

DATED 22 MARCH 2018

(1) KENSINGTON SCHOOL OF BUSINESS LIMITED

and

(2) ROYAL UK PROPERTIES LLC

and

(3) KENSINGTON PROPERTIES KINGSWAY LIMITED

and

(4) Z HOTELS HOLBORN LIMITED

and

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

DEED OF VARIATION

Relating to the Agreement dated 23 November 2017 between
(1) Kensington School of Business Limited and (2) Royal UK Properties LLC and
(3) Kensington Properties Kingsway Limited and (4) Z Hotels Holborn Limited and (5) The
Mayor and the Burgesses of the London Borough of Camden

under Section 106 and Section 106A of
the Town and Country Planning Act 1990

Relating to development at premises known as

**4 Wild Court & 75 Kingsway
London
WC2B**

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

Tel: 020 7974 5647
Fax: 020 7974 2962

CLS/PK/1800.595 (final)

THIS DEED is made the 22nd day of March 2018

BETWEEN:

1. **KENSINGTON SCHOOL OF BUSINESS LIMITED** (registered under company number 02751923) whose registered office is at Wesley House, 4 Wild Court, London, WC2B 4AU (hereinafter called the "**First Freeholder**") of the first part
2. **ROYAL UK PROPERTIES LLC** (incorporated in the State of Delaware in the United States of America under company number 5658317) care of Silverland Properties, 5th Floor, 7-10 Chandos Street, London W1G 9DQ (hereinafter called the "**Second Freeholder**") of the second part
3. **KENSINGTON PROPERTIES KINGSWAY LTD** (registered under company number 08419824) whose registered office is at Wesley House, 4 Wild Court, London, WC2B 4AU (hereinafter called the "**Leaseholder**") of the third part
4. **Z HOTELS HOLBORN LIMITED** (registered under company number 10058510) whose registered office is at 45 Monmouth Street, London, England, WC2H 9DG (hereinafter called "**the Interested Party**") 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

- A. The First Freeholder is registered at the Land Registry as the freehold proprietor with title absolute of part of the Property under title number NGL455171 and is interested in part of the Property for the purposes of Section 106 of the Act.
- B. The Second Freeholder is registered at the Land Registry as the freehold proprietor with title absolute of part of the Property under title number NGL334488 and is interested in part of the Property for the purposes of Section 106 of the Act.

- C. The Leaseholder is registered at the Land Registry as the proprietor of a leasehold interest of 125 years from 25 June 2013 of part of the Property under title number NGL935326 and is interested in part of the Property for the purposes of Section 106 of the Act.
- D. The Interested Party has entered into a conditional agreement for leases of the Property with the First Freeholder and the Leaseholder and is interested in part of the Property for the purposes of Section 106 of the Act.
- E. The First Freeholder, the Second Freeholder, the Leaseholder and the Interested Party shall hereinafter together be called "the Owner".
- F. The Council, Kensington School of Business Limited, Royal UK Properties LLC, Kensington Properties Kingsway Limited and Z Hotels Holborn Limited completed the Existing Agreement on 23 November 2017.
- G. The Owner has submitted the Section 73 Application for development at the Property to vary the Planning Permission.
- H. The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated 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 the Existing Agreement as modified by this Deed.
- I. 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.

NOW IT IS HEREBY AGREED and WITNESSED as follows:

1 LEGAL EFFECT AND INTERPRETATION

- 1.1 This Deed is made in pursuance of Section 106 and Section 106A of the Act.
- 1.2 The planning obligations in the Existing Agreement as modified by this Deed shall be enforceable by the Council against the Owner as provided therein and against any

person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.

1.3 Save as expressly stated otherwise all words and expressions used in this Deed shall have the same meaning as in the Existing Agreement.

1.4 For the purposes of this Deed the following words and expressions shall have the meanings assigned unless the context states otherwise:

Act	Town and Country Planning Act 1990
Annex 1	the annex numbered "Annex 1" attached hereto
this Deed	this deed of variation to the Existing Agreement made pursuant to Sections 106 and 106A of the Act
Existing Agreement	the agreement dated 23 November 2017 between (1) Kensington School of Business Limited and (2) Royal UK Properties LLC and (3) Kensington Properties Kingsway Limited and (4) Z Hotels Holborn Limited and (5) The Mayor and the Burgesses of the London Borough of Camden entered into pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 16 of the Greater London Council (General Powers) Act 1974 and Section 111 of the Local Government Act 1972 and Section 1(1) of the Localism Act 2011

Planning Permission

the planning permission granted by the Council for development at the Property by a notice dated 23 November 2017 and having the reference number 2017/1611/P

Section 73 Application

an application under section 73 of the Act having reference number 2017/6808/P to vary condition 19 (approved plans) of the Planning Permission to omit approved 8th floor, reduce approved 7th floor and alter layout of roof plant and PV panels with installation of new enclosure, in association with reduction of hotel size to 196 rooms and 3678sqm GIA. As shown on drawing numbers ExS01-P3; ExGAB1, ExGAB0, ExGALG, ExGAGF, ExGAMEZ, ExGA01, ExGA02, ExGA03, ExGA04, ExGA05, ExGA06, ExGA07, ExGARF; ExGE01, ExGE02, ExGE03; ExGS01, ExGS02-P2, ExGS03. GAB1-P1, GALG-P2, GAGF-P2, GAMEZ-P1, GA01-P2, GA02-P2, GA03-P2, GA04-P2, GA05-P2, GA06-P3, GA07-P3, GA08-P2, GARF-P3; GAB1/acc, GALG/acc, GAGF/acc, GAMEZ/acc, GA01/acc, GA02/acc, GA03/acc, GA04/acc, GA05/acc, GA06/acc, GA07/acc, GA08/acc, GARF/acc; GE01-P2, GE02-P3, GE03-P3; GS01-P3, GS02-P3, GS03; dW01; Planning Statement by Planning Resolution; letter from Kensington College of Business dated 5.7.17; revised floorspace table in letter from Planning Resolution dated 6.6.17; Design and Access Statement by Harper Downie Architects; Addendum Design and Access Statement by TT Architects dated December 2017; Historic Buildings Report by Donald Insall Associates; Sustainable Design and Construction Statement

dated December 2017 by Building Services Design; Energy & Renewables Statement Revision 3 dated 12.12.17 by Building Services Design; BREEAM Pre-Assessment dated 24.1.17 by Gareth Costello; Transport Statement Revision 01 dated December 2017 by Traffic Dynamics; Delivery and Servicing Plan Revision 01 dated December 2017 by Traffic Dynamics; Travel Plan Revision 01 dated December 2017 by Traffic Dynamics; Acoustic and Vibration Survey by Hoare Lea; Historic Environment Assessment by MOLA; Operation Management Plan by Z Hotels Ltd; Air Quality Assessment dated December 2017 by Air Quality Consultants; Traffic Generation note by Traffic Dynamics dated 21.6.17

Section 73 Approval

the decision of the Council pursuant to the Section 73 Application substantially in the form attached to this Deed at Annex 1

- 1.5 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.
- 1.6 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.
- 1.7 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 1.8 References in this Deed to the Parties shall include their successors in title.

2 VARIATION OF THE EXISTING AGREEMENT

With effect from the date of this Deed and the Council issuing a notice granting the Section 73 Approval, the Existing Agreement shall be varied as follows:

2.1 the definition at clause 2.11 “**the Development**” shall be **varied** to the following:

“2.11 “the Development” means development of the Property pursuant to the Planning Permission details of which are change of use from private college (Class D1) on Wild Court and retail unit (Class A1) on Kingsway and erection of new 7th and 8th floor roof extensions to provide a new 3909sqm (GIA) 211 bedroom hotel (Class C1), plus reinstatement of commercial entrance and ancillary café onto Kingsway, and new plant and PV panels on roof as shown on drawing numbers 646- ExS01; ExGAB1, ExGAB0, ExGALG, ExGAGF, ExGAMEZ, ExGA01, ExGA02, ExGA03, ExGA04, ExGA05, ExGA06, ExGA07, ExGARF; ExGE01, ExGE02, ExGE03; ExGS01, ExGS02, ExGS03. 646- GAB1 P1, GALG P2, GAGF P2, GAMEZ P1, GA01 P2, GA02 P2, GA03 P2, GA04 P2, GA05 P2, GA06 P2, GA07 P2, GA08 P2, GARF P1; GAB1/acc, GALG/acc, GAGF/acc, GAMEZ/acc, GA01/acc, GA02/acc, GA03/acc, GA04/acc, GA05/acc, GA06/acc, GA07/acc, GA08/acc, GARF/acc; GE01, GE02, GE03; GS01, GS02, GS03; dW01. Planning Statement by Planning Resolution; letter from Kensington College of Business dated 5.7.17; revised floorspace table in letter from Planning Resolution dated 6.6.17; Design and Access Statement by Harper Downie Architects; Historic Buildings Report by Donald Insall Associates; Sustainable Design and Construction Statement dated 10.3.17 by Building Services Design; Energy & Renewables

Statement Revision 2 dated 27.4.17 by Building Services Design; BREEAM Pre-Assessment dated 24.1.17 by Gareth Costello; Transport Statement by Traffic Dynamics; Delivery and Servicing Plan by Traffic Dynamics; Travel Plan by Traffic Dynamics; Acoustic and Vibration Survey by Hoare Lea; Historic Environment Assessment by MOLA; Operation Management Plan by Z Hotels Ltd; Air Quality Assessment (revised 22 June 2017) by Air Quality Consultants; Traffic Generation note by Traffic Dynamics dated 21.6.17 as varied by the **Section 73 Approval**"

2.2 a new clause **2.33 "Section 73 Application"** is added to the Existing Agreement:

"2.33 "Section 73 Application" the decision of the Council pursuant to the Section 73 Application substantially in the form attached to this Deed at Annex 1

2.3 a new clause **2.34 "Section 73 Approval"** is added to the Existing Agreement as follows:

"2.34 "Section 73 Approval" an application for planning permission under section 73 of the Act having reference number 2017/6808/P to vary condition 19 (approved plans) of the Planning Permission to omit approved 8th floor, reduce approved 7th floor and alter layout of roof plant and PV panels with installation of new enclosure, in association with reduction of hotel size to 196 rooms and 3678sqm GIA. As shown on drawing numbers ExS01-P3; ExGAB1, ExGAB0, ExGALG, ExGAGF, ExGAMEZ, ExGA01, ExGA02, ExGA03, ExGA04, ExGA05, ExGA06, ExGA07, ExGARF; ExGE01, ExGE02, ExGE03; ExGS01,

ExGS02-P2, ExGS03. GAB1-P1, GALG-P2, GAGF-P2, GAMEZ-P1, GA01-P2, GA02-P2, GA03-P2, GA04-P2, GA05-P2, GA06-P3, GA07-P3, GA08-P2, GARF-P3; GAB1/acc, GALG/acc, GAGF/acc, GAMEZ/acc, GA01/acc, GA02/acc, GA03/acc, GA04/acc, GA05/acc, GA06/acc, GA07/acc, GA08/acc, GARF/acc; GE01-P2, GE02-P3, GE03-P3; GS01-P3, GS02-P3, GS03; dW01; Planning Statement by Planning Resolution; letter from Kensington College of Business dated 5.7.17; revised floorspace table in letter from Planning Resolution dated 6.6.17; Design and Access Statement by Harper Downie Architects; Addendum Design and Access Statement by TT Architects dated December 2017; Historic Buildings Report by Donald Insall Associates; Sustainable Design and Construction Statement dated December 2017 by Building Services Design; Energy & Renewables Statement Revision 3 dated 12.12.17 by Building Services Design; BREEAM Pre-Assessment dated 24.1.17 by Gareth Costello; Transport Statement Revision 01 dated December 2017 by Traffic Dynamics; Delivery and Servicing Plan Revision 01 dated December 2017 by Traffic Dynamics; Travel Plan Revision 01 dated December 2017 by Traffic Dynamics; Acoustic and Vibration Survey by Hoare Lea; Historic Environment Assessment by MOLA; Operation Management Plan by Z Hotels Ltd; Air Quality Assessment dated December 2017 by Air Quality Consultants; Traffic Generation note by Traffic Dynamics dated 21.6.17

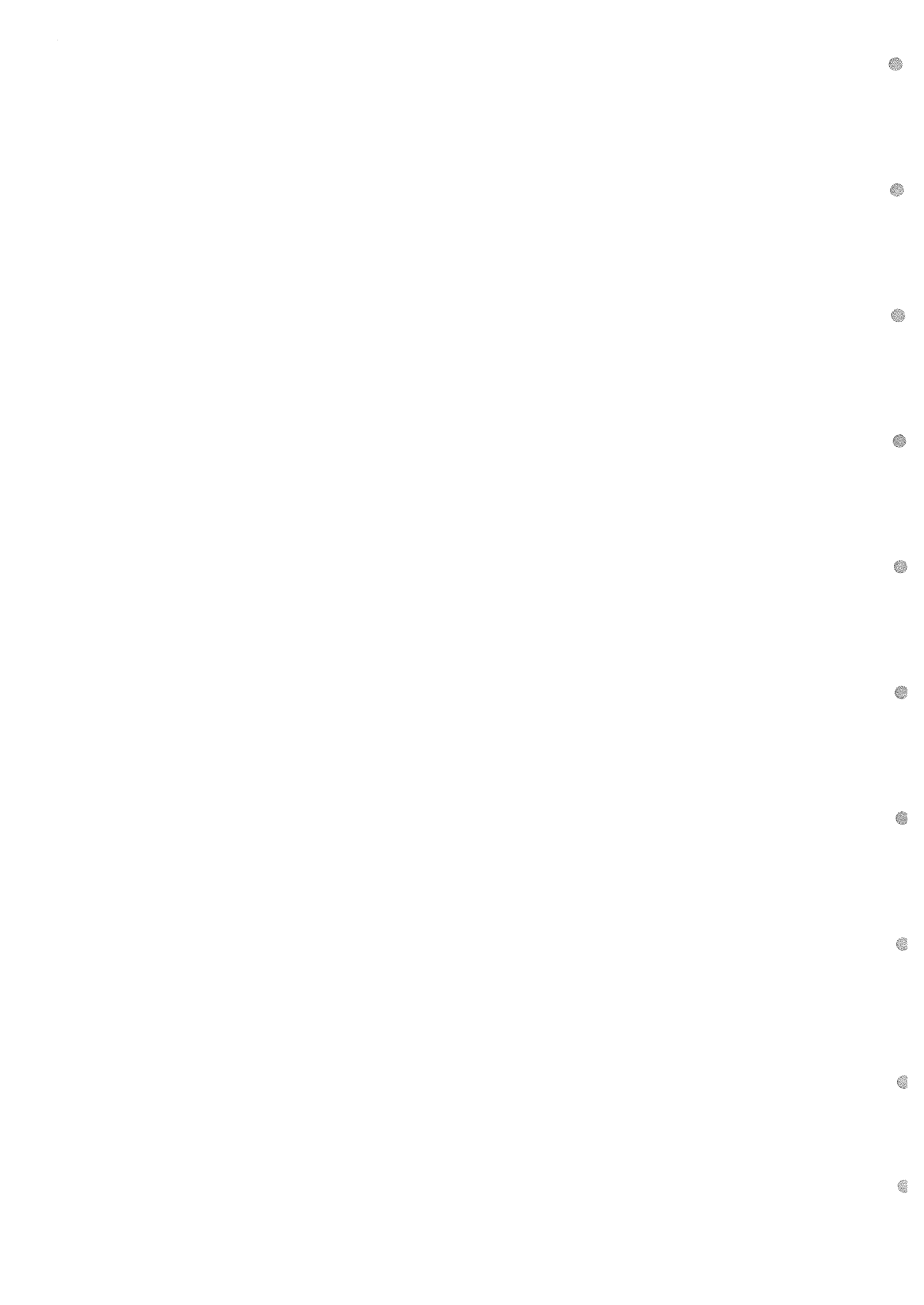
- 2.4 the numbering of **Clause 2 Definitions** of the Existing Agreement shall be re-numbered accordingly
- 2.5 the draft Section 73 Approval at Annex 1 to this Deed shall be treated as annexed to the Existing Agreement in addition to the existing annexures.
- 2.6 in all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

3 MISCELLANEOUS PROVISIONS

- 3.1 This Deed shall be registered as a Local Land Charge.
- 3.2 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Deed in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Deed in the Charges Register of the title to the Property.
- 3.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Deed on or prior to the date of completion of this Deed.
- 3.4 The Contracts (Rights of Third Parties) Act 1999 shall not apply this Deed.
- 3.5 This Deed is governed by and shall be interpreted in accordance with the laws of England.

ANNEX 1

draft planning permission ref. 2017/6808/P



Planning Resolution Ltd
Thomcroft Manor
Thomcroft Drive
Leatherhead KT22 8JB

Application Ref: **2017/6808/P**

27 February 2018

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:

**4 Wild Court & 75 Kingsway
London WC2B 4AU**

Proposal:

DECISION
Variation of Condition 19 (development in accordance with approved plans) of planning permission ref 2017/1611/P dated 23/11/2017 (for Change of use from private college (Class D1) on Wild Court and retail unit (Class A1) on Kingsway and erection of new 7th and 8th floor roof extensions to provide a new 3909sqm (GIA) 211 bedroom hotel (Class C1), plus reinstatement of commercial entrance and ancillary café onto Kingsway, and new plant and PV panels on roof), namely to omit approved 8th floor, reduce approved 7th floor and alter layout of roof plant and PV panels with installation of new enclosure, in association with reduction of hotel size to 196 rooms and 3678sqm GIA.

Drawing Nos: ExS01-P3; ExGAB1, ExGAB0, ExGALG, ExGAGF, ExGAMEZ, ExGA01, ExGA02, ExGA03, ExGA04, ExGA05, ExGA06, ExGA07, ExGARF; ExGE01, ExGE02, ExGE03; ExGS01, ExGS02-P2, ExGS03.

GAB1-P1, GALG-P2, GAGF-P2, GAMEZ-P1, GA01-P2, GA02-P2, GA03-P2, GA04-P2, GA05-P2, GA06-P3, GA07-P3, GA08-P2, GARF-P3; GAB1/acc, GALG/acc, GAGF/acc, GAMEZ/acc, GA01/acc, GA02/acc, GA03/acc, GA04/acc, GA05/acc, GA06/acc, GA07/acc, GA08/acc, GARF/acc; GE01-P2, GE02-P3, GE03-P3; GS01-P3, GS02-P3, GS03; dW01.

Planning Statement by Planning Resolution; letter from Kensington College of Business dated 5.7.17; revised floorspace table in letter from Planning Resolution dated 6.6.17; Design and Access Statement by Harper Downie Architects; Addendum Design and Access Statement by TT Architects dated December 2017; Historic Buildings Report by Donald Insall Associates; Sustainable Design and Construction Statement dated December 2017 by Building Services Design; Energy & Renewables Statement Revision 3 dated 12.12.17 by Building Services Design; BREEAM Pre-Assessment dated 24.1.17 by Gareth Costello; Transport Statement Revision 01 dated December 2017 by Traffic Dynamics; Delivery and Servicing Plan Revision 01 dated December 2017 by Traffic Dynamics; Travel Plan Revision 01 dated December 2017 by Traffic Dynamics; Acoustic and Vibration Survey by Hoare Lea; Historic Environment Assessment by MOLA; Operation Management Plan by Z Hotels Ltd; Air Quality Assessment dated December 2017 by Air Quality Consultants; Traffic Generation note by Traffic Dynamics dated 21.6.17.

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 2017/1611/P dated 23/11/2017.

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

- 2 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) Details including sections at 1:10 of all new and altered external dormers, windows, ventilation grilles, doors and gates;
 - b) Plan, elevation and section drawings at a scale of 1:10 of the new shopfront at 75 Kingsway;
 - c) Manufacturer's specification details of all new facing materials for the 7th floor roof extensions and structures;
 - d) Details of all external plant and acoustic enclosures at roof level.

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.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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 Full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing before the relevant part of the work is begun. 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, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 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 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 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 A2, D1 and D2 of the London Borough of Camden Local Plan 2017

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Prior to commencement of the hotel use, details of acoustic isolation, sound attenuation and anti-vibration measures for the proposed roof plant shall be submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the details thus approved and shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

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 London Borough of Camden Local Plan 2017.

- 8 Prior to commencement of the hotel use, details in respect of the following shall be submitted to and approved in writing by the local planning authority-

a) sound insulation for the building, to ensure that noise levels in the hotel bedrooms hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

b) appropriate vibration mitigation measures where necessary for the building, to demonstrate that vibration will meet a level that has low probability of adverse comment and the assessment method shall be as specified in BS 6472:2008.

The measures shall be carried out in accordance with the details thus approved and shall thereafter be permanently retained.

Reason: To safeguard the amenities of future occupiers of the proposed development in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 Before the relevant part of the work is begun, details of the location, design and method of waste storage and removal, including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to occupation of the hotel and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies A1 and CC5 of the London Borough of Camden Local Plan 2017.

- 10 Before the relevant part of the work is begun, details of secure and covered cycle storage areas for 16 longstay cycles and 6 short stay cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to occupation of the hotel and permanently retained thereafter.

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

- 11 Prior to occupation, detailed plans showing the location, design and number of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Council. 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 London Borough of Camden Local Plan 2017.

- 12 All Non-Road Mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and construction phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the demolition and construction phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

- 13 No development shall take place (excluding site preparation works) 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 policies A1, C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 14 The recommendations of the Air Quality Assessment hereby approved, relating to mitigation measures, shall be implemented in their entirety prior to occupation of the hotel.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, C1, CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 15 The hotel shall incorporate accessible and adaptable bedrooms in accordance with the Accessibility Management Plan drawings hereby approved. The measures shall be carried out in accordance with the approved plans and shall thereafter be permanently retained.

Reason: To ensure that the internal layout of the building provides sufficient bedrooms accessible to wheelchair users, in accordance with the requirements of policy C6 of the London Borough of Camden Local Plan 2017.

- 16 The removal of the sub-basement floor and 2 mezzanine rooms shall be implemented in accordance with the plans hereby approved prior to occupation of the hotel.

Reason: To ensure that the overall size of the hotel does not adversely affect the immediate area by reason of noise, traffic congestion etc, and complies with the Council's mixed use policies for commercial development in central London, in accordance with policies G1, H2, E1, E3 and A1 of the London Borough of Camden Local Plan 2017.

- 17 The hotel shall be implemented in accordance with the plans hereby approved, in terms of the layout and operation, specified numbers of bedrooms and types of ancillary facilities.

Reason: To ensure that the overall occupancy and nature of the hotel operation does not intensify and adversely affect the immediate area by reason of noise, traffic congestion etc, and complies with the Council's policies for tourism uses, in accordance with policies G1, E1, E3 and A1 of the London Borough of Camden Local Plan 2017.

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

ExS01-P3; ExGAB1, ExGAB0, ExGALG, ExGAGF, ExGAMEZ, ExGA01, ExGA02, ExGA03, ExGA04, ExGA05, ExGA06, ExGA07, ExGARF, ExGE01, ExGE02, ExGE03; ExGS01, ExGS02-P2, ExGS03.

GAB1-P1, GALG-P2, GAGF-P2, GAMEZ-P1, GA01-P2, GA02-P2, GA03-P2, GA04-P2, GA05-P2, GA06-P3, GA07-P3, GA08-P2, GARF-P3; GAB1/acc, GALG/acc, GAGF/acc, GAMEZ/acc, GA01/acc, GA02/acc, GA03/acc, GA04/acc, GA05/acc, GA06/acc, GA07/acc, GA08/acc, GARF/acc; GE01-P2, GE02-P3, GE03-P3; GS01-P3, GS02-P3, GS03; dW01.

Planning Statement by Planning Resolution; letter from Kensington College of Business dated 5.7.17; revised floorspace table in letter from Planning Resolution dated 6.6.17; Design and Access Statement by Harper Downie Architects; Addendum Design and Access Statement by TT Architects dated December 2017; Historic Buildings Report by Donald Insall Associates; Sustainable Design and Construction Statement dated December 2017 by Building Services Design; Energy & Renewables Statement Revision 3 dated 12.12.17 by Building Services Design; BREEAM Pre-Assessment dated 24.1.17 by Gareth Costello; Transport Statement Revision 01 dated December 2017 by Traffic Dynamics; Delivery and Servicing Plan Revision 01 dated December 2017 by Traffic Dynamics; Travel Plan Revision 01 dated December 2017 by Traffic Dynamics; Acoustic and Vibration Survey by Hoare Lea; Historic Environment Assessment by MOLA; Operation Management Plan by Z Hotels Ltd; Air Quality Assessment dated December 2017 by Air Quality Consultants; Traffic Generation note by Traffic Dynamics dated 21.6.17.

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

Informative(s):

- 1 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £13,650 (273sqm x £50) for the Mayor's CIL and £10,920 (273sqm x £40) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 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, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 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.
- 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 Reason for granting permission-

The revisions involve a reduction in the approved roof extensions for the new hotel- the 8th floor will be totally omitted and the 7th floor reduced in size from 14 to 7 rooms, so that overall the hotel is reduced by 15 rooms and 231sqm GIA floorspace. The PV panels that were originally above the 8th floor have consequently been moved down a floor, so that the 7th floor now contains behind its mansarded frontage a new plant enclosure with PVs above.

The variations are acceptable in design terms and indeed the bulk and impact of the previous scheme is now reduced. The new 7th floor plant enclosure will be lower than the previously approved 7th floor of accommodation here and will be surrounded by a metal acoustic screen enclosure screen which matches the cladding used on the front element and as previously proposed on the approved roof extensions. The size and materials continue to be appropriate and sympathetic to this building and conservation area. The varied layout and location of the PV panels will not have any further visual impact on the building and its surroundings.

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

The PV panels have been reduced in number from 72 to 63 but nevertheless this amount remains acceptable in its contribution to sustainability objectives. The submitted energy report shows that the scheme overall will now achieve a 35.5% reduction in CO2 emissions which still meets the London Plan target of 35%. The new arrangement, as further revised, is also acceptable as the PVs will not be affected by overshadowing.

The lower plant enclosure at 7th floor and the revised PV and plant layout will not cause any loss of light or outlook. The proposals are not considered to cause any adverse impacts on the amenity of adjoining commercial occupiers, subject to the same conditions as before requiring more details on roof plant and noise levels.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

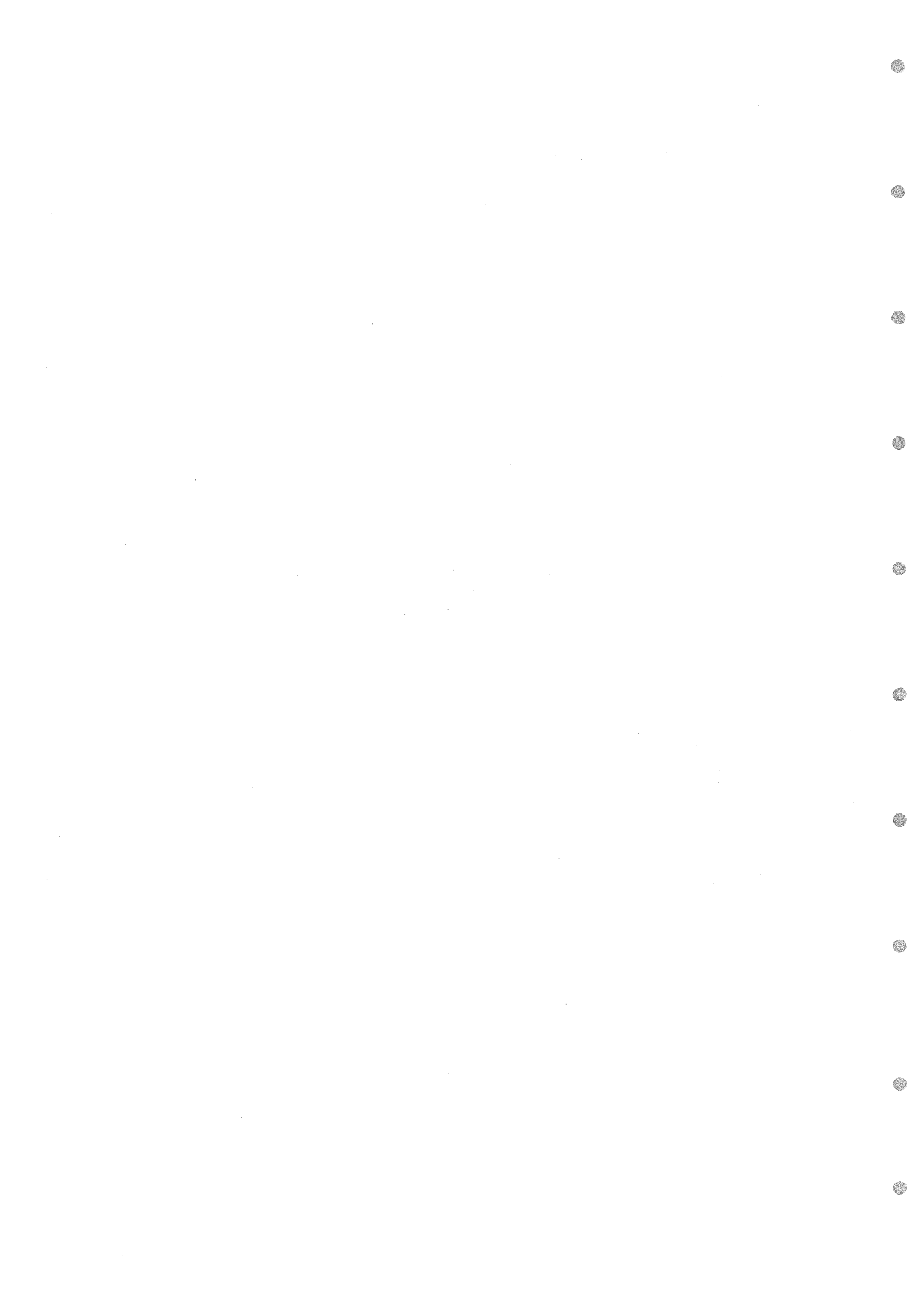
The full impact of the proposed development has already been assessed by the previous permission. No other aspects of this scheme, in terms of hotel use or transport, have materially changed and indeed the impact will be somewhat less due to the reduced floorspace and numbers of occupants. Thus the permission will be subject to the same conditions as before (varied where appropriate to reflect the amended scheme) and subject to a Deed of Variation to the previous S106 legal agreement for planning permission ref 2017/1611/P dated 23/11/2017.

As such, the proposed development is in general accordance with policies G1, H1, H2, C2, C5, E1, E3, A1, A4, D1, D2, D3, CC1, CC2, CC3, CC4, CC5, TC3, T1, T3, T4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

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



IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the First Freeholder, the Second Freeholder, the Leaseholder and the Interested Party have executed this instrument as their Deed the day and year first before written

SIGNED AS A DEED

By **KENSINGTON SCHOOL OF BUSINESS LIMITED**

acting by:

Signature of Director

..... *[Handwritten Signature]*

Print name of Director

..... *IAHW PIKLE*

in the presence of:

Witness:

Signature

..... *[Handwritten Signature]*

Name

..... *PAEMA ZAINUL*

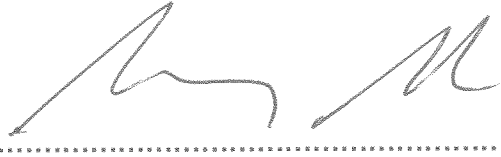
Address

..... *12 CAVENDISH PLACE*
..... *LONDON W1G 9DJ*

Occupation

..... *REGISTRAR*

EXECUTED as a Deed on behalf of)
ROYAL UK PROPERTIES LLC a)
company incorporated in the state)
Of Delaware, United States of)
America by)
) Authorized signatory
)
)
being a person who, in)
accordance)
with the laws of that territory, is)
acting under the authority of the)
company)



Witness:
Signature
Diana B. Culbreath

Name
JANNA L. CULBREATH

Address
1 FAVETTE ST. # 205
.....
CONSHOHOCKEN, PA 19428
.....

Occupation
OFFICE MANAGER

SIGNED AS A DEED
By **KENSINGTON PROPERTIES KINGSWAY LIMITED**
acting by:

Signature of Director
[Handwritten Signature]
Print name of Director
SARINA ZAINUL

in the presence of:

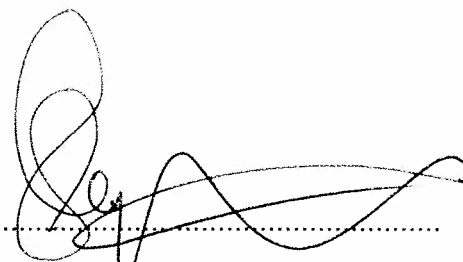
Witness:
Signature
[Handwritten Signature]
Name
Gloria Suluter

Address 12 Cavendish Place
London W1G 9D5

Occupation Registration Coordinator

SIGNED AS A DEED
By Z HOTELS HOLBORN LIMITED
acting by:

Signature of Director



Print name of Director

Jonathan Raynolds

in the presence of:

Witness:

Signature



Name

Albert Baccandini

Address

2 BOSTON ROAD

LONDON, SE11 0AL

Occupation

CONSULTANT

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

f. Alexander

Authorised Signatory







DATED 22 MARCH 2018

(1) KENSINGTON SCHOOL OF BUSINESS LIMITED

and

(2) ROYAL UK PROPERTIES LLC

and

(3) KENSINGTON PROPERTIES KINGSWAY LIMITED

and

(4) Z HOTELS HOLBORN LIMITED

and

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

DEED OF VARIATION

Relating to the Agreement dated 23 November 2017 between
(1) Kensington School of Business Limited and (2) Royal UK Properties LLC and
(3) Kensington Properties Kingsway Limited and (4) Z Hotels Holborn Limited and (5) The
Mayor and the Burgesses of the London Borough of Camden

under Section 106 and Section 106A of
the Town and Country Planning Act 1990

Relating to development at premises known as

**4 Wild Court & 75 Kingsway
London
WC2B**

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

Tel: 020 7974 5647
Fax: 020 7974 2962

CLS/PK/1800.595 (final)