

DATED

04 January

20189

**(1) LAZARI DEVELOPMENTS LIMITED**

-and-

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

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**DEED OF VARIATION**

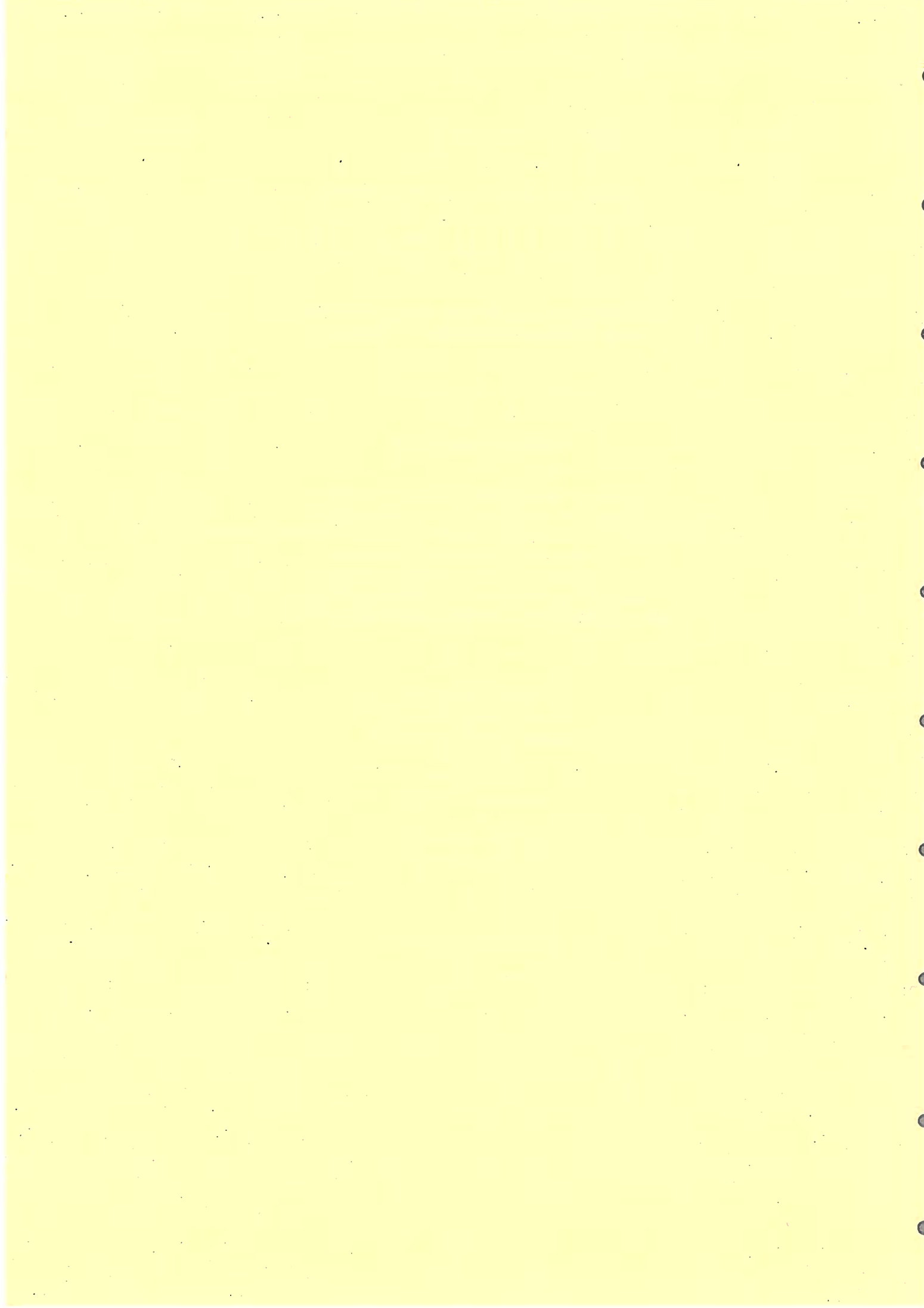
Relating to the Agreement dated 11 April 2014  
Between the Mayor and the Burgesses of the  
London Borough of Camden and South Yorkshire Pensions Authority  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**262 – 267 HIGH HOLBORN LONDON WC1V 7EE**

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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/LN/1800.510  
DoV FINAL



THIS DEED is made on the 4<sup>th</sup> day of January 2018/9

**BETWEEN**

1. **LAZARI DEVELOPMENTS LIMITED** (Co. Regn. No. 9980679) whose registered office is at Accurist House 44 Baker Street London W1U 7BR (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 South Yorkshire Pensions Authority entered into an Agreement dated 11 April 2014 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 under title numbers LN103077 and LN159934.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) 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 21 September 2018 for which the Council resolved to grant permission conditionally under reference 2018/4539/P subject to the conclusion of this Deed.
- 1.6 This Deed 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 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.

2.7.1 "Deed" this Deed of Variation made pursuant to Section 106A of the Act

2.7.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 11 April 2014 made between the Council and South Yorkshire Pensions Authority

2.7.3 "the Original Planning Permission"

means the planning permission granted by the Council on 11 April 2014 referenced 2013/3983/P allowing the construction of a roof extension and 8 storey rear extension following demolition of existing 7 storey rear block and top floor, change of use of part of the ground floor from retail (class A1) to office use (class B1), basement and first floor of the existing public house (class A4) to office use (class B1), and basement and ground floor of existing public house (class A4) to flexible shop/restaurant/bar (class A1/A3/A4) all with associated alterations to new shopfronts; replacement windows and roof top plant. as shown on drawing numbers 4728\_00\_001 rev B; 4728\_00\_101; 4728\_00\_111; 4728\_20\_098; 4728\_20\_099; 4728\_20\_100; 4728\_20\_101; 4728\_20\_102; 4728\_20\_103; 4728\_20\_104; 4728\_20\_105; 4728\_20\_106; 4728\_20\_107; 4728\_20\_108;4728\_20\_109; 4728\_20\_120; 4728\_20\_121; 4728\_20\_122; 4728\_20\_123; 4728\_20\_130; 4728\_20\_131; 4728\_20\_198 rev D; 4728\_20\_199 rev D; 4728\_20\_200 rev E; 4728\_20\_201 rev B; 4728\_20\_202 rev B; 4728\_20\_203 rev B; 4728\_20\_204 rev B; 4728\_20\_205 rev B; 4728\_20\_206 rev B; 4728\_20\_207 rev B; 4728\_20\_208 rev B; 4728\_20\_209 rev B; 4728\_20\_220 rev B; 4728\_20\_221; 4728\_20\_222; 4728\_20\_223; 4728\_20\_230; 4728\_20\_231; 4728\_21\_201;4728\_21\_202;4728\_21\_203; 4728\_21\_204; 4728\_71\_100 rev B; 4728\_71\_101; Design & Access Statement (including Appendix A); Appendix B - Planning Statement (incl. consultations) Rev A - Prepared

by DP9; Appendix C - Mixed-use / Residential Statement - Prepared by DP9 & Farebrother; Appendix D - Noise Impact Assessment - Prepared by Sharps Redmore & Meinhardt; Appendix E - Sustainability & Energy Statement - Prepared by FES & Meinhardt; Appendix F - BREEAM Pre-assessment Report - Prepared by FES & Meinhardt; Appendix G - Transport Statement (incl. Waste Management) - Prepared By TPP; Appendix H - Construction Management Plan - Prepared by RPM; Appendix J - Heritage Impact Assessment - Prepared By Purcell; Appendix K - Historic Environment Assessment - Prepared By MoLA; Appendix L - Daylight & Sunlight Assessment - Prepared by Gordon Ingram Associates.

### **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 4 (approved plans) of planning permission ref: 2013/3983/P dated 11/04/2014 (construction of a roof extension and 8 storey rear extension following demolition of existing 7 storey rear block and top floor, change of use of part of the ground floor from retail (class A1) to office use (class B1), basement and first floor of the existing public house (class A4) to office use (class B1), and basement and ground floor of existing public house (class A4) to flexible shop/restaurant/bar (class A1/A3/A4) all with associated alterations to new shopfronts; replacement windows and roof top plant), namely to amend west elevation

replacing zinc cladding with render to match portland stone as shown on drawing numbers: superseded: 5578\_02\_200 Rev B and 5578\_02\_221 Rev D proposed: 5578\_02\_200 Rev C and 5578\_02\_221 Rev E.

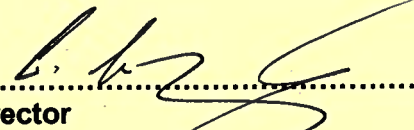
- 3.1.2 "Planning Permission" the planning permission for the Development under reference number 2018/4539/P granted by the Council in the form of the draft annexed hereto
- 3.1.3 "Planning Application" the application for the Planning Permission in respect of the Property validated on 21 September 2018 by the Owner and given reference number 2018/4539/P
- 3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2013/3983/P" shall be replaced with "Planning Permission reference 2018/4539/P".
- 3.3 The draft Planning Permission annexed to this Agreement shall be treated as annexed to the Existing Agreement.
- 3.4 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 2018/4539/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

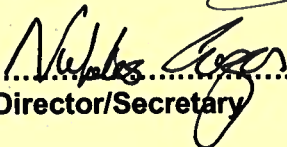
**6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge

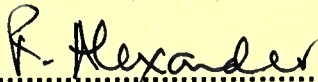
**IN WITNESS** whereof the Council has caused its Common Seal to be hereunto affixed and the Owner has executed this instrument as their Deed the day and year first before written

**EXECUTED AS A DEED BY** )  
**LAZARI DEVELOPMENTS LIMITED** )  
**in the presence of:-** )

  
.....  
Director

  
.....  
Director/Secretary

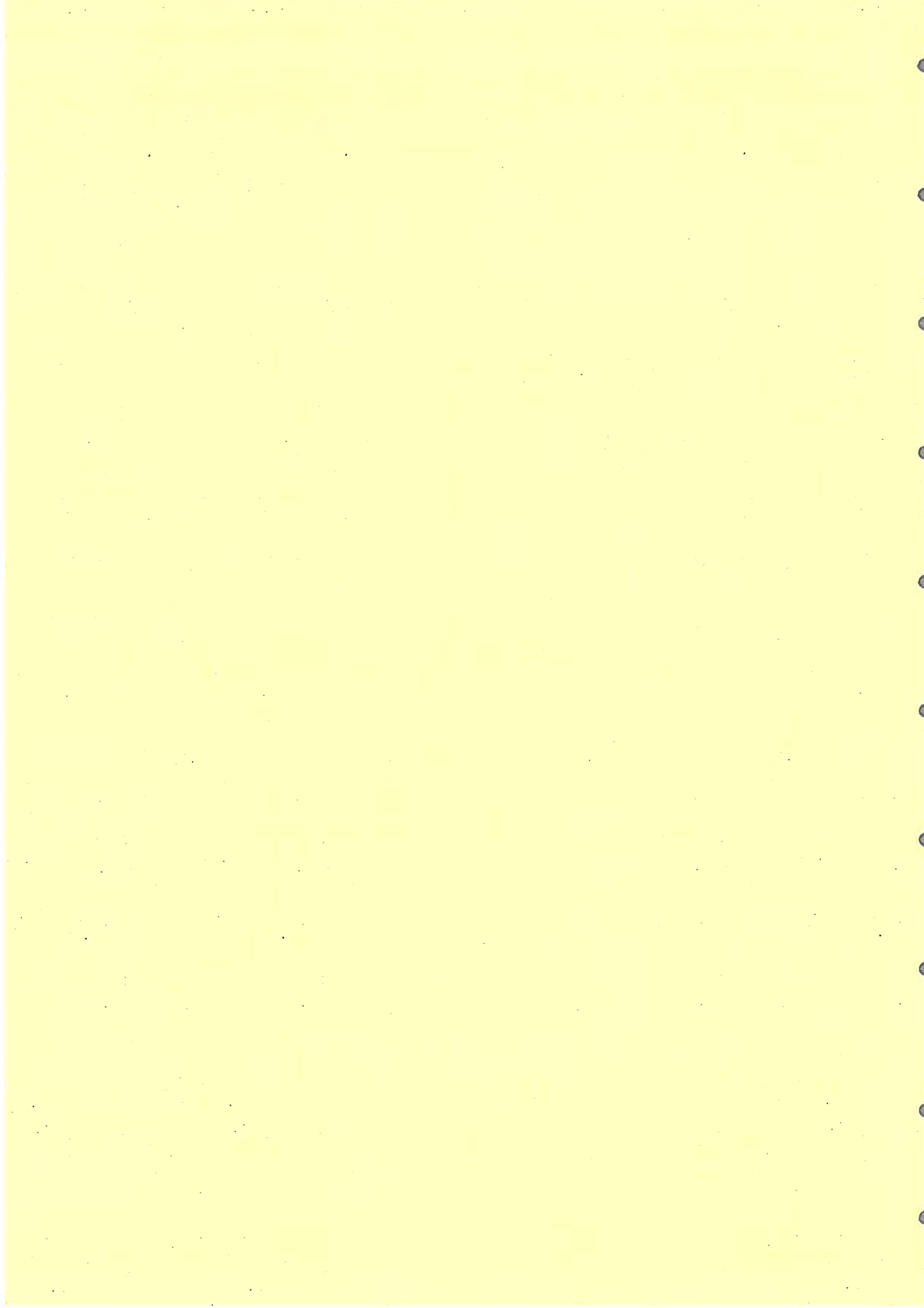
**THE COMMON SEAL OF THE MAYOR** )  
**AND BURGESSES OF THE LONDON** )  
**BOROUGH OF CAMDEN** )  
**was hereunto affixed by Order:-** )

  
.....  
Duly Authorised Officer





**ANNEX 1**  
**THE DRAFT PLANNING PERMISSION**



Sheppard Robson  
77 Parkway  
London  
NW1 7PU

Application Ref: **2018/4539/P**

17 December 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:  
**262-267 High Holborn**  
London  
**WC1V 7EE**

**Proposal:**

**DECISION**

Variation of Condition 4 (approved plans) of planning permission ref. 2013/3983/P dated 11/04/2014 (Construction of a roof extension and 8 storey rear extension following demolition of existing 7 storey rear block and top floor, change of use of part of the ground floor from retail (class A1) to office use (class B1), basement and first floor of the existing public house (class A4) to office use (class B1), and basement and ground floor of existing public house (class A4) to flexible shop/restaurant/bar (class A1/A3/A4) all with associated alterations to new shopfronts; replacement windows and roof top plant), namely to amend west elevation replacing zinc cladding with render to match Portland stone.

Drawing Nos: Superseded:

5578\_02\_200 Rev B and 5578\_02\_221 Rev D.

Proposed:

5578\_02\_200 Rev C and 5578\_02\_221 Rev E.

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 end of three years from the date of the original permission, reference ref: 2013/3983/P granted 11/04/2014.

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

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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 The development shall not be implemented other than in accordance with the detailed drawings, or samples of materials as appropriate, in respect of the following:

a) Plan, elevation and section drawings, including jambs, head and cill, of all new window and door openings.

b) Samples and/or manufacturer's details of new facing materials for the extension

As approved under planning reference 2018/1947/P (dated 24/08/2018), planning reference 2018/2129/P (dated 24/08/2018), planning reference 2018/2932/P (dated 2018/2932/P) or other such details which have been submitted to and approved in writing by the local planning authority.

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.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans 4728\_00\_001 rev B; 4728\_00\_101; 4728\_00\_111; 4728\_20\_098; 4728\_20\_099; 4728\_20\_100; 4728\_20\_101; 4728\_20\_102; 4728\_20\_103; 4728\_20\_104; 4728\_20\_105; 4728\_20\_106; 4728\_20\_107; 4728\_20\_108; 4728\_20\_109; 4728\_20\_120; 4728\_20\_121; 4728\_20\_122; 4728\_20\_123; 4728\_20\_130; 4728\_20\_131; 4728\_20\_198 rev D; 4728\_20\_199 rev D; 5578\_02\_200 Rev C; 4728\_20\_201 rev B; 4728\_20\_202 rev B; 4728\_20\_203 rev B; 4728\_20\_204 rev B; 4728\_20\_205 rev B; 4728\_20\_206 rev B; 4728\_20\_207 rev B; 4728\_20\_208 rev B; 4728\_20\_209 rev B; 4728\_20\_220 rev B; 5578\_02\_221 Rev E; 4728\_20\_222; 4728\_20\_223; 4728\_20\_230; 4728\_20\_231; 4728\_21\_201; 4728\_21\_202; 4728\_21\_203; 4728\_21\_204; 4728\_71\_100 rev B; 4728\_71\_101; Design & Access Statement (including Appendix A); Appendix B - Planning Statement (incl. consultations) Rev A - Prepared by DP9; Appendix C - Mixed-use / Residential Statement - Prepared by DP9 & Farebrother; Appendix D - Noise Impact Assessment - Prepared by Sharps Redmore & Meinhardt; Appendix E - Sustainability & Energy Statement - Prepared by FES & Meinhardt; Appendix F - BREEAM Pre-assessment Report - Prepared by FES & Meinhardt; Appendix G - Transport Statement (incl. Waste Management) - Prepared By TPP; Appendix H - Construction Management Plan - Prepared by RPM; Appendix J - Heritage Impact Assessment - Prepared By Purcell; Appendix K - Historic Environment Assessment - Prepared By MoLA; Appendix L - Daylight & Sunlight Assessment - Prepared by Gordon Ingram Associates.

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

- 5 The development shall not be implemented other than in accordance with the details of secure and covered cycle storage area for 26 cycles approved under planning reference 2014/2869/P (dated 29/05/2014) or other such details which have been submitted to and approved in writing by the local planning authority.

The approved facility shall thereafter be provided in its entirety prior to the first occupation of the extensions, hereby permitted and thereafter permanently retained thereafter.

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

- 6 Prior to first occupation of the extensions hereby permitted, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 7 Automatic time clocks shall be fitted to the equipment/machinery hereby approved, prior to commencement of the use of the units, to ensure that the plant/equipment does not operate outside the hours of 07.00 hrs and 19.00 hrs. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations.

Reason: To safeguard the amenities of the 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.

- 8 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).

Reason: To safeguard the amenities of the 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.

- 9 Before the use commences, the extract/ventilating system/plant shall be provided with acoustic isolation, sound attenuation and anti-vibration measures in accordance with the scheme approved in writing by the local planning authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the 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.

Informative(s):

- 1 Reason for granting permission

The proposal would amend the west elevation, approved with insulated aluminium cladding panels to a render system, coloured to match the portland stone.

The proposed amendments would preserve the character and appearance of the host building, street-scene or the surrounding conservation area and would not result in a loss of amenity to neighbouring occupiers.

All other aspects of the development which are not covered above have been assessed as part of the original application.

The proposals are acceptable subject to conditions as set out above and a Deed of Variation to the s106 to secure changes to the revised plans.

- 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 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 4 This consent 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 functions or in any other capacity and, in particular, shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended). In particular your attention is drawn to the need to obtain permission for any part of the structure which overhangs the public highway (including footway). Permission should be sought from the Council's Engineering Service Network Management Team, Town Hall, Argyle Street WC1H 8EQ, (tel: 020 7974 2410) or email [highwayengineering@camden.gov.uk](mailto:highwayengineering@camden.gov.uk).
- 5 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020 7974 6041).
- 6 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 7 This site is within an area of archaeological significance/archaeological potential where development is likely to result in the destruction of ancient remains. Your attention is drawn to the British Archaeologists and Developers Liaison Group Code of Practice agreed by the British Property Federation and the Standing Conference of Archaeological Unit Managers. The Council recognises and endorses this Code and will expect the developer and approved archaeological organisations to abide by its provisions.

- 8 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 Compliance and Enforcement team [Regulatory Services], 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.
- 9 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 10 You are reminded that ~~filled refuse sacks~~ shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 11 The display of an advertisement without consent is a criminal offence under Section 224(3) of the Town and Country Planning Act 1990. Under Section 225 of the Town and Country Planning Act, Section 10 of the London Local Authorities Act 1995 and Section 11 of the London Local Authorities Act 1995 the Council has powers to enter the land and remove the display. As such, the Council will commence prosecution/action to secure the removal of the advertisement.
- 12 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 13 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk).
- 14 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.



- 15 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 16 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.

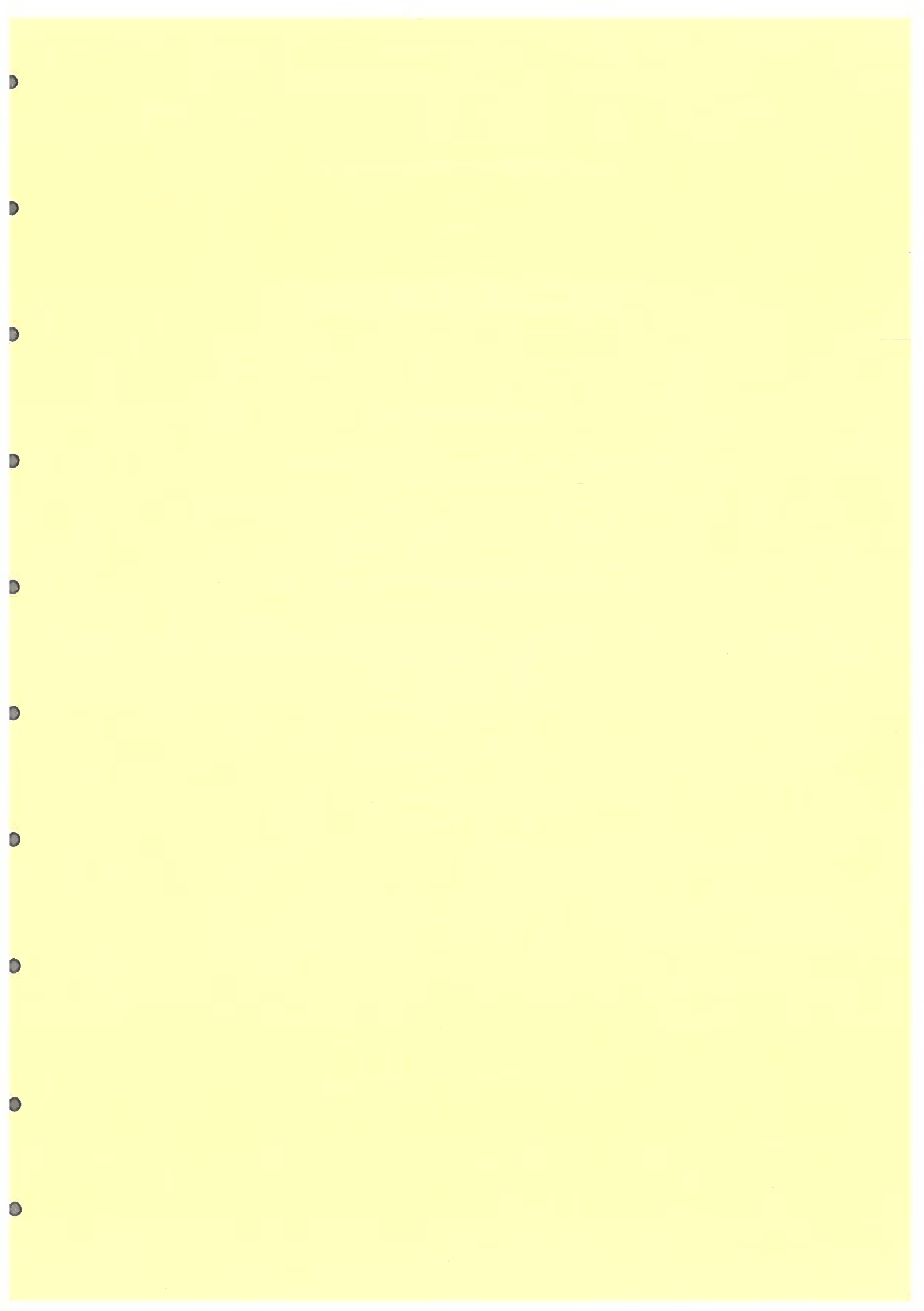
Yours faithfully

**DRAFT**

Supporting Communities Directorate

**DECISION**





DATED

04 January

2018<sup>9</sup>

**(1) LAZARI DEVELOPMENTS LIMITED**

-and-

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 11 April 2014  
Between the Mayor and the Burgesses of the  
London Borough of Camden and South Yorkshire Pensions Authority  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**262 – 267 HIGH HOLBORN LONDON WC1V 7EE**

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Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 1918  
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