

Your ref: 2010/2721/P – S106
Our ref: PW/42603
DD: 07973 954000
E: paul.willmott@bidwells.co.uk
Date: 15 November 2018

Mr G Sexton
Principal Planning Officer
London Borough of Camden
2nd Floor, 5 Pancras Square
London
N1C 4AG

Dear Gavin

Planning Permission 2010/2721/P – S106 Agreement Deed of Variation Francis Crick Institute

I refer to our recent meeting at your officers, at which time we discussed in some length the Highways proposals for Midland Road and the current catch-22 that both parties are caught in, in respect to the S106 Agreement relating to the UKCMRI development (now the Francis Crick Institute).

Since that meeting, the Crick team have consulted various parties internally and I am in now in a position to write formally to request a Deed of Variation to the original S106. These changes seek to accommodate the changes in circumstances that have evolved since the agreement was signed in 2011, embrace the original intent established through the pre-planning and application stages and, to accommodate specific amendments that would benefit the Council's plans for Midland Road.

I have attached a copy of the S106 Agreement and annotated those sections that I believe will require revision under this Deed of Variation and summarised the various issues as follows:

Midland Road Proposals

The Crick is amenable to the removal of the taxi drop off point on Midland Road as part of the Council's plans for the improvement to Midland Road generally.

This change will facilitate or will be subject to the following:

- Remove the requirement for the Council to adopt the yellow shaded area to Midland Road shown on Plan 5 to the S106 agreement. The requirement to adopt this area arose from the Council's requirement to retain the minimum width of footpath in public use behind the curb of the drop off bay itself. The removal of the bay removes the need to adopt this area.
- The Council will undertake, through the S106 and a delineation of a suitable length of curb to be identified on a revised Plan 5 to provide road marking on Brill Place that will allow taxis to drop off passengers between the junction of Brill Place/Midland Road and the first car park bay on the south side of Brill Place closest to the Midland Road junction.

25 Old Burlington Street, London W1S 3AN
T: 020 7493 3043 E: info@bidwells.co.uk W: bidwells.co.uk

- The provision of no-parking/no-waiting/no-stopping delineation where the permeability route 'hits' Midland Road in order to prevent any future blocking of this fire and safety route.
- The above will be incorporated into the works to Midland Road, undertaken by the Council and at the Council's cost.
- The Crick agrees that the Traffic Management Contribution provided under the S106, which will no longer be required as a result of the proposed changes, should be used to meet the costs of these works, any orders that maybe required and to meet the costs of this Deed of Variation.

Clause 4.13 – Local Employment Post Occupation/Local Employment Strategy

The amendments to this part of the S106 are being progressed by my former colleagues in CBRE and the comments which you made to the draft, which was provided by Janet Kirby from the Crick, have been passed back to them. The amendment to this section will however be submitted as part of this Deed of Variation request either by Janet or coordinated through ourselves.

Further details in response to the specific queries that you raised will therefore follow in due course.

Definitions, Clause 4.8, 4.16 and Schedule 1

Following discussions with your Highways colleagues over the past 2-3 years, we are aware that the Council no longer seeks to adopt permeability routes delivered through developments. Instead the Council seeks to impose an access agreement to enable public to use these routes.

We tabled, at our meeting, a version used by the Corporation of London, but you mentioned that Camden Council had a similar requirement which you would supply to us. I would be grateful if you could forward that to us at your convenience.

As a result of the change in circumstances, the Council has not been in a position to progress the anticipated adoption of the permeability route (Dangoor Walk) or the land around the Crick, and in turn the Crick has not been able to conclude the requirements of the S106 agreement. Both parties are very much caught in a Catch-22 position and we agreed that it would be all parties interests to seek a formal amendment to the S106 to remove the requirement to adopt Dangoor Walk and to adjust the associated provisions linked to the issue of the Provisional and Final Certificates, and other highway elements.

We also discussed the need to adopt the 'slither' of land along the south side of Brill Place given that since the agreement was entered into the footpath to the northern side of Brill place was widened to accommodate the 2012 Olympic pedestrian route. It was agreed that given the passage of time and in light of the works to Brill Place, that what was considered necessary in 2010 was no longer applicable today. Accordingly, there was no requirement for the Council to adopt any of the land shown shaded in yellow to Plan 5 of the S106, given the agreement above regarding the taxi drop off point, and this removed the requirement altogether.

The attached S106 contains annotations to the elements that I think need to be amended although I have no doubt these will need to be looked at in more detail by our relevant legal representatives. For expediency, I would like to propose that the Crick's solicitors should prepare the draft agreement and forward it to you for consideration. They are the same ones who worked on the original S106 and I think we should be able to move matters to a conclusion fairly quickly on that basis.

If you can confirm that the Council is agreeable in principle to what is set out in the above and attached then that would be appreciated and we can then move matters forward and conclude the outstanding requirements within the S106.

As always, if you need any additional information, or clarification at this stage then please do not hesitate to contact me.

Finally, for **Simi Shah** and **Dave Stewart**, please can you confirm agreement to the elements related to Midland Road and the securing of the drop-off area on Brill Place. Please also liaise with Darren Warrington with respect to the works on Midland Road, programming etc.

Kind regards



Paul Willmott OBE
Partner, Planning

Enclosures

Annotated version of the S106 identifying Clauses/Sections to be amended

Copies to

Simi Shah – Camden Highways
Dave Stewart – Camden Highways
Patrick Robinson – Town Legal
Elizabeth Christie – Town Legal
Janet Kirby – Francis Crick Institute
Nick Carter – Francis Crick Institute
Darren Warrington – Francis Crick Institute