DATED 27 March 2017

(1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HARINGEY

and

(2) J W CLINE ROAD LIMITED

SUPPLEMENTAL DEED

RELATING TO LAND KNOWN AS CLINE ROAD LOCK UP GARAGES N11 2NE

PURSUANT TO SECTION 106

OF THE TOWN AND COUNTRY PLANNING ACT 1990

Bernie Ryan
Assistant Director of Corporate Governance
London Borough of Haringey
Alexandra House
10 Station Road
Wood Green
London N22 7TR

Legal Ref: LEG/PP/HXF/53554
Planning Ref: HGY/2016/0558

DATE 27 MARCH 2017

PARTIES

(1) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HARINGEY** of Civic Centre Wood Green London N22 4LE ("Council") of the first part

(2) **J W CLINE ROAD LIMITED** (company registration number 9724836) of Unit 11, Worton Court, Worton Road, Isleworth TW7 6ER ("Owner") of the second part

together "the Parties".

WHEREAS

1. The Council is the Local Planning Authority for the purposes of the Act for the area within which the Supplemental Land is situated.

2. The Owner is the owner with freehold title absolute of the Supplemental Land registered at the Land Registry under title numbers MX92538, NGL454391, P41283, AGL386085 and AGL394183.

3. The Original Section 106 Agreement was entered into in connection with the Original Planning Permission and required entry into the Supplemental Section 106 Agreement.

4. The Parties are entering into this Deed to satisfy the obligation in the Original Section 106 Agreement to enter into the Supplemental Section 106 Agreement.

5. The Council having duly complied with all duties imposed on it by or under the Act and having had regard to the provisions of the London Borough of Haringey's development plan and all other material considerations has resolved by its officers to enter into this Deed.

NOW THIS DEED WITNESSETH as follows:-

1. Enabling Powers and Interpretation

1.1. The words and expressions used herein shall have the same meaning as in the Original Section 106 Agreement unless otherwise defined herein.

1.2. In this Deed the following words and expressions have the following meanings:

"Development"	the demolition of existing lock-up garages and construction of 9 residential units (comprising 6 x 4 bed town houses, 2 x 2 bed flats and 1 x 1 bed flat) and 87.9sqm of commercial floor area with associated access road, parking areas and cycle stores in accordance with the Original Planning Permission.
"Original Planning Permission"	planning permission HGY/2016/0558 granted on 26 September 2016 for the Development.
"Original Section 106 Agreement"	the agreement under section 106 of the Act entered into by (1) the Council (2) the Owner on 23 September 2016.

"Supplemental Land"	the land and premises known as land at Cline Road Lock Up Garages N11 2NE as shown indicatively on the Supplemental Land Plans.
"Supplemental Land Plans"	the plans at the Schedule to this Deed.

1.3. This Deed is made pursuant to section 106 of the Act, section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011 and any other enabling statutory provisions.

1.4. Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies corporations and other artificial persons.

1.5. Any reference to a specific statute or statutes includes any statutory extension or modification amendment or re-enactment of such statute and any regulations or orders made under such statute.

1.6. The clause and paragraph headings do not form part of this Deed and shall not be taken into account in its construction or interpretation.

1.7. Any obligation, covenant, undertaking or agreement by the Owner not to do any act or thing includes an obligation, covenant, undertaking or agreement not to permit or allow the doing of that act or thing.

2. Taking Effect

It is hereby agreed between the Parties that the provisions of this Deed shall take effect immediately.

3. Application of Section 106 of the Act

3.1. It is hereby agreed that the covenants and conditions in this Deed are planning obligations for the purposes of section 106 of the Act and that the Council is the local planning authority by whom they may be enforced.

3.2. Both positive and restrictive covenants and undertakings herein on the part of the Parties are entered into with the intent that the same shall be enforceable without limit of time not only against the Parties but also against their successors in title and assigns and any person corporate or otherwise claiming through or under the Parties an interest or estate created after the date hereof in the Supplemental Land or any part or parts thereof as if that person had also been an original covenanting party in respect of such of the covenants and undertakings which relate to the interest or estate for the time being held by that person.

3.3. No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Supplemental Land but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

3.4. This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Original Planning Permission shall be quashed or revoked or otherwise withdrawn or shall expire prior to the Implementation Date.

4. Variations to the Original Section 106 Agreement

It is hereby agreed that:

4.1. The obligations, covenants and undertakings in the Original Section 106 Agreement entered into by the Owner shall be binding on the Owner's interest in the Supplemental Land pursuant to section 106 of the 1990 Act as if the said obligations, covenants and undertakings in the Original Section 106 Agreement were set out in this Supplemental Deed in full with the intent that, subject to clause 3 of the Original Section 106 Agreement, the said obligations, covenants and undertakings shall be enforceable by the Council not only against the Owner but also against any successors in title to or assignees of the Owner and any person claiming through or under it an interest or estate in the Supplemental Land but for the avoidance of doubt any obligation to pay any monies shall apply only once and shall not be payable again under the terms of this Deed.

4.2. The Original Section 106 Agreement shall remain in full force and effect as varied and supplemented by this Deed.

5. Registration

5.1. This Deed shall be registered as a Local Land Charge.

5.2. The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar to register this Deed in the Charges Registers to the titles to the Supplemental Land and will furnish the Council forthwith on written demand with office copies of such title to show the entry of this Deed in the Charges Registers of the titles to the Supplemental Land.

5.3. Following the performance and satisfaction of all of the obligations contained in this Deed the Council shall upon receiving a written request in writing from the Owner forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.

6. Third Party Rights

The Parties to this Deed do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

7. Jurisdiction

This Deed is governed and interpreted in accordance with the law of England and Wales.

8. Costs

The Owner shall upon completion of this Deed pay the Council's reasonable legal costs incurred in drafting, negotiating and completing the Deed.

9. Delivery

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been executed and dated.

SCHEDULE

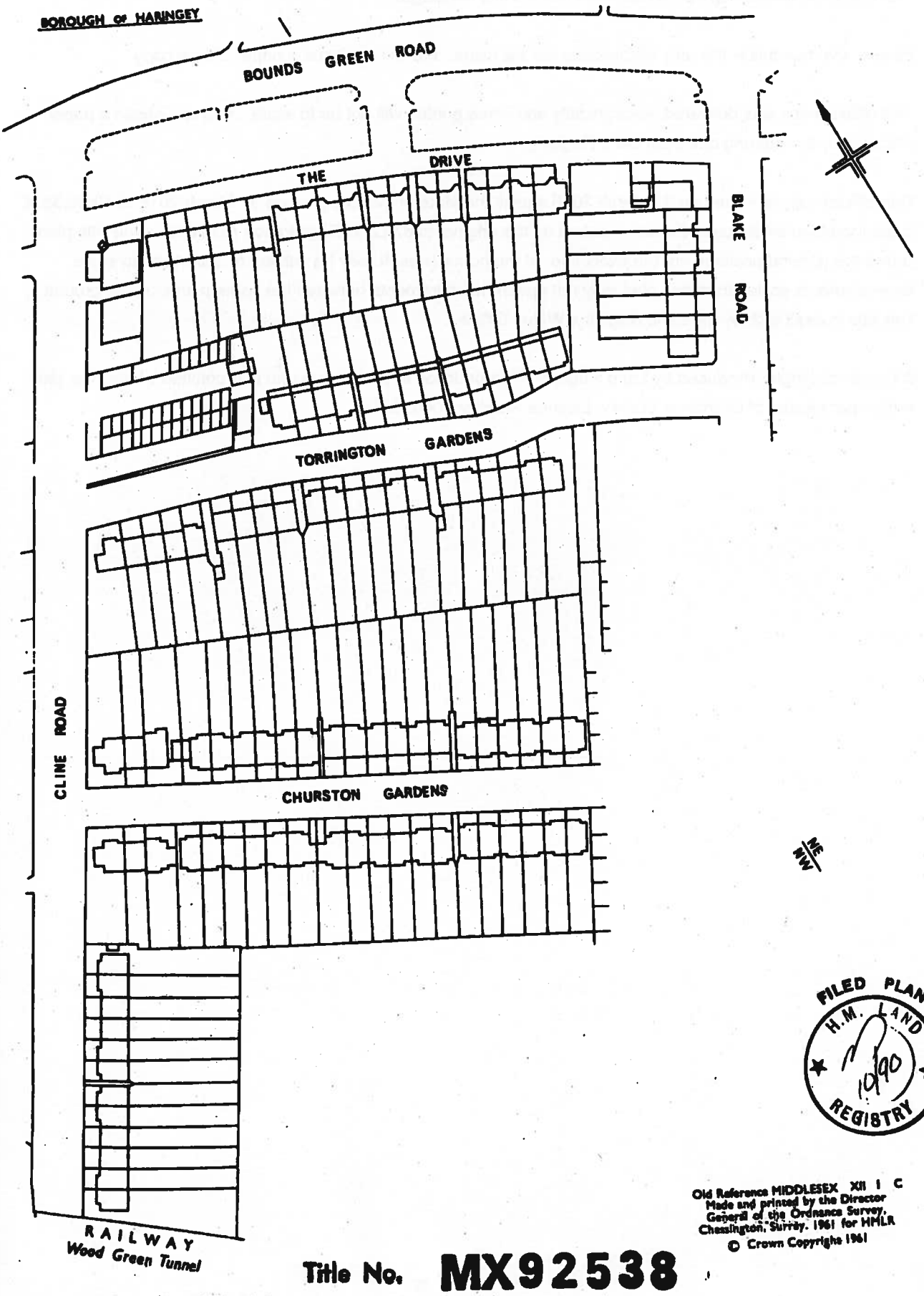
The Supplemental Land Plans

H. M. LAND REGISTRY

NATIONAL GRID PLAN TQ2991 SECTION V

GREATER LONDON

Scale 1/1250



FILED PLAN H.M. LAND REGISTRY 1990

Old Reference MIDDLESEX XII 1 C
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Title No. MX92538

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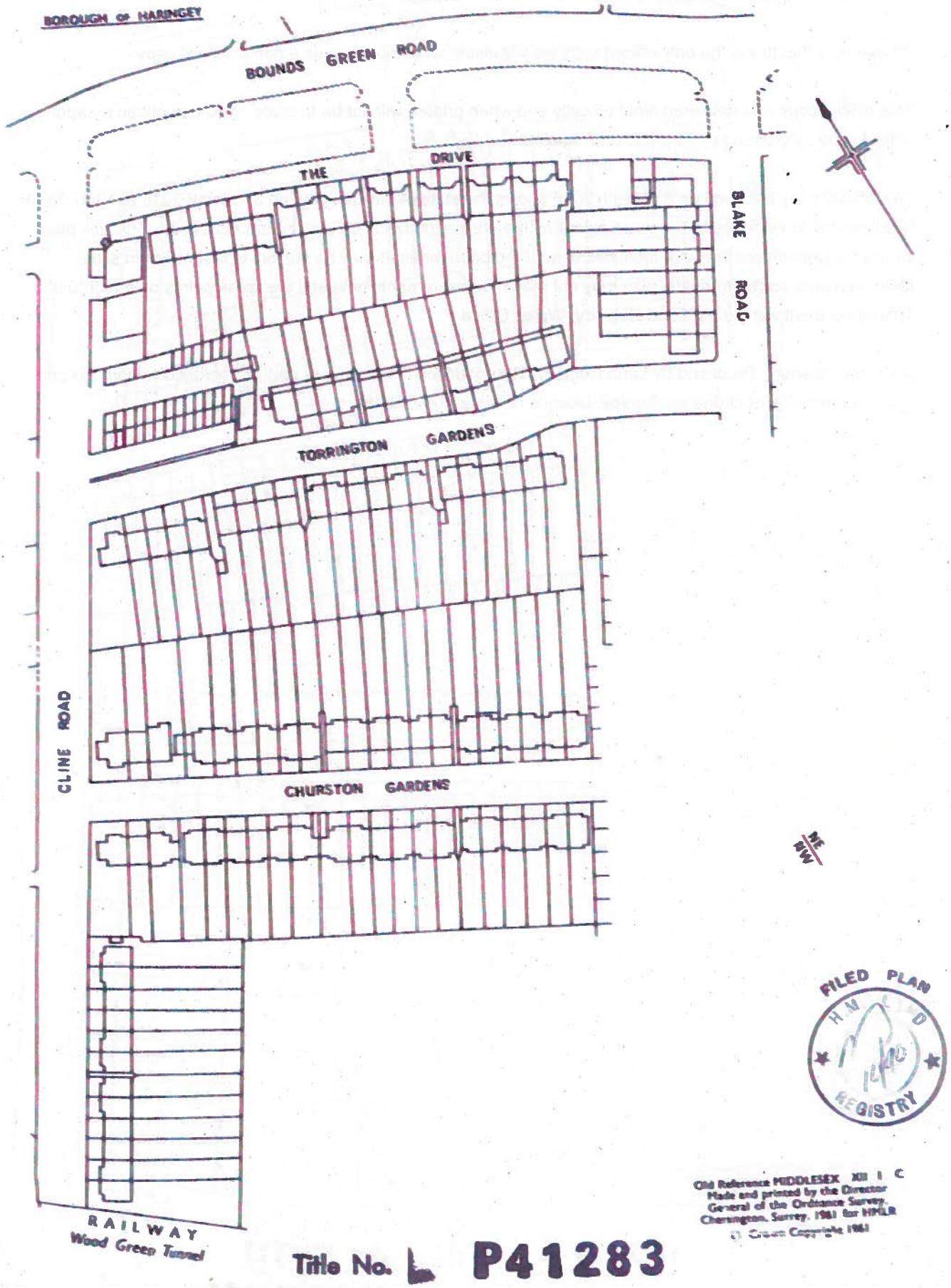
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H. M. LAND REGISTRY

NATIONAL GRID PLAN TQ2991 SECTION V

GREATER LONDON ®

Scale 1/1250



FILED PLAN

H.M.L.R.O.

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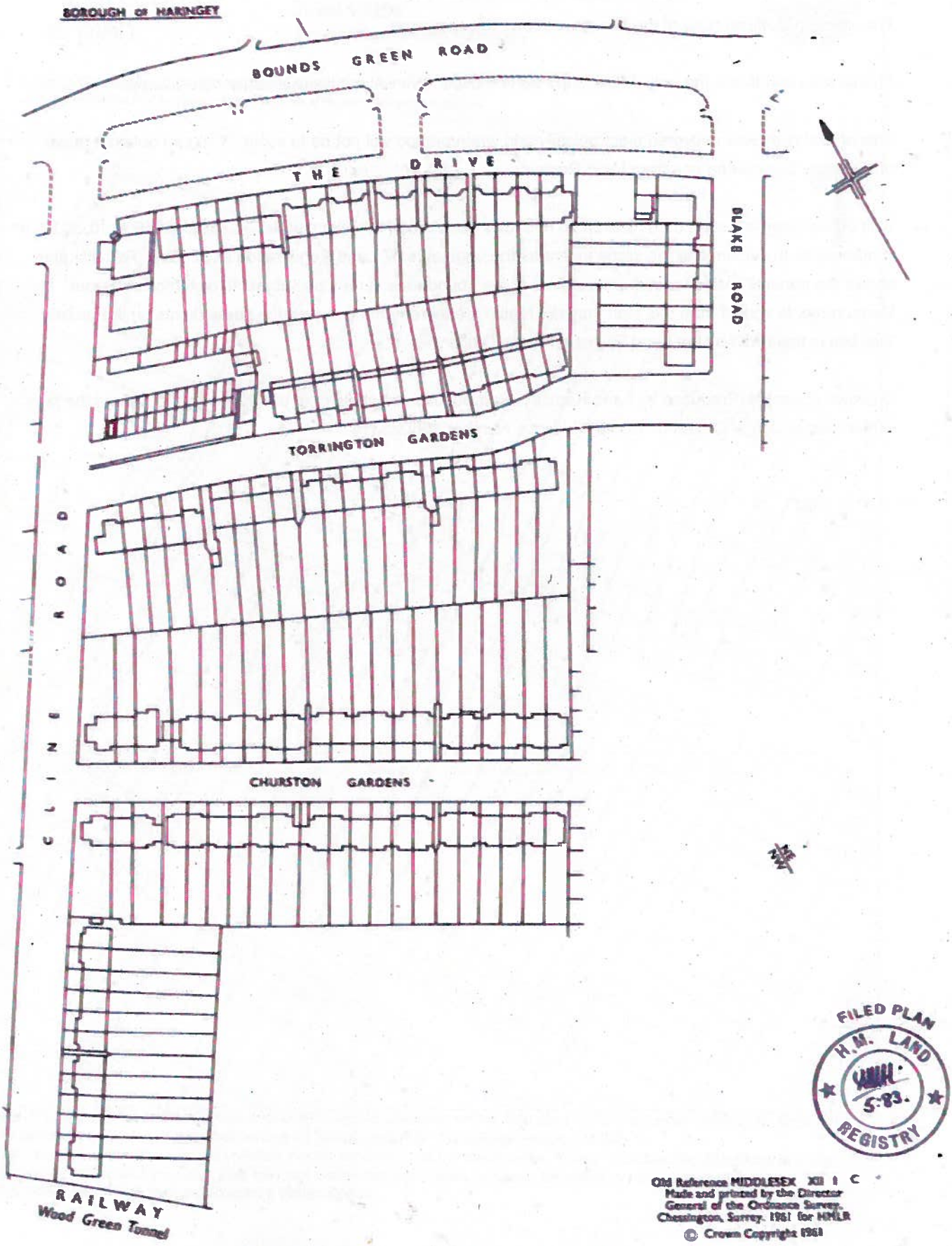
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H. M. LAND REGISTRY GENERAL MAP

NATIONAL GRID PLAN TQ 2991 SECTION V

GREATER LONDON

Scale 1/1250



FILED PLAN
H.M. LAND
5.83.
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TITLE No NGL454391

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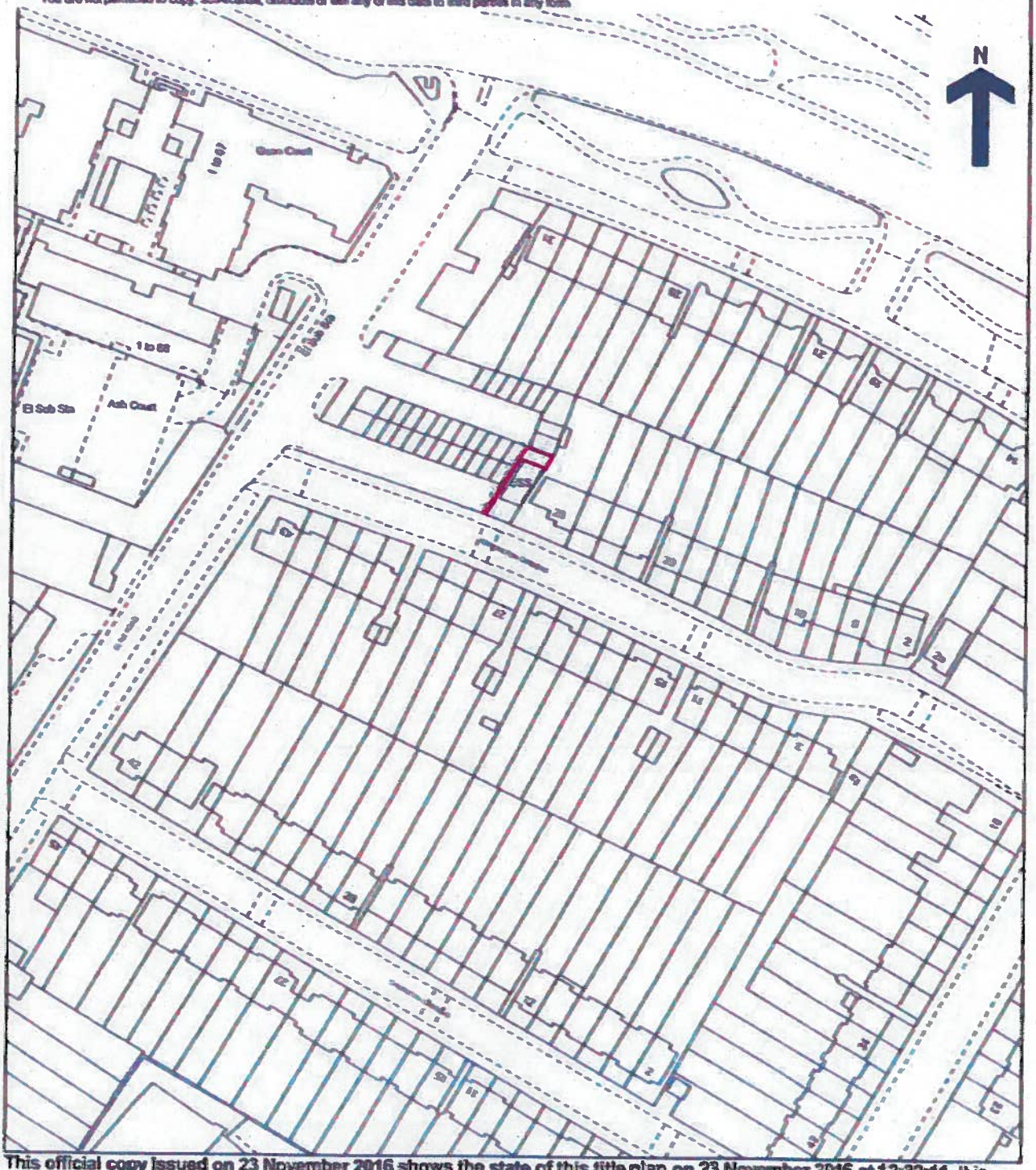
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Title number **AGL386085**
Ordnance Survey map reference **TQ2991NW**
Scale 1:1250
Administrative area Haringey

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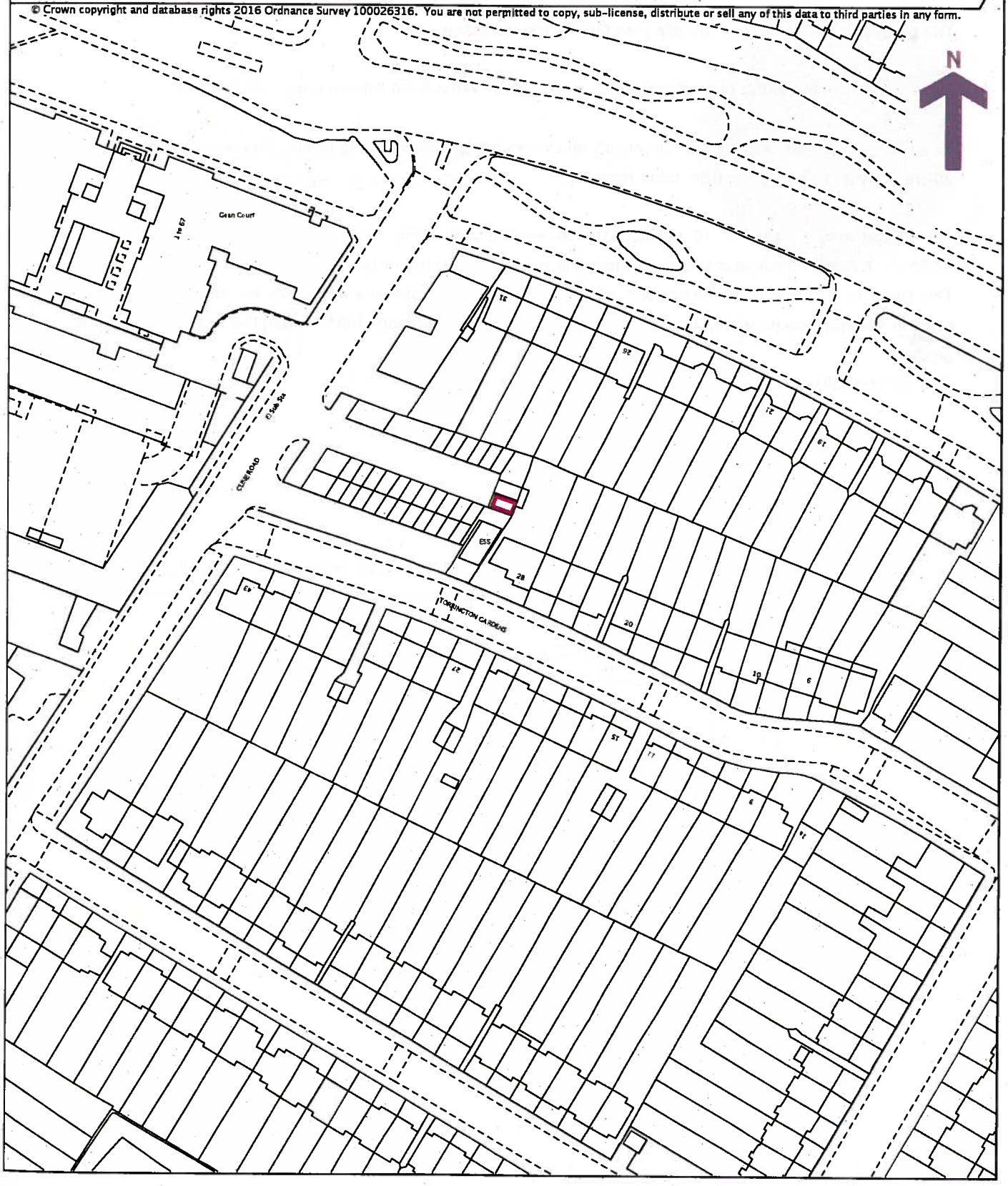


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Title number **AGL394183**
Ordnance Survey map reference **TQ2991NW**
Scale **1:1250**
Administrative area **Haringey**

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This title is dealt with by the Land Registry, Wales Office .

IN WITNESS whereof the parties have executed this instrument as a Deed the day and year first before written

THE COMMON SEAL OF)
THE MAYOR AND BURGESSES OF THE)
LONDON BOROUGH OF HARINGEY)
was affixed by Order:)



JACQUELINE LONGMORE

Authorised Officer

EXECUTED AS A Deed by **J W CLINE ROAD LIMITED**)
acting by two directors or a director and the company secretary:)

Director:

Director / Secretary: