

DATED

18 December

2024

(1) POWIS STREET PROPERTY COMPANY LIMITED

and

**(2) ALLAN BRIAN COOPER and LIDA MAGUERITE ADELE
COOPER and HOWARD SAUL MARKHAM and
MARILYN BONITA MARKHAM**

and

(3) PRINCIPALITY BUILDING SOCIETY

and

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

SECOND DEED OF VARIATION

Relating to the Agreement dated 30 June 2017
Between the Mayor and the Burgesses of the
London Borough of Camden, The Hallam Partnership LLP and Howard Saul Markham and
Marilyn Bonita Markham, and Principality Building Society

under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
PHOENIX HOUSE 104-110 CHARING CROSS ROAD LONDON WC2H 0JN

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

Tel: 020 7974 3935

THIS DEED is made on the 18th day of December 2024

BETWEEN

1. **POWIS STREET PROPERTY COMPANY LIMITED** (Co. Regn. No. 00590682) of 10 Perrins Lane, Hampstead, London, NW3 1QY (hereinafter called "the Freeholder") of the first part
2. **ALLAN BRIAN COOPER and LIDA MAGUERITE ADELE COOPER** of 13 Erskine Hill, London NW11 6HA and **HOWARD SAUL MARKHAM and MARILYN BONITA MARKHAM** of 10 Westover Hill, London, NW3 7UH (hereinafter called "the Leaseholder") of second part
3. **PRINCIPALITY BUILDING SOCIETY** of P.O. Box 89, Principality Buildings, Queen Street, Cardiff CF10 1UA (hereinafter called "the Mortgagee") of third part
4. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the fourth part

WHEREAS:

- 1.1 The Council the Freeholder, the Hallam Partnership LLP and Howard Saul Markham and Marilyn Bonita Markham, and the Mortgagee entered into an Agreement dated 30 June 2017 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 On 18 September 2018 the Council the Freeholder, the Hallam Partnership LLP and Howard Saul Markham and Marilyn Bonita Markham, and the Mortgagee entered into the Deed of Variation ("the First Deed of Variation").
- 1.3 The Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute of the Property under Title Number NGL783489 subject to a charge to the Mortgagee.
- 1.4 The Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.

- 1.5 The Leaseholder is registered at the Land Registry as the leasehold proprietor with Title Absolute of the Property under Title Number NGL966825.
- 1.6 The Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.7 The Freeholder and the Leaseholder shall hereinafter be jointly referred to as "the Owner".
- 1.8 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL783489 and dated 19 November 2013 is willing to enter into this Agreement to give its consent to the same.
- 1.9 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.
- 1.10 The Planning Application was submitted to the Council by the Owner and validated on 7 June 2024 in respect of the Property to amend the Original Planning Permission (as amended by the planning permission 2018/0403/P) for which the Council resolved to grant permission conditionally under reference 2024/2311/P subject to the conclusion of this Deed.
- 1.11 This Deed of Variation 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.
- 1.12 Without prejudice to the terms of the other covenants contained in the Existing Agreement as varied by the First Deed of Variation the parties hereto have agreed to vary the terms of the Existing Agreement as varied by the First Deed of Variation as hereinafter provided.

2. INTERPRETATION

- 2.1 All words and phrases defined in the Existing Agreement as varied by the First Deed of Variation shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement as

varied by the First Deed of Variation 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 as varied by the First Deed of Variation are to clauses within the Existing Agreement as varied by the First Deed of Variation.
- 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 Agreement.
- 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 and Mortgagee shall include their 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.
 - 2.7.1 "Deed" this Deed of Variation made pursuant to Section 106A of the Act
 - 2.7.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 30 June 2017 made between (1) The Mayor and Burgesses of the London Borough of Camden; (2) Powis Street Property Company Limited; (3) The Hallam Partnership LLP and Howard Saul Markham and Marilyn Bonita Markham; and (4) and Principality Building Society as varied by the First Deed of Variation.

2.7.3 "First Deed of Variation"

the deed of variation to the Existing Agreement entered into pursuant to Section 106 of the Act dated 18 September 2018 made between the Council Powis Street Property Company Limited, the Hallam Partnership LLP and Howard Saul Markham and Marilyn Bonita Markham, and the Mortgagee

2.7.4 "the Original Planning Permission"

means the planning permission granted by the Council on 30 June 2017 referenced 2016/5190/P allowing Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats as shown on drawing numbers: - (P)001; (P)002; (P)003 revision C; (P)004 revision B; (P)005 revision B; (P)006 revision B; (P)007 revision B; (P)008 revision B; Design and Access Statement received 22/09/2016; Heritage Statement ref: 3115A; Load Capacity Investigation Report ref:15-064R_002; Detailed Construction Method Statement dated 19th September 2016; Planning Statement dated September 2016; and Energy & Sustainability Statement dated 15/09/2016

3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following definitions contained in the Existing Agreement as varied by the First Deed of Variation shall be varied as follows:

3.1.1 "Development"

The development permitted by the planning permission 2016/5190/P as amended by the planning permission reference 2018/0403/P as amended by; variation of conditions 2 (approved drawings) and 8 (cycle parking) of planning permission 2016/5190/P granted 30/06/2017 (as

later amended by planning permission 2018/0403/P dated 28/02/2018 and 2018/3308/P dated 18/09/2018) for erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats, namely to make changes to cycle parking as shown on drawing numbers.: - (P)001; (P)002; (P)003 revision G; (P)004 revision D; (P)005 revision D; (P)006 revision D; (P)007 revision D; (P)008 revision D; SK10012, revision C

3.1.3 "Planning Application" the application for Planning Permission in respect of the Property submitted on 07 June 2024 by the Owner and given reference number 2024/2311/P

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2024/2311/P granted by the Council in the form of the draft annexed hereto

3.1 All references in Clauses 5 and Clause 6 of the Existing Agreement as varied by the First Deed of Variation to "Planning Permission reference 2016/5190/P" shall be replaced with "Planning Permission reference 2024/2311/P".

3.2 Clause 4.2.1 shall be deleted in its entirety and replaced with the following: -

4.2.1 On or prior to the date of this Deed the Owner shall pay to the Council the Construction Management Plan Implementation Support Contribution in full and shall thereafter submit to the Council for approval a draft Construction Management Plan within 6 months of the date of this Deed.

3.3 The words "Not to" through to and inclusive of "Development" at 4.2.2 shall be deleted and replaced with the words "The Owner shall not undertake further works of Development at the Property."

3.4 Clause 4.3.1 shall be deleted in its entirety and replaced with the following: -

4.3.1 On or prior to the date of this Deed the Owner shall pay to the Council the Highways Contribution in full and shall thereafter submit to the Council for approval the Levels Plans within 6 months of the date of this Deed.

3.5 The words "Not to" through to and inclusive of "Implementation" at 4.3.2 shall be deleted and replaced with the words "The Owner shall not undertake further works of Development at the Property."

3.6 In all other respects the Existing Agreement as varied by the First Deed of Variation and 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 as varied by the First Deed of Variation the provisions in this Deed shall for the purpose of Planning Permission reference 2024/2311/P take effect on Implementation of Planning Permission 2024/2311/P and shall for the purpose of Planning Permission reference 2016/5190/P as varied by planning permission reference 2018/0403/P take effect on completion of this Deed.

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 and the Mortgagee have caused their respective Common Seals to be hereunto affixed and the Owners have executed this instrument as a Deed the day and year first above written.

CONTINUATION OF S106 AGREEMENT (SECOND DEED OF VARIATION)
IN RELATION TO
PHOENIX HOUSE 104-110 CHARING CROSS ROAD LONDON WC2H 0JN

EXECUTED AS A DEED BY)
POWIS STREET PROPERTY COMPANY LIMITED)
acting by a Director and its Secretary)
or by two Directors)
or by a Director and its Witness)

.....
Director

.....
[Redacted Signature]

.....
Director/Secretary/~~Witness~~

[Redacted Signature]

DIRECTOR

~~Witness Name:~~

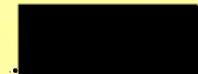
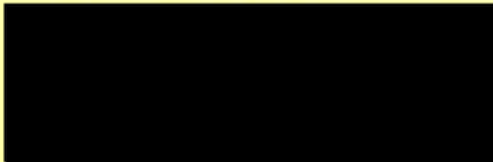
~~Address:~~

~~Occupation:~~

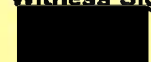
CONTINUATION OF S106 AGREEMENT (SECOND DEED OF VARIATION)
IN RELATION TO
PHOENIX HOUSE 104-110 CHARING CROSS ROAD LONDON WC2H 0JN

EXECUTED AS A DEED BY
ALLAN BRIAN COOPER
In the presence of:

)
)
)



Witness Signature



Witness Name:

Address:

Occupation:

CLIVE JONATHAN PERILLY
61 MANOR DRIVE, LONDON, N20 0PT
PRIVATE HIRE DRIVER

CONTINUATION OF S106 AGREEMENT (SECOND DEED OF VARIATION)
IN RELATION TO
PHOENIX HOUSE 104-110 CHARING CROSS ROAD LONDON WC2H 0JN

EXECUTED AS A DEED BY
LIDA MAGUERITE ADELE COOPER
In the presence of:



.....
Witness Signature

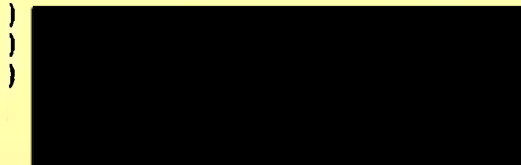
Witness Name: CLIVE JONATHAN PERILLY

Address: 61 MANOR DRIVE, LONDON, N20 0DT

Occupation: PRIVATE HIRE DRIVER

CONTINUATION OF S106 AGREEMENT (SECOND DEED OF VARIATION)
IN RELATION TO
PHOENIX HOUSE 104-110 CHARING CROSS ROAD LONDON WC2H 0JN

EXECUTED AS A DEED BY
HOWARD SAUL MARKHAM
In the presence of:



.....
Witness Signature

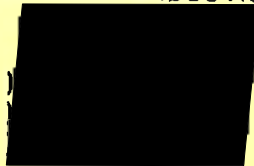
Witness Name: CLIVE SONATHAN PERILLY

Address: 61 MANOR DRIVE, LONDON, N20 0DT

Occupation: PRIVATE HIRE DRIVER

CONTINUATION OF S106 AGREEMENT (SECOND DEED OF VARIATION)
IN RELATION TO
PHOENIX HOUSE 104-110 CHARING CROSS ROAD LONDON WC2H 0JN

EXECUTED AS A DEED BY
MARILYN BONITA MARKHAM
In the presence of:



.....
Witness Signature

Witness Name: CLIVE JONATHAN PERILLY

Address: 61 MANOR DRIVE, LONDON, N20 0DT

Occupation: PRIVATE HIRE DRIVER

CONTINUATION OF S106 AGREEMENT (SECOND DEED OF VARIATION)
IN RELATION TO
PHOENIX HOUSE 104-110 CHARING CROSS ROAD LONDON WC2H 0JN

Executed as a DEED by affixing
THE COMMON SEAL OF
PRINCIPALITY BUILDING SOCIETY
by order of the Board of Directors
in the presence of



Authorised Signatory Signature



Authorised Signatory's Name

SARAH DURACK

Authorised Signatory's Job Title

HEAD OF COMMERCIAL UNDERWRITING

Authorised Signatory Signature



Authorised Signatory's Name

Harriet Pinner

Authorised Signatory's Job Title

Assistant Commercial
Operations Manager

CONTINUATION OF S106 AGREEMENT IN RELATION TO
5 - 7 ADAMSON ROAD LONDON NW3 3HX

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



.....
Duly Authorised Officer

J L Cooper



Application ref: 2024/2311/P
Contact: Brendan Versluys
Tel: 020 7974 1196
Date: 25 November 2024



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

Arkon Associates Ltd
Luminous House
300 South Row
Milton Keynes
MK9 2FR

Dear Sir/Madam

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:
Phoenix House
104-110 Charing Cross Road
London
WC2H 0JN

Proposal:
Variation of conditions 2 (approved drawings) and 8 (cycle parking) of planning permission 2016/5190/P granted 30/06/2017 (as later amended by planning permission 2018/0403/P dated 28/02/2018 and 2018/3308/P dated 18/09/2018) for; Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats, namely to make changes to cycle parking.

Drawing Nos: Superseded Plans: (P)003, rev C;

Proposed Plans: (P) 003, rev G; SK10012, rev C;

Supporting information: Cover letter prepared by WSP, 6/06/2024; Fire Statement prepared by Arkon Associates, 12/07/2024

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 The development hereby permitted must be begun not later than the end of three years from the date of the original permission (ref: 2016/5190/P) granted on 30/06/2017.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: (P)001; (P)002; (P)003 revision G; (P)004 revision D; (P)005 revision D; (P)006 revision D; (P)007 revision D; (P)008 revision D; SK10012, revision C .

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

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new shopfronts at a scale of 1:10.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIB of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

- 6 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 Samples and manufacturers details of all new facing materials including, but not limited to:

a) a sample panel of the facing brickwork of no less than 1.5m by 1.5m demonstrating the proposed colour, texture, face-bond and pointing.

b) a sample panel of the proposed render demonstrating the proposed colour and texture.

shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 Secure cycle parking for 3 x bicycles shall be provided in its entirety as shown on approved drawing numbered (P) 003, rev G prior to the first occupation of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 9 Detailed drawings and manufacturers details in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

Plan, elevation and section drawings of cycle access door on Charing Cross Road elevation at a scale of 1:10 including closing method and secure access system.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure the development provides adequate cycle parking facilities and equal access in accordance with the requirements of policy policies T1 and C6 of the London Borough of Camden Local Plan 2017.

- 10 Prior to first occupation of the new dwellings, the photovoltaic cells shown on approved drawing no. (P)004 rev.D, shall be installed and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

- 5 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 7 The new brickwork, pointing and mortar shall exactly match the existing adjoining original brickwork in terms of detailed design and finished appearance.

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