

DATED

20th August

2010

**(1) SIMON NICHOLAS FIRTH**

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 11 December 2008  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
and Rosevale Limited and the Royal Bank of Scotland PLC  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
and section 278 of the Highways Act 1980  
relating to development at premises known as  
2 Tavistock Place, London WC1H 9RA

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

Tel: 020 7974 5826  
Fax: 020 7974 2962

CLS/DR/1685.630

THIS AGREEMENT is made on the 20th day of August .

2010

**BETWEEN**

1. **SIMON NICHOLAS FIRTH** of Seven Dials House, 29 Earlham Street, London WC2H 9LS (hereinafter called "the Freeholder") of the first part
2. **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 Rosevale Limited and the Royal Bank of Scotland PLC entered into an Agreement dated 11 December 2008 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980.
- 1.2 The Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL330152.
- 1.3 Rosevale Limited and the Royal Bank of Scotland PLC no longer hold an interest in the property.
- 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 Agreement.
- 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 7 June 2010 for which the Council resolved to grant permission conditionally under reference 2010/0543/P subject to the conclusion of this Agreement.
- 1.6 This Agreement 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 Agreement 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 Agreement.
- 2.2 All references in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 In this Agreement the following expressions shall unless the context otherwise states have the following meanings now allocated to them.

2.3.1 "Agreement" this Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) and section 278 of the Highways Act 1980 dated 11 December 2008 made between the Council and Rosevale Limited and the Royal Bank of Scotland PLC

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 11 December 2008 referenced 2007/6132/P allowing the scheme for the change of use and works of conversion from office use (Class B1) to residential use (Class C3) to create nine self contained flats (3 x 1-bed, 4 x 2-bed and 2 x 3-bed), erection of full-width extension at rear basement and ground floor level, part width extension at rear third, fourth and fifth floor level, and extension of

existing roof to full-width of building as shown on drawings 734-P01; P02; P100; P101; P102; P103; P200; P300; P110 Rev A; P111; P112 Rev A; P113 Rev A; P210 Rev A; P310 Rev A; Lifetime Homes Standards Statement by Brooks/Murray Architects; Sustainability Statement/Ecohomes Preliminary Summary by PDM Consultants dated April 2008; and Renewable Energy Feasibility Study by ENSO Associates dated February 2008.

- 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 and 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 "Development"

Amendments to planning permission 2007/6132/P granted on 11/12/2008 for "change of use and works of conversion from office use (Class B1) to residential use (Class C3) to create nine self contained flats (3 x 1-bed, 4 x 2-bed and 2 x 3-bed), erection of full-width extension at rear basement and ground floor

level, part width extension at rear third, fourth and fifth floor level, and extension of existing roof to full-width of building", to include further enlargement of the approved roof extension as shown on drawings numbered 02813-P01; P02; P210; P310; PH02; DT01; E201; P100; P101; P102; P103; P110; P111; P112; P113; P200; P211; P300; 734-P110 REV A; P111; P112 REV A; P113 REV A; P210 REV A; P310 REV A; PH01

3.1.2 "Planning Permission"

the planning permission granted under reference number 2010/0543/P to be issued by the Council substantially in the draft form annexed hereto

3.1.3 "Planning Application"

the application for Planning Permission in respect of the Property validated on 7 June 2010 by the Owner and given reference number 2010/0543/P.

3.2 In all other respects the Existing Agreement (as varied by this 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 Freeholder, First Lessee, and the Second Lessee have caused this Agreement to be executed as a Deed the day and year first above written

EXECUTED AS A DEED BY  
SIMON NICHOLAS FIRTH  
in the presence of:

)  
)  
)



.....  
Witness Signature



Witness Name: ISAAC RUIZ-LADDEN

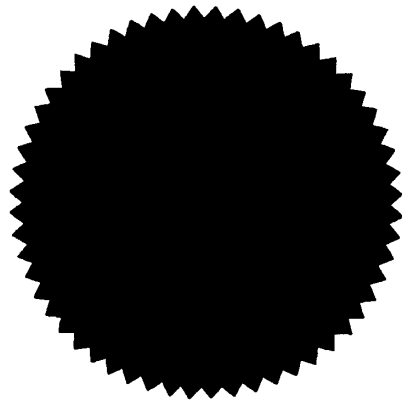
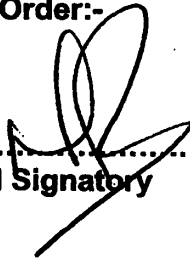
Address: 1 MONTAGU SQUARE, LONDON W1H 2LA

Occupation: TRANSLATOR

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

)  
)  
)  
)

.....  
Authorised Signatory



Brooks/Murray Architects  
New North Place  
London  
EC2A 4JA

Application Ref: 2010/0543/P

3 August 2010

Dear Sir/Madam

**DRAFT**  
FOR INFORMATION ONLY - NOT A FORMAL DECISION  
Town and Country Planning Acts 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**2 Tavistock Place  
London  
WC1H 9RX**

**DECISION**  
Proposal:

Amendments to planning permission 2007/0132 granted on 11/08/08 for "change of use and works of construction to the existing building (Class C3) to create nine self contained flats (3 x 1-bed, 4 x 2-bed and 2 x 3-bed), erection of full-width extension at rear basement and ground floor level, part width extension at rear third, fourth and fifth floor level, and extension of existing roof to full-width of building", to include further enlargement of the approved roof extension.

Drawing Nos: 02813-P01; P02; P210; P310; PH02; DT01; E201;  
P100; P101; P102; P103; P110; P111; P112; P113;  
P200; P211; P300;

734-P110 REV A; P111; P112 REV A; P113 REV A;  
P210 REV A; P310 REV A; PH01

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 shall be carried out in accordance with the following approved plans: 02813-P01; P02; P210; P310; PH02; DT01; E201; P100; P101; P102; P103; P110; P111; P112; P113; P200; P211; P300;

734-P110 REV A; P111; P112 REV A; P113 REV A; P210 REV A; P310 REV A; PH01

Reason:

For the avoidance of doubt, the interest in the property is for planning.

Informative(s):

- 1 Reasons for granting permission. [Delegated]

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies B1 - General design principles, B3 - Alterations and extensions, B6 - Listed buildings and B7 - Conservation areas. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Building Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You may also be subject to the Council's Building Control Service, Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 2663).
- 3 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 Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) 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.
- 4 Please note that all conditions and informatives attached to planning permission 2007/6132/P dated 11/12/2008, which this permission amends, continue to apply.

Yours faithfully



Culture and Environment Directorate

**DRAFT**

**DECISION**

DATED

2010

**(1) SIMON NICHOLAS FIRTH**

**and**

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 11 December 2008  
Between the Mayor and the Burgesses of the  
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