

DATED

13 OCTOBER

2017

(1) 180 KENTISH TOWN DEVELOPMENTS LIMITED

and

(2) BRILLIANT VANGUARD LIMITED

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 18<sup>th</sup> October 2006 between  
(1) Oliver Connolly and Maria Connolly (2) AIB Group (UK) PLC and  
(3) the Mayor and the Burgesses of the London Borough of Camden

under Section 106 of the Town and Country  
Planning Act 1990 and Section 278 of the Highways Act 1980

Relating to development at premises known as

**180 Kentish Town Road  
London  
NW5 2AE**

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

Tel: 020 7974 5647  
Fax: 020 7974 2962

CLS/PK/1800.337 (second final)

THIS DEED is made the 13<sup>th</sup> day of October 2017

**BETWEEN:**

1. **180 KENTISH TOWN DEVELOPMENTS LIMITED** (registered under company number 09721442) whose registered office is 37 Warren Street, London, W1T 6AD (hereinafter called "the Owner") of the first part
2. **BRILLIANT VANGUARD LIMITED** (incorporated in British Virgin Islands) and whose address for service in the United Kingdom is DDO Solicitors, 36 Upper Street, London W1K 7QJ (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**

- A. The Owner is registered at the Land Registry as the freehold proprietor with title absolute of the Property under title number NGL219533 subject to a charge to the Mortgagee.
- B. The Owner is the freehold owner of the Property is interested in the Property for the purposes of Section 106 of the Act.
- C. The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated 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 the Existing Agreement as modified by this Deed.
- D. The Council, Oliver Connolly, Maria Connolly and AIB Group (UK) PLC entered into the Existing Agreement on 18<sup>th</sup> October 2006.
- E. The Owner has submitted the Non-Material Amendment application in respect of the Property to amend the Existing Planning Permission and the Council has agreed to

modify the Existing Planning Permission under section 96A of the Act subject to the Parties entering into this Deed to secure minor amendments to the Existing Agreement.

- F. The Mortgagee as mortgagee under a legal charge registered under title number NGL219533 and dated 25 July 2017 is willing to enter into this Deed to give its consent to the same.

**NOW IT IS HEREBY AGREED and WITNESSED as follows:**

**1 LEGAL EFFECT AND INTERPRETATION**

- 1.1 This Deed is made in pursuance of Section 106 and Section 106A of the Act.
- 1.2 The planning obligations in the Existing Agreement as modified by this Deed shall be enforceable by the Council against the Owner as provided therein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 1.3 Save as expressly stated otherwise all words and expressions used in this Deed shall have the same meaning as in the Existing Agreement.
- 1.4 For the purposes of this Deed the following words and expressions shall have the meanings assigned unless the context states otherwise:

**Annex 1** the annex number "Annex 1" attached to this Deed

**this Deed** this deed of variation to the Existing Agreement made pursuant to Section 106 and Section 106A of the Act

**Existing Agreement**

the agreement dated 18<sup>th</sup> October 2006 between (1) Oliver Connolly and Maria Connolly and (2) AIB Group (UK) PLC and (3) the Mayor and the Burgesses of the London Borough of Camden entered into pursuant to Section 106 of the Act and Section 278 of the Highways Act 1980

**Non-Material Amendment**

a decision under section 96A of the Act having reference number 2016/4752/P in a form substantially similar to that at Annex 1 to this Deed amending the Existing Planning Permission to permit variation of condition 5 (approved plans) for an increased height of the three-storey side/rear extension and smaller window openings as shown on drawings numbered Site Plan August 2016;

C2.1242.GAD.003_Rev	B;
C2.1242.GAD.004_Rev	B;
C2.1242.GAD.005_Rev	B;
C2.1242.GAD.006_Rev	C;
C2.1242.GAD.008_Rev	A;
C2.1242.GAD.009_Rev	B;
C2.1242.GAD.010;	
C2.1242.GAD.011_Rev	B;
C2.1242.GAD.012_Rev	E;
C2.1242.GAD.013	

**Original Planning Permission**

the planning permission granted by the Council for development at the Property by a notice dated 18<sup>th</sup> October 2006 and having the reference number 2006/3605/P

**Parties**

the Council, the Owner and the Mortgagee being the parties to this Deed and shall include their successors in title, transferees and assigns

**2 VARIATION OF THE EXISTING AGREEMENT**

With effect from the date of this Deed and the Council issuing a notice granting planning permission for the Non-Material Amendment, the Existing Agreement shall be varied as follows:

2.1 the definition at Clause 2.5 shall be **varied** to the following:

"the Development"

construction of a three-storey side/rear extension and a mansard-style extension to the roof, and alterations to the elevations to convert 2 x existing residential flats ancillary to public house to self-contained flats and create 5 x additional self-contained flats (Class C3) as shown on drawing numbers Site Location Plan P01; Drawing No. 2K5254 01; 2K5254 02; 2K5254 03; 2K5254 04; 2K5254 05; 2K5254 06; 2K5254 07; 2K5254 08 Rev A; 2K5254 09; 02 Element Details Sheets as varied by the Non-Material Amendment

2.2 the following definition shall be **added** to the Existing Agreement:

"Non-Material Amendment"

the application for planning permission under section 96A of the Act having reference number 2016/4752/P which the Council resolved to grant in a form substantially similar to that at Annex 1 to this Deed amending the Existing Planning Permission to vary Condition 5 (approved plans) to permit an increased height of the three-storey side/rear extension and smaller window openings as shown on drawing numbers Site Plan August 2016; C2.1242.GAD.003\_Rev B;

C2.1242.GAD.004\_Rev B;  
C2.1242.GAD.005\_Rev B;  
C2.1242.GAD.006\_Rev C;  
C2.1242.GAD.008\_Rev A;  
C2.1242.GAD.009\_Rev B; C2.1242.GAD.010;  
C2.1242.GAD.011\_Rev B;  
C2.1242.GAD.012\_Rev E; C2.1242.GAD.013"

- 2.3 the numbering of Clause 2 (Definitions) of the Existing Agreement shall be re-numbered accordingly;
- 2.4 the words "2006/3605/P" in each of the clauses 5.1 and 6.1 of the Existing Agreement shall be deleted and replaced by the words "2016/4752/P";
- 2.5 the draft planning permission reference 2016/4752/P at Annex 1 to this Deed shall be treated as annexed to the Existing Agreement in addition to the existing annexures; and
- 2.6 in all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

### **3 MORTGAGEE CONSENT**

The Mortgagee hereby consents to the completion of this Deed and its registration at the Land Registry in any register of title comprising the Property and for the avoidance of doubt the Mortgagee or any subsequent mortgagee or chargee from time to time of the whole or part of the Property shall incur no liability to perform any covenants or obligations under this Deed unless it becomes a successor in title to the Owner or mortgagee in possession in which case it too shall be bound by such covenants or obligations as if it were a person deriving title from the Owner.

### **4 MISCELLANEOUS PROVISIONS**

- 4.1 This Deed shall be registered as a Local Land Charge.

- 4.2 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Deed in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Deed in the Charges Register of the title to the Property.
- 4.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Deed on or prior to the date of completion of this Deed.
- 4.4 No provisions of this Agreement shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 4.5 This Deed is governed by and shall be interpreted in accordance with the laws of England.


**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 BY** )  
**180 KENTISH TOWN DEVELOPMENTS** )  
**LIMITED** )  
 acting by a Director, in the presence of: )

**Director Name: (CAPITALS)** )

..... *NICOLAS DE LA TORRE STIRTON* .....

**Director Signature:** )

.....  .....

**Witness Name (CAPITALS)** )

..... *LUCY LANGLEY* .....


**Witness Signature:** )

..... *L. Langley* .....

**Witness Address** )

..... *AFRICA HOUSE, 70 KINGSWAY,  
LONDON WC2B 6AH* .....

EXECUTED as a Deed on behalf of)  
Brilliant Vanguard Limited)  
a company incorporated in )  
the British Virgin Islands by )  
NAYNEESH DEBA )  
and )

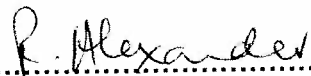
  
.....  
Authorised Signatory

being<sup>a</sup> persons who in accordance)  
with the laws of that territory are )  
acting under the authority of )  
the company )

.....  
Authorised Signatory

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



  
.....  
Authorised Signatory



ANNEX 1

draft planning permission ref. 2016/4752/P



RPS CgMs  
140 London Wall  
London  
EC2Y 5DN

Application Ref: **2016/4752/P**

15 September 2017

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:  
**180 Kentish Town Road**  
**London**  
**NW5 2AE**

Proposal:

**DECISION**  
Variation of condition 5 (approved plans) of planning permission 2006/3605/P dated 18/10/2006 (Construction of a three-storey side/rear extension and a mansard-style extension to the roof, and alterations to the elevations to convert 2 x existing residential flats ancillary to public house to self-contained flats and create 5 x additional self-contained flats (Class C3), namely to allow an increased height of the three-storey side/rear extension and smaller window openings.

Drawing Nos: Superseded: Site Location Plan P01; Drawing No. 2K5254 01; 2K5254 02; 2K5254 03; 2K5254 04; 2K5254 05; 2K5254 06; 2K5254 07; 2K5254 08 Rev A; 2K5254 09; 02 Element Details Sheets.

Revised: Site Plan August 2016; C2.1242.GAD.003\_Rev B; C2.1242.GAD.004\_Rev B; C2.1242.GAD.005\_Rev B; C2.1242.GAD.006\_Rev C; C2.1242.GAD.008\_Rev A; C2.1242.GAD.009\_Rev B; C2.1242.GAD.010; C2.1242.GAD.011\_Rev B; C2.1242.GAD.012\_Rev E; C2.1242.GAD.013.

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 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2006/3605/P dated 18/10/2006.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3 The new windows to the south and west elevations shall be timber sliding slash windows set in reveals to match the existing windows, and the details of the windows shall not be otherwise than (as approved under application 2016/3474/P dated 23/09/2017). The building shall not be used until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy B1 and B3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 4 The proposed extended chimneys as shown on approved drawing no. 08A shall be built in accordance with the approved drawings prior to the first occupation of the new residential units, and retained permanently thereafter.

Reason: To ensure the visual integrity of the building is preserved in accordance with the provisions of policy B1 and B3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

Informative(s):

- 1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies S1, SD1, SD2, SD3, SD6, SD9, H1, H8, R8, B1, B3, B7, N4, T3, T8 and T9. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email [env.health@camden.gov.uk](mailto:env.health@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Council's Records and Information Team, Culture and Environment Directorate, Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 5613).
- 5 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Street environment Service (Recycling) on 0207 974 6914 or by email [recycling@camden.gov.uk](mailto:recycling@camden.gov.uk) or on the website [www.camden.gov.uk/recycling](http://www.camden.gov.uk/recycling).
- 6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Street Environment Service (Waste) on 020 7974 6914 or see the website [www.camden.gov.uk/waste](http://www.camden.gov.uk/waste)
- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted.

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

Supporting Communities Directorate





DATED 13 OCTOBER 2017

(1) 180 KENTISH TOWN DEVELOPMENTS LIMITED

and

(2) BRILLIANT VANGUARD LIMITED

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 18<sup>th</sup> October 2006 between  
(1) Oliver Connolly and Maria Connolly (2) AIB Group (UK) PLC and  
(3) the Mayor and the Burgesses of the London Borough of Camden

under Section 106 of the Town and Country  
Planning Act 1990 and Section 278 of the Highways Act 1980

Relating to development at premises known as

**180 Kentish Town Road  
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