

DATED

20th July

2010

(1) MAYFAIR AND HOLLAND PROPERTIES LIMITED

and

(2) ANGLO IRISH BANK CORPORATION ~~PLC~~ LIMITED

and

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



DEED OF VARIATION

Relating to the Agreement dated 8 October 2008

Between Mayfair and Holland Properties Limited, and
Anglo Irish Bank Corporation PLC, 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) and
Section 278 of the Highways Act 1980

Relating to development at premises known as

64 THEOBALDS ROAD AND 2 EMERALD STREET, LONDON WC1X 8SF

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

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/COM/CJ/1685.451

THIS AGREEMENT is made on the 20th day of

July

2010

BETWEEN

1. **MAYFAIR AND HOLLAND PROPERTIES LIMITED** (Co. Regn. No. 03672772) whose registered office is at First Floor, 48 Great Marlborough Street, London W1F 7BB (hereinafter called "the Owner") of the first part
2. **ANGLO IRISH BANK CORPORATION** ^{LIMITED} ~~PLC~~ of 10 Old Jewry London EC2R 8DN (hereinafter called "the Mortgagee") of the second part
3. **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 Owner and the Mortgagee entered into an Agreement dated 8 October 2008 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number 288872 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 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 5 January 2010 for which the Council resolved to grant permission conditionally under reference 2009/5696/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

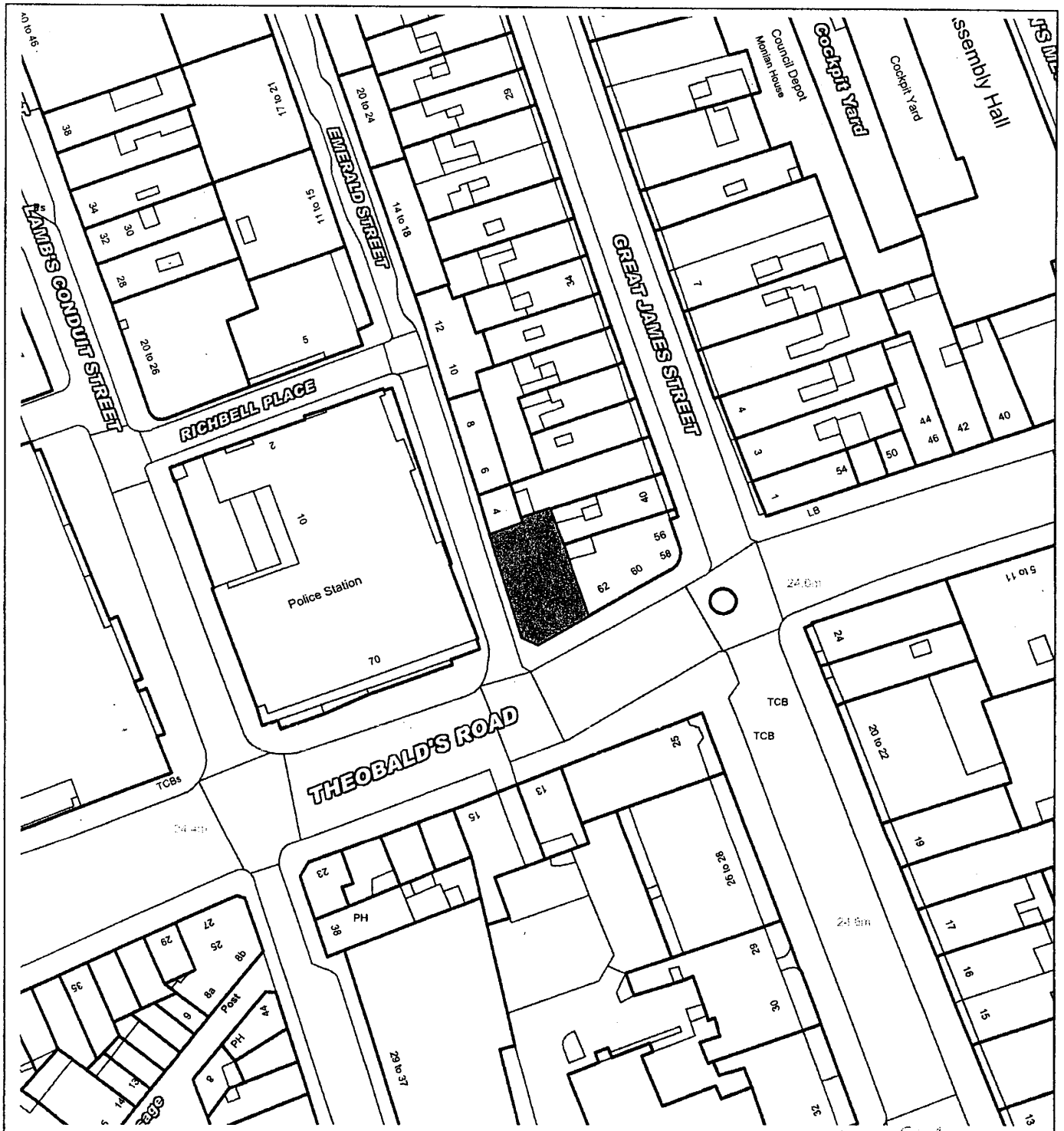
- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Agreement.
- 2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

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 8 October 2008 made between the Council, the Owner and the Mortgagee

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 8 October 2008 referenced 2007/5083/P allowing the Erection of partial first floor rear and second floor extension to 2 Emerald Street to form two self contained flats (1 x 1 bed and 1 x 2 bed) and various reconfiguration of existing residential units

64 Theobalds Rd & 2 Emerald St WC1X 8SF



W. S. 10
A

Hugh Broughton Architects
41A Beavor Lane
London
W6 9BL

Application Ref: **2009/5696/P**

2 March 2010

Dear Sir/Madam

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

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
64 Theobalds Road & 2 Emerald Street
London
WC1X 8SF

Proposal:

DECISION
Amendment to planning permission 2007/5083/P dated 08/10/2008 for the erection of a partial first floor rear and second floor extension to 2 Emerald Street to form two self contained flats (1 x 1 bed and 1 x 2 bed) and various reconfiguration of existing residential units within No 64 Theobalds Road including a partial extension at third floor level, creation of a roof terrace with balustrade enclosures, and various alterations to the ground floor front façade including the alteration from windows to doors, and the installation of ventilation grilles) to relocate two windows from the rear elevation to side elevation, install a maintenance access to the roof terrace, new rooflight and to install three air conditioning units with associated acoustic enclosure

Drawing Nos: Site Location Plan; 120-E-01 Rev PL3; 120-E-02-PL3; 120-E-03 Rev PL4; 120-GA-01 Rev PL3; 120-GA-05 Rev PL6; 120-GA-011 Rev PL5; 120-GA-10 Rev PL5; 120-GA-01 Rev PL4; 120-GA-02 Rev PL8; 120-GA-03 Rev PL8; 120-GA-05 Rev PL8; 120-GA-08 Rev PL8; 120-GA-10 Rev PL7; 120-GA-011 Rev PL7; Environmental Noise Impact Assessment Report Dated 24th November 2009;

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 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 B1, B3 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 2 Noise levels at a point on more external sensitive façades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment are 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 SD6 and Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3 Before the use commences the air conditioning plant shall be provided with acoustic isolation and sound attenuation in accordance with the scheme approved by the Council. The acoustic isolation shall thereafter be maintained in effective order to the reasonable satisfaction of the Council.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy SD6 and Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans 120-E-01 Rev PL3; 120-E-02-PL3; 120-E-03 Rev PL4; 120-GA-01 Rev PL3; 120-GA-05 Rev PL6; 120-GA-011 Rev PL5; 120-GA-10 Rev PL5; 120-GA-01 Rev PL4; 120-GA-02 Rev PL8; 120-GA-03 Rev PL8; 120-GA-05 Rev PL8; 120-GA-08 Rev PL8; 120-GA-10 Rev PL7; 120-GA-011 Rev PL7; Environmental Noise Impact Assessment Report Dated 24th November 2009;

Reason:

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

- 5 Automatic time clocks shall be fitted to the two air conditioning units serving the public house hereby approved, prior to commencement of the use of the units, to ensure that the plant/equipment does not operate between 23:00hrs and 06:00hrs.

The timer equipment shall be properly maintained and retained permanently thereafter.

Reason:- To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies SD6, SD7B, SD8, Appendix 1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

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 2363).
- 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 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 or on the website 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.
- 3 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, Urban Design and Renewal, Camden Town Hall, Argyle Street, WC1H 8EQ
- 4 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 SD1 - Quality of Life; SD6 - Amenity for occupiers and neighbours; SD7 - Light, noise and vibration pollution; SD8 - Disturbance; B1 - General design principles; B3 - Alterations and extensions; B7 - Conservation areas;. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 5 You are advised that this permission is subject to the same conditions and informatives as the substantive permission dated 08.10.2008 ref 2007/5083/P

Yours faithfully

DRAFT

DECISION

within No 64 Theobalds Road including a partial extension at third floor level, creation of a roof terrace with balustrade enclosures, and various alterations to the ground floor front façade including the alteration from windows to doors, and the installation of ventilation grilles. as shown on drawing numbers Site Location Plan (120-L-01 Rev PL2); 120-E-01 Rev PL3; 02 Rev PL3; 03 Rev PL3; 120-GA-01 Rev PL3; 02 Rev PL6; 03 Rev PL6; 05 Rev PL6; 06 Rev PL3; 07 Rev PL3; 08 Rev PL6; 10 Rev PL5; 11 Rev PL5; 12 Rev PL2; Acoustic Report (Ref 1273/ENS); Sunlight and Daylight Report (Dated Sept 2007)

- 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"

Variation of planning permission dated 8 October 2008 given Council reference number 2007/5083/P (for the erection of a partial first

floor rear and second floor extension to 2 Emerald Street to form two self contained flats (1 x 1 bed and 1 x 2 bed) and various reconfiguration of existing residential units within No 64 Theobalds Road including a partial extension at third floor level, creation of a roof terrace with balustrade enclosures, and various alterations to the ground floor front façade including the alteration from windows to doors, and the installation of ventilation grilles) to relocate two windows from the rear elevation to side elevation, install a maintenance access to the roof terrace, new rooflight and to install three air conditioning units with associated acoustic enclosure as shown on drawing numbers Site Location Plan; 120-E-01 Rev PL3; 120-E-02-PL3; 120-E-03 Rev PL4; 120-GA-01 Rev PL3; 120-GA-05 Rev PL6; 120-GA-011 Rev PL5; 120-GA-10 Rev PL5; 120-GA-01 Rev PL4; 120-GA-02 Rev PL8; 120-GA-03 Rev PL8; 120-GA-05 Rev PL8; 120-GA-08 Rev PL8; 120-GA-10 Rev PL7; 120-GA-011 Rev PL7; Environmental Noise Impact Assessment Report Dated 24th November 2009

3.1.2 "Planning Permission"

the planning permission under reference number 2009/5696/P to be issued by the Council in the form of the draft annexed hereto

3.1.3 "Planning Application"

the application for Planning Permission in respect of the Property submitted by the Owner and registered as valid by the Council on 5 January 2010 and given reference number 2009/596/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 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
MAYFAIR AND HOLLAND PROPERTIES
LIMITED acting by two Directors
or one Director and its Secretary

.....
Director

.....
Director/Secretary

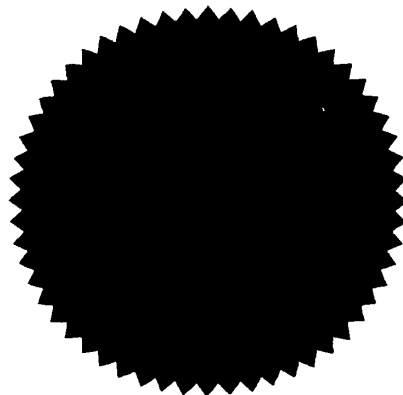
EXECUTED as a Deed
By ANGLO IRISH BANK
CORPORATION ~~INC~~ by
in the presence of:-

.....
2 authorised
signatures)

.....
W. J. O'Connell
P

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

.....
Authorised Signatory



DATED

20th July

2010

(1) MAYFAIR AND HOLLAND PROPERTIES LIMITED

and

(2) ANGLO IRISH BANK CORPORATION PLC

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