

DATED

30 March

2016

**(1) WEST LONDON & SUBURBAN PROPERTY INVESTMENTS LIMITED**

-and-

**(2) THE GREATER LONDON AUTHORITY**

-and-

**(3) 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 16 March 2012 (as varied by the First Deed of  
Variation dated 24 July 2013)

between

the Mayor and Burgesses of the London Borough of Camden and the Greater London  
Authority

and

West London & Suburban Property Investments Limited

under section 106A of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**SAATCHI BLOCK 80 CHARLOTTE STREET 65 WHITFIELD STREET AND 14  
CHARLOTTE MEWS LONDON W1T 4QP**

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

Tel: 020 7974 5680  
Fax: 020 7974 1920



THIS AGREEMENT is made on the 30 day of March 2016

**BETWEEN**

1. **WEST LONDON & SUBURBAN PROPERTY INVESTMENTS LIMITED** (Co. Regn. No. 00538148) whose registered office is at 25 Savile Row London W1S 2ER (hereinafter called "the Owner") of the first part
2. **THE GREATER LONDON AUTHORITY** of City Hall The Queens Walk London SE1 2AA (hereinafter called "the GLA") 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 ~~second~~ third part

**WHEREAS:**

- 1.1 The Council, the Owner and the GLA entered into the Original Agreement and the First Deed of Variation 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 numbers NGL692971, NGL644855, NGL644854 and NGL687676.
- 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 Agreement.
- 1.5 A new Planning Application in respect of the Property and to amend the Original Planning Permission (as varied by the Non Material Amendments Approval) was submitted to the Council by the Owner and validated on 11 December 2015 for which the Council resolved to grant permission conditionally under reference 2015/7017/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.

1.7 Without prejudice to the terms of the other covenants contained in the Original Agreement as varied by the First Deed of Variation the parties hereto have agreed to vary the terms of the Original Agreement as varied by the First Deed of Variation as hereinafter provided.

## 2. INTERPRETATION

2.1 All words and phrases defined in the Original Agreement as varied by the First Deed of Variation shall have the same meaning in this Agreement save where the context otherwise dictates and for the avoidance of any doubt the Original Agreement as varied by the First Deed of Variation shall remain in full force and effect save as varied by this Agreement.

2.2 All references in this Agreement to clauses in the Original Agreement as varied by the First Deed of Variation are to clauses within the Original Agreement as varied by the First Deed of Variation.

2.3 In this Agreement the following expressions shall unless the context otherwise states have the following meanings now allocated to them.

2.3.1 "Agreement" this Second Deed of Variation

2.3.2 "the First Deed of Variation" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 24 July 2013 made between the Council, the Owner and the GLA.

2.3.5 "the Non Material Amendment Approval" the planning permission granted by the Council on 24 July 2013 referenced 2013/1876/P permitting amendments to previously approved

scheme (referenced 2010/6873/P dated 16 March 2013) allowing the Non material amendment to planning permission granted on 16/03/12 (Ref: 2010/6873/P for 'seven storey extension to the Chitty Street elevation and two additional storeys in association with the existing office use (Use Class B1); the creation of new public open space; change of use from office to create flexible units at ground and lower ground floor levels; creation of 19 residential units (Use Class C3) at 67-69 Whitfield St; erection of two additional floors to create 36 residential units and erection of a 3 storey residential building at 14 Charlotte Mews' (abbreviated). Amendments relate to infill of lift area and projection of elevation, all to rear of 65 Whitfield Street building as shown on drawing numbers: Superseded: 355-P2207-01 Superseded (in respect of 65 Whitfield Street only, building at 80 Charlotte Street remain as per approved drawings): 355 -P2101-01, -P2102-01, -P2103-01, -P2104-01, -P2105-01, -P2106-01; Drawings for approval: 0825 -P6005-00, -P5501-00, -P5502-00, -P5503-00, -P5504-00, -P5505-00, -P5506-00

### 2.3.3 "Original Agreement"

the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 16 March 2012 made between the Council, the Owner and the GLA.

### 2.3.4 "the Original Planning Permission"

the planning permission granted by the GLA on 16 March 2012 with Council reference 2010/6873/P allowing the creation of additional floorspace through the infilling of the existing

courtyard, the extension of the existing basement, seven storey extension to the Chitty Street elevation and the construction of two additional storeys (creating a nine storey building in total, with existing buildings to be partially demolished) in association with the existing office use (Use Class B1); the creation of new public open space, change of use from office (B1) to create flexible units at ground and lower ground floor levels (Class B1, A1 or A3 use); and the change of use and extensions to 67-69 Whitfield Street to create 19 residential units (Use Class C3) all to the site bounded by Chitty Street Charlotte Street, Howland Street and Whitfield Street; erection of two additional floors and the partial change of use from office (Class B1) to residential (Class C3) to create 36 residential units; demolition of existing building and erection of a 3 storey residential (Class C3) building at 14 Charlotte Mews and other works incidental to the application. as shown on drawing numbers P0001; P1000; P1099; P1100; P1101; P1102; 1103; 1104; 1105; P1200; P1300; P1301; P1302; 2099 01; 2100 01; 2101 01; 2202 01; 2203 01; 2104 01; 2105 01; 2106 01; 2107 01; 2108 01; 2109 01; 2200 01; 2201 01; 2202 01; 2203 01; 2204 01; 2205 01; 2206 01; 2207 01; 2300 01; 2301 01; 2302 01; 2303 01; 2304 01; 2305 01; 2400; 2401; 2403; 2404 01; 2405 01; 2406 01; 2407; 2408; P1201, P1202, P1203, P1204, P1205, P1206, P1207, P1208, P1303, P1304, P1305, P1306, P1307, P1308, P1309 and P2402. Flood Risk Statement December 2010; Energy Statement December 2010; Arboricultural Report 10292/A1 December 2010; Ecological Appraisal December 2010; Sustainability Statement Issue

3 December 2010; Air Quality Assessment Issue 1 December 2010; Contamination Risk Assessment Issue 5 December 2010; Construction Method Statement by Buro 4; Noise, Vibration and External Fabric Assessment 6th Dec 2010; Daylight and Sunlight report 20th Oct 2010; Historic Environment Assessment (Buried Heritage Assets December 2010; Retail Assessment December 2010; Façade Retention and Basement Proposal December 2010.

- 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 shall include their successors in title.

**3. VARIATION TO THE ORIGINAL AGREEMENT AS VARIED BY THE FIRST DEED OF VARIATION**

- 3.1 The following definitions contained in the Original Agreement as varied by the First Deed of Variation shall be varied as follows:

3.1.1 "Development" the development permitted by Planning Permission 2010/6873/P and dated 16 March 2012 allowing the creation of additional floorspace through the infilling of the existing courtyard, the extension of the existing basement, seven storey extension to the Chitty

Street elevation and the construction of two additional storeys (creating a nine storey building in total, with existing buildings to be partially demolished) in association with the existing office use (Use Class B1); the creation of new public open space, change of use from office (B1) to create flexible units at ground and lower ground floor levels (Class B1, A1 or A3 use); and the change of use and extensions to 67-69 Whitfield Street to create 19 residential units (Use Class C3) all to the site bounded by Chitty Street Charlotte Street, Howland Street and Whitfield Street; erection of two additional floors and the partial change of use from office (Class B1) to residential (Class C3) to create 36 residential units; demolition of existing building and erection of a 3 storey residential (Class C3) building at 14 Charlotte Mews and other works incidental to the application and as amended by the Non Material Amendments and as varied by the planning permission granted under reference 2015/7017/P to demolish post war buildings on Charlotte Street, Chitty Street, Howland Street and part Whitfield Street and erection of new mixed use buildings, similar to those approved with minor façade and basement alterations as shown on documents Superseded drawings: ; P2304 03; P3121 02; P3125 02; P1020 00; P2099 02; P2100 02; P2101 01; P2102 01; P2103 01; P2104 01; P2105 01; P2106 02; P2107 02; P2108 02; P2109 03; P2110 01; P2150 01; P2303 04; P3150 03; P2301 03; P3101 03; P3120 02; P2302 03; P3130 02; P2211 03; P1000 02; P1099 05; P1100 04; P1101 05; P1102 04; P1103 04; P1104 05; P1105 00; P1106 00; P1107 00; P1300 01; P1301 01; P1310 00;



P1311 00; Revised drawings and documents:  
P2304 04; P3121 03; P3125 03; P1020 02;  
P2099 4; P2100 04; P2101 02; P2102 02;  
P2103 02; P2104 02; P2105 02; P2106 03;  
P2107 03; P2108 03; P2109 04; P2110 02;  
P2150 02; P2303 05; 3150 04; P2301 04;  
P3101 04; P3120 03; P2302 04; P3130 03;  
P2211 04; P1000 03; P1099 06; P1100 05;  
P1101 05; P1102 05; P1103 05; P1104 06;  
P1105 01; P1106 01; P1107 01; P1300 02;  
P1301 02; P1310 01; P1311 01; Basement  
Impact Assessment (8th Dec 2015); Ground  
Contamination Risk Assessment and  
Remediation Strategy (8th Dec 2015); Noise  
Impact Addendum Assessment (Dec 2015);  
Sustainability Statement Addendum (11th Dec  
2015); Energy Statement Addendum (11th Dec  
2015); Façade Retention and Basement  
Proposals (9th Dec 2015); Supplementary  
Design Report (Dec 2015); Construction Method  
Statement (Dec 2015); Historic Environment  
Assessment (Buried Assets) (Dec 2015);  
Geotechnical Desk Study (Dec 2015); Air  
Quality Assessment (Addendum) (Dec 2015)

3.1.2 "Planning Application"

the application for Planning Permission in respect of the Property submitted on 11 December 2015 by the Owner and given reference number 2015/7017/P

3.1.2 "Planning Permission"

the definition of "Planning Permission" shall be amended by adding the following words at the end: "and as amended by the planning permission under reference number 2015/7017/P to be issued by the Council in the form of the draft annexed hereto at Schedule 6"

3.2 The following definitions shall be added to the Original Agreement as varied by the First Deed of Variation:-

3.2.1 "Basement Approval in Principle

Application"

an application to the Council's Highways Structural team for an approval in principle of the construction of the basement (forming part of the Development) which is to be assessed by the Council with a view to ensuring that sufficient loadings are maintained at all times at the interaction of the Development site and the Public Highway so as to ensure that the Public Highway is not compromised at any time during the Construction Phase or thereafter

3.2.2 "Basement Approval in Principle

Contribution"

the sum of £1,800.00 (one thousand eight hundred pounds only) to be applied by the Council in event of receipt towards the assessment by the Council's Highways Structural team of the Basement Approval in Principle Application

3.2.3 "Commencement of the  
Basement Works"

the date of implementation of the Basement Works by the carrying out of a material operation as defined in Section 56 of the Act and references to "Commencement" and "Commence" shall be construed accordingly

3.2.4 "the Basement Works"

all works associated with forming the basement, lightwells and access ramp(s)

3.2.5 "the Burland Category of Damage"

an industry recognised category of structural damage as specified at para 2.30 of Camden Planning Guidance 4: Basements and lightwells (as may be amended) and shown in the Seventh Schedule annexed hereto

3.2.6 "Neighbouring Properties"

the neighbouring properties known as 67-69 Whitfield Street

3.2.7 "Detailed Basement Construction Plan"

a plan setting out detailed information relating to the design and construction of the basement forming part of the Development with a view to minimising any or all impacts of the Development on Neighbouring Properties and the water environment and to provide a programme of detailed mitigating measures to be undertaken and put in place by the Owner with the objective of maintaining the structural stability of the Property and Neighbouring Properties as described in the Basement Impact Assessment By Arup dated December 2015 submitted with the Planning Application and to include the following key stages:-

1. the Owner to appoint an independent suitably certified engineer (qualified in the fields of geotechnical and/or structural engineering) from a recognised relevant professional body having relevant experience of sub-ground level construction commensurate with the Development ("the Basement Design Engineer") and for details of the appointment to be submitted to the Council for written approval in

advance (and for the Owner to confirm that any change in Basement Design Engineer during the Construction Phase with the Council in advance of any appointment); and,

2. the Basement Design Engineer to formulate the appropriate plan to fulfil the requirements of the Detailed Construction Basement Plan and at all times to ensure the following:-

(a) that the design plans have been undertaken in strict accordance with the terms of this Agreement incorporating proper design and review input into the detailed design phase of the Development and ensuring that appropriately conservative modelling relating to the local ground conditions and local water environment and structural condition of Neighbouring Properties have been incorporated into the final design; and

(b) that the result of these appropriately conservative figures ensure that that the Development will be undertaken without any impact on the structural integrity of the Neighbouring Properties beyond "Slight" with reference to the Burland Category of Damage; and

(c) that the Basement Design Engineer having confirmed that the design plans have been undertaken in strict accordance with this Agreement and includes a letter of professional certification confirming this and that the detailed measures set out in sub-clauses (i)-(vii) below have been incorporated correctly and appropriately and are sufficient in order to

achieve the objectives of the Detailed Basement Construction Plan;

- (i) reasonable endeavours to access and prepare a detailed structural appraisal and conditions survey of all the Neighbouring Properties to be undertaken by an independent suitably qualified and experienced chartered surveyor (and for details to be offered if this is not undertaken in full or part);
- (ii) a method statement detailing the proposed method of ensuring the safety and stability of Neighbouring Properties throughout the Construction Phase including temporary works sequence drawings and assumptions with appropriate monitoring control risk assessment contingency measures and any other methodologies associated with the basement and the basement temporary works;
- (iii) detailed design drawings incorporating conservative modelling relating to the local ground conditions and local water environment and structural condition of Neighbouring Properties prepared by the Basement Design Engineer for all elements of the groundworks and basement authorised by the Planning Permission together with specifications and supporting calculations for both the temporary and permanent basement construction works;
- (iv) the Basement Design Engineer to be retained at the Property throughout the Construction Phase to inspect approve and undertaking regular monitoring of both permanent and temporary basement construction works throughout their

duration and to ensure compliance with the plans and drawings as approved by the building control body;

(v) measures to ensure the on-going maintenance and upkeep during the Construction Phase of the basement forming part of the Development and any and all associated drainage and/or ground water diversion measures order to maintain structural stability of the Property the Neighbouring Properties and the local water environment (surface and groundwater);

(vi) measures to ensure ground water monitoring equipment shall be installed prior to Implementation and retained with monitoring continuing during the Construction Phase and not to terminate monitoring until the issue of the Certificate of Practical Completion (or other time agreed by the Council in writing); and,

3. the Owner to appoint a second independent suitably certified engineer (qualified in the fields of geotechnical and/or structural engineering) from a recognised relevant professional body having relevant experience of sub-ground level construction commensurate with the Development ("the Certifying Engineer") and for details of the appointment of the certifying engineer to be submitted to the Council for written approval in advance; and,
4. for the Certifying Engineer to review the design plans and offer a 2 page review report to the Council confirming that the design plans have been formulated in strict accordance with the terms of this Agreement and have appropriately

and correctly incorporated the provisions of sub-clauses (i)-(vii) above and are sufficient to achieve the objectives of the Detailed Basement Construction Plan AND should any omissions, errors or discrepancies be raised by the Certifying Engineer then these to be clearly outlined in the report and thereafter be raised directly with the Basement Design Engineer with a view to addressing these matters in the revised design plans.

5. Only thereafter shall the Owner submit the agreed finalised version of the Detailed Basement Construction Plan to the Council for its written approval with a letter of professional certification from the Certifying Engineer confirming that the Detailed Basement Construction Plan is an approved form and has been formulated in strict accordance with the terms and clauses of this Agreement.

6. The Owner to respond to any further questions and requests for further information about the submitted plan from the Council and in the event that a further technical assessment be required then the Owner agrees to reimburse the Council for any costs expended which requires the instruction of an independent assessment in order to resolve any unresolved issues or technical deficiencies in the Council's consideration of the submitted plan.

3.3 The following clauses shall be added to the Original Agreement as varied by the First Deed of Variation:-

#### **4.16 BASEMENT APPROVAL IN PRINCIPLE**

4.16.1 On or prior to the Commencement of the Basement Works to:-

- (i) submit the Basement Approval in Principle Application; and
- (ii) pay to the Council the Basement Approval in Principle Contribution.

4.16.2 Not to commence any part of the Basement Works until such time as:

- (i) the Council has approved the Basement Approval in Principle Application as demonstrated by written notice to that effect such approval not to be unreasonably withheld or delayed; and
- (ii) the Council has received the Basement Approval in Principle Application Contribution in full.

#### **4.17 DETAILED BASEMENT CONSTRUCTION PLAN**

4.17.1 On or prior to the commencement of the Basement Works to provide to the Council for approval the Detailed Basement Construction Plan.

4.17.2 Not to commence any part of the Basement Works until such time as the Council has approved the Detailed Basement Construction Plan as demonstrated by written notice to that effect, such approval not to be unreasonably withheld or delayed.

4.17.3 The Owner acknowledges and agrees that the Council will not approve the Detailed Basement Construction Plan unless it demonstrates by way of certification by the suitably qualified engineers from recognised relevant professional body to the Council's reasonable satisfaction that the Development can be constructed safely in light of the ground and water conditions and will not cause any structural problems with neighbouring properties nor the Development itself.

4.17.4 To ensure that throughout the Construction Phase the Development shall only be carried out in strict accordance with the requirements of the Detailed Basement Construction Plan and in the event of non-compliance with this sub-clause the Owner shall upon notice from the Council forthwith take any steps required to remedy such non-compliance.

4.17.5 Following completion of the Basement Works to submit to the Council for approval in writing a satisfactory post-completion review by way of certification by a suitably qualified engineer from a recognised relevant professional body confirming that the



measures incorporated in the Detailed Basement Construction Plan as approved by the Council have been incorporated into the Development.

- 4.17.6 Following the Occupation Date the Owner shall not Occupy or permit Occupation of any part of the Development other than in strict accordance with the Detailed Basement Construction Plan as approved by the Council and in the event of any breach shall forthwith take any steps required to remedy such non-compliance.
- 3.4 The words "2010/6873/P" in clause 5.2 of the Existing Agreement shall be deleted and replaced by "2015/7017/P".
- 3.5 The words "2010/6873/P" in clause 5.5 of the Existing Agreement shall be deleted and replaced by "2015/7017/P".
- 3.6 The words "2010/6873/P" in clause 6.1(a) of the Existing Agreement shall be deleted and replaced by "2015/7017/P".
- 3.7 The draft planning permission reference 2015/7017/P annexed to this Agreement shall be treated as annexed to the Original Agreement as varied by the First Deed of Variation in addition to the existing annexures at Schedule 6.
- 3.8 The Schedule annexed to this Agreement shall be added as Schedule 7 to the Original Agreement as varied by the First Deed of Variation.
- 3.9 In all other respects the Original Agreement as varied by the First Deed of Variation (and 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

#### **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, the Owner and the GLA have caused this Deed to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY )  
WEST LONDON & SUBURBAN )  
PROPERTY INVESTMENTS LIMITED )  
acting by a Director and its Secretary )  
or by two Directors )

.....  
Director

.....  
Director/Secretary 800

EXECUTED AS A DEED BY AFFIXING )  
THE COMMON SEAL OF THE )  
GREATER LONDON AUTHORITY )

.....  
Duly Authorised Signatory



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

.....  
Authorised Signatory



SCHEDULE

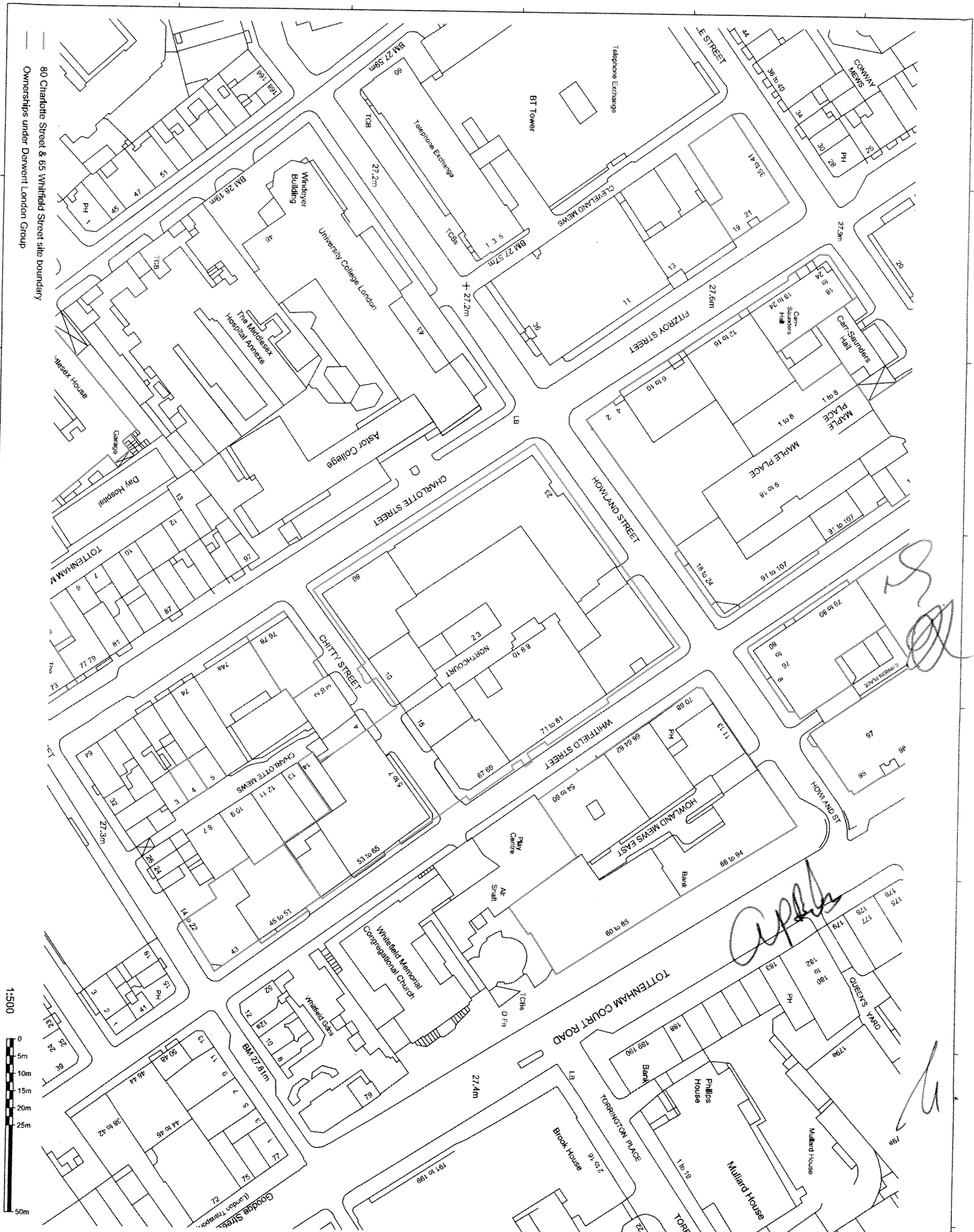
The Burland Category of Damage

Category of damage	Description of typical damage	Approximate crack width (mm)	Limiting tensile strain $\epsilon_{lim}$ (per cent)
0 Negligible	Hairline cracks of less than about 0.1 mm are classed as negligible	<0.1	0.0-0.05
1 Very slight	Fine cracks that can easily be treated during normal decoration. Perhaps isolated slight fracture in building. Cracks in external brickwork visible on inspection	<1	0.05-0.075
2 Slight	Cracks easily filled. Redecoration probably required. Several slight fractures showing inside of building. Cracks are visible externally and some repointing may be required externally to ensure weathertightness. Doors and windows may stick slightly.	<5	0.075-0.15
3 Moderate	The cracks require some opening up and can be patched by a mason. Recurrent cracks can be masked by suitable lining. Repointing of external brickwork and possibly a small amount of brickwork to be replaced. Doors and windows sticking. Service pipes may fracture. Weathertightness often impaired.	5-15 or a number of cracks > 3	0.15-0.3
4 Severe	Extensive repair work involving breaking-out and replacing sections of walls, especially over doors and windows. Windows and frames distorted, floor sloping noticeably. Walls leaning or bulging noticeably, some loss of bearing in beams. Service pipes disrupted.	15-25 but also depends on number of cracks	>0.3
5 Very severe	This requires a major repair involving partial or complete rebuilding. Beams lose bearings, walls lean badly and require shoring. Windows broken with distortion, Danger of instability.	Usually > 25 but depends on number of cracks	

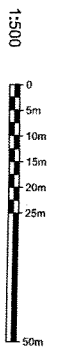
Damage Category Chart (CIRIA C580)

Extract from para 2.30 of the Camden Planning Guidance 4: Basements and Lightwells





80 Charlotte Street & 65 Whitefield Street site boundary  
 Ownerships under Derwent London Group



*Handwritten signature/initials*

*Handwritten signature/initials*

*Handwritten signature/initials*

**make**  
 53-65 Whitefield Street  
 London, W1T 4HE  
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 info@makearchitects.com  
 www.makearchitects.com

**West London & Suburban  
 Property Investments Limited**

**Client:**  
 West London & Suburban  
 Property Investments Limited

**Project:**  
 80 Charlotte Street &  
 65 Whitefield Street

**Drawing Title:**  
 Existing site layout & boundary

**Scale:** 1:500

**Paper Size:** A1

**Date:** 09.12.10

**Project No.:** 0355

**Draw No.:** P0001

**Rev No.:** 00

**North**

**General Notes:**  
 1. Dimensions are in millimetres unless stated otherwise.  
 2. Levels are in metres AOD unless stated otherwise.  
 3. Dimensions govern.  
 4. Do not scale off drawing.  
 5. All alterations to be verified on site survey proceedings.  
 6. All discrepancies to be notified in writing to Make Limited.  
 7. Make Limited 2008

**Authorisation:**  
 A. All drawings are prepared by the Architect.  
 B. All drawings are prepared by the Architect.  
 C. All drawings are prepared by the Architect.  
 D. All drawings are prepared by the Architect.  
 E. All drawings are prepared by the Architect.  
 F. All drawings are prepared by the Architect.  
 G. All drawings are prepared by the Architect.  
 H. All drawings are prepared by the Architect.  
 I. All drawings are prepared by the Architect.  
 J. All drawings are prepared by the Architect.

**Revision:**

Rev	Date	Reason for Revision	By
00	08.12.10	Planning Application	MT
		Reason for Revision	CH



DP9  
100 Pall Mall  
London  
SW1Y 5NQ

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

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

Application Ref: **2015/7017/P**

23 March 2016

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:

**Saatchi Block**  
**80 Charlotte Street**  
**65 Whitfield Street and 14 Charlotte Mews**  
**London W1T 4QP**

Proposal:

**DECISION**  
Variation of condition 2 (approved drawings) granted under reference 2010/6873/P dated 16/03/12 for mixed use redevelopment of site; to demolish post war buildings on Charlotte Street, Chitty Street, Howland Street and part Whitfield Street and erection of new mixed use buildings, similar to those approved with minor façade and basement alterations.

Drawing Nos: Superseded drawings: ; P2304 03; P3121 02; P3125 02; P1020 00; P2099 02; P2100 02; P2101 01; P2102 01; P2103 01; P2104 01; P2105 01; P2106 02; P2107 02; P2108 02; P2109 03; P2110 01; P2150 01; P2303 04; P3150 03; P2301 03; P3101 03; P3120 02; P2302 03; P3130 02; P2211 03; P1000 02; P1099 05; P1100 04; P1101 05; P1102 04; P1103 04; P1104 05; P1105 00; P1106 00; P1107 00; P1300 01; P1301 01; P1310 00; P1311 00

Revised drawings and documents: P2304 04; P3121 03; P3125 03; P1020 02; P2099 4; P2100 04; P2101 02; P2102 02; P2103 02; P2104 02; P2105 02; P2106 03; P2107 03; P2108 03; P2109 04; P2110 02; P2150 02; P2303 05; 3150 04; P2301 04; P3101 04; P3120 03; P2302 04; P3130 03; P2211 04; P1000 03; P1099 06; P1100 05; P1101 05; P1102 05; P1103 05; P1104 06; P1105 01; P1106 01; P1107 01; P1300 02; P1301 02; P1310 01; P1311 01; Basement Impact Assessment (8th Dec 2015); Ground Contamination Risk Assessment and Remediation Strategy (8th Dec 2015); Noise Impact Addendum Assessment (Dec 2015); Sustainability Statement Addendum (11th Dec 2015);

Energy Statement Addendum (11th Dec 2015); Façade Retention and Basement Proposals (9th Dec 2015); Supplementary Design Report (Dec 2015); Construction Method Statement (Dec 2015); Historic Environment Assessment (Buried Assets) (Dec 2015); Geotechnical Desk Study (Dec 2015); Air Quality Assessment (Addendum) (Dec 2015)

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 REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans-

P2304 04; P3121 03; P3125 03; P1020 02; P2099 4; P2100 04; P2101 02; P2102 02; P2103 02; P2104 02; P2105 02; P2106 03; P2107 03; P2108 03; P2109 04; P2110 02; P2150 02; P2303 05; 3150 04; P2301 04; P3101 04; P3120 03; P2302 04; P3130 03; P2211 04; P1000 03; P1099 06; P1100 05; P1101 05; P1102 05; P1103 05; P1104 06; P1105 01; P1106 01; P1107 01; P1300 02; P1301 02; P1310 01; P1311 01; Basement Impact Assessment (8th Dec 2015); Ground Contamination Risk Assessment and Remediation Strategy (8th Dec 2015); Noise Impact Addendum Assessment (Dec 2015); Sustainability Statement Addendum (11th Dec 2015); Energy Statement Addendum (11th Dec 2015); Façade Retention and Basement Proposals (9th Dec 2015); Supplementary Design Report (Dec 2015); Construction Method Statement (Dec 2015); Historic Environment Assessment (Buried Assets) (Dec 2015); Geotechnical Desk Study (Dec 2015); Air Quality Assessment (Addendum) (Dec 2015)

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

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of application dated 16/03/2012 (ref: 2010/6873/P) and is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission.
- 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 Permission has been granted for a large-scale redevelopment of the site to provide a mixed use scheme comprising office, retail and residential. The development as approved would retain a number of existing building facades within the Charlotte Street Conservation Area. It also proposed to retain a number of large post war office buildings to reuse floorplates and reclad in modern material and design. The principle of mixed use development at this site has been found to be acceptable. This proposal is for complete demolition of the post war buildings fronting Charlotte Street, Howland Street and part of Whitfield Street to allow for a full rebuild. The newly erected buildings would be of a similar appearance the approved reclad post war buildings already approved, albeit with some alterations to the appearance of all facades (Charlotte Street, Howland Street, Chitty Street and Whitfield Street) to alter demotions of bays and floor heights, particularly at ground floor level with some alterations to approved lightwell depth and size.

These amendments are required as structural investigations have highlighted defects within the structural integrity of the existing 1960s concrete structure, in particular the lack of rebar cover and problems of extensive concrete honeycombing. To retain these structures, with associated repairs, would be extensive, complicated and time-consuming.

The main issues to consider are:

- Design
- Sustainability
- Basement excavation
- Construction

#### 4 Design

The proposed changes can be summarised as follows:

Howland Street - Complete demolition of post war buildings, erection of new building to match height and overall design of approved, with minor façade alterations namely to lower height of bays at ground floor level and to increase the depth and length of the proposed lightwell.

Whitfield Street - facades of buildings at the south side of the block would be retained and mostly unaltered. The flank of the existing post war building would be demolished and replaced with a newly erected building to be similar in appearance to the approved albeit with a reduced ground floor level to allow for an increase in the overall height of each floor. The ground floor would now be in line with the retained façade at ground floor level at the adjoining building. The lintels on the retained façade would be retained (under an earlier, approved, amendment

application they were to be removed), there would be minor façade alterations to all new elements.

Charlotte Street - Complete demolition of all buildings and erection of new buildings to match those already approved, albeit with reduced height of bays at ground floor level in the southern element. The northern element would remain relatively unchanged. There would be a slight increase in the depth of the lightwell.

Chitty Street - Complete demolition of all buildings other than the south east corner façade (which is within the Charlotte Street Conservation Area). To allow for the erection of new building to match the approved albeit with minor alterations to the western element to lower the bays at ground floor level and reduce overlooking to pocket park by screening windows behind perforated brick feature wall.

The proposed complete demolition of the post war buildings is considered to be acceptable, they are not within a conservation area, nor are they locally listed, nor are they considered to be of any significant historic or architectural merit.

The proposed design changes are considered to be acceptable, they would be broadly similar to the approved scheme with only minor façade alterations. The changes do not affect the overall appearance of the scheme or impact upon the wider streetscene or adjoining conservation area. The scheme has been designed so that each element appears as a separate building to maintain the character of Fitzrovia, which would not change. The proposed materials, height, scale, form and detailed design would be so similar to the approved as to be considered a non material amendment.

## 5 Sustainability

The approved scheme, with retained floorplates and reclad post-war buildings would have achieved a BREEAM rating of Very good. The revised scheme, which proposes the demolition of all post war buildings and erection of new buildings to modern standards, can achieve BREEAM of Excellent as noted in the submitted Sustainability Statement.

With regards to energy and CO2 emissions the submitted energy statement identified that there would, under the approved scheme, be a minimum of a 46% improvement on Part L 2006 for the commercial element. The amended scheme would improve upon Part L 2006 (i.e. an improvement greater than 46%), despite the baseline for buildings tightening since the scheme was originally approved. This includes a reduction in carbon emissions by 15%. This is an improvement on the approved scheme in accordance with policies CS13 (tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction).

The original section 106 agreement contained clauses requiring that a BREEAM rating of Very Good or higher for the commercial element and Excellent for the

residential element be attained, and details submitted to demonstrate this. This requirement was satisfied for the Approved Development on 7th January 2013 following the submission of the relevant plans. The improvements upon the approved plans are therefore welcome.

## 6 Basement excavation

The amended proposals for this previously approved development include further demolition of buildings and the deepening of the existing basement below 80 Charlotte Street by approximately 2 metres. A basement impact assessment has been carried out by the applicants and independently assessed.

The independent assessment states that it is accepted that there are no slope stability, hydrogeological or hydrological concerns with respect to the development proposals. The basement retention system has not been fully developed. However, it is stated in the BIA that the retaining walls in those sections will be of sufficient stiffness to limit ground movements to within the predicted values.

The report concludes that the BIA has been prepared in accordance with the processes and procedures set out in Camden Planning Guidance 4. The methodologies and assumptions are clearly stated and are appropriate to the scale of the proposals and the nature of the site. The conclusions have been arrived at are based on all necessary and reasonable evidence of the considerations, in a reliable, transparent manner, by suitably qualified professionals, with sufficient attention paid to risk assessment and use of cautious or moderately conservative engineering values/estimates. The conclusions of the various documents/details comprising the BIA are generally consistent with each other and are sufficiently robust and accurate and accompanied by sufficiently detailed amelioration/mitigation measures, such that further information required can be provided within a Basement Construction Plan.

It is recommended that a Basement Construction Plan is provided and approved prior to commencement on site and this should include:

- A refined GMA/building damage assessment for the remaining sections which have not been fully developed
- Consistent pile sizes and spacing in the various sections of the BIA
- The full input and output from all the ground movement analysis programmes used
- A detailed temporary works scheme to validate assumptions made in the GMA for the remaining sections.
- Results of condition surveys of potentially affected structures.
- Detailed monitoring scheme for potentially affected structures.
- Control measures for possible water ingress between the individual piles.

## 7 Construction

The previous scheme proposed substantial renovation of the existing post-war building's floorplates with a reclad façade. The new scheme proposes the total demolition of all post war structures on the site and the rebuilding to modern specifications. Given the complexities of refurbishing buildings generally, and the added issue of severe issues with the structural integrity of the existing 1960s concrete the most appropriate option is considered to be a total demolition and rebuild.

The demolition of the existing structures will allow for not only improvements in sustainability/energy but also for a more certain construction period.

The applicants have submitted a construction method statement which highlights that no more than 40 construction vehicles a day will be used (no more than as already approved) and that dust from demolition can be minimised through the use of shrouds and vehicular cleansing as they leave the site. The construction method statement concludes that the proposal is feasible in terms of general construction process and methodology.

Given that the construction process would be simplified with less uncertainty surrounding potential repair works to old concrete, it is considered that there could be less impact on neighbours as there is lower potential for delays.

## 8 Cycle access

The previous proposal would have seen bicycles accessing the basement parking facilities via the vehicle access ramp from Howland Street. The revised proposal would locate the cycle parking facilities to a slightly lower level within the basement; bicycles will now access it via the vehicle ramp and then a separate bicycle ramp.

The ramp would be 1.5m wide and have a gradient of 1:10 this is considered to be acceptable. There would be no changes to the amount or type of cycle spaces provided, which is acceptable given the scope of this application.

## 9 Other matters

In all other respects the scheme would remain unchanged and as such there would be no additional considerations above what has been assessed in the previous scheme.

There would be no impact on the amenity of surrounding residential properties as the height, bulk, mass and general design would remain unchanged with window positions only being moved minimally to take into account revised floor levels.

The section 106 agreement has been amended to include the following revised heads of terms:

- Basement Construction Plan
- Approval in Principle (with costs)

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The site's planning history and relevant appeals have been taken into account when coming to this decision. No representations were received as a result of consultation.

As such, the proposal is in general accordance with policies CS1, CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan March 2015, consolidated with alterations since 2011, and paragraphs 14, 17, 56-66 and 126-141 of the National Planning Policy Framework.

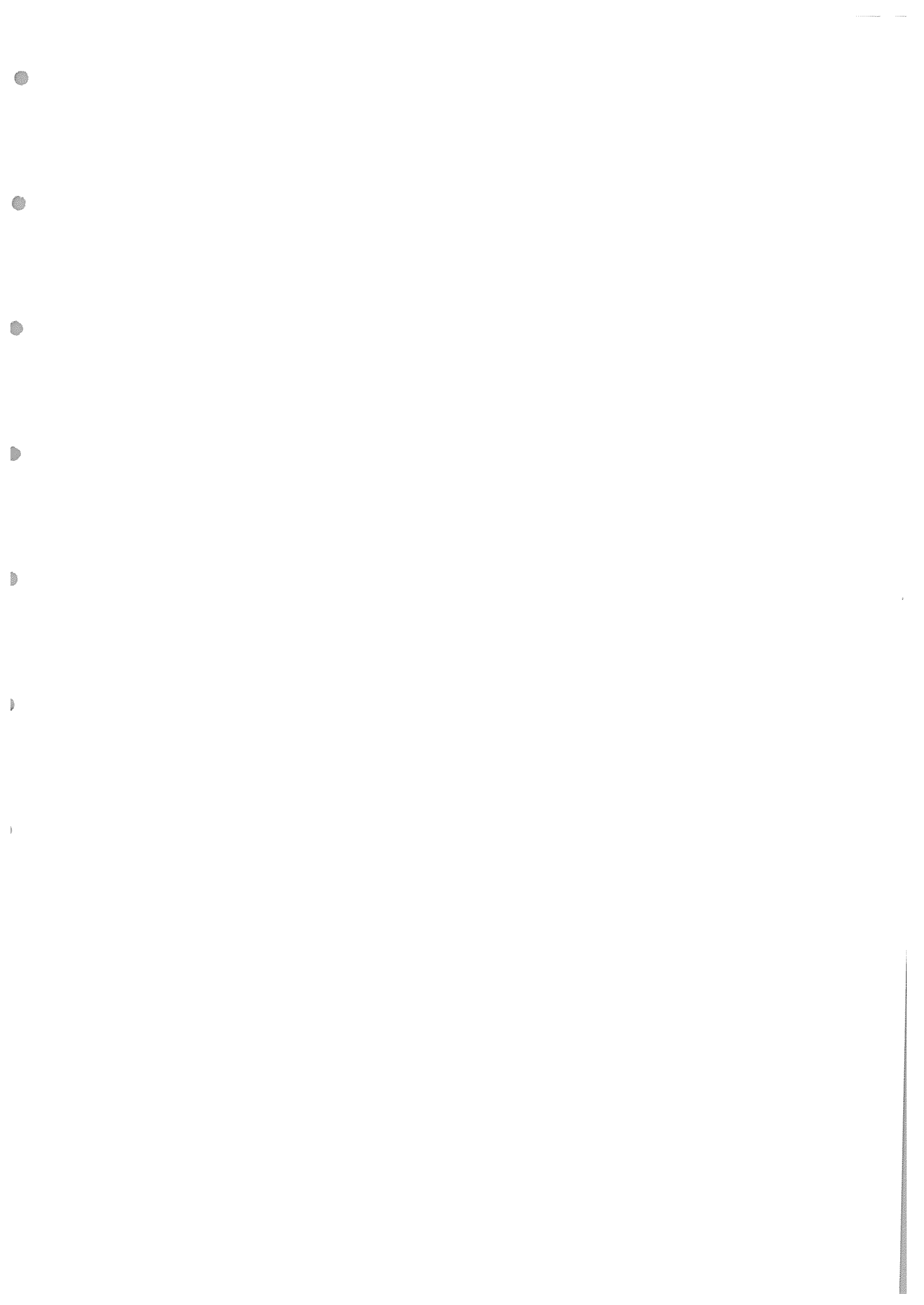
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

**DECISION**





DATED

30 March

2016

**(1) WEST LONDON & SUBURBAN PROPERTY INVESTMENTS LIMITED**

-and-

**(2) THE GREATER LONDON AUTHORITY**

-and-

**(3) 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 16 March 2012 (as varied by the First Deed of Variation dated 24 July 2013)

between

the Mayor and Burgesses of the London Borough of Camden and the Greater London Authority  
and

West London & Suburban Property Investments Limited

under section 106A of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**SAATCHI BLOCK 80 CHARLOTTE STREET 65 WHITFIELD STREET AND 14  
CHARLOTTE MEWS LONDON W1T 4QP**

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Andrew Maughan  
Borough Solicitor  
London Borough of Camden  
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