

DATED

29th FEBRUARY

2016

(1) QUADRILLE HOLDINGS LIMITED

-and-

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

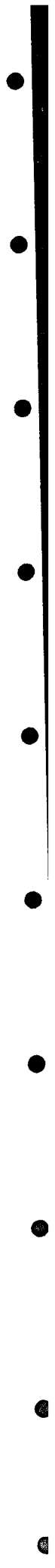
DEED OF VARIATION

Relating to the Agreement dated 9 October 2012
Between the Mayor and the Burgesses of the
London Borough of Camden and Risetall Limited

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
29-33 Chalk Farm Road (former Esso petrol filling station on the north side of Chalk Farm
Road)

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



THIS DEED is made on the 29th day of FEBRUARY 2016

BETWEEN

1. **QUADRILLE HOLDINGS LIMITED** (incorporated in the British Virgin Islands) whose address for service is care of Gerald Edelman, 73 Cornhill, London EC3V 3QQ and of 29/32 and, 34 Chalk Farm Road, London NW1 8AJ (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 Risetall Limited entered into an Agreement dated 9 October 2012 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 NGL919674.
- 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 27 October 2015 for which the Council resolved to grant permission conditionally under reference 2015/6039/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, 4 and 5 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 9 October 2012 made between the Council and the Owner.
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 9 October 2012 referenced 2012/0974/P allowing the redevelopment of existing petrol filling station site with a basement plus 4-storey mixed-use building, comprising 6 x retail units (Class A1/A3) at basement and ground floor level and 40 student residential units (Sui Generis) at mezzanine, first, second and third floor level with cycle storage in the basement as shown on drawing numbers Drawing Nos: Site location plan 110910-A(SO)001; Drwg Nos. (prefix 110910-A) (GA) 090 rev B, 100 rev D, 105 rev B, 110 rev D, 120 rev D, 130 rev C, 140 rev C, 300 rev B, 301 rev B, 302 rev B, 303 rev B, 400 rev C, 401 rev D, (VIS) 001 rev A; 002 rev B, Design and access statement dated January 2012; Daylight and Sunlight Study prepared by Right of Light Consulting dated 7 February 2012 and supplemental letter dated 30 May 2012; Site Investigation Report by Arcadis dated February 2012; Additional Site Report by Arcadis dated February 2012; Geotechnical Assessment Report by Arcadis dated September 2011; Environmental Site Assessment Report by Arcadis dated April 2010; Detailed Quantitative Risk Assessment by Arcadis dated June 2010; Transport Statement by URS dated January

2012 and supplemental letter dated 1 May 2012; Basement Impact, Assessment by Pringuer-James dated March 2012 rev 2; Sustainability Assessment by Richard Hodgkinson Consultancy dated February 2012; Energy Statement by Richard Hodgkinson Consultancy dated 6 February 2012; Noise Impact Assessment by 24 Acoustics dated 8 February 2012 rev 1; Arboricultural Report by Ian Keen Ltd ref IJK/7830/SA/wdc; Construction Traffic Management Plan by URS dated February 2012; Workplace Travel Plan by URS dated January 2012; Student Travel Plan by URS dated January 2012; Air Quality Assessment by URS dated May 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 (approved drawings) of planning permission granted on 09/10/2012 (ref: 2012/0974/P for the redevelopment of existing petrol filling station site with a basement plus 4-storey mixed-use building, comprising 6 x retail units (Class A1/A3) at basement and ground floor level and 40 student residential units (Sui Generis) at mezzanine, first, second and third floor level with cycle storage in the basement.), namely for the relocation of retail units doors to the Chalk Farm Road and Hartland Road shopfront elevations as shown on drawing numbers:-

Revised Drawings: 150320-A(SO)001; [150320-A(73)] 400 RevA; 401 RevA; 701; 703 RevA.

Superseded Drawings: [110910-A(GA)] 400
RevC; 401 RevD

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2015/6039/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 27 October 2015 by the Owner and given reference number 2015/6039/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "planning reference 2012/0974/P" or "planning reference number 2012/0974/P" shall be replaced with "Planning Permission reference 2015/6039/P".

3.3 In all other respects the Existing Agreement (as varied by this Deed) 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 Deed) its reasonable legal costs incurred in preparing this Deed

5. REGISTRATION AS LOCAL LAND CHARGE

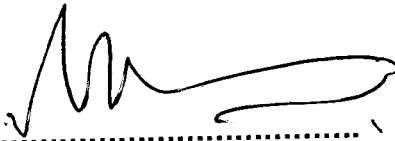
5.1 This Deed shall be registered as a Local Land Charge

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

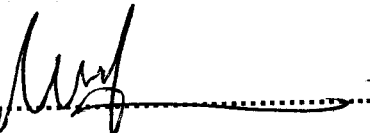
EXECUTED as a Deed on behalf of)
QUADRILLE HOLDINGS LIMITED)
a company incorporated in)
the British Virgin Islands by)

Ian Calderon)
and)

Maximilian Torres)
being persons who in accordance)
with the laws of that territory are)
acting under the authority of)
the company)




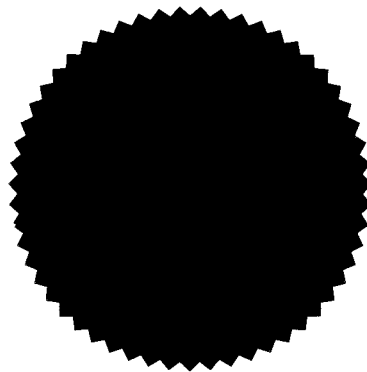
.....
Authorized Signatory



.....
Authorized Signatory

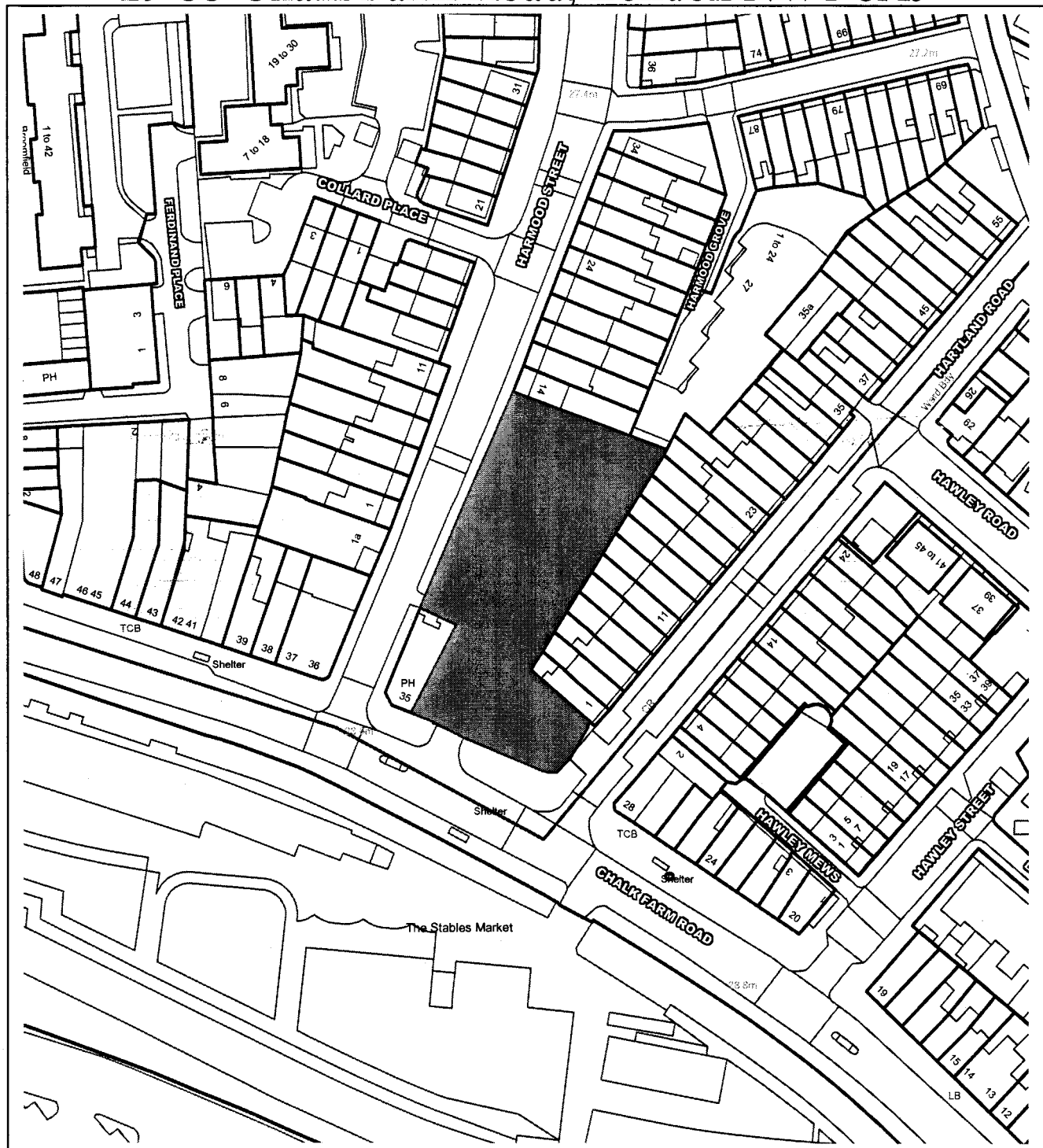
THE COMMON SEAL OF THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF CAMDEN)
was hereunto affixed by Order:-)


.....
Duly Authorised Officer



NORTHGATE SE GIS Print Template

29-33 Chalk Farm Road, London NW1 8AJ



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Contemporary Design Solutions
46 Great Marlborough Street
London
W1F 7JW

Application Ref: 2015/6039/P

23 February 2016

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:
29-33 Chalk Farm Road
London
NW1 8AJ**DECISION**
Proposal:
Variation of condition 2 (approved drawings) of planning permission granted on 09/10/2012 (ref: 2012/0974/P) for the redevelopment of petrol filling station site with a basement plus 4-storey mixed-use building, comprising 6 x retail units (Class A1/A3) at basement and ground floor level and 40 student residential units (Sui Generis) above, namely for the relocation of retail unit doors to the Chalk Farm Road and Hartland Road elevations.
Drawing Nos: Revised Drawings: 150320-A(SO)001; [150320-A(73)] 400 RevA; 401 RevA; 701; 703 RevA.
Superseded Drawings: [110910-A(GA)] 400 RevC; 401 RevD.

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 2012/0974P 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: Site location plan 150320-A(SO)001; (prefix 150320-A (73) 400 RevA; 401 RevA; 701; 703 RevA; (prefix 110910-A) (GA) 090 rev B, 100 rev D, 105 rev B, 110 rev D, 120 rev D, 130 rev C, 140 rev C, 300 rev B, 301 rev B, 302 rev B, 303 rev B, (VIS) 001 rev A, 002 rev B; Design and access statement dated January 2012; Daylight and Sunlight Study prepared by Right of Light Consulting dated 7 February 2012 and supplemental letter dated 30 May 2012; Site Investigation Report by Arcadis dated February 2012; Additional Site Report by Arcadis dated February 2012; Geotechnical Assessment Report by Arcadis dated September 2011; Environmental Site Assessment Report by Arcadis dated April 2010; Detailed Quantitative Risk Assessment by Arcadis dated June 2010; Transport Statement by URS dated January 2012 and supplemental letter dated 1 May 2012; Basement Impact Assessment by Pringuer-James dated March 2012 rev 2; Sustainability Assessment by Richard Hodkinson Consultancy dated February 2012; Energy Statement by Richard Hodkinson Consultancy dated 6 February 2012; Noise Impact Assessment by 24 Acoustics dated 8 February 2012 rev 1; Arboricultural Report by Ian Keen Ltd ref IJK/7830/SA/wdc; Construction Traffic Management, Plan by URS dated February 2012; Workplace Travel Plan by URS dated January 2012; Student Travel Plan by URS dated January 2012; Air Quality Assessment by URS dated May 2012.

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

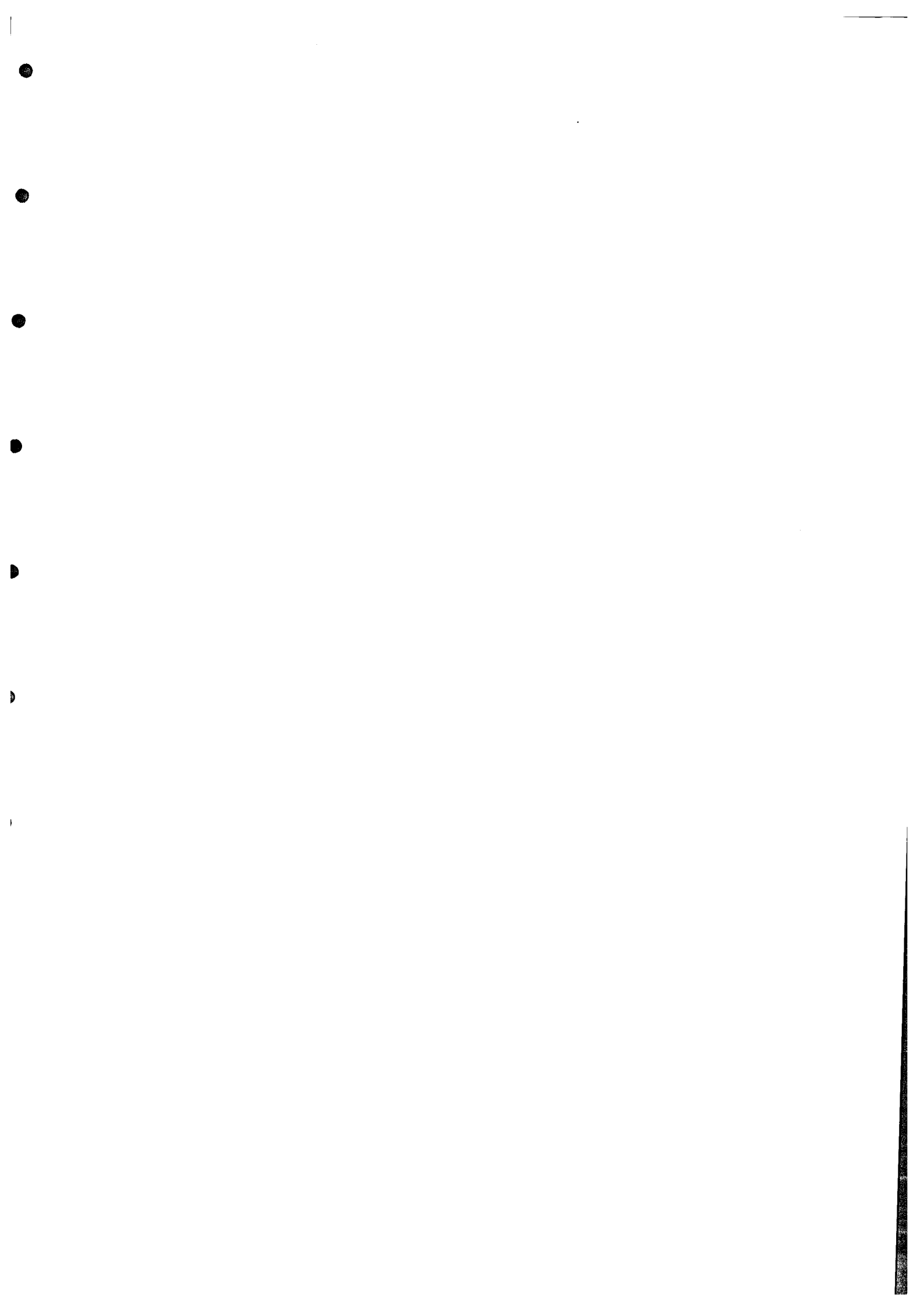
Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission 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

Culture and Environment Directorate



DATED

29th FEBRUARY

2016

(1) QUADRILLE HOLDINGS LIMITED

-and-

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

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