

DATED

30 March

2012

(1) DURLEY INVESTMENT CORPORATION

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 15 December 2010  
Between the Mayor and the Burgesses  
of the London Borough of Camden and  
Durley Investment Corporation  
Under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**6 Erskine Road, London NW3 3AJ**

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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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G:\case files\culture & env\planning\al\s106 Agreements\6 Erskine Road DOV  
CLS/COM/AL/1685.1391  
2011/6306/P DoV v4 20.3.12

the Property through the Revised Planning Permission should be restricted or regulated in accordance with this Deed of Variation and the Original Agreement.

1.7 This Deed of Variation 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.

1.8 Without prejudice to the terms of the other covenants contained in the Original Agreement the parties hereto have agreed to vary the terms of the Original Agreement hereinafter provided.

## 2. **INTERPRETATION**

2.1 All words and phrases defined in the Original Agreement shall have the same meaning in this Deed of Variation save where the context otherwise dictates and for the avoidance of any doubt the Original Agreement shall remain in full force and effect save as varied by this Deed of Variation.

2.2 All reference in this Deed of Variation to clauses in the Original Agreement are to clauses within the Original Agreement.

2.3 In this Deed of Variation the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "Deed of Variation" this First Deed of Variation

2.3.4 "the Original Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 15 December 2010 made between the Council and the Owner

2.4 Where in this Deed of Variation 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 of Variation.

THIS AGREEMENT is made on the 30<sup>th</sup> day of March 2012

**BETWEEN**

- i. **DURLEY INVESTMENT CORPORATION** a company incorporated in Panama whose address for service in the United Kingdom is care of Armitage Property Management Limited (company registration number 03072916) at 55 Station Road, Beaconsfield HP9 1QL (hereinafter called "the Owner") of the first part
- ii. **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

1. **WHEREAS:**

- 1.1 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL800661 and as such is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.2 The Council and the Owner entered into an Agreement dated 15 December 2010 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.3 On that same day the Council granted planning permission for the development of the Property bearing reference number 2010/5214/P.
- 1.4 The Owner applied under section 73 of the Act on 16 December 2011 to the Council (planning permission reference number 2011/6306/P: validated on 9 January 2012) to amend planning permission 2010/5214/P.
- 1.5 The Council and the Owner now wish to vary the terms of the Original Agreement through this Deed of Variation to enable the entirety of the planning obligations contained in the Original Agreement to bind the Revised Planning Permission and the Property.
- 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

- 2.5 Headings are for ease of reference only and are not intended to be construed as part of this Deed of Variation and shall not be construed as part of this Deed of Variation and shall not effect the construction of this Deed of Variation.
- 2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.7 References in this Deed of Variation to the Owner shall include its successors in title.

### **3. VARIATION TO THE ORIGINAL AGREEMENT**

- 3.1 Clause 2.7 of the Original Agreement (definition of "the Development") shall be deleted in its entirety and replaced with the following:

"the Development"

Variation of condition 7 (development to be carried out in accordance with approved plans) of planning permission [ref 2010/5214/P granted on 15/12/10 for "the extension of existing office accommodation (Class B1) including the demolition and replacement of Block 5, alterations to Blocks 2 and 3, Leeder House and the caretakers' lodge and erection of four circulation cores between blocks" (abbreviated); Amendments relate to relocation of cycle store and plant to basement, reduction in size of basement, amendment to street elevation of the porters lodge, alterations to angle and location of photovoltaic roof panels and other minor amendments to elevations as shown on plans: Energy Strategy Dated Aug 2010; Outline Services Specification Dated Aug 2010; Security Management Plan; Air Quality Statement Dated Aug 2010; Ecological Survey and CSH Assessment Dated Aug

2010; Breeam 2008 - Preliminary Review Dated Aug 2010; Noise Survey and Control Measures by Emtec dated 14th November 2011 with letter dated 5th March 2012 from Emtec giving details of plant equipment and acoustic treatment specifications; Specification for ezFlatRoof 2.0PV Mounting System by Schuco; Daylight & Sunlight Report Dated Sep 2010; Transport Statement Dated Aug 2010; Tree Survey / Arboricultural Statement Dated April 2009; Transport Statement Addendum dated 08/11/2010; Daylight and sunlight assessment addendum dated 23/11/2010 by eb7; Site Location Plan; 100-00 Rev S2, -01 Rev S3, -02 Rev S3, -03 Rev S3, -04 Rev S3, -05 Rev S3, -B1 Rev S2; 220-01 Rev S1, -02 Rev S1, -03 Rev S2, -04 Rev S1, -08 Rev S1; 250-01 Rev S2, -02 Rev S3, -03 Rev S3, -04 Rev S3, -05 Rev S3, -06 Rev S3; 010-00 Rev P2, -01 Rev P2, -02 Rev P2, -03 Rev P2, -05 Rev P2; 010-B1 Rev P2; 020-01 Rev P3, -02 Rev P2; 050-01 Rev P3, -02 Rev P3; T01

- 3.2 Clause 2.15 of the Original Agreement (definition of "the Planning Application") shall be deleted in its entirety and replaced with the following:

"the Planning Application"

a planning application in respect of the development of the Property submitted to the Council and validated on 9 January 2012 bearing reference number 2011/6306/P for which a recommendation to grant permission has been made conditionally subject to

conclusion of this Agreement

- 3.3 Clause 2.17 of the Original Agreement (definition of "the Planning Permission") shall be deleted in its entirety and replaced with the following:

"the Planning Permission"	a planning permission ("the Revised Planning Permission") granted for the Development substantially in the draft form annexed to the Deed of Variation
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- 3.4 All references in the Original Agreement to 2010/5214/P shall be read as 2011/6306/P.
- 3.5 All references in the Original Agreement to the validation date shall be read as 9 January 2012.
- 3.6 In all other respects the Original 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.

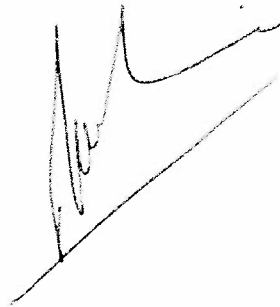
**5. REGISTRATION AS LOCAL LAND CHARGE**

- 5.1 This Agreement shall be registered as a Local Land Charge

CONTINUATION OF A DEED OF VARIATION TO SECTION 106 AGREEMENT FOR 6  
ERSKINE ROAD LONDON NW3 3AJ, 2011/6306/P BETWEEN LONDON BOROUGH OF  
CAMDEN AND DURLEY INVESTMENT CORPORATION

**IN WITNESS WHEREOF** the Council has caused its Common Seal to be affixed and the  
Owner has executed this instrument as a Deed on the day and year first above written.

**EXECUTED AS A DEED BY** )  
**DURLEY INVESTMENT CORPORATION** )  
**A company incorporated in Panama** )  
**By Michael Shine** )  
**being a person who in accordance** )  
**with the laws of that territory is acting** )  
**under the authority of the Company** )

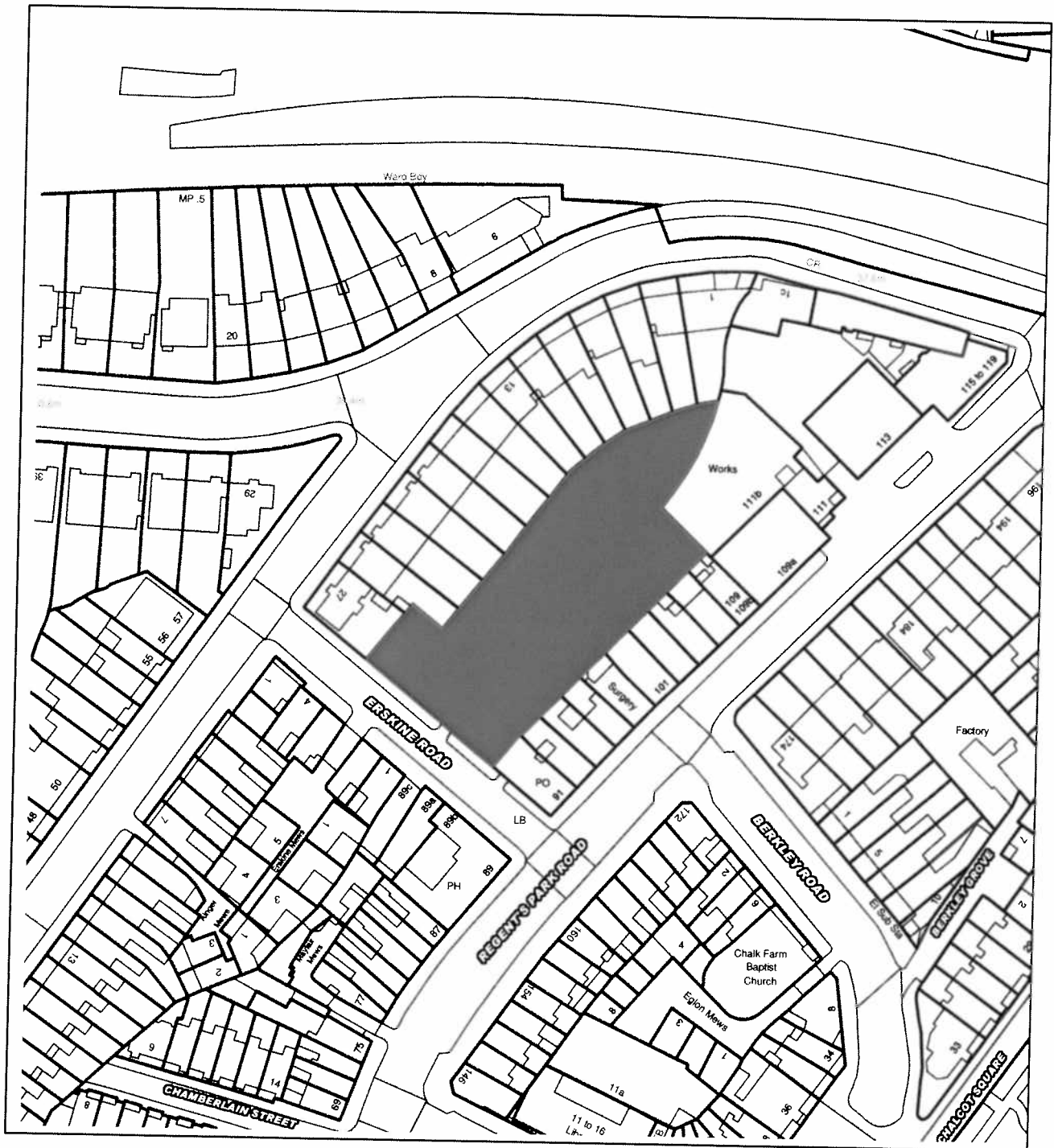


**THE COMMON SEAL OF THE MAYOR** )  
**AND BURGESSES OF THE LONDON** )  
**BOROUGH OF CAMDEN** )  
**was hereunto affixed by Order:-** )

.....  
Duly Authorised Officer



# 6 Erskine Road, London NW3 3AJ



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*Director*  
*ARVEST INVESTMENT CORP*



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London  
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Textlink 020 7974 6866

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

Application Ref: **2011/6306/P**

20 March 2012

Dear Sir/Madam

**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:  
**6 Erskine Road  
London  
NW3 3AJ**

**Proposal:**

Variation of condition 7 (development to be carried out in accordance with approved plans) of planning permission [ref 2010/5214/P granted on 15/12/10 for "the extension of existing office accommodation (Class B1) including the demolition and replacement of Block 5, alterations to Blocks 2 and 3, Leeder House and the caretakers' lodge and erection of four circulation cores between blocks" (abbreviated); Amendments relate to relocation of cycle store and plant to basement, reduction in size of basement, amendment to street elevation of the porters lodge, alterations to angle and location of photovoltaic roof panels and other minor amendments to elevations.

Drawing Nos: Energy Strategy Dated Aug 2010; Outline Services Specification Dated Aug 2010; Security Management Plan; Air Quality Statement Dated Aug 2010; Ecological Survey and CSH Assessment Dated Aug 2010; Breeam 2008 - Preliminary Review Dated Aug 2010; Noise Survey and Control Measures by Emtec dated 14th November 2011 with letter dated 5th March 2012 from Emtec giving details of plant equipment and acoustic treatment specifications; Specification for ezFlatRoof 2.0PV Mounting System by Schuco; Daylight & Sunlight Report Dated Sep 2010; Transport Statement Dated Aug 2010; Tree Survey / Arboricultural Statement Dated April 2009; Transport Statement Addendum dated 08/11/2010; Daylight and sunlight assessment addendum dated 23/11/2010 by eb7; Site Location Plan; 100-00 Rev S2, -01 Rev S3, -02 Rev S3, -03 Rev S3, -04 Rev S3, -05 Rev S3, -B1 Rev S2; 220-01 Rev S1, -02 Rev S1, -03 Rev S2, -04 Rev S1, -08 Rev S1;

250-01 Rev S2, -02 Rev S3, -03 Rev S3, -04 Rev S3, -05 Rev S3, -06 Rev S3; 010-00 Rev P2, -01 Rev P2, -02 Rev P2, -03 Rev P2, -05 Rev P2; 010-B1 Rev P2; 020-01 Rev P3, -02 Rev P2; 050-01 Rev P3, -02 Rev P3; T01;

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):

- DRAFT**
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans Site Location Plan; 100-00 Rev S2, -01 Rev S3, -02 Rev S3, -03 Rev S3, -04 Rev S3, -05 Rev S3, -B1 Rev S2; 220-01 Rev S1, -02 Rev S1, -03 Rev S2, -04 Rev S1, -08 Rev S1; 250-01 Rev S2, -02 Rev S3, -03 Rev S3, -04 Rev S3, -05 Rev S3, -06 Rev S3; 010-00 Rev P2, -01 Rev P2, -02 Rev P2, -03 Rev P2, -05 Rev P2; 010-B1 Rev P2; 020-01 Rev P3, -02 Rev P2; 050-01 Rev P3, -02 Rev P3; T01; Energy Strategy Dated Aug 2010; Outline Services Specification Dated Aug 2010; Security Management Plan; Air Quality Statement Dated Aug 2010; Ecological Survey and CSH Assessment Dated Aug 2010; Breeam 2008 - Preliminary Review Dated Aug 2010; Noise Survey and Control Measures by Emtec dated 14th November 2011 with letter dated 5th March 2012 from Emtec giving details of plant equipment and acoustic treatment specifications; Specification for ezFlatRoof 2.0PV Mounting System by Schuco; Daylight & Sunlight Report Dated Sep 2010; Transport Statement Dated Aug 2010; Tree Survey / Arboricultural Statement Dated April 2009; Transport Statement Addendum dated 08/11/2010; Daylight and sunlight assessment addendum dated 23/11/2010 by eb7;

Reason:

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

Informative(s):

- 1 You are advised that all conditions attached to the original planning permission granted on 15/12/2012 (reference no: 2010/5214/p) remain extant.
- 2 You are advised that details submitted in respect of condition 14 (gates and alterations to boundary treatment to Erskine Road) shall include details of the proposed doors to the substation and refuse area hereby permitted.
- 3 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

Yours faithfully

Culture and Environment Directorate

**DRAFT**

**DECISION**

*[Handwritten signature]*  
*Director*  
*Planning*  
*Camden Council*