

DATED

4 June

2015

(1) TANDRIDGE INVESTMENTS LIMITED

-and-

(2) CLOSE BROTHERS LIMITED

-and-

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

THIRD DEED OF VARIATION

Relating to the Section 106 Agreement dated 8 July 2013

Relating to development at premises known as
368-372 FINCHLEY ROAD LONDON NW3 7AJ

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

Tel: 020 7974 5680
Fax: 020 7974 1920

1685.3024

THIS AGREEMENT is made on the 4 day of June 2015

BETWEEN

1. **TANDRIDGE INVESTMETNS LIMITED** (company incorporated in the British Virgin Island) of Columbia House 10 The Parade St Helier Jersey JE2 3QP and whose address for service in the United Kingdom is 44 Great Eastern Street London EC2A 3EP (hereinafter called "the Owner") of the first part
2. **CLOSE BROTHERS LIMITED** of whose registered office is at 10 Crown Place London EC2A 4FT (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 and Jewish Care (As Trustee of the Jewish Blind Society) entered into an Agreement dated 08 July 2013 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Council, the Owner and the Mortgagee entered into an Agreement dated 2 September 2014 pursuant to section 106A of the Town and Country Planning Act 1990 (as amended) to vary the terms of the Original Agreement.
- 1.3 The Council, the Owner and the Mortgagee entered into a further Agreement dated 27 October 2014 pursuant to section 106A of the Town and Country Planning Act 1990 (as amended) to vary the terms of the Original Agreement and First Deed of Variation.
- 1.4 The Council, the Owner and the Mortgagee are now entering this Agreement pursuant to Section 106A to vary the terms of the Original Agreement as varied by the First Deed of Variation and Second Deed of Variation.

- 1.5 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title numbers 2817, LN128967 and 101374 subject to a charge to the Mortgagee.
- 1.6 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.
- 1.7 A new Planning Application in respect of the Property was submitted to the Council by the Owner and validated on 30 October 2014 for which the Council resolved to grant permission conditionally under reference 2014/7038/P subject to the conclusion of this Agreement to vary the Agreement as under itself by the First Deed of Variation and Second Deed of Variation.
- 1.8 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.
- 1.9 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.
- 1.10 The Mortgagee as mortgagee under a legal charge registered under Title Numbers 2817, LN128967 and 101374 and dated 30 August 2013 is willing to enter into this Agreement to give its consent to the same.

1 INTERPRETATION

- 1.1 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.
- 1.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.

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

1.3.1 "this Agreement" this Third Deed of Variation made pursuant to Section 106A of the Act

1.3.2 "Existing Agreement" the Original Agreement as varied by the First Deed of Variation and Second Deed of Variation

1.3.3 "the First Deed of Variation" the deed of variation under section 106A of the Town and Country Planning Act 1990 (as amended) dated 2 September 2014 made between the Council, Tandridge Investments Limited and Close Brothers Limited for the variation of condition 2 of planning permission 2012/1822/P dated 08/07/2013 for erection of 2 x 4 storey plus basement buildings to provide 22 residential units following demolition, namely; to enlarge the basement to accommodate 2 x disabled parking bays, gas and electric meters, cycle parking, staff area and ancillary storage space.

1.3.4 "the Original Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 08 July 2013 made between the Council and the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 8 July 2013 made between the Council and Jewish Care as the Trustee of the Jewish Blind Society.

1.3.5 "the Original Planning Permission" means the planning permission granted by the Council on 8 July 2013 referenced 2012/1822/P allowing the erection of 2x four storey plus basement buildings, with a glazed infill

extension for the provision of 22 residential units (4x affordable & 18 market) (following demolition of existing residential care homes) as shown on drawing numbers Site Location Plan 104_S01 P1; 104_S02 P2; 104__parking P1; 104_SK01 P1; 104_SK02 P2; 104_SK03 P1; 104_SK04 P1; 104_GE_01 P3; 104_GS_01 P3; 104_GS_02 P3; 104_GA_00 P4; 104_GA_01 P4; 104_GA_01 P2; 104_GA_02 P2; 104_GA_03 P2; 100 E; 104_LTH_GA_00_DDA_A REV; 104_LTH_GA_00_DDA_B REV P5; 104_LTH_GA_00_HAB_A REV P1; 104_LTH_GA_00_HAB_B REV P1; 104_LTH_GA_00 REV P4; 104_LTH_GA_01_REV_P3 P4; 104_LTH_GA_02_REV_P3 P4; 104_LTH_GA_03_REV_P3 P5; 104_LTH_10_REV_P3 P4; Daylight & Sunlight Addendum Report by BVP 21/01/2012; Environmental Noise Survey and PPG24 Assessment by Hann Tucker Associates 10 Nov 2011; Energy Strategy by Metropolis Green March 2012; Transport Statement by WSP March 2012; Ecology Walkover Survey by Land Use Consultants 31 August 2011; Lifetime Homes Criteria statement; Bat Survey by Ecology Network Sept 2011; Air Quality Assessment by Air Quality Consultants Nov 2011; Air Quality Assessment: Camden, Kay Court CHP September 2012 by Air Quality Consultants; Sustainable Design & Construction Statement by Metropolis green March 2012; Basement Impact, Geotechnical and Land Contamination Assessment (February 2012); Crime Impact Statement April 2012; Schedule of Dialogue with Camden March 2012; Design &

Access Statement March 2012; Response to London Borough of Camden Comments (dated July 2012); Supplementary Information on Application 2012/1822/P August 2012

1.3.6 "the Second Deed of Variation" the deed of variation under section 106A of the Town and Country Planning Act 1990 (as amended) dated 27 October made between the Council, Tandridge Investments Limited and Close Brothers Limited for the removal of condition 9 (acoustic report) of planning permission granted on 08/07/2013 (ref: 2012/1822/P for the erection of 2x four storey plus basement buildings, with a glazed infill extension for the provision of 22 residential units (4x affordable & 18 market)), due to the plant room and CHP unit located in the basement no longer feasible.

1.4 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.

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

1.6 References in this Agreement to the Owner and Mortgagee shall include their successors in title.

2 VARIATION TO THE EXISTING AGREEMENT

2.1 The following definitions contained in the Existing Agreement shall be varied as follows:

2.1.1 "Development" variation of Condition 2 of planning permission (2012/1822/P) dated 08/07/2013 (and as amended by application 2014/1632/P dated 02/09/2014 and by application 2014/0205/P

dated 27/10/2014) for erection of 2 x 4 storey plus basement buildings to provide 22 residential units following demolition, namely to enlarge the basement to accommodate 2 x disabled parking bays and alterations to the building facade as shown on drawings numbers: Site Location Plan 104_S01 P1; 104_S02 P2; 104__parking P1; 104_SK01 P1; 104_SK02 P2; 104_SK03 P1; 104_SK04 P1; SL-ELV-A3-207 Rev G; SL-ELV-A3-208 Rev G; 104_GS_02 P5; 104_GA_00 P6; 01-GA-A3-122 Rev E; 02-GA-A3-123 Rev E; 03-GA-A3-124-Rev E; 100 E; 104_LTH_GA_00_DDA_A REV; 104_LTH_GA_00_DDA_B REV P5; 104_LTH_GA_00_HAB_A REV P1; 104_LTH_GA_00_HAB_B REV P1;104_LTH_GA_00 REV P4; 104_LTH_GA_01_REV_P3 P4; 104_LTH_GA_02_REV_P3 P4; 104_LTH_GA_03_REV_P3 P5; 104_LTH_10_REV_P3 P4; 01-DET-A3-433 Rev A; 01-DET-A3-434 Rev A; Daylight & Sunlight Addendum Report by BVP 21/01/2012; Environmental Noise Survey and PPG24 Assessment by Hann Tucker Associates 10 Nov 2011; Energy & Sustainability Statement by NRG Consulting dated September 2013; Transport Statement by WSP March 2012; Ecology Walkover Survey by Land Use Consultants 31 August 2011; Lifetime Homes Criteria statement; Bat Survey by Ecology Network Sept 2011; Air Quality Assessment by Air Quality Consultants Nov 2011; Sustainable Design & Construction Statement by Metropolis green March 2012; Basement Impact, Geotechnical and Land Contamination Assessment (February 2012); Crime Impact

Statement April 2012; Schedule of Dialogue with Camden March 2012; Design & Access Statement March 2012.

2.1.2 "Planning
Permission"

the planning permission for the Development granted under reference number 2014/7038/P for the Development in substantially the form of the draft planning permission annexed hereto

2.1.3 "Planning Application"

the application for Planning Permission in respect of the Property validated on 30 October 2014 by the Owner and given reference number 2014/7038/P

3.2 The draft planning permission reference 2014/7038/P annexed to this Agreement shall be treated as annexed to the Original Agreement as varied by the First Deed of Variation and Second Deed of Variation in addition to the existing annexures.

3.3 In all other respects the Existing Agreement (as varied by the First Deed of Variation and Second Deed of Variation) shall continue in full force and effect.

4 **COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.3 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2014/7038.

5. **MORTGAGEE EXEMPTION**

5.1 The Mortgagee hereby consents to the completion of this Agreement and agrees to be bound by it and to the same being registered at the Land Registry and for the avoidance of doubt agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession of the Property.

6. **PAYMENT OF THE COUNCIL'S LEGAL COSTS**

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

7. REGISTRATION AS LOCAL LAND CHARGE

7.1 This Agreement shall be registered as a Local Land Charge.

IN WITNESS WHEREOF the Council has caused its Common Seal to be affixed and the Owner and the Mortgagee have caused this Agreement to be executed as a Deed the day and year first above written

EXECUTED as a Deed on behalf of
TANDRIDGE INVESTMENTS LIMITED)

a company incorporated in)

the British Virgin Islands by)

PATRICK KENNEDY)

and)

MARGARET MURRAY)

)

being persons who in accordance)

with the laws of that territory are)

acting under the authority of)

the company)

[Signature]

Patrick Kennedy
Director

.....
Authorised Signatory

[Signature]

.....
Authorised Signatory Margaret M Murray
Director

EXECUTED AS A DEED by the
Attorney Authorised on behalf of
CLOSE BROTHERS LIMITED

.....
Duly Authorised Signatory

[Signature]
LABELLE CHARMAN

[Signature]
WITNESSED BY

Naomi Errity

[Signature]
WITNESSED BY

Naomi Errity

THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN

was hereunto affixed by Order:-

[Signature]

.....
Duly Authorised Officer

[Signature]
[Signature]
[Signature]
Lee Daniel





368-372 FINCHLEY ROAD LONDON NW3 7AJ



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



Barton Willmore
7 Soho Sq
London
W1D 3QBApplication Ref: **2014/7038/P**

09 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:
368-372 Finchley Road
London
NW3 7AJ

Proposal:

DECISION
Variation of Condition 2 of planning permission (2012/1822/P) dated 08/07/2013
(and as amended by application 2014/1632/P dated 02/09/2014) for erection of 2 x
4 storey plus basement buildings to provide 22 residential units following
demolition, namely to enlarge the basement to accommodate 2 x disabled
parking bays and alterations to the building facade.Drawing Nos: Site Location Plan 104_S01 P1; 104_S02 P2; 104__parking P1; 104_SK01
P1; 104_SK02 P2; 104_SK03 P1; 104_SK04 P1; SL-ELV-A3-207 Rev G; SL-ELV-A3-208
Rev G; 104_GS_02 P5; 104_GA_00 P6; 01-GA-A3-122 Rev E; 02-GA-A3-123 Rev E; 03-
GA-A3-124-Rev E; 100 E; 104_LTH_GA_00_DDA_A REV; 104_LTH_GA_00_DDA_B
REV P5; 104_LTH_GA_00_HAB_A REV P1; 104_LTH_GA_00_HAB_B REV
P1; 104_LTH_GA_00_REV_P4; 104_LTH_GA_01_REV_P3 P4; 104_LTH_GA_02_REV_P3
P4; 104_LTH_GA_03_REV_P3 P5; 104_LTH_10_REV_P3 P4; 01-DET-A3-433 Rev A;
01-DET-A3-434 Rev A; Daylight & Sunlight Addendum Report by BVP 21/01/2012;
Environmental Noise Survey and PPG24 Assessment by Hann Tucker Associates 10 Nov
2011; Energy & Sustainability Statement by NRG Consulting dated September 2013;
Transport Statement by WSP March 2012; Ecology Walkover Survey by Land Use
Consultants 31 August 2011; Lifetime Homes Criteria statement; Bat Survey by Ecology
Network Sept 2011; Air Quality Assessment by Air Quality Consultants Nov 2011;
Sustainable Design & Construction Statement by Metropolis green March 2012; Basement
Impact, Geotechnical and Land Contamination Assessment (February 2012); Crime Impact

Statement April 2012; Schedule of Dialogue with Camden March 2012; Design & Access Statement March 2012.

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 08/07/2013 under reference number 2012/1822/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: Site Location Plan 104_S01 P1; 104_S02 P2; 104_parking P1; 104_SK01 P1; 104_SK02 P2; 104_SK03 P1; 104_SK04 P1; SL-ELV-A3-207 Rev G; SL-ELV-A3-208 Rev G; 104_GS_02 P5; 104_GA_00 P6; 01-GA-A3-122 Rev E; 02-GA-A3-123 Rev E; 03-GA-A3-124 Rev E; 100 E; 104_LTH_GA_00_DDA_A REV; 104_LTH_GA_00_DDA_B REV P5; 104_LTH_GA_00_HAB_A REV P1; 104_LTH_GA_00_HAB_B REV P1; 104_LTH_GA_00 REV P4; 104_LTH_GA_01_REV_P3 P4; 104_LTH_GA_02_REV_P3 P4; 104_LTH_GA_03_REV_P3 P5; 104_LTH_10_REV_P3 P4; 01-DET-A3-433 Rev A; 01-DET-A3-434 Rev A; Daylight & Sunlight Addendum Report by BVP 21/01/2012; Environmental Noise Survey and PPG24 Assessment by Hann Tucker Associates 10 Nov 2011; Energy & Sustainability Statement by NRG Consulting dated September 2013; Transport Statement by WSP March 2012; Ecology Walkover Survey by Land Use Consultants 31 August 2011; Lifetime Homes Criteria statement; Bat Survey by Ecology Network Sept 2011; Air Quality Assessment by Air Quality Consultants Nov 2011; Sustainable Design & Construction Statement by Metropolis green March 2012; Basement Impact, Geotechnical and Land Contamination Assessment (February 2012); Crime Impact Statement April 2012; Schedule of Dialogue with Camden March 2012; Design & Access Statement March 2012.

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

Informative(s):

- 1 It should be noted that the drawings in condition 2 include an amended energy and

sustainability statement by NRG Consulting dated Sept 2013 which was submitted in support of an approved application (2014/0205/P) to remove condition 9 of original planning permission 2012/1822/P.

- 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 It is noted that there are no further conditions to be discharged with regards to the original permission 2012/1822/P granted on 08/07/2013.

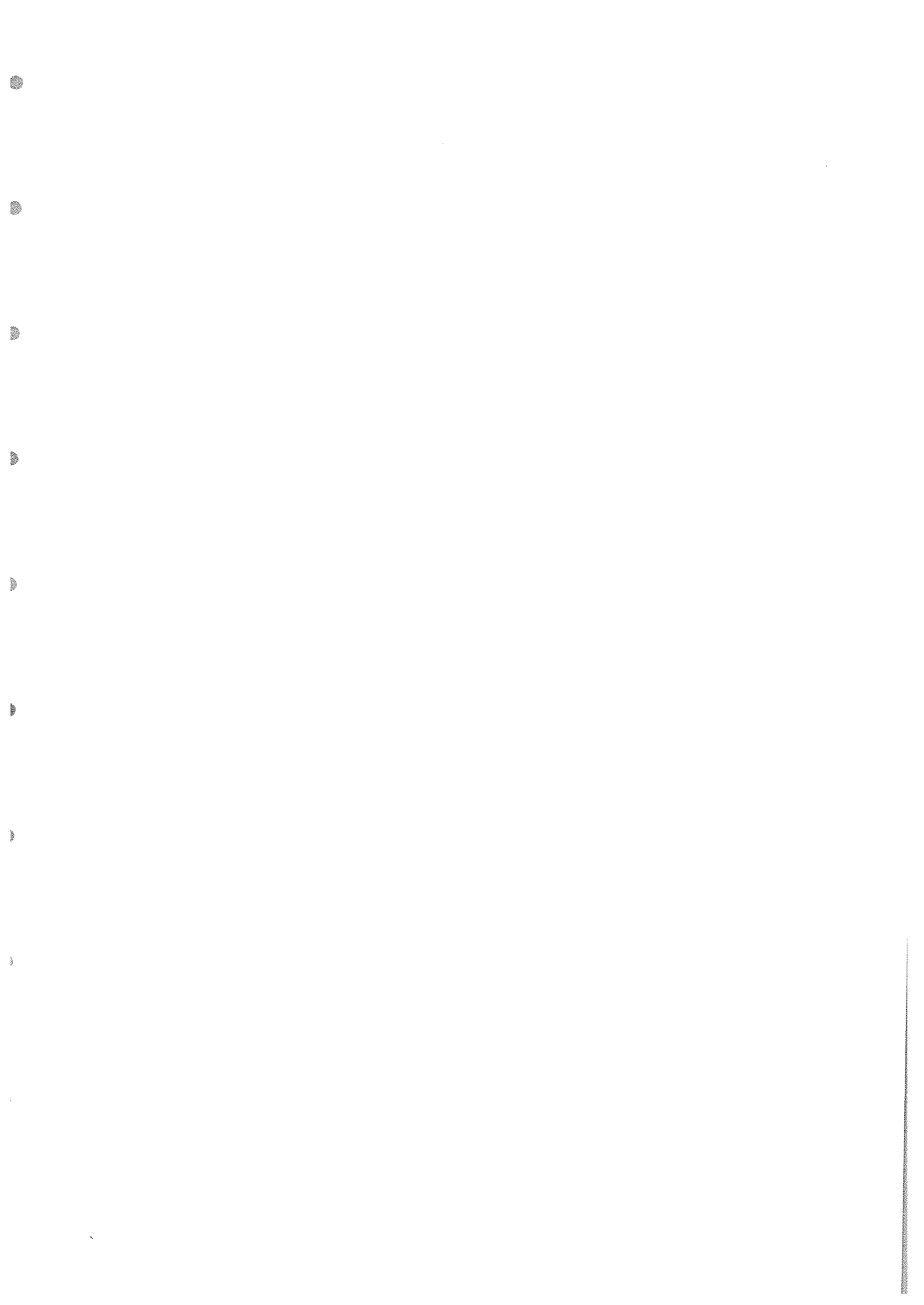
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

DECISION





DATED

04 June

2015

(1) TANDRIDGE INVESTMENTS LIMITED

-and-

(2) CLOSE BROTHERS LIMITED

-and-

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

THIRD DEED OF VARIATION

Relating to the Section 106 Agreement dated 8 July 2013

Relating to development at premises known as
368-372 FINCHLEY ROAD LONDON NW3 7AJ

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

Tel: 020 7974 5680
Fax: 020 7974 1920

1685.3024