

DATED

11th August

2010

**(1) RADLETT ESTATES LIMITED**

**and**

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

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**DEED OF VARIATION**

Relating to the Undertaking dated 1 September 2009  
made by Radlett Estates Limited  
in favour of the Mayor and the Burgesses of the  
London Borough of Camden  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
relating to development at premises known as  
1 Radlett place, London NW8 6BT

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

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CLS/DR/1685.505

THIS AGREEMENT is made on the 11th day of August 2010

**BETWEEN**

1. **RADLETT ESTATES LIMITED** (incorporated in the British Virgin Islands) care of Trident Trust Company (B.V.I) Limited, Trident Chambers, PO Box 146, Road Town, Tortola, British Virgin Islands (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 Radlett Estates Limited entered into a Unilateral Undertaking dated 1 September 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 NGL750895.
- 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 Site should be restricted or regulated in accordance with this Agreement.
- 1.4 A new Planning Application in respect of the Site and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 10 March 2010 for which the Council resolved to grant permission conditionally under reference 2010/0684/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 Undertaking the parties hereto have agreed to vary the terms of the Existing Undertaking as hereinafter provided.

## 2 INTERPRETATION

2.1 All words and phrases defined in the Existing Undertaking shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Existing Undertaking 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 Undertaking are to clauses within the Existing Undertaking.

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 Undertaking" the Unilateral Undertaking made pursuant to Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 1 September 2009 made by Radlett Estates Limited in favour of the Council

2.3.3 "the Original Planning Permission" means the planning permission granted on appeal referenced APP/X5210/A/09/2104199 and APP/X5210/E/09/2104197 by the Secretary of State on 8 October 2009 (Council referenced 2008/3160/P) allowing the scheme for demolition of existing single family dwelling house (Class C3) and the erection of a single family dwelling house (Class C3) with associated landscaping, car parking, two-storey guest house and single-storey annex in garden as shown on drawing numbers: Site Location Plan; EX-001 A; 002; EX-100A; EX-300; P-10-00 A; P 10-001 A; 10-002 A; 003 A; 004A; 10-

005 A; 006 A; P-20-001A; P-20-000 A; P-20-002A; P-20-003A; P-20-004A; P-20-005A; P-20-006A; P-30-000A; P-30-001A; P-30-002A; P-30-003A; P-30-004A; P-30-005A; P-40-000A; P-40-001A; P-50-000A; P-50-001A; P-50-002A; P-50-003A; P-50-004A; P-50-005A; P-60-000A; P-60-001A; P-60-002A; P-60-003A; 8163.11.01; 8163.10.01; 8163.19.01; P-70-000 A; 70-003 A; 70-001 A; 70-002 A; P-70-004A; P-70-005A; P-70-006A; Planning Statement; Design & Access Statement; Transport Statement; Acoustic Report; Landscape Design; Arboricultural Statement; Structure Considerations; Sustainability & MEP Services Design Statement (incl. reply by ZEF dated 29/09/08); Light Impact Assessment Statement

- 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 UNDERTAKING

- 3.1 The following definitions contained in the Existing Undertaking shall be varied as follows:

### 3.1.1 "Development"

Amendments including increased sub-basement and basement to allow for the increased plant requirements and additional residential floor space to permission granted on appeal on 08/10/2009 2008/3160/P for the erection of a single family dwelling house (Class C3) with associated landscaping, car parking, two-storey guest house and single-storey annex in garden as shown on drawings numbered Site Location Plan; EX-001 A; 002 A; EX-100A; EX-300 A; P 10-001 A; 10-002 A; 003 A; 004A; 10-005 B; 006 B; P-20-001B; P-20-000 B; P-20-002B; P-20-003B; P-20-005B; P-20-006B; P-30-000B; P-30-001B; P-30-002B; P-30-003B; P-30-004B; P-30-005 A; PL-20-004revA; PL 10-002revA; PL 10-002; PL 10-001revA; P-50-000A; P-50-001A; P-50-002A; P-50-003A; P-50-004A; P-50-005A; P-60-000A; P-60-001A; P-60-002A; P-60-003A; 8163.11.01; 8163.10.01; 8163.19.01; P-70-000 A; 70-003 A; 70-001 A; 70-002 A, Planning Statement; Design & Access Statement; Transport Statement; Acoustic Report; Landscape Design; Arboricultural Statement; Sustainability & MEP Services Design Statement (incl. reply by ZEF dated 29/09/08); Light Impact Assessment Statement; Letter ref. DW/SW1076 by LLP dated 30/10/08; Letter ref. DW/SW by LLP dated 20/1/09

### 3.1.2 "Planning Permission"

the planning permission granted under reference number 2010/0684/P to be issued by the Council

### 3.1.3 "Planning Application"

the application for Planning Permission in respect of the Site validated on 10 March 2010 by the Owner and given reference number 2010/0684/P

3.2 In all other respects the Existing Undertaking (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

SIGNED

~~EXECUTED~~ AS A DEED BY

RADLETT ESTATES LIMITED a company )

in the presence of: incorporated in the )

British Virgin Islands by a person )

who in accordance with the laws of )

that territory is acting under the authority of the company )



(Authorised Signatory).

RADLETT ESTATES LTD.

.....  
~~Witness Signature~~

(ALEXANDER STUDHALTER)

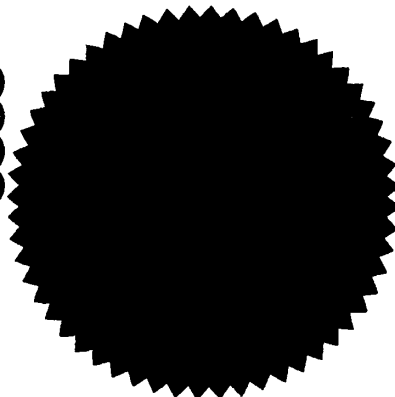
~~Witness Name:~~

~~Address:~~

~~Occupation:~~

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

.....  
Authorised Signatory



DATED

11th August

2010

**(1) RADLETT ESTATES LIMITED**

**and**

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

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