

DATED

8<sup>TH</sup> AUGUST

2014

**(1) THE GUINNESS PARTNERSHIPS LIMITED**

and

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 13 December 2010 between:  
The Guinness Trust (London Fund) Founded 1890, Registered 1902 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) and Section 278 of the Highways Act 1980

and as varied by Deeds of Variation dated 2 August 2011  
27 February 2014 and 30 April 2014

Relating to development at premises known as

**GUINNESS COURT, ST EDMUND'S TERRACE, LONDON NW8 7QE**

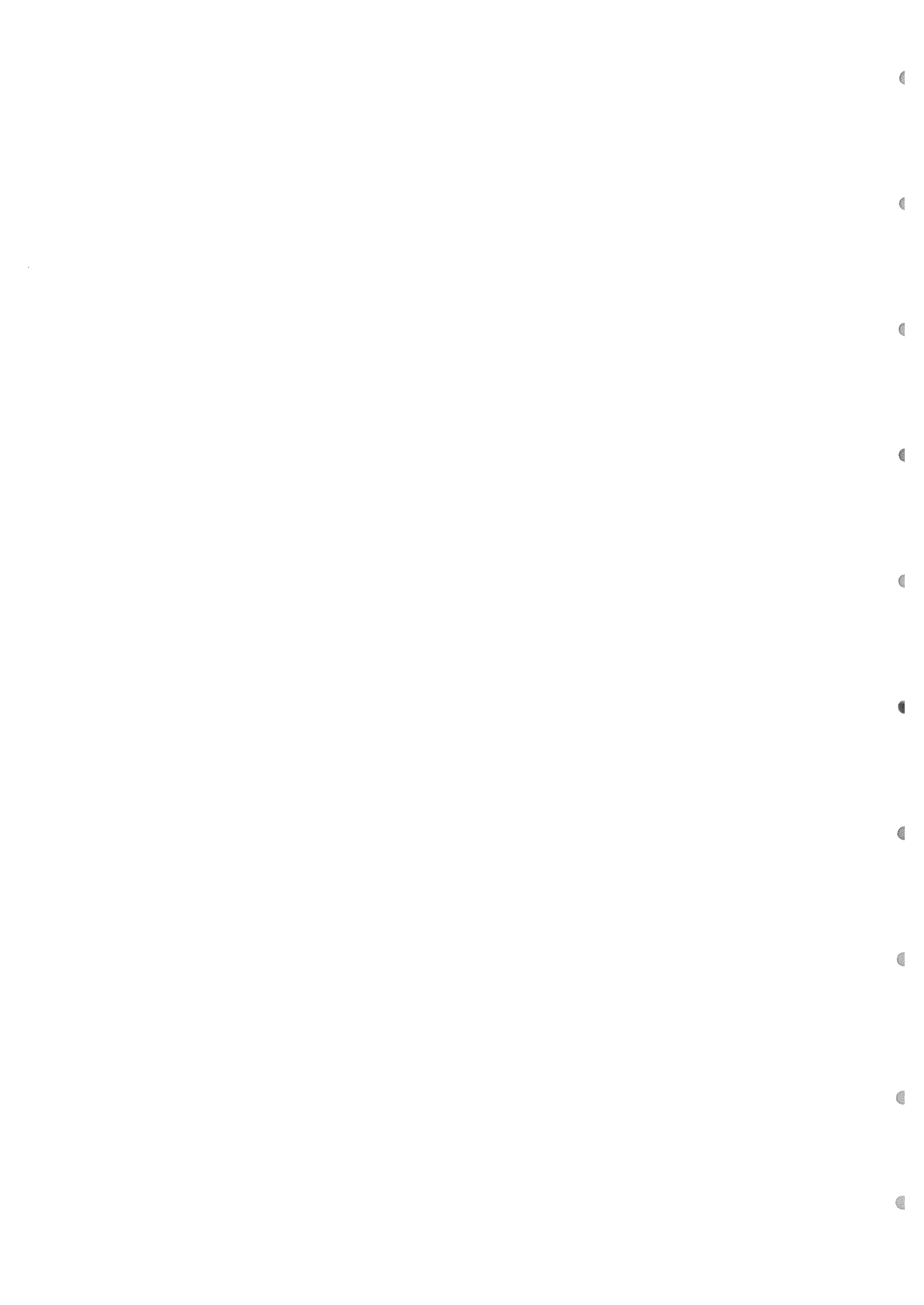
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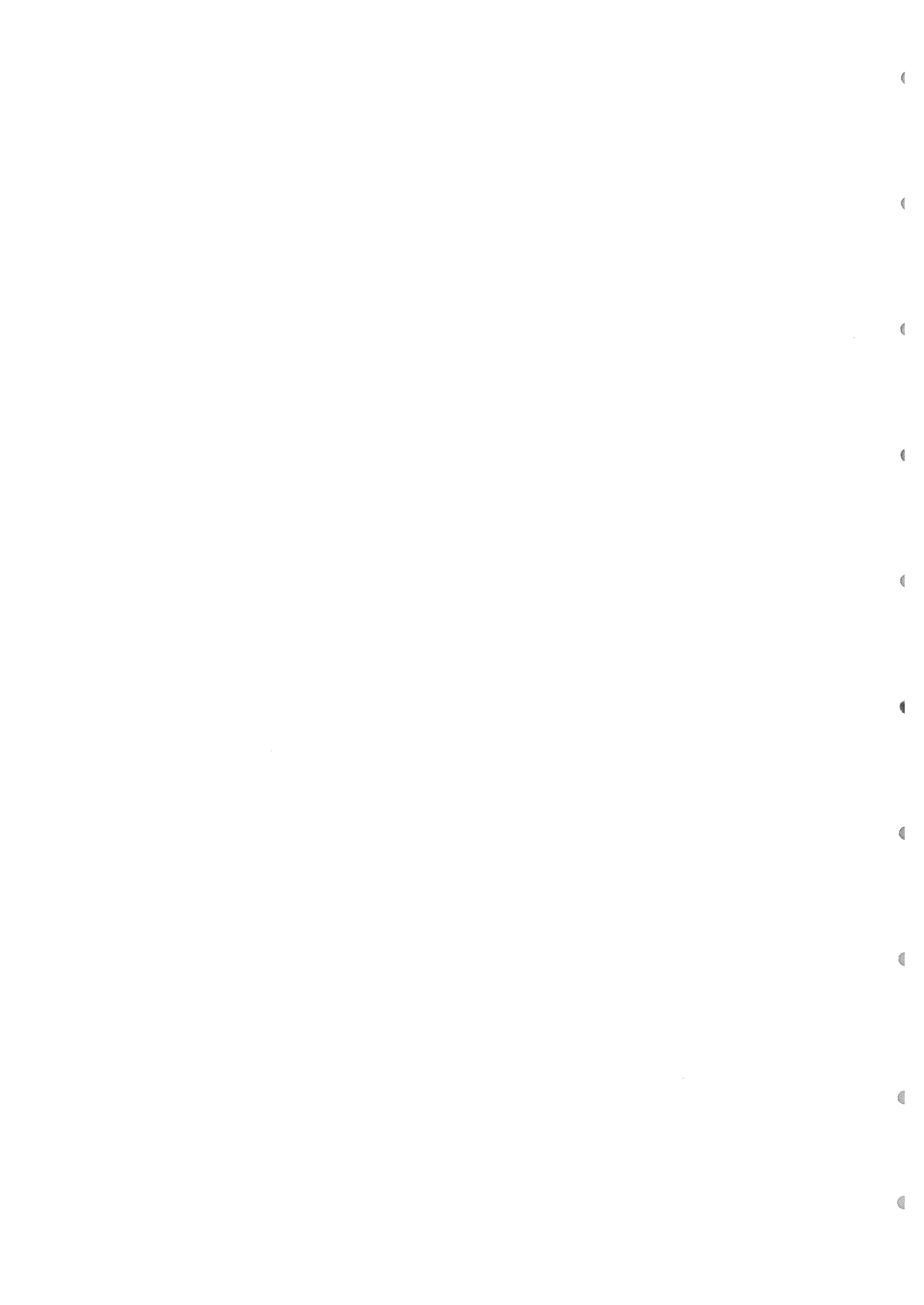
THIS AGREEMENT is made on the 8<sup>th</sup> day of August 2014

**BETWEEN**

1. **THE GUINNESS PARTNERSHIP LIMITED** (Industrial and Provident Society No. IP31693R) of 17 Mendy Street, High Wycombe, Buckinghamshire HP11 2NZ (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:**

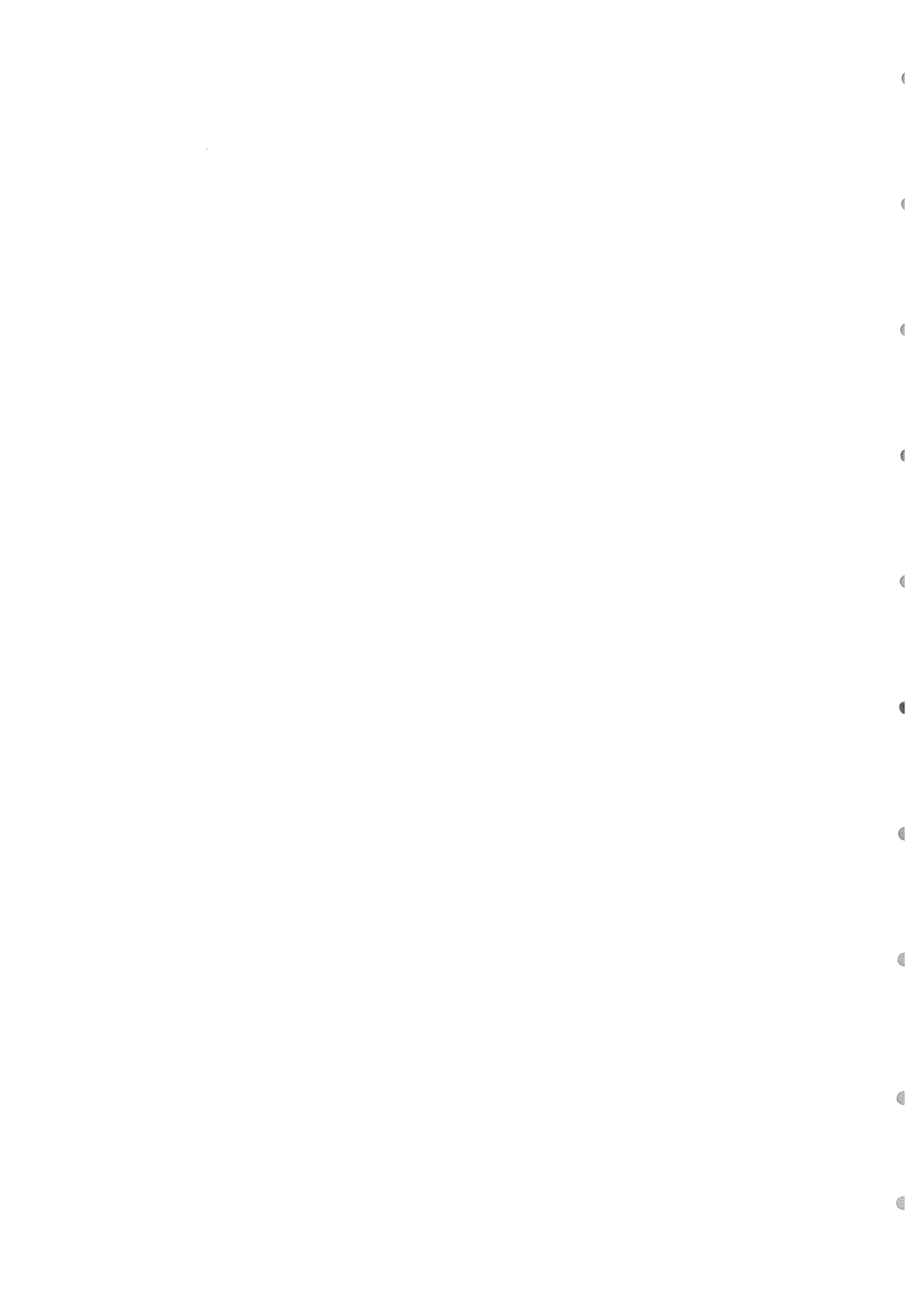
- 1.1 The Council and The Guinness Trust (London Fund) Founded 1890, Registered 1902 (the "London Fund") entered into an agreement dated 13 December 2010 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 and the Council and Guinness Trustees Limited ("GTL") entered into a deed of variation to vary the terms of the agreement on 2 August 2011 and the Council and the Owner entered into a deed of variation to further vary the terms of the agreement on 27 February 2014 and 30 April 2014.
- 1.2 Since entering into the Existing Agreement the London Fund has transferred the assets of the Trust. On 31 March 2011 the Charity Commission made a scheme under Section 16 and 61 of the Charities Act 1993 that was effective on 1 April 2011 and that appointed GTL as the sole corporate trustees of the Trust and dissolved the London Fund. Pursuant to Section 61(3) to (6) of the Charities Act 1993 the dissolution of the London Fund means all the property investments rights and liabilities and any chose of action held by the London Fund vested in GLT by operation of the law. By an Order of the Charity Commission dated 3 June 2012 all of the assets of the Trust were vested in GLT as its corporate assets free from the trusts which they were at that time held. On 27 July 2012 GTL amalgamated with certain other members of the Guinness group to form The Guinness Partnership Limited.



- 1.3 The Owner continues to be registered at the Land Registry as the freehold proprietor with Title Absolute under title number 280140 and is interested in the Property for the purposes of Section 106(9) of the Act.
- 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 25 13 February 2014 for which the Council resolved to grant permission conditionally under reference 2014/1116/P subject to the conclusion of this Agreement.
- 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 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.
- 1.7 Without prejudice to the terms of the other covenants contained in the Existing Agreement as varied by First Deed of Variation and the Second Deed of Variation and the Third Deed of Variation the parties hereto have agreed to vary the terms of the Existing Agreement as varied by First Deed of Variation and the Second Deed of Variation and the Third Deed of Variation as hereinafter provided.

## 2. **INTERPRETATION**

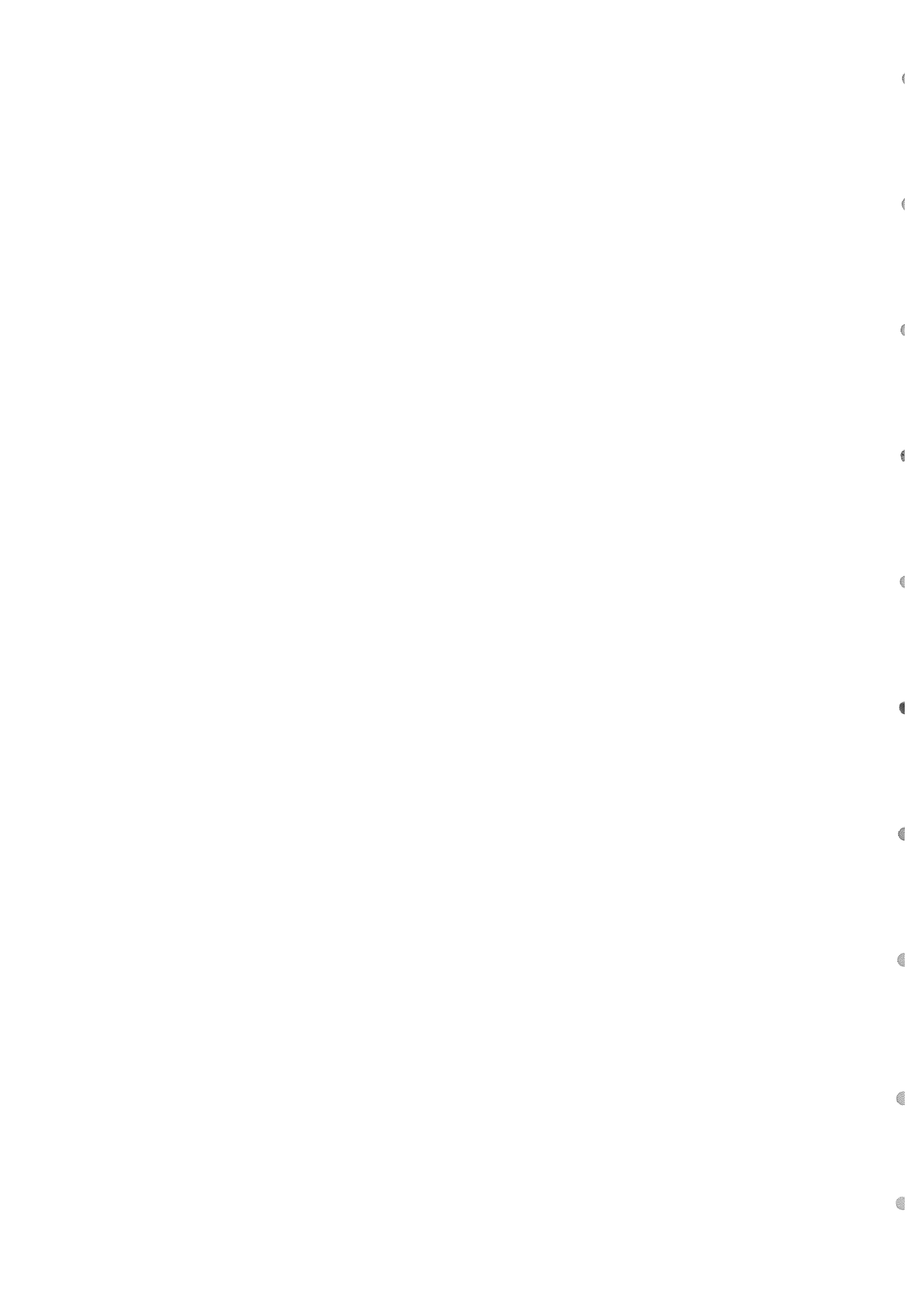
- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by the First Deed of Variation the Second Deed of Variation the Third Deed of Variation and 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 agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 dated 13 December 2010 made between the London Fund and the Council
- 2.3.2 "First Deed of Variation" the agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 dated 2 August 2011 made between GLT and the Council which amended the Property plan
- 2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 13 December 2010 referenced 2010/4850/P allowing the erection of two buildings (4-storeys and 6-storeys) with basement to provide 64 (28 private and 36 affordable) residential units (2 x 4-bedroom, 15 x 3-bedroom, 19 x 2-bedroom, and 28 x 1-bedroom) with 29 car parking spaces (19 underground and 10 surface level), 71 cycle parking spaces, and associated landscaping (following demolition of all existing buildings on site)
- 2.3.4 "Second Deed of Variation" the agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 dated 27 February 2014 made between the Owner and the Council which varied the



definition of Affordable Housing Units to allow for the provision of affordable rent

2.3.5 "Third Deed of Variation" the agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 dated 30 April 2014 made between the Owner and the Council which varied condition 2 of application 2010/4850/P

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.

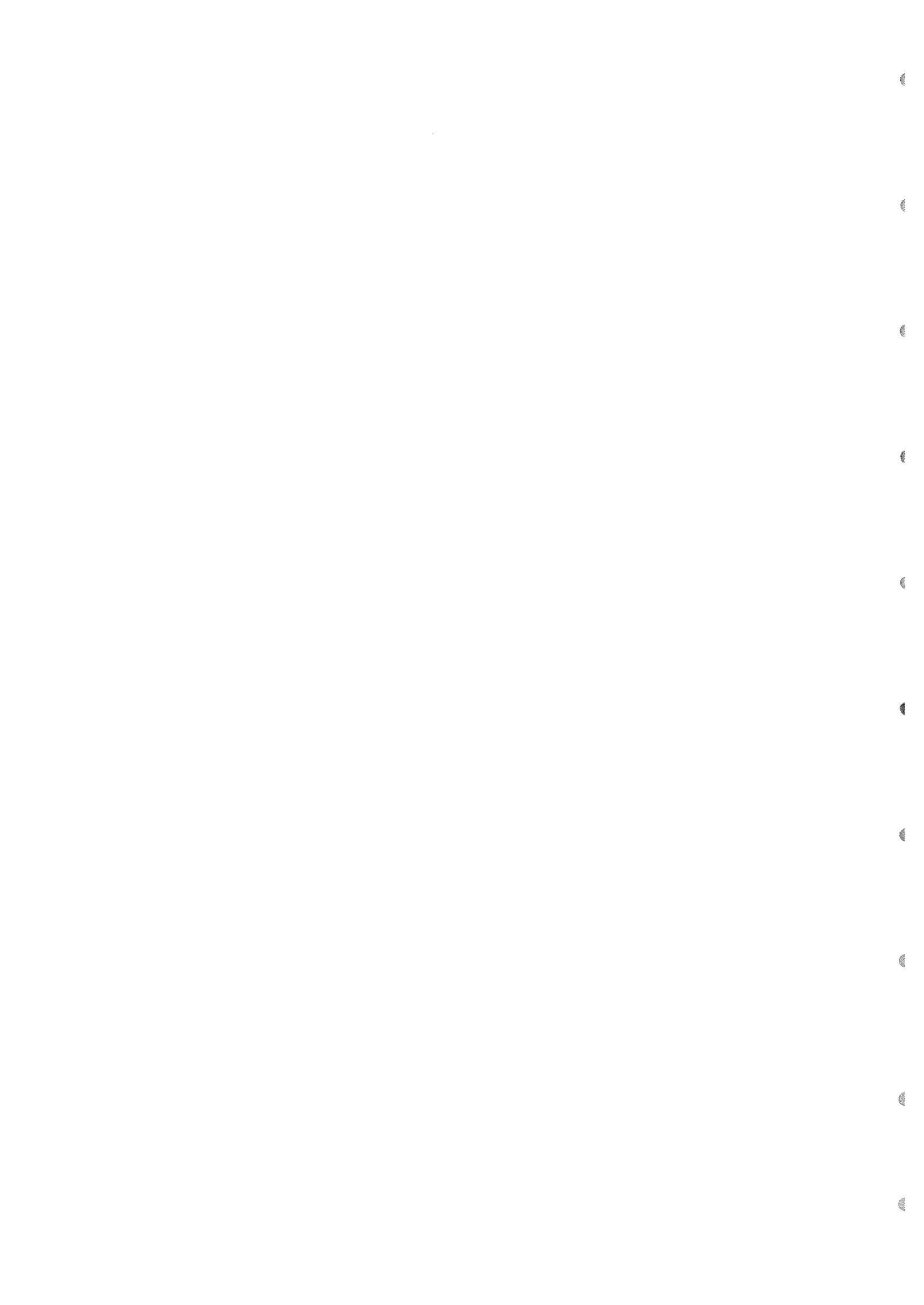
2.5 Headings are for ease of reference only and are not intended to be construed as part of this Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.

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.

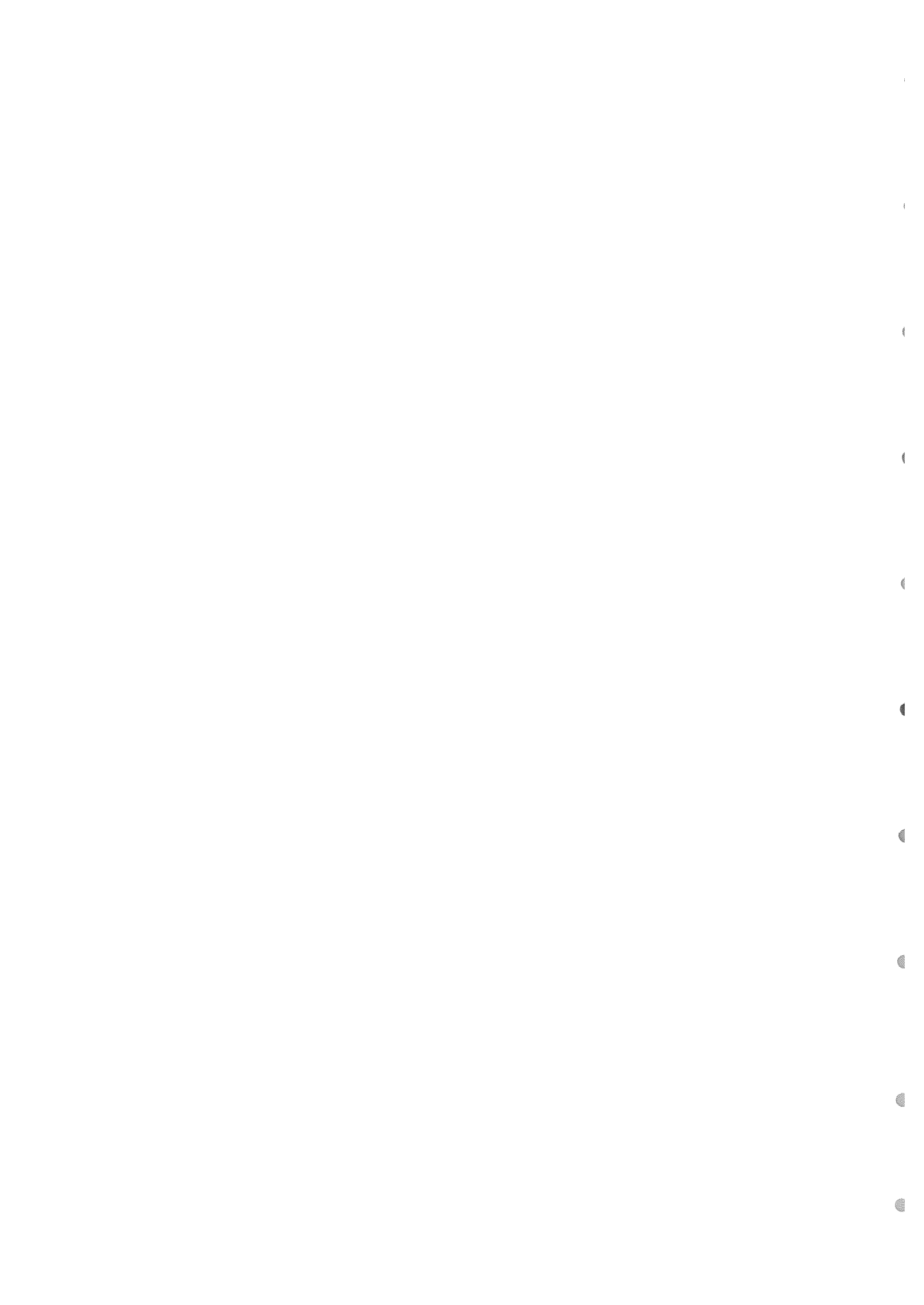
### **3. VARIATION TO THE EXISTING AGREEMENT**

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



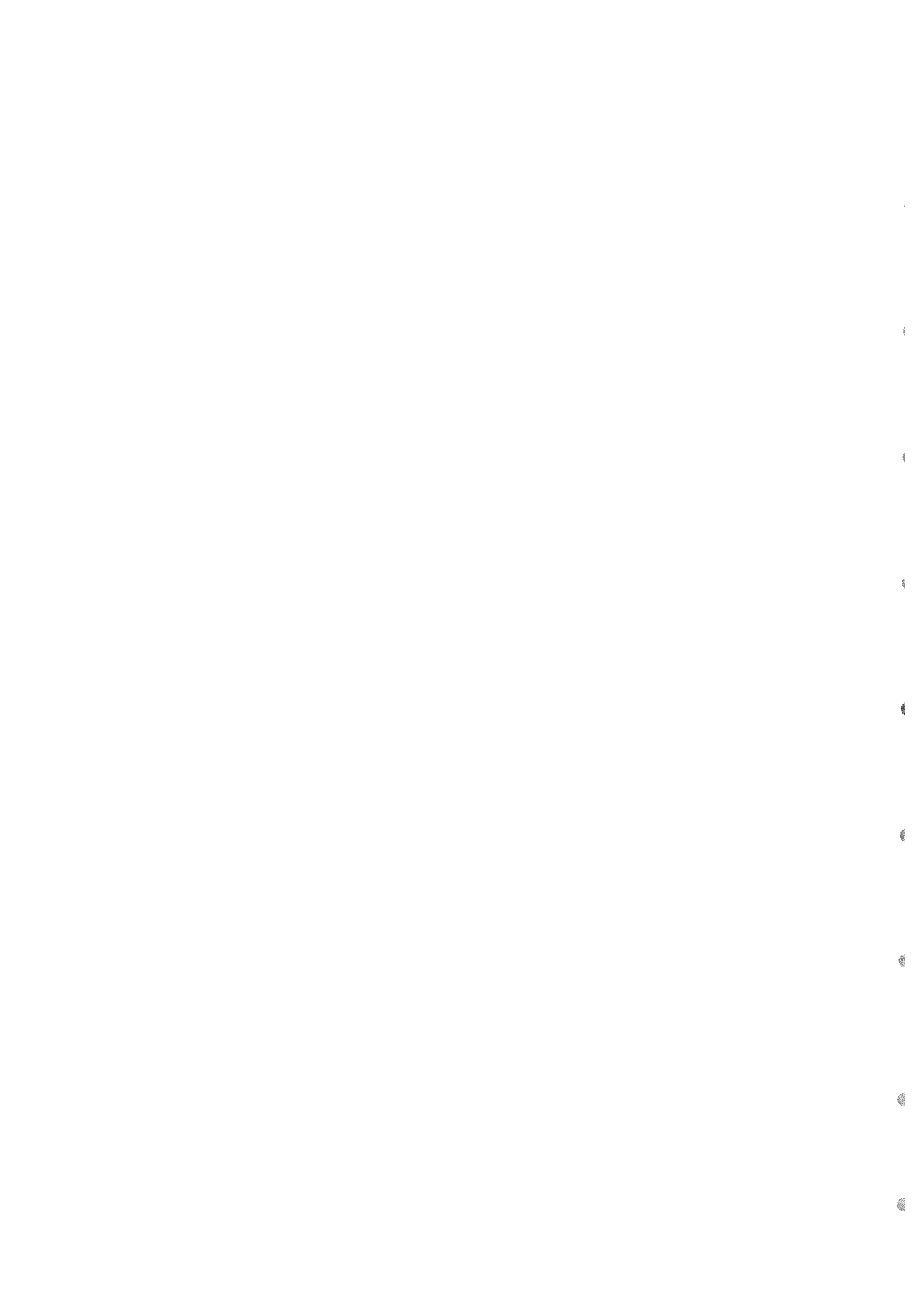
### 3.1.1 "the Development"

the development permitted by planning permission dated 13 December 2010 (Ref: 2010/4850/P) for erection of two buildings (4-storeys and 6-storeys) with basement to provide 64 (28 private and 36 affordable) residential units (2 x 4-bedroom, 15 x 3-bedroom, 19 x 2-bedroom, and 28 x 1-bedroom) with 29 car parking spaces (19 underground and 10 surface level), 71 cycle parking spaces, and associated landscaping (following demolition of all existing buildings on site), with variation of conditions 2 and 22 permitted by planning permission ref 2013/0505/P, and further variation of condition 2 permitted by planning permission ref 2014/1116/P namely changes to the design and treatment of elevations to Block B as shown on drawing numbers: 2010/4850/P: 12308\_02\_40-D0; 41-D0; 50-D0; 051-D0; 052-D0; 100-D0; 101-D0; 102-D0; 103-D0; 104-D0; 105-D0; 106-D1; 107-D0; 200-D0; 201-D0; 202-D0; 203-D0; 204-D0; 300-D0; 301-D0; 302-D0; 303-D0; 304-D0; 305-D0; 306-D0; 600-D0; 601-D0; 602-D0; 603-D0; 604-D0; 605-D0; 606-D1; 607-D0; 608-D0; 609-D0; 610-D0; 611-D0; 612-D0; 613-D0; 614-D0; 615-D0; 616-D1; 617-D1; 618-D0; 619-D1; 620-D1; 621-D1; 622-D1; 623-D0; 624-D0; 625-D0; 626-D0; 627-D0; 628-D1; 629-D0; 630-D0; 631-D1; 632-D0; 900-D0; 901-D0; 902-D0; 903-D0; 904-D0; J38.29/01; J38.29/05; Daylight and Sunlight Report by Ramboll dated August 2010 (Project No. 7746); Plant Noise Emissions Report by Alan Saunders Associates dated 24/08/10 (Report AS5420.100824.R1); Sustainability Statement by Ramboll dated 24/08/10 (Project No. 6107746); Energy Strategy by Ramboll dated 23/08/10 (Project No. 6107746); Planning Statement by BDP dated August 2010; Statement of Community Involvement by BDP dated August 2010; Arboricultural Implications Assessment by Broad Oak Tree Consultants Ltd dated 23/08/10 (Ref: J 38.29); Transport Statement by MVA Consultancy dated



August 2010 (Project No. C3A1130); Hydrology Assessment Report by RSA Geotechnics Ltd dated September 2010 (Report No. 12420COH); Geotechnical Stability Assessment Report by RSA Geotechnics Ltd dated September 2010 (Report No. 12420COS); Design & Access Statement by Sprunt dated 01/09/10 (page 46 and schedules of accommodation as amended on 09/11/10); Photomontages by Sprunt dated 01/09/10; and Report on Financial Modelling by KSA AND as variously superseded by plans approved under reference 2013/0505/P: SRL technical report ref: c/30533/T01/Hal dated 27.06.2013; Drainage statement form MLM (Email 07.06.2013 at 1024hrs); Email confirming retention of tree T17 (Email 27.06.2013 at 1229hrs); Sustainability Statement by Darren Evans dated May 2013; 3245-BS-E003-A; 3245-BS-E004-A; 3245-BS-S004-B; 12308-A-30-00-D2; Correspondence form Galliford Try dated 03 Dec 2013; 12308-A-30-01-D2; 12308-A: 15-05-C2; 15-01-C2; 15-04-C2; 15-00-C4; 15-02-C2; 20-00-C2; 20-02-C2; 20-01-C1; 15-03-C2; 15-02-P4; 15-00-P4; 15-01-P4; 15-03-P4; 12308: 02-052-D0; 02-51-D0; 12308: 95-08-C1; 90-07-T2; 90-01-T5; 90-07-T2; Design and Access Statement by Guinness Trust dated November 2010; 12308-A: 15-05-D1; 15-01-D1; 15-04-D1; 15-00-D1; 15-06-D1; 15-02-D1; 15-03-D1 AND as variously superseded by plans approved under reference 2014/1116/P: 12308-B:-15-01 D1; 15-00 D1; 30-01 D2; 30-00 D2; 15-04 D1; 15-02 D1; 20-00 D1; 20-01 D1; 15-03 D1

3.1.2 "the Planning Application" a planning application in respect of the Development of the Property submitted to the Council and validated on 12 February 2014 for which a resolution to grant permission has been 2014/1116/P subject to conclusion of this Agreement





3.1.3 "the Planning Permission" the planning permission under reference number ~~25~~2014/1116/P to be issued by the Council in the form of the draft annexed hereto

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "planning reference 2010/4850/P" shall be replaced with "planning reference 2014/1116/P".

3.3 The draft planning permission reference 2014/1116/P annexed to this Agreement shall be treated as annexed to the Existing Agreement.

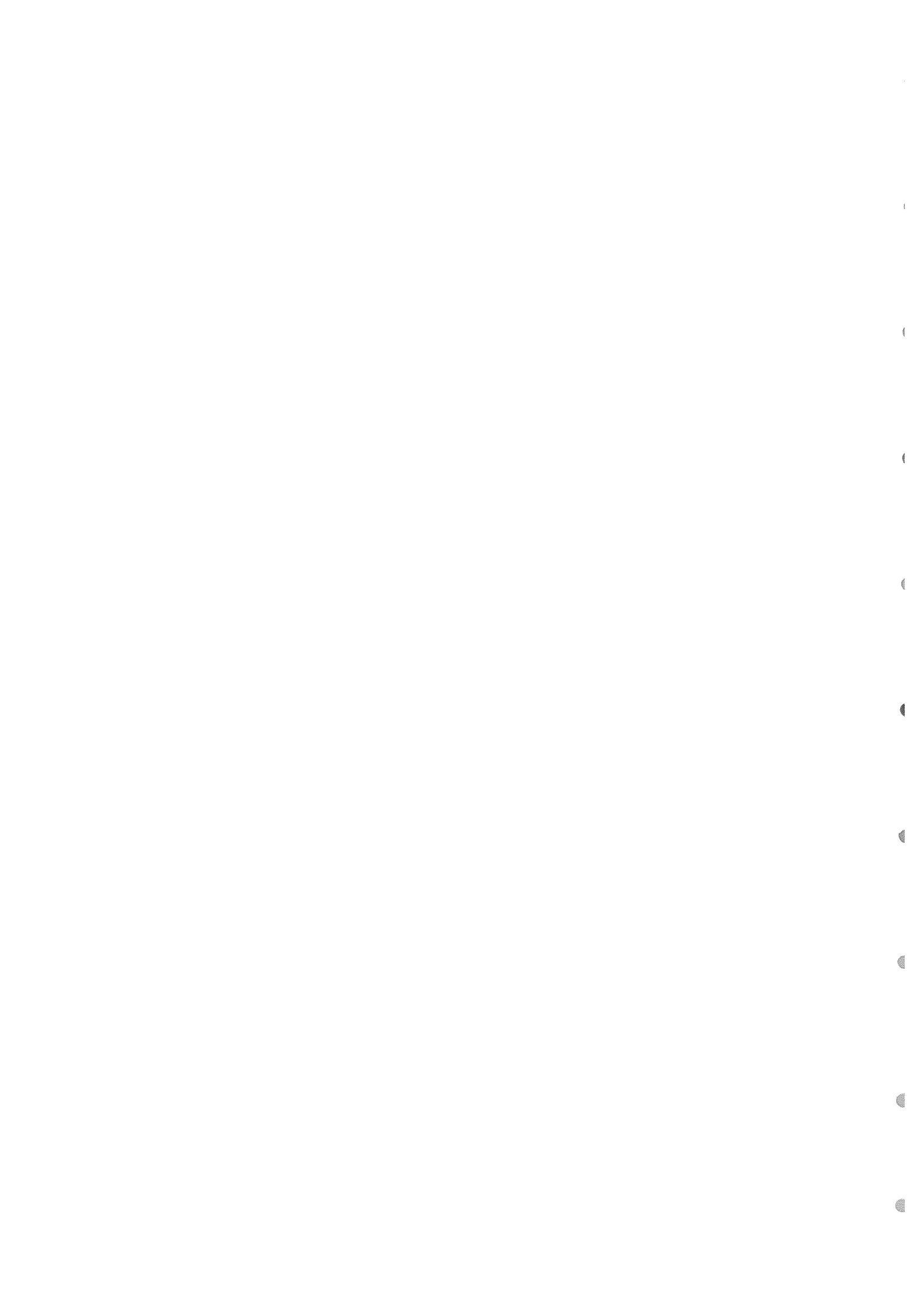
3.4 In all other respects the Existing Agreement (as varied by the First Deed of Variation , the Second Deed of Variation, the Third Deed of Variation and this Agreement) shall continue in full force and effect.

#### **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 and the Owner have caused their respective common seals to be hereunto affixed the day and year first before written

THE COMMON SEAL OF THE )  
GUINNESS PARTNERSHIP LIMITED )  
was hereunto affixed in the presence )  
of )

..... *C. Langley* .....

Authorised Signatory

..... *[Signature]* .....

Authorised Signatory



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

..... *APB* .....

Authorised Signatory





Sprunt  
First Floor  
20 Northdown Street  
London  
N1 9BGApplication Ref: **2014/1116/P**

23 July 2014

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:

**Guinness Court  
St Edmunds Terrace  
London  
NW8 7QE**

Proposal:

**DECISION**  
Variation of condition 2 (development to be carried out in accordance with approved plans) of planning permission granted 13/12/10 (2010/4850/P) for the erection of two buildings (4-storeys and 6-storeys) with basement to provide 64 (28 private and 36 affordable) residential units (2 x 4-bedroom, 15 x 3-bedroom, 19 x 2-bedroom, and 28 x 1-bedroom) with 29 car parking spaces (19 underground and 10 surface level), 71 cycle parking spaces, and associated landscaping (following demolition of all existing buildings on site), namely changes to the design and treatment of the elevations to Block B.

Drawing Nos:

Superseded: 12308-A:-15-01 D1; 15-00 D1; 30-01 D2; 30-00 D2; 15-04 D1; 15-02 D1; 15-03 D1; 12308-B 20-00 T1;20-01 T1.

Proposed: 12308-B:-15-01 D1; 15-00 D1; 30-01 D2; 30-00 D2; 15-04 D1; 15-02 D1; 20-00 D1;20-01 D1; 15-03 D1.

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 Condition 2 of the planning permission granted on 13/12/2010 under reference number 2010/4850/P shall be replaced by the following condition:

#### REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

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

#### REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following plans approved under reference 2010/4850/P: 12308\_02\_40-D0; 41-D0; 50-D0; 051-D0; 052-D0; 100-D0; 101-D0; 102-D0; 103-D0; 104-D0; 105-D0; 106-D1; 107-D0; 200-D0; 201-D0; 202-D0; 203-D0; 204-D0; 300-D0; 301-D0; 302-D0; 303-D0; 304-D0; 305-D0; 306-D0; 600-D0; 601-D0; 602-D0; 603-D0; 604-D0; 605-D0; 606-D1; 607-D0; 608-D0; 609-D0; 610-D0; 611-D0; 612-D0; 613-D0; 614-D0; 615-D0; 616-D1; 617-D1; 618-D0; 619-D1; 620-D1; 621-D1; 622-D1; 623-D0; 624-D0; 625-D0; 626-D0; 627-D0; 628-D1; 629-D0; 630-D0; 631-D1; 632-D0; 900-D0; 901-D0; 902-D0; 903-D0; 904-D0; J38.29/01; J38.29/05; Daylight and Sunlight Report by Ramboll dated August 2010 (Project No. 7746); Plant Noise Emissions Report by Alan Saunders Associates dated 24/08/10 (Report AS5420.100824.R1); Sustainability Statement by Ramboll dated 24/08/10 (Project No. 6107746); Energy Strategy by Ramboll dated 23/08/10 (Project No. 6107746); Planning Statement by BDP dated August 2010; Statement of Community Involvement by BDP dated August 2010; Arboricultural Implications Assessment by Broad Oak Tree Consultants Ltd dated 23/08/10 (Ref: J 38.29); Transport Statement by MVA Consultancy dated August 2010 (Project No. C3A1130); Hydrology Assessment Report by RSA Geotechnics Ltd dated September 2010 (Report No. 12420COH); Geotechnical Stability Assessment Report by RSA Geotechnics Ltd dated September 2010 (Report No. 12420COS); Design & Access Statement by Sprunt dated 01/09/10 (page 46 and schedules of accommodation as amended on 09/11/10); Photomontages by Sprunt dated 01/09/10; and Report on Financial Modelling by KSA.

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12308: 95-08-C1; 90-07-T2; 90-01-T5; 90-07-T2; Design and Access Statement by Guinness Trust dated November 2010; 12308-A: 15-05-D1; 15-01-D1; 15-04-D1; 15-00-D1;15-06-D1; 15-02-D1; 15-03-D1.

AND as variously superseded by plans approved under reference 2014/1116/P: 12308-B:-15-01 D1; 15-00 D1; 30-01 D2; 30-00 D2; 15-04 D1; 15-02 D1; 20-00 D1;20-01 D1; 15-03 D1.

Informative(s):

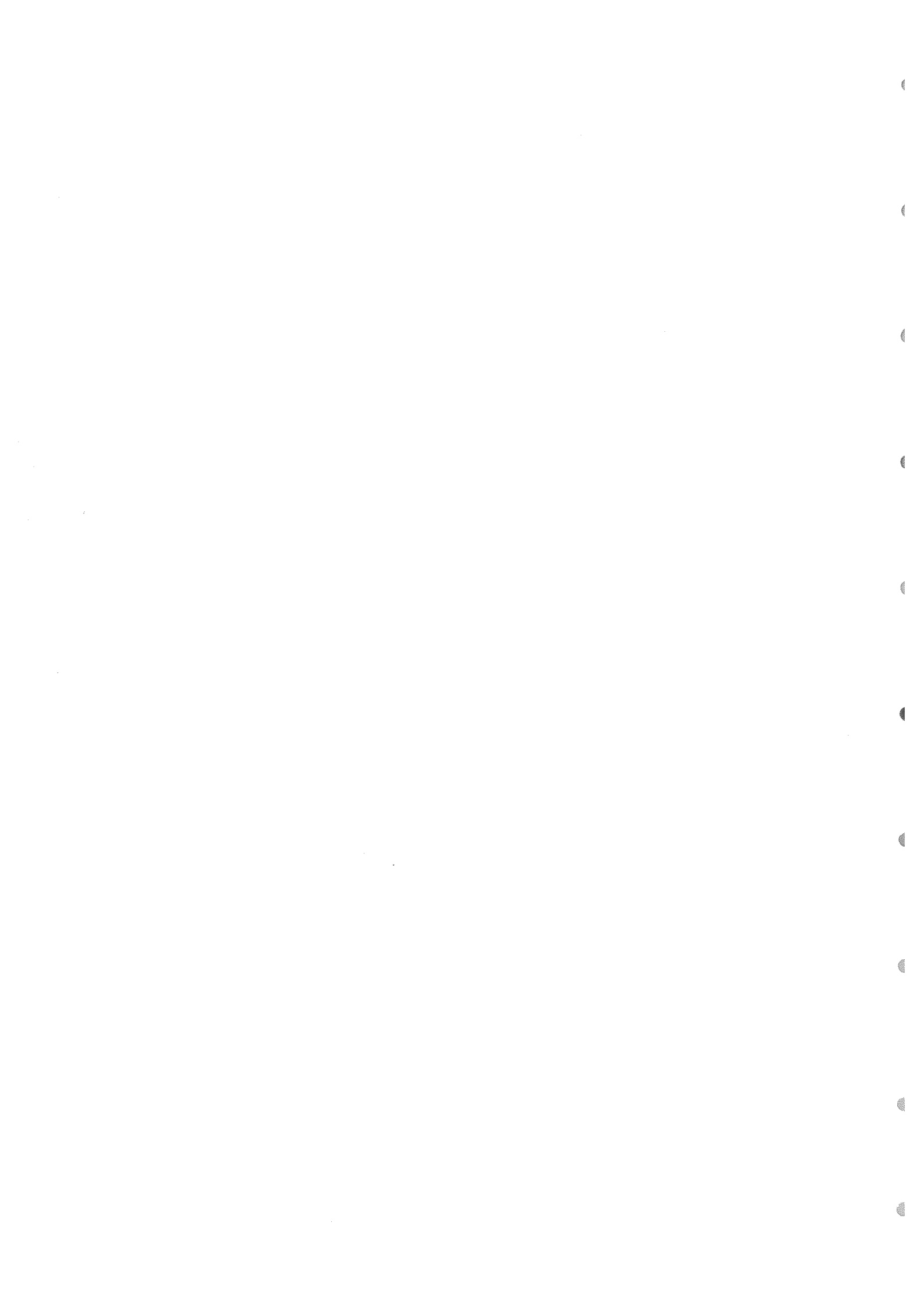
- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

**DECISION**







DATED

8<sup>TH</sup> AUGUST

2014

**(1) THE GUINNESS PARTNERSHIPS LIMITED**

and

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

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27 February 2014 and 30 April 2014

Relating to development at premises known as

**GUINNESS COURT, ST EDMUND'S TERRACE, LONDON NW8 7QE**

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