

DATED

29th JULY

2014

(1) INTEREUROPEAN PROPERTIES SA

-and-

(2) COUTTS & COMPANY

-and-

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

FIRST DEED OF VARIATION

Relating to the Agreement dated 14 March 2013
Between the Mayor and the Burgesses of the
London Borough of Camden,
INTEREUROPEAN PROPERTIES SA
and COUTTS & COMPANY
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
96 LEATHER LANE LONDON EC1N 7TX

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

Tel: 020 7974 5680
Fax: 020 7974 1920

CLS/COM/PT/1685.2606
DoV v2 09.05.14

THIS AGREEMENT is made on the 29th day of July 2014

BETWEEN

1. **INTEREUROPEAN PROPERTIES SA** (incorporated in British Virgin Islands under company registration number 1531551) whose registered office is at OMC Chambers, PO Box 3152, Road Town, Tortola, British Virgin Islands and whose address for service in the United Kingdom is 96 Leather Lane, London EC1N 7TX (hereinafter called "the Owner") of the first part
2. **COUTTS & COMPANY** (registered under company number 00036695) whose registered office is at 440 Strand, London, WC2R 0QS (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, Intereuropean Properties SA and Coutts and Company entered into an Agreement dated 14 March 2013 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 NGL914127 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 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 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

March 2013 for which the Council resolved to grant permission conditionally under reference 2014/1981/P subject to the conclusion of this Agreement.

1.6 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and modifies the Existing Agreement.

1.7 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 First Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 14 March 2013 made between the Council Intereuropean Properties SA and Coutts and Company

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 14 March 2013 referenced 2012/4987/P allowing the change of use of part of basement area of shop at basement/ground floor area (Class A1) and 3 x 2-bed upper floor

self-contained flats (Class C3) to 6 self-contained residential units (2 x 1, 3 x 2 & 1 x 3 beds) including erection of a rear extension at first, second and third floor level and roof extension with external terraces at newly created fourth floor level, alterations to shopfront and other associated alterations as shown on drawing numbers 753 P01; 753 P201; 753P202; 753 P203; 753 P204; 753 P205; 753 P206; 753 P207; 753 P208; 753 P209; 753 P210; 753 P211; 753 P212; 753 P213; 753 P214; 753 P215; Planning, Design and Access Statement Rev E dated July 2012 prepared by ibla; Daylight and Sunlight Report dated 15th October 2012 prepared by Right of Light Consulting Chartered Surveyors

- 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 "Development" variation of planning permission dated 14 March 2013 for variation of condition 3 (amend the positions of the retail unit entrance doors, revise internal layouts and change the material of the fourth floor rear facade) of planning permission ref 2012/4987/P (dated 14/03/2013), for the change of use from retail to residential with associated works as shown on drawing numbers 753 P01; 753 P201; 753P202; 753 P203; 753 P204; 753 P205; 753 P206; 753 P207; 753 P208 Rev B; 753 P209 Rev B; 753 P210 Rev B; 753 P211 Rev A; 753 P212 Rev A; 753 P213 Rev B; 753 P214 Rev B; 753 P215 Rev B; Planning, Design and Access Statement Rev E dated July 2012 prepared by ibla; Daylight and Sunlight Report dated 15th October 2012 prepared by Right of Light Consulting Chartered Surveyors.
- 3.1.2 "Planning Permission" the planning permission under reference number 2014/1981/P to be issued by the Council in the form of the draft annexed hereto
- 3.1.3 "Planning Application" the application for planning permission in respect of the Property submitted on 25 March 2014 by the Owner and given reference number 2014/1981/P
- 3.2 After the words "2012/4987/P" in clause 5.2 of the Existing Agreement the words "or 2014/1981/P (as the case may be)" shall be inserted.
- 3.3 After the words "2012/4987/P" in clause 5.5 of the Existing Agreement the words "or 2014/1981/P (as the case may be)" shall be inserted.

3.4 After the words "2012/4987/P" in clause 6.1 of the Existing Agreement the words "or 2014/1981/P (as the case may be)" shall be inserted.

3.5 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

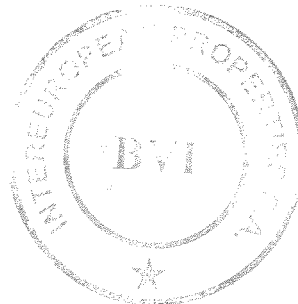
6 **MORTGAGEE EXEMPTION**

6.1 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 5.1 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 the Owner has caused their respective Common Seals to be affixed and the Mortgagee has caused this Agreement to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY
INTEREUROPEAN PROPERTIES SA
incorporated in British Virgin Islands by
HAIG-ARA UREGIAN who in accordance
with the laws of that territory is acting under
the authority of that company

Authorised Signatory



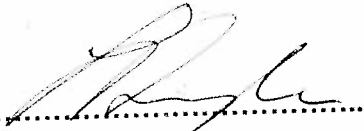
Haig Uregian

(SOLE DIRECTOR AND OFFICER)

CONTINUATION DEED OF VARIATION IN RELATION TO 96 LEATHER LANE LONDON
EC1N 7TX

THE COMMON SEAL of COUTTS &
COMPANY was hereunto affixed in the
presence of:

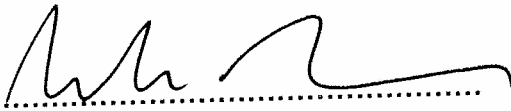


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Authorised Sealing Officer

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

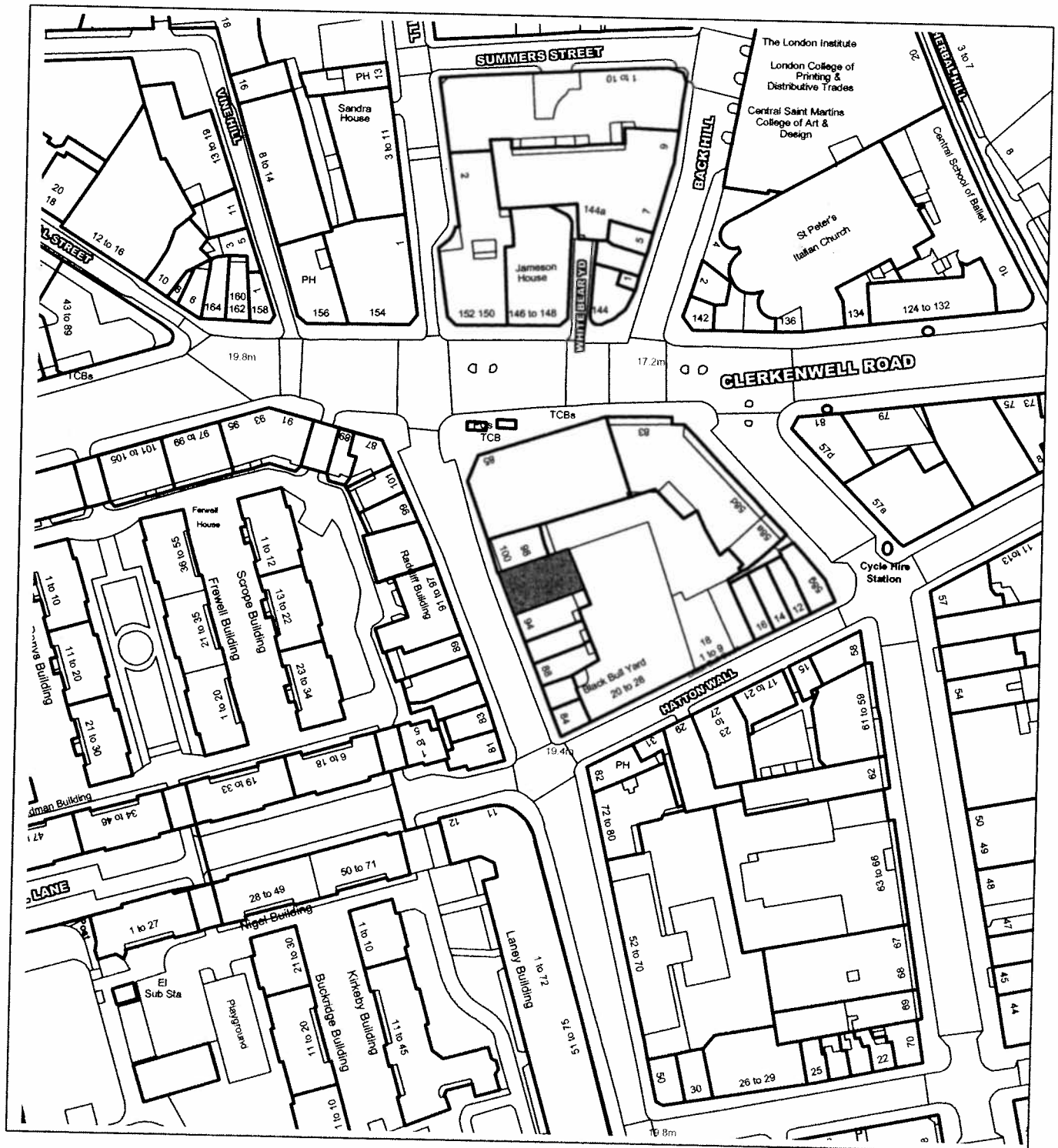


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Authorised Signatory



96 Leather Lane London EC1N 7TX



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IBLA
11 Wells Mews
London
W1T 3HDApplication Ref: **2014/1981/P**

20 May 2014

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - **NOT A FORMAL DECISION**
Town and Country Planning Act 1990 (as amended)**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**Address:
96 Leather Lane
London
EC1N 7TX**Proposal:****DECISION**
Variation of condition of planning permission granted 14/03/2013 (ref. 2012/4987/P), for the change of use of part of basement area of shop at basement / ground floor area (Class A1) and 3x2-bed upper floor self-contained flats (Class C3) to 6 self-contained residential units (2 x 1, 3 x 2 & 1 x 3 beds) including erection of a rear extension at first, second and third floor level and roof extension with external terraces at newly created fourth floor level, alterations to shopfront and other associated alterations.

Drawing Nos: 753 P01; 753 P201; 753P202; 753 P203; 753 P204; 753 P205; 753 P206; 753 P207; 753 P208 Rev B; 753 P209 Rev B; 753 P210 Rev B; 753 P211 Rev A; 753 P212 Rev A; 753 P213 Rev B; 753 P214 Rev B; 753 P215 Rev B; Planning, Design and Access Statement Rev E dated July 2012 prepared by ibla; Daylight and Sunlight Report dated 15th October 2012 prepared by Right of Light Consulting Chartered Surveyors.

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 For the purposes of this decision, condition 3 of planning permission 2012/4987/P, granted on 14/03/2013, is replaced with the following:

The development hereby permitted shall be carried out in accordance with the following approved plans: 753 P01; 753 P201; 753P202; 753 P203; 753 P204; 753 P205; 753 P206; 753 P207; 753 P208; 753 P209 Rev B; 753 P210 Rev B; 753 P211 Rev A; 753 P212 Rev B; 753 P213 Rev B; 753 P214 Rev B; 753 P215 Rev B; Planning, Design and Access Statement dated July 2012 prepared by ibla; Daylight and Sunlight Study dated November 2012 prepared by Right of Light Consulting Chartered Surveyors.

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

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 where applicable) as attached to the previous planning permission. The approval is valid for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision on the application.

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

DATED

29th July

2014

(1) INTEREUROPEAN PROPERTIES SA

-and-

(2) COUTTS & COMPANY

-and-

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

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