

DATED

27 July

2021

(1) HILLOLIM MAYFAIR LIMITED

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 19 July 2018
Between the Mayor and the Burgesses of the
London Borough of Camden and Hillolim Mayfair Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as

10 Gate Street London WC2A 3HP

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

Tel: 020 7974 5826

CLS/COM/ESA/1800.1923
DoV FINAL

THIS AGREEMENT is made on the 27 day of July 2021

BETWEEN

1. **HILLOLIM MAYFAIR LIMITED** (Co. Regn. No. 10512658) whose registered office is at 3rd Floor Julico House 26/28 Great Portland Street London United Kingdom W1W 8QT (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 Hillolim Mayfair Limited entered into an Agreement dated 19 July 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 of the Property under Title Number 331170.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.1 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.
- 1.2 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 11 December 2020 for which the Council resolved to grant permission conditionally under reference 2020/4670/P subject to the conclusion of this Agreement.
- 1.3 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.

2.3.3 "the Original Planning Permission"

means the planning permission granted by the Council on 19 July 2018 referenced 2017/4062/P allowing the erection of a seven storey rear extension on Little Turnstile and mansard roof extension in association with change of use of office (B1a) at second to fifth floor levels and restaurant (A3) at basement, ground and first floor levels to residential 2 x 1 bedroom unit and 2x2 bedroom unit (C3) and flexible A1/A3 use at lower ground and ground floor level as shown on drawing numbers (PL)001 /P1, (EX)099/P1, (EX)100/P1, (EX)101/P1, (EX)102/P1, (EX)103/P1, (EX)104/P1, (EX)105/P1, (EX)106/P1, (EX)200/P1, (EX)300/P1, (EX)301/P1, (EX)302/P1, (EX)303/P1, (PL)099/P1,(PL)100/P1 [showing 6 cycle spaces], (PL)101/P1,(PL)102/P1, (PL)103/P2, (PL)104/P2, (PL)105/P2, (PL)106/P2, (PL)107/P2, (PL)200/P3, (PL)302/P2, (PL)303/P2, Plant Noise Assessment Report 8146/PNA dated: 24 July 2017, prepared by RBA ACOUSTICS

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"

variation of condition 2 of planning permission 2017/4062/P dated 19/07/2018 (Erection of a seven storey rear extension on Little Turnstile and mansard roof extension in association with change of use of office (B1a) at second to fifth

floor levels and restaurant (A3) at basement, ground and first floor levels to residential 2 x 1 bedroom unit and 2x2 bedroom unit (C3) and flexible A1/A3 use at lower ground and ground floor level) namely, alterations to residential entrance to southern side of staircase and relocation of bin and bike storage as shown on drawing numbers: 0648- SA-18-002- P2, 1907-LS- PL-100_ P1, Contour Planning Cover Letter 20/10/2020

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2020/4670/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 submitted on 11 November 2020 by the Owner and given reference number 2020/4670/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2017/4062/P" shall be replaced with ""Planning Permission reference 2020/4670/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 2020/4670/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 its Common Seal to be hereunto affixed and the Owner have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY
HILLOLIM MAYFAIR LIMITED
acting by a Director)
in the presence of)

) RONNA LAMEN

.....
Director

Witness

Name J LEE

Address 42 ASTRA DRIVE DATA 407

Occupation PA

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

.....
Authorised Signatory





Application ref: 2020/4670/P
Contact:
Tel: 020 7974
Date: 23 June 2021

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

Contour Planning Services Ltd
Weltech Centre
Ridgeway
Welwyn Garden City
AL7 2AA

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:
10 Gate Street
London
WC2A 3HP

PROPOSAL
Proposal:

Variation of condition 2 (approved plans) and removal of condition 5 (cycle parking) of planning permission 2017/4062/P dated 19/07/2018 (Erection of a seven storey rear extension on Little Turnstile and mansard roof extension in association with change of use of office (B1a) at second to fifth floor levels and restaurant (A3) at basement, ground and first floor levels to residential 2 x 1 bedroom unit and 2x2 bedroom unit (C3) and flexible A1/A3 use at lower ground and ground floor level) namely, alterations to residential entrance to southern side of staircase and relocation of bin storage area.

Drawing Nos: 0648- SA-18-002- P2, 1907- LS- PL-100_ P1, Contour Planning Cover Letter 20/10/2020

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: [(PL)001 /P1, (EX)099/P1, (EX)100/P1, (EX)101/P1, (EX)102/P1, (EX)103/P1, (EX)104/P1, (EX)105/P1, (EX)106/P1, (EX)200/P1, (EX)300/P1, (EX)301/P1, (EX)302/P1, (EX)303/P1, (PL)099/P1, 0648- SA-18-002-P2, (PL)101/P1,(PL)102/P1, (PL)103/P2, (PL)104/P2, (PL)105/P2, (PL)106/P2, (PL)107/P2, (PL)200/P3, (PL)302/P2, 0648- SA-15-100- P2, Plant Noise Assessment Report 8146/PNA dated: 24 July 2017, prepared by RBA ACOUSTICS]

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

- 2 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Plan, elevation and section drawings, including jambs, head and cill, of all new window and door openings shall be implemented in accordance with the details approved under 2019/0755/P dated 22/01/2020.

- b) Samples and manufacturer's details of new facing materials including a sample panel of facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be implemented in accordance with the details approved under 2019/0755/P dated 22/01/2020.

- c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site) shall be implemented in accordance with the details approved under 2019/0755/P dated 22/01/2020.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 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 façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises [nd the area generally in accordance with the requirements of policies G1, CC1, D1,and A1 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s 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.

- 5 The sound insulation measures for the residential units shall be implemented in accordance with the details approved under application reference 2020/5949/P dated 11/03/202.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 6 The development hereby permitted must be begun not later than the end of three years from the date of the original permission 2017/4062/P dated 19/07/2018.

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

Informative(s):

- 1 The current application seeks to make a number of minor alterations to the ground floor layout of the development approved under ref 2017/4062/P, which include the re-location of the proposed bin storage area and the removal of the six cycle parking spaces located in the ground floor lobby area. The changes have been brought about following advice from building surveyors and fire safety consultants who confirmed the approved ground floor layout would fail to comply with current building regulations and would also pose a fire safety risk due to the location of the approved bicycle stands. The proposals would therefore amend the approved plans condition of the original approval (Condition 2) and remove the conditions securing 6 cycle parking spaces (Condition 6).

The proposed bin storage area would be moved further north from its approved position on the west elevation and would be housed with the existing kiosk on Little Turnstile. This amendment is considered acceptable in terms of its visual impact on the design and appearance of the approved development and would ensure waste continues to be collected from the west of the site, as approved.

Whilst the loss of the six cycle parking spaces in the ground floor lobby is regrettable, officers appreciate that their removal is driven by the need to comply with current building and fire regulations, which the approved ground floor layout does not. Given the constrained nature of the existing site, it has not been possible to re-locate the cycle parking stands elsewhere in the building. However, it is important to note that the application is located in the central London area with excellent access to a variety of public transport links including Holborn tube station, which is less than a 1 minute walk away. Notwithstanding this, the approved residential units are of a sufficient size to store bicycles if required.

Given the above, the proposed amendments are considered acceptable and would not significantly alter the substance of the approved scheme.

The proposed alterations are not considered to cause harm to neighbouring amenity in terms of loss of light or outlook, and no harm would be caused in terms of increased overlooking.

No objections were received following statutory consultation. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposal is in general accordance with policies A1, D1, D2 and T1 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2021, and National Planning Policy Framework 2019

- 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 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 5 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 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

