

DATED

1 September

2017

(1) WORKSPACE 14 LIMITED

-and-

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

FOURTH DEED OF VARIATION

Relating to the Agreement dated 9 July 2013 as varied by the First Deed of Variation dated 13 December 2013 Second Deed of Variation dated 14 September 2015 and Third Deed of Variation dated 28 October 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/1800.
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THIS DEED is made on the 1st day of September 2017

BETWEEN

1. **WORKSPACE 14 LIMITED** (Co. Regn. No. 5834831) whose registered office is Canterbury Court, 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 to 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") following the completion of an agreement pursuant to section 106A of the Act to vary the Original Agreement (the "Second Deed of Variation").

- 1.6 The Owner then 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 Planning permission was granted under reference 2015/3899/P to vary condition 3 of the Original Planning Permission on 28 October 2015 (the "Third S.73 Planning Permission") following the completion of an agreement pursuant to section 106A of the Act to vary the Original Agreement (the "Third Deed of Variation").
- 1.8 The Owner has now made a further application pursuant to section 73 of the Act (under reference number 2017/3250/P (the "Fourth S.73 Planning Application") for the removal of condition 3b (details of green wall) and variation of condition 7 (approved plans) attached to the Original Planning Permission (as varied by the S.73 Planning Permission, the Second S.73 Planning Permission and the Third S.73 Planning Permission).
- 1.9 The Council has resolved to grant planning permission pursuant to the Fourth S.73 Planning Application subject to the completion of this Deed.
- 1.10 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute of the Property under title number NGL590439.
- 1.11 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.12 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.
- 1.13 This Deed is made by virtue of section 106A of the Act and is a planning obligation for the purposes of that section.
- 1.14 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:
- | | |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 2.6.1 "Deed" | this Fourth Deed of Variation made pursuant to Section 106A of the Act |
| 2.6.2 "Existing Agreement" | the Original Agreement as varied by the First Deed of Variation, the Second Deed of Variation and the Third Deed of Variation |
| 2.6.3 "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 |
| 2.6.4 "Original Agreement" | the section 106 agreement under the Act dated 9 July 2013 |

2.6.5 "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

2.6.6 "Third Deed of Variation" the deed of variation made under section 106A of the Act dated 28 October 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 or the Fourth S.73 Planning Permission"*

3.1.2 A new definition clause 2.11A shall be inserted after clause 2.11 as set out below:

*"2.11A **"Fourth S.73 Planning Application"** means the application with reference 2017/3250/P submitted to the Council on the 26 June 2017"*

3.1.3 A new definition clause 2.11B shall be inserted after new clause 2.11A as set out below:

*"2.11B **"Fourth S.73 Planning Permission"** means a planning permission granted by the Council pursuant to the Fourth S.73 Planning Application substantially in the form attached at the Seventh Schedule to this Deed;"*

3.1.4 In clauses 5.2 and 5.5 the words "or 2017/3250/P" shall be inserted after "2015/3899/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, the Third S.73 Planning Permission and the Fourth S.73 Planning Permission are"*

3.1.6 A new Seventh 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 Fourth 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

Print name of Director

Signature of Director/Secretary

Print name of Director/Secretary

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

R. Alexander
.....
Duly Authorised Officer

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SCHEDULE 1

SEVENTH SCHEDULE

DRAFT FOURTH S.73 PLANNING PERMISSION

Lichfields
14 Regent's Wharf
All Saints Street
London
N1 9RL

Application Ref: **2017/3250/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:
16 - 16A Hatton Square Business Centre
Baldwins Gardens
London
EC1 7RJ

DECISION
Proposal:

Removal of condition 3b (details of green wall) and variation of condition 7 (approved plans) of planning permission 2010/0646/P, dated 04/06/2013 (as amended by planning permission 2013/1086/P, dated 04/06/2013; as amended by planning permission 2015/3334/P, dated 14/09/2015; as amended by planning permission 2015/3899/P, dated 28/10/2015) for erection of infill extension to north and west elevations, 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)

Drawing Nos:

Revised plans:

203_A_P_300_01 Rev 04; 203_A_P_300_05 Rev 04; 203_A_P_100_02 Rev 04; 203_A_P_100_03 Rev 04; 203_A_P_100_04 Rev 04; 203_A_P_100_05 Rev 04; 203_A_P_200_00 Rev 04; 203_A_P_200_02 Rev 04; 203_A_P_200_04 Rev 04; 203_A_P_200_05 Rev 04

Superseded plans:

203_A_P_300_01 Rev 03; 203_A_P_300_05 Rev 03; 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_200_00 Rev 03; 203_A_P_200_02 Rev 03; 203_A_P_200_04 Rev 03; 203_A_P

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 The details in respect of cycle storage shall not be carried out other than in accordance with the details approved in connection with planning application 2013/5871/P, dated 09/07/2014.

The approved facility shall be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently maintained and retained.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of Policy T1 of the Camden Local Plan 2017.

- 2 The details in respect of the green roof shall not be carried out other than in accordance with the details approved in connection with planning application 2016/0567/P, dated 07/04/2016

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 A3, CC1, CC2 and CC3 of the Camden Local Plan 2017.

- 3 The details in respect of the sample panel of facing brickwork shall not be carried out other than in accordance with the details approved in connection with planning application 2015/2879/P, dated 15/07/2015.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the Camden Local Plan 2017.

- 4 The details in respect of ground investigation shall not be carried out other than in accordance with the details approved in connection with planning application 2013/5871/P, dated 09/07/2014.

All approved remediation measures shall be implemented/retained strictly in accordance with the approved details.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with Policy A1 of the Camden Local Plan 2017.

- 5 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 04; 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 04; 203_A_P_100_00 Rev 02; 203_A_P_100_01 Rev 02; 203_A_P_100_02 Rev 04; 203_A_P_100_03 Rev 04; 203_A_P_100_04 Rev 04; 203_A_P_100_05 Rev 04; 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 04; 203_A_P_200_01 Rev 02; 203_A_P_200_02 Rev 04; 203_A_P_200_03 Rev 02; 203_A_P_200_04 Rev 04; 203_A_P_200_05 Rev 04; 203_A_P_200_06 Rev 02.

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

Informative(s):

1 Reasons for granting permission

This application seeks to remove condition 3(b) of planning permission 2010/0646/P, dated 04/06/2013 (as amended) so as to remove the requirement to provide the approved green walls. The application simultaneously seeks to vary condition 7 (approved plans) to do the same.

The applicant notes that providing access to regularly maintain the green wall would be difficult in such a restricted area. They also note that, as the proposed system consisted of a single species, it would make a negligible contribution towards increasing species diversity and enhancing the ecological value of the site, whereas the green roof (details of which have been approved pursuant to planning reference 2016/0567/P, dated 07/04/2016) achieves the maximum number of BREEAM credits available for ecology. Furthermore, the green wall was located behind an adjacent building so that it would not be visible from the public realm. It therefore had very limited benefit by way of visual amenity.

The Council's Tree and Landscape team consider that the removal of the proposed green walls would not significantly lower the biodiversity of the site, particularly given the level of enhanced biodiversity provided by the green roof. On this basis, the removal of condition 3(b) and the variation of condition 7 is considered to be acceptable.

The proposal would not cause undue harm to the residential amenities of nearby and neighbouring properties.

No objections have been raised in relation to the works. The application site's planning history and relevant appeal decisions were 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 A3, CC1, CC2 and CC3 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the provisions 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).
- 3 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.
- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 5 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, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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

Supporting Communities Directorate

DRAFT

DECISION

