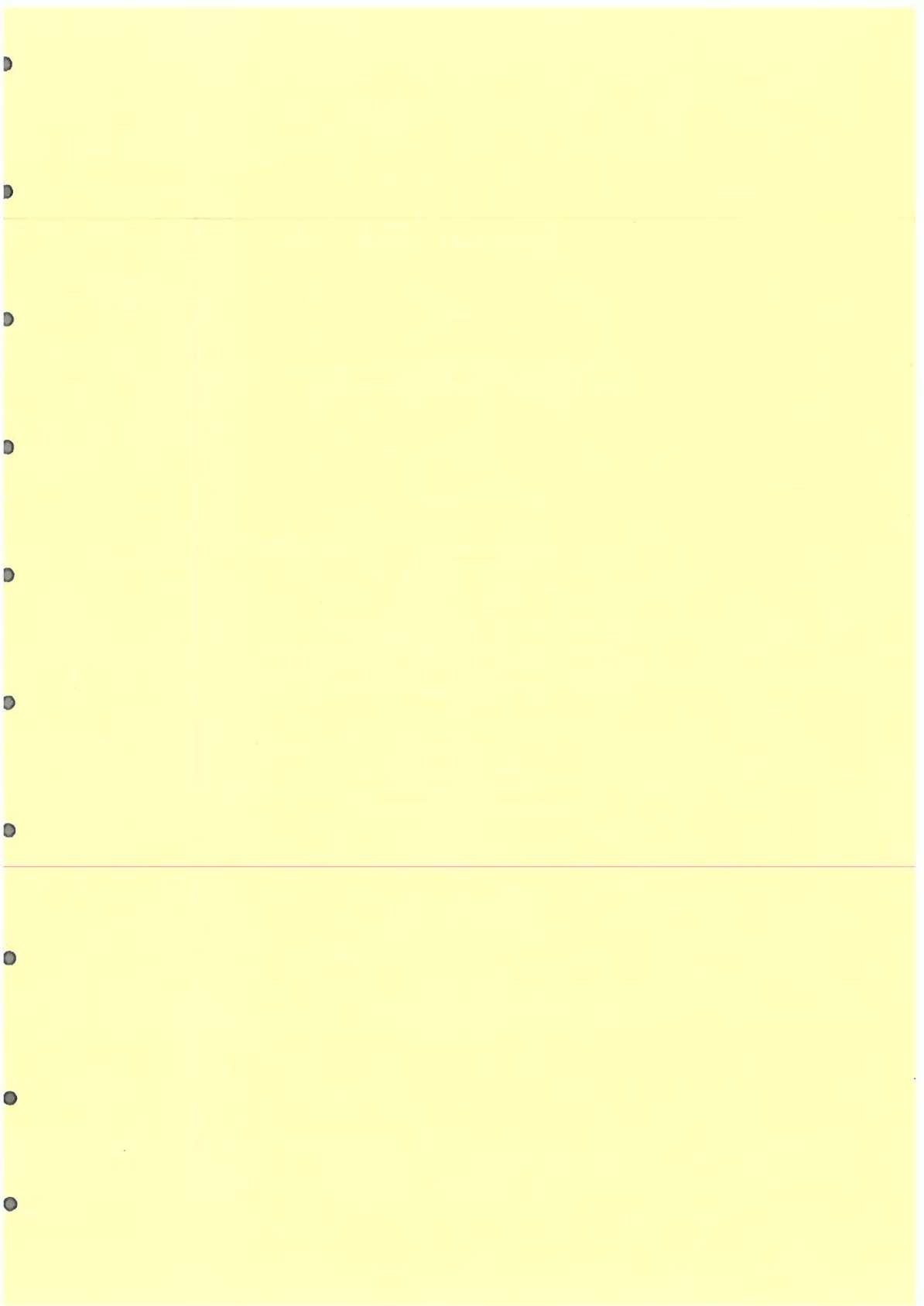
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

DECISION

Executive Director Supporting Communities



DATED

23 September

2019

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-and-

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