

DATED

26 March

2019

**(1) FERNGLEN PROPERTIES LIMITED**

-and-

**(2) WPG FINANCE LIMITED**

-and-

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 11 December 2017  
Between the Mayor and the Burgesses of the  
London Borough of Camden and Bidcrest Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**22 THEOBALD'S ROAD LONDON WC1X 8PF**

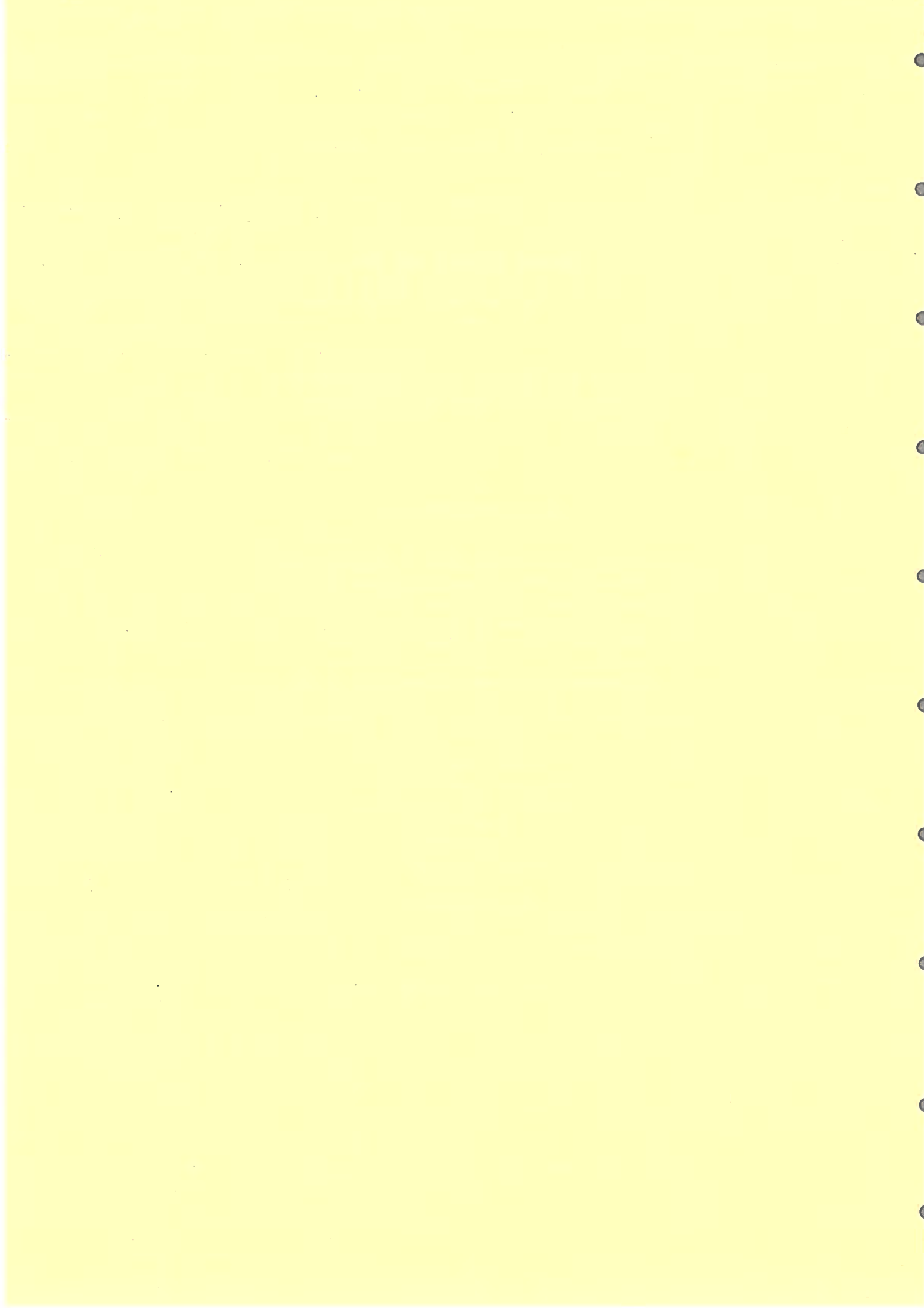
---

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

Tel: 020 7974 5826

CLS/COM/LN/1800.973  
DoV FINAL

---



THIS AGREEMENT is made on the 26<sup>th</sup> day of March 2019

**BETWEEN**

1. **FERNGLEN PROPERTIES LIMITED** (Co. Regn. No. 11087323) whose registered office is at Ground Floor, 30 City Road, London EC1Y 2AB (hereinafter called "the Owner") of the first part
2. **WPG FINANCE LIMITED** (Co. Regn. No. 08478860) of Ground Floor, 30 City Road, London EC1Y 2AB (hereinafter called "the Mortgagee") of the second part
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 Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number NGL300977 subject to a charge to the Mortgagee.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 The Mortgagee as mortgagee under a legal charge registered under Title Number NGL300977 and dated 1 May 2018 is willing to enter into this Agreement to give its consent to the same.
- 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 Agreement.
- 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 2 November 2018 for which the Council resolved to grant permission conditionally under reference 2018/5310/P subject to the conclusion of this Agreement.



2.7.2 "Existing Agreement"

the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 11 December 2017 made between the Council and Bidcrest Limited

2.7.3 "the Original Planning Permission"

means the planning permission granted by the Council on 11 December 2017 referenced 2016/2284/P allowing the subdivision of existing building (C3) to form 3x self-contained flats (2 x studio and 1 x 3bed maisonette). No external alterations. as shown on drawing numbers (Prefix: 8392.) 0, 2, 3, 4, 5, 7, 8, 9A, 10; (Prefix: 1701-) 000, 001, 002, 003, 010, 011, 012, 013, 014, 020, 021, 022, 023, 024, 030, 031, 032, 033, 100, 101, 102, 103, 110, 111, 112, 113, 114, 120, 121, 122, 123, 124, 130, 131, 132, 133 (all dated 06.03.17) Supporting documents: Methods Statement for removal of internal partitions (1632.602); Heritage Impact Schedule (1632 601); Photographic Schedule (1632.603); Heritage Statement (dated June 2016); Design and Access Statement (dated April 2016)

### 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"

the development authorised by the planning permission with reference 2016/2284/P dated 11 December 2017 as amended by: Variation to condition 2 (approved plans) of planning permission 2016/2284/P dated 11/12/2017 for the 'Subdivision of existing building to form 3x self-contained flats (2 x studio and 1 x 3b6p

maisonette)', namely to alter internal layouts to provide 1 bed, 2 person units rather than studio units at ground and first floor level (resulting mix 2x 1beds and 1 x 3b6p) as shown on drawing numbers: 000 (dated 10/18); 100, 101, 102, 103, 201, 202, 203, 204, 205, 206, 207, 208, 209 (all dated 07/18); 300, 301, 302, 303, 400, 401, 402, 403, 404, 405, 406, 407, 408 (all dated 10/18) Supporting: Covering Letter produced by Daniel Watney (dated 30.10.18); Heritage Statement produced by Stephen Levrant Heritage Consultants (dated Oct 2018)

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2018/5310/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 validated on 2 November 2018 by the Owner and given reference number 2018/5310/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/2284/P" shall be replaced with ""Planning Permission reference 2018/5310/P"".

3.3 In all other respects the Existing Agreement (as varied by this Agreement) 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 2018/5310/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 Agreement) its reasonable legal costs incurred in preparing this Agreement

**6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Agreement shall be registered as a Local Land Charge

**7. MORTGAGEE EXEMPTION**

7.1 The Mortgagee hereby consents to the completion of this Agreement and agrees to be bound by it and by the Existing Agreement and to the same being registered at the Land Registry as provided in Clause 6.4 of the Existing Agreement and for the avoidance of doubt agrees to be bound by the said obligations of this Agreement and the Existing Agreement only in the event that it becomes a mortgagee in possession of the Property.

7.2 The Parties agree that the obligations contained in this Agreement and the Existing Agreement shall not be enforceable against any mortgagee or chargee of the whole or any part of the Property unless it takes possession of the Property in which case it will be bound by the obligations as a person deriving title from the Owner.

**IN WITNESS WHEREOF** the Council has caused their Common Seals to be affixed and the Owner and the Mortgagee has caused this Agreement to be executed as a Deed the day and year first above written.

**EXECUTED AS A DEED BY  
FERNGLEN PROPERTIES LIMITED  
acting by a Director in the presence of:** )




.....  
Witness Signature

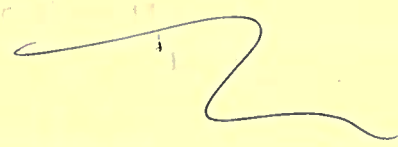
Witness Name: *Minister Bennett*  
Address: *152 West 6th Ave, London, W6*  
Occupation: *Company Secretary*

**THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106  
AGREEMENT IN RELATION TO 22 THEOBALD'S ROAD LONDON WC1X 8PF**

**EXECUTED AS A DEED BY  
WPG FINANCE LIMITED  
acting by a director  
in the presence of:-** )  
)  
)  
)



.....  
*WPG Finance Limited*



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

*R. Alexander*

.....  
**Authorised Signatory**





Daniel Watney Llp  
165 Fleet Street  
London  
EC4A 2DW

Application Ref: **2018/5310/P**

06 March 2019

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:  
**22 Theobald's Road**  
**London**  
**WC1X 8PF**

**Proposal:**

Variation to condition 2 (approved plans) of planning permission 2016/2284/P dated 11/12/2017 for the 'Subdivision of existing building to form 3x self-contained flats (2 x studio and 1 x 3b6p maisonette)', namely to alter internal layouts to provide 1 bed, 2 person units rather than studio units at ground and first floor level (resulting mix 2x 1beds and 1 x 3b6p)

Drawing Nos: 000 (dated 10/18); 100, 101, 102, 103, 201, 202, 203, 204, 205, 206, 207, 208, 209 (all dated 07/18); 300, 301, 302, 303, 400, 401, 402, 403, 404, 405, 406, 407, 408 (all dated 10/18);

Supporting: Covering Letter produced by Daniel Watney (dated 30.10.18); Heritage Statement produced by Stephen Levrant Heritage Consultants (dated Oct 2018)

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 planning permission ref 2016/2284/P dated 11/12/2017.

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

- 2 For the purposes of this decision, condition no.2 of planning permission 2016/2284/P dated 11/12/2017 shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans: 000 (dated 10/18); 100, 101, 102, 103, 201, 202, 203, 204, 205, 206, 207, 208, 209 (all dated 07/18); 300, 301, 302, 303, 400, 401, 402, 403, 404, 405, 406, 407, 408 (all dated 10/18).

Supporting: Covering Letter produced by Daniel Watney (dated 30.10.18); Heritage Statement produced by Stephen Levrant Heritage Consultants (dated Oct 2018); Methods Statement for removal of internal partitions; (1632.602); Heritage Impact Schedule (1632 601).

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

- 3 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day per dwelling. The dwellings shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission-

Planning permission and LBC were recently granted for the conversion of the property into three residential units (C3) to provide 2x studio (GF/1st) and 1x maisonette (2nd/loft). In an effort to preserve the historic plan form of the property, the two studio units had been approved with a single habitable room with very large separate bathrooms. In order to make better use of the space at these two levels, permission is now sought to vary the approved plans to provide WCs via removable 'pods' installed to the main habitable room and to use the second rooms as bedrooms to form 2x one bedroom flats rather than studio units at ground and first floor levels.

The proposed variation to approve plans would not result in a net gain or loss of permitted units and the provision of 2x one bed rather than studios would not result in any further land use or amenity concerns. The proposed development would not include any external alterations and therefore the works would persevere the character and appearance of the host dwelling, streetscene and the Bloomsbury Conservation area.

As such there is no objection to the proposed variation from a planning perspective, subject to the previously secured planning obligations (car free) and conditions being transferred to the new permission.

No responses were received in response to the public consultation. The planning history of the site has been taken into account when coming to this decision. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with the Camden Local Plan 2017 with particular regard for policies G1, H1, H3, H4, H7, H10, C5, A1, A4, D1, D2, CC2, T1 and T2. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2018.

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 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).
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

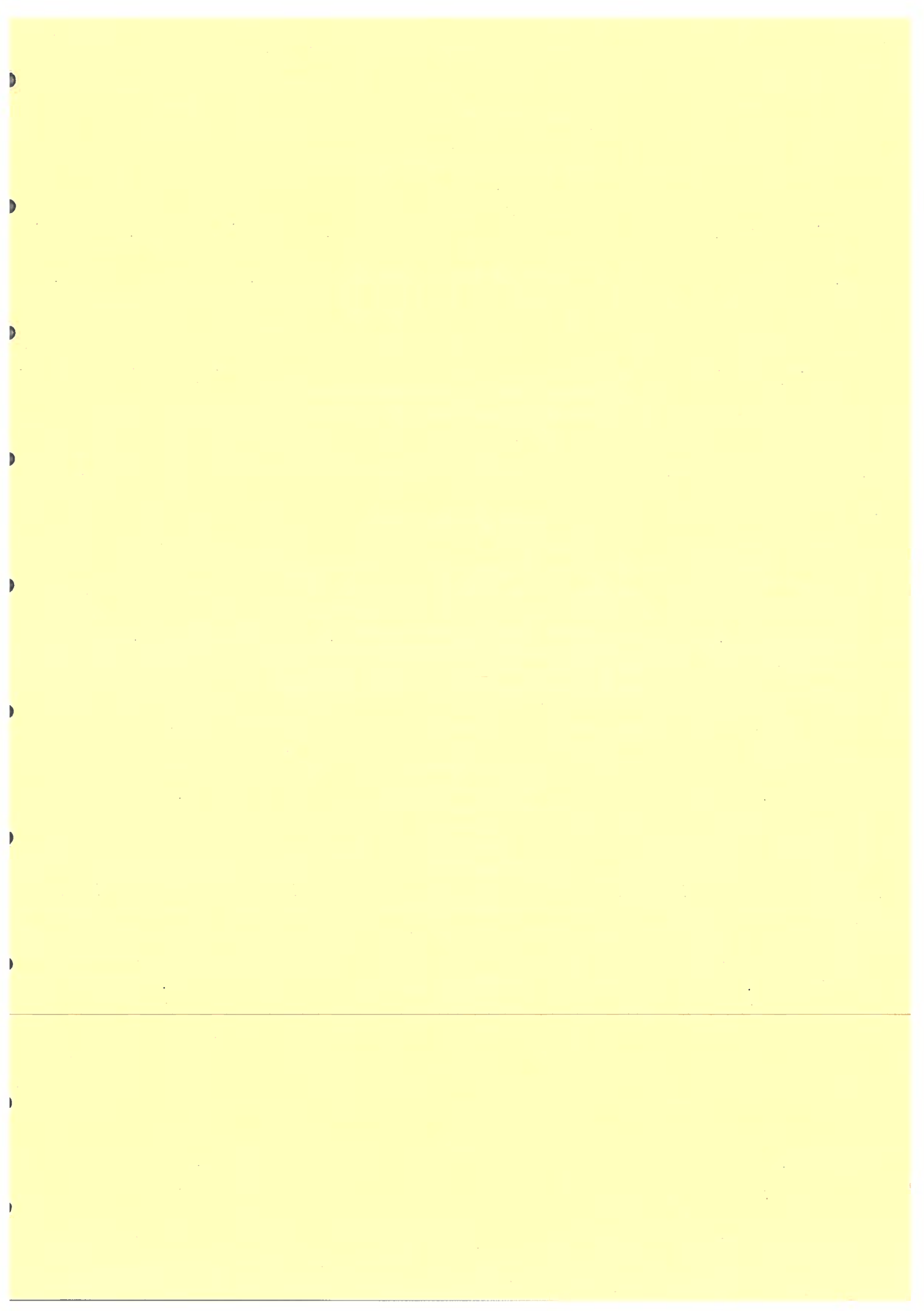
- 5 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 6 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

**DECISION**





DATED

26 March

2019

**(1) FERNGLEN PROPERTIES LIMITED**

-and-

**(2) WPG FINANCE LIMITED**

-and-

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 11 December 2017  
Between the Mayor and the Burgesses of the  
London Borough of Camden and Bidcrest Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**22 THEOBALD'S ROAD LONDON WC1X 8PF**

---

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

Tel: 020 7974 5826

CLS/COM/LN/1800.973  
DoV FINAL