

DATED

18th October

1996

FROGMORE DEVELOPMENTS LTD

- and -

FROGMORE INVESTMENTS LIMITED

- and -

**CHARLES MARKES AND A B BARTLETT AND
SIR MERVYN DUNNINGTON-JEFFERSON**

- and -

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

A G R E E M E N T

Under Section 106 Town and Country Planning Act 1990
relating to land known as
90-93 High Holborn, 19-23 Eagle Street
21-23 Red Lion Street London WC1

Amanda Kelly
Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
LONDON WC1H 9LP

Ref: CLS/ENV/CHL/11367

Tel: 071 413 6927
Fax: 071 860 5659

envsec3/chris/documents/106.Frogmo

THIS AGREEMENT is made the *Eighteenth* day of *October* 1996

B E T W E E N:

- (1) FROGMORE DEVELOPMENTS LIMITED whose registered office is situate at 34 North Row Mayfair London W1A 2JZ (hereinafter called "the Owner") of the first part
- (2) FROGMORE INVESTMENTS LIMITED whose registered office is situate at 34 North Row Mayfair London W1A 2JZ (hereinafter called "Investments") of the second part and
- (3) A B BARTLETT, SIR MERVYN DUNNINGTON-JEFFERSON AND CHARLES MARKES (hereinafter called "the Developer") of the third part and
- (4) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN of Camden Town Hall Judd Street London WC1M 9LP (hereinafter called "the Council") of the fourth part

WHEREAS

- 1.1 The Owner is registered at H.M. Land Registry with Title absolute under Title Number NGL 725189 as the Freehold proprietor of the land and premises situate at 21-23 Red Lion Street London WC1 (hereinafter called "the First Property") the boundaries whereof are delineated for the purpose of identification only on the plan annexed hereto and marked "Plan 1" and thereon edged red
- 1.2 Investments is registered at HM Land Registry with title absolute under Title Numbers NGL 390561 and NGL 697436 as the freehold proprietor of the land and premises situate at Sunley House 90-93 High Holborn/19-23 Eagle Street and Burne House 88-89 High Holborn London WC1 (hereinafter called "the Second Property") the boundaries whereof are delineated for the purpose of identification only on the plan annexed hereto and marked "Plan 2" and thereon edged blue.



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London Borough of Camden

PLAN 1

Environment Department

Town Hall Extension

Argyle Street Entrance

London WC1H 8EQ

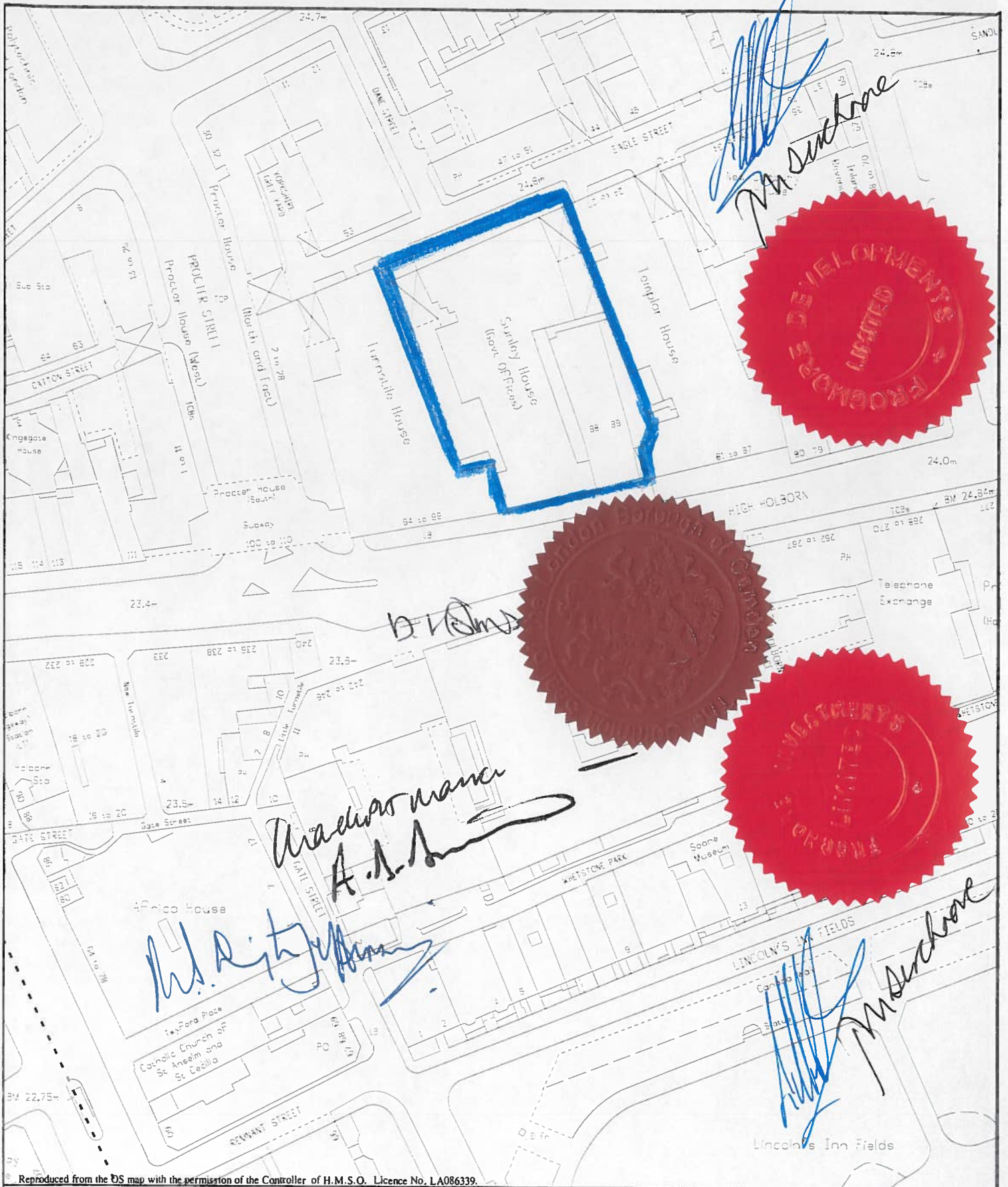
21-23 RED LION STREET, LONDON
WC1

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London Borough of Camden

PLAN 2

Environment Department
 Town Hall Extension
 Argyle Street Entrance
 London WC1H 8EQ

SUNLEY HOUSE 90-93 HIGH HOLBORN / 19-23
 EAGLE STREET / BURNE HOUSE 88-89 HIGH
 HOLBORN LONDON WC1



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- 1.3 The Developer has entered into a contract with the Owner for the transfer of the First Property to him on even date.
- 1.4 The Owner and the Developer are interested in the First Property and Investments is interested in the Second Property for the purposes of Section 106(9) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) (hereinafter called "the Act").
- 1.5 The Council is the local planning authority for the purposes of the Act for the area in which the First and Second Property are situated.
- 1.6 A planning application was submitted by Investments on behalf of the Owner on 4th February 1993 and was given reference PL 9300134/R3 for the demolition of the Second Property and redevelop to provide office retail and residential accommodation and Conditional Planning Permission (hereinafter called "the Conditional Planning Permission") was granted by letter dated 1st August 1994
- 1.7 A planning application was submitted by Investments on behalf of the Owner on 17th August 1995 and was given reference PL9501559 (hereinafter called "the Application") to amend the Conditional Planning Permission to the effect that the proposed residential accommodation is replaced by further office accommodation (hereinafter called "the Development") as shown on drawing numbers 9243/01S, 02T, 03R, 04S, 05S, 06S, 07R, 08S, 09V, 12P, 13R and location plans as revised by letters dated 4th January 1994, 3rd February 1994 and 7th July 1994 which accompanied the planning application given reference PL9300134/R3.

1.8 Planning permission was granted upon the Application on 8th February 1996.

1.9 A revised planning application and application for conservation area consent were submitted by Michael Squire Associates, 8 Cromwell Place London SW7 on behalf of the Developer on 7th June 1996 in respect of the First Property and were given references P9600527R2 and C9600528R2 respectively (hereinafter called "Application No. 2) for the:-

(i) change of use and works of conversion including the erection of a 2 storey extension at third and fourth floor levels to provide 14 resident units as shown on drawing numbers 9533/P1-P7, P8B, P9B, P10A, P11A, 12A, 13A, P14A, P15B, P16A and P17A

(ii) partial demolition of existing third floor and rear lower ground floor roof in association with change of use and works of conversion to form 14 residential units as shown on drawings N533/P1-P7, P8B, P9B, P10A, P11A, 12A, 13A, P14A, P15B, P16A and P17A

1.10 The Council considers it expedient in the interest of the proper planning of its area that the development of the Second Property should be restricted or regulated in accordance with this Agreement.

1.11 For that purpose the Owner, Investments and the Developer are willing to enter into this agreement pursuant to the provisions of Section 106 of the Act.

1.12 The Council has resolved to grant planning permission (hereinafter called "Planning Permission No.2") in respect of Application No. 2 subject to the conditions set out in Planning Permission No. 2 a draft copy of which is annexed hereto and subject to the covenants undertakings and restrictions herein contained.

- 1.13 Save for the provisions of Clauses 4, 8 and 9 which shall come into effect on the date hereof the parties hereto intend that this Agreement shall come into effect upon the date (hereinafter called the "Implementation Date") of the implementation of the Development by the carrying out of material operations in accordance with Section 56 of the Act unless the context otherwise requires.
- 1.14 The expressions "the Council" "the Owner" "Investments" and "the Developer" shall include their respective successors in title and assigns.

NOW THIS DEED WITNESSETH as follows:-

2. This Agreement is made in pursuance of Section 106 of the Act and is a planning obligation for the purposes of Section 106 as aforesaid and shall be enforceable by the Council acting as the local planning authority against the Owner Investments or the Developer and against any person deriving title to the First Property and/or the Second Property from the Owner or Investments or the Developer
3. It is hereby agreed between the parties that save for the provisions of clauses 4, 8 and 9 below which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner and Investments and the Developer forthwith upon the Implementation Date
4. The Owner Investments and the Developer hereby covenant declare agree and undertake with the Council not to carry out the Development until such time as Planning Permission No. 2 has been implemented in its entirety.
5. The Owner Investments and the Developer hereby covenant with the Council that they will not make any claim for compensation in respect of any condition restriction provision or other matter mentioned in this Agreement or arising from the existence of this Agreement.

6. The Owner Investments and the Developer hereby covenant severally with the Council that they will within ten days from the date hereof lodge their respective land or charge certificates in relation to the First Property and Second Property with HM Land Registry and will apply to the Chief Land Registrar to register this Agreement in the Charges Register thereof and will furnish the Council forthwith on written demand with office copies of such titles to show the entry of this Agreement in the Charges Register of the Titles to the First Property and Second Property.
7. This Agreement is without prejudice to and shall not be construed as derogating from any of the rights powers and duties of the Council pursuant to any of its statutory function or in any other capacity
8. The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice to be served under or in connection with this Agreement any notice to the Council to be in writing and addressed to the Chief Executive (Reference: CLS/ENV/CHL/11367) London Borough of Camden, Town Hall, Judd Street, London WC1H 9LP and any notice to the Owner or Investments or the Developer or Investments to be addressed to its registered office for the time being
9. This Agreement shall be registered as a Local Land Charge
10. The Owner Investments and the Developer agree severally to pay the Council its costs incurred in preparing this Agreement

SIGNED AS A DEED BY
A.B. BARTLETT
in the presence of:-

Janie Stevens
9 Havelock Road, Tonbridge, Kent.

)
)
) A.B. Bartlett

SIGNED AS A DEED BY
SIR MERVYN DUNNINGTON
JEFFERSON

in the presence of:-

Janie Stevens
9 Havelock Road, Tonbridge, Kent

)
)
) M.S. Dunnington
)

SIGNED AS A DEED BY
CHARLES MARKES
in the presence of:-

Janie Stevens
9 Havelock Road, Tonbridge, Kent.

)
)
) Charles Markes
)

London Borough of Camden
Town Hall
Aryc Street
London WC1H 8EQ

Tel 0171 278 4444
Fax 0171 860 5713

Michael Squire Associates
(Attn: B Johnston)
8 Cromwell Place
London
SW7

Application No: C9600528R2
Case File: N15/21/A

Dear Sir(s)/Madam

DECISION

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations
1990

GRANT CONSERVATION AREA CONSENT

Address : 21-23 Red Lion Street, WC1

Date of Application : 07/06/1996

Proposal :

Partial demolition of existing third floor and, rear lower ground floor roof in association with change of use and works of conversion to form 14 residential units, as shown on drawing numbers 9533/P1-P7, P8B, P9B, P10A, P11A, 12A, 13A, P14A, P15B, P16A & P17A.

Standard condition:

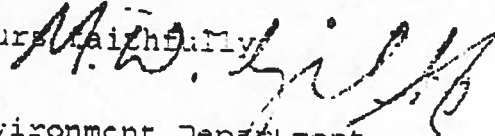
The development hereby permitted must be begun not later than the expiration of five years from the date on which this consent is granted.

Standard Reason:

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

This application was dealt with by Sue Foster on 0171 278 4444 Ext.2672.

Yours faithfully,


Environment Department

(Duly authorised by the Council to sign this document)

London Borough of Camden
Town Hall
Argyle Street
London WC1H 8EQ

Tel 0171 278 4444

Fax 0171 960 5713

Michael Squire Associates
(Attn: B Johnston)
8 Cromwell Place
London
SW7

Application No: P9600527R2
Case File: N15/21/A

Dear Sir(s)/Madam

DECISION

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure)
Order 1995
Town and Country Planning (Applications) Regulations 1988

PERMISSION FOR DEVELOPMENT ~~Subject~~ to Conditions

Address :
21-23 Red Lion Street, WC1

Date of Application : 07/05/1996

Proposal :

Change of use and works of conversion, including the erection of 2 storey extension at third and fourth floor level to provide 14 residential units, as shown on drawing numbers 9533/P1-P7, P8B, P9B, P10A, P11A, 12A, 13A, P14A, P15B, P16A & P17A.

The Council has considered your application and decided to grant permission subject to the following conditions:

Standard condition:

The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

Standard Reason:

In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Additional conditions:

- 1 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture

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those of the existing building, unless otherwise specified on the approved application

- 2 The areas shown on the approved drawings for the parking of cycles shall be provided and shall not be used other than for the purposes shown.

Reasons for additional conditions:

- 1 To ensure that the Council may be satisfied with the external appearance of the building.
- 2 To ensure the availability of the facilities in accordance with the approved scheme.

Informatives (if applicable)

- 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.
- 2 Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (eg. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact Mr D DeCoster on 0181-310-5500 for details.
- 3 Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency Thames Region is currently required for any discharge of sewage or trade effluent onto or into ground and for surface runoff into groundwater. Such consent may be withheld. If there is an existing discharge consent the applicant should ensure that any increase in volume is permitted under the present conditions. Contact Ms A Szabados on 01483-577655 for details.

London Borough of Camden

Town Hall

Argyle Street

London WC1H 8EQ

Tel 0171 278 4444

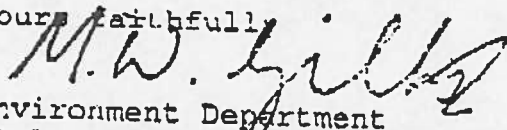
Fax 0171 860 5713

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This application was dealt with by Sue Foster on 0171 278 4444 Ext.2672.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully,



Environment Department

(Duly authorised by the Council to sign this document)

DecfplanWC/TPFU



Director
David Pike

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CONQUEROR



DATED

1996

FROGMORE DEVELOPMENTS LTD

- and -

FROGMORE INVESTMENTS LIMITED

- and -

**CHARLES MARKES A B BARTLETT AND
SIR MERVYN DUNNINGTON-JEFFERSON**

- and -

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

A G R E E M E N T

Under Section 106 Town and Country
Planning Act 1990 relating to land known
as 90-93 High Holborn, 19-23 Eagle Street
21-23 Red Lion Street London WC1

Amanda Kelly
Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
LONDON WC1H 9LP

Ref: CLS/ENV/CHL/ep/

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