DATED 10TH APRIL ~~2024~~ 2025

(1) TRUSTEES OF THE BRITISH MUSEUM

and

(2) ARCHITECTURAL ASSOCIATION (INCORPORATED)

and

(3) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN

DEED OF VARIATION

Relating to the Agreement dated 1 February 2023
Between the Mayor and the Burgesses of the
London Borough of Camden,
The Trustees of the British Museum and the Architectural Association (incorporated)
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
1 AND 1A MONTAGUE STREET LONDON WC1B 5BP

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

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/JL/1800.2510
DoV v Final

THIS DEED is made on the 10th day of April 2025

BETWEEN

A. **TRUSTEES OF THE BRITISH MUSEUM** of British Museum, Great Russell Street, London WC1B 3DG (hereinafter called "the Freeholder") of the first part

B. **ARCHITECTURAL ASSOCIATION (INCORPORATED)** a private company limited by guarantee and registered in England and Wales with company number 00171402 whose registered office is at 34-36 Bedford Square, London WC1B 2ES and registered charity under number 311083 (the "Leaseholder") of the second part

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

WHEREAS:

1.1 The Council the Freeholder and the Leaseholder entered into an Agreement dated 1 February 2023 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

1.2 The Freeholder is registered at the Land Registry as the freehold owner of the Property under Title Number NGL858468 and is interested in the Property for the purposes of Section 106 of the Act.

1.3 The Leaseholder has a leasehold interest in the Property by a way of a lease dated 16 September 2022 between the Freeholder and the Leaseholder (registered at the Land Registry under Title No: BB22960) and the Leaseholder acknowledges and agrees that its leasehold interest shall be bound by the terms of this Agreement.

1.4 The Freeholder and the Leaseholder are interested in the Property for the purposes of Section 106(9) of the Act and shall hereinafter be referred to as "the Owners".

(on behalf of LBC)

1.5 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.

1.6 A new planning application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 23 February 2023 for which the Council resolved to grant permission conditionally under reference 2023/0788/P subject to the conclusion of this Deed.

1.7 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.

1.8 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.

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 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 1 February 2023 made between the Council and the Freeholder and the Leaseholder
2.7.3 "the Original Planning Permission"	means the planning permission granted by the Council on 1 February 2023 referenced 2021/5586/P allowing the temporary change of use from offices (Use Class E) to higher education use (Use Class F1) for 10 years until 30th June 2032 as shown on drawing numbers

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"	the development permitted by the Planning Permission namely the temporary change of use from offices (Use Class E) to higher education use (Use Class F1) for 10 years until 30th June 2032 with an extension of the hours of opening to include Saturday and Sunday

3.1.2	"Planning Permission"	the planning permission granted for the Development pursuant to the Planning Application in the form of the draft annexed hereto
3.1.3	"Planning Application"	the planning application in respect of the Development of the Property submitted to the Council and validated on 23 February 2023 under reference number 2023/0788/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2021/5586/P" shall be replaced with "Planning Permission reference 2023/0788/P".

3.3 The draft planning permission reference 2023/0788/P annexed to this Agreement shall be treated as annexed to the Existing Agreement.

3.4 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 2023/0788/P.

5 PAYMENT OF THE COUNCIL'S LEGAL COSTS

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

Freedfisher LLP on behalf of the freeholder.

6. REGISTRATION AS LOCAL LAND CHARGE

6.1 This Deed shall be registered as a Local Land Charge

7. **JOINT AND SEVERAL LIABILITY**

7.1 All Covenants made by the Owners in this Agreement are made jointly and severally and shall be enforceable as such.

IN WITNESS whereof the Council, the Freeholder and the Leaseholder have executed this instrument as a Deed the day and year first before written

EXECUTED as a DEED by affixing the)
common seal of)
THE TRUSTEES OF THE BRITISH MUSEUM)
in the presence of:)

[redacted] .....

Authorised Signatory

.... [redacted] .....

Authorised Signatory

1377

EXECUTED as a DEED by)
ARCHITECTURAL ASSOCIATION)
(INCORPORATED))
acting by a director and its secretary)

[redacted] .....

Signature of director

.. [redacted] .....

Signature of secretary

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

[redacted] .....

Duly Authorised Officer

[redacted]

JUDITH KNIGHT

Application ref: 2023/0788/P
Contact: Duty Determination Team
Tel: 020 7974 XXXX
Date: 16 May 2023

Camden

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

Montagu Evans
70 St Mary Axe
London
EC3A 8BE

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:
1 and 1A Montague Street
London
WC1B 5BP

Proposal:
Variation of condition 3 (hours of opening) of planning permission (ref 2021/5586/P) dated 01/02/2023 for temporary change of use from offices (Use Class E) to higher education use (Use Class F1) for 10 years until 30th June 2032 NAMELY to extend the hours of opening to include Saturday and Sunday.
Drawing Nos: Covering letter from Montagu Evans dated 23/02/2023.

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 The use hereby permitted is for a temporary period only and shall cease on or before 30th June 2032, at which time the premises shall revert to their former lawful use which is offices (Class E).

Reason: In order to protect the existing business use and so that the long term use of the site may be properly considered in accordance with policies DM1 and E2 of the London Borough of Camden Local Plan 2017.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site plan; Existing plans, Proposed plans; Lower ground floor bike storage provision (floor plan and section) ; Planning Statement prepared by Montague Evans dated November 2021; Planning Statement Addendum prepared by Montague Evans dated 8th March 2022; Marketing Note prepared by Montague Evans dated 5th November 2021; Covering letter prepared by Montague Evans dated 23rd February 2023.

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

3 The temporary use hereby permitted shall be carried out only during the hours of 08:00 to 22:00 on Mondays to Fridays and 10:00 to 22:00 on Saturdays and Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

4 Prior to first occupation, the following bicycle parking shall be provided:

- secure and covered parking for 25 short stay parking spaces
- secure and covered parking for 20 long stay parking spaces

All such facilities shall thereafter be retained. Photographs shall be submitted post implementation of the secure and covered cycle storage areas proposed.

Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with policies T1 of the Camden Local Plan 2017 and the London Plan 2021.

5 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the F1 use shall only be used for educational purposes and for no other purposes whatsoever.

Reason: To safeguard the amenity of the adjoining premises and the highway network, in accordance with policies A1, A4 and T3 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The original planning permission including a condition to control the hours of opening of the use of the higher education facility from 08:00 to 22:00 Monday to Friday. The condition was imposed to protect the amenity of neighbouring occupiers from potential noise and disturbance from students accessing and entering the building late into the evening or the early hours of the morning. The proposal seeks to vary the hours of operation to include Saturday and Sunday from 10:00 to 22:00. The agent has confirmed that the main campus at Bedford Place opens to students to access the studios during the weekend and they want the same hours of access for students to use 1 and 1A Montague. The building will be accessed by a maximum of approx. 150 students to use the studios with no teaching with the majority of students being post graduates. Taking this into consideration as well as the fact that students will have more flexibility to come and go throughout the day, the proposed variation to the hours would not be considered to result in additional harmful impact to the amenity of adjoining residential occupiers in terms of noise and disturbance and is considered acceptable. A condition would be attached to reflect the variation in the hours of opening.

The original planning permission was subject to a s106 legal agreement and the heads of terms remain relevant for this application.

No objections were received in relation to the proposal. The site's planning history has been taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposal is in general accordance with policies A1, A4 and D2 of the Camden Local Plan 2017. The proposed development also accords with policies of The London Plan 2021 and the National Planning Policy Framework 2021.

2 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).

3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden,gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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.

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