

DATED

5<sup>TH</sup> MARCH

2018

(1) HERBAL HOUSE INVESTMENTS LIMITED

and

(2) DEUTSCHE BANK AG LONDON BRANCH

and

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

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**SECTION 106 DEED OF VARIATION**

Relating to the Agreement dated 31 March 2015  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Herbal House Investments Limited and Aeriance Investments S.A  
under Section 106 of the Town and  
Country Planning Act 1990 and other enabling powers  
relating to development at premises known as  
**HERBAL HOUSE 10 BACK HILL LONDON EC1R 5EN**

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

Tel: 020 7974 6007  
Fax: 020 7974 2962

Legal/JL/1781.524  
DoV vFinal

THIS DEED is made on the 5<sup>th</sup> day of March 2018

**BETWEEN**

1. **HERBAL HOUSE INVESTMENTS LIMITED** (company incorporated in Jersey) whose registered office is at Lime Grove House, Green Street, St Helier Jersey JE1 2S7 and whose address for service in the United Kingdom is c/o Aerium Finance Ltd, 49 Grosvenor Street, London W1K 3HP (hereinafter called "the **Owner**") of the first part;
2. **DEUTSCHE BANK, AG LONDON BRANCH** a corporation duly organised and existing under the law of the Federal Republic of Germany and having its principal place of business at Taunusanlage 12, Frankfurt Am Main whose UK address for service is at Winchester House, 1 Great Winchester Street, London EC2N 2DB (hereinafter called "the **Mortgagee**") of the second part; and
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the **Council**") of the third part.

**WHEREAS:**

- 1.1 The Council the Owner and Aeriance Investments Sarl entered into the Existing Agreement (as defined herein) to allow the grant of the Original Planning Permission (herein defined).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL158958.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Town and Country Planning Act 1990 (defined as the "Act" in the Existing Agreement).
- 1.4 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.

- 1.5 The Owner submitted the Planning Application for the Third Permission (herein defined) made under section 73 of the Act in respect of the Property to vary condition 16 of the Original Planning Permission as varied by the Second Permission and the Non Material Amendments (both defined herein) for which the Council has resolved to grant Planning Permission conditionally subject to the conclusion of this Deed.
- 1.6 The Mortgagee as mortgagee under a legal charge registered against title number NGL158958 dated 4 August 2017 consents to entering into this Deed subject to Clause 7 (Mortgagee Exemption).
- 1.7 This Deed is made by virtue of Section 106 the Act 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 and this Deed shall have no effect on any obligation in the Existing Agreement which has been discharged by the Owner.
- 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 Deed 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 References in this Deed to the Owner and Mortgagee shall include their successors in title.

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

2.7.1 "Deed" means this Deed of Variation made pursuant to Section 106A of the Act;

2.7.2 "Existing Agreement" means the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 31 March 2015 made between the Council and the Owner and Aeriance Investments Sarl;

2.7.3 "Non Material Amendments" means the non material amendments granted by the Council on 21 October 2015 under reference 2015/3337/P and 26 April 2017 under reference 2016/3280/P;

2.7.4 "the Original Planning Permission" means the planning permission granted by the Council on 31 March 2015 referenced 2014/3638/P following completion of the Existing Agreement;

2.7.5 "the Planning Application" means the application for the Third Permission with reference 2017/0593/P;

2.7.5 "the Second Permission" means the planning permission granted by the Council on 21 December 2015 referenced 2015/6052/P; and

2.7.6 "the Third Permission" means the planning permission to be granted by the Council pursuant to the Planning Application a draft of which is annexed to this Deed at **Annex 1.**

### 3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following definitions contained in the Existing Agreement shall be deleted and replaced as follows:

"Development" means the development permitted by the variation of condition 16 (development in accordance with approved plans) granted under reference 2014/3683/P dated 31/03/15 for 'Change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations', as amended by a non material amendment approval under reference 2015/3337/P dated 21/10/2015, planning permission under reference 2015/6052/P dated 21/12/2015, and a non-material amendment approval under reference 2016/3280/P dated 26/04/2017. The amendments include proposed use of Crittal style windows and solid panel cladding to the 5th and 6th floor extension as shown on drawing numbers: 863 S 01 Rev 00; 863-PL-EX-B2 Rev P1; 863-PL-EX-B1 Rev P1; 863-PL-EX-

M0 Rev P1; 863-PL-EX-00 Rev P1; 863-PL-EX-01 Rev P1; 863-PL-EX-02 rev P1; 863-PL-EX-03 Rev P1; 863-PL-EX-04 Rev P1; 863-PL-EX-05 Rev P1; 863-PL-ES-AA Rev P1; 863-PL-ES-BB Rev P1; 860-PL-EE-01 Rev P1; 860-PL-EE-02 Rev P1; 863-PL-GA-B2 Rev P2; 863-PL-GA-LG P3; 863-PL-GA-00 Rev P8; 863-PL-GA-UG P6; 863-PL-GA-01 Rev P2 ; 863-PL-GA-02 Rev P2 ; 863-PL-GA-03 Rev P2; 863-PL-GA-04 Rev P2 ; 863-PL-GA-05 P7; 863-PL-GA-06 P6; 863-PL-GA-RF Rev P3 ; 863-PL-GS-AA RevP2; 863-PL-GS-BBP4; 863-PL-GS-CC Rev P2; 860-PL-GE-01 P7; 860-PL-GE-02 P6; Design and Access Statement, dated 27th May 2014; Construction Method Statement dated 1st March 2014; Daylight and Sunlight Report dated 19th May 2014; Energy Performance Analysis dated October 2014 (produced by Waterman Building Services Limited); Heritage, Townscape and Visual Impact Assessment dated May 2014; Acoustics Planning Report dated May 2014; Sustainability Statement dated May 2014; Transport Statement dated May 2014; Air Quality Assessment dated March 2014 (produced by Waterman Energy, Environment & Design Limited) and Lifetime Homes Statement;

“Planning Permission”

means the planning permission for the Development under reference number 2017/0593/P to be granted by the Council in the form of the draft annexed hereto; and

“Planning Application”

means the application for Planning Permission in respect of the Development of the Property submitted to the Council on behalf of the Owner and validated by the Council on 31 January 2017 and given reference number 2017/0593/P.

3.2 All references in Clauses 5.2, 5.6, 5.7 and 6.1 of the Existing Agreement to "Planning Permission reference 2014/3683/P" shall be replaced with "Planning Permission reference 2017/0593/P".

3.3 Clause 7 of the Existing Agreement shall be deleted and replaced as follows:

"The Mortgagee hereby consents to the completion of this Deed and agrees to be bound by it and to the same being registered at the Land Registry in any register of title comprising the Property and for the avoidance of doubt the Mortgagee, any subsequent mortgagee or chargee from time to time or a receiver or agent appointed to act on its behalf as the case may be of the whole or part of the Property shall incur no liability to perform any of the covenants or obligations under this Deed unless and until it becomes a successor in title to the Owner or mortgagee in possession in which case it too shall be bound by such covenants or obligations as if it were a person deriving title from the Owner and all other parties to this Deed acknowledge the same."

3.4 The draft planning permission annexed to the Existing Agreement shall be removed and the draft Planning Permission annexed to this Deed at Annex 1 shall be treated as annexed to the Existing Agreement.

3.5 In all other respects the Existing Agreement shall continue in full force and effect.

#### 4. **COMMENCEMENT AND INDEMNITY**

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.

4.2 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned in the Existing Agreement as varied by this Deed and shall not make any claim for compensation in respect of any condition restriction or provision imposed by the Existing Agreement as varied this Deed and further shall indemnify the Council for any expenses or liability arising to the Council in respect of breach of any obligations contained within the Existing Agreement as varied by this Deed by the Owner or any person who has derived title to the Property or any part thereof from the Owner prior to the date of this Deed and the Owner shall use all reasonable endeavours to ensure that any such person complies with the obligations contained within the Existing Agreement as varied this Deed save to the extent that any act or omission of the Council its employees or agents has caused or contributed to such expenses or liability.

#### 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 and proper 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 EXEMPTION**

7.1 The Mortgagee hereby consents to the completion of this Deed and agrees to be bound by it and to the same being registered at the Land Registry in any register of title comprising the Property and for the avoidance of doubt the Mortgagee, any subsequent mortgagee or chargee from time to time or a receiver or agent appointed to act on its behalf as the case may be of the whole or part of the Property shall incur no liability to perform any of the covenants or obligations under this Deed unless and until it becomes a successor in title to the Owner or mortgagee in possession in which case it too shall be bound by such covenants or obligations as if it were a person deriving title from the Owner and all other parties to this Deed acknowledge the same.

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

**EXECUTED as a Deed on behalf of)**

**HERBAL HOUSE INVESTMENTS LIMITED)**

a company incorporated in )

JERSEY by )

Bernard S. Swain )

and Director )



.....  
**Authorised Signatory**

being persons who in accordance)

with the laws of that territory are )

acting under the authority of )

the company )

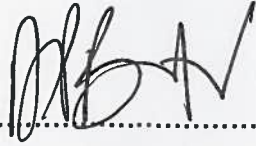


.....  
**Authorised Signatory**



EXECUTED as a Deed on behalf of)  
DEUTSCHE BANK AG, LONDON BRANCH

a company incorporated in )  
Germany by )

X   
.....


and )

Authorised Signatory

)  
)  
being persons who in accordance )  
with the laws of that territory are )  
acting under the authority of )  
the company )

X   
.....  
Authorised Signatory

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

.....   
.....  
Authorised Signatory



**Annex 1**  
**Draft Planning Permission**

Patrick Reedman  
Montagu Evans  
5 Bolton Street  
London  
W1J8BA

Application Ref: **2017/0593/P**  
Please ask for: **David Fowler**  
Telephone: 020 7974 2123

6 September 2017

**DRAFT**

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

**Variation or Removal of Condition(s) Granted**

Address:  
**Herbal House**  
**10 Back Hill**  
London  
**EC1R 5EN**

**DECISION**

**Proposal:**

Variation of condition 16 (development in accordance with approved plans) granted under reference 2014/3683/P dated 31/03/15 for 'Change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations', amended by planning references 2015/3337/P dated 21/10/2015, 2015/6052/P dated 21/12/15 and 2016/3280/P dated 26/04/2017. The amendments include proposed use of Crittal style windows and solid panel cladding to the 5th and 6th floor extension.

Drawing Nos: Superseded drawings: 860-PL-GE-01 P6, 860-PL-GE-02 P5, 863-PL-GA-05 P6, 863-PL-GA-06 P4

Drawings for approval: Planning Amendments - Minor Material Amendments Document

Executive Director Supporting Communities



(25th January 2017) Buckley Gray Yeoman, 860-PL-GE-01 P7, 860-PL-GE-02 P6, 863-PL-GA-05 P7, 863-PL-GA-06 P6.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 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:

c) Details including sections of photovoltaic panels at roof level;

And, unless otherwise agreed in writing,

a) all windows (including jambs, head and sill), ventilation grills, external doors and gates shall be constructed in accordance with planning reference 2016/6090/P approved on 08/05/2017 prior to the first occupation of any of the new units and permanently retained thereafter

b) all facing materials shall be constructed in accordance with 2016/3961/P approved on 08/05/2017 prior to the first occupation of any of the new units and permanently retained thereafter

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 2 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 policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted

to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies.

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

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Only the areas specifically shown on the plans hereby approved as external terraces shall be used for such purposes; and no other flat roofed areas shall be used as a roof terrace, and any access out onto these areas shall be for maintenance purposes only.

Reason: In order to prevent any detrimental impacts of overlooking and/or noise and disturbance of the neighbouring premises in accordance with the requirement of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Full details of the lighting specifications of the glazed roof extension, to include manufacturer's specifications and information about potential light spill onto buildings, trees and lines of vegetation, shall be submitted to and approved by the Local Planning Authority in writing. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented prior to the first occupation of any residential unit.

Reason: To safeguard the appearance of the premises and the character of the immediate area, to protect the amenity of current and future occupiers from light pollution and possible anti-social behaviour in accordance with policies CS5, CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Details of secure and covered cycle storage facilities for 120 commercial spaces and 12 residential spaces shall be submitted to and approved in writing by the local planning authority. The approved facility shall thereafter be provided in its entirety

prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to first use of any of the commercial uses, hereby permitted, full details of a scheme for plant and equipment, including manufacturers specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The relevant uses shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall 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 CS5 and CS7 of the London Borough of Camden Local Development Framework Core strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Unless otherwise agreed in writing, the facilities for the waste storage and removal shall be provided in accordance with 2015/2098/P 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 policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans: 863 S 01 Rev 00; 863-PL-EX-B2 Rev P1; 863-PL-EX-B1 Rev P1; 863-PL-EX-M0 Rev P1; 863-PL-EX-00 Rev P1; 863-PL-EX-01 Rev P1; 863-PL-EX-02 rev P1; 863-PL-EX-03 Rev P1; 863-PL-EX-04 Rev P1; 863-PL-EX-05 Rev P1; 863-PL-ES-AA Rev P1; 863-PL-ES-BB Rev P1; 860-PL-EE-01 Rev P1; 860-PL-EE-02 Rev P1; 863-PL-GA-B2 Rev P2 863-PL-GA-LG P3; 863-PL-GA-00 Rev P8 ; 863-PL-GA-UG P6; 863-PL-GA-01 Rev P2 ; 863-PL-GA-02 Rev P2 ; 863-PL-GA-03 Rev P2; 863-PL-GA-04 Rev P2 ; 863-PL-GA-05 P7; 863-PL-GA-06 P6, ; 863-PL-GA-RF Rev P3 ; 863-PL-GS-AA RevP2 ; 863-PL-GS-BBP4 ; 863-PL-GS-CC Rev P2 ; 860-PL-GE-01 P7; 860-PL-GE-02 P6; Design and Access Statement, dated 27th May 2014; Construction Method Statement, dated 1st March 2014; Daylight and Sunlight Report, dated 19th May 2014; Energy Performance Analysis, dated October 2014, produced by Waterman Building Services Limited; Heritage, Townscape and Visual Impact Assessment, dated May 2014; Acoustics Planning Report, dated May 2014; Sustainability Statement, dated May 2014; Transport Statement, dated May 2014; Air Quality Assessment, dated March 2014, produced by Waterman Energy, Environment & Design Limited; and Lifetime Homes Statement.

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

- 11 Before the development is first occupied, details of the location and specification of the mechanical ventilation intake shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be permanently retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development meets air quality standards in accordance with the requirements of policies CS5 (Managing the impact of growth and development) and CS16 (Improving Camden's health and wellbeing) of the London Borough of Camden Local Development Framework Core Strategy and policies DP32 (Air quality and Camden's Clear Zone), DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies and policies 3.2, 5.3 and 7.14 of the London Plan.

- 12 Before the development is first occupied, details of the Combined Heat and Power engine shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the development will comply with the Mayors 'Band B' NOx emissions standards. The development shall be implemented in accordance with the details approved and shall be permanently retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development meets air quality standards in accordance with the requirements of policies CS5 (Managing the impact of growth and development) and CS16 (Improving Camden's health and wellbeing) of the London Borough of Camden Local Development Framework Core Strategy and policies DP32 (Air quality and Camden's Clear Zone), DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies and policies 3.2, 5.3 and 7.14 of the London Plan.

- 13 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2014/3683/P dated 31/03/15.

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

Informative(s):

- 1 Reasons for granting permission.

The proposed Crittal style windows are considered to be in character with the host building and in particular the glazing on the floors below. The proposed panels are similarly considered to be in character with the lower floors of the building. Given

the above, the amendments would not harm the character of the host building, streetscene or this part of the Hatton Garden 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.

There would not be an increase in glazing or a substantial relocation of glazing which would result in any impact in terms of additional overlooking to neighbouring residential properties.

No other changes are proposed to the building which would affect it in terms of its landuse, transport or amenity impacts.

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.

As such, the proposed details are in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies, and policies A1, D1 and D2 of the Camden Local Plan Submission Draft 2016. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 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. 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 needs to 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](mailto:CIL@Camden.gov.uk)

- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 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.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 7 With regard to condition no. 9 you are advised to look at Camden Planning Guidance for further information and if necessary consult the Access Officer, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 5124) to ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time.
- 8 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.
- 9 You are advised that condition 4 means that no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time.
- 10 You are reminded that filled refuse sacks shall not be deposited on the public

footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.

- 11 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk).

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

**DECISION**