

Dated 18th August

2006

THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF HARROW

-and-

TRY HOMES LIMITED

-and-

HSBC BANK PLC

-and-

TESCO STORES LIMITED

DEED OF VARIATION

Under s.106 Town and Country Planning Act 1990
Relating to 375-379 Uxbridge Road Hatch End
in the London Borough of Harrow

Directorate of Legal Services
London Borough of Harrow
PO Box 2
Civic Centre
Harrow
HA1 2UH

DX 30450 HARROW 3

Tel: 020 8424 7663
Fax: 020 8424 1557

UL-000882/003678



THIS DEED OF VARIATION is made the 18TH day of August Two thousand and six BETWEEN (1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HARROW of PO Box 2 Civic Centre Station Road Harrow Middlesex HA1 2UH ("the Council") AND (2) TRY HOMES LIMITED (company registration number 01108676) whose registered office is at Cowley Business Park Cowley Uxbridge Middlesex UB8 2AL ("the Developer") AND (3) HSBC BANK PLC (company registration number 00014259) whose registered office is at 8 Canada Square London E14 5HQ ("the Mortgagee") and TESCO STORES LIMITED (company registration number 00519500) whose registered office is at Tesco House Delamare Road Cheshunt Hertfordshire EN8 9SL (" the Lessee")

INTERPRETATION

1. In this Agreement the following words and expressions shall unless the context otherwise requires have the following meanings: -

WORDS AND EXPRESSIONS

MEANINGS

"the Revised Application Plans"

means the plans and drawings forming part of the planning application bearing reference P/3118/05/CFU and set out in the Second Model Planning Notice

"the Second Model Planning Notice"

means the sample notice of grant of planning permission annexed to this Agreement

"the Second Planning Application"

means the application for planning permission statutorily acknowledged by the Council on 10th January 2006 under the Council's reference P/3118/05/CFU

"the New Planning Permission"

means the planning permission to be granted pursuant to the Second Planning Application in the precise form of the Second Model Planning Notice

RECITALS

- (1) This Agreement is supplemental to a Deed of Agreement dated 28th October 2005 ("the Principal Agreement") entered into by the parties hereto relating to land at 375-

379 Uxbridge Road Hatch End Harrow ("the Land") and the obligations in this Agreement are planning obligations for the purposes of section 106 of the Town and Country Planning Act 1990 as amended (the 1990 Act)

- (2) The Council is the Local Planning Authority for the area in which the Land is situated and by whom the obligations in this Agreement and the Principal Agreement are enforceable
- (3) The Developer is the freehold owner of the Land and is registered at HM Land Registry with freehold title absolute NGL797271 in respect of the Land
- (4) The Developer as freehold owner of the Land has charged the Land to the Mortgagee
- (5) By a lease dated 4th July 2005 the Developer leased part of the Land to the Lessee
- (6) The Council decided at a meeting of its Development Control Committee on 15th March 2006 to grant planning permission in the form of the Second Model Planning Notice subject to the variation of the Principal Agreement
- (7) The parties to this Agreement have agreed to the variation of the Principal Agreement in the manner set out below with the intent that the same should be binding not only upon the said parties but also upon their successors in title and any person claiming through under or in trust for them

NOW THIS DEED WITNESSES as follows:

On and from the date of this Agreement the Principal Agreement shall be read and construed and shall have effect as if references therein to:

- a) "the Application Plan" means "the Revised Application Plans"
 - b) "the Model Planning Notice" means "the Second Model Planning Notice"
 - c) "the Planning Application" means "the Second Planning Application"
 - d) "the Planning Permission" means "the New Planning Permission"
2. **SAVE** as varied by this Agreement the Principal Agreement shall remain in full force and effect in all other respects



Harrow

LONDON

Urban Living
Executive Director
Tony Lear

TRY HOMES LTD
THAMES VALLEY REGION
TEAL HOUSE
COWLEY BUSINESS PARK
COWLEY, UXBRIDGE, UB8 2AL

DRAFT * DRAFT * DRAFT * DRAFT * DRAFT * DRAFT * DRAFT * DRAFT * DRAFT * DRAFT

TOWN & COUNTRY PLANNING ACT 1990

27th March 2006

GRANT/APPROVE SUBJECT TO LEGAL AGREEMENT

Ref: P/3118/05/CFU

With reference to the application received on 19th December 2005 accompanied by Drawing(s)
See Informative below:

For: 4 STOREY BUILDING, RETAIL ON GROUND FLOOR, 12 FLATS ABOVE / 7 HOUSES IN 3
STOREY TERRACE / 4 FLATS IN 2-STOREY BUILDING, ACCESS / PARKING

At: 375 - 379 UXBRIDGE RD HATCH END.

THE COUNCIL OF THE LONDON BOROUGH OF HARROW, the Local Planning Authority,
GRANT/APPROVE subject to legal agreement and the following condition(s):-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2. Within 14 days of the date of the permission hereby granted samples of the materials to be used in the construction of the external surfaces noted below shall be submitted to, and approved in writing by, the local planning authority:
(a) the extension/building(s)
The development shall be completed in accordance with the approved details and shall thereafter be retained.
REASON: To safeguard the appearance of the locality.

3. Within 14 days of the date of the permission hereby granted the frontage of the site shall be enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until demolition/site works and clearance have been completed, and the development is ready for occupation.
REASON: In the interests of amenity and highway safety.

4. Before the development hereby permitted is occupied a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the local planning authority.
The boundary treatment shall be completed:
b: before the building(s) is/are occupied
The development shall be completed in accordance with the approved details and shall thereafter be retained.
REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

5. Before the development hereby permitted is occupied, there shall be submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities.
REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.
REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.
7. The existing access(es) shall be closed when the new access(es) hereby permitted is / are brought into use, and the highway shall be reinstated in accordance with details to be submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the reinstatement works have been completed in accordance with the approved details. The works shall thereafter be retained.
REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.
8. The access carriageway shall be constructed to base course in accordance with the specification and levels agreed before works commence on the building(s) hereby permitted, and the carriageway and footways completed before any building is occupied in accordance with details to be submitted to, and approved by, the local planning authority. The development shall thereafter be retained.
REASON: To ensure that the traffic generated by the building operations will not interfere with the free flow of traffic on the public highway and that the road and footway shall be of an adequate specification for the anticipated traffic.
9. Within 14 days of the date of the permission hereby granted details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, shall be submitted to, and approved in writing by, the local planning authority.
REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.
10. The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number(s) 15632/2002/C have been constructed and surfaced with impervious materials, and drained in accordance with



details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety.

11. The proposed garage(s) and parking space(s) shall be used only for the parking of private motor vehicles (and domestic storage if appropriate) in connection with the development hereby permitted and for no other purpose.
REASON: To ensure that the parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A to E in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.
REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:-
 - (a) amenity space
 - (b) parking spaceand to safeguard the amenity of neighbouring residents.

13. Before the development hereby permitted is occupied a scheme for:-
 - (a) The storage and disposal of refuse/waste shall be submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.
REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

14. Within 14 days of the date of the permission hereby granted surface water attenuation/storage works shall be provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.
REASON: To prevent the increased risk of flooding.

15. Within 14 days of the date of the permission hereby granted a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extent of this site investigation shall be agreed with the Planning Authority prior to commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved.
REASON: To prevent pollution of the water environment.
16. Within 14 days of the date of the permission hereby granted, details of the construction of the site foundations shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To prevent pollution of groundwater.
17. No soakaways shall be constructed in contaminated ground.
REASON: To prevent pollution of groundwater.
18. Within 14 days of the date of the permission hereby granted, details regarding the construction of the surface and fuel drainage system shall be submitted to and approved in writing by the Planning Authority.
REASON: To prevent pollution of the water environment, and to ensure a co-ordination of the interests represented by the various sewerage and drainage authorities.
19. The development hereby permitted shall not commence until details that show how the principles and practices of the Secured by Design Award Scheme are to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.
REASON: In the interests of creating safer and more sustainable communities and to safeguard residential amenity by reducing the risk of crime and the fear of crime.
20. The standard for all main entrance door sets to individual dwellings and communal entrance door sets throughout the development hereby permitted shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets'.
REASON: In the interests of creating safer and more sustainable communities and to safeguard residential amenity by reducing the risk of crime and the fear of crime.
21. The standard for all window sets on the ground floor of the development and those



adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

REASON: In the interests of creating safer and more sustainable communities and to safeguard residential amenity by reducing the risk of crime and the fear of crime.

22. Prior to the occupation of the development hereby permitted, details that show how the standards set out in the Park Mark™ Safer Parking Award Scheme Guidelines are to be incorporated into the provision of the surface parking element of the scheme hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works. Once approved, the development shall be carried out in accordance with the agreed details.

REASON: In the interests of providing a safe parking environment compatible with delivering safer and more sustainable communities and to safeguard residential amenity by reducing the risk of crime and the fear of crime.

23. Deliveries to the ground floor commercial use shall not occur outside the following times:- 7.00am to 10.00pm Monday to Friday and 8.00am-7.00pm on Sundays & Bank Holidays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

24. Notwithstanding the details on the approved drawings no occupation of the buildings shall take place until details of the second floor roof treatment of the rear elevation of the seven houses, to indicate a solid parapet, have been submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the privacy and amenity of neighbouring residents.

25. INFORMATIVE:

The applicant is advised that works carried out in advance of a valid planning permission and/or failing to discharge conditions precedent may render the development unlawful.

26. INFORMATIVE:

Harrow Council has published a leaflet "ACCESS FOR ALL", containing design guidelines for the provision of safe and convenient access for all disabled groups. A copy is attached.

27. INFORMATIVE:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building



work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

A copy of the Office of the Deputy Prime Minister booklet "The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from:

ODPM Free Literature, PO Box 236, Wetherby, LS23 7NB

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: odpm@twoten.press.net

Website: <http://www.safety.odpm.gov.uk/bregs/walls.htm>

28. INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

29. INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan:

- SD1 Quality of Design
- SD3 Mixed-Use Development
- ST1 Land Uses and the Transport Network
- SH1 Housing Provision and Housing Need
- D4 Standard of Design and Layout
- D5 New Residential Development - Amenity Space and Privacy



- D7 Design in Retail Areas and Town Centres
- D10 Trees and New Development
- T13 Parking Standards
- T15 Servicing of New Developments
- H4 Residential Density
- H5 Affordable Housing
- EM5 New Large-Scale Retail and Leisure and other Development
- EM8 Enhancing Town Centres

30. INFORMATIVE:

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award. For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

31. INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

32. INFORMATIVE:

In aiming to satisfy the Community Safety condition(s) the applicant should seek the advice of the Borough Crime Prevention Design Advisors (CPDA). They can be contacted through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of this / these condition(s).

33. INFORMATIVE:

Any detailed application should include a design statement that demonstrates how crime prevention measures have been considered. These should as appropriate reflect each of the seven attributes of sustainability linked to crime prevention introduced in part 2 of "Safer Places - The Planning System and Crime Prevention".

34. INFORMATIVE:

Plan No's: 1476/AL-00 RevB, 15632/2002 C, TW222-A-001, TW222-A-002, TW222-A-

003, TW222-A-004, TW222-A-010, TW222-B-001, TW222-B-002, TW222-B-003,
TW222-B-004, TW222-B-010, TW222-B-011, TW222-C-001, TW222-C-010



EXECUTED AS A DEED but not delivered until the day and year written above

THE COMMON SEAL OF THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF HARROW was hereunto)
Affixed to this Deed in the presence of: -)



14/6/380

Authorised Officer

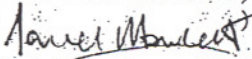
THE COMMON SEAL OF TRY HOMES)
LIMITED was hereunto affixed to this)
Deed in the presence of: -)

Director

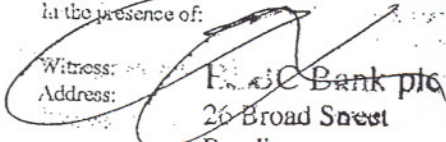
Secretary

IN WITNESS WHEREOF this document which
is intended to take effect as a deed has been duly executed
by a duly authorised Official of the Bank as Attorney of the
Bank the day and year first above written:

SIGNED AND DELIVERED)

by  Attorney of
HSBC Bank plc

In the presence of:

Witness: 
Address: HSBC Bank plc
26 Broad Street
Reading
Berkshire
RG1 2BU

EXECUTED AS A DEED BY TESCO STORES)
LIMITED in the presence of: -)

Director

Secretary