

DATED

11 February

2020

(1) JIMMY HANS FURLAND

-and-

(2) SKANDINAVISKA ENSKILDA BANKEN AB (PUBL)

-and-

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

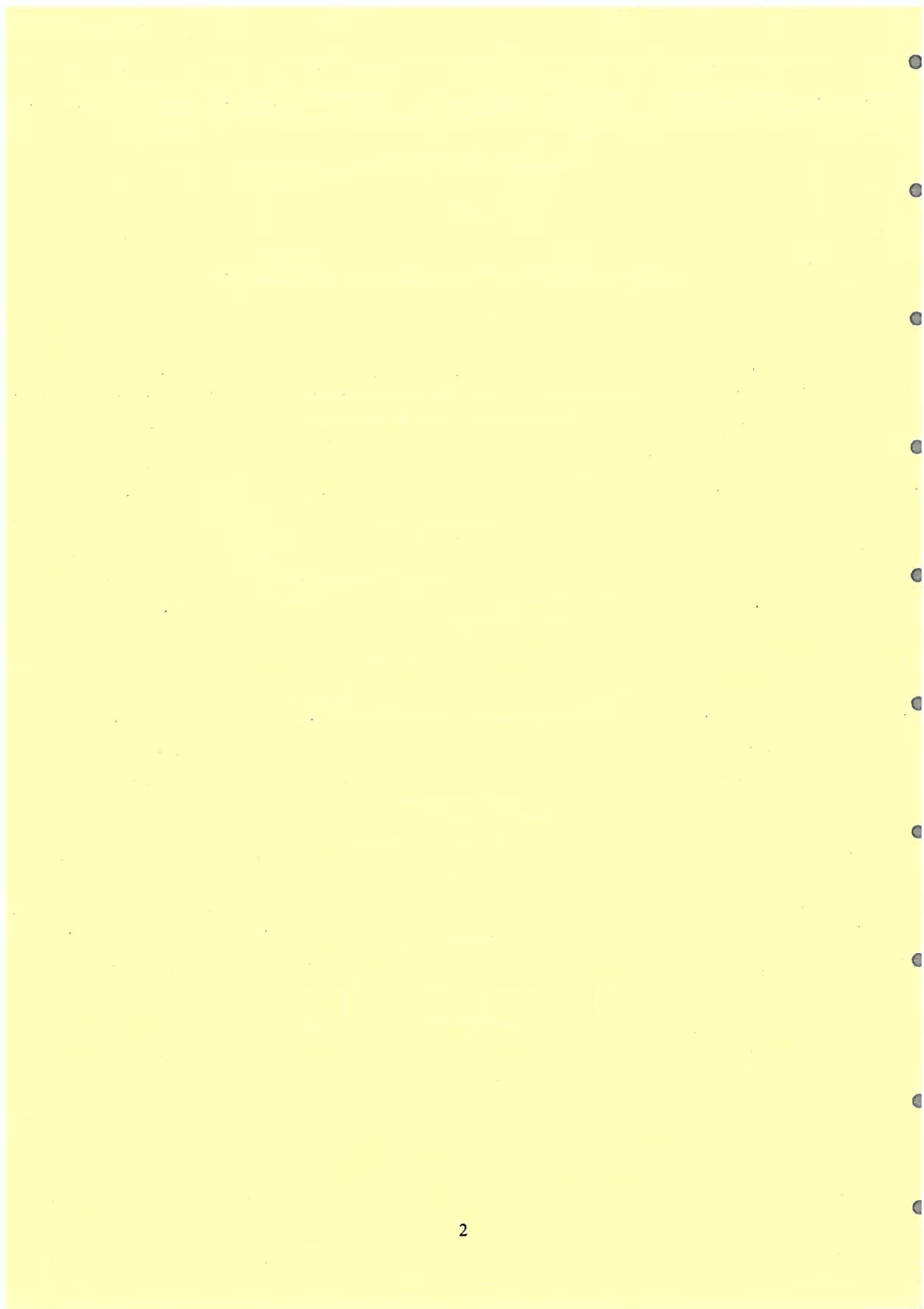
DEED OF VARIATION

Relating to the Agreement dated 29 February 2012
Between the Mayor and the Burgesses of the
London Borough of Camden,
Linda Kristin Harley and HSBC Private Bank (UK) Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
3 FITZROY SQUARE, LONDON W1T 5HG

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

Tel: 020 7974 5826

CLS/COM/LN/1800.1341
DoV FINAL



THIS AGREEMENT is made on the 11th day of February 2020

BETWEEN

1. **JIMMY HANS FURLAND** of 3 Fitzroy Square, London W1T 5HG (hereinafter called "the Owner") of the first part
2. **SKANDINAVISKA ENSKILDA BANKEN AB (publ)**, Luxembourg Branch of PO Box 487, L-2014, Luxembourg (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 227541.
- 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 By effect of an intra-group merger dated 2 January 2020 the Mortgagee is now the mortgagee under a legal charge registered under Title Number 227541 and dated 10 August 2018 and 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 The Owner has submitted to the Council an application pursuant to Section 73 of the Act to vary condition 7 of the Original Planning Permission so as to replace the approved plans and drawings to reflect changes to the Development and for which the Council has resolved to grant permission conditionally under reference 2019/3817/P subject to the conclusion of this Agreement.

- 1.6 This Agreement is made by virtue of Section 106 of the Act and is a planning obligation for the purposes of that section.
- 1.7 This Agreement is supplemental to the Existing Agreement.
- 1.8 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 Agreement 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 Agreement.
- 2.2 All references in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 Where in this Agreement 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 Agreement and shall not be construed as part of this Agreement and shall not affect the construction of this Agreement.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 References in this Agreement to the Owner and the Mortgagee shall include their successors in title, permitted assigns and transferees.
- 2.7 In this Agreement the following expressions shall unless the context otherwise states have the following meaning now allocated to it.

- 2.7.1 "Agreement" this Deed of Variation made pursuant to Section 106A of the Act
- 2.7.2 "Existing Agreement" the agreement made pursuant to Section 106 of the Act dated 29 February 2012 made between the Council (1) Linda Kristin Harley (2) and HSBC Private Bank (UK) Limited (3)
- 2.7.3 "the Original Planning Permission" means the planning permission granted by the Council on 29 February 2012 referenced 2011/4445/P allowing the erection of 3 storey mews building to rear (following demolition of existing mews building) including a rear roof terrace at first floor level; excavation at basement level beneath the mews property and courtyard and refurbishment works to the main house (Class C3) as shown on drawing numbers Site Location Plan; EX1; EX2; EX3; EX4; EX5; EX6; EX7; EX8; EX9; EX10; EX11; LKB09 001; 002; 003; 050; 051; 100A; 101A; 102; 103; 104; 105; 200; 201A; 202A; 302; 303; 901A; 902A; 903; D133388/SL[2]13 P2; SL[2]14 P2; SL[2]15 P2; SL[2]16 P2; Structural Engineering Report D133388 Rev C by URS Scott Wilson; Historic Support Statement by John Martin Robinson dated August 2010; Vibration Survey Report 4242/VIB by RBA Acoustics dated 11/10/10; Proposed Basement Groundworks (Ref: L-STG1820U-002) by Soiltechnics dated 02/11/10; Code for Sustainable Homes pre-assessment by URS Scott Wilson dated July 2011; Schedule of Decoration for Removal by James Gorst Architects dated 10/02/11; Schedule of Condition by James Gorst Architects dated 21/07/10; Servicing Strategy Proposals by URS

Scott Wilson dated 01/07/11; Lifetime Homes Statement by James Gorst Architects; Outline Demolition, Construction, Management Plan by James Gorst Architects, PPS5 and Conservation Area Statement by James Gorst Architects.

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 2011/4445/P dated 29 February 2012 as amended by: variation of condition 7 (approved plans) of planning permission reference 2011/4445/P, dated 29/02/2012 (for: replacement mews building; excavation underneath mews building, courtyard and main building; refurbishment works to main house), namely to amend the design of the mews building and the link to the main building, alterations to main building as shown on drawing numbers: Proposed drawings LKB09_101-AB; LKB09_101C; LKB09_102C; LKB09_103B; LKB09_104B; LKB09_105B; LKB09_200B; LKB09_201D; LKB09_202D; LKB09_302B; LKB09_303B; LKB09_902D; LKB09_903B; LKB09_100B; Planning, Heritage and Design & Access Statement Rev 2, dated August 2019. Superseded drawings: LKB09_100A; LKB09_101A; LKB09_101-AA; LKB09_102; LKB09_103; LKB09_104; LKB09_105; LKB09_200; LKB09_201A; LKB09_202A; LKB09_302; LKB09_303; LKB09_901A; LKB09_902A; LKB09_903.

3.1.2 "Planning Permission" the planning permission granted for the Development under reference number 2019/3817/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 27 August 2019 by the Owner and given reference number 2019/3817/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "planning reference 2011/4445/P" shall be replaced with "planning reference 2019/3817/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 2019/3817/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

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.

THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106
AGREEMENT IN RELATION TO 3 FITZROY SQUARE, LONDON W1T 5HG

EXECUTED AS A DEED BY
JIMMY HANS FURLAND
in the presence of:

)
)
)



Witness Signature

Witness Name: *BASANT MERTIA*

Address: *FLAT 3 POSEIDON COURT, LONDON E14 3UE*

Occupation: *DEVELOPMENT DIRECTOR*

Executed as a deed by
SKANDINAVISKA ENSKILDA BANKEN
AB (publ), Luxembourg Branch, a branch of
Skandinaviska Enskilda Banken AB,
a company incorporated in Sweden, having
its place of business in Luxembourg by
and
being persons, who, in accordance
with the laws of that territory, are
acting under the authority of the
company

Signature in the name of the company
Skandinaviska Enskilda Banken AB (publ),
Luxembourg Branch

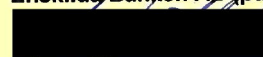
Stefan Alvtogen



Authorised Signatory of Skandinaviska
Enskilda Banken AB (publ), Luxembourg Branch

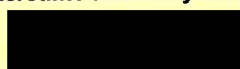
Anna Lindelöw

Authorised Signatory of Skandinaviska
Enskilda Banken AB (publ) Luxembourg Branch



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

)
)
)
)



Authorised Signatory





**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Tel 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

James Gorst Architects Ltd
35 Lamb's Conduit Street
London
WC1N 3NG

Application Ref: **2019/3817/P**

27 January 2020

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:
**3 Fitzroy Square
London
W1T 5HG**

DECISION
Proposal:

Variation of condition 7 (approved plans) of planning permission reference 2011/4445/P, dated 29/02/2019 (for: replacement mews building; excavation underneath mews building, courtyard and main building; refurbishment works to main house), namely to amend the design of the mews building and the link to the main building, alterations to main building

Drawing Nos: Proposed drawings

LKB09_101-AB; LKB09_101C; LKB09_102C; LKB09_103B; LKB09_104B; LKB09_105B;
LKB09_200B; LKB09_201D; LKB09_202D; LKB09_302B; LKB09_303B; LKB09_902D;
LKB09_903B; LKB09_100B; Planning, Heritage and Design & Access Statement Rev 2,
dated August 2019.

Superseded drawings:

LKB09_100A; LKB09_101A; LKB09_101-AA; LKB09_102; LKB09_103; LKB09_104;
LKB09_105; LKB09_200; LKB09_201A; LKB09_202A; LKB09_302; LKB09_303;
LKB09_901A; LKB09_902A; LKB09_903.

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 shall be carried out in accordance with the following approved plans: LKB09_001; LKB09_003; LKB09_101-AB; LKB09_101C; LKB09_102C; LKB09_103B; LKB09_104B; LKB09_105B; LKB09_200B; LKB09_201D; LKB09_202D; LKB09_302B; LKB09_303B; LKB09_902D; LKB09_903B; LKB09_100B; Planning, Heritage and Design & Access Statement Rev 2, dated August 2019.

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

- 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 use of the rear first floor level roof as a terrace shall not commence until details of a privacy screen have been submitted to and agreed in writing with the local planning authority. The privacy screen shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of Policy A1 of the 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 facade 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 Policy A4 of the Camden Local Plan 2017.

- 5 The proposed works shall be carried out in accordance with the submitted Structural Engineering Report D133388 rev C by URS Scott Wilson, approved as part of planning permission reference 2011/4445/P, dated 29/02/2012.

Executive Director Supporting Communities

Reason: To ensure the structural stability of the host building and neighbouring buildings is preserved and that ground water and surface water conditions are not adversely affected in accordance with Policy A5 of the Camden Local Plan 2017.

- 6 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 supervise the construction works throughout their duration, in accordance with the recommendations of the structural engineering details hereby approved. The appointment shall be submitted to and approved in writing by the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To protect the structural stability of the host building and neighbouring buildings, in accordance with Policy A5 of the Camden Local Plan 2017.

Informative(s):

- 1 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.
- 2 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.

- 3 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

Executive Director Supporting Communities

- 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.

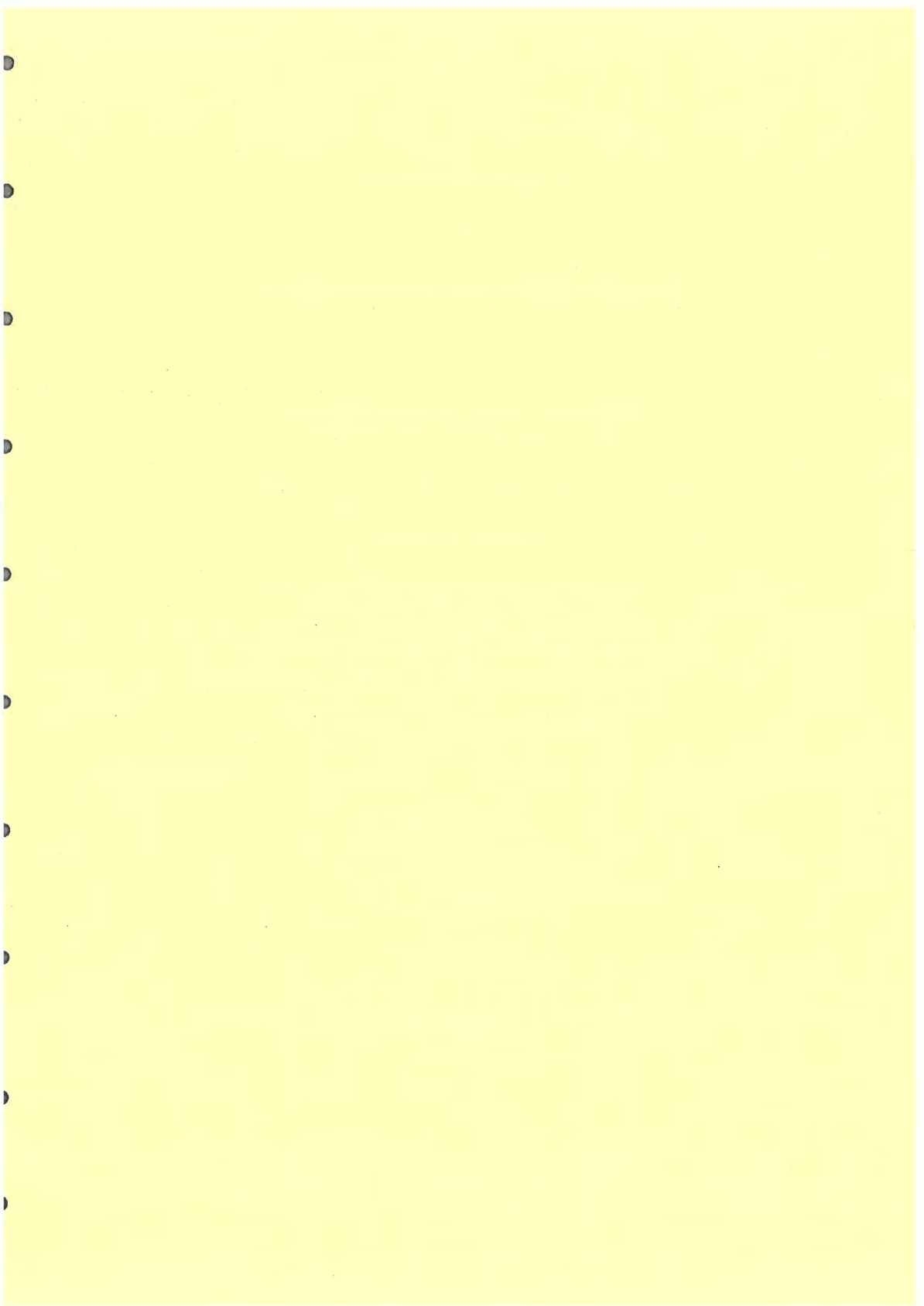
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

DECISION

Executive Director Supporting Communities



DATED

11 February

2020

(1) JIMMY HANS FURLAND

-and-

(2) SKANDINAVISKA ENSKILDA BANKEN AB (PUBL)

-and-

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

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