

DATED

7 October 2015

(1) RAINGATE LIMITED

-and-

(2) BERLIN HYP AG formerly known as **BERLIN-HANNOVERISCHE
HYPOTHEKENBANK AG**

-and-

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

SECOND DEED OF VARIATION

Relating to the Original Agreement dated 10 September 2013 (as varied by the First Deed of
Variation dated 24 February 2015)

between

the Mayor and Burgesses of the London Borough of Camden
and

Raingate Limited

and

Berlin HYP AG formerly known as
Berlin-Hannoverische Hypothekbank AG

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

79-86 CHANCERY LANE LONDON WC2A1BQ

Andrew Maughan
Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Tel: 020 7974 5680
Fax: 020 7974 1920

THIS AGREEMENT is made on the 7 day of October 2015

BETWEEN

1. **RAINGATE LIMITED** (incorporated in the Isle of Man under company number 107820C) whose address for service in the United Kingdom is care of Yorke Property Management Limited, 20 North Audley Street, London W1K 6WE (hereinafter called "the Owner") of the first part
2. **BERLIN HYP AG** formerly known as **BERLIN-HANNOVERISCHE HYPOTHEKENBANK AG** (incorporated in Germany under company number HRB56530) whose address is Budapester Strasse 1, 10787 Berlin, Germany (hereinafter called "the Mortgagee") of the second part
4. **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 the Original Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Council, the Owner and the Mortgagee entered into the First Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.3 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL555155, LN182480 and 326239 (part) subject to a charge to the Mortgagee.
- 1.4 The Mortgagee as mortgagee under a legal charge contained in a debenture dated 16 January 2008 registered under title numbers NGL555155, LN182480 and 326239 is willing to enter into this Agreement to give its consent to the same.
- 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 Agreement.
- 1.7 A new Planning Application in respect of the Property and to amend the Original Planning Permission as varied by the Second Planning Permission was submitted to the Council by the Owner and validated on 07 May 2015 for which the Council resolved to grant permission conditionally under reference 2015/2613/P subject to the conclusion of this Agreement.
- 1.8 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.
- 1.9 Without prejudice to the terms of the other covenants contained in the Original Agreement as varied by the First Deed of Variation the parties hereto have agreed to vary the terms of the Original Agreement as varied by the First Deed of Variation as hereinafter provided.

2. INTERPRETATION

- 2.1 All words and phrases defined in the Original Agreement as varied by the First Deed of Variation shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Original Agreement as varied by the First Deed of Variation shall remain in full force and effect save as varied by this Agreement.
- 2.2 All references in this Agreement to clauses in the Original Agreement as varied by the First Deed of Variation are to clauses within the Original Agreement as varied by the First Deed of Variation.
- 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 second deed of variation

- 2.3.2 “the First Deed of Variation” deed of variation dated 24 February 2015 made between the Council and the Owner and the Mortgagee
- 2.3.3 “Original Agreement” the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 10 September 2013 made between the Council and the Owner and the Mortgagee as varied by the First Deed of Variation
- 2.3.4 “the Original Planning Permission” the planning permission granted by the Council on 10 September 2013 referenced 2013/2159/P allowing the redevelopment of building to provide reconfigured office floorspace (Class B1) and the creation of a new office reception at ground floor level, replacement of mansard roof at fifth floor level, infill extension from first to fourth floor level, reconfigured residential floorspace (Class C3) to provide five new apartments (2 x 1 bed and 3 x 2 bed) at first floor level, together with reconfiguration of existing retail arrangement along Chichester Rents and Chancery Lane, and the creation of a new pedestrian route from Bishop's Court as shown on drawing numbers Site Location Plan (1966PL01); Existing Plans: 1966PL02 - 20; Demolition Plans: 1966PL61 - 76; Proposed Plans: 1966PL21 - 44; Extract of Drawing 1966PL22 (Rev A); Existing and Proposed Views: 1966PL51 - 57; Supporting Documents: Design and Access Statement by ORMS Architects (12 April 2013); Heritage Statement by Heritage Collective (April 2013); Statement of Community Involvement by Local Dialogue (April 2013); Sunlight and Daylight Report by GVA (April 2013); Travel Plan by URS (April 2013); Transport Statement by URS (April

2013); Acoustic Assessment 5236/AAR by URS (April 2013); Air Quality Report (28 May 2013); Sustainability Statement by URS; Energy Statement by URS (April 2013); Lifetime Homes Assessment by ORMS Architects (12 April 2013); Flood Risk Assessment by Watermans (April 2013); Ecology Assessment by Watermans (April 2013)

2.3.5 "the Second Planning Permission"

the planning permission granted by the Council on 24 February 2015 referenced 2014/5909/P permitting amendments to previously approved scheme (referenced 2013/2159/P dated 10 February 2013) for the variation of condition 3 (approved plans) of planning permission ref 2013/2159/P dated 10/09/2013 (as amended by planning permission 2014/3363/P) for redevelopment of building to provide reconfigured office space, commercial units and residential accommodation, namely change of use of unit 1 at basement and ground floor level from A1 use class (retail) to flexible retail/food and drink (Class A1 or A3) and associated alterations to the basement layout as shown on drawing nos Site Location Plan (1966PL01); Existing Plans: 1966PL02 - 20; Demolition Plans: 1966PL61 - 76; Proposed basement Plan: 1966PL21 Rev C; Proposed ground floor plan of drawing 1966PL22 Rev B; Proposed indicative internal extract and servicing details- (Prefix: 47063586-CL-) 101 Rev C1; 201 Rev C1; 201 Rev C1; 203 Rev C1; 206 Rev C1; 207 Rev C1; 214 Rev C1; 215 Rev C1; Existing and Proposed Views: 1966PL51 - 57; Supporting Documents: Design and Access Statement by ORMS Architects (12 April 2013); Heritage

Statement by Heritage Collective (April 2013); Planning note by Farebrother dated June 2014; Statement of Community Involvement by Local Dialogue (April 2013); Sunlight and Daylight Report by GVA (April 2013); Travel Plan by URS (April 2013); Transport Statement by URS (April 2013); Acoustic Assessment 5236/AAR by URS (April 2013); Air Quality Report (28 May 2013); Sustainability Statement by URS; Energy Statement by URS (April 2013); Lifetime Homes Assessment by ORMS Architects (12 April 2013); Flood Risk Assessment by Watermans (April 2013); Ecology Assessment by Watermans (April 2013); Letter by Indigo dated 18th September 2014 (Ref: let.001.NB.SM.2167001)

- 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 ORIGINAL AGREEMENT AS VARIED BY THE FIRST DEED OF VARIATION

- 3.1 The following definitions contained in the Original Agreement as varied by the First Deed of Variation shall be varied as follows:

3.1.1 "Development"

the definition of "Development" shall be replaced by the following: variation of Condition 3 (approved plans) of planning permission 2013/2159/P dated 10/09/13 (as amended by planning permission 2014/5909/P and 2014/7308/P) (for redevelopment of building to provide reconfigured office space, commercial units and residential accommodation (including 5 new flats); replacement of mansard roof at fifth floor level; infill extension from first to fourth floor level and the creation of a new pedestrian route from Bishop's Court) to include a new flue on the roof of the building as shown on drawing numbers Revised Plans: (1966) PL 51 Rev A; PL 53 Rev A; PL 58; GA 08 Rev C5; GE 01 Rev C3; GE 02 Rev C4; GE 03 Rev C3; GE 04 Rev C4; GS 02 Rev C3 and Boiler Flue Noise Assessment (Report 5629/BFN) Rev 0. Superseded Plans: (1966 PL) 28; 30; 36; 37; 38; 39 and 1966 GA 02.

3.1.2 "Planning Application"

the application for Planning Permission in respect of the Property submitted on 07 May 2015 by the Owner and given reference number 2015/2613/P

3.1.2 "Planning Permission"

the definition of "Planning Permission" shall be amended by adding the following words at the end: "as amended by the planning permission under reference number 2015/2613/P to be issued by the Council in the form of the draft annexed hereto"

- 3.2 The words "2013/2159/P" in clause 5.2 of the Existing Agreement shall be deleted and replaced with "2015/2613/P".
- 3.3 The words "2013/2159/P" in clause 5.6 of the Existing Agreement shall be deleted and replaced with "2015/2613/P".
- 3.4 the words "2013/2159/P" in clause 6.1 of the Existing Agreement shall be deleted and replaced with "2105/2613/P".
- 3.5 The draft planning permission reference 2015/2613/P annexed to this Agreement shall be treated as annexed to the Existing Agreement in addition to the existing annexures.
- 3.6 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**

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**

This Agreement shall be registered as a Local Land Charge

6. **MORTGAGEE EXEMPTION**

The Mortgagee hereby consents to the completion of this Agreement and to the same being registered at the Land Registry. Further, the Owner, the Mortgagee and the Council agree that the Mortgagee shall only be bound by the obligations contained in this Agreement in the event that it becomes a mortgagee in possession of the Property.

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
RAINGATE LIMITED
a company incorporated in the Isle of Man
by WILLIAM BENNETT AND OSCAR BROWN
and being persons who in accordance with
the laws of that territory are acting in
under the authority of the company**

A handwritten signature, possibly 'A', is located above a large, circular scribble. The scribble is composed of several overlapping loops and is positioned to the left of a horizontal dotted line.

EXECUTED AS A DEED BY)
BERLIN HYP AG (formerly known as))
BERLIN-HANNOVERISCHE)
HYPOTHEKENBANK AG)
acting by a Director and its Secretary)
or by two Directors)

Director Name: (CAPITALS))
Director Signature:)

Director/Secretary Name (CAPITALS))
Director/Secretary Signature:)

Anja Spangenberg

Dana Brys

Dana Brys

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

Duly Authorised Officer



79-86 Chancery Lane London WC2A 1BQ



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**Regeneration and Planning
Development Management**
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CBRE
Henrietta House
Henrietta Place
London
W1G 0NB

Application Ref: **2015/2613/P**

20 August 2015

Dear Sir/Madam

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:
79-86 Chancery Lane
London
WC2A 1BQ

Proposal:

Variation of Condition 3 (approved plans) of planning permission 2013/2159/P dated 10/09/13 (as amended by 2014/5909/P and 2014/7308/P) (for redevelopment of building to provide reconfigured office space, commercial units and residential accommodation (including 5 new flats); replacement of mansard roof at fifth floor level; infill extension from first to fourth floor level and the creation of a new pedestrian route from Bishop's Court) to include a new flue on the roof of the building.

Drawing Nos: Revised Plans: (1966) PL 51 Rev A; PL 53 Rev A; PL 58; GA 08 Rev C5; GE 01 Rev C3; GE 02 Rev C4; GE 03 Rev C3; GE 04 Rev C4; GS 02 Rev C3 and Boiler Flue Noise Assessment (Report 5629/BFN) Rev 0.

Superseded Plans: (1966 PL) 28; 30; 36; 37; 38; 39 and 1966 GA 02.

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 For the purposes of this decision, condition no.3 of planning permission 2013/2159/P shall be replaced with the following condition:

REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans- Site Location Plan (1966PL01); Existing Plans: 1966PL02 - 20; Demolition Plans: 1966PL61 - 76; Proposed Plans: 1966PL21, 1966PL22, 1966PL23, 1966PL24, 1966PL25, 1966PL26, 1966PL27, 1966PL29, 1966GE02 Rev C3, 1966PL31, 1966PL32, 1966PL33, 1966PL34, 1966PL35, 1966GE04 Rev C3, 1966GS02 Rev C3, 1966PL40, 1966PL41, 1966PL42, 1966PL43, 1966PL44; Extract of Drawing 1966PL22 (Rev A); Existing and Proposed Views: 1966PL51 Rev A and 1966PL53 Rev A; 1966PL58, 1966GA 08 Rev C5, 1966GE 01 Rev C3, 1966GE 02 Rev C4, 1966GE 03 Rev C3, 1966GE 04 Rev C4, Supporting Documents: Design and Access Statement by ORMS Architects (12 April 2013); Heritage Statement by Heritage Collective (April 2013); Statement of Community Involvement by Local Dialogue (April 2013); Sunlight and Daylight Report by GVA (April 2013); Travel Plan by URS (April 2013); Transport Statement by URS (April 2013); Acoustic Assessment 5236/AAR by URS (April 2013); Air Quality Report (28 May 2013); Sustainability Statement by URS; Energy Statement by URS (April 2013); Lifetime Homes Assessment by ORMS Architects (12 April 2013); Flood Risk Assessment by Watermans (April 2013); Ecology Assessment by Watermans (April 2013) and Boiler Flue Noise Assessment (Report 5629/BFN) Rev 0.

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

Informative(s):

- 1 Reasons for granting permission.

The proposed changes to the approved drawings include a new flue at roof level. It would be of stainless steel construction and located on the main roof at 6th floor level adjacent to a lift overrun. A full Acoustic Report has been submitted to justify the development. The amended plans include changes already approved under

non-material and material amendments ref: 2014/7308/P and 2014/5909/P. The most significant of the changes approved include changes to entrance doors; louvre panels to replace brick walls and the reduction to the height of a retained brick wall on the south western corner of level 4. These were all considered acceptable.

The existing building has two flues at roof level which would be replaced by the proposed flue at the same location. Overall, it is considered to be a more efficient and suitable means of exhausting air from the basement plant area, both aesthetically and technically.

Due to the location of the stainless steel flue on the roof at 41.8m above ground level and it being setback from the edge of the mansard roof it would be attached to, which sits behind the parapet walls of the levels below, it would not be visually prominent from within the surrounding area. Therefore, it is considered that the proposed flue would not materially harm the appearance of the host building and that it would preserve the character and appearance of the Bloomsbury Conservation Area.

The submitted 'Boiler Flue Noise Assessment' confirms that the proposed flue would conform to the Council's requirements regarding noise levels. The Council's Environmental Health Service is satisfied with the submitted details subject to a compliance condition regarding external noise levels.

Due to the nature and scale of the proposal and the considerations above, a significant level of harm would not result to the prospective occupiers of the host building or any surrounding occupiers by way of noise and general disturbance over the approved scheme.

The site's planning history and relevant appeals have been taken into account when coming to this decision. No representations were received as a result of consultation.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan March 2015, consolidated with alterations since 2011, and paragraphs 14, 17, 56-68 and 126-141 of the National Planning Policy Framework.

- 2 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 and conditions 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).

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

DRAFT

DECISION

DATED 7 October 2015

(1) RAINGATE LIMITED

-and-

(2) BERLIN HYP AG formerly known as **BERLIN-HANNOVERISCHE
HYPOTHEKENBANK AG**

-and-

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

SECOND DEED OF VARIATION

Relating to the Original Agreement dated 10 September 2013 (as varied by the First Deed of
Variation dated 24 February 2015)

between

the Mayor and Burgesses of the London Borough of Camden

and

Raingate Limited

and

Berlin HYP AG formerly known as
Berlin-Hannoverische Hypothekbank AG

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

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