

DATED

24th December

2015

(1) HER MAJESTY THE QUEEN

CARE OF THE CROWN ESTATE COMMISSIONERS

-and-

(2) CONSUMERS' ASSOCIATION

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 12th February 2015
Between the Mayor and the Burgesses of the
London Borough of Camden, Her Majesty The Queen care of The Crown Estate
Commissioners and the Consumers' Association
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

**2 MARYLEBONE ROAD AND 1-9 ALBANY STREET
LONDON NW1 4DF**

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

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CLS/COM/PM/1781.504
FINAL DoV 091215

THIS DEED is made on the

day of

2015

BETWEEN

1. **HER MAJESTY THE QUEEN** (hereinafter called "Her Majesty") and **THE CROWN ESTATE COMMISSIONERS** on behalf of Her Majesty acting in the exercise of the powers conferred by the Crown Estate Act 1961 care of, 16 New Burlington Place, London W1S 2HX (hereinafter called "the Commissioners") of the first part
2. **CONSUMERS' ASSOCIATION** of 2 Marylebone Road, London NW1 4DX (hereinafter called "Owner") 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 Commissioners and the Owner entered into an Agreement dated 12th February 2015 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 Her Majesty and the Commissioners are registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Numbers NGL908162, LN134207 and NGL895348 and are interested in the Property for the purposes of Section 106 of the Act.
- 1.3 The Owner is registered at the Land Registry as the leasehold proprietor with Title absolute of part of the Property under Title Number NGL550232.
- 1.4 The Owner is the leasehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.5 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.
- 1.6 A new Planning Application and new application for Listed Building Consent in respect of the Property and to amend the Original Planning Permission and Original Listed Building Consent was submitted to the Council by the Owner and validated on

15th September 2015 for which the Council resolved to grant permission conditionally under references 2015/4752/P and 2015/5224/L subject to the conclusion of this Deed.

1.7 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (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 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 All references in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 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 Agreement.

2.4 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 Agreement and shall not effect the construction of this Deed.

2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6, 7, 8, 9, 10 and 11 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.

2.7 References in this Deed to the Owner and Mortgagee shall include their successors in title.

2.8 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 Deed of Variation made pursuant to Section 106A of the Act

2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 12th February 2015 made between the Council the Commissioners and the Owner.

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 12th February 2015 referenced 2013/5840/P allowing the Refurbishment and extension of existing offices (Use Class B1) at 2 Marylebone Road and 1-9 Albany Street, including alterations and extensions to the Peto Place elevations, an additional floor/roof extension at fourth floor and internal alterations to all floors as shown on: A221 Rev 02, A222 REV00, A223 Rev 02, A224 REV01, A225 REV01, A226 Rev 02, A250 REV00, A010-013 REV 00, A020-025 REV 01, A035-040 REV 01, A100-106 REV02, A108 REV 00, A 201-206 REV00, A450 REV 00, A465 REV00, A650-651 REV 00, A655-656 REV A. Two CGIs of Peto Place submitted 17th December. Design and Access Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Construction Management Plan (Provided by Kohn Pedersen Fox Associates dated August 2013); Daylight and Sunlight Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Energy and Sustainability Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Mechanical and Electrical Statement (Provided by Kohn Pedersen Fox

Associates dated August 2013); Noise Report (Provided by Kohn Pedersen Fox Associates dated August 2013); Heritage Statement (Provided by Montagu Evans dated August 2013); Planning Statement (Provided by Montagu Evans dated August 2013); Statement of Community Involvement (Provided by Kohn Pedersen Fox Associates dated August 2013); Waste Management Plan (Provided by Which? dated August 2013) (2013/5840/P) AND Refurbishment and extension of existing offices (Use Class B1) at 2 Marylebone Road and 1-9 Albany Street in regards to internal alterations at 2 Marylebone Road as shown on A221 Rev 02, A222 REV00, A223 Rev 02, A224 REV01, A225 REV01, A226 Rev 02, A250 REV00, A010-013 REV 00, A020-025 REV 01, A035-040 REV 01, A100-106 REV02, A108 REV 00, A 201-206 REV00, A450 REV 00, A465 REV 00, A650-651 REV 00, A655-656 REV 00.

A. Two CGIs of Peto Place submitted 17th December. Design and Access Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Construction Management Plan (Provided by Kohn Pedersen Fox Associates dated August 2013); Daylight and Sunlight Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Energy and Sustainability Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Mechanical and Electrical Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Noise Report (Provided by Kohn Pedersen Fox Associates dated August 2013); Heritage Statement (Provided by Montagu Evans dated August 2013); Planning Statement (Provided by Montagu Evans dated August 2013); Statement of Community Involvement (Provided by Kohn Pedersen Fox Associates dated August 2013); Waste Management Plan (Provided by Which? dated August 2013);

(2013/5886/L) pursuant to the Planning Permission and Listed Building Consent

2.8.4 "the Original Listed Building Consent"

means the listed building consent granted by the Council on 12th February 2015 referenced 2013/5886/L for the refurbishment and extension of existing offices (Use Class B1) at 2 Marylebone Road and 1-9 Albany Street in regards to internal alterations at 2 Marylebone Road (as shown on drawings specified above at 2.8.3)

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"

Minor material amendment to planning permission referenced 2013/5840/P dated 12/02/2015 (for the refurbishment and extension of existing offices (Use Class B1) at 2 Marylebone Road and 1-9 Albany Street, including alterations and extensions to the Peto Place elevations, an additional floor/roof extension at fourth floor and internal alterations to all floors) to make minor alterations to the geometry of the roof form, arising from a minor adjustment of the roof position; the removal of the ramped entrance from Peto Place, the simplification of fenestration and a change to the colour of the roof from Brass Patina to Anthra Zinc as shown on drawing numbers: Superseded: A221 Rev 02, A222 REV00, A223 Rev 02, A224 REV01, A225 REV01, A226 Rev 02, A250 REV00, A010-013 REV 00, A020-025 REV 01, A035-040 REV 01, A100-106 REV02, A108 REV 00, A 201-206 REV00, A450

REV 00, A465 REV 00, A650-651 REV 00, A655-656 REV A, Two CGIs of Peto Place submitted 17th December. Proposed: A221 Rev 13, A222 REV09, A223 Rev 12, A224 REV10, A225 REV11, A226 Rev 04, A250 REV05, A010-013 REV 05, A011 REV 08, A013 REV 05, A020-025 REV 01, A035 Rev 05; A036 Rev 06; A037 Rev 06; A038 Rev 06; A039 Rev 06; A40 Rev 06; A100 Rev 13; A101 Rev 14; A102 Rev 13; A103 Rev 14; A104 Rev 13; A105 Rev 22; A106 REV16, A108 REV 05, A 201-206 REV00, A655 Rev 04; A-656 REV 05 (and such plans as have been approved by the Council for this Development)

- 3.1.2 "Listed Building Consent" an application for listed building consent in respect of the Development of the Property submitted on 14th September 2015 under reference number 2015/5244/L substantially in the draft form annexed hereto
- 3.1.3 "Planning Permission" the planning permission for the Development granted pursuant to the Planning Application by the Council in the form of the draft annexed hereto
- 3.1.4 "Planning Application" the application for Planning Permission in respect of the Property submitted on 15th September 2015 by the Owner and given reference number 2015/4792/P
- 3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2013/5840/P" shall be replaced with "Planning Permission reference 2015/4792/P".
- 3.3 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

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

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

Application Ref: **2015/4752/P**

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:
2 Marylebone Road
London
NW1 4DF

Proposal:

DECISION
Minor material amendment to planning permission 2013/5840/P dated 12/02/2015 (for the refurbishment and extension of existing offices (Use Class B1) at 2 Marylebone Road and 1-9 Albany Street, including alterations and extensions to the Peto Place elevations, an additional floor/roof extension at fourth floor and internal alterations to all floors) to make minor alterations to the geometry of the roof form, arising from a minor adjustment of the roof position; the removal of the ramped entrance from Peto Place, the simplification of fenestration and timber panels and a change to the colour of the roof from Brass Patina to Anthra Zinc .

Drawing Nos: Superseded: A221 Rev 02, A222 REV00, A223 Rev 02, A224 REV01, A225 REV01, A226 Rev 02, A250 REV00, A010-013 REV 00, A020-025 REV 01, A035-040 REV 01, A100-106 REV02, A108 REV 00, A 201-206 REV00, A450 REV 00, A465 REV 00, A650-651 REV 00, A655-656 REV A, Two CGIs of Peto Place submitted 17th December.

Proposed: A001 Rev 01, A002 Rev 04, A011 Rev 08, A221 Rev 13, A222 REV 09, A223 Rev 12, A224 REV 10, A225 REV 11, A226 Rev 04, A250 REV 05, A010-013 REV 05, A020-025 REV 01, A035 Rev 05; A036 Rev 06; A037 Rev 06; A038 Rev 06; A039 Rev 06; A40 Rev 06; A100 Rev 13; A101 Rev 14; A102 Rev 13; A103 Rev 14; A104 Rev 13; A105 Rev 22; A106 REV16, A108 REV 05, A 201-206 REV00, A655 Rev 04; A-656 REV 05

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.2 of planning permission 2013/5840/P dated 12/02/2015 shall be replaced with the following condition:

Replacement condition 2

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

Superseded: A221 Rev 02, A222 REV00, A223 Rev 02, A224 REV01, A225 REV01, A226 Rev 02, A250 REV00, A010-013 REV 00, A020-025 REV 01, A035-040 REV 01, A100-106 REV02, A108 REV 00, A 201-206 REV00, A450 REV 00, A465 REV 00, A650-651 REV 00, A655-656 REV A, Two CGIs of Peto Place submitted 17th December.

Proposed: A001 Rev 01, A002 Rev 04, A011 Rev 08, A221 Rev 13, A222 REV 09, A223 Rev 12, A224 REV 10, A225 REV 11, A226 Rev 04, A250 REV 05, A010-013 REV 05, A020-025 REV 01, A035 Rev 05; A036 Rev 06; A037 Rev 06; A038 Rev 06; A039 Rev 06; A40 Rev 06; A100 Rev 13; A101 Rev 14; A102 Rev 13; A103 Rev 14; A104 Rev 13; A105 Rev 22; A106 REV16, A108 REV 05, A 201-206 REV00, A655 Rev 04; A-656 REV 05

Design and Access Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Construction Management Plan (Provided by Kohn Pedersen Fox Associates dated August 2013); Daylight and Sunlight Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Energy and Sustainability Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Mechanical and Electrical Statement (Provided by Kohn Pedersen Fox Associates dated August 2013); Noise Report (Provided by Kohn Pedersen Fox Associates dated August 2013); Heritage Statement (Provided by Montagu Evans dated August 2013); Planning Statement (Provided by Montagu Evans dated August 2013); Statement of Community Involvement (Provided by Kohn Pedersen Fox Associates dated August 2013); Waste Management Plan (Provided by Which? dated August 2013)

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

- 2 For the purposes of this decision, condition no.3 of planning permission 2013/5840/P dated 12/02/2015 shall be replaced with the following condition:

Replacement condition 3

The external works hereby approved shall be constructed using the following materials "Anthra Zinc", for the main roof and a combination of "white back painted glass", "Kapilux W Capillary System" and "Okalux EVO" for the Peto Place elevation. Any alternative materials should be agreed in writing with the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 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 Council, 5 Pancras Square, London, N1C 4AG.
- 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, 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).

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

Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

Application Ref: **2015/5224/L**
Please ask for: **Zenab Haji-Ismael**
Telephone: **020 7974 3270**

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
2 Marylebone Road
London
NW1 4DF

DECISION

Proposal:

Refurbishment and extension of existing offices (Use Class B1) at 2 Marylebone Road and 1-9 Albany Street, including alterations and extensions to the Peto Place elevations, an additional floor/roof extension at fourth floor and internal alterations to all floors.

Drawing Nos: A001 Rev 01, A002 Rev 04, A011 Rev 08, A221 Rev 13, A222 REV 09, A223 Rev 12, A224 REV 10, A225 REV 11, A226 Rev 04, A250 REV 05, A010-013 REV 05, A020-025 REV 01, A035 Rev 05; A036 Rev 06; A037 Rev 06; A038 Rev 06; A039 Rev 06; A40 Rev 06; A100 Rev 13; A101 Rev 14; A102 Rev 13; A103 Rev 14; A104 Rev 13; A105 Rev 22; A106 REV16, A108 REV 05, A 201-206 REV00, A655 Rev 04; A-656 REV 05

The Council has considered your application and decided to grant subject to the following condition(s):

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.



Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The works hereby approved are only those specifically indicated on the drawing(s) referred to above.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Detailed drawings of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Plan, elevation and section drawings of all replacement windows at a scale of 1:10 with typical glazing bar details at 1:1.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment

4. **COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.8 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2013/5840/P.

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 and the Commissioners have caused their respective Common Seals to be hereunto affixed and the Owner have executed this instrument as their Deed the day and year first before written

THE OFFICIAL SEAL OF THE)
CROWN ESTATE COMMISSIONERS)
was hereto affixed)
and authenticated by:-)

Rhys Edward John Thomas
Authorized by the Crown Estate Commissioners



~~THE COMMON SEAL OF~~)

EXECUTED AS A DEED BY)
CONSUMERS' ASSOCIATION LIMITED)
in the presence of a witness pursuant
~~was hereunto affixed~~ *to a power of attorney*
In the presence of: dated 29 September 2016
~~acting by a Director and its Secretary~~)
~~or by two Directors~~)

[Handwritten signature]

[Handwritten signature] (KIER DAVID VICKART-SMITH)
Director Attorney

[Handwritten signature] (MATTIENS PEXTON), 17A Lombards, St. Albans AL3 5NW
Director/Secretary Witness (Solicitor)

THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN

was hereunto affixed by Order:-

)
)
)
)

R. Alexander

.....
Duly Authorised Officer

