

DATED

5 July

2016

(1) GUILFORD LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 18th March 2014 between
(1) Guilford Limited and
(2) the Mayor and the Burgesses of the London Borough of Camden

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

**67 Guilford Street
London
WC1N 1DF**

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

Tel: 020 7974 1918
Fax: 020 7974 1920

CLS/PK/1781.714 (final)

THIS AGREEMENT is made on the 5 day of July 2016

BETWEEN

1. **GUILFORD LIMITED** (incorporated in Guernsey under company registration number 56270 and whose registered office address is PO Box 472 St. Julian's Court St. Peter Port Guernsey GY1 6AX) of 66-67 Guilford Street, London, WC1N 1DF and care of Forextra Developments Limited of 80 Grosvenor Street, London W1K 3JX (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 the Existing Agreement.

- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number 889967.

- 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 The Minor Material Amendment application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated by the Council on 28th October 2015 pursuant to which the Council resolved to grant permission conditionally under reference number 2015/6065/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 references 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 "this Agreement" this deed of variation

2.3.2 "Existing Agreement" the agreement entered into pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) dated 18th March 2014 made between (1) Guilford Limited and (2) the Council

2.3.3 "the Original Planning Permission" the planning permission granted by the Council on 18th March 2014 having the reference number 2013/3903/P permitting the change of use from nurses hostel (sui generis) to 1 x 3 bedroom, 1 x 2 bedroom and 2 x 1 bedroom self-contained residential units (Class C3) and associated works including the erection of a 2 storey part width rear extension and rear dormer as shown on drawing numbers Site location plan; 519-SP-002 P01; 519-PL-100 P01; 519-PL-101 P01; 519-SE-200 P01; 519-EL-300 P01;

519-PL-500 P01; 519-PL-501 P01; 519-PL-110 P01; 519-PL-111 P01; 519-PL-112 P01; 519-PL-113 P01; 519-SE-210 P01; 519-SE-211 P01; 519-SE-212 P01; 519-SE-310 P01; Design and Access Statement

2.3.4 "the Existing Planning Permission"

the Original Planning Permission as varied by the Minor Material Amendment

2.3.5 "the Minor Material Amendment"

the application for planning permission reference number 2015/6065/P which the Council resolved to grant in a form substantially similar to that annexed to this Agreement amending the Original Planning Permission for variation of condition 3 (approved plans) to convert the approved 3-bedroom residential unit on the lower and upper ground floor into two x 2-bedroom residential units including infill extension to rear lower ground floor and alterations to layout of 3rd and 4th floor residential unit as shown on drawing numbers 519A-PL-110 P01; 519A-PL-111 P01; 519A-PL-114 P01; 519A-SE-210 P01; 519A-SE-211 P01; 519A-EL-310 P01

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 affect 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" the development permitted under planning permission granted on 18th March 2014 under reference number 2013/3903/P (change of use from nurses hostel (sui generis) to 1 x 3 bedroom, 1 x 2 bedroom and 2 x 1 bedroom self-contained residential units (Class C3) and associated works including the erection of a 2 storey part width rear extension and rear dormer as shown on drawing numbers Site location plan; 519-SP-002 P01; 519-PL-100 P01; 519-PL-101 P01; 519-SE-200 P01; 519-EL-300 P01; 519-PL-500 P01; 519-PL-501 P01; 519-PL-110 P01; 519-PL-111 P01; 519-PL-112 P01; 519-PL-113 P01; 519-SE-210 P01; 519-SE-211 P01; 519-SE-212 P01; 519-SE-310 P01; Design and Access Statement) AS VARIED by the Minor Material Amendment

3.2 The following definition shall be **added** to the Existing Agreement:-

"2.17 "the Minor Material Amendment"

the application for planning permission reference number 2015/6065/P which the Council resolved to grant in a form substantially similar to that annexed to this Agreement amending the Original Planning Permission for variation of condition 3 (approved plans) to

convert the approved 3-bedroom residential unit on the lower and upper ground floor into two x 2-bedroom residential units including infill extension to rear lower ground floor and alterations to layout of 3rd and 4th floor residential unit as shown on drawing numbers 519A-PL-110 P01; 519A-PL-111 P01; 519A-PL-114 P01; 519A-SE-210 P01; 519A-SE-211 P01; 519A-EL-310 P01

- 3.3 The words "2013/3903/P" in clause 5.2 of the Existing Agreement shall be deleted and replaced with "2015/6065/P".
- 3.4 The words "2013/3903/P" in clause 5.6 of the Existing Agreement shall be deleted and replaced with "2015/6065/P".
- 3.5 The words "2013/3903/P" in clause 6.1 of the Existing Agreement shall be deleted and replaced with "2015/6065/P".
- 3.6 The draft planning permission reference 2015/6065/P annexed to this Agreement shall be treated as annexed to the Existing Agreement in addition to the existing annexures.
- 3.7 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

IN WITNESS WHEREOF the Council and the Owner has caused their respective Common Seals to be affixed and the Mortgagee has caused this Agreement to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY)
GUILFORD LIMITED)
acting by a Director and its Secretary)
or by two Directors)

Director Name: (CAPITALS))

Director Signature:)

Director/Secretary Name (CAPITALS))

Director/Secretary Signature:)

.....
Authorised Signatory for First Bank Ltd

.....
[Handwritten Signature]

.....
Authorised Signatory for Second Bank Ltd

.....
[Handwritten Signature]

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

.....
[Handwritten Signature]
Duly Authorised Officer





OOK Architects
119 Farringdon Road
London
EC1R 3DA

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

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

Application Ref: **2015/6065/P**

25 April 2016

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:
**67 Guilford Street
London
WC1N 1DF**

DECISION
Proposal:
Variation of condition 3 (approved plans) of planning permission 2013/3903/P dated 18/03/2014 for change of use from nurses hostel to 4x self contained residential units with rear extension and rear dormer, namely to convert the approved 3-bedroom residential unit on the lower and upper ground floor into two x 2-bedroom residential units including infill extension to rear lower ground floor and alterations to layout of 3rd and 4th floor residential unit.

Drawing Nos: Drawing Nos: Superseded drawings:
519-PL-110 P01; 519PL-111 P01; 519-PL-112 P01; 519-PL-113 P01; 519-SE-210 P01;
519-SE-211 P01; 519SE-212 P01; 519-SE-310 P01.

Drawings for approval:
519A-PL-110 P01; 519A-PL-111 P01; 519A-PL-114 P01; 519A-SE-210 P01; 519A-SE-211 P01; 519A-EL-310 P01.

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 policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 2 Condition 3 of the planning permission granted on 18 March 2014 under reference number 2013/3903/P shall be replaced by the following condition:

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

Site location plan; 519A-PL-110 P01; 519A-PL-111 P01; 519A-PL-114 P01; 519A-SE-210 P01; 519A-SE-211 P01; 519A-EL-310 P01.

- 3 Reason: For the avoidance of doubt and in the interest of proper planning. Prior to the commencement of development details of measures to mitigate the impact of external noise levels on internal amenity shall be submitted to and approved in writing by the local planning authority.

The approved measures shall be implemented prior to first occupation of the development and shall be retained thereafter.

Reason: To ensure a suitable internal noise environment to protect the amenity of future occupiers and to accord with policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the occupation of the units hereby approved the cycle spaces and refuse storage shown at basement level on approved drawing 519A-PL-110 P01 shall be provided in their entirety, made available, and retained as such thereafter.

Reason: To ensure that suitable refuse and cycling provision is available to the flats and to accord with policies CS18 of the London Borough of Camden Local Development Framework Core Strategy and DP17 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 The minor changes which involve minor changes to the scheme approved on 18/03/2014 (ref: 2013/3903/P) including retention of the existing ground and first floor elements at the rear of the building which were to be demolished as part of the previous scheme. The elements in question already exist and as such their retention is not considered to impact on the character and appearance of the building or the wider conservation area, nor would it impact on the amenities of adjoining occupiers.

With regard to the change in unit number and mix, the approved scheme allowed for 1 x 3 bedroom, 1 x 2 bedroom and 2x 1 bedroom. This application would convert the approved 3-bedroom residential unit on the lower and upper ground floor into two x 2-bedroom residential units to change the mix to 3 x 2 bed and 2 x 1 bed. Two bed units are the highest priority for market housing and as such the proposal would provide the highest demand accommodation. The standard of the proposed units is considered acceptable with units being of a suitable size and served by sufficient windows to ensure good receipt of daylight, sunlight, outlook and privacy.

The proposal would utilise the under pavement vaults for non-habitable accommodation. This is considered to optimise the viable use of the site and would result in no harm to amenity or character of the building.

No objections have been received and the site's planning history was taken into account in coming to this decision. Special regard has been attached to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses. 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 s.66 (LB's) and s.72 (CA's) of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

As such, the proposed development is in general accordance with policies CS5, CS6 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP5, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.3, 3.8, 3.9, 7.4, 7.6 and 7.8 of the London Plan 2015 consolidated with alterations since 2011; and paragraphs 14, 17, 50, 56 -66 and 126-141 of the National Planning Policy Framework 2012

- 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

DRAFT

DECISION



DATED 5 July 2016

(1) GUILFORD LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 18th March 2014 between
(1) Guilford Limited and
(2) the Mayor and the Burgesses of the London Borough of Camden

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

**67 Guilford Street
London
WC1N 1DF**

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

Tel: 020 7974 1918
Fax: 020 7974 1920

CLS/PK/1781.714 (final)