

DATED

20 March

2009

(1) THE THREE FAVOURITES LLP

-and-

(2) GOVERNOR AND COMPANY OF THE BANK OF IRELAND

-and-

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

DEED OF VARIATION (No. 2)

Relating to the Agreement dated 14 August 2007
Between (i) The Three Favourites LLP
(ii) Governor and Company of the Bank of Ireland and
(iii) The Mayor and Burgesses of the London Borough of Camden
under section 106 of the Town and
Country Planning Act 1990 (as amended) and Relating to development at premises known
as
JADE HOUSE, 12 LANCASTER GROVE, LONDON NW3 4NX

Andrew Maughan
London Borough of Camden
Town Hall, Judd Street
London
WC1H 9LP

Tel: 020 7974 5826
Fax: 020 7974 2962

S:plan/kvr/Deeds/High Holborn – Deed of Variation
CLS/COM/KVR/1431.1120

THIS AGREEMENT is made the 24th day of March 2009

B E T W E E N:

1. **THE THREE FAVOURITES LLP** (Partnership number OC311822) of 21 Bedford Square, London WC1B 3HH (hereinafter called "the Owner") of the first part
2. **THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND** (incorporated in the Republic of Ireland) of 36 Queen Street, London EC4R 1HJ (hereinafter referred to as 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 the Owner and the Mortgagee entered into the Existing Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at HM Land Registry as the freehold proprietor with Title Absolute of the Property under Title Number LN97908
- 1.3 The Owner as the freehold owner is interested in the Property for the purposes of section 106 of the Town and Country Planning Act 1990
- 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 The First Planning Permission was granted on 14 August 2007 after the Council resolved to grant planning permission subject to the completion of the Existing Agreement. The Existing Agreement was completed on 14 August 2007 pursuant to the Council's resolution to grant the First Planning Permission.
- 1.6 The Second Planning Permission was granted on 23 January 2008 to vary the First Planning Permission. The Council resolved to grant the Second Planning Permission

subject to the completion of a deed varying the Existing Agreement. The First Deed of Variation was completed on 23 January 2008.

- 1.7 The Third Planning Permission which proposes to vary the First Planning Permission has not been granted yet. The Council has resolved to grant planning permission subject to the completion of this Agreement.
- 1.8 The 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.
- 1.9 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.
 - a. "Agreement" this Deed of Variation
 - b. "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 14 August 2007 made between The Three Favourites LLP Governor and Company Bank of Ireland and The Mayor and Burgesses of the London Borough of Camden

c. "the First Planning Permission"

means the planning permission granted by the Council on 14 August 2007 reference 2006/2902/P allowing the erection of a 3-storey plus attic building attached to Jade House terrace, plus underground garage with 3x parking spaces to provide a single-family dwellinghouse as shown on drawings: Site location Plan LG012.E.010 (A); LG012.E.011; LG012.E.012; LG012.E.013; LG012.E.014; LG012.P.051(A); LG012.P.052; LG012.P.120(B); LG012.P.131(A); LG012.P.132(A); LG012.P.133(A); LG012.P.134; LG012.P.135(A); LG012.P.136; LG012.P.137; LG012.P.138(A).

d. "the First Deed of Variation"

the Deed of Variation dated 23 January 2008 made between The Three Favourites LLP Governor and Company Bank of Ireland and The Mayor and Burgesses of the London Borough of Camden

e. "the Second Planning Permission"

the planning permission dated 23 January 2008 (ref: 2007/3003/P) being an amendment to the First Planning Permission, namely for the reduction in size of planters at ground floor level, rebuilding of boundary wall to 2-Strathray Gardens, elevational changes at basement, ground, first to third floor including new pedestrian access door, enlarged garage opening and new vent to basement and alteration to position of windows to front and rear, amendments to parapets, reduction in size of second floor level roofline, alterations to front bay window at second floor level, increase in size of stair lift, replacement of front metal

planter with stone planter at ground floor level and other minor alterations as shown on drawing numbers: Site Location Plan LG012.E2.010; LG012-PA.111B; LG012-PA.112C; LG012-PA.113B; LG012-PA.114B; LG012-PA.115B; LG012-PA.116B; LG012-PA.130B; LG012-PA.131B; LG012-PA.132C

- f. "the Third Planning Permission" the planning permission (ref: 2007/5699/P) proposed to be granted pursuant to completion of this Agreement, being an amendment to the First Planning Permission namely for the addition of external metal staircase, changes to patio area to facilitate access to the new metal staircase and changing of material of the pedestrian doors to the garage as shown on drawing numbers: Existing Condition & Location Plan LG012.E2.101(A); LG012.PA111D; LG012.PA.112D; LG012.PA30C LG012.PA131C; LG012.PA132D.
- g. "the Property" the Property known as Jade House, 12 Lancaster Grove, London, NW3 4NX

- 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 shall be included in the Existing Agreement:

"the First Planning Permission"

means the planning permission granted by the Council on 14 August 2007 reference 2006/2902/P allowing the erection of a 3-storey plus attic building attached to Jade House terrace, plus underground garage with 3x parking spaces to provide a single-family dwellinghouse as shown on drawings: Site location Plan LG012.E.010 (A); LG012.E.011; LG012.E.012; LG012.E.013; LG012.E.014; LG012.P.051(A); LG012.P.052; LG012.P.120(B); LG012.P.131(A); LG012.P.132(A); LG012.P.133(A); LG012.P.134; LG012.P.135(A); LG012.P.136; LG012.P.137; LG012.P.138(A).

"the Second Planning Permission"

the planning permission dated 23 January 2008 (ref: 2007/3003/P) being an amendment to the First Planning Permission, namely for the reduction in size of planters at ground floor level, rebuilding of boundary wall to 2 Strathray Gardens, elevational changes at basement, ground, first to third floor including new pedestrian access door, enlarged garage opening and new vent to basement and alteration to position of windows to front and rear, amendments to parapets, reduction in size of second floor level rooflight, alterations to front bay window at second floor level, increase in size of stair lift, replacement of front metal

planter with stone planter at ground floor level and other minor alterations as shown on drawing numbers: Site Location Plan LG012.E2.010; LG012-PA.111B; LG012-PA.112C; LG012-PA.113B; LG012-PA.114B; LG012-PA.115B; LG012-PA.116B; LG012-PA.130B; LG012-PA.131B; LG012-PA.132C

"the Third Planning Permission"

the planning permission (ref: 2007/5699/P) proposed to be granted pursuant to completion of this Agreement, being an amendment to the First Planning Permission namely for the addition of external metal staircase, changes to patio area to facilitate access to the new metal staircase and changing of material of the pedestrian doors to the garage as shown on drawing numbers: Existing Condition & Location Plan LG012.E2.101(A); LG012.PA111D; LG012.PA.112D; LG012.PA^{130C}~~300C~~ LG012.PA131C; LG012.PA132D.

3.2 The following definitions contained in the Existing Agreement shall be varied as follows:

"Development"

means the development pursuant to the First Planning Permission and/or as amended by the Second Planning Permission and/or as amended by the Third Planning Permission

"Planning Application"

means any one or more of the planning applications pursuant to which the First Planning Permission, the Second Planning Permission and the Third Planning Permission was granted

"Planning Permission"

means any one or more of the First Planning Permission, Second Planning Permission or Third Planning Permission

to the intent that if any one or more of the First Planning Permission, Second Planning Permission and Third Planning Permission is implemented the provisions of the Existing Agreement shall take effect

- 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

6. MORTGAGEE EXEMPTION

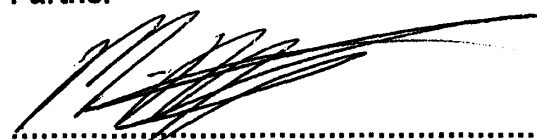
The Mortgagee hereby consents to the completion of this Agreement and agrees to be bound by it and to the same being registered at the Land Registry as provided in Clause 5 hereof and for the avoidance of doubt agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession of the Property

IN WITNESS whereof the Council and Mortgagee have caused their respective common seals to be hereunto affixed and the Owner has executed this instrument as a Deed the day and year first before written

EXECUTED as a DEED)
by THE THREE FAVOURITES LLP)
acting by two Partners:)



Partner



Partner

The Common Seal of the)
GOVERNOR AND COMPANY OF THE)
BANK OF IRELAND)
was affixed in the presence of:)

105/09



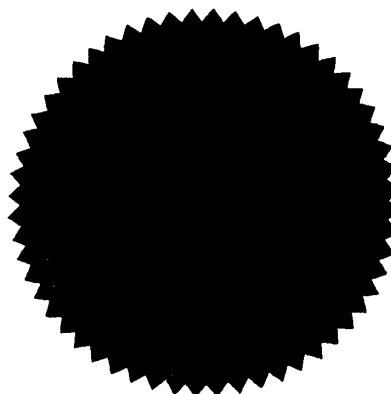
Authorised Signatory



Authorised Signatory

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


Duly Authorised Officer



Hugh Cullum Architects
616 Judd Street
London
WC2H 9QT

Application Ref: **2007/5699/P**

07 January 2009

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:

**Jade House
12 Lancaster Grove
London
NW3 4NX**

Proposal:

DECISION
Amendments to planning permission granted 4 August 2007 (reference 2006/2902/P) namely the addition of external metal staircase, changes to patio area to facilitate access to the new metal staircase and changing the material of the pedestrian doors to the garage.
Drawing Nos: Existing Condition & Location Plan LG012.E2.101(A); LG012.PA111D; LG012.PA.112D; LG012.PA30C LG012.PA131C; LG012.PA132D.

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):

Informative(s):

- 1 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 S1, S2, SD1, SD6, B1, B3, B7 and N7. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 2 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 relative to the development covered by the Heads of Terms of the legal agreement should be made available for the attention of the Sites Team, Urban Design and Regeneration.
- 3 You are reminded that all conditions and informatives attached to the substantive scheme still apply and require compliance (permission granted on 14.08.2007, reference 2006/2902/P).

Yours faithfully

Culture and Environment Directorate

DECISION

DATED

20 March

2009

(1) THE THREE FAVOURITES LLP

-and-

(2) GOVERNOR AND COMPANY OF THE BANK OF IRELAND

-and-

**(3) THE MAYOR AND THE BURGESSES OF
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