

DATED

12<sup>th</sup> January

2011

**(1) SAIGAL PROPERTIES LIMITED**

**and**

**(2) NATIONAL WESTMINSTER BANK PLC**

**and**

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

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**DEED OF VARIATION**

Relating to the Agreement dated 23 July 2009  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
and Saigal Properties Limited and Nationwide Building Society  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
relating to development at premises known as  
16-17 Warren Street, London W1T 5LP

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Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 2063  
Fax: 020 7974 2962

CLS/JS/1685.969

THIS AGREEMENT is made on the

12<sup>th</sup>

day of

January

2012

**BETWEEN**

1. **SAIGAL PROPERTIES LIMITED** (Co. Regn. No. 115351) whose registered office is at 112 Whitfield Street London W1 (hereinafter called "the Owner") of the first part

2. **NATIONAL WESTMINSTER BANK PLC** of Credit Documentation, PO Box 339, Manchester M60 2AH (hereinafter called "the Mortgagee") of the second part

*Service Address*  
*And whose registered office is at 135 Old Broad Street, London EC2M 3UJ*

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 and Saigal Properties Limited and Nationwide Building Society entered into an Agreement dated 23 July 2009 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 of the Property under Title Number NGL367307 subject to the charge to the Mortgagee.

1.3 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.

1.4 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 14 February 2011 for which the Council resolved to grant permission conditionally under reference 2011/0559/P subject to the conclusion of this Agreement.

1.5 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.

1.6 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL367307 and dated 11 June 2010 is willing to enter into this Agreement to give its consent to the same.

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 4 March 2010 made between the Council and Saigal Properties Limited and Nationwide Building Society

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 23 July 2009 referenced 2008/3765/P allowing the scheme for alterations and extensions including erection of a mansard roof extension with front dormer windows and two rear roof terraces to create one self-

Guard Tillman Pollock Ltd  
161 Whitfield Street  
London  
W1T 5ET

Application Ref: **2011/0559/P**

14 November 2011

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:  
**16 -17 Warren Street**  
**London**  
**W1T 5LP**

**DECISION**  
Proposal:  
Amendments to planning permission ref: 2008/3755/P dated 23/07/2009 comprising removal of a dormer window at rear elevation.  
Drawing Nos: 408P/03- 00; 01A; 02A; 05A; 06A;  
408P/04- 01A; 02A; 03A; 04A; 05A; 06A; 10; 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 must be begun not later than the end of three years from the date of this permission.

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:  
408P/03- 00; 01A; 02A; 05A; 06A;  
408P/04- 01A; 02A; 03A; 04A; 05A; 06A; 10; 11

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 CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage); and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP26 (Managing the impact of development on occupiers and neighbours). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer's report.

- 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 2363).
- 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 Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) 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.

- 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, Urban Design and Renewal, Camden Town Hall, Argyle Street, WC1H 8EQ

Yours faithfully

**DRAFT**

Culture and Environment Directorate

**DECISION**

contained two bedroom flat as shown on drawing numbers 1060-PL-100; 105 Rev A (dated 8/10/08); 110 Rev A (dated 8/10/08); 120; 130; 135; 140; 145; 1060-EX-002; 003

- 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" amendments to planning permission ref: 2008/3765/P dated 23/07/2009 comprising removal of a dormer window at rear elevation as shown on drawings numbered 408P/03- 00; 01A; 02A; 05A; 06A; 408P/04- 01A; 02A; 03A; 04A; 05A; 06A; 10; 11

3.1.3 "Planning Permission" the planning permission granted under reference number 2011/0559/P to be issued by the Council substantially in the form of the draft planning permission annexed hereto

3.1.4 "Planning Application"

the application for Planning Permission in respect of the Property validated on 14 February 2011 by the Owner and given reference number 2011/0559/P

- 3.2 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 has caused its Common Seal to be affixed and the Owner and the Mortgagee have caused this Agreement to be executed as a Deed the day and year first above written

**EXECUTED AS A DEED BY  
SAIGAL PROPERTIES LIMITED**


**acting by a Director and its Secretary  
or by two Directors**

.....  
**Director**

.....  
**Director/Secretary**




(Continuation of section 106 Deed of Variation in relation to 16-17 Warren Street,  
London W1T 5LP)

  
EXECUTED AS A DEED BY  
NATIONAL WESTMINSTER BANK PLC  
By  
in the presence of:

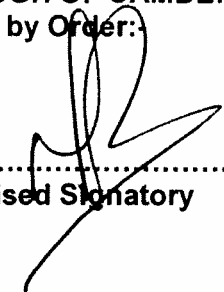
) Signed and Delivered as a deed  
) and on behalf of  
) National Westminster Bank Plc  
) duly authorised Attorney

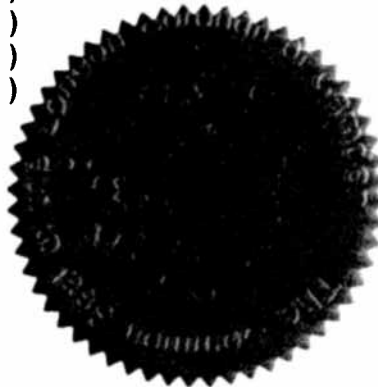
in the presence of *GARY SUTTON*

  
Witness' Signature - Bank employee

*John Yates. Document for  
16-17 Document 24715  
1550341/m96*

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

  
Authorised Signatory



DATED

12<sup>th</sup> January

2012

**(1) SAIGAL PROPERTIES LIMITED**

**and**

**(2) NATIONAL WESTMINSTER BANK PLC**

**and**

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

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