

DATED

23 June

2021

(1) TRUSTEES FOR METHODIST CHURCH PURPOSES

-and-

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

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**SECOND DEED OF VARIATION**

Relating to the Original Agreement dated 31 October 2018 (as varied by the First Deed of  
Variation dated 19 August 2020)  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Trustees for Methodist Church Purpose  
Sunder section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**89 Plender Street London NW1 0JN**

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

Tel: 020 7974 5826

CLS/COM/ESA/1800.1840  
DoV FINAL



THIS AGREEMENT is made on the 23<sup>rd</sup> day of June 2021

**BETWEEN**

1. **TRUSTEES FOR METHODIST CHURCH PURPOSES** Central Buildings, Oldham Street, Manchester M1 1JQ ("The Board") being a charitable body corporate established by the Methodist Church Act 1939 and registered charity number 1136358 as custodian trustees AND Roy Swanston and Ted Awty and others the members (or such of the members as have attained full age) of the Property Development Committee as the managing trustees of the Property appointed by the Methodist Council of 25 Marylebone Road London NW1 5JR with delegated authority for and on behalf of the Methodist Church in Great Britain ("the Managing Trustees") and who collectively with the Board are together referred to as "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 Board (by direction of the Managing Trustees) entered into an Agreement dated 31 October 2018 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (Original Agreement).
- 1.2 The Council and the Board (by direction of the Managing Trustees) entered into an Agreement dated 19 August 2020 pursuant to Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the terms of the Original Agreement (the "First Deed of Variation").
- 1.3 The Board is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN4755 and holds the Property in trust for a non-exempt charity and the restrictions on disposition imposed by Sections 117 – 121 of the Charities Act 2011 apply to the Property (subject to section 117(3)).

- 1.3 The Board holds the Property as custodian trustees upon the model trusts for the time being contained in Part III of Schedule 2 to the Methodist Church Act 1976 and the Managing Trustees are the managing trustees of the Property ascertained in accordance with the provisions of Part II of Schedule 2 to that Act.
- 1.4 The Board is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.5 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.
- 1.6 A New Planning Application in respect of the Property to amend the Original Planning Permission (as varied by the Second Planning Permission) and Original Agreement (as varied by the First Deed of Variation) was submitted to the Council by the Managing Trustees and validated on 28 August 2020 for which the Council resolved to grant permission conditionally under reference 2020/3933/P subject to the conclusion of this Agreement.
- 1.7 This Agreement 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.
- 1.8 Without prejudice to the terms of the other covenants contained in the Original Agreement the parties hereto have agreed to vary the terms of the Original Agreement as hereinafter provided.

## **2 INTERPRETATION**

- 2.1 All words and phrases defined in the Original Agreement shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Original 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 Original Agreement are to clauses within the Original 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 effect 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 shall include their successors in title.

2.7 References in this Deed to the Managing Trustees shall include their successors from time to time ascertained in accordance with the provisions of Part II of Schedule to the Methodist Church Act 1976.

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

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

2.8.2 "the First Deed of Variation" the Deed of Variation under section 106A of the Town and Country Planning Act 1990 (as amended) dated 19 August 2020 made between the Council and the Owner

2.8.2 "Original Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 31 October 2018 made between the Council the Owner as varied by the First Deed of Variation

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 31 October 2018 referenced 2016/4490/P allowing the Change of use at upper floors to a 39 room hotel (Class C1). Internal alterations to Original place of worship

(Class D1); Change of use of lower ground student accommodation (Class C2) to provide replacement worship space (Class D1) and associated community and ancillary hotel space; Shared entrance at upper ground floor level; Associated roof extension and alterations to main façade, side entrances and windows as shown on drawing numbers (859\_03/03/0219 P8; 0220 P8; 0221 P7; 0222 P7; 0223 P7; 0224 P7; 0225 P6; 0510 P6; 0511 P6; 0512 P6; 0513 P6; 0514 P6; 0253 P7; 0254 P7; 0255 P8; 0600 P6; 0601 P6; 0602 P6; 0603 P6; 0800 P2; 0801 P2; 0802 P2; 0803 P2; (859\_03/01/0100 P1; 0219 P1; 0220 P1; 0221 P1; 0500 P1; 0501 P1; 0600 P1; 0601 P1; 0602 P1; 0603 P1;

Deliverability and Viability Statement (November 2016); Planning Statement (November 2016); Operational Management Statement (16th November 2016); Plant Noise Assessment (17th November 2015); Heritage Statement (November 2016); Preliminary Risk Assessment (November 2016); Daylight and Sunlight Study (3rd November 2015); Covering Letting (25th November 2016); Design and Access Statement (November 2016); Construction Management Plan; Energy Strategy Report (dated 06/03/2017); Sustainability Statement (dated 03/03/2017) with 'Appendix A: Camden Methodist Church BREEAM Pre-assessment (v2)'; Preliminary Bat Roost Assessment Protected Species Survey (February 2017); Air Quality Assessment (March 2017)

#### 2.8.4 "the Second Planning Permission"

variation of condition 2 (approved plans) of planning permission 2016/6490/P dated 31/10/2019 for: 'Change of use at upper floors

to a 39 room hotel (Class C1). Internal alterations to Original place of worship (Class D1); Change of use of lower ground student accommodation (Class C2) to provide replacement worship space (Class D1) and associated community and ancillary hotel space; Shared entrance at upper ground floor level; Associated roof extension and alterations to main façade, side entrances and windows' namely to: Omit a 600mm gap between Original facade and hotel guest rooms as shown on drawing numbers:- Superseded:

(859\_03/03/) 0219 P8; 0220 P8; 0221 P7; 0222 P7; 0223 P7; 0224 P7; 0225 P6; 0510 P6; 0511 P6; 0512 P6; 0513 P6; 0514 P6; 0600 P6; 0601 P6; 0602 P6; 0603 P6.

Amended: (04) 0200 P5; 0201 P5; 0202 P5; 0203 P5; 0204 P5; 0205 P5; 0206 P5; 0501 P3; 0503 P3; 0506 P3 & 0510 P1

#### 2.8.5 "New Planning Application"

the application in respect of the Property submitted on 28 August 2020 by the Managing Trustees and given reference number 2020/3933/P to vary Condition 2 (approved plans) of planning permission ref: 2016/6490/P dated 31/10/2018 (as amended by ref: 2019/6330/P dated 19/08/2020), for 'Change of use at upper floors to a 39 room hotel (Class C1). Internal alterations to existing place of worship (Class D1); Change of use of lower ground student accommodation (Class C2) to provide replacement worship space (Class D1) and associated community and ancillary hotel space; Shared entrance at upper ground floor level; Associated roof extension and alterations to main facade, side entrances and windows',



namely to make a number of alterations including: Changes to front and rear fenestration; apply render; omit lower ground floor side extension; and remove chimney, roof section, cornice and parapet addition.

### **3 VARIATION TO THE ORIGINAL AGREEMENT**

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

3.1.1 "Development"

variation of condition 2 (approved plans) of planning permission ref: 2016/6490/P dated 31/10/2018 (as amended by ref: 2019/6330/P dated 19/08/2020), for 'Change of use at upper floors to a 39 room hotel (Class C1). Internal alterations to Original place of worship (Class D1); Change of use of lower ground student accommodation (Class C2) to provide replacement worship space (Class D1) and associated community and ancillary hotel space; Shared entrance at upper ground floor level; Associated roof extension and alterations to main facade, side entrances and windows', namely to make a number of alterations including: Changes to front and rear fenestration; apply render; omit lower ground floor side extension; and remove chimney, roof section, cornice and parapet addition as shown on drawing numbers:- Superseded: (03): 0219 P8; 0220 P8; 0221 P7; 0222 P7; 0223 P7; 0224 P7; 0225 P6; 0510 P6; 0511 P6; 0512 P6; 0513 P6; 0514 P6; 0600 P6; 0601 P6; 0602 P6; 0603 P6; 0253 P7; 0254 P7; 0255 P8; 0800; 0801; 0802 & 0803.



Amended: (05): 0220 P3; 0221 P2; 0222 P2;  
0223 P2; 0224 P2; 0225 P2; 0226 P2; 0500 P2;  
0501 P2; 0400 P3; 0401 P3; 0402 P3; 0403 P3;  
0250 P1; 0251 P1; 0810; 0813; 0812; 0811.  
(04): 4232. Noise Impact Assessment Ref:  
CSGA C1737-T2 by CSG Acoustics dated  
01/09/2020

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2016/6490/P as amended by 2019/6330/P and 2020/3933/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 28 August 2020 by the Managing Trustees and given reference number 2020/3933/P

3.2 All references in Clause 5 and Clause 6 of the Original Agreement to "Planning Permission reference 2016/6490/P" shall be replaced with ""Planning Permission reference 2016/6490/P as amended by 2019/6330/P and 2020/3933/P"".

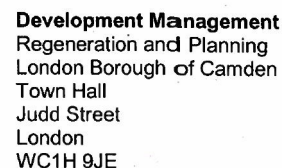
3.3 In all other respects the Original Agreement (as varied by this Agreement) shall continue in full force and effect.

#### **4. COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Original Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2020/3933/P.

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

5.1 The Managing Trustees agrees to pay the Council (on or prior to completion of this Agreement) its reasonable legal costs incurred in preparing this Agreement.



Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

Address:  
**89 Plender Street**  
**London**  
**NW1 0JN**

Variation of condition 2 (approved plans) of planning permission ref: 2016/6490/P dated 31/10/2018 (as amended by ref: 2019/6330/P dated 19/08/2020), for 'Change of use at upper floors to a 39 room hotel (Class C1). Internal alterations to existing place of worship (Class D1); Change of use of lower ground student accommodation (Class C2) to provide replacement worship space (Class D1) and associated community and ancillary hotel space; Shared entrance at upper ground floor level; Associated roof extension and alterations to main facade, side entrances and windows', namely to make a number of alterations including: Changes to front and rear fenestration; apply render; omit lower ground floor side extension; and remove chimney, roof section, cornice and parapet addition.

**Drawing Nos:**

Superseded: (03): 0219 P8; 0220 P8; 0221 P7; 0222 P7; 0223 P7; 0224 P7; 0225 P6; 0510 P6; 0511 P6; 0512 P6; 0513 P6; 0514 P6; 0600 P6; 0601 P6; 0602 P6; 0603 P6; 0253 P7; 0254 P7; 0255 P8; 0800; 0801; 0802 & 0803.

Amended: (05): 0220 P3; 0221 P2; 0222 P2; 0223 P2; 0224 P2; 0225 P2; 0226 P2; 0500 P2; 0501 P2; 0400 P3; 0401 P3; 0402 P3; 0403 P3; 0250 P1; 0251 P1; 0810; 0813; 0812; 0811. (04): 4232. Noise Impact Assessment Ref: CSGA C1737-T2 by CSG Acoustics dated 01/09/2020.

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 surrounding conservation area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan.

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the surrounding conservation area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan.

- 5 The location, design and method of waste storage and removal including recycled materials, shall be completed in compliance with the details as approved under ref: 2020/3982/P dated 27/10/2020. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5 of the Camden Local Plan.

- 6 The secure and covered cycle storage area for 6 cycles shall be completed in compliance with the details approved under ref: 2020/3982/P (dated 27/10/2020) or other details which have been submitted to and approved in writing by the local planning authority.

The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with policies T1 and T3 of the Camden Local Plan., the London Plan and CPG Transport.

- 7 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 ensure that the amenity of occupiers of the development site / surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policies A1 and A4 of the Camden Local Plan 2017.

by the Council's Environmental Health (Noise) Officer, and is considered to be acceptable, subject to the attached condition.

The proposed alterations would not serve to materially alter the impact of the proposed development, with additional levels of overlooking, sunlight/daylight or outlook impacts, or any other amenity impacts. As such, the proposal is considered not to impact on the residential amenities of nearby occupiers above that of the original consent.

The overall floorspaces provided by the development would remain unchanged from the previous approvals on this site, and so the affordable housing and other contributions/heads of terms within the S106 would remain unchanged. This approval is subject to a Deed of Variation to transfer the original agreement (linked to 2016/6490/P dated 31/10/2019) to this consent.

The CAAC originally objected to the removal of the roof level Corten mesh and the revisions were subsequently amended to retain the previously approved Corten element. Other queries raised by the CAAC were answered, and the CAAC subsequently removed their objection. No other third party comments were received following consultation. The planning history of the application site was considered prior to this determination.

A deed of variation is required to transfer the S106 legal agreement from the previous application (2016/6490/P dated 31/10/2019, as amended by 2019/6330/P dated 19/08/2020) to this consent.

As such, the proposed development is in general accordance with policies A1, A4, CC1, CC4, CC5, D1, D2, G1, T1, T2 and T3 of the London Borough of Camden Local Plan 2017, the London Plan 2016, Intend to Publish London Plan 2019, and the National Planning Policy Framework 2019.

- 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 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.
- 4 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).



**6. REGISTRATION AS LOCAL LAND CHARGE**

- 6.1 This Agreement shall be registered as a Local Land Charge.

**7. JOINT AND SEVERAL LIABILITY**

- 7.1 For so long as the Land is vested in the Board then all covenants and other obligations on the part of the Owner in this Deed shall be construed as being covenants and obligations on the part of the Managing Trustees only and nothing in this Deed shall impose any personal or other liability on the Board as custodian trustees.

- 7.2 In this Deed all covenants and other obligations undertaken by another party in favour of the Owner shall be deemed to be made with the Board and separately with the Managing Trustees.

**8. AUTHORITY FOR EXECUTION**

- 8.1 The Board has signified its concurrence to this Deed by affixing its common seal to this Deed with the sanction of the two of its members.

- 8.2 This Deed has been approved and ordered to be executed by a resolution duly passed at a duly constituted meeting of the Managing Trustees and it is intended to be executed by two of the Managing Trustees upon whom the Managing Trustees acting under Section 333 of the Charities Act 2011 have duly conferred a general authority to execute in the names and on behalf of the Managing Trustees all assurances and other deeds and instruments concerning the Land.

**THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106  
AGREEMENT IN RELATION TO 89 PLENDER STREET LONDON NW1 0JN**

**IN WITNESS WHEREOF** the Council and the Board have caused their Common Seal to be hereunto affixed and the [Roy Swanston and Ted Awty (being the persons authorised by this Deed in the names and on behalf of the Managing Trustees) have executed this instrument as their Deed the day and year first before written

The **COMMON SEAL** of  
**TRUSTEES FOR**  
**METHODIST CHURCH PURPOSES** was hereunto  
affixed with the sanction of the two members  
whose signatures are hereto subscribed

.....  
Signature of Board Member

.....  
Signature of Board Member

SIGNED as a Deed by ROY SWANSTON in the presence of:

.....  
(signature of authorised Managing Trustee)

.....  
Witness signature

Witness name:

Witness address:

Witness occupation:

**THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106  
AGREEMENT IN RELATION TO 89 PLENDER STREET LONDON NW1 0JN**

SIGNED as a Deed by TED AWTY in the presence of:

.....

(signature of authorised Managing Trustee)

.....

Witness signature

Witness name:

Witness address:

Witness occupation:

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

)  
)  
)  
)



.....  
Authorised Signatory