

DATED 22 September 2015

(1) CHAIT INVESTMENT CORPORATION LIMITED

-and-

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

FIRST DEED OF VARIATION

Relating to the Agreement dated 24 December 2013
between
the Mayor and the Burgesses of the London Borough of Camden
and

Durley Investment Corporation

under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

LEEDER HOUSE 6 ERSKINE ROAD, LONDON NW3 3AJ

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

Tel: 020 7974 1918
Fax: 020 7974 1920

THIS AGREEMENT is made on the 22 day of September 2015

BETWEEN

1. **CHAIT INVESTMENT CORPORATION LIMITED** (incorporated in Malta) (UK Regn. NO. C68108) care of Armitage Property Management Limited New Maxdov House 130 Bury New Road Prestwich M25 0AA (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 Durley Investment Corporation entered into an Agreement dated 24 December 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 NGL800661.
- 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 28 December 2014 which the Council resolved to grant permission conditionally under reference 2014/6180/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 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 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 references 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 24 December 2014 made between the Council and Durley Investment Corporation Developments Limited

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 24 December 2013 referenced 2013/6326/P allowing the Redevelopment involving the change of use of Leeder House from office (Class B1) to residential use (Class C3) to provide 4 units (1x2, 3x3 bed); erection of part 2 / part 3-storey building with enlarged basement (following the demolition of Block 5); roof extension and alterations to elevations of Blocks 2 and 3; erection of three core blocks to

provide circulation and services; and alterations to caretakers' lodge. as shown on drawing numbers Os Plan; Existing Plans: 001-00; 01; 02; 03; 05; 020-01P3; 050-01P3; 050-02-P3; Proposed Plans: 010-B1RevD; 010-00RevE; 010-01RevD; 010-02-RevD; 010-03RevE; 010-05RevE; 020-01RevB; 020-02RevA; 020-03RevA; 020-04RevA; 020-05RevA; 050-01RevB; 050-02RevB; 050-03RevB; 050-04RevB; 050-05RevB; 050-06RevA; Code for Sustainable Homes preliminary assessment by Eight Associates dated 20/06/2013; Energy and Strategy Assessment by Eight Associates dated 20/06/2013; BREEAM offices Sustainability Plan dated 13/03/2013; Construction Management Plan by Knight Harwood; Daylight and sunlight report by Studio F7 dated 12th May 2013; Ecology Report by Thomson Ecology dated March 2013; Floorspace schedule by PKS Architects dated 26/09/2013; Transport Assessment by RPS; Workplace Travel Plan by RPS and Basement Impact Assessment (Parts 1-5) by Webb Yates Engineers (Ref: J1602-doc-01 Revision X3).

- 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 24 December 2013 to Variation of condition 2 (approved drawings) of planning permission granted on 24/12/2013 reference 2013/6326/P for redevelopment involving the change of use of Leeder House from office (Class B1) to residential use (Class C3) to provide 4 units (1x2, 3x3 bed); erection of part 2 / part 3-storey building with enlarged basement (following the demolition of Block 5); roof extension and alterations to elevations of Blocks 2 and 3; erection of three core blocks to provide circulation and services; and alterations to caretakers' lodge; namely repositioning of window and door of caretaker's lodge as shown on drawing numbers Os Plan; Existing Plans: 001-01; 02; 03; 05; 020-01P3; 050-01P3; 050-02-P3; Proposed Plans: 010-B1RevD; 010-00RevF; 010-01RevD; 010-02-RevD; 010-03RevE; 010-05RevE; 020-01RevB; 020-02; 020-03; 020-04; 020-05; 050-01RevC; 050-02RevB; 050-03RevB; 050-04RevB; 050-05RevB; 050-06RevA; Code for Sustainable Homes preliminary assessment by Eight Associates dated 20/06/2013; Energy and Strategy Assessment by Eight Associates dated 20/06/2013; BREEAM offices Sustainability Plan dated 13/03/2013; Construction Management Plan by Knight Harwood; Daylight and sunlight

report by Studio F7 dated 12th May 2013; Ecology Report by Thomson Ecology dated March 2013; Floorspace schedule by PKS Architects dated 26/09/2013; Transport Assessment by RPS; Workplace Travel Plan by RPS; Basement Impact Assessment (Parts 1-5) by Webb Yates Engineers (Ref: J1602-doc-01 Revision X3).

3.1.2 "Planning Permission" the planning permission under reference number 2014/6180/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 30 September 2014 by the Owner and given reference number 2014/6180/P

3.2 The words "2013/6326/P" in clause 5.2 of the Existing Agreement shall be deleted and replaced with "2014/6180/P".

3.3 The words "2013/6326/P" in clause 5.6 of the Existing Agreement shall be deleted and replaced with "2014/6180/P".

3.4 The words "2013/6326/P" in clause 7.1 of the Existing Agreement shall be deleted and replaced with "2014/6180/P".

3.5 The draft planning permission reference 2014/6180/P annexed to this Agreement shall be treated as annexed to the Existing Agreement in addition to the existing annexures.

3.6 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

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

EXECUTED as a Deed on behalf of)

CHAIT INVESTMENT CORPORATION LIMITED)

a company incorporated in)

MALTA by)

and)

being persons who in accordance))

with the laws of that territory are)

acting under the authority of)

the company

.....
Authorised Signatory

.....
Authorised Signatory

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

P. Alexander
.....
Duly Authorised Officer



R. Alexander

LEEDER HOUSE 6 ERSKINE ROAD LONDON NW3 3AJ



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www.camden.gov.uk/planning

Application Ref: **2014/6180/P**

02 April 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:
Leeder House
6 Erskine Road
London
NW3 3AJ

DECISION
Proposal:

Variation of condition 2 (approved drawings) of planning permission granted on 24/12/2013 reference 2013/6326/P for redevelopment involving the change of use of Leeder House from office (Class B1) to residential use (Class C3) to provide 4 units (1x2, 3x3 bed); erection of part 2 / part 3-storey building with enlarged basement (following the demolition of Block 5); roof extension and alterations to elevations of Blocks 2 and 3; erection of three core blocks to provide circulation and services; and alterations to caretakers' lodge; namely repositioning of window and door of caretaker's lodge.

Drawing Nos: Os Plan; Exsting Plans: 001-01; 02; 03; 05; 020-01P3; 050-01P3; 050-02-P3; Proposed Plans: 010-B1RevD; 010-00RevF; 010-01RevD; 010-02-RevD; 010-03RevE; 010-05RevE; 020-01RevB; 020-02; 020-03; 020-04; 020-05; 050-01RevC; 050-02RevB; 050-03RevB; 050-04RevB; 050-05RevB; 050-06RevA; Code for Sustainable Homes preliminary assessment by Eight Associates dated 20/06/2013; Energy and Strategy Assessment by Eight Associates dated 20/06/2013; BREEAM offices Sustainability Plan dated 13/03/2013; Construction Management Plan by Knight Harwood; Daylight and sunlight report by Studio F7 dated 12th May 2013; Ecology Report by Thomson Ecology dated March 2013; Floorspace schedule by PKS Architects dated 26/09/2013; Transport Assessment by RPS; Workplace Travel Plan by RPS; Basement Impact Assessment (Parts 1-5) by Webb Yates Engineers (Ref: J1602-doc-01 Revision X3).

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 planning permission granted on 24/12/2013 under reference number 2013/6326/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: Os Plan; Existing Plans: 001-01; 02; 03; 05; 020-01P3; 050-01P3; 050-02-P3; Proposed Plans: 010-B1RevD; 010-00RevF; 010-01RevD; 010-02-RevD; 010-03RevE; 010-05RevE; 020-01RevB; 020-02; 020-03; 020-04; 020-05; 050-01RevC; 050-02RevB; 050-03RevB; 050-04RevB; 050-05RevB; 050-06RevA; Code for Sustainable Homes preliminary assessment by Eight Associates dated 20/06/2013; Energy and Strategy Assessment by Eight Associates dated 20/06/2013; BREEAM offices Sustainability Plan dated 13/03/2013; Construction Management Plan by Knight Harwood; Daylight and sunlight report by Studio F7 dated 12th May 2013; Ecology Report by Thomson Ecology dated March 2013; Floorspace schedule by PKS Architects dated 26/09/2013; Transport Assessment by RPS; Workplace Travel Plan by RPS; Basement Impact Assessment (Parts 1-5) by Webb Yates Engineers (Ref: J1602-doc-01 Revision X3)

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 (2013/6326/P) is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission.

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

DATED *22 September* 2015

(1) CHAIT INVESTMENT CORPORATION LIMITED

-and-

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

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