

DATED

5<sup>th</sup> March

2020

**(1) CHARLOTTE STREET PROPERTY LIMITED**

-and-

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

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**FIRST DEED OF VARIATION**

Relating to the Agreement dated 28<sup>th</sup> September 2018

Between the Mayor and the Burgesses of the  
London Borough of Camden and  
Charlotte Street Property Limited

under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**77-79 Charlotte Street, London, W1T 4PW and  
5 Tottenham Mews London W1T 4PW**

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G:case files/culture & env/planning/pm/s106 Agreements/ (1stDoV)  
CLS/COM/PM/1800.1212

FINAL 050220

THIS DEED is made on the *5<sup>th</sup>* day of *March* 2020

**BETWEEN**

1. **CHARLOTTE STREET PROPERTY LIMITED** (incorporated in British Virgin Islands) whose address for service in the UK is 62 Grosvenor Street London W1K 3JF care of Sopher And Co, Unit, 5 Elstree Gate, Elstree Way, Borehamwood WD6 1JD (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 the Owner entered into an Agreement dated 28th September 2018 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 LN122166 and LN123864.
- 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 An Application for First Material Amendments Application in respect of the Property to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 17<sup>th</sup> May 2019 for which the Council resolved to grant permission conditionally under reference 2019/2595/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 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.

2.7 References in this Deed to the Owner shall include their successors in title.

2.8 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.8.1 "Application for First Material Amendments"

the application for First Material Amendments in respect of the Property submitted to the Council and validated on the 17<sup>th</sup> May 2019 for which a resolution to grant approval has been made conditionally by the Council under reference number 2019/2595/P subject to the conclusion of this Deed

2.8.2 "Deed"

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

2.8.3 "Existing Agreement"

the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 28th September 2018 made between Charlotte Street Property Limited and the Council

### 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"

Erection of four storey rear extension, fifth floor roof extension and alterations to the fenestration of the existing building for office use (Class B1) as shown on Plan Nos.: 3170\_050, 3170\_051 A, 3170\_052 C, 3170\_053, 3170\_054, 3170\_055, 3170\_056, 3170\_057 A, 3170\_058 A, 3170\_060 A, 3170\_061 A, 3170\_062 B. Documents: Daylight/Sunlight Study (Delva Patman Redler)

March 2018, Design and Access Statement (CH+MRP Architects), Planning Statement (Boyer) April 2018 as varied by the First Material Amendments

3.1.2 "Planning Permission"

the Original Planning Permission as amended by the First Material amendments given approval under reference number 2019/2595/P to be issued by the Council substantially in the form of the draft annexed hereto

3.2 The following definition shall be added to the Existing Agreement:-

3.2.1 "the First Material Amendments"

Minor Material Amendment to extend the 5th Floor Rear over the approved terrace as granted under reference 2018/1716/P dated 28/09/18 for erection of four storey rear extension, fifth floor roof extension and alterations to the fenestration of the existing building for office use (Class B1) as shown on Plan Nos.: 3170\_075A, 3170\_068A, 3170\_070A, 3170\_067A, 3170\_061A. Documents: Daylight/Sunlight Study (Delva Patman Redler) May 2019, Axonometric CGI (Approved and Proposed), Cover letter (Maurice Ostro) dated 17th May 2019.

3.2.2 "the Original Planning Permission"

means the planning permission granted by the Council on 28<sup>th</sup> September 2018 referenced 2018/1716/P allowing the Erection of four storey rear extension, fifth floor roof extension and alterations to the fenestration of the existing building for office use (Class B1)

3.3 All references in Clause 5 and Clause 6 of the Existing Agreement to “planning reference 2018/1716/P” shall be replaced with “planning permissions reference 2018/1716/P or 2019/2595/P”.

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 2018/1716/P.

#### **5. PAYMENT OF THE COUNCIL'S LEGAL COSTS**

5.1 The Owner agrees to pay the Council 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 respective Common Seals to be affixed and the Owner has caused this Deed to be executed as a Deed the day and year first above written.

THE COMMON SEAL OF )  
EXECUTED AS A DEED BY )  
CHARLOTTE STREET PROPERTY LIMITED )  
was hereunto affixed *ship by A. Alfred Burton* )  
in the presence of: *2 Director* )

*[Signature]*  
.....  
Director

.....  
Director/Secretary

*in the presence of:*

SIGNATURE OF WITNESS: *[Signature]*  
NAME OF WITNESS: ALFRED BURTON  
ADDRESS OF WITNESS: 17A MONTAGUE ROAD  
LONDON, UK  
OCCUPATION OF WITNESS: PROJECTS DIRECTOR

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

*[Signature]*  
.....  
Duly Authorised Officer



Boyer Planning  
2nd Floor  
24 Southwark Bridge Road  
London  
SE1 9HF

Application Ref: **2019/2595/P**

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:

**77-79 Charlotte Street**  
**London**  
**W1T 4PW**

## Proposal:

**DECISION**

Minor Material Amendment to extend the 5th Floor Rear over the approved terrace as granted under reference 2018/1716/P dated 28/09/18 for erection of four storey rear extension, fifth floor roof extension and alterations to the fenestration of the existing building for office use (Class B1).

## Drawing Nos: Plan Nos.:

3170\_064 B, 3170\_065 A, 3170\_066 C, 3170\_067 A, 3170\_068 A, 3170\_075A,  
3170\_068A, 3170\_070A, 3170\_067A, 3170\_061A.

## Documents:

Daylight/Sunlight Study (Delva Patman Redler) May 2019, Axonometric CGI (Approved and Proposed), Cover letter (Maurice Ostro) dated 17th May 2019, Bauder Product Datasheet - Bauder XF301 Sedum System - Revision January 2018, Green Roofs General Maintenance Information (Bauder), image of glazed brick.

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.



Special attention has been paid to the desirability of preserving the special interest of the listed building and 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 policies A1 (Managing the impact of development), D1 (Design), D2 (Heritage), E1 (Economic Development) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan (2017) and policy F1 and the principles laid out in the Fitzrovia Area Action Plan 2014. The proposed development also accords with Camden Planning Guidance 1 (Design), the London Plan (2016); and the National Planning Policy Framework (2012).

- 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 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.

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

Executive Director Supporting Communities

DATED

5<sup>th</sup> March

2020

(1) CHARLOTTE STREET PROPERTY LIMITED

-and-

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

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HERE