

DATED

18 September

2015

**(1) UNIVERSITY COLLEGE LONDON HOSPITALS NHS FOUNDATION TRUST**

-and-

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

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**DEED OF VARIATION**

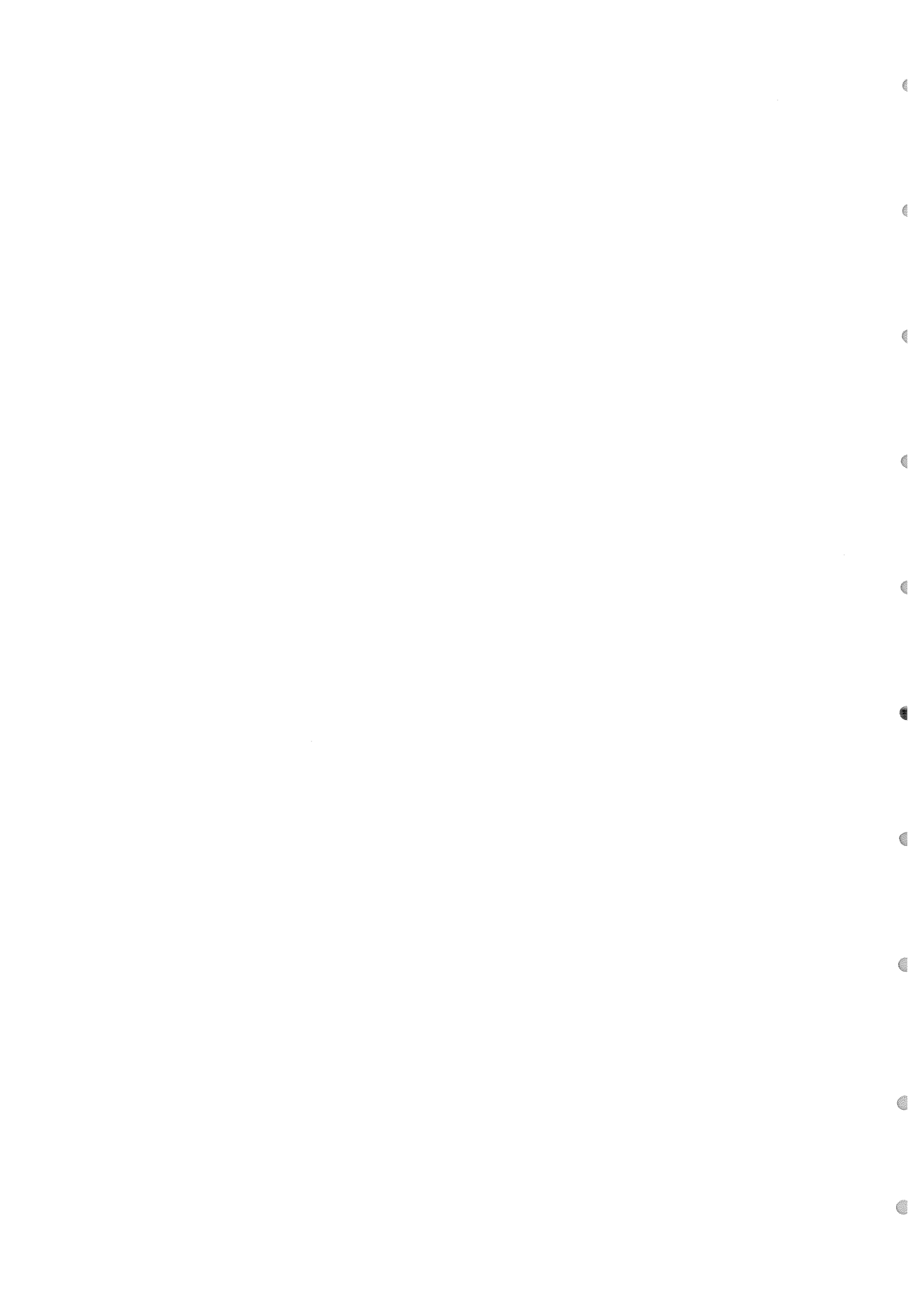
Relating to the Agreement dated 22 September 2014  
Between the Mayor and the Burgesses of the  
London Borough of Camden and  
University of London Hospitals NHS Foundation Trust  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**Former Odeon Site and Rosenheim Building site bounded partly by Grafton Way,  
TCR, Huntley Street and University Street London WC1E 6DB**

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

Tel: 020 7974 1918  
Fax: 020 7974 2962

CLS/COM/ESA/1712.256  
FINAL



THIS DEED is made on the 18<sup>th</sup> day of September 2015

**BETWEEN**

1. **UNIVERSITY COLLEGE LONDON HOSPITALS NHS FOUNDATION TRUST** of 235 Euston Road London NW1 2BU (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 University College London Hospitals NHS Foundation Trust entered into an Agreement dated 22 September 2014 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN41718 and LN249567.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.5 A New Planning Application in respect of the Property required to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 12 May 2015 for which the Council resolved to grant permission conditionally under reference 2015/2771/P subject to the conclusion of this Deed.
- 1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.

- 1.7 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.
- 1.8 The provisions of the Existing Agreement shall also apply in full to any permission granted under the New Planning Application.
- 1.9 This Deed is supplemental to the Existing Agreement and should be read in conjunction with the Existing Agreement.

## 2. **INTERPRETATION**

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Deed.
- 2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.
- 2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Agreement and shall not effect the construction of this Deed.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.
- 2.7 References in this Deed to the Owner and Mortgagee shall include their successors in title.

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

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

2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 22 September 2014 made between The Mayor and Burgesses of the London Borough of Camden and University College London Hospitals NHS Foundation Trust

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 22 September 2014 referenced 2013/8192/P allowing the redevelopment of the former Odeon site and demolition of the Rosenheim Building to provide a Proton Beam Therapy (PBT) cancer treatment facility and day surgery facilities in 4 levels of basement; inpatient medical facilities and a ground floor retail unit (175 sq m approximate GIA) in a 7 storey development above ground (34,596.5 sq m GIA in total) including roof plant, a new pedestrian entrance on corner of Grafton Way and Huntley Street, a new service entrance on Huntley Street, a ground floor drop-off area off Grafton Way, and three roof gardens; and the relocation of the oxygen tanks to University Street frontage inside a new enclosure. as shown on drawing numbers EXISTING: A/UCLH4: 1500-G; 1570-B; 1507-B; 1503-D; 1530-E; 1513-B; 1509-B; 1512-B; 1508-B; 0200-F; 0201-F; 1510-B; 0301-G; 0300-H; 1514-B; 1506-B; 1511-B; 1515-B;

PROPOSED: A/UCLH4: 1516-M; 1517-M;  
1818-M; 1519-N; 1520-P; 1521-N; 1522-N;  
1523-N; 1524-N; 1525-N; 1526-M; 1527-M;  
1531-F; 1532-N; 1533-N; 1534-C; 1540-N;  
1541-N; 1550-D; 1551-H; 1554-H; 1555-G;  
1556-F; 1557-F; 1558-G; 1560-F; 1561-D;  
1577-C; 1581-C; SK243-A; SK0250-D; 0203-E;  
SK0251; VN50118.09-ECC-DG-0003

SUPPORTING DOCS: Preliminary Ground  
Movement Assessment Produced by Campbell  
Reith dated March 2014; Updated summary  
tables S1a, S2, S3a produced by Anstey Horne  
dated 18/11/2013; Design and Access  
Statement produced by Scott Tallon Walker  
Architects in association with Edward Williams  
Architects dated 13/12/2013; Planning Design  
Report: Acoustics prepared by Clarke Saunders  
Associates; Air Quality Assessment produced  
by SKM dated 06/12/2013; Archaeological Desk  
Based Assessment produced by CgMs dated  
06/12/2013; BREEAM report produced by  
ARUP dated 05/12/2013; Clinical Overview  
Document produced by UCLH (undated);  
Ecology Survey to inform BREEAM produced  
by Thomson Ecology (undated); Energy  
Strategy produced by ARUP dated 05/12/2013;  
Heritage Statement produced by KM Heritage  
dated 01/12/2013; Planning Statement  
produced by Jones Lang LaSalle dated  
17/12/2013; Statement of Consultation  
produced by UCLH (undated); Summary of  
Environmental Information produced by Jones  
Lang LaSalle dated Dec 2013; Transport  
Assessment by SKM; Basement Impact  
Assessment produced by Campbell Reith dated  
04/12/2013; Daylight and sunlight report  
produced by Anstey Horne dated 04/12/2013;

land Quality Statement produced by Campbell Reith dated 15/11/2013; Rosenheim Building Retention - Feasibility Study produced by Scott Tallon Walker Architects dated 10/12/2013; Structural Demolition report produced by Campbell Reith dated 04/12/2013; Water Environmental Impact Statement produced by Campbell Reith dated 15/11/2013;

2.8.4 "New Planning Application" the application for Planning Permission in respect of the Property submitted to the Council on 12 May 2015 by the Owner and given reference number 2015/2771/P

### **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" the development authorised by the Original Planning Permission as amended by the following:  
variation of conditions 5, 8, 12, 15, 22, 25, 26, 33 and 34 of planning permission (2013/8192/P) dated 22 September 2014 for redevelopment to provide a Proton Beam Therapy (PBT) cancer treatment facility, day surgery, inpatient medical facilities and retail unit

3.1.2 "Planning Permission" the Original Planning Permission amended by the planning permission for the Development under reference number 2015/2771/P granted by the Council in the form of the draft annexed hereto

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2013/8192/P" shall be replaced with "Planning Permission reference 2013/8192 as varied by application reference 2015/2771/P".

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

**4. COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2015/2771/P.

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

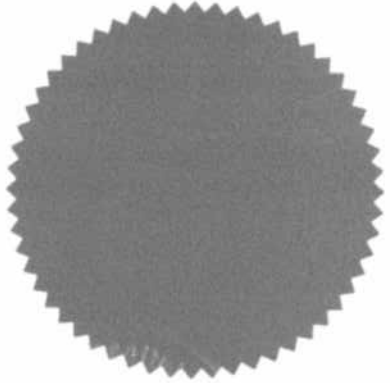
5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

**6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge

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

THE SEAL OF UNIVERSITY COLLEGE )  
LONDON HOSPITALS NHS )  
FOUNDATION TRUST )  
hereunto affixed is authenticated by:- )



*[Handwritten signature]*  
.....  
Chairman/Authorised Signatory

*[Handwritten signature]*  
.....  
Authorised Signatory



**CONTINUATION OF SECTION 106 AGREEMENT IN RELATION TO FORMER ODEON  
SITE AND ROSENHEIM BUILDING SITE BOUNDED PARTLY BY GRAFTON WAY, TCR,  
HUNTLEY STREET AND UNIVERSITY STREET LONDON WC1E 6DB**

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

)  
)  
)  
)



*Cliff Bely*

.....  
Duly Authorised Officer





Jones Lang LaSalle  
30 Warwick Street  
London  
W1B 5NH

Tel 020 7974 4444  
Fax 020 7974 1930  
Textlink 020 7974 6866

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

Application Ref: **2015/2771/P**

03 August 2015

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:

**Former Odeon site and Rosenheim Building**  
**Site bounded partly by Grafton Way**  
**Tottenham Court Road**  
**Huntley Street and University Street**  
**London**  
**WC1E 6DB**

Proposal:

Variation of conditions 5, 8, 12, 15, 22, 25, 26, 33 and 34 of planning permission (2013/8192/P) dated 17/12/2013 for redevelopment to provide a Proton Beam Therapy (PBT) cancer treatment facility, day surgery, inpatient medical facilities and retail unit.

Drawing Nos:

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 For the purposes of this decision, condition no.5, 8, 12, 15, 22, 25, 26, 33 and 34 of planning permission 2013/8192/P granted on 22/09/2014 shall be replaced with the following conditions:

2 REPLACEMENT CONDITION 5:

Before the relevant part of the development commences, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels].

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

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

3 REPLACEMENT CONDITION 8:

Prior to the laying of the first slab below ground level details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. 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 CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 of the London Borough of Camden Local Development Framework Development Policies.

4 REPLACEMENT CONDITION 12:

Prior to the laying of the first slab below ground level, plans and details of the supporting facilities for cyclists such as showers, toilets, lockers shall be submitted to and approved in writing by the council. The facilities shall be made available prior to occupation and maintained thereafter.

Reason: To ensure the development provides adequate facilities for cycling in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

5 REPLACEMENT CONDITION 15:

Before the relevant part of the development commences, plans and scale 1:50 and supporting information detailing of the accessible features and facilities shall be submitted for approval by the Local Planning Authority in writing. This includes external features such as hard landscaping surface treatments including bollards and pedestrian entry doors. The approved features and facilities shall be installed prior to occupation and maintained thereafter.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

6 REPLACEMENT CONDITION 22:

Prior to the laying of the first slab below ground level, the detailed design on drawings scale 1:50 as well as supporting details of any ground floor air extraction vents and well as any other extraction vents located elsewhere including those relating the CHP as well as any associated filtering and/or attenuation devices, shall be submitted to and approved in writing by the council. The details approved shall be installed prior to first occupation and maintained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

7 REPLACEMENT CONDITION 25:

Prior to the laying of the first slab below ground level, a scheme for noise mitigation for the external façade shall be submitted to and approved by the local planning authority in writing and the buildings shall not be occupied until completed fully in accordance with such scheme as will have been approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

8 REPLACEMENT CONDITION 26:

Prior to the laying of the first slab below ground level, a scheme for vibration mitigation shall be submitted to and approved by the local planning authority in writing and the buildings shall not be occupied until completed fully in accordance with such scheme as will have been approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

9 REPLACEMENT CONDITION 33:

Prior to the laying of the first slab below ground level, an acoustic report detailing the predicted impact of, and mitigation proposals for, the servicing area and the patient drop off area shall be submitted to and approved by the local planning authority. Any mitigation and attenuation proposals approved shall be installed prior to occupation and maintained for the lifetime of the development.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

10 REPLACEMENT CONDITION 34:

Prior to the laying of the slab at ground level, drawings and supporting information detailing the security measures for the site shall be submitted to and approved in writing by the council in conjunction with Metropolitan Police. The details agreed shall be installed prior to occupation and maintained thereafter.

Reason: To ensure the safety of visitors and users in accordance with policy CS5 , CS14 Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 YOU ARE ADVISED THAT THIS DECISION NOTICE MUST BE READ IN CONJUNCTION WITH THE PERMISSIONS ISSUED ON 22 SEPTEMBER 2014 FOR APPLICATION 2013/8192/P.
- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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

Culture and Environment Directorate



DATED

18 September

2015

**(1) UNIVERSITY COLLEGE LONDON HOSPITALS NHS FOUNDATION TRUST**

-and-

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

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**DEED OF VARIATION**

Relating to the Agreement dated 22 September 2014  
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