

DATED

12 APRIL

2012

(1) SAHARA PRODUCTIONS INTERNATIONAL LIMITED

-and-

(2) BARCLAYS BANK PLC

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 24th June 2005
between

the Mayor and the Burgesses of the
London Borough of Camden
and

The Fitzrovia Trust Limited
and

Unity Trust Bank PLC

under section 106 of the Town and
Country Planning Act 1990 (as amended)

Relating to development at premises known as

339 Euston Road
London
NW1 3AD

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

Tel: 020 7974 5647
Fax: 020 7974 2962

CLS/PK/1685.1417_FINAL

THIS AGREEMENT is made on the 12th day of April 2012

BETWEEN

1. **SAHARA PRODUCTIONS INTERNATIONAL LIMITED** (registered under company number 04128037) whose registered office is at 5 New Quebec Street, London, W1H 7DD (hereinafter called "the Owner") of the first part
2. **BARCLAYS BANK PLC** (registered under company number 1026167) whose registered office is at 1 Churchill Place, London E14 5HP (hereinafter called "the Mortgagee") of the 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, The Fitzrovia Trust Limited (the Original Owner) and Unity Trust Bank PLC (the Original Mortgagee) entered into an Agreement dated 24th June 2005 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 271095 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 Agreement.
- 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 26th January 2012 for which the Council resolved to grant permission conditionally under reference 2012/0542/P subject to the conclusion of this Agreement.

1.6 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.

1.7 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 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 24th June 2005 made between the Council, the Original Owner and the Original Mortgagee

2.3.3 "the Original Planning Permission" means the planning permission granted on appeal on 18th January 2006 referenced 2004/3154/P and APP/X5210/A/04/1168720 for the erection of new a building with basement, ground and 5 upper floors with front and rear terraces at fifth floor level, with restaurant (Class A3) use at basement and ground floor and 3

self-contained flats above, comprising 1x one bed and 2x two bed maisonettes following demolition of existing building as shown on drawing numbers Eu/01, 02, 03, 04, 05, 06 + 07 (photographs); EU/11 Rev A, 12, 13, 14 RevA, 15 RevA, 16 RevA, 17 rev A, 18; Acoustic Report from Mendick Waring dated August 2004 (ref 977/DSB); Location Plan; Design Statement dated July 04; Letter dated 6/10/04)

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 and Mortgagee 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 permitted pursuant to planning permission dated 18th January 2006 referenced 2004/3154/P and APP/X5210/A/04/1168720 (for the erection of new a building with basement, ground and 5 upper floors with front and rear terraces at fifth floor level, with restaurant (Class A3) use at basement and ground floor and 3

self-contained flats above, comprising 1x one bed and 2x two bed maisonettes following demolition of existing building as shown on drawing numbers Eu/01, 02, 03, 04, 05, 06 + 07 (photographs); EU/11 Rev A, 12, 13, 14 RevA, 15 RevA, 16 RevA, 17 rev A, 18; Acoustic Report from Mendick Waring dated August 2004 (ref 977/DSB); Location Plan; Design Statement dated July 04; Letter dated 6/10/04) as amended by planning permission reference number 2012/0542/P permitting the use of the first to fifth floor as 3 x 2 bedroom flats and 1 x 3 bedroom maisonette, alterations to front and rear elevations including windows and materials (retrospective) as shown on drawing numbers Site Location Plan; Drawing no(s) (prefix 0459/) 113 A; 114; 115; 111; 123; 118 C; 120; 112 C; 117 A; 119 A; 116 A; 122; 124; 121; 125; Daylight and Sunlight Report by Right of Light Consulting dated 10/11/11

3.1.2 "Planning Permission" the planning permission under reference number 2012/0542/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 on 26th January 2012 by the Owner and given reference number 2012/0542/P

3.2 All references to "2004/3154/P" in the Existing Agreement shall be read as "2012/0542/P".

3.3 The draft planning permission reference 2012/0542/P annexed to this Agreement shall be treated as annexed to the Existing Agreement in addition to the existing annexures.

3.4 In all other respects the Existing Agreement (as varied by this Agreement) shall continue in full force and effect.

4. **PAYMENT OF THE COUNCIL'S LEGAL COSTS**

4.1 The Owner agrees to pay the Council (on or prior to completion of this Agreement) its reasonable legal costs incurred in preparing this Agreement

5. **REGISTRATION AS LOCAL LAND CHARGE**

5.1 This Agreement 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 Agreement to be executed as a Deed
the day and year first above written.

**EXECUTED AS A DEED BY
SAHARA PRODUCTIONS
INTERNATIONAL LIMITED
acting by a Director and its Secretary
or by two Directors**

Director Name: (CAPITALS)

Director Signature:

Director/Secretary Name (CAPITALS)

Director/Secretary Signature:

A-H KHERALLAH

JUDY TAYLOR

J. Bayler

**EXECUTED AS A DEED BY
BARCLAYS BANK PLC
acting by a Director and its Secretary
or by two Directors**

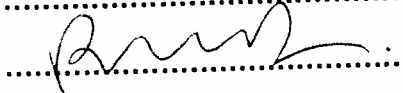
AUTHORISED SIGNATORY

AUTHORISED SIGNATORY

Director Name: (CAPITALS)

Director Signature:

Paul M. BRENNAN



AUTHORISED SIGNATORY

Director/Secretary Name (CAPITALS)

Director/Secretary Signature:

MARK S. BROWN



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


.....
Authorised Signatory



Lawtonduffy
9 Holtspur Lane
Wooburn Green
High Wycombe
Bucks
HP10 0AA
UK

Application Ref: **2012/0542/P**

22 March 2012

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Acts 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
**339 Euston Road
London
NW1 3AD**

Proposal:

DECISION
Amendments to planning permission granted 18/01/06 (2004/154/P) for the erection of new building with basement, ground and 5 upper floors with front and rear terraces at fifth floor level, with restaurant (Class A3) use at basement and ground floor and 3 self contained flats above, comprising 1x one bed and 2x two bed maisonettes, following demolition of existing building namely, the use of the first to fifth floor as 3 x 2 bedroom flats and 1 x 3 bedroom maisonette, alterations to front and rear elevations including windows and materials (retrospective).

Drawing Nos: Site Location Plan; Drawing no(s) (prefix 0459/) 113 A; 114; 115; 111; 123; 118 C; 120; 112 C; 117 A; 119 A; 116 A; 122; 124; 121; 125; Daylight and Sunlight Report by Right of Light Consulting dated 10/11/11.

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 shall be carried out in accordance with the following approved plans Site Location Plan; Drawing no(s) (prefix 0459/) 113 A; 114; 115; 111; 123; 118 C; 120; 112 C; 117 A; 119 A; 116 A; 122; 124; 121; 125; Daylight and Sunlight Report by Right of Light Consulting dated 10/11/11.

Reason:

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

- 2 The details of the facing materials shall be submitted to and approved in writing by the Council before any work is commenced on the relevant part of the development. The relevant part of the works shall be carried out in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The windows indicated in the rear (southern) elevation as being obscure glazed on the drawings hereby approved shall only be provided and retained as such for as long as the development remains in existence.

Reason: To protect the amenities of nearby property from loss of privacy as a result of overlooking, in accordance with Policy DP26 (Managing the impact of development on occupiers and neighbours) of the Development Policies of the Camden Local Development Framework.

Informative(s):

- 1 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 2363).
- 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 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.

3 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy and Development Policies, with particular regard to policies CS1 (Distribution of growth), CS3 (Other Highly Accessible Areas), CS5 (Providing Quality Homes), CS6 (Managing the impact of growth and development), CS9 (Achieving a Successful Central London), CS11 (Promoting sustainable and efficient travel), CS14 (Promoting high quality places and conserving our heritage), DP2 (Making Use of Camden's Capacity for Housing), DP5 (Homes of Different Sizes), DP6 (Lifetime Homes and Wheelchair Homes), DP16 (The Transport Implications of Development), DP17 (Walking, cycling and public transport), DP18 (Parking Standards and Limiting the Availability of Car Parking), DP19 (Managing the impact of parking), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours), DP27 (Basements and lightwells), DP24 (Securing high quality design), DP29 (Improving Access). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

Yours faithfully

Culture and Environment Directorate

DECISION

DATED

12 APRIL

2012

(1) SAHARA PRODUCTIONS INTERNATIONAL LIMITED

-and-

(2) BARCLAYS BANK PLC

-and-

**(3) THE MAYOR AND THE BURGESSES OF
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