

Dated 24 SEPTEMBER 2007**FILE COPY**

**THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF HARROW (1)**

- and -

**THE KEEPERS AND GOVERNORS OF THE
POSSESSIONS REVENUES AND GOODS OF THE
FREE GRAMMAR SCHOOL OF JOHN LYON (2)**

DEED OF VARIATION

**Relating to land at The John Lyon School
Middle Road, Harrow on the Hill
in the London Borough of Harrow**

LB Harrow Legal Services

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Ref: LP/ND/PAG13393

THIS DEED OF AGREEMENT is made the 24 day of SEPTEMBER ^{Seven} ~~Five~~ Thousand and ~~Five~~ ^{Seven} BETWEEN (1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HARROW of PO Box 2 Civic Centre Station Road Harrow Middlesex HA1 2UH (hereinafter called "the Council") of the one part and THE KEEPERS AND GOVERNORS OF THE POSSESSIONS REVENUES AND GOODS OF THE FREE GRAMMAR SCHOOL OF JOHN LYON Middle Road Harrow on the Hill Middlesex (hereinafter called "the Developer") of the other part

WHEREAS

- (1) By a Deed dated 23 June 1995 (hereinafter called "the Principal Deed") made between the Council of the first part the Developer of the second part and NATIONAL WESTMINSTER BANK PLC of the third part the Developer agreed inter alia that the number of pupils enrolled for full time education at the School should not exceed 525 or such increase as should be first approved in writing by the Council
- (2) In this Deed where the context so admits or requires words and expressions and phrases shall have like meanings as in the Principal Deed and in particular the expressions "the Land" and "the School" used herein have the same meaning as is given to those expressions in the Principal Deed
- (3) Upon completion of the Principal Deed the Council as local planning authority granted planning permission for the Development on the Land under its reference number WEST/695/94/FUL (hereinafter called "the Planning Permission")
- (4) The Developer has submitted to the Council a written request dated 10 October 2003 to allow the School roll to be increased from 525 to 600
- (5) The Council decided at its meeting of its Development Control Committee on 18th May 2004 to allow the School roll to be increased from 525 to 600 subject to the prior submission and implementation by the Developer of a travel plan which has first been agreed by the Council

(6) The parties hereto propose that the Principal Deed be supplemented as hereinafter provided and have accordingly agreed to enter into this Deed upon the terms and conditions hereinafter appearing with the intent that it should be binding not only upon the said parties but also upon any person deriving title from them as provided by Section 106 of the Town and Country Planning Act 1990 as amended (hereinafter called "the 1990 Act") and any persons claiming through under or in trust for them

NOW THIS DEED WITNESSETH as follows:-

1. **THE PARTIES HERETO AGREE** that the School roll be increased from 525 to 600 subject to the prior submission and implementation by the Developer of a travel plan which has first been agreed in writing by the Council
2. **THIS Deed is entered into and completed pursuant to the 1990 Act and the obligations entered into by the Developer and hereinafter contained shall be ones to which the provisions of Section 106 of the 1990 Act shall apply**
3. **EACH** of the obligations created by this Deed constitutes a planning obligation for the purposes of Section 106 of the 1990 Act and are enforceable by the Council as such
4. **THE provisions of this Deed shall become binding upon the parties hereto upon the completion hereof**
5. **THE covenants conditions and other provisions contained in the Principal Deed are supplemented by this Deed and in addition are hereby ratified and confirmed and shall continue in full force and effect**
6. **THE Developer shall on the execution hereof pay the Council's costs incurred in the preparation and settlement of this Deed**

7. A memorandum of this Deed shall be immediately endorsed upon the Principal Deed

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

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

-Mayer-

Authorised Officer

THE COMMON SEAL OF THE KEEPERS
AND GOVERNORS OF THE POSSESSIONS
REVENUES AND GOODS OF THE FREE
GRAMMAR SCHOOL OF JOHN LYON was
hereunto affixed to this Deed in the
presence of:

Two of the said Keepers
and Governors

The Clerk