

DATED

28 October

2015

(1) WORKSPACE 14 LIMITED

-and-

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

THIRD DEED OF VARIATION

Relating to the Agreement dated 9 July 2013 as varied by the First Deed of Variation dated 13 December 2013 and Second Deed of Variation dated 14 September 2015

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
Fax: 020 7974 2962

CLS/COM/ESA/1781.
FINAL

THIS DEED is made on the 28th day of October 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 Condition 7 of the S.73 Planning Permission was subsequently varied again pursuant section 73 of the Act to substitute drawings reflecting small changes to the façade and internal layout and a new planning permission 2015/3334/P was issued on 14 September 2015 (the "Second S.73 Planning Permission").

- 1.6 The Owner has applied to the Council to vary condition 3 of the Original Planning Permission to allow the details for the green roof and green walls to be submitted and approved separately.
- 1.7 The Council has resolved to grant planning permission under reference 2015/3899/P to vary condition 3 of the Original Planning Permission subject to the completion of this Deed.
- 1.8 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute of the Property under title number NGL590439.
- 1.9 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.10 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.
- 1.11 This Deed is made by virtue of section 106A of the Act and is a planning obligation for the purposes of that section.
- 1.12 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 Third 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 and the Second 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

2.8.5 "Second Deed of Variation" the deed of variation made under section 106A of the Act dated 14 September 2015 between the Council and the Owner

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 or the Third S.73 Planning Permission"*

3.1.2 A new definition clause 2.39 shall be inserted after clause 2.38 as set out below:

*"2.39 **"Third S.73 Planning Application"** means the application with reference 2015/3899/P submitted to the Council on the 21 July 2015"*

3.1.3 A new definition clause 2.40 shall be inserted after clause 2.39 as set out below:

*"2.40 **"Third S.73 Planning Permission"** means a planning permission granted by the Council pursuant to the Third S.73 Planning Application substantially in the form attached at the Sixth Schedule to this Deed;"*

3.1.4 In clauses 5.2 and 5.5 the words "or 2015/3899/P" shall be inserted after "2015/3334/P" and before "(as applicable)".

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

3.1.6 A new Sixth 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 Third 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

Chris Pieroni

Print name of Director/Secretary

Chris Pieroni

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

was hereunto affixed by Order:-

)
)
)
)

R. Alexander
Duly Authorised Officer



SCHEDULE 1

SIXTH SCHEDULE

DRAFT THIRD S.73 PLANNING PERMISSION

Karakusevic Carson Architects
The Gymnasium
56 Kingsway Place
Sans Walk
London
EC1R 0LU

Application Ref: **2015/3899/P**

19 October 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

DECISION

Proposal:
Variation of condition 3 (details of green roof and green walls) 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 the details for the green roof and green walls to be submitted and approved separately.

Drawing Nos:

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 purpose of this decision, Condition No. 3 of planning permission 2013/1086/P dated 04/06/2013 shall be replaced with the following condition:

REPLACEMENT CONDITION

3(a) Full details of the construction, planting and maintenance in respect of the green roof in the areas indicated on the approved drawings shall be submitted to and approved by the local planning authority before work to the ground floor superstructure commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

3(b) Full details of the construction, planting and maintenance in respect of the green walls in the areas indicated on the approved drawings shall be submitted to and approved by the local planning authority before work to the ground floor superstructure commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission

This application seeks to vary condition 3 of planning permission 2013/1086/P dated 04/06/2013 to allow the details for the green roof and green walls to be submitted and approved separately rather than together. This will enable the applicant to submit the details for the green roof whilst the details for the green wall are still being finalised. This would not alter any aspect of the approved scheme and all of the details relating to the green roof and green walls would still need to be approved before work to the ground floor superstructure commences.

Insofar as the green roof and the green walls are separate entities, there is no reason why the Council should need to approve the details of their construction, planting and maintenance concurrently and splitting the condition in the way suggested will not alter the Council's ability to control the proposed methods of construction, planting and maintenance.

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.

- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

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

