

DATED

29th October

2010



(1) TARA HILLS LIMITED

and

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

DEED OF VARIATION

Relating to the Agreement dated 12 July 2009
Between the Mayor and the Burgesses of the
London Borough of Camden,
and Tara Hills Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
and section 278 of the Highways Act 1980
relating to development at premises known as
73 Guildford Street, London WC1N 1DF

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

Tel: 020 7974 5826
Fax: 020 7974 2962

CLS/DR/1685.663

THIS AGREEMENT is made on the 29th day of October 2010



BETWEEN

1. **TARA HILLS LIMITED** (incorporated in Gibraltar) care of 31 Hill Street, London W1J 5LS (hereinafter called "the Owner") of the first part
2. **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 Ben Joseph entered into an Agreement dated 12 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 under title number NGL908414.
- 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 3 August 2010 for which the Council resolved to grant permission conditionally under reference 2010/3682/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 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 12 July 2009 made between the Council and Tara Hills Limited

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 12 July 2009 referenced 2009/5109/P allowing the scheme for the Erection of a 4 storey over basement building to provide 7 residential units (4 x 1bed; 2 x 2 beds and 1 x 3 bed) following the demolition of 73 Guilford Street as shown on drawings Location plan; 374/PL/101; 374/PL/102; 374/PL/150; 374/PL151; 374/PL/103; 374/PL/180; 374/PL/181; 374/PL/120 B; 374/PL/121 B; 374/PL/122 A; 374/PL/123 A; 374/PL/124 A; 374/PL/125; 374/PL/170 A; 374/PL/171 A; 374/PL/190 A; 374/PL/191; 374/PL/161; 374/PL/185; 374/PL/186; 374/PL/160; 374/PL/115; 374/PL/110; 374/PL/111; 374/PL/112; 374/PL/113; 374/PL/114; Daylight &

sunlight report; Code for Sustainable Homes Report; Pre-development Arboricultural Report; Tree Schedule; Planning Supporting document

- 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: 2009/5109/P (dated 12/07/2010) "Erection of a 4 storey over basement building to provide 7 residential units (4 x 1bed; 2 x 2 beds and 1 x 3 bed) following the demolition of 73 Guilford Street," to include an amended unit mix (3 x 1 bed 2 x 2 bed and 2 x 3 bed units), a lift, an additional window to the rear elevation, an enclosed roof terrace at third floor level, and a 'Juliet balcony' at first floor level as shown on drawings numbered ~~PL/100 A; PL/120 C; PL/121 C; PL/122 A; PL/123 A; PL/124 A; PL/125; PL/170 A; PLA 100, PLA 101, PLA 102; Site Location plan; PLA 200 rev A;~~

PLA -201 rev A; PLA 100 rev E; PLA 101 rev D;
PLA 102 rev B; PLA 103 rev B; PLA 104 rev B;
PLA 105 rev B; 'Proposed Section A-A' Rev A.

~~PLA 103; PLA 104; PLA 105; PLA 106; PLA 200; PLA 201; PLA 300; PL/171 A; PL/190 A~~

3.1.2 "the Education Contribution" the sum of £22903.00 (twenty two thousand nine hundred and three 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 "Planning Permission" the planning permission granted under reference number 2010/3682/P to be issued by the Council substantially in the draft form annexed hereto

3.1.4 "Planning Application" the application for Planning Permission in respect of the Property validated on 3 August 2010 by the Owner and given reference number 2010/3682/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 has caused this Agreement to be executed as a Deed the day and year first above written

EXECUTED AS A DEED BY)
TARA HILLS LIMITED)
acting by a Director and its Secretary)
or by two Directors)

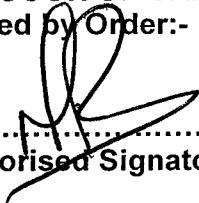
.....
ADEIAN G OLIVERO
.....
Director

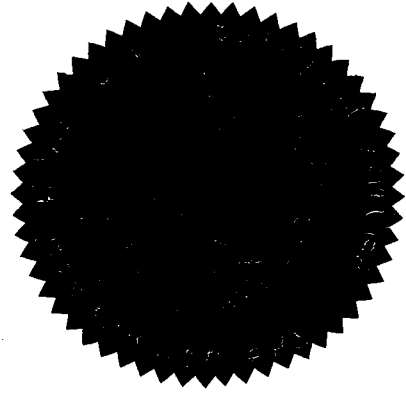
.....
SHAILAH J LOPEZ.
.....
Director/Secretary


Finsbury Corporate Services Limited
Director


Finsbury Secretaries Limited
Secretaries

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


.....
Authorised Signatory



Gerald Eve LLP
7 Vere Street,
London,
W1G 0JBApplication Ref: **2010/3682/P**

26 October 2010

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:
73 Guilford Street
LONDON
WC1N 1DK

Proposal:

Amendments to planning permission ref: 2009/5109/P (dated 12/07/2010) "Erection of a 4 storey over basement building to provide 7 residential units (4 x 1bed; 2 x 2 beds and 1 x 3 bed) following the demolition of 73 Guilford Street," to include an amended unit mix (4 x 1 bed 1 x 2 bed and 2 x 3 bed units), a lift, an additional window to the rear elevation, an enclosed roof terrace at third floor level, and a 'Juliet balcony' at first floor level.

Drawing Nos: Site location plan; PLA 200 rev A; PLA-201 rev A; PLA 100 rev E; PLA 101 rev D; PLA 102 rev B;

PLA 103 rev B; PLA 104 rev B; PLA 105 rev B; 'Proposed Section A-A' rev A.

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; PLA 200 rev A; PLA-201 rev A; PLA 100 rev E; PLA 101 rev D; PLA 102 rev B; PLA 103 rev B; PLA 104 rev B; PLA 105 rev B. 'Proposed Section A-A' rev A.

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

Informative(s):

- 1 You are advised that this planning permission amends the substantive permission 2009/5109/P dated 12/07/2010 and that all conditions attached to that permission continue to apply.
- 2 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies SD2 Planning Obligations, SD6 Amenity for occupiers and neighbours, SD9 Resources and energy, H1 New Housing, H7 Lifetime homes and wheelchair housing, H8 Mix of units, B1 General design principles, B6 Listed Buildings, B7 Conservation Areas, T3 Pedestrians and cycling, T7 Off-street parking, city car clubs and city bike schemes, T8 Car free housing and car capped housing and T12 Works affecting highways; the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS3 - Other highly accessible areas, CS6 - Providing quality homes, CS11 - Promoting sustainable and efficient travel, CS13 - Tackling climate change through providing higher environmental standards 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 DP2 - Making full use of Camden's capacity for housing, DP3 - Contributions to the supply of 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 the availability of parking, DP19 - Managing the impact of parking DP21 - Development connecting to the highway network, DP22 - Promoting sustainable design and construction, DP24 - Securing high quality design 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.

Yours faithfully

Culture and Environment Directorate