

DATED

27 NOVEMBER

2020

**(1) POUNTNEY NOMINEES 1 LIMITED and POUNTNEY NOMINEES 2 LIMITED AS
NOMINEES FOR NORTHERN TRUST (GUERNSEY) LIMITED IN ITS CAPACITY AS
TRUSTEE OF THE CHARTERHOUSE UNIT TRUST**

-and-

(2) ANGLO AMERICAN SERVICES (UK) LTD

-and-

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

**THIRD DEED OF VARIATION
UNDER S106A OF THE TOWN AND COUNTRY
PLANNING ACT 1990 (AS AMENDED)**

Relating to the Agreement dated 24 January 2018
Between the Mayor and the Burgesses of the
London Borough of Camden, De Beers UK Limited and
Anglo American Services (UK) Ltd

Relating to the First Deed of Variation dated
Between the Mayor and the Burgesses of the
London Borough of Camden, Kleinwort Benson (Guernsey) Limited,
Borrowdale Nominees Limited and Anglo American Services (UK) Ltd

Relating to the Second Deed of Variation dated
Between the Mayor and the Burgesses of the
London Borough of Camden, Kleinwort Benson (Guernsey) Limited,
Borrowdale Nominees Limited and Anglo American Services (UK) Ltd

under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

17 CHARTERHOUSE STREET LONDON EC1N 6RA

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

Tel: 020 7974 1478

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CLS/COM/PM/1800.1153
V1 DoV 200519

DATED

27 NOVEMBER

2020

BETWEEN

1. **POUNTNEY NOMINEES 1 LIMITED** (a non-cellular company incorporated in Guernsey under registration number 66145) ~~as incorporated in Guernsey with Co. Regn. No. 670~~ of PO Box 255 Trafalgar Court, Les Banques, St Peter Port, Guernsey GY1 3QL and **POUNTNEY NOMINEES 2 LIMITED** (a non-cellular company incorporated in Guernsey under registration number 66147) ~~as incorporated in Guernsey with Co. Regn. No. 670~~ of PO Box 255 Trafalgar Court, Les Banques, St Peter Port, Guernsey GY1 3QL as nominees for Northern Trust (Guernsey) Limited (a non-cellular company limited by shares incorporated in Guernsey under company number 2651) and whose registered office is at PO Box 71 Trafalgar Court, Les Banques, St Peter Port, Guernsey GY1 3DA as trustee of The Charterhouse Unit Trust (the "Trust") (called the "Freehold Owner") of the first part; LBC
2. **ANGLO AMERICAN SERVICES (UK) LTD** whose registered office is at (Co. Regn. No. 02295324) of 20 Carlton House Terrace, London SW1Y 5AN (called the "Leasehold Owner") of the second part; LBC

And hereinafter for the purposes of this Deed the Freehold Owner and the Leasehold Owner to be called "the Owner"

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, De Beers UK Limited and Anglo American Services (UK) Limited entered into the Existing Agreement dated 24 January 2018 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 De Beers UK Limited no longer retains an interest in the Property.

- and the Owner
- 1.3 The Council, ~~Kleinwort Benson (Guernsey) Limited, Borrowdale Nominees Limited and Anglo American Services (UK) Ltd~~ entered into the First Deed of Variation to the Existing Agreement on the [27 NOVEMBER 2020] USC
- and the Owner
- 1.4 The Council, ~~Kleinwort Benson (Guernsey) Limited, Borrowdale Nominees Limited and Anglo American Services (UK) Ltd~~ entered into the Second Deed of Variation to the Existing Agreement on the [27 NOVEMBER 2020] USC
- 1.5 The Freehold Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title numbers NGL326180, NGL84961, LN115500, LN152108 and LN70182.
- 1.6 The Freehold Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.7 The Leasehold Owner was granted a lease of the Property dated 15 December 2017 and is registered at the Land Registry as the leasehold proprietor with Title absolute under Title Number NGL976214.
- 1.8 The Leasehold Owner is the leasehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.9 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.
- 1.10 The Owner has submitted an Application for Approval of Details in respect of the Property pursuant to the Original Planning Permission and the Council has agreed to grant the Application for Approval of Details subject to the Parties entering into this Deed to secure amendments to the Existing Agreement.
- 1.11 This Deed 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.
- 1.12 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 This Deed is made in pursuance of Section 106 and Section 106A of the Act.
- 2.2 The planning obligations in the Existing Agreement as varied 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.
- 2.3 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.
- 2.4 All reference in this Deed to clauses schedules and appendices in the Existing Agreement are to clauses schedules and appendices within the Existing Agreement.
- 2.5 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.5.2	"the Application for Approval of Details"	the application under reference 2018/5185/P for approval of: Details of PV panels required by condition 7 of planning permission 2017/4586/P granted on 24/01/2018 (for extensions and refurbishment of the existing part seven, part five storey (plus basement) building including erection of a single storey roof extension to Saffron Hill block, part two-storey and part five-storey extensions within central courtyard, part removal of the existing façade and part replacement with new glazed, metal and stonework façade to Charterhouse Street.)
2.5.3	"this Deed"	this Third Deed of Variation

2.5.4	"Existing Agreement"	the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 24 January 2018 between the Council, De Beers UK Limited and Anglo American Services (UK) Limited (as varied)
2.5.5	"the Original Planning Permission"	means the planning permission granted by the Council on 24 th January 2018 referenced 2017/4586/P

- 2.6 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 Deed.
- 2.7 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 Deed and shall not effect the construction of this Deed.
- 2.8 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.9 References in this Deed to the Owner shall include their successors in title.

3. VARIATION TO THE EXISTING AGREEMENT

With effect from the date of this Deed, and subject to the Council having issued a notice granting approval of the details submitted pursuant to the Application for Approval of Details in substantially the form attached to this Deed at Appendix 1, the Existing Agreement shall be varied as follows:

- 3.1 The following definition shall be **added** to the Existing Agreement:

3.1.3	"the Third Deed of Variation"	The Third Deed of Variation dated [27.11.2016] between the Mayor and the Burgesses of the London Borough of Camden, Kleinwort Benson (Guernsey) Limited, Borrowdale Nominees
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* the Freehold Owner, the Leaseholder
5 Owner, and the Council

1.8x

1.8x

		Limited and Anglo American Services (UK) Ltd
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LBK

3.2 The definition of "the Agreement" at clause 2 of the Existing Agreement shall be **varied** to the following:

3.2.1 "the Agreement" this planning obligation made pursuant to Section 106 of the Act as varied by the First Deed of Variation, the Second Deed of Variation and the Third Deed of Variation

3.3 The definition of "Carbon Offset Contribution" at clause 2 of the Existing Agreement shall be **varied** to the following:

3.3.1 "Carbon Offset Contribution" the sum of £31,614 (thirty one thousand six hundred and fourteen pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the Council in the event of receipt towards offsite carbon reduction measures in the vicinity of the Development

3.4 The numbering of Clause 2 (Definitions) of the Existing Agreement shall be re-numbered accordingly.

3.5 In all other respects the Existing Agreement (as varied by the First Deed of Variation, the Second Deed of Variation and 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 and the Owner has caused their respective Common
Seals to be affixed and has caused this Deed to be executed as a deed the day and year
first above written.

EXECUTED as a DEED by
POUNTNEY NOMINEES 1 LIMITED
as nominee of Northern Trust (Guernsey) Limited
in its
capacity as trustee of The Charterhouse Unit Trust
a company incorporated in Guernsey acting by

..... CLAIRE FIELD

and

..... CLAIRE SIMON

who in accordance with the laws of that territory are acting under the authority of the
company

Signature in the name of the company

POUNTNEY NOMINEES 1 LIMITED

Signature of [print name]

.....
[Redacted Signature]

Authorised Signatory

Signature of [print name]

.....
[Redacted Signature]

Authorised Signatory

EXECUTED as a DEED by
POUNTNEY NOMINEES 2 LIMITED
as nominee of Northern Trust (Guernsey) Limited
in its
capacity as trustee of The Charterhouse Unit Trust
a company incorporated in Guernsey acting by

..... CLAIRE FIELD

and

..... CLAIRE SIMON

who in accordance with the laws of that territory are acting under the authority of the
company

Signature in the name of the company


POUNTNEY NOMINEES 2 LIMITED

Signature of [print name]

..... 

Authorised Signatory

Signature of [print name]

..... 

Authorised Signatory

EXECUTED (but not delivered
until the date hereof)

AS A DEED by

ANGLO AMERICAN SERVICES (UK) LTD

acting by a director ~~and its secretary or by~~

~~two directors~~ AND IN THE PRESENCE OF:

)
)
)
)
)
)
)





CLARE DANAR
Director

Director/Secretary CB

WITNESS SIGNATURE

WITNESS NAME: ROBERT DANAR

WITNESS ADDRESS: 4 GREEN LANE, LONDON N16 9ND

WITNESS OCCUPATION: ACCOUNTANT

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

.....
Duly Authorised Officer

)
)
)
)



APPENDIX 1
DRAFT FORM OF DECISION NOTICE – APPLICATION FOR APPROVAL OF
DETAILS

Application ref: 2018/5185/P
Contact: Laura Hazelton
Tel: 020 7974 1017
Date: 28 April 2020

Planning Potential Ltd
Magdalen House
148 Tooley Street
London
SE1 2TU



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

Phone: 020 7974 4444

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

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Approval of Details Granted

Address:
17 Charterhouse Street
London
EC1N 6RA

DECISION

Proposal:

Details of PV panels required by condition 7 of planning permission 2017/4586/P granted on 24/01/2018 (for extensions and refurbishment of the existing part seven, part five storey (plus basement) building including erection of a single storey roof extension to Saffron Hill block, part two-storey and part five-storey extensions within central courtyard, part removal of the existing façade and part replacement with new glazed, metal and stonework façade to Charterhouse Street.)

Drawing Nos: PV location and extent (briefing note) dated October 2018 and Energy Statement dated January 2019.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

Informative(s):

- 1 Reason for granting permission:

Details have been submitted demonstrating the location and extent of photovoltaic cells to be installed at the application site. The current proposals show a reduction in the number of solar panels previously approved due to structural reasons, although this reduction has been partly mitigated by the installation of further panels on an additional roof.

The amendments have resulted in a reduction in the renewable energy contribution from the approved 9.5% to 8.4%. Consequently, the applicant is proposing to increase the carbon offset contribution (previously secured by S106 legal agreement) to provide an additional £4775 (from £26,839 to £31,614). The Council's sustainability officer has reviewed the submitted details and confirmed this is an acceptable solution. As such, the details are considered sufficient to discharge condition 7, subject to a S106 deed of variation to increase the carbon offset contribution.

The full impact of the proposed development has already been assessed. The proposed details would not have a harmful impact on the appearance of the host buildings and surrounding conservation area.

As such, the proposed details are in general accordance with policies G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 2 You are reminded that conditions: 2a (details of external doors and gates), 3 (features to be reinstated), and 16 (salvage) of planning permission reference: 2017/4586/P granted on 24/01/2018 are outstanding and require details to be submitted and approved.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

