

DATED

09 September

2014

(1) THE HOXTON (HOLBORN) LIMITED

and

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

DEED OF VARIATION

Relating to the Agreement dated 19 August 2013 between
Norlake Hospitality II Limited and
the Mayor and Burgesses of the London Borough of Camden
Relating to development at premises known as

199-206 HIGH HOLBORN LONDON WC1V 7BD

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

Tel: 020 7974 2463
Fax: 020 7974 2962

CLS/COM/CJ/1685.
final



THIS AGREEMENT is made on the 09 day of September 2014

BETWEEN

1. **THE HOXTON (HOLBORN) LIMITED** (Co. Regn. No. 8207455) of 81 Great Eastern Street, London EC2A 3HU (hereinafter called "the Owner")

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 and the Owner (which changed its name from Norlake Hospitality II Limited on 25 July 2014) entered into an agreement dated 23 December 2011 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 in respect of the grant planning permission referenced 2011/4914/P and listed building consent referenced 2011/4918/L to change of use of the upper floors of the Property to a hotel ("the December 2011 Agreement")..

- 1.2 The Council and the Owner entered into a further agreement dated 14 August 2013 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 in respect of the grant of planning permission referenced 2013/2899/P and listed building consent referenced 2013/3056/L to extend the change of use of the ground and basement floors of the Property to a hotel ("the August 2013 Agreement")..

- 1.3 A new Planning Application in respect of the Property and to amend the planning permission referenced 2013/2899/P was submitted to the Council by the Owner and validated on 7 May 2014 for which the Council resolved to grant permission conditionally under reference 2014/2735/P subject to the conclusion of this Deed of Variation.

- 1.4 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL852396.

- 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.

- 1.6 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.
- 1.7 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.
- 1.8 Without prejudice to the terms of the other covenants contained in the August 2013 Agreement the parties hereto have agreed to vary the terms of the August 2013 Agreement as hereinafter provided.

1. INTERPRETATION

- 1.1 All words and phrases defined in the August 2013 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 August 2013 Agreement shall remain in full force and effect save as varied by this Deed of Variation.
- 1.2 In this Deed of Variation the following expression shall unless the context otherwise states have the following meaning now allocated to it.

- 2.3.1 "Deed of Variation" this Deed of Variation

- 2.3.2 "August 2013 Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980 dated 14 August 2013 made between the Council and the Owner

- 2.3.3 "August 2013 Planning Permission" means the planning permission granted by the Council on 14 August 2013 referenced 2013/2899/P

- 1.3 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.
- 1.4 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.
- 1.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 1.6 References in this Deed of Variation to the Owner shall include their successors in title.

2. VARIATION TO THE AUGUST 2013 AGREEMENT

- 3.1 The following definitions contained in the August 2013 Agreement shall be varied as follows:
 - 3.1.1 the definition of Development shall be amended by adding the words “subject to the variation of condition 12 (approved drawings) and condition 5 (parking spaces) of planning permission ref 2013/2899/P dated 14/08/2013 (for part change of use plus extension of the ground floor in connection with hotel use and restaurant at ground floor and basement levels); namely for additional plant space, reconfiguration of service yard in connection with relocated sub-station and refuse area, provision of new generator, reduction of disabled parking bay from 4 to 3, changes to staff service lobby entrance plus related minor changes to elevations as shown on drawing numbers: Site plan AP(00)8018 rev A; Existing (prefix HH203-1212-) 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012; proposed (prefix AP(00)-) 8010 rev A; 8011 rev E; 8012 rev A, 8013 rev A, 8014 rev A, 8015 rev A, 8016 rev A, 8017 rev A; 8020 rev A; 8021 rev E; 8022 rev D; 8023 rev A; 8030; 8031 rev D; 8032 rev C; 8050, 8051, 8052, 8053, 8055; Letter from CBRE dated 15/04/2014; Acoustic Report by Environoise Consulting Limited dated 11/04/2014 (ref 20311R29bMWrmwpak, Delivery and Servicing Plan incorporating Hotel Operational Management Plan Rev C dated February 2014 (Ref. KFM/TWR8/13/1713/TN01).

3.1.2 the definition of "Planning Permission" shall be amended to "the planning permission under reference number 2014/2735/P to be issued by the Council in the form of the draft annexed hereto" and the planning permission annexed hereto shall be deemed to be annexed to the August 2013 Agreement

3.1.3 the definition of "Planning Application" shall be amended to "the application for Planning Permission in respect of the Property validated on 7 May 2014 by the Owner and given reference number 2014/2735/P"

3.2 In all other respects the August 2013 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 Deed of Variation.

5. REGISTRATION AS LOCAL LAND CHARGE

5.1 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 has executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY)
THE HOXTON (HOLBORN) LIMITED)

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

.....
Director

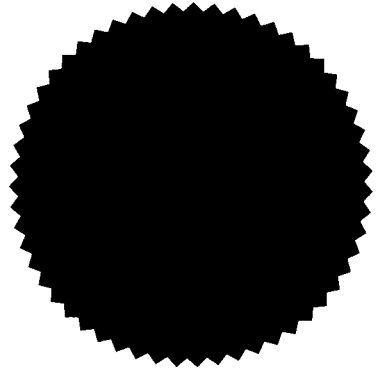
J.C. van de Vleede

WITNESSED IN THE PRESENCE
OF STEPHEN LLOYD

.....
Director/Secretary

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

R Alexander
.....
Authorised Signatory





CBRE Ltd
Henrietta House
Henrietta Place
London
W1G 0NB

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

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

Application Ref: **2014/2735/P**

11 August 2014

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:
199-206 High Holborn
London
WC1V 7BD

Proposal:

DECISION
Variation of condition 12 (approved drawings) and condition 5 (parking spaces) of planning permission ref 2013/2899/P dated 14/08/2013 (for part change of use plus extension of the ground floor in connection with hotel use and restaurant at ground floor and basement levels); namely for additional plant space, reconfiguration of service yard in connection with relocated sub-station and refuse area, provision of new generator, reduction of disabled parking bay from 4 to 3, changes to staff service lobby entrance plus related minor changes to elevations.

Drawing Nos: Superseded drawings and documents: Site plan HH203-1212-013; AP(00)8011 rev A; AP(00)8021 rev A; AP(00)8022 rev A; AP(00)8031; AP(00)8032; Delivery and Servicing Plan by RGP dated May 2013.

Drawings and documents for approval: Site plan AP(00)8018 rev A; proposed (prefix AP(00)-) 8010 rev A; 8011 rev E; 8012 rev A, 8013 rev A, 8014 rev A, 8015 rev A, 8016 rev A, 8017 rev A; 8020 rev A; 8021 rev E; 8022 rev D; 8023 rev A; 8030; 8031 rev D; 8032 rev C; 8050, 8051, 8052, 8053, 8055; Letter from CBRE dated 15/04/2014; Acoustic Report by Environoise Consulting Limited dated 11/04/2014 (ref 20311R29bMWmwpak); Delivery and Servicing Plan incorporating Hotel Operational Management Plan Rev C dated February 2014 (Ref. KFM/TWR8/13/1713/TN01).

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 Condition 12 of the planning permission granted on 14/08/2013 under reference number 2013/2899/P shall be replaced by the following condition:

DRAFT
REPLACEMENT CONDITION 12

The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan AP(00)8018 rev A; Existing (prefix HH203-1212-) 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012; proposed (prefix AP(00)-) 8010 rev A; 8011 rev E; 8012 rev A, 8013 rev A, 8014 rev A, 8015 rev A, 8016 rev A, 8017 rev A; 8020 rev A; 8021 rev E; 8022 rev D; 8023 rev A; 8030; 8031 rev D; 8032 rev C; 8050, 8051, 8052, 8053, 8055; Letter from CBRE dated 15/04/2014; Acoustic Report by Environoise Consulting Limited dated 11/04/2014 (ref 20311R29bMWmwpak); Design and Access Statement prepared by Alastair Bell (Rev E); Air Quality Statement by Facilitas TES dated 26/04/2013; BREEAM Pre-assessment by Greengage dated May 2013; Energy Statement by Greengage dated May 2013; Sustainability Statement by Greengage dated May 2013; Drainage Layout plan ref C101 rev D4; Heritage Report by Giles Quarme & Associates ref. 9674; Noise Impact Assessment Addendum by Aecom dated 26/04/2013; Planning Statement by CBRE dated May 2013; Statement of Consultation by Local Dialogue dated May 2013; Construction Routing Plan by RGP (ref 2013/1713/004 - April 2013); Transport Statement by RGP dated April 2013; Draft Travel Plan by RGP dated April 2013; Delivery and Servicing Plan incorporating Hotel Operational Management Plan Rev C dated February 2014 (Ref. KFM/TWR8/13/1713/TN01).

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

- 2 Condition 5 of the planning permission granted on 14/08/2013 under reference number 2013/2899/P shall be replaced by the following condition:

DRAFT
REPLACEMENT CONDITION 5

The development shall not be occupied until the whole of the service and parking area has been provided and marked out as shown on the approved drawings. No more than 3 cars are to be parked at any one time within the approved car parking spaces which shall be provided to full wheelchair standards and shall be permanently retained and maintained for the parking of registered disabled vehicles only unless otherwise agreed by the local planning authority in writing.

Reason: To ensure the proper provision of servicing for the development and that the

use of the premises does not add to parking pressures in surrounding streets which would be contrary to policy CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The operation of the generator will be restricted for use only in the event of a power failure.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the first use of the plant hereby approved, the mitigation measures associated with the proposed plant and set out in the Noise Impact Assessment by Environoise Consulting Limited dated 11/04/2014 (Ref. 20311R29bMWrmwpak) and shall be provided and permanently maintained in accordance with the manufacturer's recommendations.

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.

Informative(s):

- 1 You are advised that this permission relates only to the changes highlighted on the revised plans referred to above and shall only be read in the context of the substantive permission granted on 14/08/2013 under reference number 2013/2899/P and is bound to all other conditions and obligations attached to that 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).

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

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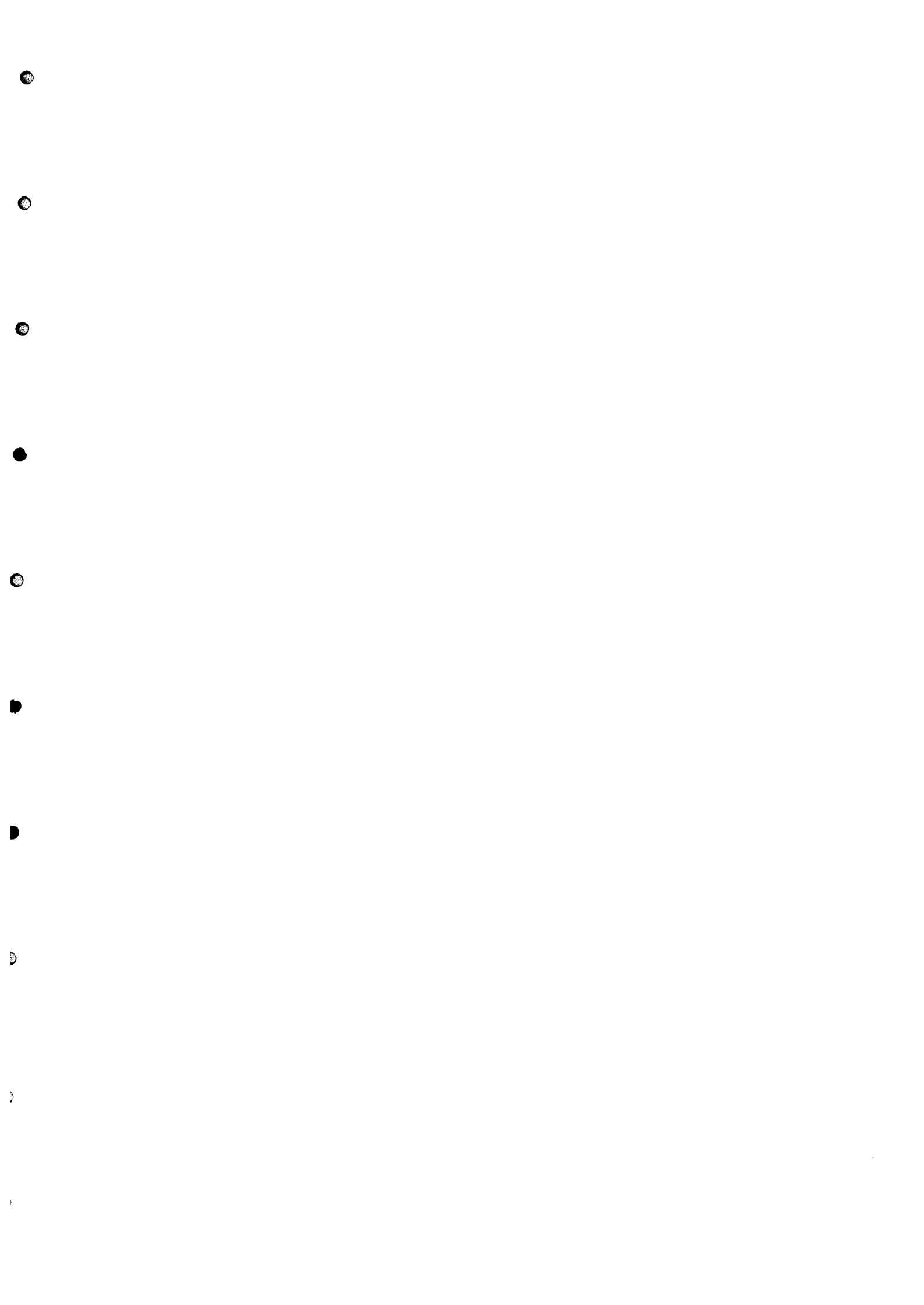
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