

DATED

29 June

2018

**(1) UNIVERSITY COLLEGE LONDON HOSPITALS NHS  
FOUNDATION TRUST**

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 22 September 2014 (as varied by the First Deed of Variation dated 18 September 2015)  
Between the Mayor and the Burgesses of the  
London Borough of Camden and  
University College London Hospitals NHS  
Foundation Trust  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**Former Odeon Site and Rosenheim Building site bounded partly by Grafton Way,  
TCR, Huntley Street and University Street London WC1E 6DB**

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Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
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CLS/COM/ESA/1800.535  
FINAL



THIS DEED is made on the 29<sup>th</sup> day of June 2018

**BETWEEN**

1. **UNIVERSITY COLLEGE LONDON HOSPITALS NHS FOUNDATION TRUST** of 235 Euston Road, Fitzrovia, London NW1 2BU (hereinafter called "the Owner") of the first part
2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

**WHEREAS:**

- 1.1 The Council and University College London Hospitals NHS Foundation Trust entered into an Agreement dated 22 September 2014 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Council, University College London Hospitals NHS Foundation Trust entered into a further Agreement dated 18 September 2015 pursuant to section 106A of the Town and Country Planning Act 1990 (as amended) to vary the terms of the Existing Agreement.
- 1.3 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN41718 and LN249567.
- 1.4 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 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 was submitted to the Council by the Owner and validated on 3 November 2017 for which the Council resolved to grant permission conditionally under reference 2017/6167/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.

## 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 Deed.

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

2.8.2 "the First Deed of Variation" the deed of variation under section 106A of the Town and Country Planning Act 1990 (as amended) dated 18 September 2015 made between the Council and University College London Hospitals NHS Foundation Trust

2.8.3 "the Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 22 September 2014 made between the Council and University College London Hospitals NHS Foundation Trust

2.8.4 "the Original Planning Permission" means the planning permission granted by the Council on 22 September 2014 referenced 2013/8192/P allowing the redevelopment of the former Odeon site and demolition of the Rosenheim Building to provide a Proton Beam Therapy (PBT) cancer treatment facility and day surgery facilities in 4 levels of basement; inpatient medical facilities and a ground floor retail unit (175 sq m approximate GIA) in a 7 storey development above ground (34,596.5 sq m GIA in total) including roof plant, a new pedestrian entrance on corner of Grafton Way and Huntley Street, a new service entrance on Huntley Street, a ground floor drop-off area off Grafton Way, and three roof gardens; and the

relocation of the oxygen tanks to University Street frontage inside a new enclosure

2.8.5 "the Second Planning Permission"

means the planning permission granted by the Council on 18 September 2015 referenced 2015/2771/P allowing the variation of conditions 5, 8, 12, 15, 22, 25, 26, 33 and 34 of planning permission (2013/8192/P) dated 17/12/2013 for redevelopment to provide a Proton Beam Therapy (PBT) cancer treatment facility, day surgery, inpatient medical facilities and retail unit

**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 development authorised by the Original Planning Permission as amended by the following: variation of conditions 5, 8, 12, 15, 22, 25, 26, 33 and 34 of the Original Planning Permission provided under planning permission for the Development reference number 2015/2771/P and variation of condition 27 (servicing activities) of the Original Planning Permission for the redevelopment of the former Odeon site and demolition of the Rosenheim Building to provide a Proton Beam Therapy (PBT) cancer treatment facility and day surgery facilities in 4 levels of basement; inpatient medical facilities and a ground floor retail unit (175 sq m approximate GIA) in a 7 storey development above ground (34,596.5 sq m GIA in total) including roof plant, a new pedestrian entrance on corner of Grafton Way and Huntley Street, a new service entrance on Huntley Street,

a ground floor drop-off area off Grafton Way, and three roof gardens; and the relocation of the oxygen tanks to University Street frontage inside a new enclosure as shown on drawings A/UCLH4: 1516-M; 1517-M; 1818-M; 1519-N; 1521-N; 1522-N; 1523-N; 1524-N; 1525-N; 1526-M; 1527-M; 1531-F;; 1533-N; 1534-C; 1540-N; 1541-N; 1550-D; 1551-H; 1554-H; 1555-G; 1556-F; 1557-F; 1558-G; 1560-F; 1561-D; 1577-C; 1581-C; SK243-A; SK0250-D; 0203-E; SK0251; VN50118.09-ECC-DG-0003; P4PBT-STW-AAB-GND-GA-175143 Rev A; P4PBT-SLW-ALL-SL-ELV-A31-17544 Rev A; P4PBT-SLW-ALL-SL-ELV-A31-17546 Rev A; P4PBT-STW-ALL-SL-SEC-A31-175147 Rev A; P4PBT STW AAB GND GA 111071 Rev J1;

- 3.1.2 "Planning Permission" The Original Planning Permission amended by the planning permission for the Development under reference number 2017/6167/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 3 November 2017 by the Owner and given reference number 2017/6167/P
- 3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2013/8192/P" shall be replaced with "Planning Permission reference 2013/8192/P as varied by 2015/2771/P and 2017/6167/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 2017/6167/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 have executed this instrument as their Deed the day and year first before written

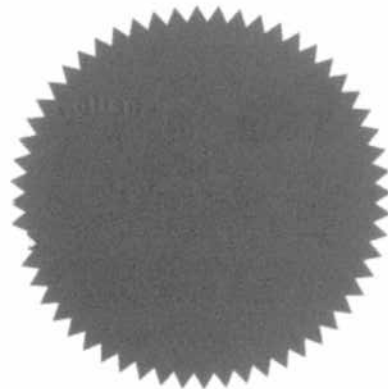
THE SEAL OF UNIVERSITY COLLEGE )  
LONDON HOSPITALS NHS )  
FOUNDATION TRUST )  
hereunto affixed is authenticated by:- )

.....  
Chairman/Authorised Signatory

.....  
Authorised Signatory

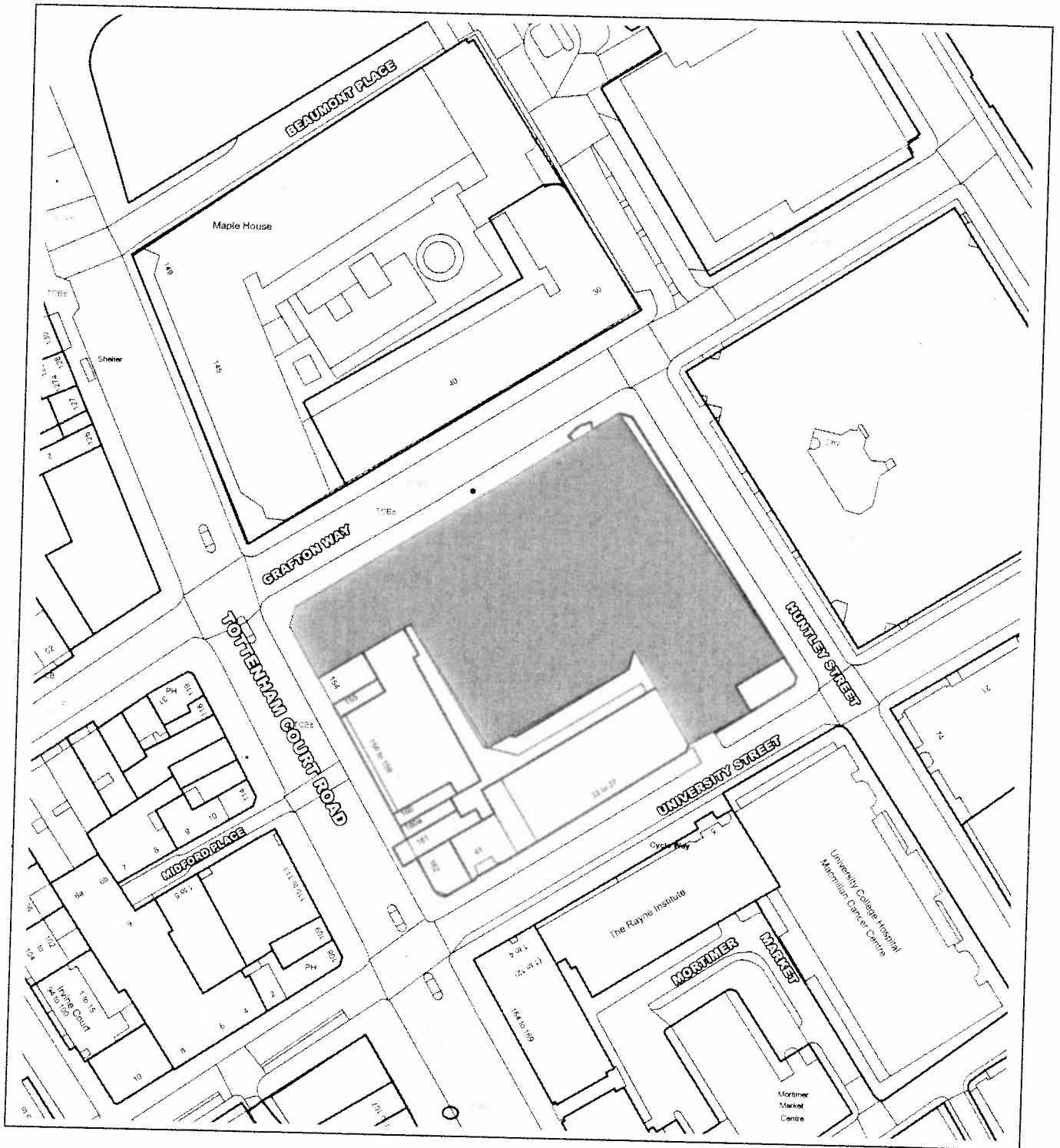
THE COMMON SEAL OF THE MAYOR )  
AND BURGESSES OF THE LONDON )  
BOROUGH OF CAMDEN was hereunto )  
Affixed by Order: )

.....  
Authorised Signatory





# NORTHGATE SE GIS Print Template



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*John H. O.*



JLL  
30 Warwick Street  
London  
W1B 5NHApplication Ref: **2017/6167/P**

29 May 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:

**Former Odeon site and Rosenheim Building**  
**Site bounded partly by Grafton Way**  
**TCR**  
**Huntley Street and University Street**  
**London**  
**WC1E 6DB**

Proposal:

**DECISION**  
Variation of condition 27 (servicing activities) of planning permission 2013/8192/P granted on 22/09/2014 for the Redevelopment of the former Odeon site and demolition of the Rosenheim Building to provide a Proton Beam Therapy (PBT) cancer treatment facility and day surgery facilities in 4 levels of basement; inpatient medical facilities and a ground floor retail unit (175 sq m approximate GIA) in a 7 storey development above ground (34,596.5 sq m GIA in total) including roof plant, a new pedestrian entrance on corner of Grafton Way and Huntley Street, a new service entrance on Huntley Street, a ground floor drop-off area off Grafton Way, and three roof gardens; and the relocation of the oxygen tanks to University Street frontage inside a new enclosure.

Drawing Nos: A/UCLH4: 1516-M; 1517-M; 1818-M; 1519-N; 1521-N; 1522-N; 1523-N; 1524-N; 1525-N; 1526-M; 1527-M; 1531-F;; 1533-N; 1534-C; 1540-N; 1541-N; 1550-D; 1551-H; 1554-H; 1555-G; 1556-F; 1557-F; 1558-G; 1560-F; 1561-D; 1577-C; 1581-C; SK243-A; SK0250-D; 0203-E; SK0251; VN50118.09-ECC-DG-0003; P4PBT-STW-AAB-GND-GA-175143 Rev A; P4PBT-SLW-ALL-SL-ELV-A31-17544 Rev A; P4PBT-SLW-ALL-SL-ELV-A31-17546 Rev A; P4PBT-STW-ALL-SL-SEC-A31-175147 Rev A; P4PBT STW AAB GND GA 111071 Rev J1;

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 22/09/2017.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: A/UCLH4: 1516-M; 1517-M; 1818-M; 1519-N; 1521-N; 1522-N; 1523-N; 1524-N; 1525-N; 1526-M; 1527-M; 1531-F;; 1533-N; 1534-C; 1540-N; 1541-N; 1550-D; 1551-H; 1554-H; 1555-G; 1556-F; 1557-F; 1558-G; 1560-F; 1561-D; 1577-C; 1581-C; SK243-A; SK0250-D; 0203-E; SK0251; VN50118.09-ECC-DG-0003; P4PBT-STW-AAB-GND-GA-175143 Rev A; P4PBT-SLW-ALL-SL-ELV-A31-17544 Rev A; P4PBT-SLW-ALL-SL-ELV-A31-17546 Rev A; P4PBT-STW-ALL-SL-SEC-A31-175147 Rev A; P4PBT STW AAB GND GA 111071 Rev J1;

SUPPORTING DOCS: Preliminary Ground Movement Assessment Produced by Campbell Reith dated March 2014; Updated summary tables S1a, S2, S3a produced by Anstey Home dated 18/11/2013; Design and Access Statement produced by Scott Tallon Walker Architects in association with Edward Williams Architects dated 13/12/2013; Planning Design Report: Acoustics prepared by Clarke Saunders Associates; Air Quality Assessment produced by SKM dated 06/12/2013; Archaeological Desk Based Assessment produced by CgMs dated 06/12/2013; BREEAM report produced by ARUP dated 05/12/2013; Clinical Overview Document produced by UCLH (undated); Ecology Survey to inform BREEAM produced by Thomson Ecology (undated); Energy Strategy produced by ARUP dated 05/12/2013; Heritage Statement produced by KM Heritage dated 01/12/2013; Planning Statement produced by Jones Lang LaSalle dated 17/12/2013; Statement of Consultation produced by UCLH (undated); Summary of Environmental Information produced by Jones Lang LaSalle dated Dec 2013; Transport Assessment by SKM; Basement Impact Assessment produced by Campbell Reith dated 04/12/2013; Daylight and sunlight report produced by Anstey Home dated 04/12/2013; land Quality Statement produced by Campbell Reith dated 15/11/2013; Rosenheim Building Retention - Feasibility Study produced by Scott Tallon Walker Architects dated 10/12/2013; Structural Demolition report produced by Campbell Reith dated 04/12/2013; Water Environmental Impact Statement produced by Campbell Reith dated 15/11/2013; Covering Letter dated 2nd November 2017.

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

- 3 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 windows (including jambs, head and cill), ventilation grills, external doors and gates;
  - b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials;
  - c) Detailed drawings at scale 1:10 of façade construction including but not limited to window reveals, corner brickwork detail and eaves;
  - d) Detailed drawings of the ceramic screen facade;
  - e) Details of all windows and external doors and drawings at scale 1:10 including plan and section drawings through the heads and jambs of the openings.

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, D2, and C6 of the London Borough of Camden Local Plan 2017.

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1, D2, and C6 of the London Borough of Camden Local Plan 2017.

- 5 Before the relevant part of the development commences, 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. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels].

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1, D2, and C6 of the London Borough of Camden Local Plan 2017.

- 6 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 safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies A2, A3, D1, D2, and C6 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

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

- 8 Prior to the laying of the first slab below ground level 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 the first occupation of any of the new units 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 CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11), and where mitigation is necessary a scheme of remediation must be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policies G1, A1 and DM1 of the London Borough of Camden Local Plan 2017.

- 10 As per the approved details secured on the 13/08/2015 under 2015/3013/P, the contract shall be adhered to with the Local Highway Authority to ensure: a) the reinstatement of a level public footway, by removing the existing vehicle crossover and dropped kerb and b) the installation of a resident's parking bay on the carriageway immediately adjacent to the reinstated footway. The building shall not be occupied until the works that are the subject of that contract have been completed.

Reason: To ensure that a) the pedestrian environment is improved and b) that an additional on-street parking bay is created to mitigate any detrimental impact on parking controls in accordance with policies T1, T3, T4 and A1 of the London Borough of Camden Local Plan 2017.

- 11 Prior to occupation of the development, 138 bicycle parking spaces for staff and the 20 bicycle parking spaces for visitors hereby approved shall be installed and available for use. The facilities shall be maintained in good working order thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policies T1 and T3 of the London Borough of Camden Local Plan 2017.

- 12 As per the approved details secured on 21/12/2017 under 2017/0371/P the supporting facilities for cyclists such as showers, toilets, lockers shall be provided in their entirety prior to the first occupation. The facilities shall be made available prior to occupation and maintained thereafter.

Reason: To ensure the development provides adequate facilities for cycling in accordance with the requirements of policies T1 and T3 of the London Borough of Camden Local Plan 2017.

- 13 The development shall be built in accordance with the plans as approved on 15/07/2015 under 2015/2700/P demonstrating the levels at the interface of the Development, the boundary of the Property and the Public Highway.

Reason: To ensure that the safety and efficiency and quality of the road network is maintained in accordance with policies T1, T3, T5 and A1 on the London Borough of Camden Local Plan 2017.

- 14 The development shall be built in accordance with the plans as approved on 15/07/2015 under 2015/2700/P which indicate the demarcation by the use of brass studs of the boundary between public highway and any forecourt.

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

- 15 Before the relevant part of the development commences, plans and scale 1:50 and supporting information detailing of the accessible features and facilities shall be submitted for approval by the Local Planning Authority in writing. This includes external features such as hard landscaping surface treatments including bollards and pedestrian entry doors. The approved features and facilities shall be installed prior to occupation and maintained thereafter.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of London Borough of Camden Local Plan 2017.

- 16 Prior to the commencement of development on the relevant part of the building, 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. Prior to the first occupation of the buildings, 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 policy CC1 of London Borough of Camden Local Plan 2017.

- 17 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, C6 and A5 of the London Borough of Camden Local Plan 2017.

- 18 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 water environment in accordance with policies CC1, D1, CC4 and A3 of London Borough of Camden Local Plan 2017.



- 19 The retail unit shall not be open to members of the public between the hours of 00:00 - 07:00.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, TC1, and TC2 of London Borough of Camden Local Plan 2017.

- 20 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

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

- 21 Prior to the installation of any kitchen extract system, details of how the system will be sound attenuated and isolated from the structure shall be submitted to and approved by the Council such that the use can be carried out without detriment to the amenity of adjoining or surrounding premises and in accordance with the noise criteria outlined in condition number 24. Prior to occupation, the approved measures shall be installed and remain in place for the lifetime of the development.

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

- 22 The development shall be built in accordance with the details secured under 2017/2506/P on 21/09/2017 for the detailed design on drawings scale 1:50 as well as supporting details of any ground floor air extraction vents as well as any other extraction vents located elsewhere including those relating the CHP as well as any associated filtering and/or attenuation devices. The details approved shall be installed prior to first occupation and maintained thereafter.

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

- 23 Prior to the installation of any kitchen extract system, a report detailing how odour will be managed shall be submitted to and approved by the local planning authority. Prior to occupation, the approved odour abatement measures shall be installed and remain in place for the lifetime of the development.

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

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

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

- 25 Prior to the laying of the first slab above ground level, a scheme for noise mitigation for the external façade shall be submitted to and approved by the local planning authority in writing and the buildings shall not be occupied until completed fully in accordance with such scheme as will have been approved.

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

- 26 Prior to the laying of the first slab above ground level, a scheme for vibration mitigation shall be submitted to and approved by the local planning authority in writing and the buildings shall not be occupied until completed fully in accordance with such scheme as will have been approved.

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

- 27 There shall be no loading or unloading of goods or refuse or other servicing activities outside of the hours of 08:00 - 20:00, except for the collection of clinical waste on Huntley Street which can occur between the hours of 07:00 - 08:00 and 20:00 - 21:00.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, T3 and T4 and A4 of London Borough of Camden Local Plan 2017.

- 28 Prior to the installation of any plant (except for the vacuum insulated evaporator and the stand by generator) an acoustic report shall be submitted to and approved by the Local Planning Authority detailing how the required noise criteria as outlined within condition 24 will be met for each item of plant installed. Any attenuation measures detailed within the acoustic report approved by the Local Planning Authority shall be installed prior to occupation and remain in place for the lifetime of the development.

On commissioning the machinery and prior to the building being occupied a noise survey shall be carried out to ascertain the above noise criteria from the machinery are being met. An acoustic report shall be submitted for the approval of the Local Planning Authority. The Acoustic Report shall clearly contain map/plan showing all measurements locations, tabulated and graphically raw data, calculations /façade corrections /assumptions made, time date, etc.

(ii) All plant and machinery, and ventilation ducting shall be installed so as to prevent the transmission of noise and vibration within or at the boundary of any noise sensitive premises either attached to or in the vicinity of the premises to which this application refers.

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

- 29 The development shall be carried out in accordance with the details approved on 28/10/2015 under 2015/2815/P which details how the required noise criteria as outlined within condition 24 will be met. All attenuation measures detailed within the acoustic report approved by the Local Planning Authority shall be installed prior to occupation and remain in place for the lifetime of the development.

On commissioning the machinery and prior to the building being occupied a noise survey shall be carried out to ascertain the above noise levels criteria from the machinery are being met. An acoustic report shall be submitted for the approval of the Local Planning Authority. The Acoustic Report shall clearly contain map/plan showing all measurements locations, tabulated and graphically raw data, calculations /façade corrections /assumptions made, time date, etc.

(ii) All plant and machinery, and ventilation ducting shall be installed so as to prevent the transmission of noise and vibration within or at the boundary of any noise sensitive premises either attached to or in the vicinity of the premises to which this application refers.

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

- 30 Prior to the installation of the stand by generator, an acoustic report shall be submitted to and approved by the Local Planning Authority detailing how the required noise criteria as outlined within condition 24 will be met. Any attenuation measures detailed within the acoustic report approved by the Local Planning Authority shall be installed prior to occupation and remain in place for the lifetime of the development.

On commissioning the machinery and prior to the building being occupied a noise survey shall be carried out to ascertain the above noise levels criteria from the machinery are being met. An acoustic report shall be submitted for the approval of the Local Planning Authority. The Acoustic Report shall clearly contain map/plan showing all measurements locations, tabulated and graphically raw data, calculations /façade corrections /assumptions made, time date, etc.

(ii) All plant and machinery shall be installed so as to prevent the transmission of noise and vibration within or at the boundary of any noise sensitive premises either attached to or in the vicinity of the premises to which this application refers.

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

- 31 The roof terrace shall not be used for any purpose between the hours of 21:00 - 08:00.

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

- 32 Before the relevant part of the development commences a scheme detailing the internal and external lighting proposals and predicted lighting levels and any mitigation required to ensure there is no adverse impact on neighbouring properties or the highway shall be submitted to and approved by the local planning authority. The approved scheme shall be installed prior to occupation and remain in place for the lifetime of the development.

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

- 33 The development should be carried out in accordance with the details approved on 21/12/2017 under reference 2017/2124/P and the acoustic report detailing the predicted impact of, and mitigation proposals for, the servicing area and the patient drop off area. Any mitigation and attenuation proposals approved shall be installed prior to occupation and maintained for the lifetime of the development.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, T3, T4, A1 and A4 of London Borough of Camden Local Plan 2017.

- 34 Prior to the laying of the slab at ground level, drawings and supporting information detailing the security measures for the site shall be submitted to and approved in writing by the council in conjunction with Metropolitan Police. The details agreed shall be installed prior to occupation and maintained thereafter.

Reason: To ensure the safety of visitors and users in accordance with policies G1, A1, D1, C5 and C6 of London Borough of Camden Local Plan 2017.

35 The development shall be carried out in accordance with the details approved on 06/08/2017 under reference 2015/3450/P in respect of the following

- a) provide details on all structures
- b) accommodate the location of the existing London Underground structures and tunnels
- c) accommodate ground movement arising from the construction thereof
- d) mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2016 and Transport' Supplementary Planning Guidance 2012.

36 The development shall be carried out in accordance with the details approved on 18/06/2015 under reference 2015/2699/P in relation to the Impact studies of the existing water supply infrastructure. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with additional demand requirements arising from the development.

37 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure.

- 38 No servicing, delivery, waiting and no VIE (oxygen tank) related activities including deliveries, servicing, maintenance, vehicle waiting shall occur in University Street.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, T3 and T4 of the London Borough of Camden Local Plan 2017.

- 39 Prior to the commencement of development, other than site clearance, drawings and supporting details of the arrangements for obscure glazing for any hospital windows facing habitable windows or skylights of the Jeremy Bentham Pub shall be submitted to and approved in writing by the council. The obscure glazing shall be installed prior to occupation and maintained thereafter.

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

Informative(s):

- 1 Reason for granting permission-

The proposed variation of Condition 27 to change the hours of servicing activities in relation to clinical waste on Huntley Street which can occur between the hours of 07:00 – 08:00 and 20:00 – 21:00 is considered to be appropriate in the location. Included within the parent application, a health waste vehicle was to collect health/clinical waste off Huntley Street. This is due to the fact that the approved service yard is too small to accommodate the health waste vehicles which are 4.5m high. Both the applicant and the Council have raised concerns with the medical waste being collected on-street during busy periods, therefore, it is considered that the hours proposed, being early in the morning and late in the evening are acceptable as there is less activity in terms of cyclists and pedestrians as well as other vehicles on the street. It will also help to minimise traffic congestion by avoiding peak periods when traffic congestion is a significant problem in the general vicinity of the site. Transport Officers and Environmental Health Officers have assessed the application and have no objection to the timing proposed.

The collection point is located on Huntley Street right outside the shared service yard and therefore, not immediately adjacent to any residential accommodation. The proposal has been assessed against neighbourhouring residential properties within the close vicinity and the additional hours are not considered to significantly impact upon residential amenity, by way of the creation of noise / disturbances.

No objections were received from neighbouring properties in relation to the proposed variation. One comment was received from Crossrail 2, however, the majority of the basement works have been carried out on site and therefore, the requested condition does not apply in this instance. The details have been forward to the applicant and they are encouraged to engage with Crossrail 2. The site's planning history was taken into account when coming to this decision.

The full impact of the scheme has already been assessed by virtue of the previous approval granted on 17/12/2013 reference 2013/8192/P. In the context of the permitted scheme, it is considered that the amendment would not have a significant effect on the approved development in terms of appearance and neighbouring amenity.

As such, the proposed amendment is in general accordance with G1, A1, A4, CC5, T3 and T4 of the London Borough of Camden Local Plan 2017 . The proposed development also accords with the London Plan 2016 as well as the National Planning Policy Framework 2012.

2

The developer shall ensure that identifiable adequate facilities points to gain access to the void of the fabric of the building areas are provided for pest control treatment purposes.

3

The developer shall keep in contact with Crossrail 2 in relation to the build program of this development.

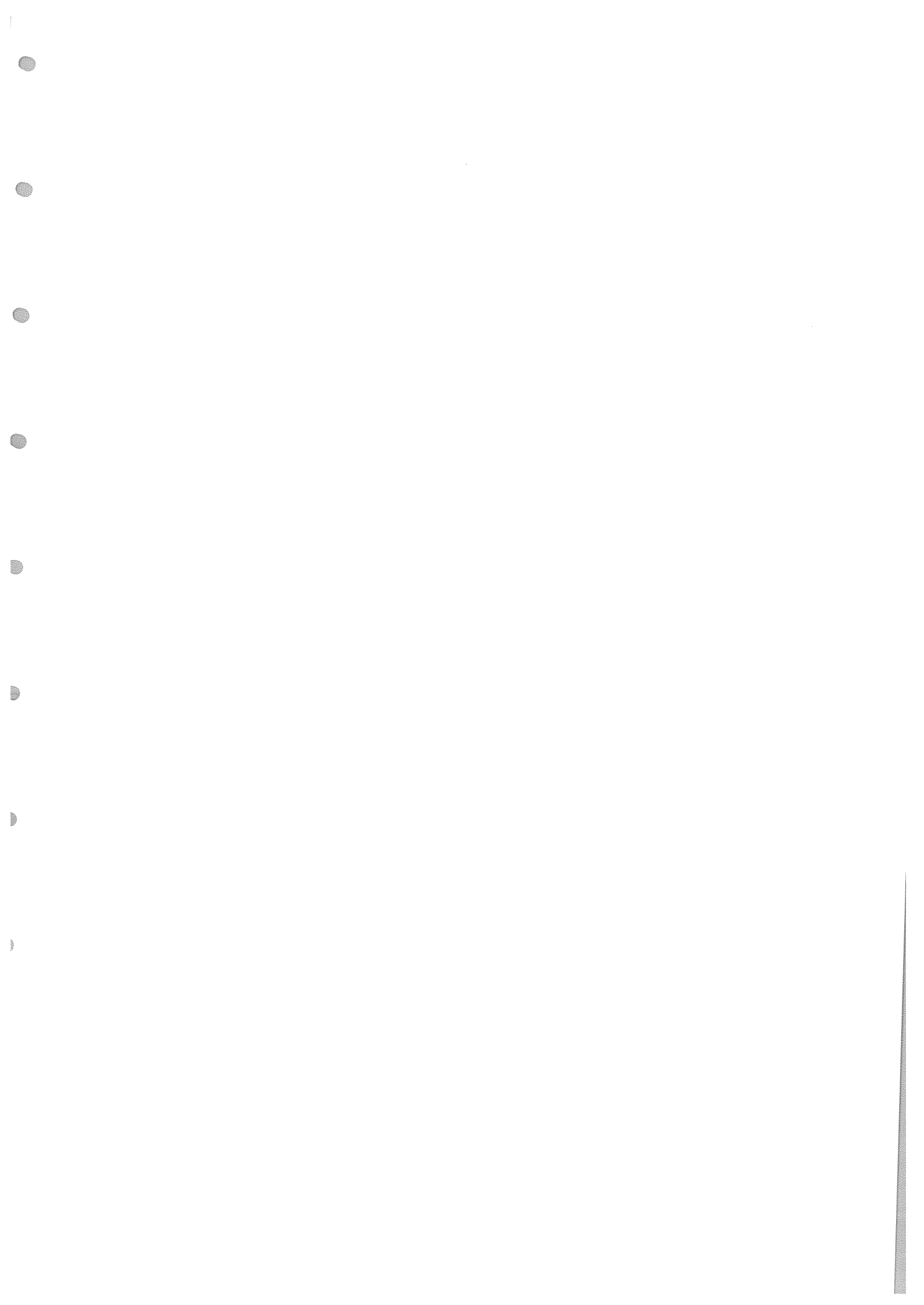
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate







DATED

29 June

2018

**(1) UNIVERSITY COLLEGE LONDON HOSPITALS NHS  
FOUNDATION TRUST**

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 22 September 2014 (as varied by the First Deed of Variation dated 18 September 2015)  
Between the Mayor and the Burgesses of the  
London Borough of Camden and  
University College London Hospitals NHS  
Foundation Trust  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as

**Former Odeon Site and Rosenheim Building site bounded partly by Grafton Way,  
TCR, Huntley Street and University Street London WC1E 6DB**

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