

DATED

28th June

2010

(1) SKYLINE ESTATES LIMITED

-and-

(2) GROVE PROPERTY FINANCE LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 10 July 2008 between:

Duilio Quarini and 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

8A Highgate Road, London NW5 1NR

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

Tel: 020 7974 2463
Fax: 020 7974 2962

CLS/COM/CJ/1685.418

THIS AGREEMENT is made on the 28th day of June 2010

BETWEEN

1. **SKYLINE ESTATES LIMITED** (Co. Regn. No. 06939172) whose registered office is at 11 Alba Gardens, London NW11 9NS (hereinafter called "the Owner") of the first part
2. **GROVE PROPERTY FINANCE LIMITED** (Co. Regn. No. 4141710) of 100 George Street, London W1U 8NU (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 Duilio Quarini entered into an Agreement dated 10 July 2008 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 460004 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.
- 1.4 The Mortgagee is a mortgagee under a legal charge registered under Title Number 460004 and dated 23 October 2009 and is willing to enter into this Agreement to give its consent to the same.
- 1.5 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.
- 1.6 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 4

December 2009 for which the Council resolved to grant permission conditionally under reference 2009/5427/P subject to the conclusion of this Agreement.

- 1.7 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.
- 1.8 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.
- 1.9 This Agreement will not take effect unless and until the planning permission referenced 2009/5427/P is Implemented.

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 10 July 2008 made between the Council and Duilio Quarini

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 10 July 2008 referenced

2005/0271/P allowing the erection of a 3 storey building comprising a retail unit on the ground floor and 2 x 1-bedroom residential flats above as shown on drawing numbers HR/08A/01 REV A; 02 REV A ; 03 REV A ; 04 REV A ; 05 REV A; 06 REV A ; 07 REV A ; 08 REV A ; PHOTOS

- 2.4 Where in this Agreement reference is made to a clause such reference (unless the context otherwise requires) is a reference to a clause 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"

variation of planning permission dated 10 July 2008 (Reg. No 2005/0271/P) to include the following: Erection of a roof extension with four front dormer windows to create an additional studio flat and associated alterations to the front elevation, as revisions to planning permission 2005/0271/P, dated 10/07/2008, for the erection of a three storey building comprising a retail unit (Class A1) on the ground floor and 2x 1-bedroom residential flats (Class C3) above as shown in drawings: Site Location Plan 0922-PL-001; 0922-PL-020; 0922-PL-021; 0922-PL-022;

Norton Mayfield Architects
Suite 10, Cherry Tree
Union Road
Sheffield
S11 9EF

Application Ref: **2009/5427/P**

8 February 2010

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:
8A Highgate Road
London
NW5 1NR

DECISION
Proposal:

Erection of a roof extension with four front dormer windows to create an additional studio flat and associated alterations to the front elevation, as revisions to planning permission 2005/0271/P, dated 10/07/2008, for the erection of a three storey building comprising a retail unit (Class A1) on the ground floor and 2x 1-bedroom residential flats (Class C3) above.

Drawing Nos: Site Location Plan 0922-PL-001; 0922-PL-020; 0922-PL-021; 0922-PL-022; HR/08A/02 Rev A; HR/08A/03 Rev A; HR/08A/04 Rev A; HR/08A/05 Rev A; HR/08A/06 Rev A; HR/08A/07 Rev A; 0922-PL-010C; 0922-PL-011C; 0922-PL-012C.

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 0922-PL-001; 0922-PL-020; 0922-PL-021; 0922-PL-022; HR/08A/02 Rev A; HR/08A/03 Rev A; HR/08A/04 Rev A; HR/08A/05 Rev A; HR/08A/06 Rev A; HR/08A/07 Rev A; 0922-PL-010C; 0922-PL-011C; 0922-PL-012C.

Reason:

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

Informative(s):

- 1 You are reminded that this planning permission is a variation of planning permission 2005/0271/P, dated 10/07/2008, and conditions attached to that permission continue to apply. Furthermore, you are advised that conditions 2 (Archaeological investigation), 3 (Trellis associated with first floor rear terrace), 5 (Details of front elevation windows, roof parapet and cornice, shopfront), 6 (Lifetime homes) and 7 (Sustainability statement) require details to be submitted to the Local Planning Authority for consideration.
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 4 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 or on the website 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.
- 5 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or from the Council's One Stop Reception, Environment Department, Camden Town Hall, Argyle Street WC1H 8EQ. (Tel: 020 7974 5613 or email env.devcon@camden.gov.uk).
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment)

Act 1939 should be made to the Council's Records and Information Team, Culture and Environment Directorate, Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 5613).

- 7 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.
- 8 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Street Environment Service (Waste) on 020 7974 6914 or see the website www.camden.gov.uk/waste
- 9 You are advised that the Council expects all development to be as sustainable and energy efficient as possible and welcomes any measures that can be introduced to facilitate this. To this end, you are encouraged to introduce measures that can practically be incorporated into the design of the new building and the subsequent operation of the use.
- 10 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 SD1 (Quality of life), SD2 (Planning Obligations), SD6 (Amenity for occupiers and neighbours), H1 (New Housing), H7 (Lifetime homes and wheelchair housing), H8 (Mix of units), B1 (General design principles), B4A (Shopfronts), T3 (Pedestrians and cycling), T6 (Car free housing and car capped housing), T9 (Impact on parking) and T12 (Works affecting highways). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

Yours faithfully

Culture and Environment Directorate

HR/08A/02 Rev A; HR/08A/03 Rev A;
HR/08A/04 Rev A; HR/08A/05 Rev A;
HR/08A/06 Rev A; HR/08A/07 Rev A; 0922-PL-
010C; 0922-PL-011C; 0922-PL-012C

3.1.2 "Planning Permission" the planning permission under reference number 2009/5427/P to be issued by the Council in the form of the draft annexed hereto

3.1.3 "Application" the application for Planning Permission in respect of the Property registered on 8 December 2009 by Norton Mayfield Architects on behalf of the Owner and given reference number 2009/5427/P

3.2 The following new subclause shall be added to the Existing Agreement:-

"4.1.3 On or prior to the Occupation Date the Owner shall inform the Council's Planning Obligations Monitoring Officer of the official unit numbers of the residential units forming part of the Development (as issued and agreed by the Council's Street Name and Numbering Department), identifying those residential units that in the Owner's opinion are affected by the Owner's obligation in Clause 4.1.1 of this Agreement, that is to say, those residential units which are identified as car free housing.

3.3 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 executed this Agreement as a Deed the day and year first above written.

EXECUTED AS A DEED BY)
SKYLINE ESTATES LIMITED)
in the presence of:-/)
acting by a Director and its Secretary)
or by two Directors)

.....
Director

Sole
Director/Secretary

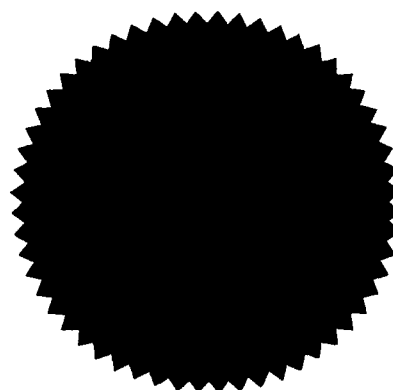
EXECUTED AS A DEED BY)
GROVE PROPERTY FINANCE LIMITED)
in the presence of:-/)
acting by a Director and its Secretary)
or by two Directors)

.....
Director

J. J. Munn
Director/Secretary

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

.....
Authorised Signatory



DATED

28th June

2010

(1) SKYLINE ESTATES LIMITED

-and-

(2) GROVE PROPERTY FINANCE LIMITED

-and-

**(3) THE MAYOR AND THE BURGESSES OF
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