

DATED

5th November

2015

(1) NORMAN LINTON (HOLDINGS) LIMITED

-and-

(2) INVESTEC BANK PLC

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 13 February 2014
Between the Mayor and the Burgesses of the
London Borough of Camden,
Normal Linton (Holdings) Limited, Linton Property Developments Limited and
Barclays Bank Plc
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
**LINTON HOUSE 39-51 (ODD) HIGHGATE ROAD
LONDON NW5 1RT**

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

Tel: 020 7974 1918
Fax: 020 7974 2962

1942

MEMORANDUM

DATE

TO: THE BOARD OF DIRECTORS

FROM:

SUBJECT:

RE:

THE BOARD OF DIRECTORS HAS REVIEWED THE REPORT OF THE COMMITTEE ON THE FINANCIAL STATEMENTS OF THE COMPANY FOR THE YEAR ENDED DECEMBER 31, 1941.

STATEMENT OF WORKING CAPITAL

The Committee has reviewed the financial statements of the company for the year ended December 31, 1941, and has found them to be correct and in accordance with the accounting principles generally accepted in the United States of America. The Committee has also reviewed the working capital statement of the company for the year ended December 31, 1941, and has found it to be correct and in accordance with the accounting principles generally accepted in the United States of America.

Very truly yours,
Committee on Financial Statements

THIS DEED is made on the

5th

day of

November

2015

BETWEEN

1. **NORMAN LINTON (HOLDINGS) LIMITED** (Co. Regn. No.392482) whose registered office is at Linton House 39-51 Highgate Road London NW5 1RT (hereinafter called "the Owner") of the first part
2. **INVESTEC BANK PLC** (Co. Regn. No.: 00489604) of 2 Gresham Street London EC2V 7QP (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 the Owner Linton Property Developments Limited and Barclays Bank Plc entered into an Agreement dated 13 February 2014 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 NGL209970 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 Mortgagee under a legal charge registered under the title dated 27 February 2015 is willing to enter into this Deed to give its consent to the same.
- 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 Deed.
- 1.6 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 20

March 2015 for which the Council resolved to grant permission conditionally under reference 2015/1627/P subject to the conclusion of this Deed.

1.7 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.

1.8 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 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.

2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 Where in this Deed 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.

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

2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6 and 7 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.

2.7 References in this Deed to the Owner and Mortgagee shall include their successors in title provided that neither the Owner nor the Mortgagee shall be bound by the obligations contained in this Deed after it has parted with its whole interest in the Property or the part in respect of which any breach occurs but without prejudice to liability for any breach committed prior to the time it disposed of its interest in the Property.

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

2.8.1 "Deed" this Deed of Variation made pursuant to Section 106A of the Act

2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 13 February 2014 made between the Council, the Owner, Linton Property Developments Limited and Barclays Bank Plc

2.8.3 "the Original Planning Permission" means the planning permission granted on appeal on 3 March 2014 under reference 2013/3494/P allowing the erection of an additional floor at roof level to provide 7 residential units (2 x 1 bed, 4 x 2 bed, 1 x 3 bed), and a ground floor rear extension to accommodate a new entrance, cycle and refuse storage and installation of condenser units and enclosures at roof level as shown on drawing numbers Site Location Plan (1:125)
Existing Plans: 152_005 P1; 010 P1; 011 P1; 031 P1; 032 P1; 033 P1; 110 P1 Proposed Plans: 152_111_P3; 112_P3; 200_P3; 311_P3; 312_P3; 313_P3; 320_P3;
Supporting Documents: Code for Sustainable Homes Pre-Assessment by Synergy (29/01/2013); Energy Assessment by Synergy

(26/04/2013); Daylight/Sunlight Report by Savills (26/04/2013); Environmental Noise Assessment by Skelly & Couch (December 2012)

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 condition 2 (development in accordance with approved plans) of planning permission 2013/3494/P (granted on appeal under APP/X5210/A/13/2207697) dated 03/03/2014 (for an additional floor at roof level to provide 7 residential flats and a ground floor extension to provide an entrance, cycle and refuse storage) to expand the approved roof level extensions and raise the existing parapet of the building; amend the mix of residential units to provide 1x1 bed, 3x2 bed and 3x3 bed units; external changes at ground floor level and alterations to the roof level terraces, sedum roof and plant equipment as shown on drawing numbers Revised Plans: 001 Rev P1; 120 Rev P1; 125 Rev P3; 126 Rev P2; 301 Rev P2; 302 Rev P2; 303 Rev P2; SK80; Roof Landscape and Biodiversity by CSA dated July 2015; Lifetime Homes Statement by CSA dated July 2015; Design and Access Statement by CSA dated July 2015; Penthouse Application - Mix of Units dated July 2015; Letter from Nigel Dexter dated 18/03/2015; Code for Sustainable Homes Pre-assessment (Job - 02640) by Synergy Rev A dated 13/03/2105 and Energy Assessment by Synergy Issue 3 dated 13/03/2015 Superseded Plans: location plan (unnumbered); 152 005 P1,

010 P1, 011 P1, 031 P1, 032 P1, 033 P1, 110 P1, 111 P3, 112 P3, 200 P3, 311 P3, 312 P3, 313 P3, 320 P3

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2015/1627/P granted 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 20 March 2015 by the Owner and given reference number 2015/1627/P

3.2 The definition of Sustainability Plan at 2.17 in the Existing Agreement shall be removed in its entirety.

3.3 Clause 4.2 in the Existing Agreement relating to the submission approval and compliance with the Sustainability Plan shall be removed in its entirety.

3.4 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2013/3494/P" shall be replaced with "Planning Permission reference 2015/1627/P".

3.5 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

4. COMMENCEMENT

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed subject to clause 2.6 of this Deed shall take effect on the Implementation of the Planning Permission referenced 2015/1627/P.

5. PAYMENT OF THE COUNCIL'S LEGAL COSTS

5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

6. REGISTRATION AS LOCAL LAND CHARGE

6.1 This Deed shall be registered as a Local Land Charge

7. MORTGAGEE EXEMPTION

7.1 The Mortgagee hereby consents to the completion of this Deed and agrees to be bound by it and to the same being registered at the Land Registry as provided in clause 6.1 hereof and the Mortgagee agrees to be bound by the said obligations under the terms of this Deed and the Existing Agreement (as varied by this Deed) only in the event that they become 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 Deed to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY)
NORMAN LINTON (HOLDINGS) LIMITED)
was hereunto affixed)
in the presence of:-)



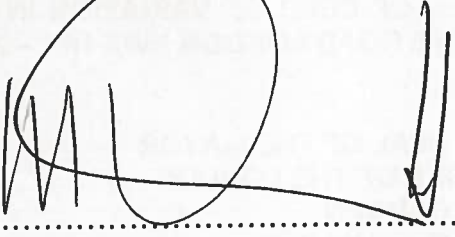
.....
Director



.....
Director/Secretary

[CONTINUATION OF DEED OF VARIATION IN RELATION TO LINTON HOUSE, 39-51 HIGHGATE ROAD LONDON NW5 1RT - 2015/1627/P]

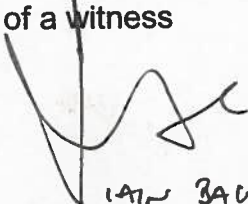
EXECUTED AS A DEED BY
INVESTEC BANK PLC acting
by its duly authorised
signatories under a power of
attorney dated 4 June 2013 as
follows :



Authorised Signatory

in the presence of a witness

Signature



Witness Name

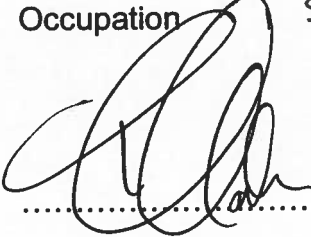
IAN BAGE

Address

Investec Bank plc
2 Gresham Street
London EC2V 7QP

Occupation

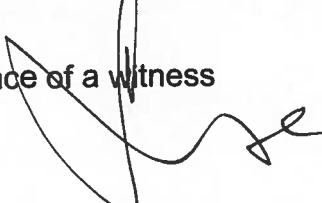
SOLICITOR



Authorised Signatory

in the presence of a witness

Signature



Witness Name

IAN BAGE

Address

Investec Bank plc
2 Gresham Street
London EC2V 7QP

Occupation

SOLICITOR

[CONTINUATION OF DEED OF VARIATION IN RELATION TO LINTON HOUSE, 39-51
HIGHGATE ROAD LONDON NW5 1RT – 2015/1627/P]

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

AP Bullock

.....
Duly Authorised Officer



Savills
33 Margaret Street
London
W1G 0JDApplication Ref: **2015/1627/P**

28 July 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:**
Linton House
39 - 51 Highgate Road
London
NW5 1RT**Proposal:****DECISION**
Variation of condition 2 (development in accordance with approved plans) of planning permission 2013/3494/P (granted on appeal under APP/X5210/A/13/2207697) dated 03/03/2014 (for an additional floor at roof level to provide 7 residential flats and a ground floor extension to provide an entrance, cycle and refuse storage) to expand the approved roof level extensions and raise the existing parapet of the building; amend the mix of residential units to provide 1x1 bed, 3x2 bed and 3x3 bed units; external changes at ground floor level and alterations to the roof level terraces, sedum roof and plant equipment.

Drawing Nos: Revised Plans: 001 Rev P1; 120 Rev P1; 125 Rev P3; 126 Rev P2; 301 Rev P2; 302 Rev P2; 303 Rev P2; SK80; Roof Landscape and Biodiversity by CSA dated July 2015; Lifetime Homes Statement by CSA dated July 2015; Design and Access Statement by CSA dated July 2015; Penthouse Application - Mix of Units dated July 2015; Letter from Nigel Dexter dated 18/03/2015; Code for Sustainable Homes Pre-assessment (Job - 02640) by Synergy Rev A dated 13/03/2015 and Energy Assessment by Synergy Issue 3 dated 13/03/2015.

Superseded Plans: location plan (unnumbered); 152 005 P1,
010 P1, 011 P1, 031 P1, 032 P1, 033 P1, 110 P1, 111 P3, 112 P3, 200 P3,
311 P3, 312 P3, 313 P3, 320 P3.

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 no.2 of planning permission 2013/3494/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans- 001 Rev P1; 120 Rev P1; 125 Rev P3; 126 Rev P2; 301 Rev P2; 302 Rev P2; 303 Rev P2; SK80; Roof Landscape and Biodiversity by CSA dated July 2015; Lifetime Homes Statement by CSA dated July 2015; Design and Access Statement by CSA dated July 2015; Penthouse Application - Mix of Units dated July 2015; Letter from Nigel Dexter dated 18/03/2015; Code for Sustainable Homes Pre-assessment (Job - 02640) by Synergy Rev A dated 13/03/2105 and Energy Assessment by Synergy Issue 3 dated 13/03/2015.

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

- 2 For the purposes of this decision, condition no.8 of planning permission 2013/3494/P shall be replaced with the following condition:

REPLACEMENT CONDITION 8

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.

- 3 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the first occupation of the building a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposed changes include the expansion of the approved roof level extensions; an alteration to the housing mix from 2x1 bed, 4x2 bed and 1x3 bed to 1x1 bed, 3x2 bed and 3x3 bed units and alterations to the roof level terraces, sedum roof and plant equipment. It would also include the raising of the parapet and external changes at ground floor level as approved under 2014/6628/P.

The previously approved extension at roof level would be expanded in terms of both length (towards the side elevations facing Carker's Lane and Greenwood Place) and depth toward the front elevation (Highgate Road) to allow an increased internal floorspace to each of the seven residential units. Overall, the roof extension would appear more centrally placed atop the host building; would maintain a large setback (3.3m on the north elevation, 2m on the east elevation, 4.1m on the south elevation and 1.8m on the west elevation) from the parapet of the building which has been raised as part of 2014/6628/P to make the roof addition appear more subordinate; the extension would not be visually prominent from street level and wider views; the fenestration has been maintained by aligning with the windows below and enforcing the strong lines of the brick piers which are essential to the architectural character of the existing building; the external façade would be constructed out of lightweight materials, predominantly glass with areas of perforated dark metal panels; the additional structures above the proposed roof extension have been positioned and designed to relate well to the building below, they would be setback from the roof of the extension to be subordinate and not visible from surrounding views.

The total number of units would remain, there would be a loss of a low priority unit (1 bed) and the amount of high priority units (2 bed) would still remain at over 40% (3 out of 7 units) in accordance with policy DP5. The resulting internal floor areas of the altered units would be in accordance with the requirements of the London Plan and CPG2 (Housing). The units would provide an adequate quality of residential accommodation.

An amended Lifetimes Homes Statement has been submitted confirming that all of the applicable criteria would be met in accordance with policy DP6. These details would be secured via planning condition.

Due to the scale and nature of the extensions and their relationship with adjacent properties, the proposal would not result in any additional impacts on residential amenity in comparison to the approved scheme by way of a loss of light, outlook or any increase in overlooking or noise and general disturbance.

The amended scheme would be subject to the planning conditions and Section 106 obligations of the original approval under 2013/3494/P. These include a Construction Management Statement, sound insulation and attenuated ventilation details, samples of materials, details of the balustrade, cycle parking, noise levels from plant equipment, car-free units, a sustainability plan and the financial contributions (education and public open space).

No objections were received prior to making this decision. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposal is in general accordance with policies CS5, CS6, CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP5, DP6, DP24, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.3, 3.4, 3.5, 3.8, 7.4 and 7.6 of the London Plan March 2015, consolidated with alterations since 2011, and paragraphs 14, 17, 56 -68 of the National Planning Policy Framework.

- 2 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. 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

DRAFT

DECISION



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DATED

5th November

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(1) NORMAN LINTON (HOLDINGS) LIMITED

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(2) INVESTEC BANK PLC

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

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CLS/COM/FP/1781.327 (2015/1627/P)
Final 23.9.2015