

DATED

31st March

2015

(1) RISETALL LIMITED

-and-

(2) WARMHAZE LIMITED

-and-

(3) EFG PRIVATE BANK LIMITED

-and-

(4) THE MAYOR AND THE BURGESSSES OF
THE LONDON BOROUGH OF CAMDEN

DEED OF VARIATION

Relating to the Agreement dated 15 December 2014
Between Risetall Limited, Warmhaze Limited, EFG Private Bank Limited 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
Relating to development at premises known as

21A FERDINAND STREET, LONDON NW1 8EU

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

Tel: 020 7974 2463
Fax: 020 7974 2962

CLS/CJ/1781.44



THIS AGREEMENT is made on the 31st day of March 2015

BETWEEN

1. **RISSETALL LIMITED** (incorporated in the Turks and Caicos Islands) care of Hallmark Estates Agents Limited, 46 Great Marlborough Street London W1F 7JW (hereinafter called "the First Owner")
2. **WARMHAZE LIMITED** (Co. Regn. No. 03872313) of 46 Great Marlborough Street, London W1F 7JW (hereinafter called "the Second Owner")
3. **EFG PRIVATE BANK LIMITED** (Co. Regn. No. 2321802) of Leconfield House, Curzon Street, London W1J 5JB (hereinafter called "the Mortgagee")
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council")

WHEREAS:

- 1.1 The First Owner, the Second Owner, the Mortgagee and the Council entered into an Agreement dated 15 December 2014 which set out planning obligations relating to the Property pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980.
- 1.2 The First Owner is registered at the Land Registry as the freehold proprietor with Title absolute of part of the Property under Title Number NGL375994.
- 1.3 The Second Owner is registered at the Land Registry as the freehold proprietor with Title absolute of part of the Property under Title Numbers NGL404446 and 293159 subject to a charge to the Mortgagee.
- 1.4 The First Owner and Second Owner are the freehold owners of the Property and are interested in the Property for the purposes of Section 106 of the Act and shall hereinafter jointly be referred to as "**the Owner**".
- 1.5 The Mortgagee as mortgagee under legal charges registered under Title Number NGL404446 and 293159 and both dated 26 February 2014 is willing to enter into this Deed of Variation to give its consent to the same.

1.6 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 Deed of Variation.

1.7 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 19 November 2014 for which the Council resolved to grant permission conditionally under reference 2014/6278/P subject to the conclusion of this Deed of Variation.

1.8 This Deed of Variation 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 Deed of Variation 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 Deed of Variation.

2.2 In this Deed of Variation the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.2.1 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 dated 15 December 2014 made between the Parties

2.2.2 "the Original Planning Permission" means the planning permission granted by the Council on 15 December 2014 referenced

2014/0082/P allowing the erection of 3 storey 4
x bedroom dwellinghouse

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

2.4 References in this Deed of Variation 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 referenced 2014/0082/P dated 15 December 2014 (erection of 3 storey 4 x bedroom dwellinghouse) to include a basement as shown in drawing numbers: 131020 A(SO)001,131020-A(GA)100, 131020-A(GA)110, 131020-A(GA)120, 131020-A(GA)130,131020-A(GA)300,131020A(GA)301, 131020-A(GA)302, 131020-A(GA)303, 131020-A(GA)304, 140918A(GA)090,140918 A(GA)100, 140918 A(GA)110, 140918 A(GA)120, 140918 A(GA)130, 140918A(GA)300,140918 A(GA)301, 140918 A(GA)302, 140918 A(GA)303, 140918 A(GA)304, 140918 A(SO)001

3.1.2 "Planning Permission" the planning permission under reference number 2014/6278/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 validated on 19 November 2014 by the Owner and given reference number 2014/6278/P

3.2 In all other respects the Existing 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 Deed of Variation.

5. **REGISTRATION AS LOCAL LAND CHARGE**

5.1 This Deed of Variation shall be registered as a Local Land Charge

6. **MORTGAGEE EXEMPTION**

6.1 The Mortgagee hereby consents to the completion of this Deed of Variation and agrees to be bound by it only in the event that it becomes a mortgagee in possession of the Property.

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the First Owner, Second Owner and the Mortgagee have executed this instrument as their Deed the day and year first before written

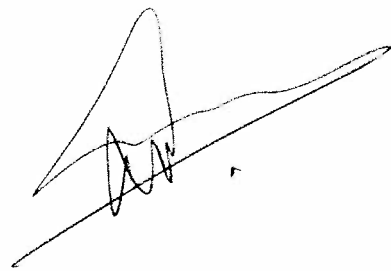
EXECUTED AS A DEED BY)
RISETALL LIMITED a Company)
incorporated in the Turks and Caicos)
Islands acting by a Director)

.....
Director

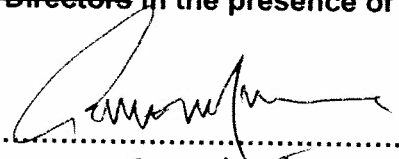
.....
Secretary

being persons who in accordance with
the laws of that territory are acting under
the authority of the Company

EXECUTED AS A DEED BY
WARMHAZE LIMITED
acting by a Director and ~~its Secretary~~
~~or by two Directors~~ in the presence of



Witness:

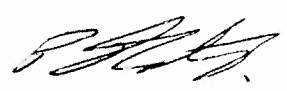


.....
c/o Green Mounting Street
London W1F 7W
.....

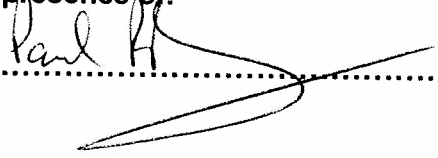
EXECUTED AS A DEED BY
EFG PRIVATE BANK LIMITED
by PHILIP AMPHLETT & PETER CURTIS
in the presence of:-



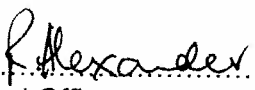
.....
PHILIP AMPHLETT
HEAD OF BANKING



PETER CURTIS
SENIOR MANAGER, CREDIT



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



.....
Duly Authorised Officer



KR Planning
KR Planning
183 Seafield Road
Bournemouth
DORSET
BH6 5LJApplication Ref: **2014/6278/P**

26 March 2015

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:

**21 A Ferdinand Street
London
NW1 8EU**

Proposal:

Amendment to planning application 2014/0082/P (erection of 3 storey 4 x bedroom dwellinghouse) to include a basement.

DECISION
Drawing Nos: 131020-A(SO)001; 131020-A(GA)100; 131020-A(GA)110;
131020A(GA)120;
131020-A(GA)130; 131020-A(GA)300; 131020-A(GA)301; 131020-A(GA)302;
131020-A(GA)303; 131020-A(GA)304; 140918-A(GA)090; 140918-A(GA)100;
140918A(GA)110;
140918-A(GA)120; 140918-A(GA)130; 140918-A(GA)300; 140918-A(GA)301;
140918-A(GA)302; 140918-A(GA)303; 140918-A(GA)304; 140918-A(SO)001; Energy
Statement; Sustainability Statement; Design & Access Statement; and Letter from
Pringuer-James dated 24/09/2014.

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 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 131020-A(SO)001; 131020-A(GA)100; 131020-A(GA)110; 131020-A(GA)120; 131020-A(GA)130; 131020-A(GA)300; 131020-A(GA)301; 131020-A(GA)302; 131020-A(GA)303; 131020-A(GA)304; 140918-A(GA)090; 140918-A(GA)100; 140918-A(GA)110; 140918-A(GA)120; 140918-A(GA)130; 140918-A(GA)300; 140918-A(GA)301; 140918-A(GA)302; 140918-A(GA)303; 140918-A(GA)304; 140918-A(SO)001; Energy Statement; Sustainability Statement; Design & Access Statement; and Letter from Pringuer-James dated 24/09/2014.

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

- 3 The approved cycle storage area for 2 cycles shall be provided in its entirety prior to the first occupation the new unit, and thereafter permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 7 All new external work shall be carried out in materials, colour and texture specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out

construction other than within the hours stated above.

- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 5 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 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 relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning

Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

- 8 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

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

DRAFT

DECISION





DATED

31 March

2015

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-and-

(4) WARMHAZE LIMITED

-and-

(3) EFG PRIVATE BANK LIMITED

-and-

**(4) THE MAYOR AND THE BURGESSSES OF
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- 1.8 This Deed of Variation 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.

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5.1 This Deed of Variation shall be registered as a Local Land Charge

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6.1 The Mortgagee hereby consents to the completion of this Deed of Variation and agrees to be bound by it only in the event that it becomes a mortgagee in possession of the Property.

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the First Owner, Second Owner and the Mortgagee have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY)
RISETALL LIMITED a Company)
incorporated in the Turks and Caicos)
Islands acting by a Director)

.....
Director

.....
Line Secretaries Limited
Secretary

being persons who in accordance with the laws of that territory are acting under the authority of the Company

EXECUTED AS A DEED BY)
WARMHAZE LIMITED)
acting by a Director and its Secretary)
or by two Directors in the presence of)

Witness:

.....

.....

EXECUTED AS A DEED BY)
EFG PRIVATE BANK LIMITED)
by)
in the presence of:-)

.....

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

P. Alexander

.....
Duly Authorised Officer



