

DATED

14 September

2015

(1) WORKSPACE 14 LIMITED

-and-

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

SECOND DEED OF VARIATION

Relating to the Agreement dated 9 July 2013 as varied by the Deed of Variation dated 13
December 2013

Between the Mayor and the Burgesses of the
London Borough of Camden and
Workspace 14 Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)

Relating to development at premises known as

**HATTON SQUARE BUSINESS CENTRE
16 AND 16A BALDWIN'S GARDENS and
31 TO 37 (ODD) LEATHER LANE
LONDON EC1N 7RJ**

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

Tel: 020 7974 1918
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CLS/COM/ESA/1781.302
FINAL



THIS DEED is made on the 14th day of September 2015

BETWEEN

1. **WORKSPACE 14 LIMITED** (Co. Regn. No. 5834831) whose registered office is Chester House, Kennington Park, 1-3 Brixton Road, London SW9 6DE (hereinafter called "the Owner") 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 the Owner entered into an agreement dated 9 July 2013 (the "Original Agreement").
- 1.2 The Original Agreement was made pursuant to section 106 of the Act in respect of a development authorised by a planning permission dated 4 June 2013 with reference number 2013/1086/P (the "Original Planning Permission").
- 1.3 Condition 7 (development permitted in accordance with approved drawings) of the Original Planning Permission was subsequently varied pursuant to section 73 of the Act and a new planning permission 2013/5404/P was issued on 13 December 2013 (the "S.73 Planning Permission").
- 1.4 As a consequence the Council and the Owner entered into an agreement dated 13 December 2013 pursuant to section 106A of the Act to vary the Original Agreement (the "First Deed of Variation").
- 1.5 The Owner has applied to the Council to vary condition 7 of the S.73 Planning Permission to substitute drawings reflecting small changes to the façade and internal layout.
- 1.6 The Council has resolved to grant planning permission under reference 2015/3334/P to vary condition 7 of the S.73 Planning Permission subject to the completion of this Deed.



- 1.7 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute of the Property under title number NGL590439.
- 1.8 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.9 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.
- 1.10 This Deed is made by virtue of section 106A of the Act and is a planning obligation for the purposes of that section.
- 1.11 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 Deed 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 Deed.
- 2.2 Where in this Deed 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.
- 2.3 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Deed and shall not effect the construction of this Deed.
- 2.4 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.5 References in this Deed to the Owner shall include its successors in title.



2.6 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it:

2.8.1 "Deed" this Second Deed of Variation made pursuant to Section 106A of the Act

2.8.2 "Existing Agreement" the Original Agreement as varied by the First Deed of Variation

2.8.3 "First Deed of Variation" the deed of variation made under section 106A of the Act dated 13 December 2013 between the Council and the Owner

2.8.4 "Original Agreement" the section 106 agreement under the Act dated 9 July 2013

3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following amendments shall be made to the Existing Agreement:

3.1.1 The definition of "Development" at clause 2.9 shall be deleted and replaced with the definition set out below:

*"2.9 **"Development"** means the development of the Property pursuant to the Planning Permission or the S.73 Planning Permission or the Second S.73 Planning Permission*

3.1.2 A new definition clause 2.37 shall be inserted after clause 2.36 as set out below:

*"2.37 **"Second S.73 Planning Application"** means the application with reference 2015/3334/P submitted to the Council on the 29 May 2015;"*

3.1.3 A new definition clause 2.38 shall be inserted after clause 2.37 as set out below:

3.1.3.1 *"2.38 **"Second S.73 Planning Permission"** means a planning permission granted by the Council pursuant to the Second S.73 Planning Application substantially in the form attached at the Fifth Schedule to this Deed;"*



3.1.4 In clauses 5.2 and 5.5 the words “or 2015/3334/P” shall be inserted after “2013/5404P” and before “(as applicable)”.

3.1.5 In the first line of clause 6.8 the words “Planning Permission and S.73 Planning Permission are” shall be deleted and replaced with “*Planning Permission, S.73 Planning Permission and the Second S.73 Planning Permission are*”.

3.1.6 A new Fifth Schedule shall be deemed inserted into the Existing Agreement in the form set out in Schedule 1 to this Deed.

3.2 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

4. COMMENCEMENT

4.1 Save for this clause 4, clause 5 and 6 of this Deed (all of which shall come into effect on the date hereof) the provisions in this Deed shall take effect on the Implementation of the Second S.73 Planning Permission.

5 PAYMENT OF THE COUNCIL’S LEGAL COSTS

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



6. **REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed 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 signed this instrument as a Deed on the day and year first above written.

SIGNED AS A DEED
By **WORKSPACE 14 LIMITED**
acting by:

Signature of Director

Angus Boag

Print name of Director

ANGUS BOAG

Signature of Director/Secretary

G. Clomett

Print name of Director/Secretary

GRAHAM CLOMETT

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

J. E. Keem
.....
Duly Authorised Officer JOANNE LEEVES





SCHEDULE 1

FIFTH SCHEDULE

DRAFT SECOND S.73 PLANNING PERMISSION



Karakusevic Carson Architects
The Gymnasium
56 Kingsway Place
Sans Walk
London
EC1R 0LUApplication Ref: **2015/3334/P**

08 September 2015

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:

**16 - 16A Hatton Square
Business Centre
Baldwins Gardens
London
EC1 7RJ**

Proposal:

DECISION
Variation of condition 7 (approved plans) of planning permission 2013/1086/P dated 04/06/2013 (for extensions and alterations to re provide a shop (Class A1), provide additional office space (Class B1a); workshops (Class B1c) and ancillary café), namely to allow alterations to the fenestration and openings, the relocation of the louvred access to the substation, changes to external materials, changes to the internal/external layout and other associated alterations.

Drawing Nos: 203_A_P_300_11 Rev 00; 203_A_P_300_00 Rev 02; 203_A_P_300_01 Rev 03; 203_A_P_300_02 Rev 02; 203_A_P_300_03 Rev 02; 203_A_P_300_04 Rev 02; 203_A_P_300_05 Rev 03; 203_A_P_100_00 Rev 02; 203_A_P_100_01 Rev 02; 203_A_P_100_02 Rev 03; 203_A_P_100_03 Rev 03; 203_A_P_100_04 Rev 03; 203_A_P_100_05 Rev 03; 203_A_P_100_06 Rev 02; 203_A_P_100_07 Rev 02; 203_A_P_100_08 Rev 02; 203_A_P_200_00 Rev 03; 203_A_P_200_01 Rev 02; 203_A_P_200_02 Rev 03; 203_A_P_200_03 Rev 02; 203_A_P_200_04 Rev 03; 203_A_P_200_05 Rev 03; 203_A_P_200_06 Rev 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 REPLACEMENT CONDITION 7

The development hereby permitted shall be carried out in accordance with the following approved plans:

203_A_P_300_11 Rev 00; 203_A_P_300_00 Rev 02; 203_A_P_300_01 Rev 03;
203_A_P_300_02 Rev 02; 203_A_P_300_03 Rev 02; 203_A_P_300_04 Rev 02;
203_A_P_300_05 Rev 03; 203_A_P_100_00 Rev 02; 203_A_P_100_01 Rev 02;
203_A_P_100_02 Rev 03; 203_A_P_100_03 Rev 03; 203_A_P_100_04 Rev 03;
203_A_P_100_05 Rev 03; 203_A_P_100_06 Rev 02; 203_A_P_100_07 Rev 02;
203_A_P_100_08 Rev 02; 203_A_P_200_00 Rev 03; 203_A_P_200_01 Rev 02;
203_A_P_200_02 Rev 03; 203_A_P_200_03 Rev 02; 203_A_P_200_04 Rev 03;
203_A_P_200_05 Rev 03; 203_A_P_200_06 Rev 02.

Informative(s):

1 Reasons for granting permission

The proposal is to make a number of changes to planning permission 2013/1086/P, dated 04/06/2013.

The revisions to the window size, configuration and type on the north and west elevations of the building would be minor in scale and would not alter the overall character or appearance of the host building, or cause any increased levels of overlooking to neighbouring properties.

The changes to the fenestration at the rear (south) elevation, namely the replacement of the crittal-type windows with high-performance, double-glazed windows, are supported because although it involves the loss of the original windows, the windows are not visible in the public realm and the new windows would allow better thermal and solar performance, which is a benefit which, in this case, overrides any heritage/design concerns. Furthermore, the revisions would not cause any increased levels of overlooking to neighbouring properties.

The alterations to the fenestration in the recessed east elevation and within the internal courtyard are supported because the alterations are not significant and would not alter the overall character or appearance of the host building.



The alterations to the ground floor openings on the northern and western elevations of the building are supported because they would not significantly alter the character or appearance of the resultant building, particularly because the alterations would not affect the brickwork frame of the building. The reduction and rationalisation of the doors serves to simplify the elevation.

The omission of the brise soleil to the second and third floor windows on the south elevation is supported because the resultant building will have a simpler façade. Similarly, enclosing the flues on the southern elevation with brickwork will improve the visual appearance of the resultant building. The relocation of the dry riser on the west elevation of the building will have no impact on the building and is therefore also supported.

The replacement of a small area of cladding with brickwork on the northern and western elevations is supported because it would not significantly alter the character or appearance of the resultant building and the mix of external building materials would still be appropriate and suitable to the wider context of the building. Similarly, the increase in the area of bio-diverse roof is supported because it adds interest to the building, whilst still retaining an appropriate mix of building external materials.

The adjustment to the solar PV equipment is supported because the equipment would not be visible and the changes would therefore have minimal impact on the character and appearance of the resultant building.

The increase in the size of the 5th floor roof terrace and the addition of another terrace on the 5th floor are also supported because these changes would not be visible in the public realm and, given their size and position, the terraces would not significantly impact on the residential amenities of neighbouring properties.

The alterations to the rooflights to serve the basement and the additional rooflights to serve the cycle store are supported because they would have limited impact on the wider building. Similarly, repositioning the lightwell stair and altering the position of the wall on the eastern elevation of the building would not significantly impact on the character or appearance of the resultant building.

The slight increase in the depth of the recessed entrance to the lobby is supported because it would not significantly impact on the character and appearance of the resultant building yet would provide visual interest and break up the elevation. Furthermore, the change would not significantly alter the amount of internal floor space within the lobby area.

- 2 Overall, the proposed changes are all considered to be acceptable such that the resultant building would still be of a high quality design that would respect the context of the surrounding area, and the proposal would preserve and enhance the character and appearance of the Hatton Garden Conservation Area.

Neighbouring occupiers were consulted on the application. One objection has been received prior to making this decision which has been duly taken into account. The application site's planning history and relevant appeal decisions were also taken



into account when coming to this decision.

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

The proposed development is in general accordance with Policies CS1, CS5, CS6, CS8, CS11, CS13, CS14, CS15, CS16, CS17 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and Policies DP1, DP2, DP13, DP16, DP17, DP18, DP19, DP20, DP22, DP23, DP24, DP25, DP26, DP28, DP29, DP32 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with Policies 4.1, 4.3, 5.1, 5.2, 5.3, 5.11, 6.1, 7.4, 7.6 and 7.8 of the London Plan 2015; and the provisions of paragraphs 14, 17, 18-22, 56-66, 93-108 and 126-141 of the National Planning Policy Framework 2012.

- 3 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, conditions (and obligations where applicable) 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).
- 4 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.

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

