

DATED

29 May

2018

(1) THE ROYAL CENTRAL SCHOOL OF SPEECH AND DRAMA

and

(2) LLOYDS BANK PLC

and

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

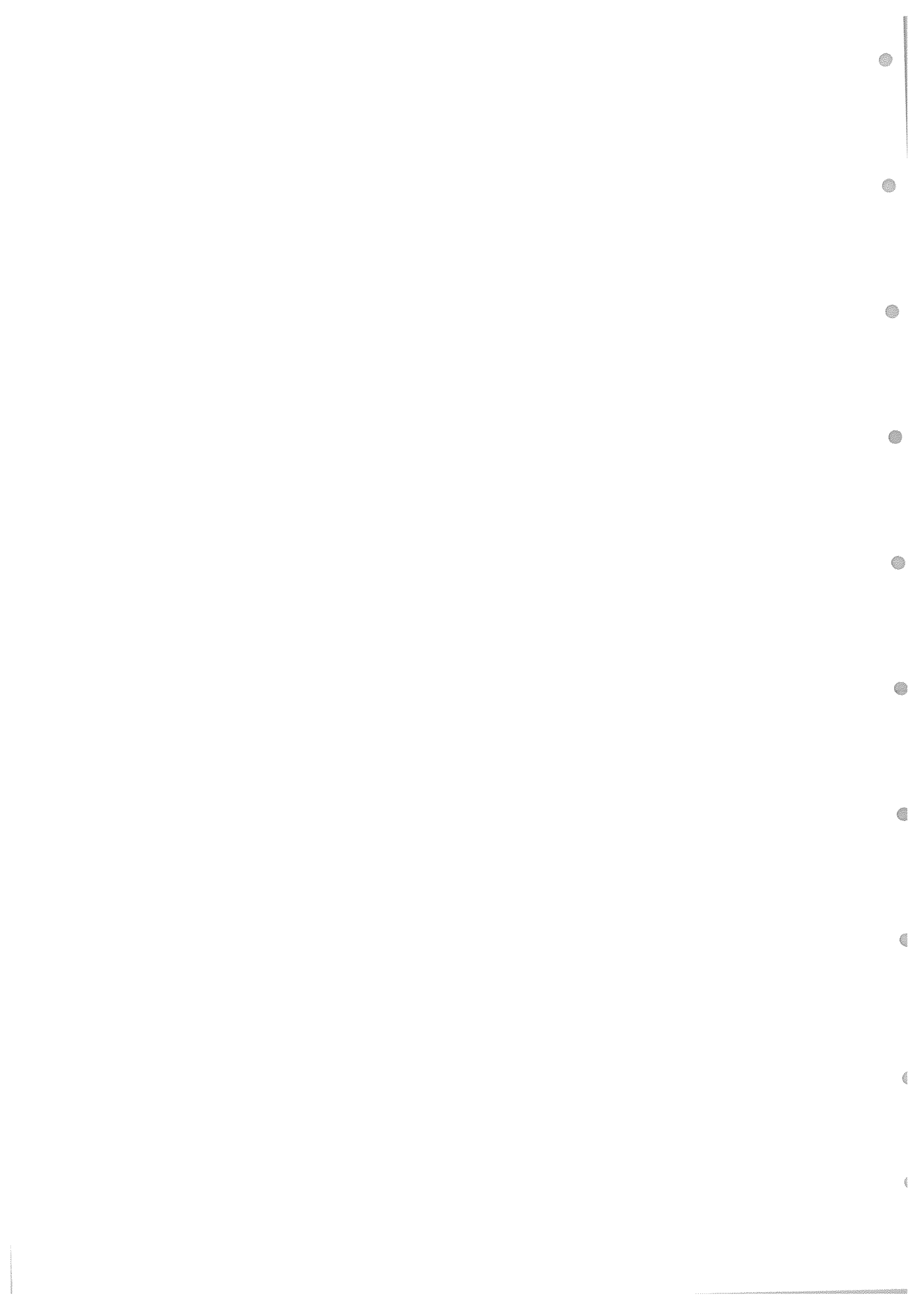
DEED OF VARIATION

Relating to the Agreement dated 31 March 2015
Between the Mayor and the Burgesses of the
London Borough of Camden,
The Royal Central School of Speech and Drama and Lloyds Bank
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
The Royal Central School of Speech and Drama
62-64 Eton Avenue
London
NW3 3HY

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/1800.623
FINAL



THIS DEED is made on the 29th day of May 2018

BETWEEN

1. **THE ROYAL CENTRAL SCHOOL OF SPEECH AND DRAMA** (Co. Regn. No. 203645) of Embassy Theatre, 62-64 Eton Avenue, London NW3 3HY (hereinafter called "the Owner")
2. **LLOYDS BANK PLC** (Co Regn No 2065) of Pendeford Securities Centre, Pendeford Business Park, Wobaston Road, Wolverhampton WV9 5HZ (hereinafter called "the Mortgagee")
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

WHEREAS:

- 1.1 The Council, the Royal Central School of Speech and Drama and Lloyds Bank PLC entered into an Agreement dated 31 March 2015 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of part of the Property under Title Number NGL649404 subject to a charge to the Mortgagee and the leasehold proprietor with Title absolute of part of the Property under a long term lease registered under Title number NGL903616.
- 1.3 The Owner is the freehold owner of NGL649404 and leasehold owner of NGL903616 and is interested in the Property for the purposes of Section 106 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 Deed.
- 1.5 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 20

June 2017 for which the Council resolved to grant permission conditionally under reference 2017/2989/P subject to the conclusion of this Deed.

1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (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 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 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 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 Agreement.

2.4 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 Agreement and shall not effect the construction of this Deed.

2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.6 References in this Deed to the Owner and Mortgagee shall include their successors in title.

2.7 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 Deed of Variation made pursuant to Section 106A of the Act
- 2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 31 March 2015 made between the Council and the Royal Central School of Speech and Drama and Lloyds Bank PLC
- 2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 31 March 2015 referenced 2014/7413/P allowing the demolition of studio building and fire escape staircase, erection of ground and 3 storey building with basement and mezzanine levels, comprising rehearsal and performance studios, teaching and academic floor space (Class D1), cycle parking, plant and associated works as shown on drawing numbers:- Site Location Plan (CSD 001revB); Existing drawings: Ex 018, 025, 026; CSD 003; Proposed drawings: prefix CSD 005revJ, 006revK, 007revK, 008revG, 009revJ, 010revJ, 011revG, 012revJ, 013revJ, 018revH, 019revF, 021revG, 025revE, 026revE, 027revE. Design and Access Statement by Tim Ronalds Architects; Daylight/ Sunlight Assessment by Devla Patman Redler LLP dated November 2014; Basement Impact Assessment by Price & Myers and GEA Ltd dated 26th November 2014; Noise Impact Assessment by Sandy Brown Associates dated 25th November 2014; Aboricultural Survey by Sylva Consultancy dated 21st November 2014; Sustainability Statement by Max Fordham dated 19th November 2014; Energy Statement by Max Fordham dated 14th

November 2014; BREEAM Pre-assessment by Price & Myers dated 18th November 2014; Transport Statement by Icenl (incorporating Outline Construction Management Plan) dated November 2014; Waste and Refuse Management Plan by Central School of Speech and Drama dated November 2014 and BIA Independent Assessment by LBH Wembley dated 11/3/2015.

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"

variation of condition 7 (development to be carried out in accordance with approved plans) of planning permission ref 2014/7413/P (dated 31/03/2015) for erection of ground and 3 storey building (class D1), following demolition of existing, namely to remove 5 windows from east elevation as shown on drawing numbers:- Site Location Plan (CSD 001revB); Existing drawings: Ex 018, 025, 026; CSD 003; Proposed drawings: prefix CSD 005revJ, 006revK, 007revK, 008revG, 009revJ, 010revJ, 011revG, 012revJ, 013revJ, 018revH, 019revF, 021revG, 025revE, 026revE, 027revG. Design and Access Statement by Tim Ronalds Architects; Daylight/Sunlight Assessment by Devla Patman Redler LLP dated November 2014; Basement Impact Assessment by Price & Myers and GEA Ltd dated 26th November 2014; Noise Impact Assessment by Sandy Brown Associates dated 25th November 2014; Aboricultural Survey by Sylva Consultancy dated 21st November 2014;

Sustainability Statement by Max Fordham dated 19th November 2014; Energy Statement by Max Fordham dated 14th November 2014; BREEAM Pre-assessment by Price & Myers dated 18th November 2014; Transport Statement by Iceni (incorporating Outline Construction Management Plan) dated November 2014; Waste and Refuse Management Plan by Central School of Speech and Drama dated November 2014 and BIA Independent Assessment by LBH Wembley dated 11/3/2015

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2017/2989/P granted by the Council in the form of the draft annexed hereto

3.1.3 "Planning Application" the application for Planning Permission in respect of the Property submitted on 20 June 2017 by the Owner and given reference number 2017/2989/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2014/7413/P" shall be replaced with "Planning Permission reference 2014/7413/P as varied by 2017/2989/P".

3.3 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

4. **COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2017/2989/P.

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 and the Mortgagee have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY)
THE ROYAL CENTRAL SCHOOL OF)
SPEECH AND DRAMA)
acting by a Director and its Secretary)
or by two Directors)

[Signature]
.....
Director

[Signature]
.....
Director/Secretary

as attorney for and on behalf of
LLOYDS BANK PLC
in the presence of

[Signature]
.....

[Signature]
.....

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

[Signature]
.....
Duly Authorised Officer



Tim Ronalds Architects
108 Weston Street
London
SE1 3QB

Application Ref: **2017/2989/P**

23 February 2018

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:

The Royal Central School of Speech and Drama
62-64 Eton Avenue
London
NW3 3HY

Proposal:

DECISION

Variation of condition 7 (development to be carried out in accordance with approved plans) of planning permission ref 2014/7413/P (dated 31/03/2015) for erection of ground and 3 storey building (class D1), following demolition of existing, namely to remove 5 windows from east elevation

Drawing Nos: Site Location Plan (CSD 001revB); Existing drawings: Ex 018, 025, 026; CSD 003; Proposed drawings: prefix CSD 005revJ, 006revK, 007revK, 008revG, 009revJ, 010revJ, 011revG, 012revJ, 013revJ, 018revH, 019revF, 021revG, 025revE, 026revE, 027revG. Design and Access Statement by Tim Ronalds Architects; Daylight/ Sunlight Assessment by Devla Patman Redler LLP dated November 2014; Basement Impact Assessment by Price & Myers and GEA Ltd dated 26th November 2014; Noise Impact Assessment by Sandy Brown Associates dated 25th November 2014; Aborigicultural Survey by Sylva Consultancy dated 21st November 2014; Sustainability Statement by Max Fordham dated 19th November 2014; Energy Statement by Max Fordham dated 14th November 2014; BREEAM Pre-assessment by Price & Myers dated 18th November 2014; Transport Statement by Icenl (incorporating Outline Construction Management Plan) dated November 2014; Waste and Refuse Management Plan by Central School of Speech and Drama dated November 2014 and BIA Independent Assessment by LBH Wembley dated 11/3/2015.

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 development hereby permitted must be begun not later than the 31 March 2018.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and 2x2m sample panels of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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 London Borough of Camden Local Plan 2017.

- 3 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

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 London Borough of Camden Local Plan 2017.

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Prior to first operation of the plant equipment hereby approved it shall be fitted with noise attenuation measures necessary to meet the noise limits detailed within the SBA Planning noise report hereby approved and all attenuation shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 5 The development shall not be operated other than in accordance with the sound control strategies and measures set out in section 6 of the SBA Planning noise report (14007-R09-C) hereby approved and in particular to ensure that between the hours of 0800 hrs and 2300 hrs sound associated with the use of the studios shall be controlled such that the LAeq,T shall not exceed 48dB when assessed at 1 m external to a sensitive facade

No sound emanating from the use of the studios shall be audible within any adjoining premises between the hours of 2300 and 0800.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 6 No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the curtilage of the building.

Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policies A1 and T4 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (CSD 001revB); Existing drawings: Ex 018, 025, 026; CSD 003; Proposed drawings: prefix CSD 005revJ, 006revK, 007revK, 008revG, 009revJ, 010revJ, 011revG, 012revJ, 013revJ, 018revH, 019revF, 021revG, 025revE, 026revE, 027revG. Design and Access Statement by Tim Ronalds Architects; Daylight/Sunlight Assessment by Devla Patman Redler LLP dated November 2014; Basement Impact Assessment by Price & Myers and GEA Ltd dated 26th November 2014; Noise Impact Assessment by Sandy Brown Associates dated 25th November 2014; Arboricultural Survey by Sylva Consultancy dated 21st November 2014; Sustainability Statement by Max Fordham dated 19th November 2014; Energy Statement by Max Fordham dated 14th November 2014; BREEAM Pre-assessment by Price & Myers dated 18th November 2014; Transport Statement by Icenl (incorporating Outline Construction Management Plan) dated November 2014; Waste and Refuse Management Plan by Central School of Speech and Drama dated November 2014 and BIA Independent Assessment by LBH Wembley dated 11/3/2015.

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

- 8 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the Camden Local Plan 2017.

- 9 The use of the roof as a terrace is not permitted unless for maintenance purposes only.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission:

The removal of the five windows on the eastern elevation would be a minor change to the building as a whole. Fenestration on the rest of this elevation ensures it will maintain visual interest. The elevation will be finished in stucco cladding to match that approved. It is considered that proposal will conserve and enhance the appearance of Belsize Park Conservation Area. This amendment is considered to be minor and in keeping with the spirit of the parent application.

The windows to be removed are secondary windows to offices and a boardroom. All rooms will remain dual aspect and therefore is not considered that the proposal would impact on the quality of the ancillary office floorspace.

It should be noted that the floor plans have not been amended. This is because the windows on the eastern elevation which this application seeks to remove were not detailed on the floorplans approved under application: 2014/7413/P.

No objections have been received prior to making this decision. Belsize Conservation Area Advisory Committee responded to the consultation advising that they have no objection to the proposal. The sites planning history has been taken into account when coming to this decision.

The application is granted subject to a Deed of Variation to secure compliance with the original S106 legal agreement.

Considerable importance and weight has been attached 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 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 D1, D2 and A1 of the London Borough of Camden Local Plan. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan 2016; and paragraphs 14, 17, 56 -66 and 126-141 of the National Planning Policy Framework.

- 2 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).
- 3 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.
- 4 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).

- 5 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.

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



DATED

29 May

2018

(1) THE ROYAL CENTRAL SCHOOL OF SPEECH AND DRAMA

and

(2) LLOYDS BANK PLC

and

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

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