

DATED

7 February

2013

1) BLUE SUEDE LIMITED

and

(2) SG HAMBROS BANK (CHANNEL ISLANDS) LIMITED

and

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

DEED OF VARIATION

Relating to planning application 2012/6087/P and
varying accordingly the Agreement dated 9 November 2011
(entered into in relation to planning application 2011/0167/P)
Between the Mayor and the Burgesses of the London Borough of Camden,
Permahold Limited and EFG Private Bank Limited
Under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

61 Grays Inn Road, London WC1X 8TL

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

Tel: 020 7974 5826
Fax: 020 7974 1920

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CLS/COM/AL/1685.1865
DoV final 9.1.13



THIS AGREEMENT is made on the 7th day of February 2013

BETWEEN

- i. **BLUE SUEDE LIMITED** (incorporated in British Virgin Islands) care of Trident Trust Company, BVI Limited, Trident Chambers, PO Box 146 Road Town, Tortola, British Virgin Islands and care of Good Stuff, 217 Ice Wharf, New Wharf Road, Kings Cross, London N1 9RF (hereinafter called "the Owner") of the first part
- ii. **SG HAMBROS BANK (CHANNEL ISLANDS) LIMITED** (incorporated in Guernsey) of Hambro House, St Julian's Avenue, St Peter Port, Guernsey, GY1 3AE (hereinafter called "the Mortgagee") of the second part
- iii. **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

1. **WHEREAS:**

- 1.1 The Council, Permahold Limited and EFG Private Bank Limited entered into an Agreement dated 9 November 2011 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 A new planning application in respect of the Property proposing amendments to the scheme approved by the planning permission 2011/0167/P was submitted to the Council by the Owner and validated on 13 November 2012 under reference 2012/6087/P.
- 1.3 Accordingly, the Council and the Owner now wish to vary the terms of the Original Agreement.
- 1.4 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number NGL521095 subject to a charge to the Mortgagee.
- 1.5 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.

2.3.4 "the Original Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) made between the Council, Permahold Limited and EFG Private Bank Limited relating to 2011/0167/P dated 9 November 2011

2.4 Where in this Agreement 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.

2.5 Headings are for ease of reference only and are not intended to be construed as part of this Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.

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

2.7 References in this Agreement to the Owner shall include its successors in title.

3. VARIATION TO THE ORIGINAL AGREEMENT

3.1 The Original Agreement shall apply equally to 2012/6087/P as it does to 2011/0167/P

3.2 Clause 2.8 of the Original Agreement (definition of "the Development") shall be deleted in its entirety and replaced with the following:

"the Development"

Modifications to planning permission dated 09/11/11 (Ref:2011/0167/P) for change of use from office use (Class B1) to residential use (Class C3) to provide 7 flats (3 x 1 bed, 3 x 2 bed and 1 x 3 bed), involving the demolition and rebuild of North News section of the building, creation of stair enclosure and terrace with balustrade, and 6x solar panels on roof, creation of central light well/courtyard space and extension of

existing basement under footprint of the building. The modifications include a reduction in the demolition and retention of the building as existing (the extent of demolition will be limited to the north side of the building facing the rear yards of the buildings located in Gray's Inn Road and North Mews), new recessed entrance to the North Mews elevation, creation of a stepped entrance down to main corridor, installation of a platform lift, creation of an internal light well with courtyard at basement level and remodelled stair enclosure on the west elevation as shown on Site location plan (Ref: NM E00); Block Plan (Ref NM E01);(Prefix NM) E02; E04; E05; E06; E07; E08; E60; P01B; P02A; P03B; P04A; P05B; P06A; P10E; P11E; P12F; P20D; P30E; P31G; P32G; P33B; P40; Townscape, Design and Access Statement by Aaron Yap dated 13th November 2012; Lifetime Homes Statement, Construction Management Plan by Good Stuff Property Limited dated 9th November 2012; Internal Daylight Report by eb7 Ltd dated 8th November 2012; Sustainability Report & Energy Statement by eb7 sustainability Ltd dated 12th November 2012; Echohomes2006 Pre-Assessment by eb7 dated 7th November 2012; Noise Assessment by Hawkins Environmental dated 20th November 2012

- 3.3 Clause 2.9 of the Original Agreement (definition of "the Education Contribution") shall be deleted in its entirety and replaced with the following:

"the Education Contribution"

the sum of £12,961.00 (twelve thousand nine hundred and sixty one pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the Council in the event of receipt for the provision of education needs arising in the London Borough of Camden

- 3.4 Clause 2.14 of the Original Agreement (definition of "the Planning Application") shall be deleted in its entirety and replaced with the following:

"the Planning Application"

a planning application in respect of the development of the Property submitted to the Council and validated on 13 November 2011 for which a resolution to grant permission has been passed conditionally under reference number 2012/6087/P subject to conclusion of this Agreement

- 3.5 Clause 2.16 of the Original Agreement (definition of "the Planning Permission") shall be deleted in its entirety and replaced with the following:

"the Planning Permission"

a planning permission granted for the Development substantially in the draft form annexed to the Deed of Variation

- 3.6 Clause 2.18 of the Original Agreement (definition of "the Public Open Space Contribution") shall be deleted in its entirety and replaced with the following:

"the Public Open Space Contribution"

the sum of £8,680.00 (eight thousand six hundred and eighty pounds) to be paid by the Owner to the Council in accordance with the terms of this Agreement and to be applied by the Council in the event of receipt for the improvement, maintenance and upkeep

of existing public open spaces and/or nature conservation improvements to parks or open space and/or the obtaining of land to make public open spaces in the vicinity of the Development

3.7 All references in the Original Agreement to 2011/0167/P shall be read as 2012/6087/P.

3.8 All references in the Original Agreement to the validation date shall be read as 13 November 2011.

3.9 In all other respects the Original Agreement shall continue in full force and effect.

4. PAYMENT OF THE COUNCIL'S LEGAL COSTS

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

5. REGISTRATION AS LOCAL LAND CHARGE

5.1 This Agreement shall be registered as a Local Land Charge

IN WITNESS WHEREOF the Council has caused its Common Seal to be affixed and the Owner and Mortgagee have executed this instrument as a Deed on the day and year first above written.

EXECUTED AS A DEED BY)
BLUE SUEDE LIMITED)

acting by a Director and its Secretary)
or by two Directors)

[Handwritten signature]
.....

Director

[Handwritten signature]
.....

Director/Secretary



61 Grays Inn Road, London WC1X 8TL
2012/6087/P



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Yap Digital
15 Cloudesley Road
London
N1 0ELApplication Ref: **2012/6087/P**

8 January 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:
61 Gray's Inn Road
London
WC1X 8TL

Proposal:

DECISION
Modifications to planning permission dated 09/11/11(Ref:2011/0167/P) for change of use from office use (Class B1) to residential use (Class C3) to provide 7 flats (3 x 1 bed, 3 x 2 bed and 1 x 3 bed), involving the demolition and rebuild of North News section of the building, creation of stair enclosure and terrace with balustrade, and 6x solar panels on roof, creation of central light well/courtyard space and extension of existing basement under footprint of the building. The modifications include a reduction in the demolition and retention of the building as existing (the extent of demolition will be limited to the north side of the building facing the rear yards of the buildings located in Gray's Inn Road and North Mews), new recessed entrance to the North Mews elevation, creation of a stepped entrance down to main corridor, installation of a platform lift, creation of an internal light well with courtyard at basement level and remodelled stair enclosure on the west elevation.

Drawing Nos: Site location plan (Ref: NM E00); Block Plan (Ref NM E01);(Prefix NM) E02; E04; E05; E06; E07; E08; E60; P01B; P02A; P03B; P04A; P05B; P06A; P10E; P11E; P12F; P20D; P30E; P31G; P32G; P33B; P40; Townscape, Design and Access Statement by Aaron Yap dated 13th November 2012; Lifetime Homes Statement, Construction Management Plan by Good Stuff Property Limited dated 9th November 2012; Internal Daylight Report by eb7 Ltd dated 8th November 2012; Sustainability Report & Energy Statement by eb7 sustainability Ltd dated 12th November 2012; Echohomes2006 Pre-Assessment by eb7 dated 7th November 2012; Noise Assessment by Hawkins Environmental dated 20th November 2012

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 this permission.

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

- 2 A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample 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 policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 3 The 1.5m high timber slated fence (2m high from finished floor level) on the north elevation hereby approved shall be erected on the north elevation of the terrace as indicated on the approved drawings prior to commencement of use of the roof terrace and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable levels of overlooking and loss of privacy to future occupiers and existing residential units in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 4 Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's clear zone) of the London Borough of Camden Local Development Framework Development Policies.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

- 6 Before building works commence on the site, a refined scheme shall be submitted to and approved in writing by the Local Planning Authority for the sound insulation from plant equipment (impact of sound at separating walls and floors). The scheme shall provide adequate sound insulation to prevent the transmission of noise and/or vibration from internal and or external noise sources (including the use/operation of equipment) performed within the block or in close proximity so that the internal noise levels (including LAmax) are not increased and vibration levels are not perceived as measured in BS.6472:1992 "Evaluation of human exposure to vibration in buildings [1 Hz to 80 Hz]." The scheme is required to achieve good internal noise levels criteria, as set out in BS 8233:1999 Sound Insulation and Noise Reduction for Buildings Code of Practice.

Reason: To safeguard the amenities of the prospective occupier, adjoining premises and the area generally in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

- 7 The proposed cycle storage area for 8 cycles shall be provided in its entirety prior to the first occupation of any of the new residential units, and thereafter permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.

- 8 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:- (Prefix NM) E02; E04; E05; E06; E07; E08; E60; P01B; P02A; P03B; P04A; P05B; P06A; P10E; P11E; P12F; P20D; P30E; P31G; P32G; P33B; P40; Townscape, Design and Access Statement by Aaron Yap dated 13th November 2012; Lifetime Homes Statement, Construction Management Plan by Good Stuff Property Limited dated 9th November 2012; Internal Daylight Report by eb7 Ltd dated 8th November 2012; Sustainability Report & Energy Statement by eb7 sustainability Ltd dated 12th November 2012; Echohomes2006 Pre-Assessment by eb7 dated 7th November 2012; Noise Assessment by Hawkins Environmental dated 20th November 2012

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (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 Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council->

contacts/environment/contact-the-environmental-health-team.en 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 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 4 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 5 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.
- 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 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

8 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS1 (Distribution of growth); CS5 (Managing the impact of growth and development); CS6 (Providing quality homes); CS11(Promoting sustainable and efficient travel); CS13 (Tackling climate change though promoting higher environmental standards); CS14 (Promoting high quality places and conserving our heritage); CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity); CS16 (Improving Camden's health and well-being); CS19 - (Delivering and monitoring the Core Strategy) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP2 (Making full use of Camden's capacity for housing); DP5 (Housing size mix); DP6 (Lifetime homes and wheelchair homes); 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); DP28 (Noise and vibration). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer report.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

CONTINUATION OF A DEED OF VARIATION TO SECTION 106 AGREEMENT FOR 61 GRAYS INN ROAD LONDON WC1X 8TL BETWEEN LONDON BOROUGH OF CAMDEN, BLUE SUEDE LIMITED AND SG HAMBROS BANK (CHANNEL ISLANDS) LIMITED REGARDING 2012/6087/P

EXECUTED as a Deed

By SG HAMBROS BANK

(CHANNEL ISLANDS) LIMITED

By ANDREW WALDEN &
MICHAEL ALLEN

in the presence of:- MARK TRENCHARD)

)
) *Andrew Walden*
) *Michael Allen*

Mark Trenchard

.....
MARK TRENCHARD

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

)
)
)
)

Per [Signature]

.....
Duly Authorised Officer



DATED

7 February

2013

1) BLUE SUEDE LIMITED

and

(2) SG HAMBROS BANK (CHANNEL ISLANDS) LIMITED

and

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

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