

DATED

21 NOVEMBER

2011

(1) WELLINGTON PUB COMPANY PLC

-and-

(2) DEUTSCHE TRUSTEE COMPANY LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 1st September 2010
between
the Mayor and the Burgesses of the
London Borough of Camden, Wellington Pub Company PLC
and Deutsche Trustee Company Limited

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

relating to development at premises known as

25 Agar Grove, London, NW1 9SL

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

Tel: 020 7974 5647
Fax: 020 7974 2962

CLS/PK/1685.992_FINAL

THIS AGREEMENT is made on the 21st day of November 2011

BETWEEN

1. **WELLINGTON PUB COMPANY PLC** (Co. Regn. No. 03406623) whose registered office is at 25 Harley Street, London, W1G 9BR (hereinafter called "the Owner") of the first part
2. **DEUTSCHE TRUSTEE COMPANY LIMITED** (Co. Regn. No. 00338230) whose registered office is at Winchester House, 1 Great Winchester Street, London, EC2 2DB (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 and Wellington Pub Company PLC and Deutsche Trustee Company Limited entered into an Agreement dated 1st September 2010 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 of the Property with Title Absolute under title number 312508 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 and is willing to enter into this Agreement pursuant to the provisions of Section 106 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

25th March 2011 for which the Council resolved to grant permission conditionally under reference 2011/1262/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.

1.8 The Mortgagee as mortgagee under a legal charge contained in a registered charge registered under title number 312508 and dated 2 March 1998 is willing to enter into this Agreement to give its consent to the same.

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 1st September 2010 made between the Council and Wellington Pub Company PLC and Deutsche Trustee Company Limited

2.3.3 "the Original Planning Permission"

the planning permission granted by the Council on 1st September 2010 referenced 2010/0086/P allowing the erection of a mansard roof extension, replacement of existing 1-2 storey side extensions with a single storey extension plus enclosed stair to first floor level and the conversion of the 1st, 2nd and new 3rd floors from ancillary public house accommodation (use class A4) to 5 self-contained residential flats (2x1 bed, 2x2 bed and 1x3 bed) as shown on drawing numbers PL-100; 101A; 102; 200; 202A; 203A; 204; 205B; 206A; 301; 302A; 303; 401; 402A; 403; 404B; 405A; 406; 700; Sustainability Statement (By JSA, dated December 2009); Design and Access Statement (By JSA, dated December 2009); Supporting Planning Statement (By JSA, dated December 2009).

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 "the Development" the development permitted pursuant to planning permission ref 2010/0086/P dated 1st September 2010 (the erection of a mansard roof extension, replacement of existing 1-2 storey side extensions with a single storey extension plus enclosed stair to first floor level and the conversion of the 1st, 2nd and new 3rd floors from ancillary public house accommodation (use class A4) to 5 self-contained residential flats (2x1 bed, 2x2 bed and 1x3 bed)) as amended by planning permission reference 2011/1262/P to comprise a change of use on the upper floors to 6 self-contained residential flats (4x1 bed and 2x2 bed) as shown on drawing numbers PL-100; 101; 102; 201; 202; 203; 204, dated Mar 2011; 205; 206; 301; 303; 401; 402; 403, dated Mar 11; 404; 405; 406, dated Mar 11; 700; Sustainability Report (By JSA, dated February 2011)

3.1.2 "the Education Contribution" the sum of £7,512.00 (seven thousand five hundred and twelve pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the Council in the event of receipt for the provision of education needs arising in the London Borough of Camden

3.1.3 "the Planning Application" the application for Planning Permission in respect of the Property validated on 25th March 2011 by the Council and given reference number 2011/1262/P

3.1.4 "the Planning Permission" the planning permission under reference number 2011/1262/P to be issued by the Council in the form of the draft annexed hereto

3.1.5 "the Public Open Space Contribution" the sum of £6,012.00 (six thousand and twelve pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the Council in the event of receipt for the provision and maintenance of public open space in the vicinity of the Development

3.2 The words "2010/0086/P" in clause 5.2 of the Existing Agreement shall be deleted and replaced with "2011/1262/P".

3.3 The words "2010/0086/P" in clause 6.1 of the Existing Agreement shall be deleted and replaced with "2011/1262/P".

3.4 The draft planning permission reference 2011/1262/P annexed to this Agreement shall be treated as annexed to the Existing Agreement in addition to the existing annexures.

3.5 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

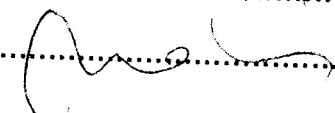
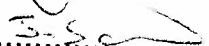
5. REGISTRATION AS LOCAL LAND CHARGE

5.1 This Agreement shall be registered as a Local Land Charge

6. GRANT OF PLANNING PERMISSION

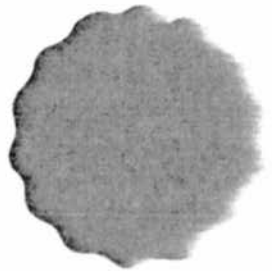
6.1 The Council hereby agrees to grant the Planning Permission on the date of this Agreement.

IN WITNESS WHEREOF the Council and the Mortgagee have caused their Common Seals to be affixed and the Owner has caused this Agreement to be executed as a Deed of Variation the day and year first above written.

EXECUTED AS A DEED BY
WELLINGTON PUB COMPANY PLC)
acting by a Director)
Director Name: (CAPITALS)) STEPHANE NAHUM.....
Director Signature:) 
Witness Signature:) 
Witness Name: (CAPITALS)) JOSHUA SAMRO.....
Address:) Millbank Tower.....
London SW1.....
Occupation:) Chartered Surveyor.....

EXECUTED AS A DEED BY
Affixing the Common Seal of
DEUTSCHE TRUSTEE COMPANY
LIMITED
in the presence of


.....
Authorised Signatory



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


.....
Authorised Signatory



JSA Planning
Tavistock House
Waltham Road
Woodlands Park
Maidenhead
Berkshire
SL6 3NH

Application Ref: 2011/1262/P

20 May 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:
25 Agar Grove
London
NW1 9SL

DECISION
Proposal:

Amendments to planning permission ref 2010/0086/P dated 01/09/2010 (for the erection of a mansard roof extension, replacement of existing 1-2 storey side extensions with a single storey extension plus enclosed stair to first floor level and the conversion of the 1st, 2nd and new 3rd floors from ancillary public house accommodation (use class A4) to 5 self-contained residential flats (2x1 bed, 2x2 bed and 1x3 bed)), to comprise a change of use on the upper floors to 6 self-contained residential flats (4x1 bed and 2x2 bed).
Drawing Nos: PL-100; 101; 102; 201; 202; 203; 204, dated Mar 2011; 205; 206; 301; 303; 401; 402; 403, dated Mar 11; 404; 405; 406, dated Mar 11; 700; Sustainability Report (By JSA, dated February 2011)

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: PL-100; 101; 102; 201; 202; 203; 204, dated Mar 2011; 205; 206; 301; 303; 401; 402; 403, dated Mar 11; 404; 405; 406, dated Mar 11; 700; Sustainability Report (By JSA, dated February 2011)

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

Informative(s):

- 1 You are advised that this permission relates only to the changes highlighted on the plans hereby granted and shall only be read in the context of the substantive permission granted on 01/09/2010 under planning reference number 2010/0086/P and is bound by all the conditions and informatives attached to that permission.
- 2 Reasons for granting planning permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy with particular regard to CS1 (Distribution of growth), CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS7 (Promoting Camden's centres and shops), CS11 (Promoting sustainable and efficient travel), CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving Camden's heritage), CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity), CS16 (Improving Camden's Health and well being) and CS19 (Delivering and monitoring the Core Strategy) and with the London Borough of Camden Local Development Framework Development Policies with particular regard to DP2 (Making full use of Camden's capacity for housing), DP5 (Housing size mix), DP6 (Lifetime homes and wheelchair homes), DP12 (Supporting strong centres and managing the impact of food, drink and entertainment and other town centre uses), DP16 (The transport implications of development), DP17 (Walking, cycling and public transport), DP18 (Parking standards and the availability of car parking), DP19 (Managing the impact of parking), DP22 (Promoting sustainable design and construction), DP24 (Securing high quality design), DP25 (Conserving Camden's Heritage), DP26 (Managing the impact of development on occupiers and neighbours) and (DP31- Provision of, and improvements to, open space and outdoor sport and recreation facilities).

Furthermore the proposal accords with the specific policy requirements in respect of the following principle considerations:- The proposed conversion would provide 6 residential units, of an acceptable standard which would be a valuable addition to the borough's housing stock. The proposed mansard roof would be in keeping with the host property and the adjoining terrace and the redevelopment

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

Yours faithfully

Culture and Environment Directorate

DRAFT

DECISION

DATED 21 NOVEMBER 2011

(1) WELLINGTON PUB COMPANY PLC

-and-

(2) DEUTSCHE TRUSTEE COMPANY LIMITED

-and-

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

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