

DATED

14th December

(1) CENTRAL SAINT GILES GENERAL PARTNER LIMITED

-and-

(2) ST GILES RESIDENTIAL DEVELOPMENTS LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 4 October 2006
Between the Mayor and the Burgesses of the
London Borough of Camden and St Giles Court General Partner Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
**ST GILES COURT,
1-13 ST GILES HIGH STREET,
LONDON WC2H 8LB**

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

Tel: 020 7974 1918
Fax: 020 7974 2962

G:\case files\culture & env\planning\lmm\s106 Agreements\St Giles (DoV)
CLS/COM/LMM/1685.372
DoV 14.12.09 FINAL

THIS AGREEMENT is made on the 14th day of December 2009

BETWEEN

1. **CENTRAL SAINT GILES GENERAL PARTNER LIMITED** (Co. Regn. No. 5624041) whose registered office is at Temple Court 11 Queen Victoria Street London EC4N 4TP (hereinafter called "the Owner") of the first part
2. **ST GILES RESIDENTIAL DEVELOPMENTS LIMITED** (Co. Regn. No. 06031903) whose registered office is at United House, Goldsel Road Swanley Kent BR8 8EX (hereinafter called "the Interested Party") 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

1. **WHEREAS:**

- 1.1 The Council and St Giles Court General Partner Limited entered into an Agreement dated 4 October 2006 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 NGL790607.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.4 The Interested Party has the benefit of a Unilateral Notice registered under Title Number NGL790607 in respect of a Sale and Development Agreement of the Property dated 24 May 2007 and is interested in the Property for the purposes of Section 106 of the Act
- 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 Revised Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 19 October 2009 for which the Council resolved to grant permission conditionally under reference 2009/4729/P subject to the conclusion of this Agreement.
- 1.7 This Agreement is made by virtue of the Town and Country Planning Act 1990 (as amended) Section 106 and Section 106A 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.

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 October 2006 made between the Council and St Giles Court General Partner Limited |

2.3.3 "the Original Planning Permission"

means the planning permission granted by the Council on 4 October 2006 referenced 2005/0259/P allowing the redevelopment of site for mixed use development comprising office (class B1), retail (class A1), food and drink (class A3), community (class D1) and residential (class C3) uses, new public courtyard and new pedestrian routes across the site

2.3.4 "the Revised Application"

the application for Revised Planning Permission in respect of the Property submitted to the Council by the Owner and validated on 19 October 2009 and given reference number 2009/4729/P

2.3.5 "Revised Planning Permission"

the planning permission under reference number 2009/4729/P to be issued by the Council substantially in the draft form draft annexed hereto

- 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.

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" redevelopment of site for mixed use development comprising office (class B1) retail (class A1) food and drink (class A3) community (class D1) and residential (class C3) uses new public courtyard and new pedestrian routes across the site amendments to the mix of Private Residential Units forming part of the Planning Permission
- 3.1.2 "Parties" the Council the Owner and the Interested Party
- 3.1.3 "Planning Permission" the planning permission for the Development of the Property granted by the Council on 4 October 2006 referenced 2005/0259/P as amended by the Revised Planning Permission
- 3.1.4 "Private Residential Units" all residential units within the Residential Development save for the Affordable Housing Units as detailed in the Revised Planning Permission being changes to mix of residential units on floor levels one to eleven (reduction in the number of one-bed units from 30 to 21, two-bed units from 26 to 12; and the creation of 16 studio units and 7 three-bed units) as shown on approved drawing numbers CSG-02-01 D; 02-02 D; 02-03 C; 02-04 D; 02-05 D; 02-06 D; 02-07 C; 02-08 D; 02-09 C; 02-10 D; 02-11 D; SP.01; HH-01 B; HH-02 B; HH-03 B; HH-04 B; HH-05 B; HH-06 B; HH-07 B; HH-08 B; HH-09 B; HH-10 B; HH-11 B and Covering Letter Dated 05/10/09 From DP9

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 Interested Party agrees to pay the Council (on or prior to completion of this Agreement) its reasonable legal costs incurred in preparing this Agreement in the sum of £816.

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 Seals to be affixed and the Owner and the Interested Party have caused this Agreement to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY
~~ST GILES COURT GENERAL~~ *CONRAN SA*
PARTNER LIMITED *GILET GENERAL*
acting as a general partner *PARTNER LTD*
of the Legal and General)
West End Offices Limited Partnership)
in the presence of:-)

[Signature]
.....
Director

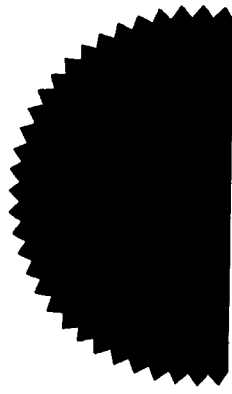
[Signature]
.....
Director/Secretary *[Signature]*
Legal & General Co Ltd

[Signature]

CONITINUATION OF SECTION 106 AGREEMENT DEED OF VARIATION IN RELATION
TO ST GILES COURT, 1-13 ST GILES HIGH STREET, LONDON WC2H 8LB

THE COMMON SEAL OF
ST GILES RESIDENTIAL
DEVELOPMENTS LIMITED
was hereunto affixed in the presence of

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)
)
)



.....
Director

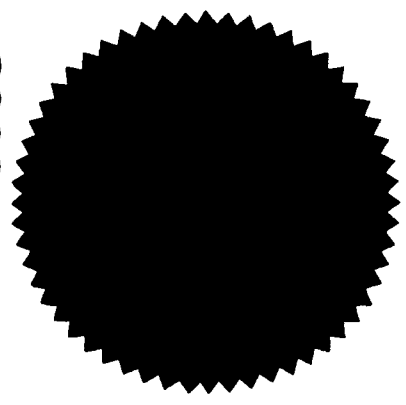
[Handwritten signature]

.....
Director/Secretary

[Handwritten signature]

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

)
)
)
)



.....
Authorised Signatory

[Handwritten signature]

DP9
100 Pall Mall,
LONDON,
SW1Y 5NQ

Application Ref: **2009/4729/P**
Please ask for: **Barrington Bowie**
Telephone: 020 7974 2630

14 October 2009
DRAFT
DECISION

Dear Sir/Madam

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted

Address:
St Giles Court,
1-13 St Giles High Street,
London,
WC2

DECISION

Proposal:

Amendment to planning permission 2005/0259/P to include changes to mix of residential units on floor levels one to eleven (reduction in the number of one-bed units from 30 to 21, two-bed units from 26 to 12; and the creation of 16 studio units and 7 three-bed units).

Drawing Nos: CSG-02-01 D; 02-02 D; 02-03 C; 02-04 D; 02-05 D; 02-06 D; 02-07 C; 02-08 D; 02-09 C; 02-10 D; 02-11 D;

SP.01; HH-01 B; HH-02 B; HH-03 B; HH-04 B; HH-05 B; HH-08 B; HH-07 B; HH-08 B; HH-09 B; HH-10 B; HH-11 B; Covering Letter Dated 05/10/09 from DP9

The Council has considered your application and decided to grant permission subject to the following condition(s):

Conditions and Reasons:

Informative(s):

1 Reasons for granting permission.

The proposed amendments would not materially deviate from the reasons stated for the approval of the parent permission (ref 2005/0259/P) granted on 4/10/2006, being that the development is in general accordance with the policy requirements of the Replacement Unitary Development Plan 2006, with particular reference to policies S1, S2, S3, S15, SD1, SD1D, SD2, SD3, SD5, SD6, SD7B, SD8, SD9A, SD9B, SD9C, H1, H2, H7, H8, B1, B2, B6, B7, B9, N3B, N4, T1B, T2, T3, T4, T7, T8, T9B, T12, T15, T16, R1B, R2, R3, C3 and C4.

2 All the conditions and s106 clauses attached to the substantive (parent) permission, App No. 2009/0259/P, remain applicable and must be complied with.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

DRAFT

Yours faithfully

Culture and Environment Directorate
(Duly authorised by the Council to sign this document)

DECISION