

DATED

31 August

2017

(1) THE HARPUR TRUST

and

(2) BNP PARIBAS SECURITIES SERVICES TRUST COMPANY LIMITED and BNP PARIBAS SECURITIES SERVICES TRUST COMPANY (JERSEY) LIMITED) (each acting in their capacity as a trustee of the Mayfair Capital Commercial Property Trust)

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 15 May 2017  
Between the Mayor and the Burgesses of the  
London Borough of Camden, The Harpur Trust  
and BNP Paribas Securities Services Trust Company Limited and BNP Paribas Securities  
Services Trust Company (Jersey) Limited (each acting in their capacity as a trustee of the  
Mayfair Capital Commercial Property Trust  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**16-20 Red Lion Street, London, WC1R 4PQ**

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

Tel: 020 7974 1918  
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CLS/COM/SEA/1800.352  
DoV FINAL



THIS DEED is made on the 31st day of August 2017

**BETWEEN**

1. **THE HARPUR TRUST** (Co. Regn. No. 03475202) whose registered office is at Pilgrim Centre Brickhill Drive, Bedford, MK41 7PZ (hereinafter called "the Freeholder") of the first part
2. **BNP PARIBAS SECURITIES SERVICES TRUST COMPANY LIMITED** (incorporated in Jersey) of 19-23 La Motte Street, St Helier, Jersey, JE2 4SY and whose address for service in the United Kingdom is c/o Mayfair Capital Investment Management Limited, Fourth Floor, 2 Cavendish Square, London, W1G and **BNP PARIBAS SECURITIES SERVICES TRUST COMPANY (JERSEY) LIMITED** (incorporated in Jersey) of 19-23 La Motte Street, St Helier, Jersey, JE2 4SY and whose address for service in the United Kingdom is c/o Mayfair Capital Investment Management Limited, Fourth Floor, 2 Cavendish Square, London, W1G (acting in their capacity as a trustee of the Mayfair Capital Commercial Property Trust) (hereinafter called "the Owner") 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 Freeholder and the Owner entered into an Agreement dated 15 May 2017 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN114858 and NGL791114.
- 1.3 The Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Owner is registered at the Land Registry as the leasehold proprietor with Title absolute of the Property under Title Number NGL777023.

- 1.5 The Owner is the leasehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.6 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.
- 1.7 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 21 June 2017 for which the Council resolved to grant permission conditionally under reference 2017/3028/P subject to the conclusion of this Deed.
- 1.8 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.
- 1.9 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

## 2. **INTERPRETATION**

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Deed.
- 2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.
- 2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Agreement and shall not effect the construction of this Deed.

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

2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.

2.7 References in this Deed to the Owner, the Freeholder and Mortgagee shall include their successors in title.

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

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

2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 15 May 2017 made between the Council, the Harpur Trust and the BNP Paribas Securities Services Trust Company Limited and BNP Paribas Securities Services Trust Company (Jersey) Limited (each acting in their capacity as a trustee of the Mayfair Capital Commercial Property Trust)

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 15 May 2017 referenced 2016/5571/P allowing the erection of a roof extension for the creation of a 6th floor and roof top plant above, creation of terraces at ground floor, 1st, 5th and 6th floor levels, extension to rear of building, replacement of all existing single glazed windows and new reception entrance along Red Lion

Street and Sandland Street with associated re-cladding, rendering of the existing rear façade, and erection of a canopy to the rear area to create new cycle parking area as shown on drawing numbers: Drawing suffix 2077\_X\_;

SP(XX)01\_XX P01, GA\_(00)02\_DE P01, GA\_(01)02\_DE P01, GA\_(02)02\_DE P01, GA\_(03)02\_DE P01, GA\_(04)02\_DE P01, GA\_(05)02\_DE P01, GA\_(06)02\_DE P01, GA\_(B1)02\_DE P01, GE(NO)02\_DE P01, GE(EA)02\_DE P01, GE(SO)02\_DE P01, GE(WE)02\_DE P01, GS(AA)02\_DE P01, GS(BB)02\_DE P01, GA(00)02\_EX P01, GA(01)02\_EX P01, GA(02)02\_EX P01, GA(03)02\_EX P01, GA(04)02\_EX P01, GA(05)02\_EX P01, GA(06)02\_EX P01, GA(B1)02\_EX P01, GE(NO)02\_EX P02, (EA)02\_EX P02, GE(SO)02\_EX P02, GE(WE)02\_EX P02, GS(AA)02\_EX P01, GS(BB)02\_EX P02, GA(00)02\_XX P03, GA(01)02\_XX P02, GA(02)02\_XX P02, GA(03)02\_XX P02, GA(04)02\_XX P02, GA(05)02\_XX P02, GA(06)02\_XX P03, GA(07)02\_XX P03, GA(B1)02\_XX P02, GE(NO)02\_XX P03, GE(EA)02\_XX P03, GE(SO)02\_XX P02, GE(WE)02\_XX P02, GS(AA)02\_XX P02, GS(BB)02\_XX P02, EE(XX)02\_XX P01, EE(TY)01\_XX P01, EE(06)01\_XX P01, EE(06)02\_XX P01, \_EE(05)01\_XX P01, EE(00), 01\_XX P02, Design and Access Statement Addendum by ORMS dated January 2017, Planning and Heritage Statement Montagu Evans Dated October 2016, Air Quality Assessment XCO2 23/11/2016, Daylight & Sunlight Report by Delva Patman Redler dated November 2016, Energy and Sustainability Statement GDM 25/11/2016,

BREEAM Assessment by Verte Ltd dated January 2017, Acoustic Survey by Sandy Brown dated October 2016, Archaeological Assessment Pre-Construct dated September 2016, Policy DP1 Assessment Statement and additional off-site assessment by Montagu Evans dated December 2016 and January 2017 and Transport Statement Mayer Brown date January 2017

### 3. VARIATION TO THE EXISTING AGREEMENT

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

3.1.1 "Development"

variation of planning permission dated 15 May 2017 (2016/5571/P) allowing the erection of a roof extension for the creation of a 6th floor and roof top plant above, creation of terraces at ground floor, 1st, 5th and 6th floor levels, extension to rear of building, replacement of all existing single glazed windows and new reception entrance along Red Lion Street and Sandland Street with associated re-cladding, rendering of the existing rear façade, and erection of a canopy to the rear area to create new cycle parking area, as amended to alter the front and rear facades and fenestrations including additional rainwater pipes, louves and additional curtain wall glazing and a stairway from 5<sup>th</sup> to 6<sup>th</sup> floor and internal room alterations as shown on drawings Superseded drawings Drawing suffix 2077\_X\_; GE(NO)02\_DE P01, GE(EA)02\_DE P01, GE(SO)02\_DE P01, GE(WE)02\_DE P01, GS(AA)02\_DE P01, GS(BB)02\_DE P01, GE(NO)02\_EX P02, (EA)02\_EX P02, GE(SO)02\_EX P02, GE(WE)02\_EX P02, GS(AA)02\_EX P01,

GS(BB)02\_EX P02, GA(00)02\_XX P03,  
GA(01)02\_XX P02, GA(02)02\_XX P02,  
GA(03)02\_XX P02, GA(04)02\_XX P02,  
GA(05)02\_XX P02, GA(06)02\_XX P03,  
GA(07)02\_XX P03, GA(B1)02\_XX P02,  
GE(NO)02\_XX P03 , GE(EA)02\_XX P03,  
GE(SO)02\_XX P02, GE(WE)02\_XX P02,  
GS(AA)02\_XX P02, GS(BB)02\_XX P02.

Revised drawings:

Drawing suffix 2077\_X\_; GE(NO)02\_DE P03,  
GE(EA)02\_DE P04, GE(SO)02\_DE P02,  
GE(WE)02\_DE P02, GS(AA)02\_DE P02 ,  
GS(BB)02\_DE P03, GE(NO)02\_EX P03,  
GE(EA)02\_EX P03, GE(SO)02\_EX P03,  
GE(WE)02\_EX P03, GS(AA)02\_EX P02,  
GS(BB)02\_EX P03, GA(00)02\_XX P05,  
GA(01)02\_XX P04, GA(02)02\_XX P04,  
GA(03)02\_XX P04, GA(04)02\_XX P04,  
GA(05)02\_XX P05, GA(06)02\_XX P07,  
GA(07)02\_XX P06, GA(B1)02\_XX P06,  
GE(NO)02\_XX P09, GE(EA)02\_XX P09,  
GE(SO)02\_XX P05, GE(WE)02\_XX P07,  
GS(AA)02\_XX P04, GS(BB)02\_XX P05,  
GS(XX)01\_XX P01, Air Quality Assessment  
update dated June 2017, Acoustic Survey  
update dated June 2017 by Lee Cunningham  
Partnership.

3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2017/3028/P granted by the Council in the form of the draft annexed hereto

3.1.3 "Planning Application"

the application for Planning Permission in respect of the Property submitted on 25 May



2017 by the Owner and given reference number  
2017/3028/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2016/5571/P" shall be replaced with "Planning Permission reference 2017/3028/P".

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

4. **COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2017/3028/P.

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

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

6. **REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge

**IN WITNESS** whereof the Council has caused its Common Seal to be hereunto affixed and the Owner and the Freeholder have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY  
**THE HARPUR TRUST** acting by a  
director in the presence of:

}  

Witness signature: Clare

Witness name: CLARE LAKE

Address: 97 VILLAGE ROAD, BROMHAM, BEDS.

Occupation: FINANCE DIRECTOR

CONTINUATION OF SECTION 106 AGREEMENT IN RELATION TO 16-20 RED LION STREET, LONDON, WC1R 4PQ

Executed as a deed by )  
**BNP PARIBAS SECURITIES** )  
**SERVICES TRUST COMPANY LIMITED** )  
Acting in its capacity as trustee for )  
The Mayfair Capital Commercial Property )  
Trust )  
acting by a Director and its Secretary )  
or by two Directors )

*M. Allister*  
.....  
Director

*[Signature]*  
.....  
Director/Secretary

EXECUTED AS A DEED BY )  
**BNP PARIBAS SECURITIES** )  
**SERVICES TRUST COMPANY (JERSEY) LIMITED** )  
Acting in its capacity as trustee for )  
The Mayfair Capital Commercial Property )  
Trust )  
acting by a Director and its Secretary )  
or by two Directors )

*M. Allister*  
.....  
Director

*[Signature]*  
.....  
Director/Secretary

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

*R. Alexander*  
.....  
Authorised Signatory







Montagu Evans  
Montagu Evans LLP  
5 Bolton Street  
London  
W1J 8BA

Application Ref: **2017/3028/P**

04 August 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:

**16-20 Red Lion Street  
London  
WC1R 4PQ**

Proposal:

**DECISION**  
Variation of condition 2 (Drawings) of permission (ref: 2016/5571/P) dated 15/5/17 for Roof extension for the creation of a 6th floor, creation of terraces, extension to rear, alterations to front and rear facades and fenestrations, erection of a canopy for new cycle parking area. Namely to alter front and rear facades and fenestrations including additional rainwater pipes, louvres and additional curtain wall glazing, stairway from 5th to 6th floor and internal room alterations.

Drawing Nos: Superseded drawings

Drawing suffix 2077\_X\_; GE(NO)02\_DE P01, GE(EA)02\_DE P01, GE(SO)02\_DE P01, GE(WE)02\_DE P01, GS(AA)02\_DE P01, GS(BB)02\_DE P01, GE(NO)02\_EX P02, (EA)02\_EX P02, GE(SO)02\_EX P02, GE(WE)02\_EX P02, GS(AA)02\_EX P01, GS(BB)02\_EX P02, GA(00)02\_XX P03, GA(01)02\_XX P02, GA(02)02\_XX P02, GA(03)02\_XX P02, GA(04)02\_XX P02, GA(05)02\_XX P02, GA(06)02\_XX P03, GA(07)02\_XX P03, GA(B1)02\_XX P02, GE(NO)02\_XX P03, GE(EA)02\_XX P03, GE(SO)02\_XX P02, GE(WE)02\_XX P02, GS(AA)02\_XX P02, GS(BB)02\_XX P02.

Revised drawings:

Drawing suffix 2077\_X\_; GE(NO)02\_DE P03, GE(EA)02\_DE P04, GE(SO)02\_DE P02, GE(WE)02\_DE P02, GS(AA)02\_DE P02, GS(BB)02\_DE P03, GE(NO)02\_EX P03, GE(EA)02\_EX P03, GE(SO)02\_EX P03, GE(WE)02\_EX P03, GS(AA)02\_EX P02, GS(BB)02\_EX P03, GA(00)02\_XX P05, GA(01)02\_XX P04, GA(02)02\_XX P04, GA(03)02\_XX P04, GA(04)02\_XX P04, GA(05)02\_XX P05, GA(06)02\_XX P07, GA(07)02\_XX P06, GA(B1)02\_XX P06, GE(NO)02\_XX P09, GE(EA)02\_XX P09, GE(SO)02\_XX P05, GE(WE)02\_XX P07, GS(AA)02\_XX P04, GS(BB)02\_XX P05, GS(XX)01\_XX P01, Air Quality Assessment update dated June 2017, Acoustic Survey update dated June 2017 by Lee Cunningham Partnership.

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 2016/5571/P dated 15/05/2017.

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

- 2 For the purposes of this decision, condition no.2 of planning permission 2016/5571/P dated 15/05/2017 shall be replaced with the following condition:

Drawing suffix 2077\_X\_; SP(XX)01\_XX P01, GA\_(00)02\_DE P01, GA\_(01)02\_DE P01, GA\_(02)02\_DE P01, GA\_(03)02\_DE P01, GA\_(04)02\_DE P01, GA\_(05)02\_DE P01, GA\_(06)02\_DE P01, GA\_(B1)02\_DE P01, GE(NO)02\_DE P03, GE(EA)02\_DE P04, GE(SO)02\_DE P02, GE(WE)02\_DE P02, GS(AA)02\_DE P02, GS(BB)02\_DE P03, GA(00)02\_EX P01, GA(01)02\_EX P01, GA(02)02\_EX P01, GA(03)02\_EX P01, GA(04)02\_EX P01, GA(05)02\_EX P01, GA(06)02\_EX P01, GA(B1)02\_EX P01, GE(NO)02\_EX P03, (EA)02\_EX P03, GE(SO)02\_EX P03, GE(WE)02\_EX P03, GS(AA)02\_EX P02, GS(BB)02\_EX P03, GA(00)02\_XX P05, GA(01)02\_XX P04, GA(02)02\_XX P04, GA(03)02\_XX P04, GA(04)02\_XX P04, GA(05)02\_XX P05, GA(06)02\_XX P07, GA(07)02\_XX P06, GA(B1)02\_XX P06, GE(NO)02\_XX P09, GE(EA)02\_XX P09, GE(SO)02\_XX P05, GE(WE)02\_XX P07, GS(AA)02\_XX P04, GS(BB)02\_XX P05, EE(XX)02\_XX P01, EE(TY)01\_XX P01, EE(06)01\_XX P01, EE(06)02\_XX P01, EE(05)01\_XX P01, EE(00)01\_XX P02, GS(XX)01\_XX P01, Design and Access Statement Addendum by ORMS dated January 2017, Planning and Heritage Statement Montagu Evans Dated October 2016, Air Quality Assessment XCO2 23/11/2016 and update dated June 2017, Daylight & Sunlight Report by Delva Patman Redler dated November 2016, Energy and Sustainability Statement GDM 25/11/2016, BREEAM Assessment by Verte Ltd dated January 2017, Acoustic Survey by Sandy Brown dated October 2016 and update dated June 2017 by Lee Cunningham Partnership, Archaeological Assessment Pre-Construct dated September 2016, Policy DP1 Assessment Statement and additional off-site assessment by Montagu Evans dated December 2016 and January 2017 and Transport Statement Mayer Brown date January 2017.

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

- 3 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be 46 dB LAeq, T at 23m, 22 Sandland Street, with all machinery operating together at maximum capacity and an internal noise level of NR35 as designed in report ref: 83633/3/2/5 dated 13 June 2017.

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.

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
- a) Samples panels of all facing materials to include brickwork, cladding, and window frames together with manufacturer's specifications.
  - b) Details including typical sections at 1:10 of all windows (including jambs, head, cill and reveal) and external doors.

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 Camden Plan 2017.

- 5 The use of the new roof terraces hereby permitted shall not be carried out outside the following times: 8.00 and 20.00 Mondays to Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and D4 of the Camden Local Plan 2017.

- 6 Prior to the use of the first floor rear roof terrace hereby approved, a privacy screen to the rear side of the said terrace adjacent 21-23 Red Lion Street shall be installed at a height of 1.7m from the finished level and shall be permanently maintained and retained thereafter.

Reason: To protect the amenities of neighbouring occupiers in accordance with the requirements of policies A1 of the Camden Local Plan 2017.

- 7 The development hereby approved shall incorporate sustainable design principles and climate change adaptation measures into the design and construction of the development in accordance with the approved sustainability statement (Energy strategy report dated 27 July 2016). Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CC1 and CC2 of the Camden Local Plan 2017.

- 8 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 in their entirety. 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 policy CC5 of the Camden Local Plan 2017.

- 9 Air quality monitoring shall be implemented on site. No development shall take place until full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance and have been in place for 3 months prior to the proposed implementation date. The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.



Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CC4 of the Camden Local Plan 2017.

- 10 The development hereby approved shall be constructed in accordance with the approved energy statement (Sustainability and Energy Statement report dated 25 November 2016) to achieve a 35% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy, and a 8.2% reduction in carbon dioxide emissions through renewable technologies and to achieve a 69.4% reduction in carbon dioxide emissions beyond existing building baseline in the refurbished parts with 1.7% reduction from renewables.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CC1 and CC2 of the Camden Local Plan 2017.

- 11 Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the environment in accordance with policies CC1, CC2 and A3 of the Camden Local Plan 2017.

- 12 Prior to use of the development, details shall be submitted to and approved in writing by the local planning authority, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 13 Prior to use of the development, details shall be submitted to and approved in writing by the Council to confirm that noise emitted by standby or emergency generators during power outages or testing does not exceed the lowest daytime LAeq(15min) as measured or calculated according to BS4142:2014.

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

- 14 Prior to commencement, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies, CC1 and CC2 of the Camden Local Plan 2017.

- 15 Prior to first occupation full details of the secure and covered cycle storage area for 28 cycles spaces (26 long stay and 2 short stay) including associated staff lockers, showering facilities and accessible door widths of 1.2m for all doors on route to the cycle parking shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any part of development, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policies T1 and T2 of the Camden Local Plan 2017.

- 16 No sound emanating from the use shall be audible within any adjoining premises between 2300 hrs and 0700 hrs.

Reason: To safeguard the amenities of the [adjoining] premises [and the area generally] in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting approval of details.

Summary of material changes-

North elevation; Much of the alterations on this elevation would change the approved windows into louvered infill windows which would be of the same size and design of the consented. would also be new rainwater piperwork on this elevation. Considering these are mainly cosmetic and in general rather minor/de-minimus, this is considered acceptable. The elevation is to the rear of the property and not facing the wider public realm.

East elevation; Much of the changes would also be new rainwater piperwork on this elevation. Other changes would be on the 6th floor with new curtain walling to replace the consented metal fins on this new extension. These aspects are considered an improvement to the previously approved. Considering these are mainly cosmetic and in general rather minor and away from the wider public viewpoints, this is considered to be acceptable.

West elevation; This would include very minimal changes with a new glass door to replace an existing opening on 4th floor. Like the East elevation, changes would be on the 6th floor with new curtain walling to replace the consented metal fins on this new extension. Again, this is considered an improvement to the previously approved.

South elevation; no new changes.

Other changes; There would be arrangement 6th floor, this would internal rearrangement to remove the air handling unit from the plant and increasing office space by around 38sq.m, this would not see a size and bulk increase of the 6th floor extension. There is also a new stair and handrail leading up from the 5th floor to the 6th which and also a riser, they are considered minor and would not lead to additional amenity issues as this is an existing usable outdoor terrace.

In the context of the permitted scheme, it is considered that the amendments would have a minor material effect on the approved development in terms of appearance, the site constraints or neighbourhood impact. It is considered that the changes are minor in the context of the approved scheme.

The amendments are considered to be acceptable and revisions were sought to increase screening of the roof top plant and was accepted by the councils conservation and design officer.

The proposal do not detract from the approved scheme. The changes are considered acceptable and are similar to the size and design as approved in amendments mentioned above. The full impact of the scheme has already been assessed by virtue of the previous approval granted listed above.

No objection was received following statutory notification of the application prior to making this decision, yet one comment has been received from a neighbouring property and has been taken into account. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1 and D1 of the Camden Local Plan 2017.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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

Yours faithfully

**DRAFT**

**DECISION**



DATED

31 August

2017

(1) THE HARPUR TRUST

and

(2) BNP PARIBAS SECURITIES SERVICES TRUST COMPANY LIMITED and BNP PARIBAS SECURITIES SERVICES TRUST COMPANY (JERSEY) LIMITED) (each acting in their capacity as a trustee of the Mayfair Capital Commercial Property Trust)

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 15 May 2017  
Between the Mayor and the Burgesses of the  
London Borough of Camden, The Harpur Trust  
and BNP Paribas Securities Services Trust Company Limited and BNP Paribas Securities  
Services Trust Company (Jersey) Limited (each acting in their capacity as a trustee of the  
Mayfair Capital Commercial Property Trust  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**16-20 Red Lion Street, London, WC1R 4PQ**

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Head of Legal Services  
London Borough of Camden  
Town Hall  
Judd Street  
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DoV FINAL