

DATED 13 December 2013

- (1) WORKSPACE 14 LIMITED
- (2) THE MAYOR AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN

DEED OF VARIATION

RELATING TO SECTION 106 AGREEMENT DATED 9
JULY 2013: HATTON SQUARE BUSINESS CENTRE,
16 AND 16A BALDWIN'S GARDENS AND 31 TO 37
(ODD) LEATHER LANE, LONDON EC1N 7RJ

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THIS DEED OF VARIATION is made on *thirteenth* *December* 2013

BETWEEN:

- (1) **WORKSPACE 14 LIMITED** (Company Registration Number 5834831) whose registered office is Chester House, Kennington Park, 1-3 Brixton Road, London SW9 6DE (the "Owner"); and
- (2) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (the "Council").

WHEREAS:

- (A) The Owner is the registered proprietor of the freehold interest of the Property registered at the Land Registry under title number NGL590439.
- (B) The Council is the Local Planning Authority for the purposes of the Act for the area within which the Property is situated and by whom the planning obligations under this Deed are enforceable.
- (C) This Deed is a variation to an agreement dated 9 July 2013 made between (1) the Owner and (2) the Council (hereinafter called the "**Main Agreement**").
- (E) The Main Agreement was made pursuant to Section 106 of the Act in respect of the Development pursuant to an application for planning permission submitted to the Council under reference number P/2013/1086/P.
- (F) On 4 June 2013 the Council granted planning permission in respect of planning application P/2013/1086/P for the renewal of planning permission 2010/0646/P dated 25 June 2010 (erection of an infill extension to north and west elevations, a two storey roof extension and alterations to provide a new entrance, atrium, and re-cladding envelope with green wall, to re-provide a shop (A1), provide additional office space (B1a), workshops (B1c) and ancillary café).
- (G) On 19 August 2013 the Owner applied under section 73 of the Act (reference number 2013/5404/P) to vary condition 7 (development permitted in accordance with approved drawings) of planning permission P/2013/1086/P to make the following changes to the approved scheme: Reconfiguration of the massing at levels four and five resulting in changes to the proposed roof profile and elevations, changes to the proposed materials palette, reconfiguration of the internal layouts, relocation of extraction flues, alterations to servicing arrangements and relocation of the proposed living green wall (the "**S.73 Planning Application**").

- (H) Under delegated powers the Council has decided to grant permission to vary condition 7 of permission P/2013/1086/P (the “S.73 Planning Permission”) subject to the completion of this Deed.
- (I) The Council and the Owner have agreed to vary the Main Agreement as set out in this Deed.

NOW THIS DEED WITNESSETH that:

1. INTERPRETATIONS AND DEFINITIONS

- 1.1 The defined terms in this Deed shall have the same meaning as designated in the Main Agreement unless otherwise stated.
- 1.2 Where in this Deed reference is made to any recital, clause, paragraph or schedule such reference (unless the context otherwise requires or unless otherwise stated) is a reference to a recital, clause, paragraph or schedule in this Deed.
- 1.3 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 1.4 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 1.5 Wherever an obligation falls to be performed by more than one person then the obligation can be enforced against every person so bound jointly and against each of them individually unless there is an express provision otherwise.
- 1.6 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 1.7 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successors to its statutory functions.
- 1.8 Headings where they are included are for convenience only and are not intended to influence the interpretation of the agreement.
- 1.9 Save as varied by the provisions of this Deed the Main Agreement shall remain in full force and effect as if the provisions of the Main Agreement were repeated herein as so amended.

2. **PLANNING OBLIGATIONS**

2.1 This Deed of variation is made under section 106 and 106A of the Town and Country Planning Act 1990 section 111 of the Local Government Act 1972 section 16 of the Greater London Council (General Powers) Act 1974 Section 1 of the Localism Act 2011 and all other enabling powers.

2.2 All or any obligations restrictions and covenants hereinafter contained on the part of the Owner are planning obligations for the purposes of the said section 106 and 106A of the Act and are enforceable by the Council as Local Planning Authority against the Owner and their successors in title as if they were set out in the Main Agreement.

3. **LEGAL EFFECT**

3.1 This Deed shall come into effect upon the grant of the S.73 Planning Permission.

4. **VARIATIONS TO THE MAIN AGREEMENT**

4.1 The following amendments shall be made to the Main Agreement:

- (a) 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 S.73 Planning Permission;"

- (b) The definition of "the Jewellery Workspace" at clause 2.15 shall be deleted and replaced with the definition set out below:

"2.15 "the Jewellery Workspace" the 1,183 square metres of net internal floor space within the Development to be used exclusively for purposes within Class B1(c) of the Use Classes Order which shall be the area shown hatched green on Plan 3 in the event that the Planning Permission is Implemented and shall be the area identified for such use on Plan 4 in the event that the S.73 Planning Permission is Implemented within which the Owner must meet the following minimum requirements:-

- (a) the provision of the accommodation to be to shell and core level with the following additional specification:-*

- (i) *the provision of durable floor covering over the entire floorspace;*
- (ii) *the provision of lighting; heating; gas points; painted walls and ceilings; telephone sockets and WCs on every floor;"*

- (c) A new definition clause 2.23A shall be inserted after clause 2.23 as set out below:

"2.23A "Plan 4" the drawings numbered 203-A-P-100-00 Rev 1, 203-A-P-100-01 Rev 1 and 203-A-P-100-02 Rev 1 all marked "Plan 4" annexed hereto showing the Jewellery Workspace"

- (d) The definition of "Planning Permission" at clause 2.26 shall be deleted and replaced with the definition set out below:

"2.26 "Planning Permission" means the permission granted on 4 June 2013 with reference 2013/1086/P pursuant to the Planning Application;

- (e) A new definition clause 2.35 shall be inserted after clause 2.34 as set out below:

"2.35 "S.73 Planning Application" means the application with reference 2013/5404/P submitted to the Council on 19 August 2013;"

- (f) A new definition clause 2.36 shall be inserted after clause 2.35 as set out below:

"2.36 "S.73 Planning Permission" means a planning permission granted by the Council pursuant to the S.73 Planning Application substantially in the draft form attached at the Fourth Schedule to this Agreement;"

- (g) In clause 5.2 the words *"or 2013/5404/P (as applicable)"* shall be inserted after *"2013/1086/P"* and before *"the date"*.

- (h) In clause 5.5 the words *"or 2013/5404/P (as applicable)"* shall be inserted at the end of the clause after *"2013/1086/P"*.

- (i) In the first line of clause 6.8 the words "Planning Permission is" shall be deleted and replaced with *"Planning Permission and S.73 Planning Permission are"*.

4.2 Three drawings with reference numbers 203-A-P-100-00 Rev 1, 203-A-P-100-01 Rev 1 and 203-A-P-100-02 Rev 1 all marked "Plan 4" and set out in Schedule 2 to this Deed shall be deemed inserted into the Main Agreement immediately in front of page 10.

4.3 A new Fourth Schedule shall be deemed inserted into the Main Agreement in the form set out in Schedule 1 to this Deed.

5. **LEGAL FEES**

5.1 On completion of this Deed the Owner shall pay the Council's reasonable and proper costs in connection with the preparation and completion of this Deed.

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 before written.

SCHEDULE 1

FOURTH SCHEDULE

DRAFT S.73 PLANNING PERMISSION

CONQUEROR



**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

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Tibbalds Planning & Urban Design
19 Maltings Place
169 Tower Bridge Road
London
SE1 3HB

Application Ref: **2013/5404/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:
Hatton Square Business Centre
16-16A Baldwins Gardens
London
EC1 7RJ

DECISION
Proposal:
Amendments to condition 7 (development permitted in accordance with approved drawings) to planning permission dated 04/06/2013 (ref. 2013/1086/P) as a renewal of planning permission dated 25/06/2010 (ref. 2010/0646/P) for the erection of an infill extension, two storey roof extension and associated alterations, namely alterations to elevations and roof profile, reconfiguration of internal layouts, relocation of living green wall & flues, and changes to servicing arrangements.

Drawing Nos: Superseded:

- 511 L (--) 100 P9; 101 P10; 102 P10; 103 P7; 104 P8; 105 P9; 106 P9; 107 P9; 108 P1; 200 P7; 201 P6; 202 P6; 203 P4; 204 P3; 205 P0; 206 P0; 300 P6; 301 P4; 302 P7; 303 P6; 304 P5; 305 P3; 511 L (21) 01 REV P1; 511 A (21) 01 REV P1; BREEAM Statement, prepared by Thornton Tomasetti, dated 8th May 2013.

Proposed:

- 203_A_P_100_00 Rev 01; 01 Rev 01; 02 Rev 01; 03 Rev 01; 04 Rev 01; 05 Rev 01; 06 Rev 01; 07 Rev 01; 08 Rev 01; 203_A_P_200_00 Rev 01; 01 Rev 01; 02 Rev 01; 03 Rev 01; 04 Rev 01; 05 Rev 01; 06; 203_A_P_300_00 Rev 01; 01 Rev 01; 02 Rev 01; 03 Rev

01; 04 Rev 01; 05 Rev 01; Design and Access Statement (August 2013 - ref: 203_A_REP_D&A_01); BREEAM Statement, prepared by Thornton Tomasetti, dated 31st July 2013; Sustainability - Energy Statement (29th July 2013); Letter from Tibbalds dated 19th August 2013.

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_100_00 Rev 01; 01 Rev 01; 02 Rev 01; 03 Rev 01; 04 Rev 01; 05 Rev 01; 06 Rev 01; 07 Rev 01; 08 Rev 01; 203_A_P_200_00 Rev 01; 01 Rev 01; 02 Rev 01; 03 Rev 01; 04 Rev 01; 05 Rev 01; 06 Rev 01; 203_A_P_300_00 Rev 01; 01 Rev 01; 02 Rev 01; 03 Rev 01; 04 Rev 01; 05 Rev 01; 511 L (0-) 00 REV P0; 101 REV P1; 102 REV P1; 103 REV P1; 104 REV P1; 105 REV P1; 15 REV P0; 14 REV P0; 13 REV P1; 12 REV P0; 11 REV P0; 10 REV P0; 9 REV P0; 8 REV P0; 7 REV P0; 6 REV P0; 5 REV P0; 4 REV P0; 3 REV P0; 2 REV P0 and 1 REV P0; Design and Access Statement (August 2013 - ref: 203_A_REP_D&A_01); Local and strategic views report; Attenuation statement (as amended August 2013 and included within D&A); Refuse strategy; Crime prevention report; Schedule of accommodation; Existing and proposed summary; Existing tenancy schedule; Daylight and Sunlight report (amended 5 August 2013); Construction management plan; Transport Assessment; Steve little research; Economic Impact Study; Development viability assessment; Sustainability - Energy Statement (as amended 29th July 2013) prepared by Max Fordham; Development viability assessment (as amended) April 2013, BREEAM Statement, prepared by Thornton Tomasetti, dated 31st July 2013; Details of ground investigation prepared by Thornton Tomasetti dated 12th February 2013; Letter from Tibbalds dated 19th August 2013; Ecology Statement dated 2nd August 2013, prepared by GRC Ltd.

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

Informative(s):

- 1 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

SCHEDULE 2

**Drawings with reference numbers 203-A-P-100-00 Rev 1, 203-A-P-100-01 Rev 1 and
203-A-P-100-02 Rev 1**

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



M Knowles

Authorised Signatory

SIGNED AS A DEED
By WORKSPACE 14 LIMITED
acting by:

Signature of Director

A. Boag

Print name of Director

Angus Boag

Signature of Director/Secretary

G. Clonett

Print name of Director/Secretary

G. Clonett