

DATED

28<sup>TH</sup> JULY

2017

(1) REGAL GI LIMITED

and

(2) TITLESTONE REAL ESTATE LIMITED

and

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

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**SECOND DEED OF VARIATION**

Relating to the Agreement dated 10 October 2014  
as varied by the Deed dated 31 July 2015  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Regal GI Limited and Titlestone Real Estate Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**277A GRAY'S INN ROAD LONDON WC1X 8QF**

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

Tel: 020 7974 6007  
Fax: 020 7974 2962

Legal/JL/1685.2892  
DoV v FINAL



THIS DEED is made on the 28<sup>th</sup> day of July 2017

**BETWEEN:**

1. **REGAL GI LIMITED** (Co. Regn. No. 8781286) whose registered office is at 4-5 Coleridge Gardens London NW6 3QH (hereinafter called "the Owner") of the first part
2. **TITLESTONE REAL ESTATE LIMITED** (Co. Regn. No 08721965) of 40 Gracechurch Street London EC3V 0BT (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

**WHEREAS:**

- 1.1 The Council the Owner and the Mortgagee entered into the Existing Agreement and the First Deed of Variation pursuant to Section 106 of the Act in respect of the Original Planning Permission and the Second Planning Permission, respectively.
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor of the Property with Title Absolute under title number NGL596399 subject to two charges to the Mortgagee dated 17 January 2014 and 8 January 2015.
- 1.3 The Owner has an interest 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 to amend the Original Planning Permission as varied by the Second Planning Permission was submitted to the Council by the Owner and validated on 13 February 2017 for which the

Council resolved to grant permission conditionally under reference 2017/0003/P subject to the conclusion of this Deed.

1.6 This Deed is made by virtue of Section 106A of the Act 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 as varied by the First Deed of Variation the parties hereto have agreed to vary the terms of the Existing Agreement as varied by the First Deed of Variation as hereinafter provided.

## 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 as varied by the First Deed of Variation shall remain in full force and effect save as varied by this Deed.

2.2 If and to the extent that there is any inconsistency as between the Existing Agreement and this Deed then the provisions of this Deed shall prevail.

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

2.4 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 Deed.

2.5 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 Deed and shall not affect the construction of this Deed.

2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.7 References in this Deed to the Owner shall include its successors in title.

2.8 References in this Deed to the Mortgagee shall include any future mortgagees or chargees of the Property (or any part of it).

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

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

2.9.2 "Existing Agreement" the Section 106 Agreement dated 10 October 2014 made between the Council the Owner and the Mortgagee

2.9.3 "the First Deed of Variation" the Deed of Variation to vary the terms of the Existing Agreement dated 31 July 2015 made between the Council the Owner and the Mortgagee

2.9.4 "the Original Planning Permission" means the planning permission granted by the Council on 10 October 2014 referenced 2014/4267/P

2.9.5 "the Second Planning Permission" means the planning permission granted by the Council on 31 July 2015 referenced 2015/2285/P

### **3. VARIATION TO THE EXISTING AGREEMENT**

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

"Development" the development permitted by variation of condition 2 (Approved plans) , 13 (Ductwork) and 23 (sustainable drainage) AND submission of details relating to conditions 3 (Materials), 6

(Landscaping), 9 (Contamination), 10 (Cycle parking), 14/15 (Privacy Screens), 17 (Piling), 20 (Appointment of qualified engineer), 21 (Living roofs), 22 (Ecology), 24 (Noise), 26 (Basement works method statement/report) and 27 (Tree protection) for planning permission ref 2014/4267/P dated 10/10/2014 (as amended by 2015/2285/P dated 31/07/2015) for mixed use redevelopment of the site including 60 homes following demolition of existing building with changes to scheme include: basement size and plant room arrangement; alterations to commercial floorspace on the lower ground and ground levels and addition of office use (Class B1) to flexible options for café/gallery/retail space; revised Sustainable Urban Drainage Strategy (SUDS) strategy; elevational changes; use of alternative materials; changes to the composition of the Birkenhead Estate wall; modification to the landscaping; and alterations to the cycle parking as shown on the approved plans and drawings set out in the Planning Permission.

“Planning Permission”

the planning permission for the Development granted by the Council in the form of the draft annexed hereto under reference number 2017/0003/P

“Planning Application”

the application for Planning Permission in respect of the Property submitted to the Council and validated on 13 February 2017 for which a resolution to grant permission has been passed conditionally and given reference number 2017/0003/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Permission reference 2015/2285/P" shall be deleted and replaced with "Planning Permission reference 2017/0003/P".

3.3 The draft planning permission reference 2017/0003/P annexed to this Deed shall be treated as annexed to the Existing Agreement.

**4 PAYMENT OF THE COUNCIL'S LEGAL COSTS**

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

**5. REGISTRATION AS LOCAL LAND CHARGE**

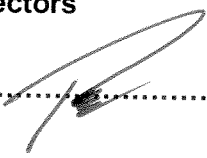
5.1 This Deed shall be registered as a Local Land Charge

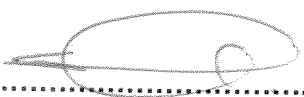
**6 COMMENCEMENT**

6.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in clause 3.1 of this Deed shall take effect on the Implementation of the Planning Permission referenced 2017/0003/P.

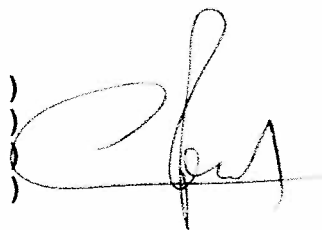
**IN WITNESS WHEREOF** the Council and the Owner has caused their respective Common Seals to be affixed and the Mortgagee has caused this Deed to be executed as a Deed the day and year first above written.

**EXECUTED AS A DEED BY** )  
**REGAL GI LIMITED** )  
**acting by a Director and its Secretary** )  
**or by two Directors** )

.....  
  
**Director**

.....  
  
**Director/Secretary**

EXECUTED AS A DEED BY  
TITILESTONE REAL ESTATE LIMITED  
by **Chris Proud**  
in the presence of:-

)  
)  
) 

Mark Pannell  
.....

MARK PANWELL  
40 Gracechurch Street, London, EC3V 0JT

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

R. Alexander  
.....

Authorised Signatory





Iceni Projects  
Flitcroft House  
114-116 Charing Cross Road  
London  
WC2H 0JR

Application Ref: **2017/0003/P**

21 July 2017

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 277a Grays Inn Road  
London  
WC1X 8OF**

Proposal:

**DECISION**  
Variation of condition 2 (Approved plans), 13 (Ductwork) and 23 (sustainable drainage) AND submission of details relating to conditions 3 (Materials), 6 (Landscaping), 9 (Contamination), 10 (Cycle parking), 14/15 (Privacy Screens), 17 (Piling), 20 (Appointment of qualified engineer), 21 (Living roofs), 22 (Ecology), 24 (Noise), 26 (Basement works method statement/report) and 27 (Tree protection) for planning permission ref 2014/4267/P dated 10/10/2014 (as amended by 2015/2285/P dated 31/07/2015) for mixed use redevelopment of the site including 60 homes following demolition of existing building. Changes to scheme include: basement size and plant room arrangement; alterations to commercial floorspace on the lower ground and ground levels and addition of office use (Class B1) to flexible options for café/gallery/retail space; revised Sustainable Urban Drainage Strategy (SUDS) strategy; elevational changes; use of alternative materials; changes to the composition of the Birkenhead Estate wall; modification to the landscaping; and alterations to the cycle parking.

Drawing Nos: Superseded:

(Prefix 126-) 1404C, 1405C, 1406D, 1301A, 1302B, 1303B, 1304B, 1305B, 1306B; 1501A, 1502A, 1503A, 1504A, 1505A, 1506B, 1507, 1508B.

Replacement: 1404E, 1405E, 1406E, 1301D, 1302D, 1303E, 1304D, 1305D, 1306D; 1501B, 1502B, 1503B, 1504B, 1505B, 1506C, 1508C.

Condition 27 Tree protection: TPP 8598-01 Rev A - Tree Protection Plan prepared by Keen Consultants and Icen Projects Covering Letter dated 24/10/2014.

Condition 26 (Basement): Structural Design Statement, prepared by Pringuer-James Consulting Limited (dated May 2015).

Condition 24 (Acoustic details): Primary Residential Internal Fabric Report, prepared by Hann Tucker Associates; Acoustic Report, prepared by Sharps Redmore (for reference - approved document); Acoustic Trickle Vent Manufacturers Specification.

Condition 23 (Sustainable Drainage): As set out in Appendix 14.0 and letter from R Choi (XC02 Energy Ltd) dated 25th February 2016.

Condition 20 (Chartered Engineer): Letter from Pringuer-James Consulting Limited (dated 19 May 2015), prepared by Pringuer-James Consulting Limited; Deed of Appointment Documentation for Pringuer-James Consulting Limited (dated 19 May 2015);

Condition 17 (Piling): Drawing 126-0100 - Site Location Plan, prepared by Material Architects; Risk and Method Statement, prepared by Burras Ltd; Drawing L7106-S-17-005 Rev 2 - General Arrangement of Piling, prepared by Pringuer James Consulting Ltd; Thames Water Sewer History; Thames Water Asset Location Search; Email from Thames Water dated 9 July 2015

Condition 14/15 (privacy screens): 1-529-A-PL-522, 523, 525.

Condition 10 (cycle parking): 1-529-A-PL -120revE, 121C, 450C, 451C, Product specifications by Josta.

Condition 9a & b (Contamination): Risk Management Strategy prepared by Terragen Environmental Consultants Limited dated February 2015; Phase 2a Site Investigation and GQRA prepared by Terragen Environmental Consultants Limited dated February 2015; Ground Investigation Report Rev 1 prepared by Soil Consultants dated 10/04/2015.

Conditions 6 (landscape), 21 (living roofs) and 22 (ecology): Landscape Proposals prepared by Tyrens UK dated 13/04/2015; Habitat Management Plan prepared by Environ dated April 2015;

Condition 3 (detailed drawings and materials): Commercial glazing details :1-529-A-PL-520 rev B, 521 rev B; Windows: 1-529-A-PL-501, 502, 503, 504; Doors: 1-529-A-PL-505, 506, 507 RevA, 508 RevA, 509, 510; Balcony/balustrade/gates: 1-529-A-PL-511, 512, 513, 514, 515, 516, 517, 518, 519; Birkenhead wall: 1-529-A-PL-525; Materials as set out in Outline Material Specification Rev A July 2017); Brickwork : see Appendix 2.0 Brick Detailing; Office plans 1-529-A-PL-116-1revA, 116-2revA, 010revB, 012revB

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2014/4267/p dated 10/10/2014.

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

- 2 Approved drawings I/II

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings approved subsequently by the local planning authority pursuant to conditions on this decision notice:

Drawings:

Prefix 126-

0100, 0200A, 0201A, 0202A, 0301A, 0302A, 0303A, 0401A, 0402A, 0403A, 0404A, 0900, 0901, 0902, 0903, 0904, 1101, 1200A, 1201A, 1202B, 1203B, 1204B, 1205B, 1206A, 1207B, 1208B, 1209, 1301D, 1302D, 1303E, 1304D, 1305D, 1306D, 1401C, 1402D, 1403, 1404E, 1405E, 1406E, 1501B, 1502B, 1503B, 1504B, 1505B, 1506C, 1508C, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1621, 1622.

Prefix 1-529-A-PL- 010B, 012B, 050B, 050C, 116-1A, 116-2A, 120E, 121C, 450C, 451C, 470B, 501, 502, 503, 504, 506, 506, 507A, 508A, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520B, 521B, 522, 523, 525

Other drawings:

Drawing L7106-S-17-005 Rev 2 - General Arrangement of Piling, prepared by Pringuer James Consulting Ltd; TPP 8598-01 Rev A) - Tree Protection Plan prepared by Keen Consultants; , Landscape hardworks 055-055\_300A, Landscape softworks 055-055\_300A and 1\_529-SK-150622-Level Changes).

- 3 The development shall be not be implemented other than in accordance with the detailed drawings and materials hereby approved, or other such details that have been submitted to and approved in writing by the local planning authority and which include
  - a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;
  - b) Plan, elevation and section drawings, including fascia, pilasters and glazing panels of the new shop fronts at a scale of 1:10;

c) Typical plan, elevation and section drawings of balustrading to terraces and balconies;

d) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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

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

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

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

- 5 The development shall not be implemented other than in accordance with the sample panels hereby approved or other such panels that have been submitted to and approved in writing by the local planning authority and which include: a. Typical courtyard flatted elevation (minimum 2m x 2m in size) including glazed opening showing reveal and header detail and elevation brickwork showing the colour, texture, face-bond and pointing of the brick and mortar and b. Typical courtyard house elevation (minimum 2m x 2m in size) including fixed panel glazing and zinc cladding showing junction and elevation brickwork showing the colour, texture, face-bond and pointing of the brick.

The approved panels shall be retained on location 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 The development shall not be implemented other than in accordance with the landscape details hereby approved, or other such details as submitted to and approved in writing by the local planning authority and which include full details of hard and soft landscaping and means of enclosure of all un-built, open areas and which specifically the following:
- a. lighting to the open space and on-site public areas
  - b. external CCTV and security monitors/fixtures
  - c. measures to prevent vehicles from entering the site

- d. the courtyard planters including sections, materials and finishes and planting schedules including a detailed scheme of maintenance and irrigation
- e. design of integrated play equipment including details of materials and finishes
- f. samples of all ground surface materials and finishes
- g. a sample panel of the boundary wall to the Birkenhead Estate demonstrating the reclaimed brickwork, showing the face-bond (including hit and miss) and pointing

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 policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the occupation for the permitted use of the development. Any trees or 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 local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

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

- 9 Contamination:

The development shall not proceed other than in accordance with the written programme of ground investigation and scheme of remediation measures hereby approved, or other such details which have been submitted to and approved in writing by the local planning authority and which provide a programme for investigating and remediating the presence of soil and groundwater contamination and landfill gas.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

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 policies G1, A1, D1 and DM1 of the London Borough of Camden Local Plan 2017.

- 10 Prior to first occupation of the courtyard houses in block D, the boundary wall with the adjoining properties on Gray's Inn Road shall be completed to a height of no less than 1.7m above the level of the house roof terraces at 1st floor.

Reason: In order to prevent unreasonable overlooking of neighbouring properties in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 11 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

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 H6 of the London Borough of Camden Local Plan 2017.

- 12 Prior to first occupation of the courtyard houses in block D, the boundary wall with the adjoining properties on Gray's Inn Road shall be completed to a height of no less than 1.7m above the level of the house roof terraces at 1st floor.

Reason: In order to prevent unreasonable overlooking of neighbouring properties in accordance with the requirements of policy CS5 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.

- 13 No primary cooking shall take place within the ground floor café/gallery premises.

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

- 14 Prior to first occupation of any flats in blocks A or B the privacy screens shall be installed to the roof terraces at third floor level and above in accordance with the details hereby approved, or other such details which have been submitted to and approved in writing by the local planning authority and are designed to protect the privacy of occupants of the development.

All such measures shall be implemented prior to first occupation of the development and shall be permanently retained.

No part of the roofs to Blocks A and B, other than the areas identified on the approved drawings as terraces, shall be used as outdoor amenity space.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 15 Prior to first occupation of any flats in Block C the privacy screens shall be installed to the roof terraces at first and second floor levels in accordance with the details hereby approved, or other such details which have been submitted to and approved in writing by the local planning authority.

All such measures shall be implemented in accordance with the approved details prior to first occupation of the development and shall be permanently retained.

No part of the roofs to Block C, other than the areas identified on the approved drawings as terraces, shall be used as outdoor amenity space.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 16 Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers as shown on the drawings hereby approved shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CC5, A1 and TC4 of the London Borough of Camden Local Plan 2017.

- 17 Piling method statement

Piling on site shall only be implemented in accordance with the piling method statement hereby approved or other such details prepared in consultation with Thames Water which have been submitted to and approved in writing by the local planning authority, setting out details of the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works.

All piling works shall be undertaken only in strict accordance with the approved method statement.

Reason: To safeguard the existing public sewer infrastructure and to protect the structural stability of the neighbouring buildings and structures, in accordance with policy CC3 of the London Borough of Camden Local Plan 2017.

- 18 No music shall be played on the ground floor food and drink premises in such a way as to be audible within the residential premises above.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4, TC1 and TC3 of the London Borough of Camden Local Plan 2017.

- 19 The food and drink use hereby permitted shall not be carried out outside the following times 07:00 to 22.00 hours Monday to Saturday, 09:00 to 21:00 on Sundays and Bank Holidays.

Outdoor seating areas associated with the retail/food & drink uses hereby permitted shall be cleared of customers between 20:00 and 08:00 hours, 7 days a week.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4, TC1 and TC3 of the London Borough of Camden Local Plan 2017.

- 20 The development shall not be carried out other than in accordance with the details of the chartered engineer hereby approved, or other such details which have been submitted to and approved in writing by the local planning authority demonstrating that a suitably qualified engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body.

Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 21 The development shall not be implemented other than in accordance with the living roof details hereby approved, or other such details which have been submitted to and approved in writing by the local planning authority and which provide full details of biodiverse, substrate-based extensive living roofs including a detailed scheme of maintenance, sections at a scale of 1:20 demonstrating the construction, materials used and a variation of substrate depth with peaks and troughs and full details of planting species and density.

The green roofs 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.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies G1, CC1, CC2, CC3, CC4, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.



- 22 The development shall not be implemented other than in accordance with the ecological enhancements recommended in the ecology appraisal and the Habitat Management Plan hereby approved, or other such details which have been submitted to and approved in writing by the local planning authority, as prepared by a suitably qualified ecologist and providing details of bird and bat box locations and types and indication of species to be accommodated. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

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 the London Plan and policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 23 Prior to first occupation of the development, a system of sustainable urban drainage shall be installed in accordance with the details hereby approved or other details which have been submitted to and approved in writing by the local planning authority and which ensure a maximum site runoff rate of 22.2l/s in the event a 1:100 year storm with 30% provision for climate change.

The system shall thereafter be retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 24 The development shall not be implemented other than in accordance with the Acoustic Details hereby approved, or other such details which have been submitted to and approved in writing by the local planning authority, providing details of sound insulation measures for incorporation into the building envelope in order to achieve BS 8233 criteria of 30dB LAeq in all bedrooms and 35dB in all living rooms, and prepared in accordance with the recommendations of the acoustic noise assessment by Sharps Redmore hereby approved.

The residential units shall not be occupied until the building has been constructed and fitted out in accordance with the approved measures, which shall thereafter be permanently retained and maintained in accordance with the manufacturers' recommendations.

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

- 25 Prior to first operation of any plant equipment on the roof of the commercial units, a plant noise assessment, prepared by a suitably qualified expert, shall be submitted to the local planning authority and approved in writing. The assessment shall demonstrate how the equipment will meet the Council's noise standards as set out in condition 8 and shall identify all necessary noise and vibration mitigation measures which are required in order to achieve the standards. The plant shall not be operated other than in complete accordance with such mitigation measures, which shall be maintained in accordance with the manufacturers recommendations and shall be retained for as long as the equipment is operative.

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

- 26 The basement shall be constructed in accordance with the Structural Design Statement hereby approved or other such report which has been submitted to and approved in writing by the local planning authority and which includes a scheme for implementation, detailing the final design, methodologies and construction sequences required to ensure that the impact of the basement on neighbouring properties will not exceed 'slight' (level 2 of the Burland scale).

Any such report shall be accompanied by a written certification by an suitably qualified chartered engineer who is independent of the report authors holding membership of the appropriate professional body, 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 in order to substantiate the report conclusions and recommendations.

The works of construction of the basement shall not be carried out other than in compliance with the approved methodologies and construction sequences.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 27 All works on site shall be carried out in accordance with the Tree Protection Plan hereby approved or other scheme which has been submitted to and approved in writing by the local planning authority and which demonstrate how trees in the neighbouring estate shall be protected during construction work and which follow the guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 28 The basement gym shall not be used for any purposes other than as ancillary to residential uses within the site.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 29 Notwithstanding the annotations on the drawings hereby approved, nothing in this permission grants consent for the entrance gates at the Grays Inn Road and St Chads Street access points to the development.

Reason: In order to ensure that ensure that the development allows free movement by all members of the community and contributes to the aims of community safety and mixed and balanced communities, in accordance with the requirements of policy C5 of the London Borough of Camden Local Plan 2017.

- 30 Prior to first occupation of the non-residential ground floor units, the ground floor commercial glazing hereby approved shall be clear glazed to a height of 1.8m across no less than 70% of its surface

Reason: In the interests of supporting animation at ground floor and passive surveillance to contribute to community safety of the courtyard and the public realm in accordance with the requirements of policy C5 of the London Borough of Camden Local Plan 2017.

- 31 Approved drawings II/II (contd)

Supporting documents:

**DECISION**

Daylight/Sunlight Assessment, by GVA Schatunowski Brooks June 2014; Letter from Ian Absolon (GVA Schatunowski Brooks) dated 18th August 2014 re Sunlight/Daylight with accompanying sheet 'Job 13 - Amenity results new wall height'; Design and Access Statement, prepared by Material Architects; Letter from Andy Robertson (Peter Brett Associates) 26th June 2014 re Flood risk assessment with associated appendices.; letter from R Choi (XC02 Energy Ltd) dated 25th February 2016, Heritage Statement June 2014 by KM Heritage; Landscape Design Statement Revision A 15th August 2014 by Tyrens-Mesh Partnerships; Marketing Report by Gerald Eve LLP ref Shay/AD/G6215; Transport Statement June 2014 by Icen Projects; Energy Statement by Environ June 2014 refUK11-19893; Sustainability Statement by Environ June 2014 refUK11-19893; Code for Sustainable Homes and BREEAM Pre-assessment by Environ June 2014 refUK11-19893; Ecological Assessment by Environ June 2014 UK1119893; Air Quality Assessment by Environ June 2014 refUK11-19893; Noise Assessment by Sharps Redmore, No 1414511 (dated 26th June 2014); Basement Impact Assessment Rev 02 by Pringuer James; Phase 1 Desk stop study report (ref. 12138) by Herts & Essex Site investigations; Mechanical and Electrical Services Report Planning Issue Rev01 by Spencer Mayes; Icen Projects Tree Protection Covering Letter dated 24/10/2014 Structural Design Statement, prepared by Pringuer-James Consulting Limited (dated May 2015); Primary Residential Internal Fabric Report, prepared by Hann Tucker Associates; Acoustic Report, prepared by Sharps Redmore; Acoustic Trickle Vent Manufacturers Specification; Letter from Pringuer-James Consulting Limited (dated 19 May 2015), prepared by Pringuer-James Consulting Limited; Deed of Appointment Documentation for Pringuer-James Consulting Limited (dated 19 May 2015); Risk and Method Statement, prepared by Burras Ltd; Thames Water Sewer History; Thames Water Asset Location Search; Email from Thames Water dated 9 July 2015; Product specifications by Josta; Risk Management Strategy prepared by Terragen Environmental Consultants Limited dated February 2015; Phase 2a Site Investigation and GQRA prepared by Terragen Environmental Consultants Limited dated February 2015; Ground Investigation Report Rev 1 prepared by Soil Consultants dated 10/04/2015; Landscape Proposals prepared by Tyrens UK dated 13/04/2015; Habitat Management Plan prepared by Environ dated April 2015; Outline Material Specification (REV C), prepared by WTA;

Section 73 Summary of Amendments (REV A), prepared by WTA, including appendices as follows:

- 1.0 Office Changes (REV B)
- 2.0 Brick Detailing
- 3.0 Concrete Elements (REV A)
- 4.0 Birkenhead Boundary Wall (REV A)
- 5.0 Typical Window Details
- 6.0 Typical External Door Details (REV A)
- 7.0 Architectural Metalwork
- 8.0 Office elevations
- 9.0 GA Elevations
- 10.0 GA Plans
- 11.0 Public Realm Plans
- 12.0 Cycle Storage
- 13.0 Office configuration plans
- 14.0 SUDS Strategy (REV B) Issued 23.03.2017

15.0 Accommodation Schedule  
16.0 Privacy Screen Detail

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 3 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 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 Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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 reminded that refuse sacks and receptacles 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 Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 8 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 9 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 the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk).
- 10 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 Environment Services (Recycling) on 0207 974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 11 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 12 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 13 Reasons for granting (I/IV)

This application seeks to amend the original permission 2014/4267/p (as amended by 2015/2285/P which allowed a minor increase in building heights), submit new details of materials (condition 3), sample panels (condition 5), privacy screens (conditions 14 and 15), Birkenhead Wall (condition 6) and cycle parking (condition 10) and consolidate previous approvals of details into a single revised decision notice.

The amendments to the original permission are as follows:

Basement alterations: The structural walls at basement level were increased in size and reconfigured to accommodate a plant room to allow direct access to an internal riser for flue venting via the roof of the tallest building. This has led to a reduction of c52sqm of floorspace at basement level. Revisions to the layout at basement and ground floors have minimised the loss of potential office space to c.8sqm. Basement cycle parking provision has been maintained. This minor loss of space is not significant and the basement alterations are acceptable.

The basement changes have also directed amendments to the non-residential floorspace at ground floor. Changes include rearrangement of the position of bin stores and entrances; omission of the lift from ground floor to basement; the recessed café/gallery/office entrance has been brought forward flush with the main elevation; the entrance to the RSL core has been slightly recessed. Brick would replace cladding below a recon stone capping. These elevation and plan changes are acceptable.

Change to flexible uses: The applicant is seeking more flexible uses at ground floor (from 'café/gallery (Class A1/Class A3) to flexible retail/food & drink/office Class A1/Class A3/Class B1) in order to avoid any potential for long term vacancy but safeguard the potential for an active frontage onto the courtyard. This would add B1 (office) use to the approved uses. A key motivation for having a café/gallery is to help bring life and animation to the courtyard during office hours. This is coupled with the need for the ground floor of the non-residential element to be transparent, to support activation of ground floor uses and provide passive surveillance of the mews courtyard.

The extent of frontage affected by the potential change in use is limited to 9m but it remains important that the elevation is transparent and affords views out for passive surveillance, and in to provide animation to the street. The revised drawings show the flexible space (A1/A3 and B1 café/gallery) and demonstrate that the ground floor curtain walling system to the commercial frontage would be full height glazing. The applicant has agreed to a new condition to ensure that the elevation remains open glazed and not obscured. The flexible floorspace is in a good location to function as a welcoming office entrance and so the potential to use the space for offices is acceptable. Subject to the new condition, the proposed addition of B1 office use to the flexible space is acceptable.

Ductwork: The applicant has confirmed that no internal ductwork would be provided to vent hot food cooking from the potential food & drink at ground floor. Condition 13 would therefore be revised to direct that no primary cooking shall take place on the premises.

#### 14 Reasons for granting (II/IV)

Changes to brickwork: The detailing of the brick build up to parapets (see submitted Appendix 2) between windows (on slab edges) has changed with the detail at head and foot amended to a single course of soldier whilst the typical slab edge has a similar bonded soldier to the consent, albeit taller. The changes retain sufficient quality of detail and attention to the brickwork and are acceptable.

Other elevation changes include: Stairwell louvres in RSL block changed to windows; Downpipes added to side and rear of blocks and front elevation of houses; Fenestration and roof dormers to rear of Block E to St Chads modified; Canopy removed from communal entrance door to Block E; Alterations to fenestration to top floor of tallest block; Addition of plant to allow emergency smoke ventilation; Alterations to rooflights on roof of commercial element and roof ladder access points added to sides of blocks. These changes are generally minor and would neither individually nor cumulatively harm the appearance of the development. These minor changes are acceptable.

## 15 Reasons for granting (III/IV)

### Details for approval

The applicant proposes the use of moulded fibre cement panels to clad lightweight supporting structures in place of concrete canopies to the doorways. Brickwork to match the approved would replace the concrete above the commercial cafe/office unit facing the courtyard and the exposed concrete to the rear between lower ground and ground floors of the duplex units. This latter change would not be evident from the public realm. Manufacturer's details of the alternative canopy materials have been submitted and are acceptable.

Birkenhead Wall: Condition 6(g) requires design details of the hit-and-miss brickwork to the Birkenhead boundary. The proposals to make this wall solid were revised during the assessment and have been replaced by angled steel fins set between brick piers, in a design to match the upper floor privacy screens. The proposals would allow light to penetrate the rear windows of the duplex units, would afford some outlook and would protect the amenity of residents in the neighbouring estate. The revised proposals are acceptable.

Cycle parking: The proposed amendments have moved the cycle provision for the affordable housing to a shared location with the market housing in the basement, accessed secure via Core A. The applicant has provided details from the Registered Provider confirming that the location is acceptable. The remainder of the cycle provision is accessed from within secure residential cores or privately within the mews houses.

The cycle parking for the office space is also at basement level, accessed via the stairwell or platform lift, if equipped as part of the fitout. This arrangement is not ideal, due to the indirect form of access. Although not required by condition 10 the office layout indicates a possible location for shower/changing facilities for office users. On balance it is considered that the office cycle provision will support cycle use and is acceptable. Overall the proposed cycle parking provision exceeds the required numbers, would be secure and directly accessible and is acceptable. Condition 10 is therefore discharged.



Materials: Elements of the scheme are nearing completion on site. Officers have therefore been able to review the materials in situ. Cooksbridge yellow clamp stock and mortar are used throughout and the choice and quality of finished brickwork is acceptable. Stone coping by Woodside Wet Cast Grey Portland would cap the parapets and is acceptable. The submitted window details, which have been observed in completed form on site, are of an acceptable quality and finish. The landscaping submission is identical to those previously approved under 2015/2283/P, with the exception of the additional details of the Birkenhead boundary wall, which is addressed above. The landscape details are acceptable.

#### 16 Reasons for granting (IV/IV)

Privacy screens: The details submitted show a 1.7m tall privacy screen, constructed of intermittent ppc steel fins set at angles to minimise opportunities for direct viewing through the screen on the most affected elevations. The secondary sides of the terraces which afford no direct overlooking would be surrounded by a more conventional balustrade. The screens would maintain the privacy of neighbours.

Metalwork: The details of balustrading to the terraces/balconies/sub-station is acceptable.

Doors: A variety of door finishes would be installed. Timber panelled doors would be fitted to the mews houses. Communal doors to the flats would be aluminium framed in a colour to match the metalwork throughout the site. Canopies would be provided over the majority of the communal doorways and the mews houses. The houses would have opaque glazed side panels at street level. Some upper floor doors would have side panels in standing seam zinc, as discussed above. Overall the details of the doors are acceptable. The door and curtain walling system to the non-residential entrance satisfies the design principles of the approved scheme and is acceptable.

Windows: Work is well underway on site and officers have reviewed the typical courtyard elevations to the flats and houses. The details demonstrate an acceptable quality of detail in the brickwork and junctions with typical window/glazing details.

However the site visit also highlighted that the side panels to the upper floor windows, throughout the scheme, have been finished in the same standing seam arrangement as the roof treatment approved under NMA 2016/6924/p. While this approach simplifies the use of materials across the development and the zinc material itself is not objectionable it does not deliver the same degree of finesse of detail which was expected in the approved scheme. However the panels are largely only visible from within the site and the design detailing across the remainder of the elevations remains acceptable. It is therefore not considered expedient to take enforcement action to remove and replace the panels. The panels are therefore considered to be acceptable.

Contamination: The contamination details submitted are the same as those previously approved and remain acceptable. An informative would be added to remind the applicant that Condition 9(b) cannot be fully discharged until the remediation works have been completed and a verification report is submitted and approved by the local planning authority prior to occupation.

A number of conditions have been previously discharged under various references. The relevant details have been re-submitted here for the purposes of consolidating the decision notice. The details that were previously approved for conditions 6 (landscaping), 9 (a and b in part, contamination), 17 (piling), 20 (appointment of engineer), 21 (Living roofs), 22 (ecology), 24 (noise), 26 (basement works) and 27 (tree protection) remain consistent with the previous approvals and the changes made as part of this application do not alter the acceptability of these re-submitted details. The following relevant conditions are hereby amended to reflect the re-approved details.

Conclusion: Design officers have been closely involved in the review of the submitted and on-site design details and support the proposals. Approve details and amendments, subject to s106 legal agreement (Deed of Variation to incorporate revised decision notice).

- 17 You are reminded that Condition 9(b) cannot be fully discharged until the remediation works have been completed and a verification report is submitted and approved by the local planning authority prior to occupation. You are also reminded that installation of any external plant to the roof of the commercial units will require details to be submitted under condition 25.

All other planning conditions which require details to be submitted and approved prior to commencement of the relevant works have been discharged.

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

Yours faithfully

Supporting Communities Directorate



DATED

28<sup>TH</sup> JULY

2017

(1) REGAL GI LIMITED

and

(2) TITLESTONE REAL ESTATE LIMITED

and

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

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**SECOND DEED OF VARIATION**

Relating to the Agreement dated 10 October 2014  
as varied by the Deed dated 31 July 2015  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Regal GI Limited and Titlestone Real Estate Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**277A GRAY'S INN ROAD LONDON WC1X 8QF**

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DoV v FINAL