

DATED 7th October 2014

(1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN; and

(2) BDW TRADING LIMITED

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**SUPPLEMENTAL DEED**

pursuant to Section 106 of the Town and Country Planning Act  
1990

relating to land at 79 Camden Road and 86-100 St Pancras  
Way London NW1 9EU.

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THIS SUPPLEMENTAL DEED executed as a Deed the 7 day of October 2014

**BETWEEN**

- (1) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of the Town Hall Judd Street London WC1H 9LP (**"the Council"**); and
- (2) **BDW TRADING LIMITED** (registered number 03018173) whose registered office is at Barratt House, Cartwright Way, Forest Business Park, Bardon Hill, Coalville, Leicestershire LE67 1UF (**"the Developer"**)

**WHEREAS:-**

- (A) The Council is the local planning authority for the area in which the Property is situated and by whom the obligations contained in this Supplemental Deed are enforceable.
- (B) On 15 May 2014 the parties hereto entered into the Principal Deed.
- (C) By virtue of the conditional purchase agreement dated 14 June 2013, the Developer has an equitable interest in the Site and is entitled to purchase the Site and to proceed to carry out the Development.
- (D) This Supplemental Deed is entered into for the purpose of ensuring that the agreements, covenants, undertakings and obligations contained in the Principal Deed are binding on the Interest for the purposes of section 106 of the Act.

**OPERATIVE PROVISIONS**

**1. INTERPRETATION**

- 1.1 Save where provided otherwise words and expressions used in this Supplemental Deed have the meaning assigned in the Principal Deed.
- 1.2 For the purposes of this Supplemental Deed the following words and expressions have the meanings assigned:-

**"Interest"** means the freehold interest(or part of the freehold interest) in the Property as transferred to the Developer pursuant to the conditional purchase

agreement;

**"Principal Deed"** means the agreement dated 15 May 2014 between the Mayor and Burgesses of the London Borough of Camden and BDW Trading Limited And entered into pursuant to section 106 of the Act.

## **2. OPERATION OF THIS SUPPLEMENTAL DEED**

2.1 This Supplemental Deed is supplemental to the Principal Deed and is made pursuant to section 106 of the Act.

2.2 The obligations, covenants and undertakings contained in this Supplemental Deed given to the Council are planning obligations for the purposes of section 106 of the Act and are enforceable by the Council for the area within which the Interest is situated.

2.3 The Developer agrees that as from the date hereof the obligations, covenants and undertakings in the Principal Deed given by the Developer to the Council shall be binding on the Interest pursuant to Section 106 of the Act as if the said obligations, covenants and undertakings in the Principal Deed were set out herein in full with the intent that, subject to clause 4.1, the said obligations, covenants and undertakings shall be enforceable by the Council not only against the Developer but also against any successors in title to or assignees of the Developer and any person claiming through or under it an interest or estate in the Interest as if the Developer had been an original covenanting party in respect of the Interest when the Principal Deed was entered into.

2.4 The Council covenants with the Developer in respect of the Interest to perform the obligations, covenants and undertakings on their part contained in the Principal Deed.

## **3. LOCAL LAND CHARGE**

3.1 This Supplemental Deed is a local land charge and shall be registered as such.

## **4. RELEASE**

4.1 The Developer will upon disposing of the whole or part of the Interest be released from all obligations and covenants under this Supplemental Deed in relation to the

Interest or the relevant part thereof (as the case may be) but without prejudice to the rights of the Council in relation to any antecedent breach of those obligations or covenants.

**IN WITNESS** whereof the parties have executed this Deed the day and year first above written

The Common seal of **The Mayor and** )  
**Burgesses of the London Borough of** )  
**Camden** was hereunto affixed in the )  
presence of: )

Authorised Signatory

Signed as a deed by *ROBERT KENNETH WILLIAMS*  
and *DAVID L. WILSON* as )  
attorneys for BDW Trading Limited under )  
a power of attorney dated 2013 )  
in the presence of: )

*R. Williams*  
SIGNATURE OF ATTORNEY

as attorney for BDW  
Trading Limited

*[Signature]*  
SIGNATURE OF ATTORNEY

as attorney for BDW  
Trading Limited

*[Signature]*  
SIGNATURE OF WITNESS

Name: *Michael Jones*

Address: *13. Edgware Rd*  
*St. Pancras*  
*TLN 201*

Occupation: *Graphic Designer*

*D. D. Ayle*  
SIGNATURE OF WITNESS

Name: ANDREW ANDERSON

Address:  
51 WYATT PARK ROAD  
SHEATHAM HILL  
LONDON, SW2 3TP

Occupation:  
CHARTERED SURVEYOR.