

DATED

24 May

2023

(1) PEARSON EDUCATION LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 19 September 2016
Between the Mayor and the Burgesses of the
London Borough of Camden and
Pearson Education Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
ENTERPRISE HOUSE 190 HIGH HOLBORN LONDON WC1V 7BH

Andrew Maughan
Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Tel: 020 7974 5680

G:\case files\culture & env\planning\hm\s106 Agreements\ Enterprise House,190 High Holborn(DoV)
CLS/COM/HM/1800.2473
DoV vFINAL 23/05/2023

THIS DEED is made on the 24th day of May 2023

BETWEEN

A **PEARSON EDUCATION LIMITED** (Co. Regn. No. 00872828) whose registered office is at 80 Strand, London WC2R 0RL (hereinafter called "the Owner") of the first part; and

B. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

WHEREAS:

- 1.1 The Council and Pearson Education Limited entered into an Agreement dated 19 September 2016 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the leasehold proprietor with Title absolute of the Property under Title Number NGL947121.
- 1.3 The Owner is the leasehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.4 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.
- 1.5 A new Planning Application in respect of the Property to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 20 February 2023 for which the Council resolved to grant permission conditionally under reference 2023/0713/P subject to the conclusion of this Deed.
- 1.6 This Deed is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.

1.1 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 so that the obligations in the Existing Agreement also binds the planning permission to be granted pursuant to the Planning Application.

2. INTERPRETATION

2.1 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 by this Deed.

2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 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.

2.4 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 Agreement and shall not effect the construction of this Deed.

2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.6 References in this Deed to the Owner shall include its successors in title.

2.7 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.8.1 "Deed"	this Deed of Variation made pursuant to Section 106A of the Act
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2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 19 September 2016 made between the Council and Pearson Education Limited.

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 19 September 2016 referenced 2015/6719/P allowing the change of use of the first and second floors of the existing building from Office (Class B1) use to Education/Training (Class D1) as shown on drawing numbers: PEAL3001_01 00; One90 1st Floor; One90 2nd Floor; 15-0xxx-1-GL B; 15-0xxx-2-GL B; Transport Assessment (January 2016); Energy and Sustainability Statement (January 2016); Cover Letter (1st December 2015); Pearson University Vision

3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

3.1.1 "Development" variation of condition 2 (personal permission) of planning permission 2015/6719/P granted 19/09/2016 for the change of use of the first and second floors of the existing building from Office (Class B1) use to Education/Training (Class D1); namely, amendment to company trading name as shown on drawing numbers: Letter by Newsteer dated 20 February 2023.

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2023/0713/P granted

by the Council in the form of the draft annexed hereto

3.1.3 "Planning Application" the application for Planning Permission in respect of the Property submitted on 20 February 2023 by the Owner and given reference number 2023/0713/P

3.2 Clause 4.7 of the Existing Agreement shall be removed in its entirety and replaced with the following:-

4.7 Use of Planning Permission

4.7.1 The Owner hereby covenants with the Council not to use the Property for the purposes of the Planning Permission otherwise than when Pearson Education Limited and Pearson College Limited are in occupation of the Property and in the event of non-compliance the Owner will cease occupation of the Property forthwith.

4.7.2 If at any time Pearson Education Limited and Pearson College Limited shall cease occupation of the Property the Owner shall forthwith advise the Council in the manner outlined at clause 6.1 hereof quoting planning reference 2023/0713/P.

4.7.3 After the Occupation Date the Owner shall not Occupy or permit Occupation of any part of the Development at any time other than by Pearson Education Limited and Pearson College Limited.

4.7.4 Upon Pearson Education Limited and Pearson College Limited vacating the Property the lawful use of the Property shall revert to Class E(g)(i) of the Use Classes Order.

4.8 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/6719/P" shall be replaced with "Planning Permission reference 2023/0713/P".

4.9 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

4. COMMENCEMENT

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2023/0713/P.

5. PAYMENT OF THE COUNCIL'S LEGAL COSTS

5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

6. REGISTRATION AS LOCAL LAND CHARGE

6.1 This Deed shall be registered as a Local Land Charge

IN WITNESS WHEREOF the Council has caused its Common Seal to be hereunto affixed and the Owner have executed this instrument as their Deed the day and year first before written.

EXECUTED AS A DEED BY
PEARSON EDUCATION LIMITED
in the presence of:-

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)
)

.....
Director

.....
Director/Secretary/Witness

BENJAMIN YAGER

3 THE RIDGEWAY, RADLETT, HERTFORDSHIRE, WD7 8PZ

**CONTINUATION OF DEED OF VARIATION IN RELATION TO
ENTERPRISE HOUSE 190 HIGH HOLBORN LONDON WC1V 7BH**

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

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Duly Authorised Officer

ANNEXURE
Draft Planning Permission



Application ref: 2023/0713/P
Contact: Duty Determination Team
Tel: 020 7974 XXXX
Date: 23 May 2023

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/planning

Newsteer Real Estate Advisers
C/O HubHub London
20 Farringdon Street
London
EC4A 4AB

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
Enterprise House
190 High Holborn
London
WC1V 7BH

Proposal:
Variation of condition 2 (personal permission) of planning permission 2015/6719/P granted 19/09/2016 for the change of use of the first and second floors of the existing building from Office (Class B1) use to Education/Training (Class D1); namely, amendment to company trading name.

Drawing Nos: Letter by Newsteer dated 20 February 2023.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 This permission is personal to Pearson Education Limited and Pearson College Limited and shall endure for the period of their occupation only. On Pearson Education Limited and Pearson College Limited vacating 190 High Holborn the university (Class F1) at first and second floor levels shall revert to the lawful use for Class E Office purposes.

Reason: In recognition of the special circumstances of the applicant/ occupier and to accord with policies, A1, E1, E2, C2 and G1 of the Camden Local Plan 2017.

- 2 Notwithstanding the provisions of Class F1 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the parts of the premises to which this application relates at first and second floor levels shall only be used for non-residential education and training uses, and for no other purpose within Class F1.

Reason: To ensure that the future occupation of the building does not reduce its employment generating potential or adversely affect the adjoining premises or immediate area by reason of noise, traffic congestion and excessive on-street parking pressure, in accordance with policies A1, A4, E1, E2, T1 and C2 of the Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: PEAL3001_01 00; One90 1st Floor; One90 2nd Floor; 15-0xxx-1-GL B; 15-0xxx-2-GL B; Transport Assessment (January 2016); Energy and Sustainability Statement (January 2016); Cover Letter (1st December 2015); Pearson University Vision.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Reasons for granting permission

Planning permission was previously granted for the change of use of the first and second floors from office to education/training use (reference 2015/6719/P on 19/09/2016). Personal planning permission was granted for Pearson Education Limited (secured by condition 2) meaning that when they vacate the site, it must be returned to office use.

Pearson Education Limited are still in occupation, but are seeking a variation of condition 2 to refer to both Pearson Education Limited and Pearson College Limited, a group company of the parent company. Pearson College Limited provide education use, with a very similar offer as Pearson Education Limited, ensuring that the site will still be used for the same purposes as considered during the determination of the original application.

The reason for imposing the condition was in recognition of the special circumstances of the applicant. The proposed amendment of the condition to incorporate a group company of the original applicant is considered to be in keeping with the intentions of the original condition. The proposed amendment therefore constitutes a minor amendment to the original application and is acceptable.

No other amendments are proposed and there would therefore be no impact on the character and appearance of the host building or the conservation area, or on neighbouring amenity.

No objections were received prior to the determination of this application. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with A1, E1, E2, C2 and G1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Supporting Communities Directorate

DRAFT