

DATED

27 October

2011

**(1) BEDELL CORPORATE TRUSTEES LIMITED  
and ATRIUM TRUSTEES LIMITED**

-and-

**(2) IRISH BANK RESOLUTION CORPORATION LIMITED**

-and-

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

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**DEED OF VARIATION**

Relating to the Agreement dated 7 July 2009  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Bedell Corporate Trustees Limited and Atrium Trustees Limited, and Anglo Irish Bank  
Corporation Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980  
Relating to development at premises known as  
**LAND BOUNDED BY 50-57 HIGH HOLBORN**  
**(including Brownlow House, High Holborn House and Caroline House)**  
**18-25 HAND COURT, 45-51 BEDFORD ROW & BROWNLOW STREET**  
**LONDON WC1V 6VR**

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

Tel: 020 7974 6007  
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CLS/COM/LMM/1685.869  
DoV 21.10.11 FINAL



THIS AGREEMENT is made on the

27

day of

October

2011

**BETWEEN**

1. **BEDELL CORPORATE TRUSTEES LIMITED** ( registered in Jersey with No. 71860) and **ATRIUM TRUSTEES LIMITED** (registered in Jersey with No. 71861) whose registered offices are both at 26 New Street, St. Helier, Jersey JE2 3RA, Channel Islands as trustees of The Holborn Property Unit Trust and both having an address for service in England c/o Leach & Co, 30 St. George Street, London W1S 2FH (ref. AKJ/S136-42-2) (hereinafter together called "the Owner") of the first part
  2. **IRISH BANK RESOLUTION CORPORATION LIMITED** of 10 Old Jewry, London EC2R 8DN (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
1. **WHEREAS:**
- 1.1 The Council the Owner and the Mortgagee entered into an Agreement dated 7 July 2009 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and the Original Planning Permission was issued on the same date.
  - 1.2 The Owner is registered at the Land Registry as the freehold proprietor of the Property with Title Absolute under title numbers 276470, 309941, NGL641994, NGL345792, NGL 541405, NGL541406, NGL742816 and NGL791115 subject to a charge to the Mortgagee.
  - 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.

- 1.4 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 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 November 2010 for which the Council resolved to grant permission conditionally under reference 2010/5725/P subject to the conclusion of this Agreement.
- 1.6 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.
- 1.9 The Mortgagee as mortgagee under a legal charge registered under title numbers 276470, 309941, NGL641994, NGL345792, NGL 541405, NGL541406, NGL742816 and NGL791115 and dated 14 October 2008 is willing to enter into this Agreement to give its consent to the same.
- 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 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 July 2009 made between the Council the Owner and the Mortgagee relating to development of the Property.

2.3.3 "the Original Planning Permission"

means the planning permission granted by the Council on 7 July 2009 referenced 2009/0675/P allowing the mixed use redevelopment of the site involving the demolition of Caroline House, 18-22 Hand Court and parts of High Holborn House, retention of façade and rebuild of part of High Holborn House facing High Holborn and the façade of 23 Hand Court and rear of High Holborn House (49-51 Bedford Row), Brownlow House and 45-48 Bedford Row. The erection of a new eight storey (plus two level basement and roof plant floor) building to accommodate A1 (Retail) floorspace and flexible A3/A4 (Restaurant/Drinking Establishment) at ground floor level together with new B1 (Office) space. Conversion of 46-48 Bedford Row to create 3x single family dwellings, change of use and extension of existing B1 (office) space to form 15x residential units within, 45 Bedford Row and 49-51 Bedford Row; conversion and extension of Brownlow House to provide 10x residential units (affordable housing); Redevelopment of 23 Hand Court to provide 22 student units in place of 6x existing residential units; new servicing access from Brownlow Street, and various public realm works to Brownlow Street, Bedford Row and Hand Court

- 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:

3.1.1 "Development" means the comprehensive redevelopment of the Property as collectively described in:-

(i) the Planning Application revisions to planning permission ref: 2009/0675/P dated 07/07/2009, (for mixed use redevelopment of the site involving the part demolition, part retention and part erection of new eight storey (plus two level basement and roof plant floor) building to accommodate A1, flexible A3/A4, B1, residential and student units), relating to variations in building envelope, office and retail space, including an overall reduction of office (Class B1) accommodation by 337sqm and overall increase of retail (Class A1) by 426sqm, as a result of reduction of floor to ceiling heights at ground and first floor levels

and relocation of plant room to basement to create an eighth floor of office (Class B1) accommodation and various other internal reconfigurations and to create ground floor retail units on Hand Court (west) elevation; increase in height of balustrades at seventh and eighth floor levels on Brownlow Street (east) elevation by 1.1m, increase in height of mansard roof associated with High Holborn House on south elevation by 1m and associated alterations as shown on drawing numbers:

Proposed plans: 3183-20-101 rev04; 20-201 rev12; 20-202 rev15; 20-203 rev14; 20-204 rev12; 20-205 rev12; 20-206 rev12; 20-207 rev-; 20-211 rev08; 20-212 rev08; 20-221 rev12; 20-222 rev13; 20-251 rev05; 20\_301 rev05, 20\_302 rev04, 20\_312 rev04, 20\_332 rev05, 20\_341 rev 04; 21-401 rev07; 21-402 rev05; 21-403 rev08; 21-404 rev08; 21-405 rev07; 21-406 rev05; 21-407 rev04; 21-410 rev03; 90\_201 rev07; 90\_301 rev06; 90\_302 rev06; Proposed area schedules 28A (commercial) Issued 09/06/2011, as received 13/10/2011, 28B (residential buildings) Issued 09/06/2011, as received 13/10/2011, 28C (summary) Issued 09/06/2011, as received 13/10/2011; 36680/06/SK03/A07; 36680/06/SK04/A05; 36680/06/SK05/A05

Existing plans: 00\_101 rev02, 20\_102 rev02, 20\_103 rev02, 20\_104 rev02, 20\_105 rev02, 20\_106 rev02, 20\_107 rev02, 20\_108 rev02, 20\_109 rev03, 20\_110 rev02

Approved plans still of relevance: 20\_311 rev04, 20\_321 rev04, 20\_322 rev04, 20\_331 rev05, 20\_351 rev02, 20\_352 rev04, 20\_353 rev04, 20\_354 rev04, 20\_355 rev04, 20\_356 rev04, 20\_357 rev04, 20\_358 rev04, 20\_359

rev04, 20\_360 rev04, 20\_362 rev04, 20\_363  
rev04, 20\_371 rev05, 20\_372 rev05, 20\_373  
rev06, 20\_374 rev06, 20\_375 rev05, 20\_376  
rev02, 20\_377 rev03, 20\_378 rev04, 20\_379  
rev04, 20\_380 rev04, 20\_381 rev04, 20\_382  
rev03, 20\_383 rev07, 20\_390 rev02, 20\_391  
rev03, 20\_392 rev02, 20\_394 rev02.

(ii) the Conservation Area Application  
demolition of 19-22 Hand Court and parts of  
High Holborn House and demolition behind  
retained facade of 23 Hand Court as shown on  
drawing numbers:- 3183-00-101 Rev 02; 3183-  
20-101 Rev 02; 3183-20-102 Rev 02; 3183-20-  
103 Rev 02; 3183-20-104 Rev 02; 3183-20-105  
Rev 02; 3183-20-106 Rev 02; 3183-20-107 Rev  
02; 3183-20-108 Rev 02; 3183-20-109 Rev 03;  
3183-20-110 Rev 02; and Sheppard Robson  
"Planning Design Report" (11<sup>th</sup> February 2009);  
Indigo "Conservation Area Statement" (February  
2009); Donald Insall Associates "Historic  
Buildings Architect's Report for Blackfriars  
Property Group" (February 2009) and  
Conservation Area Application Form (9<sup>th</sup>  
February 2009)

### 3.1.2 "Planning Permission"

(i) the planning permission granted for the  
Development pursuant to the Planning  
Application substantially in the draft form  
annexed hereto

(ii) the conservation area consent granted for  
the Development pursuant to the Conservation  
Area Application in the form annexed hereto

### 3.1.3 "Planning Application"

the planning application in respect of the  
Development of the Property submitted to the



Council and validated on 11 November 2010  
and given reference number 2010/5725/P

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

2.33(A) "the Original Planning  
Permission"

means the planning permission granted by the Council on 7 July 2009 referenced 2009/0675/P allowing the mixed use redevelopment of the site involving the demolition of Caroline House, 18-22 Hand Court and parts of High Holborn House, retention of façade and rebuild of part of High Holborn House facing High Holborn and the façade of 23 Hand Court and rear of High Holborn House (49-51 Bedford Row), Brownlow House and 45-48 Bedford Row. The erection of a new eight storey (plus two level basement and roof plant floor) building to accommodate A1 (Retail) floorspace and flexible A3/A4 (Restaurant/Drinking Establishment) at ground floor level together with new B1 (Office) space. Conversion of 46-48 Bedford Row to create 3x single family dwellings, change of use and extension of existing B1 (office) space to form 15x residential units within, 45 Bedford Row and 49-51 Bedford Row; conversion and extension of Brownlow House to provide 10x residential units (affordable housing); Redevelopment of 23 Hand Court to provide 22 student units in place of 6x existing residential units; new servicing access from Brownlow Street, and various public realm works to Brownlow Street, Bedford Row and Hand Court

#### **4.14 ORIGINAL PLANNING PERMISSION**

4.14.1 Upon the issue of the Planning Permission the Owner shall forthwith give up any right to carry out works or activities pursuant to the Original Planning Permission at the Property and shall not carry out or permit to be carried out works or activities pursuant to the Original Planning Permission on the Property.

4.14.2 If the Original Planning Permission is quashed or revoked or otherwise withdrawn or is modified (other than by agreement with or at the request of the Owner) clause 4.14.1 shall forthwith determine and cease to have effect and the Council will effect cancellation of all entries made in the Register of Local Land Charges in respect of Clause 4.14.1 of this Agreement and will agree to the removal of all entries made in the Charges Register of the titles to the Property pursuant to Clause 6.5.

3.3 Reference in Clause 7 of the Existing Agreement to "Clause 6.4" shall be deleted and replaced with "Clause 6.5".

3.4 Reference in Clause 10.3 of the Existing Agreement to "sub-clauses 9.1" shall be deleted and replaced with "sub-clauses 10.1 and 10.2".

3.5 Reference in Clause 10.4 of the Existing Agreement to "clause 9" shall be amended to read "Clause 10"

3.6 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

**IN WITNESS WHEREOF** the Council has caused its Common Seal to be affixed and the Owner and Mortgagee has caused this Agreement to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY )  
BEDELL CORPORATE )  
TRUSTEES LIMITED )  
in its capacity as trustee of )  
The Holborn Property Unit Trust )  
acting by a Director and its Secretary )  
or by two Directors )

.....  
Director

.....  
Director/Secretary

EXECUTED AS A DEED BY )  
ATRIUM TRUSTEES LIMITED )  
in its capacity as trustee of )  
The Holborn Property Unit Trust )  
acting by a Director and its Secretary )  
or by two Directors )

.....  
Director

.....  
Director/Secretary

CONTINUATION OF DEED OF VARIATION IN RELATION TO  
LAND BOUNDED BY 50-57 HIGH HOLBORN  
(including Brownlow House, High Holborn House and Caroline House)  
18-25 HAND COURT, 45-51 BEDFORD ROW & BROWNLOW STREET  
LONDON WC1V 6VR

~~SIGNED AS A DEED~~  
~~FOR AND ON BEHALF OF~~  
~~IRISH BANK~~  
~~RESOLUTION CORPORATION~~

)  
)  
)  
)  
)

PETER RALPH

.....  
Authorised Signatory

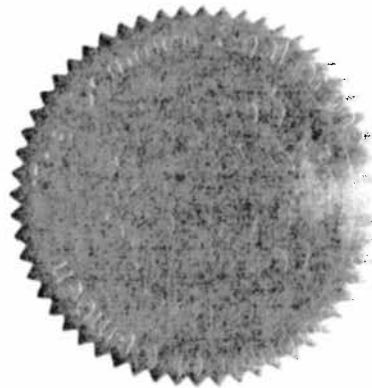
FERGAL FEENEY

.....  
Authorised Signatory

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

)  
)  
)  
)

.....  
Authorised Signatory



DP9  
100 Pall Mall  
LONDON  
SW1Y JNQ

Application Ref: **2010/5725/P**

21 October 2011

Dear Sir/Madam

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

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:

**Land Bounded by 50-57 High Holborn (including Brownlow House High Holborn House & Caroline House)  
18-25 Hand Court  
45-51 Bedford Row and Brownlow Street**

**London  
WC1V 6RL**

**DECISION**

Proposal:

Revisions to planning permission 2009/0675/P, dated 07/07/2009 for mixed use redevelopment of the site involving the part demolition, part retention and part erection of new eight storey (plus two level basement and roof plant floor) building to accommodate A1, flexible A3/A4, B1, residential and student units. Revisions relate to variations in building envelope, office and retail space, including an overall reduction of office (Class B1) accommodation by 552sqm and overall increase of retail (Class A1) by 426sqm, as a result of reduction of floor to ceiling heights at ground and first floor levels and relocation of plant room to basement to create an eighth floor of office (Class B1) accommodation and various other internal reconfigurations and to create ground floor retail units on Hand Court (west) elevation; increase in parapet height at seventh and eighth floor levels on Brownlow Street (east) elevation by 1.1m, increase in height of mansard roof associated with High Holborn House on south elevation by 1m; alteration to location of service yard entrance (to the south) and kerb (to the west to widen the highway) on Brownlow Street, retention of Brownlow Street highway to High Holborn (as opposed to 2009/0675/P which pedestrianised part of Brownlow Street) and associated alterations.

Drawing Nos: Proposed plans: 3183-20-101 rev04; 20-201 rev12; 20-202 rev15; 20-203

rev14; 20-204 rev12; 20-205 rev12; 20-206 rev12; 20-207 rev-; 20-211 rev08; 20-212 rev08; 20-221 rev12; 20-222 rev13; 20-251 rev05; 20\_301 rev05, 20\_302 rev04, 20\_312 rev04, 20\_332 rev05, 20\_341 rev 04; 21-401 rev07; 21-402 rev05; 21-403 rev08; 21-404 rev08; 21-405 rev07; 21-406 rev05; 21-407 rev04; 21-410 rev03; 90\_201 rev07; 90\_301 rev06; 90\_302 rev06; Proposed area schedules 28A (commercial) Issued 09/06/2011, as received 13/10/2011, 28B (residential buildings) Issued 09/06/2011, as received 13/10/2011, 28C (summary) Issued 09/06/2011, as received 13/10/2011; 36680/06/SK03/A07; 36680/06/SK04/A05; 36680/06/SK05/A05.

Existing plans: 00\_101 rev02, 20\_102 rev02, 20\_103 rev02, 20\_104 rev02, 20\_105 rev02, 20\_106 rev02, 20\_107 rev02, 20\_108 rev02, 20\_109 rev03, 20\_110 rev02

Approved plans still of relevance: 20\_311 rev04, 20\_321 rev04, 20\_322 rev04, 20\_331 rev05, 20\_351 rev02, 20\_352 rev04, 20\_353 rev04, 20\_354 rev04, 20\_355 rev04, 20\_356 rev04, 20\_357 rev04, 20\_358 rev04, 20\_359 rev04, 20\_360 rev04, 20\_362 rev04, 20\_363 rev04, 20\_371 rev05, 20\_372 rev05, 20\_373 rev06, 20\_374 rev06, 20\_375 rev05, 20\_376 rev02, 20\_377 rev03, 20\_378 rev04, 20\_379 rev04, 20\_380 rev04, 20\_381 rev04, 20\_382 rev03, 20\_383 rev07, 20\_390 rev02, 20\_391 rev03, 20\_392 rev02, 20\_394 rev02

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 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 policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 2 Prior to the commencement of any development hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority:
  - (a) all external facing materials for the new build and extended buildings;
  - (b) scale 1:100 drawings of all elevations and larger scale sections where requested; and
  - (c) scale 1:20 section and elevation drawings of all new ground floor frontages.

Thereafter, the relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 3 A sample panel of the external facing materials shall be provided on site, in accordance with the details agreed in writing pursuant to Condition 2 above, and shall itself be approved in writing by the Council before the relevant parts of the works are commenced. Thereafter, the development shall be carried out in accordance with the approval given and the sample panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the first occupation of the relevant part of the Class B1 Office redevelopment hereby permitted, details of the proposed privacy screen to the rear of the new student accommodation shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a desktop assessment of the impact on the internal light levels in the proposed student residential rooms hereby permitted and the screen shall be designed to minimise its effect. Thereafter the screen shall be fully installed in accordance with the approved details and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 5 No development shall take place until full details of hard and soft landscaping and means of enclosure associated with the development hereby permitted have been submitted to and approved by the Council. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing

high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 7 The unit annotated as 'retail' facing High Holborn on the drawings hereby permitted shall not be used other than for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any equivalent Class in any order evoking or re-enacting that Order.

Reason: To ensure that the use of the High Holborn frontage maintains a retail character in accordance with the requirements of policy CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of the London Borough of Camden Local Development Framework Development Policies.

- 8 The use of the Class A3 and Class A4 premises facing Hand Court hereby permitted shall not be carried out outside the following times 0700 hours to 0000 hours daily.

Reason: To safeguard the amenities of the proposed residential accommodation in accordance with the requirements of CS5 (Managing the impact of growth and development) and CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.



- 9 Prior to the commencement of any development associated with the residential use of Brownlow House, a scheme for sound attenuation of all flats, incorporating suitable ventilation measures, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, none of the flats within the building shall be first occupied until the sound attenuation measures have been implemented in their entirety.

Reason: To safeguard the amenities of the residential occupiers having regard to the existing levels of noise exposure in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

- 10 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 residents and occupiers of the development, adjoining premises and the area generally in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

- 11 Before the development commences, details of the proposed cycle storage area and cycle storage system for the new office building hereby permitted to accommodate 1 cycle space per 250sqm of internal floorspace with additional space for visitors shall be submitted to and approved by the Council. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.

- 12 No development shall take place until the applicant has implemented a programme of archaeological investigation which has been submitted by the applicant and approved by the Council. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Council.

Reason: Important archaeological remains may exist on this site. Accordingly the Council wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 13 No works on the development shall take place until an initial design stage for BREEAM, Ecohomes, and Code for Sustainable Homes assessments undertaken by an accredited assessor and including an accompanying interim certificate has been submitted to and approved in writing by the Local Planning Authority. Such details shall achieve a rating of 'Good' or Code Level 3 for the Residential component of the scheme in accordance with the Ecohomes (2006)/Code for Sustainable Homes (April 2007) assessment and 'Very Good' for commercial elements of the scheme in accordance with the BREEAM assessment. In each case the submission shall seek to achieve the following target credits:
- A) Ecohomes/Code for Sustainable Homes - target credits of 50% in each of the Energy and Water categories and 50% in the Materials and Waste category; and
  - B) BREEAM - target credits of 60% in each of the Energy and Water categories and 40% in the Materials and Waste category;
- In the event that the above credits cannot be achieved, then full justification shall be included as part of the submission. Thereafter, the use of the premises shall not commence until a final Post-Construction BREEAM Review Certificate and Code/Ecohomes certificate of compliance and accompanying statement have been submitted to the local planning authority demonstrating that the agreed target credits have been met.

Reason: To ensure a sustainable and resource efficient development in accordance with the requirements of policies CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.

- 14 Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained and maintained, unless prior written permission is given by the local planning authority.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policy CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 15 Prior to the first occupation of the building a plan showing details of the green roof and green wall including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof and wall, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof and green wall is suitably designed and maintained in accordance with the requirements of policies CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.

- 16 Before the development comprising the erection of the new-build components of the scheme commences, the following details of the proposed combined heat and power system shall be submitted to and approved by the Local Planning Authority:

- (a) the type, height and location of chimney;
- (b) the make, size and location of biomass boiler/ CHP and any additional abatement technology proposed to reduce air pollution; and
- (c) information on the fuel, the supply chain and the arrangements to secure fuel.

The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units and/or office space, and permanently retained and maintained thereafter.

Reason: In order to secure the optimum energy and resource efficiency measures and on-site renewable energy generation in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water), DP26 (Managing the impact of development on occupiers and neighbours), DP28 (Noise and vibration) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.

- 17 No development shall take place until: a) The applicant has submitted a programme of ground investigation for the presence of soil and groundwater contamination and landfill gas for approval by the Council; and b) The investigation has been carried out in accordance with the approved details and the results and remediation measures (if necessary) have been submitted to and approved by the Council. All approved remediation measures shall be implemented strictly in accordance with the approved details. c) All approved remediation measures shall be implemented strictly in accordance with the approved details and a verification report shall be submitted and

approved by the Council.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 18 Prior to the first occupation of the new build office hereby permitted or other period that shall have been first agreed in writing by the Local Planning Authority, the entirety of the residential accommodation included within the site shall be fully constructed and/or laid out and made available for occupation in accordance with the drawings hereby permitted or as varied in accordance with any condition herein.

Reason: To ensure the development is implemented with the approved residential accommodation in accordance with the requirements of policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policies DP1 (Mixed use development) and DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies.

- 19 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed plans - 3183-20-101 rev04; 20-201 rev12; 20-202 rev15; 20-203 rev14; 20-204 rev12; 20-205 rev12; 20-206 rev12; 20-207 rev-; 20-211 rev08; 20-212 rev08; 20-221 rev12; 20-222 rev13; 20-251 rev05; 20\_301 rev05, 20\_302 rev04, 20\_312 rev04, 20\_332 rev05, 20\_341 rev04; 21-401 rev07; 21-402 rev05; 21-403 rev08; 21-404 rev08; 21-405 rev07; 21-406 rev05; 21-407 rev04; 21-410 rev03; 90\_201 rev07; 90\_301 rev06; 90\_302 rev06; Proposed area schedules 28A (commercial) Issued 09/06/2011, as received 13/10/2011, 28B (residential buildings) Issued 09/06/2011, as received 13/10/2011, 28C (summary) Issued 09/06/2011, as received 13/10/2011; 36680/06/SK03/A07; 36680/06/SK04/A05; 36680/06/SK05/A05.

Approved plans as part of 2009/0675/P and still relevant - 20\_311 rev04, 20\_321 rev04, 20\_322 rev04, 20\_331 rev05, 20\_351 rev02, 20\_352 rev04, 20\_353 rev04, 20\_354 rev04, 20\_355 rev04, 20\_356 rev04, 20\_357 rev04, 20\_358 rev04, 20\_359 rev04, 20\_360 rev04, 20\_362 rev04, 20\_363 rev04, 20\_371 rev05, 20\_372 rev05, 20\_373 rev06, 20\_374 rev06, 20\_375 rev05, 20\_376 rev02, 20\_377 rev03, 20\_378 rev04, 20\_379 rev04, 20\_380 rev04, 20\_381 rev04, 20\_382 rev03, 20\_383 rev07, 20\_390 rev02, 20\_391 rev03, 20\_392 rev02, 20\_394 rev02.

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

Informative(s):

- 1 You are reminded that this planning permission is a variation of planning permission 2009/0675/P, dated 07/07/2009, and all conditions (such as for

example the three year period for implementation) attached to that permission continue to apply.

- 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, Urban Design and Renewal, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 4 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 Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) 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.
- 5 You are advised that condition 8 means that no customers shall be on the premises and no activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 6 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Street Environment Service (Rubbish Collection) on 020 7974 6914 or by email [recycling@camden.gov.uk](mailto:recycling@camden.gov.uk) or on the website [www.camden.gov.uk/recycling](http://www.camden.gov.uk/recycling)
- 7 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Street environment Service (Recycling) on 0207 974 6914 or by email [recycling@camden.gov.uk](mailto:recycling@camden.gov.uk) or on the website [www.camden.gov.uk/recycling](http://www.camden.gov.uk/recycling).
- 8 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](http://www.camden.gov.uk/planning) or from the Council's One Stop Reception, Environment Department, Camden Town Hall, Argyle Street WC1H 8EQ. (Tel: 020 7974 5613 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk))
- 9 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 Council's Records and Information Team, Culture and Environment Directorate, Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 5613).

- 10 With regard to condition 17 you are advised to refer to Planning Policy Statement 23 (Planning and Pollution Control) Annex II: Development on Land Affected by Contamination for advice on developing land that may be affected by contamination; this document is available to download at <http://www.communities.gov.uk>. Further information is also available on the Council's Contaminated Land web pages at [www.camden.gov.uk/contaminatedland](http://www.camden.gov.uk/contaminatedland). Please contact the Council's Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613) for specific queries regarding developments on potentially contaminated land.

- 11 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS1 (Distribution of growth), CS2 (Growth areas), CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS7 (Promoting Camden's centres and shops), CS8 (Promoting a successful and inclusive Camden economy), CS9 (Achieving a successful Central London), CS11 (Promoting sustainable and efficient travel), CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity), CS16 (Improving Camden's health and well-being), CS17 (Making Camden a safer place), DP18 (Parking standards and the availability of car parking) and CS19 (Delivering and monitoring the Core Strategy).

- 12 Reasons for granting permission (continued):

The proposed development is also in general accordance with the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP1 (Mixed use development), DP2 (Making full use of Camden's capacity for housing), DP3 (Contributions to the supply of affordable housing), DP5 (Homes of different sizes), DP6 (Lifetime homes and wheelchair homes), DP9 (Student housing, bedsits and other housing with shared facilities), DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses), DP13 (Employment premises and sites), DP15 (Community and leisure uses), DP16 (The transport implications of development), DP17 (Walking, cycling and public transport), DP18 (Parking standards and the availability of car parking), DP19 (Managing the impact of parking), DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network), DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours), DP27 (Basements and lightwells), DP28 (Noise and vibration), DP29 (Improving access), DP30 (Shopfronts), DP31 (Provision of, and improvements to public open space and outdoor sport and recreation facilities), DP32 (Air quality and Camden's Clear Zone), Appendix 1 (Threshold for transport

assessments and transport statements) and Appendix 2 (Parking standards). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

Yours faithfully

Culture and Environment Directorate

**DRAFT**

**DECISION**







DATED

27 October

2011

**(1) BEDELL CORPORATE TRUSTEES LIMITED  
and ATRIUM TRUSTEES LIMITED**

-and-

**(2) IRISH BANK RESOLUTION CORPORATION LIMITED**

-and-

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

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**DEED OF VARIATION**

Relating to the Agreement dated 7 July 2009  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Bedell Corporate Trustees Limited and Atrium Trustees Limited, and Anglo Irish Bank  
Corporation Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980  
Relating to development at premises known as  
**LAND BOUNDED BY 50-57 HIGH HOLBORN**  
**(including Brownlow House, High Holborn House and Caroline House)**  
**18-25 HAND COURT, 45-51 BEDFORD ROW & BROWNLOW STREET**  
**LONDON WC1V 6VR**

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

Tel: 020 7974 6007  
Fax: 020 7974 2962

CLS/COM/LMM/1685.869  
DoV 21.10.11 FINAL