

DATED

1 April

2020

**(1) AEGEAN DEVELOPMENTS LIMITED**

and

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

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**FIRST DEED OF VARIATION**

to the S106 agreement dated 19<sup>th</sup> February 2016  
between Breeze Holding Limited, HSBC Bank PLC and The Mayor and Burgesses of the  
London Borough of Camden

under sections 106 and 106A of the Town and Country Planning Act 1990 (as amended)  
Section 16 of the Greater London Council (General Powers) Act 1974;  
Section 111 of the Local Government Act 1972;  
Section 1(1) of the Localism Act 2011 and  
S278 Highways Act 1980.

Relating to land and premises known as

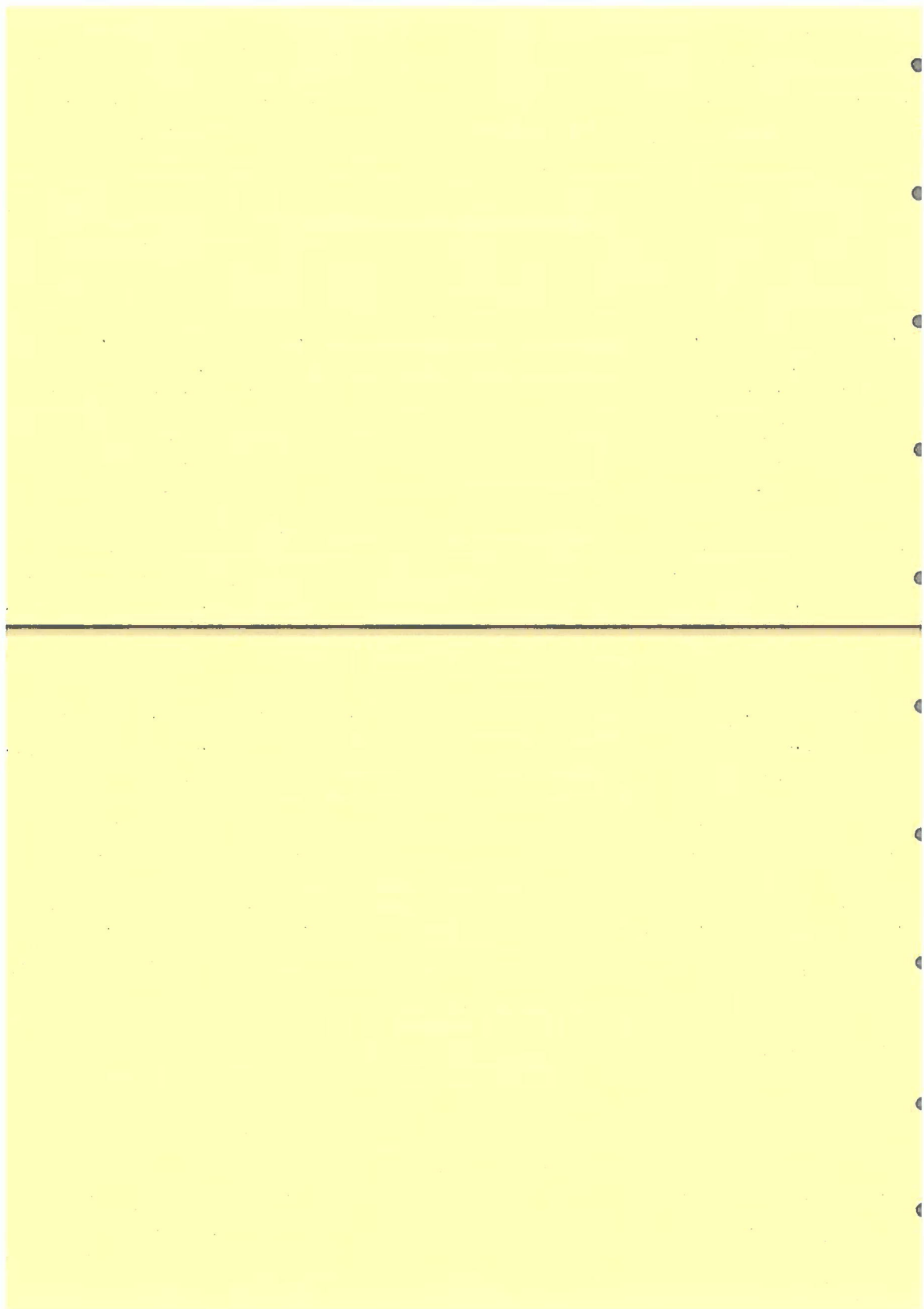
**LAND LYING TO THE EAST OF  
18-20 ST PANCRAS WAY LONDON NW1 0QG**

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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/PM/1800.1054  
First DoV –FINAL - 220120



THIS DEED is made on the 1<sup>st</sup> day of April 2019

**BETWEEN**

- A. AEGEAN DEVELOPMENTS LIMITED** (company registration number 04605590) whose registered office is at Suite 1 Fusion House, 1 Rochester Mews, London, NW1 9JB (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 second part.

**WHEREAS:**

- 1.1 The Council, Breeze Holdings Limited and the Mortgagee entered into the Existing Agreement dated 19<sup>th</sup> February 2016 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 Breeze Holdings Limited and HSBC Bank PLC no longer hold any interest in the Property
- 1.3 An Application for the First Material Amendments to amend the Original Planning Permission was submitted to the Council and validated on 21<sup>st</sup> August 2018 for which the Council resolved to grant permission conditionally under reference 2018/2960/P and subject to the conclusion of this Deed.
- 1.4 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute of the Property under title number BB987.
- 1.5 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 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 Deed.

1.7 This Deed 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.

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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 Deed.

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 Deed 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 the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner on the date hereof.

2.7 References in this Deed to the Owner 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	"Act"	the Town and Country Planning Act 1990 (as amended).
2.8.3	"Application for the First Material Amendments"	the application for planning permission for First Material Amendments in respect of the Property validated by the Council (under reference number 2018/2960/P) on the 21 <sup>st</sup> August 2018 to be granted conditionally subject to the Deed.
2.8.5	"the Deed"	this first deed of variation to the Existing Agreement made pursuant to Section 106 and Section 106A of the Act.
2.8.7	"the Existing Agreement"	the Section 106 agreement under the Town and Country Planning Act 1990 (as amended) dated 19 <sup>th</sup> February 2016 made between the Council Breeze Holding Limited and HSBC Bank PLC.
2.8.8	"the Original Planning Permission"	means the planning permission granted by the Council on 19th February 2016 referenced 2015/3163/P for Erection of 3x bedroom residential dwelling at upper ground floor level at rear, including extension to Flat 1 at 1st floor level at rear of Nos. 18-20 St. Pancras Way as shown on Location plan; Location plan; EX.01; EX.02; EX.03; EX.04; PA.01 Rev.A; PA.02; PA.03; PA.04; PA.05; PA.06; Landscape Plans (PA.07); Heritage, Design & Access Statement, D01, Ref.1517; Transport Statement, Paul Mew Associates, Project: P1419, October 2015.

### 3. VARIATION TO THE EXISTING AGREEMENT

With effect from the date of this Deed and the Council issuing a notice granting planning permission for the First Material Amendments for the Existing Agreement shall be varied as follows:

- 3.1 The following definitions shall be **added** to the Existing Agreement:



3.1.1	"Existing Agreement"	the Section 106 agreement under the Town and Country Planning Act 1990 (as amended) dated 19 <sup>th</sup> February 2016 made between the Council Breeze Holding Limited and HSBC Bank PLC.
3.1.2	"the First Material Amendments"	a decision made pursuant to an application under section 73 of the Act with reference number 2018/2960/P substantially in a form found attached to this Deed amending the Original Planning Permission to permit: Variation of Condition 3 (approved plans) of 2015/3163/P dated 19/02/2016 (Erection of 3x bedroom residential dwelling at upper ground floor level at rear, including extension to Flat 1 at 1st floor level at rear of Nos. 18-20 St. Pancras Way) namely to install a balcony area at second floor level as shown on Superseded: PA.02, PA.03, PA.06, Plans for approval: PA.06 D, PA.02 C, PA.03 C., OS.01 A
3.1.3	"Parties"	the Council and the Owner being the parties to this Deed and shall include their successors in title, transferees and assigns
3.1.4	"the Original Planning Permission"	means the planning permission with reference number 2015/3163/P granted by the Council on 19 <sup>th</sup> February 2016 for: Erection of 3x bedroom residential dwelling at upper ground floor level at rear, including extension to Flat 1 at 1st floor level at rear of Nos. 18-20 St. Pancras Way as shown on Location plan; Location plan; EX.01; EX.02; EX.03; EX.04; PA.01 Rev.A; PA.02; PA.03; PA.04; PA.05; PA.06; Landscape Plans (PA.07); Heritage, Design & Access Statement, D01, Ref.1517; Transport Statement, Paul Mew Associates, Project: P1419, October 2015.

3.2 The definition at clause 2.3 shall be **varied** to the following:

3.2.1 "Development"                      Erection of 3x bedroom residential dwelling at upper ground floor level at rear, including extension to Flat 1 at 1st floor level at rear of Nos. 18-20 St. Pancras Way as shown on Location plan; Location plan; EX.01; EX.02; EX.03; EX.04; PA.01 Rev.A; PA.02; PA.03; PA.04; PA.05; PA.06; Landscape Plans (PA.07); Heritage, Design & Access Statement, D01, Ref.1517; Transport Statement, Paul Mew Associates, Project: P1419, October 2015 as varied by the Minor Material Amendments.

3.4 The definition at clause 2.9 shall be **varied** to the following:

3.4.1 "the Planning Application"                      the application for the Original Planning Permission in respect of the development of the Property validated on the 4<sup>th</sup> June 2015 which a resolution to grant permission was passed conditionally under reference number 2015/3163/P subject to the conclusion of the Existing Agreement

3.5 The definition at clause 2.11 shall be **varied** to the following:

3.5.1 "Planning Permission"                      the Original Planning Permission as varied by the First Material Amendments (pursuant to the completion of this Deed) and as approved under the grant of the Planning Permission (reference number 2018/2960/P)

3.6 The definition at clause 2.12 shall be **varied** to the following:

3.6.1 "the Property"                      the land known as Land lying to the east of 18-20 St Pancras Way London NW1 0QG the same as

shown outlined in red on the plan numbered OS.01 A annexed hereto

3.7 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/3163/P" shall be replaced with "Planning Permission reference 2015/3163/P as varied by 2018/2960/P".

3.8 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 upon completion of this Deed.

**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

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**6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge



IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner has executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY )  
AEGEAN DEVELOPMENTS LIMITED )  
~~in the presence of:-/~~ )  
acting by a Director and its Secretary )  
~~or by two Directors~~ )

.....  
Director [redacted] *in the presence of*

Nick Kephalas  
Solicitor  
811 High Road  
London N12 8JT

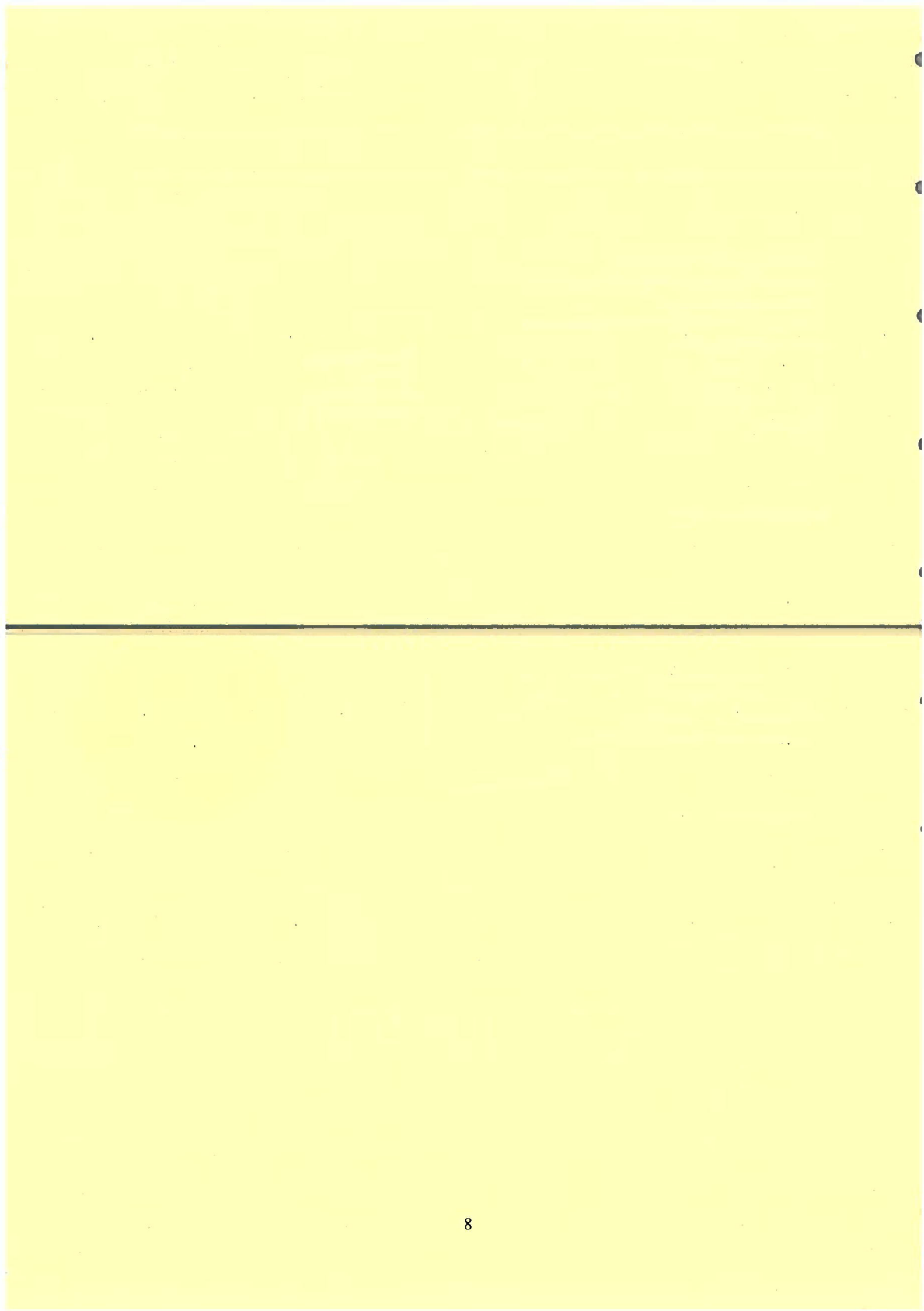


.....  
Director/Secretary

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

.....  
Duly Authorised Officer [redacted]





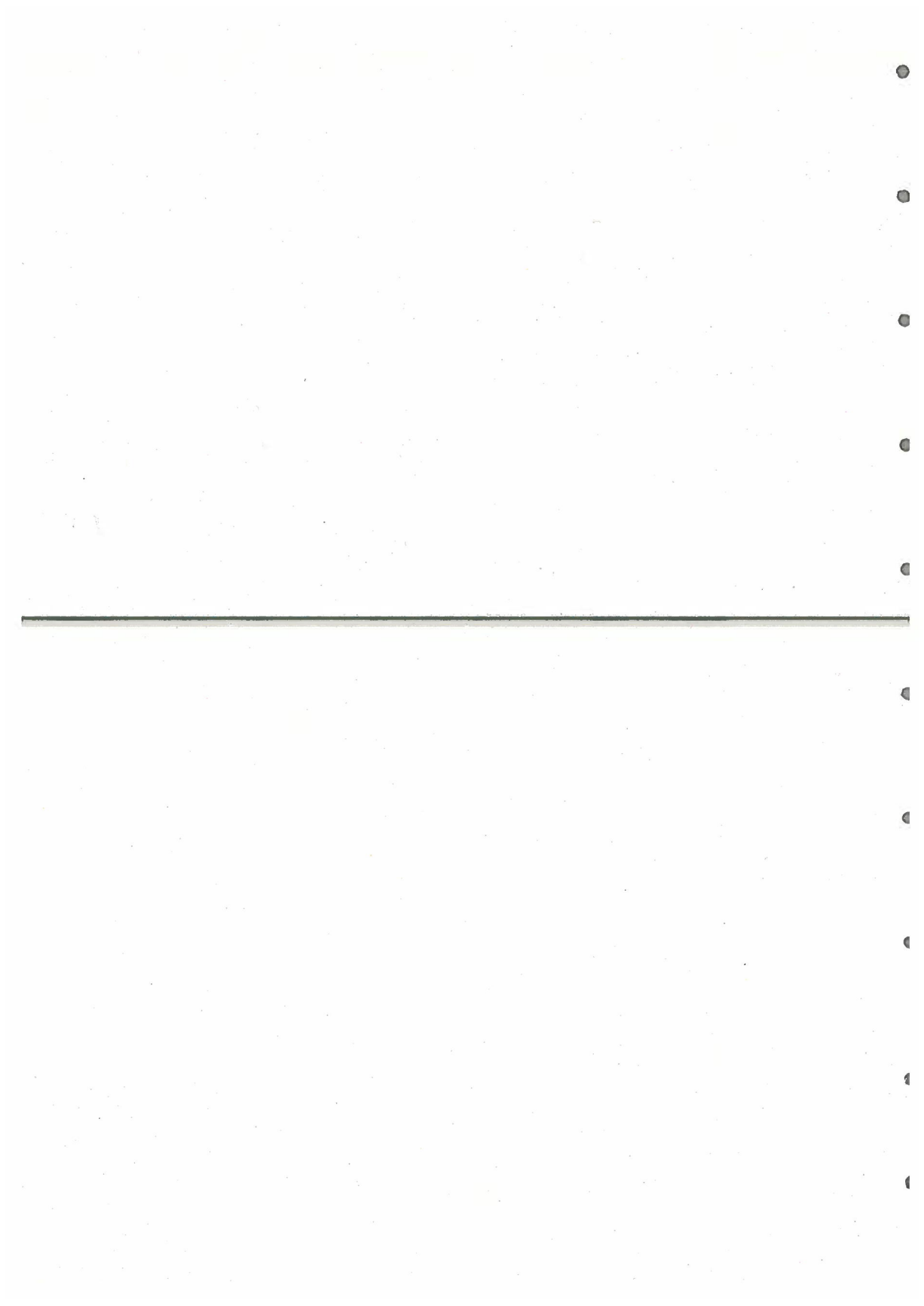


A 17.01.2020 SITE BOUNDARY REVISED

**tasou**  
architects + interior designers

Project: 18-20 St Pancras Way, London, NW1 0QG  
 Drawing No: SITE PLAN  
 Drawing No: 1517  
 Date: MAY 2015  
 Scale: OS.01  
 Sheet No: A

Do not scale off this drawing. All dimensions are approximate and subject to site survey.





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

Tel 020 7974 4444

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

Tasou Associates Limited  
4 Amwell Street  
London  
EC1R 1UQ

Application Ref: **2018/2960/P**

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:  
**18-20 St Pancras Way**  
London  
NW1 0QG

Proposal:  
Variation of Condition 3 (approved plans) of 2015/3163/P dated 19/02/2016 (Erection of 3x bedroom residential dwelling at upper ground floor level at rear, including extension to Flat 1 at 1st floor level at rear of Nos. 18-20 St. Pancras Way) namely to install a balcony area at second floor level.

Drawing Nos: Superseded: PA.02, PA.03, PA.06

Plans for approval: PA.06 D, PA.02 C, PA.03 C, OS.01 A

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 permission reference 2015/3163/P dated 19/02/2016.

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [Location plan; OS.01 A, EX.01; EX.02; EX.03; EX.04; PA.01 Rev.A; PA.02 C; PA.03 C; PA.04; PA.05; PA.06 D; Landscape Plans (PA.07); Heritage, Design & Access Statement, D01, Ref.1517; Transport Statement, Paul Mew Associates, Project: P1419, October 2015.]

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

- 4 The 'turning head' hereby approved at upper ground floor level and shown in red on drawing number 1517-PA.01 Revision A shall not be used for car parking purposes and shall be retained permanently as such to the satisfaction of the local planning authority.

Reason: In order to safeguard the pedestrian environment in accordance with policies A1, T1 and T2 of the Camden Local Plan 2017.

- 5 Prior to the occupation of the new residential dwellinghouse hereby approved the 'turning head' space hereby approved at upper ground floor level and shown in red on drawing number 1517-PA.01 A shall be clearly painted in white on the courtyard surface and shall be retained permanently as such to the satisfaction of the local planning authority.

Reason: In order to safeguard the pedestrian environment in accordance with policies A1, T1 and T2 of the Camden Local Plan 2017.

- 6 The first floor window of the mews house which is labelled as 'obscure glazing' on plan number PA.02 shall be obscured and fixed shut in perpetuity.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposed amendment seeks to introduce a small balcony area to the eastern elevation of the building at second floor level. The proposed balcony would have an area of approximately 4sqm and would be surrounded by a black metal railing to match the appearance of the approved first floor balcony below. Therefore, the overall size, scale and design of the proposal would not have a significant impact on the appearance of the approved development and the character of the surrounding conservation area.

The proposed balcony would be accessed via an existing opening in the building and would share the same outlook over the canal as the approved first floor balcony and would not cause harm to the amenity of neighbouring properties in terms of increased overlooking.

The full impact of the scheme has already been assessed by virtue of the previous approval granted under permission 2015/3163/P dated 19/02/2016. In the context of the permitted scheme, it is considered that the amendments would not have a significant effect on the approved development in terms of appearance and neighbouring amenity.

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 (ERR) 2013.

One objection was received following statutory consultation and duly considered prior to making this decision. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

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

- 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.

Executive Director Supporting Communities

- 4 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained. Please visit <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>

The applicant is advised that surface water discharge to the waterway will require prior consent from the Canal & River Trust. Please contact Nick Pogson from the Canal & River Trust Utilities team ([nick.pogson@canalrivertrust.org.uk](mailto:nick.pogson@canalrivertrust.org.uk)).

The applicant/developer is advised that any oversail, encroachment or access to the waterway or towpath requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust regarding the required access agreement.

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

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**DECISION**

Executive Director Supporting Communities



DATED

1 April

2020

**(1) AEGEAN DEVELOPMENTS LIMITED**

and

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

---

**FIRST DEED OF VARIATION**

---

to the S106 agreement dated 19<sup>th</sup> February 2016  
between Breeze Holding Limited, HSBC Bank PLC and The Mayor and Burgesses of the  
London Borough of Camden

under sections 106 and 106A of the Town and Country Planning Act 1990 (as amended)  
Section 16 of the Greater London Council (General Powers) Act 1974;  
Section 111 of the Local Government Act 1972;  
Section 1(1) of the Localism Act 2011 and  
S278 Highways Act 1980.

Relating to land and premises known as

**18-20 ST PANCRAS WAY LONDON NW1 0QG**

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