

DATED

19 September

2017

(1) ROYAL MAIL ESTATES LIMITED

-and-

(2) POSTAL HERITAGE TRUST

-and-

**(3) THE TRUSTEES OF THE NATIONAL HERITAGE MEMORIAL
FUND**

-and-

(4) ROYAL MAIL GROUP LIMITED

-and-

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

SECOND DEED OF VARIATION

Relating to the Agreement dated 25 June 2012 (as varied by the Deed of Variation dated 17 February 2016)

Between the Mayor and the Burgesses of the
London Borough of Camden and
Royal Mail Estates Limited

under section 106 of the Town and
Country Planning Act 1990 (as amended)

Relating to development at premises known as
CALTHORPE HOUSE 15-20 PHOENIX PLACE LONDON WC1X 0DA

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

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/COM/ESA/1800.241
DoV FINAL

THIS DEED is made on the 19th day of September 2017

BETWEEN

1. **ROYAL MAIL ESTATES LIMITED** (Co. Regn. No. 05770587) of 100 Victoria Embankment, London EC4Y 0HQ (hereinafter called "the Freeholder") of the first part
2. **POSTAL HERITAGE TRUST** (Co. Regn. No. 04896056) (The Postal Museum) of 15-20 Phoenix Place, London WC1X 0DA (hereinafter called "the Leaseholder") of the second part
3. **THE TRUSTEES OF THE NATIONAL HERITAGE MEMORIAL FUND** of 7 Holbein Place, London SW1W 8NR (hereinafter called "the First Mortgagee") of the third part
4. **ROYAL MAIL GROUP LIMITED** (Co. Regn. No. 04138203) of 100 Victoria Embankment, London EC4Y 0DH (hereinafter called "the Second Mortgagee") of the fourth part
5. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the fifth part

WHEREAS:

- 1.1 The Council and Royal Mail Estates Limited entered into an Agreement dated 25 June 2012 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 NGL546289 and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.3 The Leaseholder is registered at the Land Registry as the leasehold proprietor with Title Absolute under title number NGL934061 subject to a registered charge and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Freeholder and the Leaseholder shall hereinafter be called "the Owner".

- 1.5 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.
- 1.6 A new Planning Application in respect of the Property and to amend the Original Planning Permission (as varied by the Second Planning Permission) was submitted to the Council by the Owner and validated on 9 March 2017 for which the Council resolved to grant permission conditionally under reference 2017/1252/P subject to the conclusion of this Deed.
- 1.7 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.
- 1.8 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.
- 1.9 The First Mortgagee and the Second Mortgagee are the owner of charges over the Property dated 18 January 2016 between the First Mortgagee and the Owner and the Second Mortgagee and the Owner.

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 affect the construction of this Deed.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.
- 2.7 References in this Deed to the Owner and Mortgagee shall include their successors in title.
- 2.8 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

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

2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 25 June 2012 made between the Council and Royal Mail Estates Limited as varied by the First Deed of Variation

2.8.3 "the First Deed of Variation" the deed of variation under section 106A of the Town and Country Planning Act 1990 (as amended) dated 17 February 2016

3. VARIATION TO THE EXISTING AGREEMENT

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

3.1.1 "Development"

the Original Planning Permission as varied by the Second Planning Permission:- and the variation of conditions 3 (use as Museum and Archive only), 7 (hours of Museum use), 8 (hours of bar/cafe use) and 9 (hours of courtyard use) of planning permission 2012/1897/P dated 25/06/2012 (as varied by 2015/6254/P dated 17/02/2016) for: (change of use from offices (B1) to a new British Postal Museum and Archive (Class D1) with ancillary bar/café facilities and associated extensions and alterations to the building) CHANGES ARE to allow the premises to be used for public and private events (Sui Generis) and extend the hours of operation of the buildings uses and courtyard as shown on drawing numbers:- Approved additional documents: Cover letter (ref: DP2938/OBS/HS/TJH) dated 02/03/2017; Noise Assessment Issue 4 dated February 2017; Supporting Information; Operational Management Plan dated February 2017

3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2012/1897/P as varied by 2015/6254 and further varied by 2017/1252/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 9 March 2017 by the Owner and given reference number 2017/1252/P

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

3.2.1 "the Operational Management

Plan"

a plan submitted to the Council by the Owner setting out how the Owner will manage and mitigate any harm to the surrounding residents to include (but not be limited to):

- (a) an outline of a schedule of events that will take place at the Property
- (b) details of an suitable complaints procedure for residents
- (c) details of how residents will be consulted on events at the property;
- (d) how events at the property will be monitored to ensure residents amenity is not affected
- (e) identifying means of ensuring the provision of information to the Council and provision of a mechanism for review and update as required from time to time

3.2.2 "the Original Planning Permission"

means the planning permission granted by the Council on 25 June 2012 referenced 2012/1897/P allowing the Change of use of the existing building from offices (Class B1) to a new British Postal Museum and Archive (Class D1) with ancillary bar/café facilities, erection of a two storey rear extension, three storey infill side extension, single storey side extension, installation of new windows, relocation of rooftop plant area, associated alterations to the façades and landscaping following demolition of existing rear extensions and outbuildings. as shown on drawing numbers 1625/P/008A; 1625/P/409B; 1625/SU/001A; -002A; -003A; -004A; -100A; -101A; -102A; -200A; -201A; 1625/P/400B; -401B; -402B; -403B; 1625/P/001K; -002H; -003H; -004E; -200B; -201B; -112B; -113B; -114B; Planning Statement, DP9, March 2012; Daylight and Sunlight Report, GIA, 9th March 2012 ref 4559; 4559-59-15a ADF results;

Daylight/Sunlight window location; Noise Assessment, Max Fordham, February 2012; BREEAM pre assessment, Max Fordham, March 2012; Environmental Statement, Max Fordham, February 2012; Delivery and Servicing Statement, SKM Colin Buchanan, March 2012 ref VN40355; Ecology Scoping Survey, The Ecology Consultancy, 22 February 2012 ref 111138; Design and Access Statement, Feilden Clegg Bradley Studios, March 2012; DP9 email 23 May 2012 entitled RE: BPMA 2012/1897/P

3.2.3 "the Second Planning Permission"

variation of Condition 2 (approved plans) of planning permission 2012/1897/P dated 25/06/2012 (for change of use from offices (Class B1) to a new British Postal Museum and Archive (Class D1) with ancillary bar/café facilities and associated extensions and alterations to the building) to increase the size of consented windows on the existing building; changes to the front elevation of the extension; the provision of an integral gate within the extension and a canopy over the internal courtyard as shown on drawing numbers: Revised Plans: (1625/P/310; 311; 313; 316, Supporting Document for Section 73 Application dated October 2015 and Cover Letter (ref: DP2938/OBS/HS/TJH) dated 20th October 2015. Superseded Plans: (1625/P/004 Rev E; 112 Rev B; 113 Rev A; 114 Rev B; 200 Rev A; 201 Rev A

3.3 The following clause shall be added to the Existing Agreement:-

4.10 Operational Management Plan

4.10.1 Prior to the Occupation Date to submit to the Council for approval the Operational Management Plan.

4.10.2 Not to Occupy nor permit Occupation until such time as the Council has approved the Operational Management Plan as demonstrated by written notice to that effect.

4.10.3 Following the Occupation Date the Owner shall not Occupy or permit Occupation of any part of the Development at any time when the Development is not being managed in strict accordance with the Operational Management Plan as approved by the Council from time to time and shall not Occupy or permit Occupation of the Development otherwise than in strict accordance with the requirements of the Operational Management Plan.

3.3 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2012/1897/P or 2015/6254/P (as the case may be)" shall be replaced with "Planning Permission reference 2012/1897/P as varied by 2015/6254/P and 2017/1252/P".

3.4 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 2017/1252/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

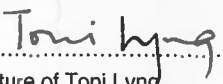
6.1 This Deed shall be registered as a Local Land Charge

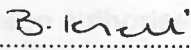
7. MORTGAGEE EXEMPTIONS

- 7.1 The First Mortgagee and the Second Mortgagee hereby consent to the completion of this Agreement and agree to be bound by it and to the same being registered at the Land Registry and for the avoidance of doubt agree to be bound by the said obligations only in the event that the First Mortgagee or the Second Mortgagee becomes a charge in possession of the Property

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.

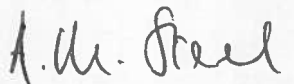
Signed as a deed by Toni Lyng as
attorney for Royal Mail Estates Limited
under a power of attorney dated
10 April 2017 in the presence of:


.....
Signature of Toni Lyng
as attorney for Royal Mail
Estates Limited


.....
Signature of witness

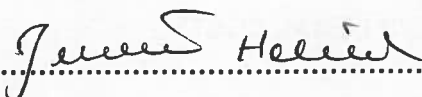
Name of witness: B. KNEIL
Address of witness: 1 Broadgate, London, EC2M 2QS
Occupation of witness: EXECUTIVE ASSISTANT

**EXECUTED AS A DEED BY
POSTAL HERITAGE TRUST
acting by a Director**

) 

.....
ADRIAN MARK STEEL

Director

Witness signature 

Witness Names
JENNI HELENIUS

Witness Address
TPH, 15-20 PHOENIX PLACE,
LONDON WC1X 0DA

Witness Occupation
ASST. PROJECT MANAGER

EXECUTED AS A DEED BY
Affixing the Common Seal of THE
TRUSTEES OF THE NATIONAL
HERITAGE MEMORIAL
In the presence of

RMA

Trustee

)
)
)
)
)
[Signature]
DIRECTOR OF OPERATIONS

Signed as a deed by Toni Lyng as
attorney for Royal Mail Group Limited
under a power of attorney dated
24 March 2017 in the presence of:

Toni Lyng

Signature of Toni Lyng
as attorney for Royal Mail
Group Limited

B. Kneil
Signature of witness

Name of witness: *B. KNEIL*
Address of witness: 1 Broadgate, London, EC2M 2QS
Occupation of witness: *EXECUTIVE ASSISTANT*

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

R. Alexander

Duly Authorised Officer

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)
)
)





EXECUTED AS A DEED BY THE
OFFICE OF THE COMMON SEAL OF
ROYAL MAIL GROUP LIMITED
IN THE PRESENCE OF:

A person authorized by
Royal Mail Express Limited
To act for this purpose



DP9 Ltd
100 Pall Mall
London SW1Y 5NQ

Application Ref: **2017/1252/P**

12 September 2017

Dear Sir/Madam

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:

**Calthorpe House
15 - 20 Phoenix Place
London
WC1X 0DA**

Proposal:

Variation of conditions 3 (use as Museum and Archive only), 7 (hours of Museum use), 8 (hours of bar/café use) and 9 (hours of courtyard use) of planning permission 2012/1897/P dated 25/06/2012 (as varied by 2015/6254/P dated 17/02/2016) for: (change of use from offices (B1) to a new British Postal Museum and Archive (Class D1) with ancillary bar/café facilities and associated extensions and alterations to the building) CHANGES ARE to allow the premises to be used for public and private events (Sui Generis) and extend the hours of operation of the buildings uses and courtyard.

Drawing Nos: Approved additional documents: Cover letter (ref: DP2938/OBS/HS/TJH) dated 02/03/2017; Noise Assessment Issue 4 dated February 2017; Supporting Information; Operational Management Plan dated February 2017.

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 shall be carried out in accordance with the following approved plans: 1625/P/008A; 1625/P/409B; 1625/SU/001A; -002A; -003A; -004A; -100A; -101A; -102A; -200A; -201A; 1625/P/400B; -401B; -402B; -403B; 1625/P/001K; -002H; -003H; -004E; -200B; -201B; -112B; -113B; -114B; Planning Statement, DP9, March 2012; Daylight and Sunlight Report, GIA, 9th March 2012 ref 4559; 4559-59-15a ADF results; Daylight/Sunlight window location; Noise Assessment, Max Fordham, February 2012; BREEAM pre assessment, Max Fordham, March 2012; Environmental Statement, Max Fordham, February 2012; Delivery and Servicing Statement, SKM Colin Buchanan, March 2012 ref VN40355; Ecology Scoping Survey, The Ecology Consultancy, 22 February 2012 ref 111138; Design and Access Statement, Feilden Clegg Bradley Studios, March 2012; DP9 email 23 May 2012 entitled RE: BPMA 2012/1897/P; Cover letter (ref. DP2938/OBS/HS/TJH) dated 02/03/2017; Noise Assessment Issue 4 dated February 2017; Supporting Information; Operational Management Plan dated February 2017.

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

- 2 Notwithstanding the provisions of Use Classes D1 (Non-residential institutions), A3 (Restaurants and Cafes) and A4 (Drinking Establishments) of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, the premises shall be used as a Museum and Archive (D1) centre, an ancillary cafe/bar (A3/4) and for public and private events (Sui Generis) and for no other purpose.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC1 of the Camden Local Plan June 2017.

- 3 The development shall occur in accordance with the details approved under 2016/0967/P dated 13/05/2016. These include:

a) Plan, elevation and section drawings, including jambs, head, cill and typical glazing bar details of all new window and door openings at a scale of 1:10.

b) Samples and manufacturer's details of new facing materials for the proposed extensions and boundary treatment to Phoenix Place.

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

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D1 of the Camden Local Plan June 2017.

- 4 The flat roofs of the single storey rear extensions to the north of the main building hereby approved shall not be used as a roof terraces and access onto these roofs shall be for maintenance of the building only and for no other purposes.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan June 2017.

- 5 The development shall be implemented in accordance with the approved mitigation measures under 2015/1842/P dated 29/05/2015 in order to meet the following standards. The approved scheme shall be provided in its entirety prior to the first occupation of the building and shall thereafter be maintained in effective order to the reasonable satisfaction of the Council.

- 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 are in operation.

- Where it is anticipated that any plant/equipment 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) special attention should be given to reducing the noise levels from that piece of plant/equipment at any sensitive façade to at least 10dB(A) below the LA90, expressed in dB(A). And,

- For each of the octave band of centre frequencies 63Hz-8KHz inclusive, noise levels from all plant/equipment (measured in LAeq) when in operation shall at all times add not more than 1 decibel to the existing background noise level LA90, expressed in dB(A), in the same octave band as measured 1 metre external to sensitive facades.

All related measurements shall be carried out over a period of 60 minutes (that is, hourly recorded measurements shall be presented over a 24 hour period).

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 June 2017.

- 6 The Museum and Archive (D1) use hereby permitted shall not be carried out outside the following times 07:30 to 22:00 Monday to Sunday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC1 of the Camden Local Plan June 2017.

- 7 The cafe/bar (A3/4) use hereby permitted shall not be carried out outside the following times 07:30 to 23.30 Monday to Sunday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC1 of the Camden Local Plan June 2017.

- 8 The public and private events (Sui Generis) use hereby permitted shall not be carried out outside the following times 07:30 to 23:30 Monday to Sunday. Staff members are permitted to close and vacate the premises, as long as they do not make noise which would be audible outside of the premises, up to a maximum of 30 minutes beyond the approved opening hours.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC1 of the Camden Local Plan June 2017.

- 9 The courtyard area hereby permitted shall not be used outside the following times 08:00 to 22.00 Monday to Sunday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC1 of the Camden Local Plan June 2017.

- 10 The details of the proposed cycle storage area for 22 x cycles shall be undertaken in accordance with the details under 2015/2204/P dated 24/05/2015 which were approved by the Council. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the uses, and thereafter permanently maintained and retained thereafter.

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

- 11 The approved facility for waste storage and removal (including recycled materials) shall be provided prior to the first occupation of building and 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 A1 and A1 of the Camden Local Plan June 2017.

- 12 The development shall take place in accordance with the full details of hard and soft landscaping and means of enclosure of all un-built, open areas, including any temporary measures in advance of future development, as per those approved by the Council under 2015/2205/P dated 26/05/2015 and 2017/0921/P dated 19/04/2017. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy D1 of the Camden Local Plan June 2017.

- 13 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development whichever is the sooner. Any 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 Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy D1 of the Camden Local Plan June 2017.

- 14 Prior to the use of the development for public and private events (Sui Generis), the green wall (as approved under 2017/0921/P dated 19/04/2017) shall be installed. The green wall shall be retained and maintained permanently for as long as the public and private events operate.

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 June 2017.

- 15 The private and public events (Sui Generis) shall have a maximum of 60 events per year with no more than 2 events in any given week.

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 June 2017.

- 16 Prior to the first use of the private and public events (Sui Generis), an appropriate automatic noise control device must be fitted to all amplified sound equipment and kept permanently for the operation of the use. The device must be:

a) Set so that the volume of any amplified sound emanating from the premises does not exceed:

1800 - 1900	61dB LAeq,15min
1900 - 2000	60dB LAeq,15min
2000 - 2100	58dB LAeq,15min
2100 - 0000	56dB LAeq,15min

At the nearest noise sensitive at Façade.

b) A Compliance Certificate with full frequency spectrum must be supplied to the Local Planning authority for the installation of the unit before any entertainment is carried out.

c) The devices must be fitted to all power outlets to the premises (i.e. to the main distribution unit).

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 June 2017.

Informative(s):

1 Reasons for granting permission:

The application site is owned by the Royal Mail Group and is within the wider Mount Pleasant Post Office complex which stretches over the Camden and Islington Borough boundaries. Planning permission was originally granted for a new British Postal Museum and Archive centre (D1) with an ancillary café/bar (A3/4) and associated external and internal works to the building under 2012/1897/P. The museum (named The Postal Museum) is expected to attract 40,000 visitors a year (100 daily) with school groups visiting twice a day (when relevant).

Planning permission is sought to vary the original approval to allow the premises to be used for public and private events (Sui Generis) and to extend the hours of operation of the buildings uses and the courtyard. The new events use would operate from 07:30 to 23:30 Monday to Sunday; the hours for the Museum and Archive use would remain at 07:30 to 22:00; the ancillary café/bar use would be extended to 07:30 to 23:30 (previously until 22:00) and the courtyard area use would be extended to 09:00 to 22:00 (previously until 21:00).

The submitted documents state that the hiring out of the museum (and similar types of uses such as theatres) space for events is commonplace in the industry. It allows such uses to diversify their income streams and to have a viable business plan. These events can be considered ancillary to the main use; however, in this instance the site has a projected maximum number of events per year of 70-80 after 5 years. A variation to the original planning permission is therefore required to introduce the Sui Generis use and alter the previously agreed hours of operation. Case studies are given within the supporting documentation such as Sadler's Wells, Foundling Museum and Museum of the Order of St. John, all of which have similar capacities and hours of operation as the proposal. The principle of the use is considered acceptable as it would diversify the income streams of The Postal Museum and be in keeping with the existing uses and those expected with similar facilities. The site is within the Central London Area and is considered to be in an appropriate location in terms of access to public transport, mix of uses in the area and local character.

The main potential impact of the proposal would be to the neighbouring amenities of nearby occupiers, with those most likely to be affected located at 24-50 Calthorpe Street which lies to the northeast of the courtyard. To justify the use and to mitigate any potential impact, the applicant has submitted a Noise Assessment, an Operational Management Plan and a Supporting Planning Information document. The documents outline the management processes that would take place including having a designated Events Manager on-site at all times, a SIA licensed security guard to ensure anti-social behaviour does not take place, all doors and windows would be kept shut after courtyard closure, double glazing would be installed, no queuing would take place and registration would be indoors, a formal complaints procedure would be setup along with dispersal plans, the smoking area would be away from residential properties, there would be a restriction on times of refuse and other collections and the staff entrance/exit would be away from residential properties. The approval of this minor material amendment would secure the Management Plan through an additional head of term within the Deed of Variation. Full details of management strategies and a programme of anticipated events would be required as part of the document.

- 2 The Noise Assessment details that a green wall would be installed as approved under 2017/0921/P dated 19/04/2017 which would help mitigate noise transfer to adjoining residents. This would be a requirement by planning condition attached to this permission. The assessment measures the current noise levels and sets appropriate event noise levels which would be secured through condition and within the Management Plan. The Council's Environmental Health Officer has assessed the submitted details and does not object to the proposal subject to a condition requiring an appropriate automatic noise control device to be fitted to all amplified sound equipment. A further condition is attached limiting the number of private and public events to have a maximum of 60 events per year with no more than 2 events in any given week.

In addition to these above measures, the events would require a premises license to be determined by the Licensing Committee. Therefore, the impact of the proposal would be controlled and scrutinised by both the planning and licensing departments.

Based on the above and subject to securing the Management Plan through S106 and the other details through planning conditions, the proposal is not considered to result in an unacceptably detrimental impact on surrounding occupiers' living conditions through noise and general disturbance.

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 proposed development is in general accordance with policies C2, E1, E3, A1, A4, TC4, T4 and DM1 of the Camden Local Plan June 2017. The proposed development also accords with the London Plan and the National Planning Policy Framework.

- 3 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 2363).
- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], 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 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
- 6 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme is likely to be £11,350 (227sqm x £50). You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies need to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 7 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.
- 8 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk
- 9 You are advised that any works to the boundary wall to the north of the site and to the rear of the terrace at Calthorpe Street are likely to require an application for Listed Building Consent.

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

DECISION

