

DATED

6 January 2021

~~2020~~

(1) FALKERSTONE LIMITED

-and-

(2) TRAVELODGE HOTELS LIMITED

-and-

(3) AVIVA COMMERCIAL FINANCE LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 7 October 2009
Between the Mayor and the Burgesses of the
London Borough of Camden,
Parklake Limited, Travelodge Hotels Ltd and HSH Nordbank AG – London Branch
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
**DRURY LANE TRAVELODGE HOTEL, 1, 10-12,14-16 DRURY LANE, 59 SHORTS
GARDENS, 180 HIGH HOLBORN, LONDON**

Andrew Maughan
Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/COM/00.1800.1300

THIS AGREEMENT is made on the *6th* day of *January* ~~2020~~ *2021*

BETWEEN

- A. **FALKERSTONE LIMITED** (incorporated in Isle of Man) of Po Box 95, 2a Lord Street, Douglas, Isle Of Man, IM99 1HP (hereinafter called "the Freeholder") of the first part
- B. **TRAVELODGE HOTELS LIMITED** (Co. Regn. No. 769170) whose registered office is at Sleepy Hollow, Aylesbury Road, Thame OX9 3AT (hereinafter called "the Leaseholder") of the second part
- C. **AVIVA COMMERCIAL FINANCE LIMITED** (Co. Regn. No. 2559391) whose registered office is at St Helen's, 1 Undershaft, London, United Kingdom, EC3P 3DQ (hereinafter called "Mortgagee") of the third part
- D. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the fourth part

WHEREAS:

- 1.1 The Council, Parklake Limited, Travelodge Hotels Ltd and HSH Nordbank AG – London Branch entered into an Agreement dated 7 October 2009 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number 228168 subject to a charge to the Mortgagee.
- 1.3 The Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Leaseholder is registered at the Land Registry as the leasehold proprietor with Title absolute of the Property under Title Number NGL934361.
- 1.5 The Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106 of the Act.

- 1.6 The Freeholder and the Leaseholder shall hereinafter be jointly referred to as "the Owner".
- 1.7 The Mortgagee as mortgagee under a legal charge registered under Title Number 228166 and dated 18 December 2014 is willing to enter into this Agreement to give its consent to the same.
- 1.8 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.
- 1.9 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 10 June 2018 for which the Council resolved to grant permission conditionally under reference 2019/2643/P subject to the conclusion of this Agreement.
- 1.10 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 (as amended) and is a planning obligation for the purposes of that section.
- 1.11 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 reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "Agreement"

this Deed of Variation

2.3.2 "Existing Agreement"

the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 7 October 2009 made between the Council, Parklake Limited, Travelodge Hotels Ltd and HSH Nordbank AG –London Branch

2.3.3 "the Original Planning Permission"

means the planning permission granted by the Council on 7 October 2009 referenced 2009/2628/P allowing the change of use from office (Class B1) to hotel (Class C1) with erection of single storey extension to Drury Lane elevation; replacement of glazed wall with rendered wall and new fire ext to High Holborn elevation. Associated alterations to car parking layout and other ancillary works as shown on drawing numbers:- Site Location Plan; H7080/01 B; 02 B; 03 A; 04 A; 05 A; 06 A; 07 A; 08 A; 09 A; 10 A; 11 A; 12 A; 13 A; 14 A; 15 A; 16 C; 17 A; 18 A; 19 A; 21 D; 22 D; 23 D; 24 E; 25 B; 26 C; 27 D; 28 D; 29 C; 30 C; 31 C; 32 C; 33B; 34 B; 39B; 40 C; 45 F; 46 E; 47 F; 53 D; 58 B; 60 B; 65 A; 66 A; Existing View up Drury Lane; View across Drury Lane; Outline Section 106 Heads of terms and Commentary; Noise Impact Assessment; Transport Assessment Report; Service Management Plan; Interim Travel Plan; Daylight & Sunlight Report; Renewable Energy Statement (update sep 2009); Light Pollution Study; Construction Management Plan; BREEAM Pre-Assessment Report (second update); Planning Statement (and addendum); Design & Access Statement

- 2.4 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.
- 2.5 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 effect the construction of this Agreement.
- 2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.7 References in this Agreement to the Owner and Mortgagee shall include their successors in title.

3. VARIATION TO THE EXISTING AGREEMENT

- 3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

"Development"

shall mean the development authorised by the planning permission with reference 2009/2628/P dated 7 October 2009, as amended by:

Variation of condition 6 (use of flat roofs as amenity terraces and commercial drinking/eating areas) of planning permission dated 07/10/09 ref: 2009/2628/P (for change of use from office to hotel with erection of single storey glazed extension to Drury Lane elevation; replacement of glazed wall with rendered wall and new fire exit to High Holborn elevation), namely to allow outdoor seating associated with the hotel on the raised terrace adjoining its front entrance on Drury Lane as shown on drawing numbers:- Site Location Plan S/J114/10, H8001/03, Operational Management Plan

(Travelodge Hotel, 10 Drury Lane, WC2B5RE
(Proposed Outdoor Amenity Terrace)

- 3.1.2 "Planning Permission" the planning permission under reference number 2019/2643/P to be issued 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 submitted on 21 May 2019 by the Owner and given reference number 2019/2643/P
- 3.2 All references in Clause 6 and Clause 7 of the Existing Agreement to "Planning Permission reference 2009/2628/P" shall be replaced with "Planning Permission reference 2019/2643/P".
- 3.3 In all other respects the Existing Agreement (as varied by this Agreement) shall continue in full force and effect.
- 4. PAYMENT OF THE COUNCIL'S LEGAL COSTS**
- 4.1 The Owner agrees to pay the Council (on or prior to completion of this Agreement) its reasonable legal costs incurred in preparing this Agreement
- 5. REGISTRATION AS LOCAL LAND CHARGE**
- 5.1 This Agreement shall be registered as a Local Land Charge

CONTINUATION OF DEED OF VARIATION IN RELATION TO DRURY LANE TRAVELODGE HOTEL, 1, 10-12, 14-16 DRURY LANE, 59 SHORTS GARDENS, 180 HIGH HOLBORN, LONDON

IN WITNESS WHEREOF the Council and the Owner has caused their respective Common Seals to be affixed 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)
FALKERSTONE LIMITED)
In the presence of:-)

.....
Director

.....
Director/Secretary

check slip
director

EXECUTED AS A DEED BY)
TRAVELODGE HOTELS LIMITED acting by a)
in the presence of:-)

.....
Director *To be signed*

.....
~~Director/Secretary~~ *witness' signature*

.....
Witness name *HERAL PATEL*

.....
Witness' address

EXECUTED AS A DEED by the)
Attorney Authorised on behalf of)
AVIVA COMMERCIAL FINANCE LIMITED)

.....
Duly Authorised Signatory

Brodwin House
Water Lane, Bradden
Towcester, Northamptonshire
NN12 8FG

CONTINUATION OF DEED OF VARIATION IN RELATION TO DRURY LANE TRAVELODGE HOTEL, 1, 10-12, 14-16 DRURY LANE, 59 SHORTS GARDENS, 160 HIGH HOLBORN, LONDON

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

)
)
)



.....
Duty Authorised Officer

DRAFT DECISION



Application ref: 2019/2643/P
Contact:
Tel: 020 7974
Date: 13 October 2020

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

Phone: 020 7974 4444

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

Smith Jenkins Ltd
5 Warren Yard
Warren Park
Old Wolverton
Milton Keynes
MK12 5NW

Dear Sir/Madam

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:
Travelodge Hotel
10 Drury Lane
London
WC2B 5RE

DRAFT

Proposal:

Variation of condition 6 (use of flat roofs as amenity terraces and commercial drinking/ eating areas) of planning permission dated 07/10/09 ref: 2009/2628/P (for change of use from office to hotel with erection of single storey glazed extension to Drury Lane elevation; replacement of glazed wall with rendered wall and new fire exit to High Holborn elevation), namely to allow outdoor seating associated with the hotel, on the raised terrace adjoining its front entrance on Drury Lane.

Drawing Nos: Site Location Plan SJ/114/10, HB001/03, Operational Management Plan (Travelodge Hotel, 10 Drury Lane, WC2B5RE (Proposed Outdoor Amenity Terrace)).

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 begun no later than the end of three years from the date of the original permission granted on 07/10/2009 under reference 2009/2628/P.

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

- 2 Details of cycle parking were approved under ref 2009/5085/P dated 22/12/2009. The approved facility shall be permanently retained in accordance with these details.

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

- 3 Details of brown roof were approved under ref 2009/5085/P dated 22/12/2009. The approved roof plan shall be permanently retained and maintained in accordance with these details.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies A3 and CC1 of the Camden Local Plan 2017.

- 4 Details of Combined Heat and Power system and Air Source Heat Pump system were approved under ref 2009/5755/P dated 21/01/2010. The approved facility shall be permanently maintained and retained in accordance with these details.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies A1, A4, CC1, CC2 of the Camden Local Plan 2017.

- 5 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

- 6 The raised terrace area, specified on the plan H8001/03 hereby approved, shall accommodate a maximum of 4 tables and 16 chairs and shall be occupied as an outdoor amenity terrace only between the hours of 0900 and 2000hrs Mondays to Saturdays and Bank Holidays. It shall be used strictly in accordance with the operational management plan hereby approved. All other flat roofs of the buildings shall not be used as amenity terraces or commercial drinking/eating areas.

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

- 7 The hotel accommodation hereby approved shall only be occupied as part of the overall use of this part of the building as Class C1 hotel, and it shall not be used as independent and separate self-contained dwellings within the meaning of Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the future occupation of the building shall be in accordance with the intentions of the proposed scheme and with the Council's policy for new housing as set out in policies H1 and H3 of the Camden Local Plan 2017.

- 8 The exit door opening onto Drury Lane on the ground floor (proposed level 2) shall only be used for emergency purposes only. The doors shall be closed at all other times and secured with an alarm system, unless otherwise agreed in writing by the Council.

Reason: To safeguard the public highway surrounding the site in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 9 No doors apart from the exit door opening onto Drury Lane on the ground floor (proposed level 2) shall open out onto the public highway.

Reason: To safeguard the public highways surrounding the site in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 10 Details of sound insulation were approved under ref 2009/5755/P dated 21/10/2010. The approved sound insulation scheme shall be permanently retained in accordance with these details.

Reason: To safeguard the amenities of premises in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

- 11 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment are 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 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

- 12 Details of ventilation and extraction of fumes, including sound attenuation, were approved under ref 2010/4378/P dated 12/10/2010. The approved plant shall be permanently maintained and retained in accordance with these details.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and CC4 of the Camden Local Plan 2017.

- 13 The external materials of the infill extension shall be retained in accordance with the previously approved details of Stainless Steel Shingle, Tecu Bronze Shingle and Coloured Window Film (Linden green, Rape Yellow, Purple Red and Emperor Blue).

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 Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 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.
- 3 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.
- 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-81f9-525ca0f71319> 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.

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

DATED

6 January 2021

~~2020~~

(1) FALKERSTONE LIMITED

-and-

(2) TRAVELODGE HOTELS LIMITED

-and-

(3) AVIVA COMMERCIAL FINANCE LIMITED

-and-

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