

DATED

15 March

2013

(1) 24-28 WARNER STREET LLP

-and-

(2) HEMNALL LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 23 December 2011
Between Kevan Woodhouse and Karl Woodhouse and
the Mayor and the Burgesses of the London Borough of Camden

under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

24-28 WARNER STREET LONDON EC1R 5EX

Andrew Maughan
Head of Legal Services
London Borough of Camden
Town Hall, Judd Street
London WC1H 9LP

Tel: 020 7974 1478

Fax: 020 7974 2962

CLS/COM/CJ/1685.1502 final

THIS AGREEMENT is made on the 15 day of March 2013

BETWEEN

1. **24-28 WARNER STREET LLP** (LLP. Regn. No. 0C372846) of Copper House 88 Snakes Lane East, Woodford Green, Essex IG8 7HX (hereinafter called "the Owner")
2. **HEMNALL LIMITED** (Co. Regn. No. 07342913) of Sealand House, Hemnall Street, Epping, Essex CM16 4LG (hereinafter called "the Mortgagee")
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council")

WHEREAS:

- 1.1 The Council, Kevan Woodhouse and Karl Woodhouse entered into an Agreement dated 23 December 2011 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in respect of the Property.
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor of the Property with Title Absolute under title numbers LN79794 and LN144152 subject to a charge to the Mortgagee.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) 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 of Variation.
- 1.5 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 19 September 2012 for which the Council resolved to grant permission conditionally under reference 2012/4661/P subject to the conclusion of this Deed of Variation.

1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106 (as amended) and is a planning obligation for the purposes of that section.

1.7 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 of Variation 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 of Variation.

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

2.2.1 "Deed of Variation" this Deed of Variation

2.2.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 23 December 2011 made between the Council, Kevan Woodhouse and Karl Woodhouse

2.2.3 "the Original Planning Permission" means the planning permission granted by the Council on 23 December 2011 referenced 2011/5129/P allowing Erection of basement and part three, four and five storey building to create 12 self-contained residential (Class C3) units (3x1, 6x2 & 2x3 bed market units & 1x2 bed intermediate affordable housing unit) following demolition of existing two storey warehouse building (Class B8) as shown on drawing numbers: 3621 (P) 001; 002; 003; 004; 005; 006; 010A; 011A; 012C; 013A; 014A; 015A;

016; 020C; 030B; 031A; 032A; 033B; 034A;
Letter from Thorne Hiley dated 29/09/2011 Ref
Warner_St_planning_app; Letter from Richard
Susskind & Company Ref
F:\...\STARTUP\Ayhv13.dot /; Design & Access
Statement by DLG Architects dated July 2011
Rev B; Archaeological Desk Based Assessment
by CGMS Consulting dated February 2011;
Code for Sustainable Homes Pre-Assessment
by Hilson Moran dated 17/03/2011 Issue 1.0;
Energy Strategy by Hilson Moran dated
18/03/2011 Issue 1.0; Daylight and Sunlight
Study (Within Development) by Building
Surveying Solutions dated 07/04/2011; Daylight
and Sunlight Study (Neighbouring Properties)
by Building Surveying Solutions dated
07/04/2011; Construction Management Plan by
Thorne Hiley; Site Investigation Survey by Soil
Environment Services Ltd dated 08/08/2011 Ref
SES/TH/WS/1#1; Basement Impact
Assessment by LBH Wembley dated
24/11/2011 Ref LBH4006 Ver 1.1.

- 2.3 Where in this Deed of Variation 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 of Variation.
- 2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed of Variation and shall not be construed as part of this Deed of Variation and shall not effect the construction of this Deed of Variation.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 References in this Deed of Variation to the Owner and the Mortgagee shall include their successors in title.

3. VARIATION TO THE EXISTING AGREEMENT

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

3.1.1 '2.3 "Affordable Housing Contribution"

The sum of £171,720 (one hundred and seventy one thousand, seven hundred and twenty pounds) to be paid by the Owners to the Council in accordance with this Agreement towards the provision of Affordable Housing within the London Borough of Camden'

3.1.2 '2.10 "the Development"

Minor material amendments to planning permission (ref 2011/5129/P) dated 23/12/2011 for the erection of basement and part three, four and five storey building to create 12 self-contained residential (Class C3) units (3x1, 6x2 & 2x3 bed market units & 1x2 bed intermediate affordable housing unit) following demolition of existing two storey warehouse building (Class B8) as variation of condition 14 (development to be carried out in accordance with approved plans), involving excavation of enlarged basement extension, provision of new windows and entrance canopy at front ground floor level, alteration to courtyard link at rear basement and ground floor level, reconfiguration of unit 10 at rear third floor level (increase in size of bedroom and reduction in size of external terrace), reorientation of PV panels at roof level and associated alterations as shown on drawing numbers: 3621 (P) 001; 002; 003; 004; 005; 006; 3001 (P) 001 Rev A; 010; 011 Rev F; 012 Rev J; 013 Rev F; 014 Rev F; 015 Rev E; 016 Rev C; 017 Rev B; 020 Rev F; 030 Rev E; 031 Rev D; 032 Rev D; 033 Rev D; 034 Rev C;

Landscape Design Proposals by David Orr Consulting dated 21/09/2012 Issue 5; DOC 1002.L.(90).100.D; DOC 1002.L.(90).101.D; DOC 1002.L.(90).102.B; Daylight and Sunlight Study (Within Development) by Building Surveying Solutions dated 18/09/2012; Design Statement Supplement by Arc Design Partnership LLP dated September 2012 Rev A; Basement Impact Assessment by LBH Wembley dated 24/10/2012 Ref LBH4006 Ver 3.2; Letter from Thorne Hiley dated 29/09/2011 Ref Warner_St_planning_app; Letter from Richard Susskind & Company Ref F:\...\STARTUP\Ayhv13.dot /; Design & Access Statement by DLG Architects dated July 2011 Rev B; Archaeological Desk Based Assessment by CGMS Consulting dated February 2011; Code for Sustainable Homes Pre-Assessment by Hilson Moran dated 17/03/2011 Issue 1.0; Energy Strategy by Hilson Moran dated 18/03/2011 Issue 1.0; Daylight and Sunlight Study (Neighbouring Properties) by Building Surveying Solutions dated 07/04/2011; Construction Management Plan by Thorne Hiley'

3.1.3 '2.26 "Planning
Permission"

the planning permission under reference number 2012/4661/P to be issued by the Council in the form of the draft annexed hereto and marked "**Schedule A**"

3.2 In all other respects the Existing Agreement shall continue in full force and effect.

4. CONFIRMATION OF FINANCIAL CONTRIBUTIONS ALREADY PAID

4.1 The Council acknowledges that the financial contributions as required by clauses 4.4, 4.5, 4.6 and 4.8 of the Existing Agreement have been paid and that the sum of £132,500 (plus indexation) has been paid towards the financial contribution at clause 4.7 of the Existing Agreement (Affordable Housing Contribution), all as set out in the letter from the Council dated 16 October 2012 attached and marked "**Schedule B**"

5. PAYMENT OF THE COUNCIL'S LEGAL COSTS

5.1 The Owner agrees to pay the Council its reasonable legal costs incurred in preparing this Deed of Variation prior to completion of this Deed of Variation.

6. REGISTRATION AS LOCAL LAND CHARGE

6.1 This Deed of Variation 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 and the Mortgagee have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY
24-28 WARNER STREET LLP
was hereunto affixed
in the presence of:-

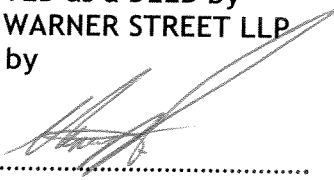
.....
Director

.....
Director/Secretary

EXECUTED AS A DEED by the
Attorney Authorised on behalf of
HEMNALL LIMITED

.....
Duly Authorised Signatory

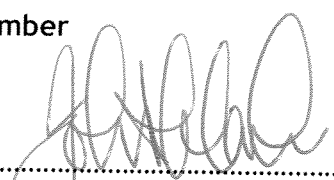
EXECUTED as a DEED by
24-28 WARNER STREET LLP
acting by



←

Henry

Member

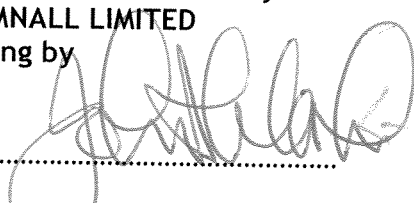


←

Mr Clarke

Member

EXECUTED as a DEED by
HEMNALL LIMITED
acting by



Mr Clarke

John Clarke as Director

in the presence of :

WITNESS:

Signature:



Name (Print):

VIVIAN BANFIELD

Address:

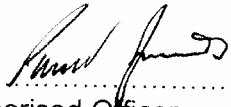
32 POLEHILL ROAD
CHINGFORD, LONDON E4 7LZ

Occupation:

CHARTERED ACCOUNTANT

CONTINUATION OF DEED OF VARIATION RELATING TO 24-28 WARNER STREET LONDON EC1R 5EX

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


.....
Duly Authorised Officer



Schedule A



**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

Arc Design Partnership LLP
601 International House
223 Regent Street
London
W1B 2QD

Tel 020 7974 4444
Fax 020 7974 1930
Textlink 020 7974 6866

planning@camden.gov.uk
www.camden.gov.uk/planning

Application Ref: **2012/4661/P**

01 February 2013

Dear Sir/Madam

DRAFT
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:

**24 - 28 Warner Street
London
EC1R 5EX**

Proposal:

DECISION
Minor material amendments to planning permission (ref 2011/5129/P) dated 23/12/2011 for the erection of basement and part three, four and five storey building to create 12 self-contained residential (Class C3) units (3x1, 6x2 & 2x3 bed market units & 1x2 bed intermediate affordable housing unit) following demolition of existing two storey warehouse building (Class B8) as variation of condition 14 (development to be carried out in accordance with approved plans), involving excavation of enlarged basement extension, provision of new windows and entrance canopy at front ground floor level, alteration to courtyard link at rear basement and ground floor level, reconfiguration of unit 10 at rear third floor level (increase in size of bedroom and reduction in size of external terrace), reorientation of PV panels at roof level and associated alterations.

Drawing Nos: Superseded drawings: 3621 (P) 010A; 011A; 012C; 013A; 014A; 015A; 016; 020C; 030B; 031A; 032A; 033B; 034A.

Drawings for approval: 3001 (P) 001 Rev A; 010; 011 Rev F; 012 Rev J; 013 Rev F; 014 Rev F; 015 Rev E; 016 Rev C; 017 Rev B; 020 Rev F; 030 Rev E; 031 Rev D; 032 Rev D; 033 Rev D; 034 Rev C; Landscape Design Proposals by David Orr Consulting dated 21/09/2012 Issue 5; DOC 1002.L.(90).100.D; DOC 1002.L.(90).101.D; DOC 1002.L.(90).102.B; Daylight and Sunlight Study (Within Development) by Building Surveying Solutions dated 18/09/2012; Design Statement Supplement by Arc Design Partnership LLP dated September 2012 Rev A; Basement Impact Assessment by LBH

Wembley dated 24/10/2012 Ref LBH4006 Ver 3.2.

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):

- DRAFT**
- 1 Condition 14 of the planning permission granted on 23/12/2011 under reference number 2011/5129/P shall be replaced by the following condition:

REPLACEMENT CONDITION 14

The development hereby permitted shall be carried out in accordance with the following approved plans 3621 (P) 001; 002; 003; 004; 005; 006; 3001 (P) 001 Rev A; 010; 011 Rev F; 012 Rev J; 013 Rev F; 014 Rev F; 015 Rev E; 016 Rev C; 017 Rev B; 020 Rev F; 030 Rev E; 031 Rev D; 032 Rev D; 033 Rev D; 034 Rev C; Landscape Design Proposals by David Orr Consulting dated 21/09/2012 Issue 5; DOC 1002.L.(90).100.D; DOC 1002.L.(90).101.D; DOC 1002.L.(90).102.B; Daylight and Sunlight Study (Within Development) by Building Surveying Solutions dated 18/09/2012; Design Statement Supplement by Arc Design Partnership LLP dated September 2012 Rev A; Basement Impact Assessment by LBH Wembley dated 24/10/2012 Ref LBH4006 Ver 3.2; Letter from Thorne Hiley dated 29/09/2011 Ref Warner_St_planning_app; Letter from Richard Suskind & Company Ref F:\...\STARTUP\Ayhv13.dot /; Design & Access Statement by DLG Architects dated July 2011 Rev B; Archaeological Desk Based Assessment by CGMS Consulting dated February 2011; Code for Sustainable Homes Pre-Assessment by Hilson Moran dated 17/03/2011 Issue 1.0; Energy Strategy by Hilson Moran dated 18/03/2011 Issue 1.0; Daylight and Sunlight Study (Neighbouring Properties) by Building Surveying Solutions dated 07/04/2011; Construction Management Plan by Thorne Hiley.

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

Informative(s):

- 1 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 where applicable) 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).

2 For clarification it is acknowledged that various approval of details applications in association with the previous planning permission have already been granted (conditions 6 and 8 by 2012/3818/P, 9a by 2012/2587/P, 9b by 2012/4231/P, 10 by 2012/4231/P and 13 by 2012/5478/P). You are reminded that the remaining conditions which require details to be submitted (conditions 2 - design details, 3 - green roofs and 9c - verification report) continue to be outstanding and require details to be submitted and approved.

3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

4 Reasons for granting permission.

The proposed variation of condition 14 would not materially deviate from the reasons stated for the approval of the parent permission (ref 2011/5129/P) granted on 23/12/2011. Furthermore the minor changes sought would be in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS1 (Distribution of growth), CS3 (Other highly accessible areas), CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS8 (Promoting a successful and inclusive Camden economy), CS9 (Achieving a successful Central London), CS11 (Promoting sustainable and efficient travel), CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity), CS17 (Making Camden a safer place), CS18 (Dealing with our waste and encouraging recycling), CS19

(Delivering and monitoring the Core Strategy); and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP1 (Mixed use development), DP2 (Making full use of Camden's capacity for housing), DP3 (Contributions to the supply of affordable housing), DP5 (Homes of different sizes), DP6 (Lifetime homes and wheelchair homes), DP13 (Employment sites and premises), DP16 (The transport implications of development), DP17 (Walking, cycling and public transport), DP18 (Parking standards and the availability of car parking), DP19 (Managing the impact of parking), DP20 (Movement of goods and materials), DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours), DP27 (Basements and lightwells), DP28 (Noise and vibration), DP29 (Improving access), DP31 (Provision

Yours faithfully

DRAFT

Culture and Environment Directorate

DECISION

Schedule B



Your Ref.
Our Ref. S106:2338

24-28 Warner St LLP
Aitch Group
Copper House
88 Snakes Lane East
Woodford Green
Essex
IG8 7HX

Planning and Regeneration
Culture and Environment
Planning
London Borough of Camden
Town Hall
Argyle Street
LONDON
WC1H 8ND

Tel 020 7974 2601
Fax 020 7974 1930
Connie.petrou@camden.gov.uk
www.camden.gov.uk/planning

16th October 2012

Dear Mr Skipper,

Town and Country Planning Act 1990 (as Amended)
Re: Section 106 Agreement dated 23 December 2011
Address: 24 - 28 Warner Street, EC1R 5EX
Planning Reference No: 2011/5129/P

FINANCIAL CONTRIBUTION

Thank you for your payment of £187,191.13 received on the 19th November 2012 in relation to the above agreement. I can confirm that the following clauses of the S106 have been discharged and all financial contributions have been satisfied.

Clause	Contribution	Amount	Indexation	Total
✓ 4.4	Highways	£6,618	£46.39	£6664.39
✓ 4.5	Education	£25,922	£181.72	£26103.72
✓ 4.6	Open Space	£16,213	£113.66	£16326.66
✓ 4.7	Affordable Housing	£132,500	£928.87	£133428.87
✓ 4.8	Monitoring Fees	£4,635	£32.49	£4667.49
	Total	£185,888.00	£1303.13	£187191.13

Please do not hesitate to contact me if you have any queries regarding the above.

Yours sincerely,

Connie Petrou, for
Director, Environment Department

DATED

15 March

2013

(1) 24-28 WARNER STREET LLP

-and-

(2) HEMNALL LIMITED

-and-

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

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