

Dated: 3<sup>RD</sup> DECEMBER 2020

(1) THE MAYOR AND BURGESSES OF

THE LONDON BOROUGH OF CAMDEN

-and-

(2) SAFEWAY STORES LIMITED

-and-

(3) WM MORRISON SUPERMARKETS PLC

-and-

(4) ST GEORGE PLC

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**SECOND DEED OF VARIATION AND SUPPLEMENTATION TO A PLANNING OBLIGATION  
MADE PURSUANT TO SECTION 106 AND SECTION 106A OF THE TOWN AND  
COUNTRY PLANNING ACT 1990 AND OTHER POWERS  
RELATING TO CAMDEN GOODS YARD  
CHALK FARM ROAD, LONDON**

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**Winckworth  
Sherwood**

Solicitors and  
Parliamentary Agents

This Deed is made the **3<sup>RD</sup>** day of **DECEMBER** 2020

BETWEEN

1. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "**the Council**");
2. **SAFWAY STORES LIMITED** (Co. Regn. No. 00746956) whose registered office is at Hilmore House Gain Lane Bradford West Yorkshire BD3 7DL (hereinafter called "**the First Owner**"); and
3. **WM MORRISON SUPERMARKETS PLC** (Co. Regn. No. 358949) whose registered office is at Hilmore House Gain Lane Bradford West Yorkshire BD3 7DL (hereinafter called "**the Second Owner**"); and
4. **ST GEORGE PLC** (Co. Regn. No. 01910542) whose registered office is at Berkeley House 19 Portsmouth Road Cobham Surrey KT11 1JG ("**SG**").

#### **BACKGROUND**

- (A) On 15 June 2018 the Council and the First Owner entered into an agreement pursuant to Section 106 of the Act which was subsequently varied on 5 May 2020 between the parties hereto ("**the Section 106 Agreement**").
- (B) On 5 May 2020 the Council granted the Second Planning Permission which varied the Original Planning Permission.
- (C) The Council remains the local planning authority for the purposes of the Planning Permission and the local highway authority for the purposes of the 1980 Act for the area in which the Property is located.
- (D) The First Owner is the proprietor of the freehold interest in the Property registered at HM Land Registry under title numbers NGL755432 and NGL703708 and the proprietor of three further leasehold interests in the Property registered at HM Land Registry under title numbers NGL861438, BB3995 and BB3997.
- (E) The Second Owner is the proprietor of two 999 year leasehold interests in the Property granted by the First Owner registered at HM Land Registry under title numbers BB3987 and BB3989.
- (F) SG has a contractual interest to acquire part of the Property from the First Owner following completion of the Development.
- (G) St George West London Limited is the subsidiary company of and wholly owned by SG and is the proprietor of four leasehold interests in the Property registered at HM Land Registry under title numbers BB3990, BB3991, BB3993 and BB3994 but the Council agrees St George West London Limited is not required to be a signatory to this Deed

**"Plan 2"** means the plans marked "Plan 2" annexed hereto showing the London Affordable Rented Housing Units shaded in yellow orange and red and marked as such on approved plans all with prefix (1095\_00\_07\_): 100 (REV P4); 101 (REV P5); 102 (REV P5); 103 (REV P5); 104 (REV P5); 105 (REV P5); 106 (REV P4); 107 (REV P4); 108 (REV P4) and in accordance with the accommodation schedule prepared by Allies & Morrison Architects Section 73 application mix 30 October 2020;

**"Plan 4"** means the plan with drawing no. 1095\_00\_07\_011 labelled Masterplan Drawings Affordable Workspace Location (REV P4) and marked "Plan 4" annexed hereto showing the location of the Affordable Workspace (shaded orange)

**"Plan 15"** means the plan with drawing no. 1095\_00\_07\_019 (REV P3) labelled Masterplan Drawings Independent Retail Units and marked "Plan 15" annexed hereto showing the location of the Independent Retail Units (shaded orange)

**"Plan 20"** means the plan with drawing no. 1095\_00\_07\_031 (REV P2) labelled Masterplan Drawings Light Industrial Workspace and marked "Plan 20" annexed hereto showing the location of the Light Industrial Workspace (shaded in orange)

**"Planning Permission"** means the planning permission dated 15 June 2018 with reference 2017/3847/P and/or the Second Planning Permission and/or the Third Planning Permission

**"Second Planning Permission"** means the second planning permission granted by the Council dated 5 May 2020 with reference 2020/0034/P

**"Supermarket Development"** means the foodstore (class A1) and ancillary office and café (which forms part of the Phase 2b Development);

2. The following new definitions shall be added to clause 2 of the Section 106 Agreement:

**"Second Deed of Variation"** means the deed of variation to the Agreement made on [3<sup>rd</sup> December 2020] pursuant to Section 106 and Section 106A of the Act; Section 16 of the Greater London Council (General Powers) Act 1974; Section 111 of the Local Government Act 1972; and Section (1)(1) of the Localism Act 2011;

**"Third Planning Application"** means the third application for planning permission submitted under Section 73 of the Act validated by the Council on 23 July 2020 and given reference number 2020/3116/P for a minor material amendment to amend conditions 3 (approved drawings) and 73 (number and mix of residential units) of the Second Planning Permission for additional storeys across buildings A, B, C and F creating 71 additional residential units (52 market, 19 affordable) (Class C3) and associated elevational changes; relocation of concierge to Block A and alterations to basement and landscaping

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



.....  
Authorised Signatory

Executed as a deed by )  
as attorney for )  
**SAFWAY STORES LIMITED** )  
in the presence of: )

*Signature of attorney*

Witness signature:

Name:

Address:

Executed as a deed by )  
as attorney for )  
**WM MORRISON SUPERMARKETS PLC** )  
in the presence of: )

*Signature of attorney*

Witness signature:

Name:

Address: