

DATED

22 JULY

2021

(1) GORDON LEONARD HAUSER and PAMELA ANN HAUSER

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 27 October 2014
Between the Mayor and the Burgesses of the
London Borough of Camden,
Gordon Leonard Hauser and Pamela Ann Hauser
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
9 MANSFIELD ROAD, LONDON NW3 2JD

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

Tel: 020 7974 5680
CLS/COM/HM/DoV
FINAL DoV 1800.1909

THIS DEED is made on the 22nd day of JULY 2021

BETWEEN

1. **GORDON LEONARD HAUSER and PAMELA ANN HAUSER** of Suite 414, 80 High Street, Winchester, Hants SO23 9AT and of Basepoint Unit 6, 1 Winnall Valley Road, Winchester, Hants SO23 0LD (hereinafter called "the Owner") of the first 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 second part

WHEREAS:

- 1.1 The Council and Gordon Leonard Hauser and Pamela Ann Hauser entered into an Agreement dated 27 October 2014 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 LN82452.
- 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 12 November 2020 for which the Council resolved to grant permission conditionally under reference 2020/5230/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 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "Deed" this Deed of Variation made pursuant to Section 106A of the Act

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 27 October 2014 made between the Council and Gordon Leonard Hauser and Pamela Ann Hauser

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 27 October 2014 referenced 2013/7934/P allowing the erection of a part 2 storey, part 3 storey building with rear roof terrace at 1st floor level, to accommodate 3 x 2 bed and 1 x 1 bed flats, following the demolition of existing house. as shown on drawing numbers Site location plan, (1110-BA-) 101, 102, 103, 104, 105, 106, 107, 108, 109, 110,

111, 112B, 113B, 114A, 115A, 116A, 117A,
118A, 119A, 120A, 121A, 122A, 123A, 124A,
125A, 126A, 127A, 128A, 129A, 130A.
Supporting documents Code for Sustainable
Homes by BRE Global dated 14th April 2014
Lifetime Homes Statement prepared by Donald
Shearer Chartered Architects dated 11th
December 2013 Design and Access Statement
prepared by Donald Shearer Chartered
Architects dated 10th December 2013

- 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 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" variation of planning permission dated 27 October 2014 to Vary condition 3 (approved plans) of planning permission 2013/7934/P dated 27/10/2014 for the erection of a part 2-part 3-storey building, as amended by planning permission 2018/1872/P dated 01/05/2020 allowed under appeal reference

APP/X5210/W/19/3236736 for (extending the height of the roof and depth of the side (west) parapet wall; replacement of the roof lights; replacement of the glazed roof slope to the side (west) elevations; installation of new roof light, re-location of the bin stores to the front (side) elevations; and alterations fenestration to the front and rear elevation, retrospective) Namely, use of part of second floor flat roof to the south as a terrace area including installation of glazed balustrade and planter screening as shown on drawing numbers: Superseded drawings: 1110-BA-112 C; 1110-BA-113 C; 1110-BA-114 B; 1110-BA-115 B; 1110-BA-116 B; 1110-BA-117 B; 1110-BA-119 B, 120 B; 1110-BA-121 B; 1110-BA-122 B; 1110-BA-124 B, 1110-BA-125 B; 1110-BA-127 B; 1110-BA-128 B; 1110-BA-129 B. Proposed drawings: 1110-BA-112 REVE; 1110-BA-113 REVE; 1110-BA-114 REVE; 1110-BA-115 REVE; 1110-BA-116 REVE; 1110-BA-117 REVE; 1110-BA-119 REVE; 1110-BA-120 REVE; 1110-BA-121 REVE; 1110-BA-122 REVE; 1110-BA-124 REVE; 1110-BA-125 REVE; 1110-BA-127 REVE; 1110-BA-128 REVE; 1110-BA-129 REVE.

3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2020/5230/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 12 November 2020 by the Owner and given reference number 2020/5230/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2013/7934/P" shall be replaced with "Planning Permission reference 2020/5230/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 2020/5230/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

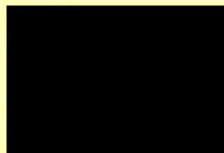
6. REGISTRATION AS LOCAL LAND CHARGE

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 has caused this Deed to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY
GORDON LEONARD HAUSER
in the presence of:

)
)
)



.....
Witness Signature

Witness Name: LYDIA SIMPSON

Address: 63 STUDLEY AVENUE, HOUSLEY, SO45 2PP

Occupation: PA To the Director

CONTINUATION OF DEED OF VARIATION IN RELATION TO
9 MANSFIELD ROAD, LONDON NW3 2JD

EXECUTED AS A DEED BY
PAMELA ANN HAUSER
in the presence of:

)
)
)

Witness Signature *Lydia Simpson*

Witness Name: LYDIA SIMPSON

Address: 68 STUDLEY AVENUE, HOLBURY, SO45 2PL

Occupation: PA To The Director

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



.....
Duly Authorised Officer



Application ref: 2020/5230/P
Contact:
Tel: 020 7974
Date: 8 July 2021

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

Phone: 020 7974 4444

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

Donald Shearer Architects
Unit 4, Scholars' House
Shottery Brook Office Park
Timothy's Bridge Rd
Stratford-upon-Avon
CV37 9NR

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:
9-11 Mansfield Road
London
NW3 2JD

DECISION
Proposal:
Variation of condition 3 (approved plans) of planning permission 2013/7934/P dated 27/10/2014 for the erection of a part 2-part 3-storey building, as amended by planning permission 2018/1872/P dated 01/05/2020 allowed under appeal reference APP/X5210/W/19/3236736 for (extending the height of the roof and depth of the side (west) parapet wall; replacement of the roof lights; replacement of the glazed roof slope to the side (west) elevations; installation of new roof light, re-location of the bin stores to the front (side) elevations; and alterations fenestration to the front and rear elevation, retrospective) Namely, use of part of second floor flat roof to the south as a terrace area including installation of glazed balustrade and planter screening.

Drawing Nos: Superseded drawings:

1110-BA-112 C; 1110-BA-113 C; 1110-BA-114 B; 1110-BA-115 B; 1110-BA- 116 B; 1110-BA-117 B; 1110-BA-119 B, 120 B; 1110-BA- 121 B; 1110-BA-122 B; 1110-BA- 124 B, 1110-BA-125 B; 1110-BA- 127 B; 1110-BA-128 B; 1110-BA- 129 B.

Proposed drawings:

1110-BA-112 REVE; 1110-BA-113 REVE; 1110-BA-114 REVE; 1110-BA-115 REVE;
1110-BA-116 REVE; 1110-BA-117 REVE; 1110-BA-119 REVE; 1110-BA-120 REVE;
1110-BA-121 REVE; 1110-BA-122 REVE; 1110-BA-124 REVE; 1110-BA-125 REVE;
1110-BA-127 REVE; 1110-BA-128 REVE; 1110-BA-129 REVE.

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 Approved plans:

The development hereby permitted shall be carried out in accordance with the following approved plans: 1110-BA-112 REVE; 1110-BA-113 REVE; 1110-BA-114 REVE; 1110-BA-115 REVE; 1110-BA-116 REVE; 1110-BA-117 REVE; 1110-BA-119 REVE; 1110-BA-120 REVE; 1110-BA-121 REVE; 1110-BA-122 REVE; 1110-BA-124 REVE; 1110-BA-125 REVE; 1110-BA-127 REVE; 1110-BA-128 REVE; 1110-BA-129 REVE and Design and Access Statement prepared by Donald Shearer Chartered Architecture dated 11th November 2020; Code for sustainable Homes by BRE Global dated 14th April 2014 and Lifetime Homes Statement prepared by Donald Shearer Chartered Architecture 11th December 2013.

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

2 The details of secure and covered cycle storage area for 7 cycles as shown on the drawings hereby approved shall be provided in its entirety and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

3 The proposed bins within the site as shown approved drawings shall be provided in its entirety and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

4 The privacy screens, planters and glass balustrade to be fitted to the proposed second floor terrace shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In order to protect the amenity of residents in accordance with policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Local Plan 2017.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings without the prior approval in writing of the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, and A1 of London Borough of Camden Local Plan 2017.

- 6 The planting on the 1st floor rear balconies shall be in accordance with plan nos 1110-BA-114 D and 1110-BA-128 E shall be permanently maintained and retained.

Reason: In order to protect the amenity of residents in accordance with policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Local Plan 2017.

- 7 The flat roofs marked 'A and B' at 1st floor level shown on plan no 1110-BA-114 D and the flat roof marked 'C and D' at 2nd floor level shown on plan no 1110-BA-115 E shall not be used as roof terraces and shall be used for maintenance purposes only.

Reason: In order to protect the amenity of residents in accordance with policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Local Plan 2017.

- 8 The use of the roof as a terrace shall not commence until the screen and planting as shown on the approved drawings, has been implemented. The privacy screen and planters shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until

the Construction Management Plan is approved by the Council.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 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