(1) HER MAJESTY THE QUEEN

-and-

(2) THE CROWN ESTATE COMMISSIONERS

-and-

(3) EMILY ROSE CROMPTON-CANDY

-and-

(4) 1 CHESTER GATE LIMITED

-and-

(5) 2 CHESTER GATE LIMITED

-and-

(6) CREDIT SUISSE (UK) LIMITED

-and-

(7) THE MAYOR AND THE BURGESSES OF THE LONDON BOROUGH OF CAMDEN

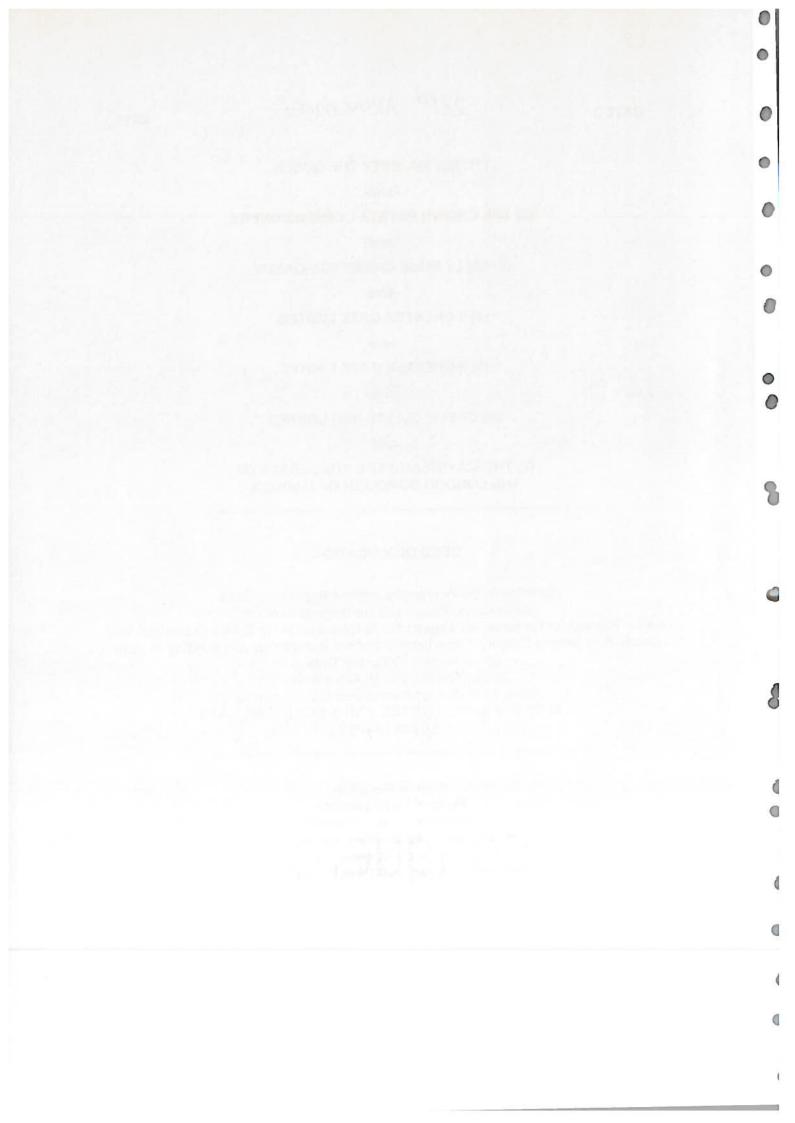
### **DEED OF VARIATION**

Relating to the Agreement dated 7 September 2010
Between the Mayor and the Burgesses of the
London Borough of Camden, her Majesty the Queen, the Crown Estate Commissioners,
Cambridge Terrace Developments Limited and the Irish Nationwide Building Society
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
6-10 CAMBRIDGE TERRACE AND 1-2 CHESTER GATE
LONDON NW1

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

CLS/COM/FP/1781.311 (2015/1340/P) Final 15.9.2015



#### BETWEEN

- HER MAJESTY THE QUEEN (hereinafter called "Her Majesty")
- 2. THE CROWN ESTATE COMMISSIONERS on behalf of Her Majesty acting in the exercise of the powers of conferred by the Crown Estate Act 1961 care of the Crown Estate 16 New Burlington Place London W1S 2HX (hereinafter called "the Commissioners") of the second part
- EMILY ROSE CROMPTON-CANDY of 20 Cornwall Terrace, London, NW1 4QP (hereinafter called the First Leaseholder") of the third part
- 4. 1 CHESTER GATE LIMITED (Incorporated in Guernsey company number 58963) of Martello Court Admiral Park St Peter Court Guernsey GY1 3HB and whose address for the service in the UK is CPC London Limited 23 Hanover Square, London, W1S 1JB(hereinafter called "the Second Leaseholder") of the fourth part
- 2 CHESTER GATE LIMITED (incorporated in Guernsey company number 58962) of Martello Court Admiral Park St Peter Court Guernsey GY1 3HB and whose address for the service in the UK is CPC London Limited 23 Hanover Square, London, W1S 1JB (hereinafter called "the Third Leaseholder") of the fifth part
- CREDIT SUISSE (UK) LIMITED (Scot. Co. Regn. No. 2009520) of Compliance Department Credit Suisse Private Banking 16<sup>th</sup> Floor Five Cabot Square London E14 4QR (hereinafter called "the Mortgagee") of the sixth part
- 7. THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the seventh part

### WHEREAS:

1.1 The Council her Majesty the Queen, the Crown Estate Commissioners, Cambridge Terrace Developments Limited and the Irish Nationwide Building Society entered into an Agreement dated 7 September 2010 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

1.2 The First Leaseholder Second Leaseholder and Third Leaseholder shall hereinafter be collectively referred to as "the Owner". 0

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- 1.3 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title numbers NGL946790 NGL946607 NGL946612 and NGL946606 subject to a charge to the Mortgagee.
- 1.4 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 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 13 March 2015 for which the Council resolved to grant permission conditionally under reference 2015/1340/P subject to the conclusion of this Deed.
- 1.7 A new Listed Building Consent application in respect of the Property was submitted to the Council by the Owner and validated on 6 March 2015 for which the Council granted listed building consent on the 4 August 2015 conditionally under reference 2015/1817/L.
- 1.8 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.
- 1.9 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 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 effect 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 and 6 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.
- 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 7 September 2010 made between the Council Her Majesty the Queen, the Crown Estate Commissioners, Cambridge Terrace

Developments Limited and the Irish Nationwide Building Society

2.8.3 "the Original Planning Permission"

means the planning permission granted by the Council on 7 September 2010 referenced 2009/3041/P allowing the change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3), excavation of basement, alterations at roof level, including rebuilding part of roof and installation of glazed sliding roof, lift overrun and rooflight to 6-10 Cambridge Terrace, rooflights 1-2 Chester Gate and associated landscaping works to forecourt as shown on drawing numbers Site location plan; 639-1.001; 639-1.002; 639-1.003; 639-2.001; 639-2.002A; 639-2.003; 639-2.004; 639-2.005A; 639-2.006; 639-2.007; 639-2.008; 639-2.010; 639-2.011; 639-2.012; 639-2.013; 639-2.014; 639-2.015; 639-2.016; 639-2.020; 639-2.021; 639-2.022; 639-2.023; 639-2.024; 639-2.025; 639-2.026; 639-3.001A; 639-3.002; 639-3.003A; 639-3.004; 639-3.005; 639-3.006; 639-3.010; 639-3.011; 639-3.012; 639-3.013; 639-3.014; 639-4.001; 639-4.002; 639-4.003; 639-4.004; 639-4.010; 639-4.011; 639-4.012; 639-4.013; and Design and Access Statement by Moxley Architects dated June 2009 as amended 18/09/09 [including appendices 1-19]

2.8.4 "the Original Listed Building Consent"

means the Listed Building Consent granted by the Council on 7 September 2010 under reference 2009/3051/L allowing the excavation of basement, alterations at roof level, including rebuilding part of roof, installation of glazed

sliding roof, lift overrun and rooflight to 6-10 Cambridge Terrace, rooflights on 1-2 Chester Gate, internal alterations to 6-10 Cambridge Terrace & 1-2 Chester Gate and associated landscaping works to forecourt all in connection with change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3) as shown on drawing numbers Site location plan; 639-1.001; 639-1.002; 639-1.003; 639-2.001; 639-2.002A; 639-2.003; 639-2.004; 639-2.005A; 639-2.006; 639-2.007; 639-2.008; 639-2.010; 639-2.011; 639-2.012; 639-2.013; 639-2.014; 639-2.015; 639-2.016; 639-2.020; 639-2.021; 639-2.022; 639-2.023; 639-2.024; 639-2.025; 639-2.026; 639-3.001A; 639-3.002; 639-3.003A; 639-3.004; 639-3.005; 639-3.006; 639-3.010; 639-3.011; 639-3.012; 639-3.013; 639-3.014; 639-4.001; 639-4.002; 639-4.003; 639-4.004; 639-4.010; 639-4.011; 639-4.012; 639-4.013; and Design and Access Statement by Moxley Architects dated June 2009 as amended 18/09/09 [including appendices 1-19]

## 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 8 (approved plans) of planning permission 2009/3041/P dated 07/09/2010 (for change of use from offices to 3 x dwellinghouses) namely to reconfigure and enlarge basement as shown on drawing numbers Superseded: 639-2.020; 639-2.021; 639-2.022; 639-2.023; 639-2.024; 639-2.025; 639-2.026; 639-2.001; 639-2.002A; 639-2.003;

639-2.004; 639-2.005A; 639-2.006; 639-2.007; 639-2.008; 639-3.001A; 639-3.002; 639-3.003A; 639-3.004; 639-3.005; and 639-3.006

Replacement: 639-2.020A; 639-2.021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 6392-2.920; 639-2.001A; 639-2.002B; 6392-2.911-P1; 639-2.004A; 639-2.005B; 639-2.006A; 639-2.007A; 639-2.008A; 639-3.001B; 639-3.002A; 639-3.004A; 639-3.005A; and 639-3.006A

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3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2015/1340/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 13 March 2015 by the Owner and given reference number 2015/1340/P

- 3.1.4 "the Listed Building Consent" the Listed Building Consent for the

  Development under reference number

  2015/1817/L granted by the Council in the form

  annexed hereto
- 3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "planning reference 2009/3041/P" shall be replaced with "Planning Permission reference2015/1340/P".
- 3.3 Clauses 4.2 and 4.5 of the Existing Agreement (Affordable Housing Contribution and Employment Contribution) have previously been complied with and therefore no further payments are required pursuant to these clauses.
- 3.4 Clause 5.1 of the Existing Agreement shall be varied by deleting the words "Implementation Date specifying that" and by inserting in the second line after the word "Development" the words "pursuant to planning permission 2015/1340/P that it"

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 3.8 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2015/1340/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

IN WITNESS WHEREOF the Council and the Commissioners have caused their respective Common Seals to be hereunto affixed and the Owner and the Mortgagee have executed this instrument as their Deed the day and year first before written

THE OFFICIAL SEAL OF THE
CROWN ESTATE COMMISSIONERS  was hereto affixed  )
and authenticated by:-
/ /humes
ANTHEA HARRIES  Authorised by the Crown Estate Commissioners
EXECUTED (but not delivered until the date hereof) AS A DEED BY EMILY ROSE CROMPTON-CANDY
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Signature
In the presence of:
Witness Signature
Witness Name. J Bul CIESS.
1 474 4 60
Winess Address 25 HURNBY HUNF
CLAYTON STREET
LENDON SEIL SDA
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	EXECUTED (but not delivered until the date hereof) AS A DEED BY )  1 CHESTER GATE LIMITED )
	acting by a Director and its Secretary ) or by two Directors
1	Director
	Director/Secretary
	EXECUTED (but not delivered until the date hereof) AS A DEED BY ) 2 CHESTER GATE LIMITED )
	acting by a Director and its Secretary or by two Directors
	Jan 0000
1	Director
	Division 10
	Director/Secretary
	EXECUTED AS A DEED by the Attorney Authorised on behalf of CREDIT SUISSE (UK) LIMITED  Jeffrey Norris Assistant Vice President
	Credit Suisse (UK) Ltd
	Vice President Credit Suisse (UK) Ltd
	THE COMMON SEAL OF THE MAYOR AND BURGESSES OF THE LONDON
	BOROUGH OF CAMDEN  was hereunto affixed by Order:-
	R. Alexander
	Duly Authorised Officer
	ROS MEXANDER Executed on behalf or
	Con
	Credit Suisse (UK) Limited





Regeneration and Planning Development Management London Borough of Camden Town Hall Judd Street London WC1H 8ND

Tel 020 7974 4444 Fax 020 7974 1930 Textlink 020 7974 6866

planning@camden.gov.uk www.camden.gov.uk/planning

Application Ref: 2015/1340/P

14 August 2015

Montagu Evans LLP 5 Bolton Street London W1J 8BA

Dear Sir/Madam

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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:

6-10 Cambridge Terrace and 1-2 Chester Gate London NW1

Proposal:

Variation of condition 8 (approved plans) of planning permission 2009/3041/P dated 07/09/2010 (for change of use from offices to 3 x dwellinghouses) namely to reconfigure and enlarge basement.

Drawing Nos: Superseded: 639-2.020; 639-2.021; 639-2.022; 639-2.023; 639-2.024; 639-2.025; 639-2.026; 639-2.001; 639-2.002A; 639-2.003; 639-2.004; 639-2.005A; 639-2.006; 639-2.007; 639-2.008; 639-3.001A; 639-3.002; 639-3.003A; 639-3.004; 639-3.005; and 639-3.006.

Replacement: 639-2.020A; 639-2.021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 639-2.026A; 639-2.001A; 639-2.002B; 639-2.911-P1; 639-2.004A; 639-2.005B; 639-2.006A; 639-2.007A; 639-2.008A; 639-3.001B; 639-3.002A; 639-3.004A; 639-3.005A; and 639-3.006A.

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):

Condition 8 of planning permission 2009/3041/P dated 07/09/2010 shall be replaced by the following condition:

## REPLACEMENT CONDITION 8

The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 639-1.001; 639-1.002; 639-1.003; 639-2.001A; 639-2.002B; 6392-2.911-P1; 639-2.004A; 639-2.005B; 639-2.006A; 639-2.007A; 639-2.008A; 639-2.010; 639-2.011; 639-2.012; 639-2.013; 639-2.014; 639-2.015; 639-2.016; 639-2.020A; 639-2.021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 639-3.001B; 639-3.002A; 639-3.004A; 639-3.005A; 639-3.006A; 639-3.010; 639-3.011; 639-3.012; 639-3.013; 639-3.014; 639-4.001; 639-4.002; 639-4.003; 639-4.004; 639-4.010; 639-4.011; 639-4.012; 639-4.013; 6392-2.920; and Design and Access Statement by Moxley Architects dated June 2009 as amended 18/09/09 [including appendices 1-19].

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

Informative(s):

Reason for Granting:

Planning permission ref: 2009/3041/P granted permission for change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3), excavation of basement, rooflights and other alterations and additions. A condition was included on the consent requiring that the development be started within 3 years. A rooflight approved as part of the application was constructed within the 3 year timeframe, confirmed by certificate of lawfulness application ref: 2014/1837/P, thus securing the consent. The permission included a 250sqm single storey basement extension.

The proposed variation seeks permission to reconfigure and enlarge the approved basement. While the proposal would not increase the floorpsace of the basement, it would require excavation to a greater depth. The additional volume of excavation would be approximately 1,433 cubic metres.

The additional excavation was considered to be sufficient to warrant reassessment against Council policy DP27 (Basements and Lightwells). The applicant has demonstrated, and it has been independently verified, that the proposal would not have an unacceptable impact on ground/surface water flows or the structural

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stability of the building or adjoining properties.

The proposal will include additional vehicle movements associated with removal of spoil from the site. However, the additional movements are considered likely to have a negligible impact on the transport network and amenity of adjoining/nearby occupiers relative to the approved scheme. Furthermore, the proposal would be bound by the Construction Management Plan required as part of the original application, which seeks to minimise impacts on the amenity of adjoining properties.

Due to its size and location below ground, the basement would not significantly harm the amenity of any adjoining residential occupiers in terms of loss of light, outlook, enclosure or privacy. Whilst the alterations will have some impact in terms of amenity impacts during construction from increased traffic movement, they can be adequately managed by the existing construction management plan.

No objections have been received prior to making this decision. The sites planning history and relevant appeal decisions were taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, under s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the Lendon Borough of Camden Local Development Framework Core Strategy, and policies DP20, DP24, DP25, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 5.18, 7.4, 7.6 and 7.8 of the London Plan 2015; and paragraphs 14, 17, 56-66 and 126-141 of the National Planning Policy Framework.

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

# DRAFI

# DEGISION

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Regeneration and Planning Development Management London Borough of Camden Town Hall Judd Street London WC1H 8ND

Tel 020 7974 4444 Textlink 020 7974 6866

planning@camden.gov.uk www.camden.gov.uk/planning

Application Ref: 2015/1817/L Please ask for: Alex McDougall Telephone: 020 7974 2053

3 August 2015

Dear Sir/Madam

Mr Gareth Fox

5 Bolton Street

London W1J8BA

Montagu Evans LLP

#### **DECISION**

Planning (Listed Building and Conservation Areas) Act 1990

**Listed Building Consent Granted** 

Address:

6-10 Cambridge Terrace and 1-2 Chester Gate London NW1

Proposal:

Excavation of basement extension, relocation of principal stair and lift core, re-instatement of party walls at 6 - 8 Cambridge Terrace, alterations to room layout, rebuilding part of roof, installation of glazed sliding roof, lift overrun and rooflight to 6-10 Cambridge Terrace, rooflights on 1-2 Chester Gate, and landscaping works to forecourt in connection with change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3).

Drawing Nos: 639-1.001; 639-1.002; 639-1.003; 6392-2.901; 6392-2.902; 6392-2.903; 6392-2.904; 6392-2.905; 6392-2.906; 6392-2.907; 6392-2.911-P1; 6392-3.901; 6392-3.902; 6392-3.903; 6392-3.904; 6392-3.905; 6392-4.901; 6392-4.902; 6392-4.903; 6392-4.904; 639-2.020A; 639-2.021A; 639-2.022A; 639-2.023A; 639-2.024A; 639-2.025A; 639-2.026A; 6392-2.920; 639-2.001A; 639-2.002B; 639-2.003A; 639-2.004A; 639-2.005B; 639-2.006A; 639-2.007A; 639-2.008A; 639-3.001B; 639-3.002A; 639-3.004A; 639-3.005A; 639-3.006A; 639-4.001; 639-4.002; 639-4.003; 639-4.004; and Design & Access Statement by Moxley Architects dated April 2015.





The Council has considered your application and decided to grant Listed Building Consent subject to the following condition(s):

## Conditions And Reasons:

The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The works hereby approved are only those specifically indicated on the drawing(s) referred to above.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

All new internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

Full scale samples or sectional drawings of all new cornices and skirting to Nos. 1 & 2 Chester Gate at a scale of 1:1, this should be accompanied by corresponding floor plans.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.



You can find advice about your rights of appeal at:

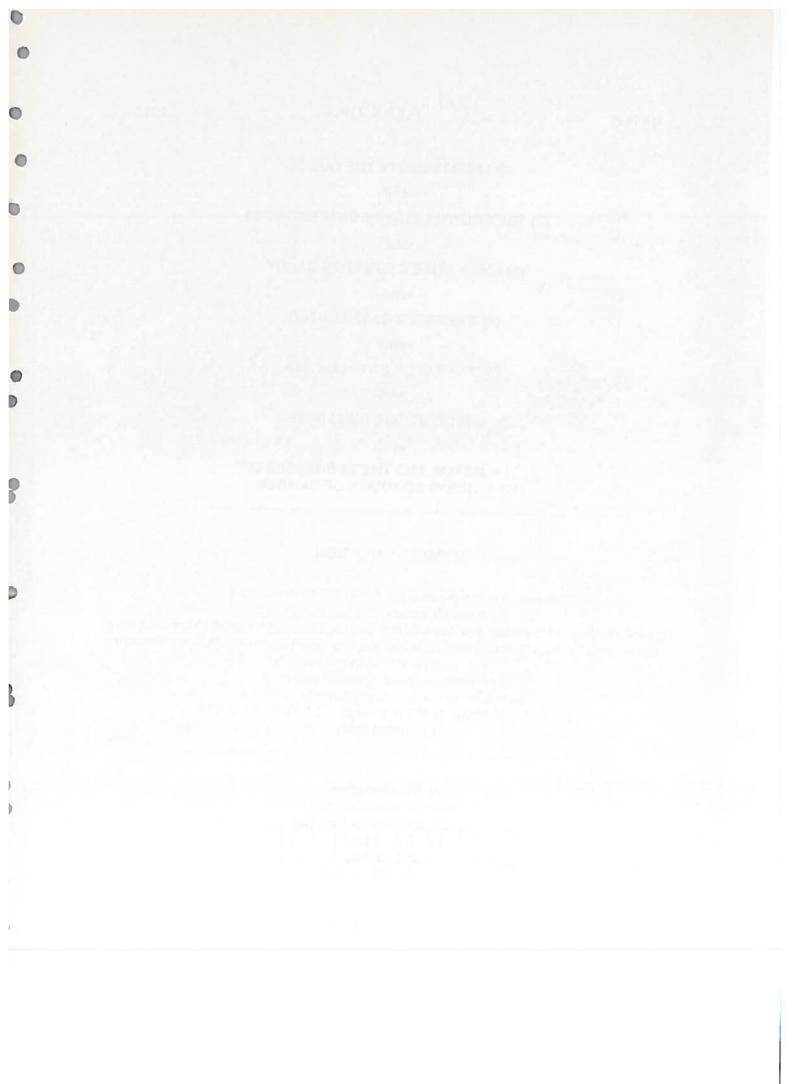
http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent

Yours faithfully

Ed Watson

Director of Culture & Environment





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(1) HER MAJESTY THE QUEEN

-and-

(2) THE CROWN ESTATE COMMISSIONERS

-and-

(3) EMILY ROSE CROMPTON-CANDY

-and-

(4) 1 CHESTER GATE LIMITED

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(5) 2 CHESTER GATE LIMITED

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(6) CREDIT SUISSE (UK) LIMITED

-and-

(7) THE MAYOR AND THE BURGESSES OF THE LONDON BOROUGH OF CAMDEN

#### **DEED OF VARIATION**

Relating to the Agreement dated 7 September 2010
Between the Mayor and the Burgesses of the
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Cambridge Terrace Developments Limited and the Irish Nationwide Building Society
under section 106 of the Town and
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Relating to development at premises known as
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LONDON NW1

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Head of Legal Services
London Borough of Camden
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