

DATED

2018

(1) UNITED SYNAGOGUE TRUSTS LIMITED

and

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

SECOND DEED OF VARIATION

Relating to the Agreement dated 28 January 2016 between
(1) John Bryan Austin and Maurice Ostro and Richard Loftus and
Simon Laurence Bernstein and Leon Saul Blitz
(2) United Synagogue Trusts Limited and
(3) the Mayor and the Burgesses of the London Borough of Camden
as varied by the First Deed of Variation

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

**South Hampstead Synagogue
21-22 Eton Villas
London
NW3 4SG**

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/1800.854 (final)

THIS DEED is made the

day of

2018

B E T W E E N:

1. **UNITED SYNAGOGUE TRUSTS LIMITED** (registered under company number 00516140) whose registered office is at 305 Ballards Lane, London, N12 8GB (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

- A. The Owner is registered at the Land Registry as the freehold proprietor with title absolute of the Property under title number NGL737960 and the Owner is interested in the Property for the purposes of Section 106 of the Act.
- B. 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.
- C. Pursuant to (1) John Bryan Austin and Maurice Ostro and Richard Loftus and Simon Laurence Bernstein and Leon Saul Blitz (2) the Owner and (3) the Council entering into the Original Agreement the Council granted the Original Planning Permission.
- D. Pursuant to (1) the Owner and (2) the Council entering into the First Deed of Variation the Council granted the First Section 73 Approval.
- E. The Owner has submitted the Second Section 73 Application in respect of the Development at the Property to vary the Existing Planning Permission and the Council has agreed to vary the Existing Planning Permission under section 73 of the Act subject to the Parties entering into this Deed to vary the Existing Agreement.

NOW IT IS HEREBY AGREED and WITNESSED as follows:

1 LEGAL EFFECT AND INTERPRETATION

- 1.1 This Deed is made in pursuance of Sections 106 and 106A of the Act and Section 278 of the Highways Act 1980.
- 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 numbered "Annex 1" attached to this Deed
this Deed	this second deed of variation to the Existing Agreement made pursuant to Sections 106 and 106A of the Act and Section 278 of the Highways Act 1980
Existing Agreement	the Original Agreement as varied by the First Deed of Variation
Existing Planning Permission	the Original Planning Permission as varied by the Section 73 Approval
First Deed of Variation	the deed dated 9 November 2017 between (1) the Owner and (2) the Council entered into pursuant to Sections 106 and 106A of the Act to vary the Original Agreement

First Section 73 Approval

the decision of the Council dated 9 November 2017 having reference number 2017/0478/P granted under section 73 of the Act to vary the Original Planning Permission

Original Agreement

the agreement dated 28 January 2016 between (1) John Bryan Austin and Maurice Ostro and Richard Loftus and Simon Laurence Bernstein and Leon Saul Blitz (2) the Owner and (3) the Council entered into pursuant to Section 106 of the Act and Section 278 of the Highways Act 1980

Original Planning Permission

the planning permission granted by the Council for development at the Property by a notice dated 28 January 2016 and having the reference number 2013/7887/P

Parties

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

Second Section 73 Application

an application under Section 73 of the Act having reference number 2018/2283/P in respect of the Existing Planning Permission to:

vary condition 4 (approved plans);

vary condition 5 (hard and soft landscaping)

vary condition 6 (tree protection details) to enable the replacement of the “tree of heaven” with a tulip tree as shown on

drawings numbered 882_07_050 P1;
882_07_010 P2; 882_07_002 P1;
882_07_200 P1; 882_07_201 P1;
882_07_100 P8; 882_07_101 P4;
882_07_102 P5; 882_07_210 P2;
882_07_211 P2; 882_07_230 P8;
882_07_231 P7; 882_07_232 P7;
882_07_233 P9; 882_07_234 P2;
882_07_235 P1; 882_07_310 P2;
882_07_311 P2; 882_07_526 P1;
882_90_400 P7; 882_90_455 P2;
882_SK_102 S2; Detailed Shul layout;
Basement Plan Access revisions;
Documents: Design and Access
Statement; Planning Statement;
Transport Statement; Transport
Statement Addendum; Travel Plan
September 2014; Construction Traffic
Management Plan; Transport Technical
Note Rev A; Transport Technical Note
Rev B; Transport Letter 19.11.14;
Arboricultural Report; BREEAM Pre-
Assessment; Energy Statement; Energy
and Sustainability Statement Rev B;
Heritage Appraisal; Statement of
Community Involvement; Acoustic
Report; Sunlight, Daylight and
Overshadowing Report; Letter re
Alternative Sites; Note to Planners July
2014; Basement Impact Assessment;
Basement Impact Assessment
Addendum Report October 2014;
Basement Impact Assessment
Addendum Report P2; BIA Sequence P4.
Platform lift specification by Stannah;
letter from CST undated; letter from Paul

Callegari; email from Richard Loftus dated 19 June 2017; Tree Condition Survey by Eight Associates dated 03/04/2017

Second Section 73 Approval

the decision of the Council pursuant to the Second Section 73 Application substantially in the form attached to this Deed at Annex 1

2 VARIATION OF THE EXISTING AGREEMENT FROM THE DATE OF THIS DEED

With effect from the date of this Deed, the Existing Agreement shall be varied as follows:

2.1 the following definitions are **added** at **Clause 2 (Definitions)** of the Existing Agreement:

2.1.1 ““First Section 73 Approval” the decision of the Council dated 9 November 2017 having reference number 2017/0478/P granted under section 73 of the Act to vary the Original Planning Permission”

2.1.2 ““Second Section 73 Application” an application under Section 73 of the Act having reference number 2018/2283/P in respect of the Existing Planning Permission to:
vary condition 4 (approved plans)
vary condition 5 (hard and soft landscaping)
vary condition 6 (tree protection details) to enable the replacement of the “tree of heaven” with a tulip tree as shown on drawings numbered 882_07_050 P1; 882_07_010 P2; 882_07_002 P1;

882_07_200 P1; 882_07_201 P1;
882_07_100 P8; 882_07_101 P4;
882_07_102 P5; 882_07_210 P2;
882_07_211 P2; 882_07_230 P8;
882_07_231 P7; 882_07_232 P7;
882_07_233 P9; 882_07_234 P2;
882_07_235 P1; 882_07_310 P2;
882_07_311 P2; 882_07_526 P1;
882_90_400 P7; 882_90_455 P2;
882_SK_102 S2; Detailed Shul layout;
Basement Plan Access revisions;
Documents: Design and Access
Statement; Planning Statement;
Transport Statement; Transport
Statement Addendum; Travel Plan
September 2014; Construction Traffic
Management Plan; Transport Technical
Note Rev A; Transport Technical Note
Rev B; Transport Letter 19.11.14;
Arboricultural Report; BREEAM Pre-
Assessment; Energy Statement; Energy
and Sustainability Statement Rev B;
Heritage Appraisal; Statement of
Community Involvement; Acoustic
Report; Sunlight, Daylight and
Overshadowing Report; Letter re
Alternative Sites; Note to Planners July
2014; Basement Impact Assessment;
Basement Impact Assessment
Addendum Report October 2014;
Basement Impact Assessment
Addendum Report P2; BIA Sequence P4.
Platform lift specification by Stannah;
letter from CST undated; letter from Paul
Callegari; email from Richard Loftus
dated 19 June 2017; Tree Condition

Survey by Eight Associates dated 03/04/2017”

2.1.3 ““Second Section 73 Approval” the decision of the Council pursuant to the Second Section 73 Application substantially in the form attached to this Deed at Annex 1”

2.2 the definition at **Clause 2.14** shall be **varied** to the following:

““2.14 “the Development” erection of a synagogue comprising 4 storeys plus basement, following demolition of existing synagogue (Use Class D1) as shown on drawing numbers 882_07_050 P1; 882_07_010 P2; 882_07_002 P1; 882_07_200 P1; 882_07_201 P1; 882_07_100 P4; 882_07_101 P3; 882_07_102 P4; 882_07_210 P2; 882_07_211 P2; 882_07_230 P3; 882_07_231 P3; 882_07_232 P4; 882_07_233 P4; 882_07_234 P2; 882_07_235 P1; 882_07_310 P2; 882_07_311 P2 Documents: Design and Access Statement; Planning Statement; Transport Statement; Transport Statement Addendum; Travel Plan September 2014; Construction Traffic Management Plan; Transport Technical Note Rev A; Transport Technical Note Rev B; Transport Letter 19.11.14; Arboricultural Report; BREEAM Pre-Assessment; Energy Statement; Energy and Sustainability Statement Rev B; Heritage Appraisal; Statement of

Community Involvement; Acoustic Report; Sunlight, Daylight and Overshadowing Report; Letter re Alternative Sites; Note to Planners July 2014; Basement Impact Assessment; Basement Impact Assessment Addendum Report October 2014; Basement Impact Assessment Addendum Report P2; BIA Sequence P4 **as varied by the First Section 73 Approval as further varied by the Second Section 73 Approval**"

- 2.3 the numbering of **Clause 2 Definitions** of the Existing Agreement shall be re-numbered accordingly
- 2.4 Annex 1 to this Deed shall be treated as annexed to the Existing Agreement.
- 2.5 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

3 MISCELLANEOUS PROVISIONS

- 3.1 This Deed shall be registered as a local land charge.
- 3.2 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.
- 3.3 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.

3.4 No provisions of this Agreement shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

3.5 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 has executed this instrument as their Deed the day and year first before written

EXECUTED as a Deed by affixing)
THE COMMON SEAL OF)
UNITED SYNAGOGUE TRUSTS LIMITED)
acting by a Director and its Secretary)
or by two Directors)

Director Name: (CAPITALS))

Director Signature:)

Director/Secretary Name (CAPITALS))

Director/Secretary Signature:)

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

.....
Authorised Signatory

ANNEX 1

draft Second Section 73 Approval ref. 2018/2283/P