DATED 11 January 2019

(1) RGK INVESTMENTS LIMITED

and

(2) NICOLETTE EMMA MICHAELS AND ANTONY STEVEN MICHAELS AND LAWRENCE HENRY MICHAELS

and

(3) RYNESS ELECTRICAL SUPPLIES LIMITED

and

(4) SAIMON LONDON LIMITED

and

(5) LLOYDS BANK PLC

and

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

DEED OF VARIATION

Relating to the Agreement dated 15 May 2017
Between the Mayor and the Burgesses of the
London Borough of Camden, RGK Investments Limited, Nicolette Emma Michaels and
Antony Steven Michaels and Lawrence Henry Michaels and Lloyds Bank PLC
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

67 & 67A CAMDEN HIGH STREET LONDON NW1 7JL

Andrew Maughan
Head of Legal Services
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Tel: 020 7974 5826

CLS/COM/LN/1800.744 FINAL

THIS AGREEMENT is made on the 11th day of January 2019

BETWEEN

1. **RGK INVESTMENTS LIMITED** (Co. Regn. No.8460133) whose registered office is at Russell Square House, 10-12 Russell Square, London WC1B 5LF (hereinafter called "the First Freeholder") of the first part

2. **NICOLETTE EMMA MICHAELS** and **ANTONY STEVEN MICHAELS** and **LAWRENCE HENRY MICHAELS** of 19 Spaniards End, London, NW3 7JG (hereinafter called "the Second Freeholder") of the second part

3. **RYNESS ELECTRICAL SUPPLIES LIMITED** (Co. Regn. No. 07563812) whose registered office is at 65 Delamere Road, Hayes UB4 0NN (hereinafter called "the First Leaseholder") of the third part

4. **SAIMON LONDON LIMITED** (Co. Regn. No. 04423991) whose registered office is at The Point Building, 13-17 Baron Street, London N1 9HP (hereinafter called "the Second Leaseholder") of the fourth part

5. **LLOYDS BANK PLC** (Co. Regn. No. 2065) of 25 Gresham Street, London EC2V 7HN (hereinafter called "the Mortgagee") of the fifth part

6. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the sixth part

WHEREAS:

1.1 The Council, RGK Investments Limited, Nicolette Emma Michaels, Antony Steven Michaels, Lawrence Henry Michaels and Lloyds TSB Bank PLC entered into an Agreement dated 15 May 2017 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

1.2 The First Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN54868 subject to a charge to the Mortgagee.

1.3 The First Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.

1.4 The Second Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN207366.

1.5 The Second Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.

1.6 The First Leaseholder is registered at the Land Registry as the leasehold proprietor with Title Absolute under title number NGL938507.

1.7 The First Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.

1.8 The Second Leaseholder is registered at the Land Registry as the leasehold proprietor with Title Absolute under title number NGL901021.

1.9 The Second Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.

1.10 The First Freeholder and the Second Freeholder and the First Leaseholder and the Second Leaseholder shall hereinafter be collectively referred to as "the Owner."

1.11 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.

1.12 The Mortgagee as mortgagee under two legal charges registered under Title Number LN54868 and dated 10 September 2010 and 27 June 2014 is willing to enter into this Agreement to give its consent to the same.

1.13 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 20 April 2018 for which the Council resolved to grant permission conditionally under reference 2018/1849/P subject to the conclusion of this Agreement.

1.14 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.

1.15 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 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.

2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 Where in this Agreement 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 Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.

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, 6 and 7 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 Agreement to the Owner and the Mortgagee shall include their successors in title.

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

2.8.1	"Agreement"	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 15 May 2017 made between the Council RGK Investments Limited Nicolette Emma Michaels and Antony Steven Michaels and Lawrence Henry Michaels and Lloyds Bank PLC
2.8.3	"the Original Planning Permission"	means the planning permission granted by the Council on 15 May 2017 referenced 2016/4496/P allowing the erection of mansard roof extension to 67 and 67A Camden High Street to create 2 two-bedroom flats as shown on drawing numbers 4503/P/001; 4503/P/010; 4503/P/011; 4503/P/020; 4503/P/021; 4503/P/030; 4503/P/039; 4503/P/040; 4503/P/041; 4503/P/050; 4503/P/051; 4503/P/052; 4503/P/053; 4503/P/055; Planning, Heritage, Design and Access Statement dated 11/08/16

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"	the development authorised by the Original Planning Permission as amended by the following: variation of Condition 3 (approved plans) of planning permission ref: 2016/4496/P dated 15//05/2017 for Erection of mansard roof

extension to 67 and 67A Camden High Street to create 2 two-bedroom flats; namely alterations to ground floor frontage and installation of separate residential door to No. 67 Camden High Street.as shown on drawing numbers: Superseded Plans: 4503/P/039; 4503/P/050; 4503/P/053 Revised Plans: 543-PA. (01, 02, 03, 04, 05); Shopfront Material details (Job: Padro Shopfronts)

3.1.2 "Planning Permission" The planning permission granted for the Development under reference number 2018/1849/P substantially in the draft form annexed hereto

3.1.3 "Planning Application" the application for Planning Permission in respect of the Property submitted to the Council and validated on 20 April 2018 and given reference 2018/1849/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/4496/P" shall be replaced with ""Planning Permission reference 2016/4496/P as varied by application 2018/1849/P"".

3.3 In all other respects the Existing Agreement (as varied by this Agreement) 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 2018/1849/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 Agreement) its reasonable legal costs incurred in preparing this Agreement.

6. REGISTRATION AS LOCAL LAND CHARGE

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

7. JOINT AND SEVERAL LIABILITY

7.1 All Covenants made by the Owner(s) in this Agreement are made jointly and severally and shall be enforceable as such.

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

EXECUTED AS A DEED BY)
RGK INVESTMENTS LIMITED)
acting by a Director and its Secretary)
or by two Directors)

.....
Director Russell Kilikian

.....
Director/Secretary Marina Kilikian

EXECUTED AS A DEED BY)
NICOLETTE EMMA MICHAELS) Nicky Michaels
in the presence of:)

.....
Witness Signature D. Doocanee.

Witness Name: Doocanee

Address: 43 Ashton Rd
Enfield EN3 6DG

Occupation: House keeper

THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106 AGREEMENT IN RELATION TO 67 & 67A CAMDEN HIGH STREET LONDON NW1 7JL

EXECUTED AS A DEED BY)
ANTONY STEVEN MICHAELS)
in the presence of:)

.....
Witness Signature

Witness Name:

Address:

Occupation:

EXECUTED AS A DEED BY)
LAWRENCE HENRY MICHAELS)
in the presence of:)

.....
Witness Signature

Witness Name: SHARON BECKETT

Address: QUINTA DA BICA, TABUA, 3240-222

Occupation: SELF EMPLOYED.

EXECUTED AS A DEED BY)
RYNESS ELECTRICAL)
SUPPLIES LIMITED)
acting by a Director and its Secretary)
or by two Directors)

.....
Director

.....
Director/Secretary

THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106 AGREEMENT IN RELATION TO 67 & 67A CAMDEN HIGH STREET LONDON NW1 7JL

EXECUTED AS A DEED BY)
ANTONY STEVEN MICHAELS)
in the presence of:)

.....

Witness Signature R Doocare

Witness Name: 43 ASHTON RD

Address: ENFIELD EN3 6DG

Occupation: House keeper.

EXECUTED AS A DEED BY)
LAWRENCE HENRY MICHAELS)
in the presence of:)

.....

Witness Signature

Witness Name:

Address:

Occupation:

EXECUTED AS A DEED BY)
RYNESS ELECTRICAL)
SUPPLIES LIMITED)
acting by a Director ~~and its Secretary~~)
~~or by two Directors~~ in the presence of)

.....

Director

.....

~~Director/Secretary~~ Witness signature

Witness name: THERESA DRIEN

Witness address: 1 SHAKESPEARE ROAD, THATCHAM, BERKSHIRE RG18 3EN

THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106 AGREEMENT IN RELATION TO 67 & 67A CAMDEN HIGH STREET LONDON NW1 7JL

EXECUTED AS A DEED BY)
SAIMON LONDON LIMITED)
acting by a Director and its Secretary)
or by two Directors)

.....

Director

.....

Director/Secretary

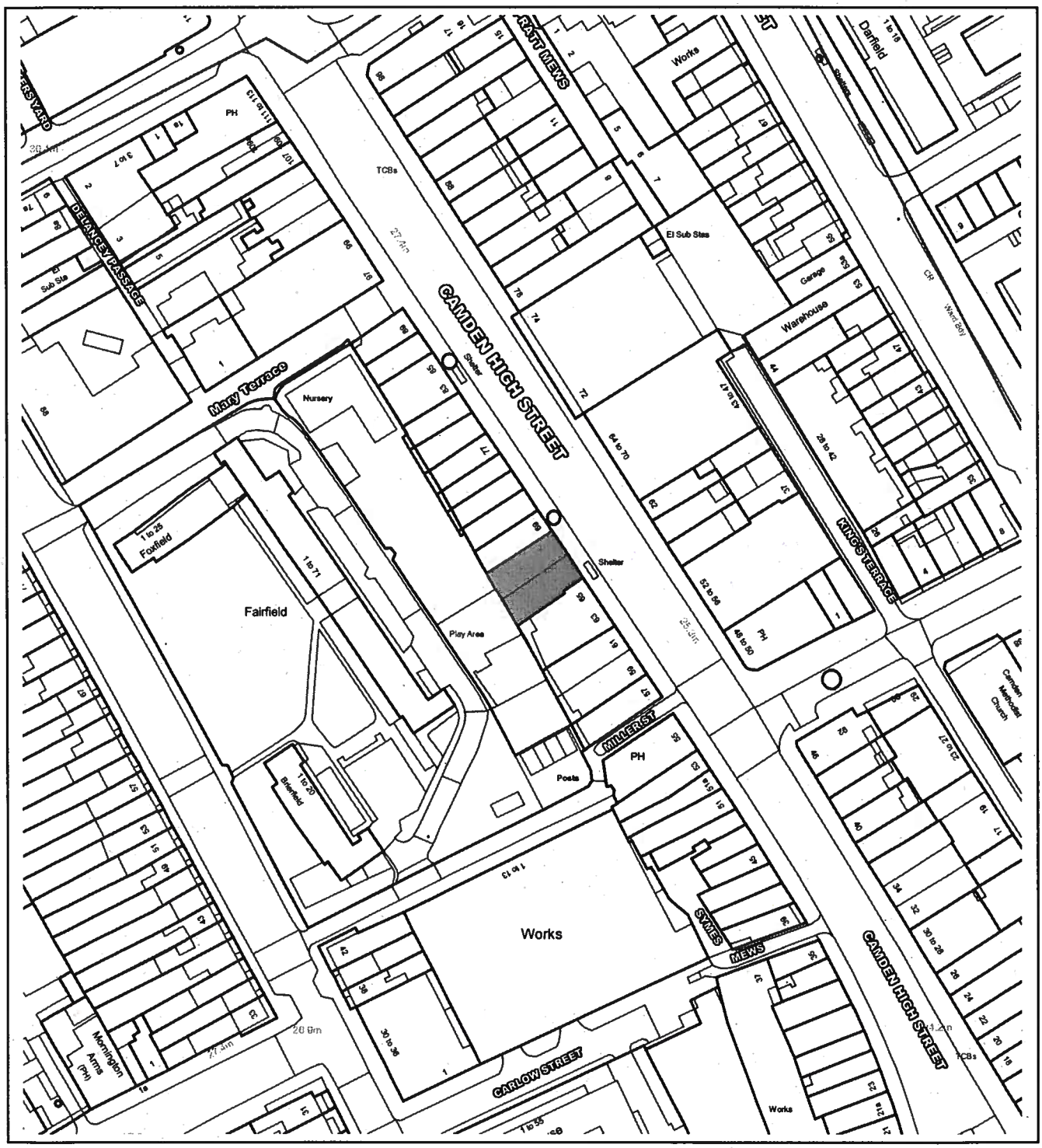
EXECUTED AS A DEED BY)
LLOYDS BANK PLC)
by CHRISTOPHER TAYLOR **)**
in the presence of:-)

..... ASHLEY BROWN

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

R. Alexander
.....
Duly Authorised Officer

NORTHGATE SE GIS Print Template



Camden

Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Tel 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

gpad London Ltd
130 Old Street
London
EC1V 9BD

Application Ref: **2018/1849/P**

14 August 2018

Dear Sir/Madam

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:
67 & 67A Camden High Street
London
NW1 7JL

Proposal:
Variation of Condition 3 (approved plans) of planning permission ref: 2016/4496/P dated 15//05/2017 for Erection of mansard roof extension to 67 and 67A Camden High Street to create 2 two-bedroom flats; namely alterations to ground floor frontage and installation of separate residential door to No. 67 Camden High Street.
Drawing Nos: Superseded Plans: 4503/P/039; 4503/P/050; 4503/P/053

Revised Plans: 543-PA. (01, 02, 03, 04, 05); Shopfront Material details (Job: Padro Shopfronts)

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 2016/4496/P dated 15/05/2017.

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 D1 of the London Borough of Camden Local Plan 2017.

3 The development hereby permitted shall be carried out in accordance with the following approved plans: 4503/P/001; 4503/P/010; 4503/P/011; 4503/P/020; 4503/P/021; 4503/P/030; 4503/P/40; 4503/P/041; 4503/P/051; 4503/P/052; 4503/P/055; Planning, Heritage, Design and Access Statement dated 11/08/16.

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

Informative(s):

1 This application proposes a minor material amendment to the ground floor shopfronts at Nos. 67 and 67a Camden High Street in form of relocation of shop door adjacent to public highway, installation of a residential entrance door to No. 67 Camden High Street and replacement shopfront with aluminium frames to Nos. 67 and 67A Camden High Street. The residential door relocated as a separate access to residential flat above would be made of timber, whilst changes to the material of the shopfront would be of aluminium which is in line with guidance and would still maintain a traditional frontage . As such, the nature of the proposals are considered to enhance the character and appearance of the host building and that of the surrounding conservation area. There is not considered to be any neighbour amenity impact arising from these proposals.

The Camden Town CAAC did comment that the residential entrance of No 67 should match that of 67a. However, officers consider that the design is considered acceptable to differentiate both properties.

No other comments have been received prior to coming to this decision. The site's planning history was taken into account when coming to this decision.

Special attention has also been attached to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Executive Director Supporting Communities

As such, the proposal is in general accordance with Policies D1, D2 and A1 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2016 and National Planning Policy Framework.

2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.

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

Executive Director Supporting Communities

DATED 11 January 2018 9

(1) RGK INVESTMENTS LIMITED

and

(2) NICOLETTE EMMA MICHAELS AND ANTONY STEVEN MICHAELS AND LAWRENCE HENRY MICHAELS

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(3) RYNESS ELECTRICAL SUPPLIES LIMITED

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