

DATED

20 November

2015

(1) GOLDCREST LAND (UK) LIMITED

-and-

(2) HSBC PRIVATE BANK (UK) LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 29 October 2013
Between the Mayor and the Burgesses of the
London Borough of Camden,
Goldcrest Land (UK) Limited and HSBC Private Bank (UK) Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
Hawley Mews, Camden, London

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/ESA/1781.467
DoV FINAL



THIS DEED is made on the 20th day of November 2015

BETWEEN

1. **GOLDCREST LAND (UK) LIMITED** (Co. Regn. No. 06127884) of Unit 3, Hurlingham Business Park, Sullivan Road, London SW6 3DU (hereinafter called "the Owner") of the first part
2. **HSBC PRIVATE BANK (UK) LIMITED** (Co. Regn. No. 499482) of 78 St James's Street, London SW1A 1JB and of pbsecurities@hsbcpb.com (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, Goldcrest Land (UK) Limited and HSBC Private Bank (UK) Limited entered into an Agreement dated 29 October 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 NGL931475 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 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.
- 1.5 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 24 July 2015 for which the Council resolved to grant permission conditionally under reference 2015/4264/P subject to the conclusion of this Deed.

1.6 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.

1.7 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 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 Unilateral Undertaking Agreement under the Town and Country Planning Act 1990 (as amended) dated made between the Council and 29 October 2013

2.8.3 "the Original Planning Permission" means the planning permission granted by the Secretary of State on 4 June 2014 referenced Council reference 2013/3794/P and appeal reference APP/X5210/W/14/2214029 allowing the redevelopment of former car park to provide three no. two bedroom mews houses and associated landscaping, amenity and cycle parking as shown on drawing numbers Site location plan; 5358/P1.01; 5358/P1.02; 5358/P1.03; 5358/P1.04; 5358/P1.05; 5358/P1.01; 5358/P1.21A; 5358/P1.22A; 5358/P1.24A; 5358/P1.25A; JKK7874_01A; Design and Access Statement by Goldcrest Architects (June 2013); Borehole records by RPS (Ref: HLEI_24550); Construction Management Plan (dated May 2013); Breif Report on reduced ground floor level by Chamberlin Consulting LLP (dated 17 June 2013); Daylight and sunlight report by GVA Schatunowski Brooks (Ref: KW10/LJ11, dated 8 May 2013); Ecology Appraisal (Ref: 13-SO26-004v1, dated May 2013); Combined Phase 1

and Phase II Environmental Risk Assessment (Ref: HLEL24450/001R, dated April 2013); Planning Statement (dated June 2013); Sustainability Assessment (Ref: 13-S026-001v1, dated 6 May 2013)

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 (approved plans) and 4 (lifetime homes) of planning permission 2013/3794/P dated 04/06/2014 for redevelopment of former car park to provide three no. two bedroom mews houses as shown on drawing numbers:- Superseded Plan: 5358/P1.02 Revised Plan: 5358/P1.02A

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2015/4264/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 24 July 2015 by the Owner and given reference number 2015/4264/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2013/3794/P" shall be replaced with "Planning Permission reference 2015/4264/P".

3.3 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 shall take effect on the Implementation of the Planning Permission referenced 2015/4264/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 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.

THE COMMON SEAL OF)
EXECUTED AS A DEED BY)
GOLDCREST LAND (UK) LIMITED)
was hereunto affixed)
in the presence of:-)

.....
Director

.....
Director/Secretary

IN WITNESS WHEREOF this document which is intended to take effect as a deed has been duly executed by a duly authorised Official of the Bank as Attorney of the Bank the day and year first above written.

SIGNED AND DELIVERED }
by MARY ELIZABETH }
COONEY }

M. E. Cooney

Attorney of
HSBC Private Bank (UK) Limited

in the presence of: JAMES STEWART

Witness:

Address:

Securities Department
HSBC Private Bank (UK) Limited
78 St James's Street
London
SW1A 1JB

CONTINUATION OF DEED OF VARIATION IN RELATION TO HAWLEY MEWS,
CAMDEN, LONDON

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 ALEXANDER

CgMs Ltd
140 London Wall
7th Floor
London
EC2Y 5DNApplication Ref: **2015/4264/P**

26 October 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:
Hawley Mews
London
NW1 8BF**DECISION**
Proposal:
Variation of condition 2 (approved plans) and 4 (lifetime homes) of planning permission 2013/3794/P dated 04/06/2014 for redevelopment of former car park to provide three no. two bedroom mews houses.
Drawing Nos: Superseded Plan: 5358/P1.02
Revised Plan: 5358/P1.02A

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 3 of planning permission 2013/3794/P granted on 04/06/2014 shall be replaced with the following condition:

Site location plan, 5358/P1.01, 5358/P1.02A, 5358/P1.03A, 5358/P1.04, 5358/P1.05, 5358/P1.21A, 5358/P1.22A, 5358/P1.24, 5358/P1.25 and JKK7874_01A

- 2 Reason: For the avoidance of doubt and in the interests of proper planning. For the purposes of this decision, condition no 4 of planning permission 2013/3794/P granted on 04/06/2014 shall be replaced with the following condition.

The lifetime homes features and facilities as indicated on the drawings hereby approved shall be incorporated into the design of the development prior to first occupation of any of the new residential units.

Reason: To allow for the fitting out of the features and facilities as indicated on the drawings hereby approved as required by occupants in the future.

Informative(s):

- 1 Reasons for granting permission.

The proposed changes to the approved design of the previous permission allowed at appeal would result in a minimal change when viewed from the surrounding environment. The insertion of additional glazing adjacent to the front doors would not harm the overall design given the minimal glazing area. The alteration to the upper floor projecting window creates a greater articulation on the north east elevation, with a smaller window at ground floor level also proposed to be removed. The alterations to the gradient of the roof slope on both elevations are acceptable when viewed against the original design proposal.

The proposed variation of the lifetime homes condition 4 would not materially deviate from the reasons stated for granting of the parent permission as set out in the original planning permission (ref 2013/3974/P) granted on 04/06/2015. The reworded condition would still ensure that satisfactory accessibility measures can be implemented on site and support the changing needs of potential occupiers.

One objection has been received and duly taken into account prior to making this decision. The sites planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5 and CS6 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP26, DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.5 and 3.8 of the London Plan March 2015, consolidated with alterations since 2011; and paragraphs 47-55 and 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).

- 3 You are advised that this decision notice must be read in conjunction with the permission issued on 4th June 2014 for application 2013/3794/P

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

20 November

2015

(1) GOLDCREST LAND (UK) LIMITED

-and-

(2) HSBC PRIVATE BANK (UK) LIMITED

-and-

(3) THE MAYOR AND THE BURGESSES OF
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