

DATED

16 January

2018~~8~~9

(1) CONSOLIDATED DEVELOPMENTS LIMITED

-and-

(2) LAURENCE GRANT KIRSCHER

-and-

(3) TRIMONT REAL ESTATE ADVISORS, U.K., LTD.

-and-

(4) THE MAYOR AND THE BURGESSES OF

THE LONDON BOROUGH OF CAMDEN

THIRD DEED OF VARIATION

Relating to the Agreement dated 31 March 2015 (as varied by the First Deed of Variation dated 8 August 2016 and the Second Deed of Variation dated 15 February 2017)
Between the Mayor and the Burgesses of the London Borough of Camden, Consolidated Developments Limited, Laurence Grant Kirschel, National Westminster Bank Plc and DB UK Bank Limited
under section 106 of the Town and Country Planning Act 1990 (as amended)
Relating to development at premises known as

St Giles Circus site including: site of 138-148 (even) Charing Cross Road 4 6 7 9 10 20-28 (inc) Denmark Street 1-6 (inc) 16-23 (inc) Denmark Place 52-59 (inc) St.Giles High Street 4 Flitcroft Street and 1 Book Mews London WC2

Andrew Maughan
Head of Legal Services
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP
Tel: 020 7974 1918
Fax: 020 7974 2962
CLS/COM/AB&ESA/1781.452
DoV FINAL

THIS DEED is made on the 16 day of January 2018

BETWEEN

1. **CONSOLIDATED DEVELOPMENTS LIMITED** (Co. Regn. No. 02904116) whose registered office is at 3rd Floor 114a Cromwell Road London SW7 4AG (hereinafter called "the Owner") of the first part
2. **LAURENCE GRANT KIRSCHER** of 26 Soho Square London W1D 4NU and care of Bright Grahame Murray 3rd Floor 114a Cromwell Road London SW7 4AG and care of Forsters LLP, 31 Hill Street, London W1J 5LS (Ref: 45653.11) (hereinafter called "the Second Freeholder") of the second part
3. **TRIMONT REAL ESTATE ADVISORS, U.K., LTD.** (Co. Regn. No. 08687097) of 300 Pavilion Drive, Northampton, England NN4 7YE (hereinafter called "the Mortgagee") of the third part
4. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the fourth part

WHEREAS:

- 1.1 The Council, the Owner, the Second Freeholder, National Westminster Bank PLC and DB UK Bank Limited entered into the Original Agreement.
- 1.2 The Council, the Owner, the Second Freeholder, National Westminster Bank PLC and DB UK Bank Limited entered into the First Deed of Variation and the Second Deed of Variation to vary the terms of the Original Agreement.
- 1.3 Subsequently to the Second Deed of Variation, the security held by National Westminster Bank PLC over the First Property and by DB UK Bank Limited over 4 Denmark Street has been released.

- 1.4 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute of the majority of the First Property under Title Numbers NGL551245, NGL603513, 227324, 292289, LN243665, 405562, 273129, 222345, NGL405103, 228207, 242885, LN140662, 274103, 100072, 375202, 268193, 256779, NGL827003, NGL551219, NGL972690, NGL972699, 69436, LN117801 and 100804 subject to a charge to the Mortgagee.
- 1.5 The Second Freeholder is registered at the Land Registry as the freehold proprietor with Title absolute of that part of the First Property known as 4 Denmark Street under Title Number 299400.
- 1.6 The Owner and Second Freeholder are the freehold owners of the First Property and are interested in the First Property for the purposes of Section 106(9) of the Act.
- 1.7 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 First Property should be restricted or regulated in accordance with this Deed.
- 1.8 The Mortgagee as mortgagee under legal charges registered under Title Numbers NGL551245, NGL603513, 227324, 292289, LN243665, 405562, 273129, 222345, NGL405103, 228207, 242885, LN140662, 274103, 100072, 375202, 268193, 256779, NGL827003, NGL551219, NGL972690, NGL972699, 69436, LN117801 and 100804 and dated 3 August 2017 is willing to enter into this Deed to give its consent to the same.
- 1.9 A new Planning Application in respect of the First Property to amend the Original Planning Permission as varied by the First Planning Permission and Second Planning Permission was submitted to the Council by the Owner and validated on 3 November 2016 for which the Council resolved to grant permission conditionally under reference 2016/5690/P subject to the conclusion of this Deed.
- 1.10 This Deed is made by virtue of Section 106A of the Act (as amended) and is a planning obligation for the purposes of that section.
- 1.11 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 Original 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 affect the construction of this Deed.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 4, 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 take effect and become binding upon the Owner and the Second Freeholder upon the Implementation of the Planning Permission.
- 2.7 References in this Deed to the Owner the Second Freeholder and the Mortgagee shall include their successors in title.
- 2.8 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

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

- 2.8.2 "the First Deed of Variation" means the deed of variation of the Original Agreement under section 106A of the Act dated 8 August 2016 made between the Council, the Owner, the Second Freeholder, National Westminster Bank PLC and DB UK Bank Limited
- 2.8.3 "the Second Deed of Variation" means the deed of variation of the Original Agreement under section 106A of the Act dated 15 February 2017 made between the Council, the Owner, the Second Freeholder, National Westminster Bank PLC and DB UK Bank Limited
- 2.8.4 "Existing Agreement" means the Original Agreement as amended by the First Deed of Variation and the Second Deed of Variation
- 2.8.5 "Planning Permission" the planning permission for the First Property under planning reference 2016/5690/P granted by the Council in the form of the draft annexed hereto
- 2.8.6 "Original Agreement" means the Section 106 Agreement under the Act dated 31 March 2015 made between the Council, the Owner, the Second Freeholder, the National Westminster Bank PLC and DB UK Bank Limited
- 2.8.7 "the Original Planning Permission" means the planning permission granted by the Council on 31 March 2015 referenced 2012/6858/P allowing the Redevelopment involving the erection of three buildings (5 and 7 storey buildings facing Centre Point Tower and a 4 storey building on Denmark Place), following the demolition of 1-6, 17-21 Denmark Place and York and Clifton Mansions with retained facades at 1-3 Denmark Place and York and Clifton

Mansions to provide 2895sqm of basement Event Gallery space to be used for community events, exhibitions, product launches, live music (including recorded music), awards ceremonies, conferences and fashion shows (Sui Generis); a 678sqm urban gallery with 1912sqm of internal LED screens to be used for circulation space, retail, advertising, exhibitions, brand and product launches, corporate events, screenings, exhibitions and events (including recorded music),(Sui Generis); 884sqm of flexible retails and restaurant floorspace (Class A1/A3); 2404sqm of restaurant floorspace (Class A3); 385sqm of drinking establishment (Class A4) and a 14 bedroom hotel (Class C1) between Denmark Place and Andrew Borde Street. Change of use of 4, 6, 7, 9, 10, 20-28 Denmark Street, 4 Flitcroft Street and 1 Book Mews to provide 4,308sqm of office floor space (Class B1a); 2,959sqm of private residential floor space (Class C3); 239sqm of affordable housing (Class C3) and 2540sqm of retail floor space (Class A1). Provision of a new pedestrian route from Andrew Borde Street to Denmark Street at ground floor level and associated partial demolition at 21 Denmark Street (all GEA)

2.8.8 "the Second Planning Permission"

means the minor material amendment permission Reference Number 2015/3900/P dated 8 August 2016 of condition 2 (development to be constructed in accordance with the approved plans) of planning permission redevelopment 2012/6858/P dated 31 March 2015 namely for alterations to design and materials and changes to approved layout of the development including internal reconfiguration

of Buildings A,B,C and D, alterations to internal layout and shopfronts in Denmark Street (north) and alterations to 4 Flitcroft Street including changes to roof pitch of approved rear extension. The original development was 'Erection of three buildings (5 and 7 storey buildings facing Centre Point Tower and a 4 storey building on Denmark Place), following the demolition of 1-6, 17-21 Denmark Place and York and Clifton Mansions with retained facades at 1-3 Denmark Place and York and Clifton Mansions to provide 2895sqm of basement Event Gallery space to be used for community events, exhibitions, product launches, live music (including recorded music), awards ceremonies, conferences and fashion shows (Sui Generis); a 678sqm urban gallery with 1912sqm of internal LED screens to be used for circulation space, retail, advertising, exhibitions, brand and product launches, corporate events, screenings, exhibitions and events (including recorded music),(Sui Generis); 884sqm of flexible retails and restaurant floorspace (Class A1/A3); 2404sqm of restaurant floorspace (Class A3); 385sqm of drinking establishment (Class A4) and a 14 bedroom hotel (Class C1) between Denmark Place and Andrew Borde Street. Change of use of 4, 6, 7, 9, 10, 20-28 Denmark Street, 4 Flitcroft Street and 1 Book Mews to provide 4,308sqm of office floor space (Class B1a); 2,959sqm of private residential floor space (Class C3); 239sqm of affordable housing (Class C3) and 2540sqm of retail floor space (Class A1) Provision of a new pedestrian route from Andrew Borde Street to Denmark Street at ground floor level and associated partial demolition at 21 Denmark

Street (all GEA) as shown on drawing numbers

2.8.9 "the Third Planning
Permission"

means planning permission 2015/6939/P granted on 15 February 2017 which varies the development authorised by the Original Planning Permission and the Second Planning Permission as amended by the following:

variation of Condition 2 (approved plans) of planning permission 2012/6858/P dated 31/03/15 (for redevelopment involving the erection of 3 buildings (5 and 7 storey buildings facing Centre Point Tower and 4 storey building on Denmark Place) following the demolition of 1-6, 17-21 Denmark Place and York and Clifton Mansions with retained facades at 1-3 Denmark Place and York and Clifton Mansions to provide 2895sqm of basement Event Gallery space; a 678sqm urban gallery, exhibitions and events; 884sqm of flexible retail and restaurant floorspace; 2404sqm of restaurant floorspace; 385sqm of drinking establishment and a 14 bedroom hotel between Denmark Place and Andrew Borde Street. Change of use of 4, 6, 7, 9, 10, 20-28 Denmark Street, 4 Flitcroft Street and 1 Book Mews to provide 4,308sqm of office floor space; 2,959sqm of private housing; 239sqm of affordable housing and 2540sqm of retail. New pedestrian route from Andrew Borde Street to Denmark Street at ground floor level; changes are to repair and restore 22 Denmark Place and 26 Denmark Street; demolish and rebuild 23 Denmark Place as a single storey structure; temporary moving of 22 Denmark Place to facilitate development approved under 2012/6858/P; provision of venue space at ground

and basement level within 22 Denmark Place and 26 Denmark Street to replace the 12 Bar Club and minor amendments to the elevations of the approved passageway through 21 Denmark Street as shown on drawing numbers:- Approved Plans: (1793 PL001-)01 Rev P2; 05 Rev P6; 11 Rev P7, (1793 PL005-)MZ Rev P6; LG Rev P6; B1 Rev P6; 00 Rev P6; 01 Rev P6; 02 Rev P6; 03 Rev P6; 04 Rev P6; 05 Rev P6; 06 Rev P6, (1793 PL011-)01 Rev P7; 03 Rev P7; 04 Rev P6, (1793 PL015-)02 Rev P6; 06 Rev P6; 07 Rev P6, (1793 PL016-)SP Rev P6; 01 Rev P6; 10 Rev P6; 11 Rev P6; 12 Rev P6, (1793PL018-)SP Rev P6; 00 Rev P7; 01 Rev P7; 02 Rev P6; 03 Rev P6; 04 Rev P7; 05 Rev P7; 06 Rev P6; 07 Rev P7; 08 Rev P6; 10 Rev P6; 11 Rev P6; 13 Rev P6; 20 Rev P6; 21 Rev P6; 22 Rev P6; 23 Rev P6, (1793PLEX018-)LP Rev P6; 00 Rev P6; 01 Rev P6; 02 Rev P6; 03 Rev P6; 04 Rev P6; 05 Rev P6; 06 Rev P6; 07 Rev P6; 10 Rev P6; 11 Rev P6; 12 Rev P6; 13 Rev P6; 15 Rev P6; 16 Rev P6; 17 Rev P6; 18 Rev P6, MMA 02 - Design Statement February 2016, Basement Impact Assessment (ref: 029REP006 Rev 03) dated 30th November 2015 and Planning Statement December 2015

3. VARIATION TO THE EXISTING AGREEMENT

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

3.1.1 "Development" the development authorised by the Original Planning Permission and the Second Planning Permission and the Third Planning Permission as amended by the following:

Variation of Conditions 33 (hours of operation for A1, A3 and A4 uses) and 34 (hours of operation for urban gallery and basement venues) of planning permission 2012/6858/P dated 31/03/15 (for redevelopment of site including 2895sqm of basement Event Gallery space; a 678sqm urban gallery, exhibitions and events; 884sqm of flexible retail and restaurant floorspace; 2404sqm of restaurant floorspace; 385sqm of drinking establishment; a 14 bedroom hotel and changes of use to provide 4,308sqm of office floor space; 2,959sqm of private housing; 239sqm of affordable housing and 2540sqm of retail); CHANGES ARE to vary condition 33 to allow A1 (retail), A3 (cafe/restaurant) and A4 (drinking establishment) uses to operate between 08:00 to 01:00 Monday to Sunday and to vary condition 34 to allow the Sui Generis uses (the urban gallery and basement venues) to operate between 09:00-23:30 Monday to Thursday, 09:00 - 00:00 Friday and Saturday and 09:00 - 22:30 on Sundays with the ability to operate until 02:00 on 104 occasions per year as shown on drawing numbers:- 1793 PL001-01 Rev P2; Covering Letter dated 13/10/2016; Design Note - Extension of hours noise assessment dated 02/02/2017; St Giles Circus Event Gallery Crowd Flow Study (032930) Rev 03 dated 01/02/2017 and Fire Strategy (032930) Rev 05 dated 29/11/2016

3.1.2 "Planning Permission"

the planning permission for the First Property under reference number 2016/5690/P granted by the Council

3.1.3 "Planning Application"

the application for Planning Permission in respect of the First Property submitted on 18

October 2016 by the Owner and given reference number 2016/5690/P

3.2 The following definitions shall be added to the Existing Agreement:

3.2.1 "the Annual Environmental Health Contribution"

the sum of £3,456.00 (three thousand four hundred and fifty six pounds) to be paid annually by the Owner to the Council for a period of 20 years from occupation of the Event Gallery in accordance with the terms of this Agreement and to be applied by the Council's Environmental Health department towards the cost of late night inspections and dealing with possible complaints in connection with the operation of the Event Gallery

3.3 The following new clause 4.20A shall be inserted into the Existing Agreement after clause 4.20 and before clause 5:

4.20A ANNUAL ENVIRONMENTAL HEALTH CONTRIBUTION

4.20A.1 On or prior to the Occupation of the Event Gallery to pay to the Council the first annual payment of the Annual Environmental Health Contribution in full and thereafter on each anniversary of that date make an annual payment of the Annual Environmental Health Contribution for a period of 20 years from first Occupation of the Event Gallery.

4.20A.2 Not to Occupy or permit the First Occupation of the Event Gallery until such time as the Council has received the first annual payment of the Annual Environmental Health Contribution.

4.20A.3 Clause 5.9 of the Agreement shall apply to any sums payable under this Clause PROVIDED THAT when calculating "X" the date hereof shall be the decision date of the Planning Permission.

3.4 All references in Clause 5 and Clause 6 of the Existing Agreement to "planning permission reference 2012/6858/P" shall be replaced with "planning permission reference 2012/6858/P as varied by planning permission 2015/3900/P and 2015/6939/P and 2016/5690/P".

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

4. MORTGAGEE CONSENT/EXEMPTION

4.1 The Mortgagee hereby consents to the completion of this Deed and for the avoidance of doubt agrees to be bound by both it and the Existing Agreement only in the event that it becomes a mortgagee in possession of the First Property.

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 Local Land Charge.

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

**EXECUTED AS A DEED BY
CONSOLIDATED DEVELOPMENTS LIMITED
acting by a Director Laurence Kirschel
in the presence of:**

)
)
)
)
~~_____~~
x
LK

.....
Witness signature

Witness name Georgiana May
Address 10 Windcombe Rd
Occupation PA

Y
RD
SM5 1RD

THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106
AGREEMENT IN RELATION TO ST GILES CIRCUS, WC2H

EXECUTED AS A DEED BY)
LAURENCE GRANT KIRSCHEL)
in the presence of:)

[Handwritten signature]
X
[Handwritten signature]

.....
Witness signature

Witness name *GEORGI MAY*

Address *15 WINDHOLM RD BM5 1RD*

Occupation *PA*

EXECUTED AS A DEED BY)
TRIMONT REAL ESTATE)
ADVISORS, U.K., LTD.)
acting by: a Director *Steven M. Lauer*)
in the presence of:

[Handwritten signature]

.....
Linda L. Keller

Witness Signature

Witness Name: *Linda L. Keller*

Address: *3500 Lenox Road NE, Suite G1
Atlanta, Georgia 30326 (USA)*

Occupation: *Paralegal*

.....

.....

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



.....
Duly Authorised Officer

Iceni Projects
Flitcroft House
114-116 Charing Cross Road
London WC2H 0JR

Application Ref: **2016/5690/P**

21 November 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:

**St.Giles Circus site including: site of 138-148 (even) Charing Cross Road 4 6 7 9 10
20-28 (inc) Denmark Street 1-6 (inc) 16-23 (inc) Denmark Place 52-59 (inc) St.Giles
High Street 4 Flitcroft Street and 1 Book Mews London WC2**

Proposal:

DECISION
Variation of Conditions 33 (hours of operation for A1, A3 and A4 uses) and 34 (hours of operation for urban gallery and basement venues) of planning permission 2012/6858/P dated 31/03/15 (for redevelopment of site including 2895sqm of basement Event Gallery space; a 678sqm urban gallery, exhibitions and events; 884sqm of flexible retail and restaurant floorspace; 2404sqm of restaurant floorspace; 385sqm of drinking establishment; a 14 bedroom hotel and changes of use to provide 4,308sqm of office floor space; 2,959sqm of private housing; 239sqm of affordable housing and 2540sqm of retail); **CHANGES ARE** to vary condition 33 to allow A1 (retail), A3 (cafe/restaurant) and A4 (drinking establishment) uses to operate between 08:00 to 01:00 Monday to Sunday and to vary condition 34 to allow the Sui Generis uses (the urban gallery and basement venues) to operate between 09:00-23:30 Monday to Thursday, 09:00 - 00:00 Friday and Saturday and 09:00 - 22:30 on Sundays with the ability to operate until 02:00 on 104 occasions per year.

Drawing Nos: 1793 PL001-01 Rev P2; Covering Letter dated 13/10/2016; Design Note - Extension of hours noise assessment dated 02/02/2017; St Giles Circus Event Gallery Crowd Flow Study (032930) Rev 03 dated 01/02/2017 and Fire Strategy (032930) Rev 05 dated 29/11/2016.

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):

DRAFT

DECISION

1

The development hereby permitted shall be carried out in accordance with the following approved plans: (1793 PL001-)01 Rev P2; 02; 03; 04 Rev P3; 05 Rev P6; 010 Rev P3; 11 Rev P7; 012 Rev P3, S10/DSD/195, 1401_PL100; 1793PLEX005-B1 P2; 1793PLEX005-00 P2; 1793PLEX005-01 P2; 1793PLEX005-02 P2; 1793PLEX005-03 P2; 1793PLEX005-04 P2; 1793PLEX005-05 P2; 1793PLEX005-05/Roof Plan P2; 1793PLEX005-16 P2; 1793PLEX005-10 P2; 1793PLEX005-11 P2; 1793PLEX005-12 P2; 1793PLEX005-13 P2; 1793PLEX005-14 P2; 1793PLEX005-15 P2; 1793PLEX010-01 P2; 1793PLEX010-02 P2; 1793PLEX010-03 P2; 1793PLEX010-04 P2; 1793PLEX011-01 P2; 1793PLEX011-02 P2; 1793PLEX011-03 P2; 1793PLEX011-04 P2; 1793PLEX015-01 P2; 1793PLEX015-02 P2; 1793PLEX015-03 P2; 1793PLEX015-04 P2; 1793PLEX015-05 P2; 1793PLEX015-06 P2; 1793PLEX015-07 P2; 1793PL005-B2 P3; 1793PL005-B1 P6; 1793PL005B1; MZ P6; 1793PL005-00 LG P6; 1793PL005-01 P6; 1793PL005-02 P6; 1793PL005-03 P6; 1793PL005-04 P6; 1793PL005-05 P6; 1793PL005-06 P6; 1793PL005-RF P2; 1793PL010-01 P3; 1793PL010-02 P3; 1793PL010-03 P3; 1793PL010-04 P3; 1793PL010-05 P3; 1793PL010-06 P3; 1793PL011-01 P7; 1793PL011-02 P3; 1793PL011-03 P7; 1793PL011-04 P6; 1793PL015-01 P6; 1793PL015-02 P6; 1793PL015-03 P3; 1793PL015-06 P6; 1793PL015-07 P3; 1793PLEX016-20 P2; 1793PLEX016-21 P2; 1793PLEX016-22 P2; 1793PLEX016-23 P2; 1793PLEX016-24 P2; 1793PLEX016-25 P2; 1793PLEX016-26 P2; 1793PLEX016-50 P2; 1793PLEX016-51 P2; 1793PLEX016-52 P2; 1793PLEX016-53 P2; 1793PLEX016-54 P2; 1793PLEX016-60 P2; 1793PLEX018-00 P6; 1793PLEX018-01 P6; 1793PLEX018-02 P6; 1793PLEX018-03 P6; 1793PLEX018-04 P6; 1793PLEX018-05 P6; 1793PLEX018-06 P6; 1793PLEX018-07 P6; 1793PLEX018-10 P6; 1793PLEX018-11 P6; 1793PLEX018-12 P6; 1793PLEX018-13 P6; 1793PLEX018-14 P6; 1793PLEX018-15 P6; 1793PLEX018-16 P6; 1793PLEX018-17 P6; 1793PLEX018-LP P6; 1793PLEX018-OV P6; 1793PLEX018-SP P6; 1793PL016-SP P6; 1793PL016-00 P3; 1793PL016-01 P6; 1793PL016-02 P6; 1793PL016-03 P3; 1793PL016-04 P3; 1793PL016-05 P3; 1793PL016-06 P3; 1793PL016-07 P3; 1793PL016-08 P3; 1793PL016-09 P3; 1793PL016-10 P6; 1793PL016-11 P6; 1793PL016-12 P6; 1793PL016-50 P3; 1793PL016-51 P3; 1793PL016-52 P3; 1793PL016-53 P3; 1793PL016-54; 1793PL016-55 P3; 1793PL016-56 P3; 1793PL016-60 P3; 1793PL018-00 P7; 1793PL018-01 P7; 1793PL018-02 P6; 1793PL018-03 P6; 1793PL018-04 P7; 1793PL018-05 P7; 1793PL018-6 P6; 1793PL018-07 P7; 1793PL018-08 P6; 1793PL018-10 P6; 1793PL018-11 P6; 1793PL018-12; 1793PL019-13 P6; 1793PL018-14 P6; 1793PL018-20 P6; 1793PL018-21 P6; 1793PL018-22 P6; 1793PL18-23 P6; 1793PL018-SP P6; 1793PL021-01 P3; 1793PL021-02 P3; 1793PL021-05 P3; 1793PL021-06 P3; 1793PL021-10 P3; 1793PL021-11 P3; 1793PL021-14 P3; 1793PL021-15 P3; 1793PL021-16 P3; 1793PL021-20 P3; 1793PL021-21 P3; 1793PL021-22 P3; 1793PL021-23 P3; 1793PL021-28 P3; 1793PL021-30 P3; 1793PL021-31 P3; 1401PL(00)100 P2; 1401PL(00)00 P2; 1401PL(00)01 P2; 1401PL(00)02 P2; 1401PL(00)03 P2; 1401PL(00)04 P2; 1401PL(00)05; 1401PL(00)06; 1401PL(00)07; 1401PL(00)08; 1401PL(00)30; 1401PL(00)31 P2; 1401PL(00)32; 1401PL(00)33 P2; 1401PL(00)34 P2; 1401PL(00)35; Buro Happold Transport Assessment Addendum 028676 rev 01, 11 September 2013; Buro Happold Transport Assessment 02876 03, December 2012; Turley Associates Planning Addendum CONL2000, 9 September 2013; Turley Associates Supplementary Planning Report and appendices, April 2013; Turley Associates Planning Statement December 2012; Engenuiti Listed Buildings Visual Structural Report 029-S-REP-003, 1st December 2012; Design and Access

Statement rev A, September 2013; GL Hearn Affordable Housing Statement, 10 December 2012; Charcoal Blue Venue Management Plan rev A, October 2012; Engenuiti Basement Impact Assessment North of Denmark Street, 4th December 2012; Engenuiti Basement Impact Assessment 4 Flitcroft Street, 3rd December 2012; Licensing Strategy for St Giles Circus Development, undated; Monmouth Dean Marketing Report, 19 December 2012; Letter from Outlet Sales and lettings dated 19th June 2013;

Four, Statement of Community Involvement, December 2012; Buro Happold Energy Statement 02876 01, 24 October 2012; Buro Happold Sustainability Statement 02876 01, 14 December 2012; Buro Happold Environmental Statement Addendum 02876 rev 02, 11 September 2013; Buro Happold Environmental Statement Addendum Volume II: Appendices 02876 rev 00, 11 September 2013; Buro Happold Environmental Statement Addendum Volume III: Appendices 02876 rev 00, 11 September 2013; Buro Happold Environmental Statement: Non Technical Summary 02876 01, 14 December 2012; Buro Happold Environmental Statement Volume 1 Main Report 02876 01, 14/12/12; Buro Happold Environmental Statement Volume 11 appendices 02876 01, 14/12/12; Project Centre Flood Risk Assessment, September 2012; Engenuiti Civil and Structural Engineering Concepts Report 09-S-REP-002, 7th December 2012; Engenuiti London Underground - Correspondence Report 029-S-REP-005, 7th December 2012; Engenuiti Concetual Design Statement for Crossrail 029-S-REP-001, revision 01, December 2012; Engenuiti Retained Façade Structural Engineering report 029-S-REP-004, 4th December 2012; Outernet Gallery employment schedule; Turley Associates letter entitled "St Giles Circus - Addendum Submission", 17 September 2013; Two emails from Turley Associates dated 6 November 2012 entitled "Denmark Street A1/B1 Existing and Proposed GIA"; Existing Gross Internal Floor Area Schedule dated 1 November 2012; Proposed Gross Internal Floor Area Schedule rev D dated 13 June 2013; letter from GVA Schatunowski Brooks entitled "St Giles Development and Endell Street Satellite Development" ref KW10/LJ11 dated 18 October 2013; Daylight/Sunlight Amenity Analysis prepared by GVA Schatunowski Brooks dated 13 May 2013; 3d view of proposed development in relation to first residential floor of Centre Point BRE/26 dated 18/10/13; letter from GVA Schatunowski Brooks entitled "Endell Street in connection with St Giles Circus, London - daylight within the proposed development" dated 21 May 2013 and associated plans dated 13 May 2013 (BRE - 003; -004; -005; -006; CAD 001; CAD 002); Clarifications on Wind Assessments in the vicinity of Centrepont tower, 21st May 2013; Turley Associates Supplementary HMO note and associated plans, licence and evaluation of standard of accommodation, 16 May 2013; Engenuiti North of Denmark Street Basement Impact Assessment 30th November 2015 ; Engenuiti 4 Flitcroft Street; 1 Book Mews Basement Impact Assessment 19/06/2015; MMA 02 - Design Statement February 2016; Basement Impact Assessment (ref: 029REP006 Rev 03) dated 30th November 2015, Planning Statement December 2015, Method Statement Demolition to Number 23 Denmark Place SGC-1473-PMC-015 dated 04/03/2016, Method Statement for Relocation of The Smithy Building (ref: GA20986) by Abbey Pynford and GA20986-U-01-A, Design Note - Extension of hours noise assessment dated 02/02/2017; St Giles Circus Event Gallery Crowd Flow Study (032930) Rev 03 dated 01/02/2017 and Fire Strategy (032930) Rev 05 dated 29/11/2016.

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

- 2 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.

- 3 At least 28 days before each phase of the development hereby permitted commences (excluding demolition works) a written detailed scheme of assessment consisting of site reconnaissance, conceptual model, risk assessment and proposed schedule of investigation must be submitted to the planning authority. The scheme of assessment must be sufficient to assess the scale and nature of potential contamination risks on the site and shall include details of the number of sample points, the sampling methodology and the type and quantity of analyses proposed. The scheme of assessment must be approved by the LPA and the documentation submitted must comply with the standards of the Environment Agency's Model Procedures for the Management of Contamination (CLR11).

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 policy A1 of the Camden Local Plan June 2017.

- 4 Additional significant contamination discovered during development shall be fully assessed and any necessary modifications made to the remediation scheme shall be submitted to the Local Planning Authority for written approval. Before each phase of the development hereby permitted is occupied the developer shall provide written confirmation that all works were completed in accordance with the revised remediation scheme.

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 D1 and D2 of the Camden Local Plan June 2017.

- 5 Before work commences on each phase of development (excluding demolition works), a site investigation shall be undertaken in accordance with the approved scheme of assessment and the written results provided to the planning authority for their approval. Laboratory results must be provided as numeric values in a formatted electronic spread sheet. Before work commences on each phase of the development a remediation scheme shall be agreed in writing with the planning authority and the scheme as approved shall be implemented 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 policy A1 of the Camden Local Plan June 2017.

- 6 Phase 1 of the development hereby approved shall commence (excluding demolition works) in accordance with the details approved on 07/12/2015 which include further intrusive site investigation has been carried out in line with section 3.1 of the Basement Impact Assessment prepared by Engenuiti, dated 4th December 2012. The site investigation results shall be fully assessed and any necessary modifications made to the Basement Impact Assessment, which shall be submitted to the Local Planning Authority for written approval.

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 A5 and D2 of the Camden Local Plan June 2017.

- 7 The development hereby approved shall only commence (excluding demolition works) in accordance with the appointed suitably qualified chartered engineer (Engenuiti, as per details approved on 23/10/2015) details 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 A1 and D2 of the Camden Local Plan June 2017.

- 8 Manufacturer's specification details of the facing materials to the mansard on 23-25 Denmark Street (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site) for Buildings A and B shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun:

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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

- 9 Prior to commencement of each phase of the development (excluding demolition works), detailed design and method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), shall be submitted to and approved in writing by the Local Planning Authority which:

- (a) Accommodate the proposed location of the Crossrail structures and tunnels,
- (b) Accommodate ground movement arising from the construction thereof, and

(c) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels.

The method statements to be submitted under this condition shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the Crossrail structures and tunnels in or adjacent to the site of that development, the construction of the Crossrail structures and tunnels is not impeded.

The development shall be carried out in all respects in accordance with the approved design and method statement, 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 (a) to (c) of this condition shall be completed, in their entirety, before each phase of the development hereby permitted is occupied.

Reason: To ensure that the development does not impact on the Crossrail in accordance with London Plan Policy 6.1 and 6.2, 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 10 No works below ground level comprised within the development hereby permitted shall be undertaken at any time when Crossrail are undertaking tunnelling or excavation works within 100 metres of the land on which the development hereby permitted is situated, unless specifically agreed to in advance, and in writing, by Crossrail Limited.

Reason: To ensure that the development does not impact on the Crossrail in accordance with London Plan Policy 6.1 and 6.2, 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 11 Prior to commencement of each phase of the development (excluding demolition works), detailed design and method statements (developed in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), shall be submitted to and approved in writing by the Local Planning Authority which:
- provide details on all structures
 - accommodates the location of the existing London Underground structures and tunnels (including the Crossrail infrastructure)
 - accommodates ground movement arising from the construction thereof
 - mitigates the effects of noise and vibration arising from the adjoining operations within the structures and tunnels and
 - provide details on the impact on security features within the 'public realm'

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 each phase of the development hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan Policy 6.1 and 6.2, Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

12 A) No development shall take place in each phase unless it is in accordance with the secured Written Scheme of Investigation approved on 22/07/2015.

B) No development or demolition shall take place in each phase other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) Each phase of the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations the requirements of policy D2 of the Camden Local Plan June 2017.

13 Detailed drawings 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) Elevation and sections at 1:10 of all ground floor windows (including jambs, head and cill), external doors and shutters for 4 Filcroft Street;
- b) Elevation of new gates to Denmark Place of 1:10 with finials at 1:1,
- c) Plan, elevation and section drawings of all new dormer windows on 22-25 Denmark Street at a scale of 1:10.
- d) Elevation and sections at 1:10 of all new windows (including jambs, head and cill), external doors and for 17-21 Denmark Place.
- e) Elevation and section at 1:10 of new shopfronts and sections at 1:2 through stallriser and fascia on the ground floor of York and Clifton Mansions.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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

- 14 Sample panels of the facing brickwork for 17-21 Denmark Place demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the Local Planning Authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

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

- 15 Sample panels of the facing brickwork for York and Clifton Mansions demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the Local Planning Authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

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

- 16 Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site) for Buildings A and B shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun:

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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

- 17 A method statement detailing how the existing pilaster and first floor façade to 21 Denmark Street will be removed, stored and reinstated shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun.

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

- 18 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 new building, 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 and D2 of the Camden Local Plan June 2017.

- 19 Full details of the position, specification in terms of luminance and typical design of fixtures in respect of external lighting are to be submitted to and approved by the Local Planning Authority prior to commencement of the relevant works. The details shall include the provision of street lighting on the facades of the building where possible. The details shall not be implemented other than in accordance with the scheme as approved.

Reason: To ensure a satisfactory standard of visual amenity and a safe and secure environment in accordance with the requirements of policies D1 and D2 of the Camden Local Plan June 2017.

- 20 Before the residential units are occupied sound insulation shall be provided between all B1, A1, A3, A4 floorspace or plant rooms to adjacent floors within the same building or adjacent properties on the same floor, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of the development. Zones 1 and 2 of the scheme need to be implemented as per the details approved on 06/05/2016. The use shall thereafter not be carried out other than in complete compliance with the approved scheme.

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

- 21 Prior to the first use of the premises for the basement venue, A3 or A4 floorspace hereby permitted, full details of a scheme for extract ventilation, including manufacturers specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use 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. In the event of no satisfactory ventilation plant and / or machinery being provided, no primary cooking shall take place on the premises.

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

- 22 No plant or machinery (other than that otherwise approved under condition no. 21 shall be installed on the external parts of the buildings other than in the areas identified within the approved plans.

Reason: To ensure that the appearance of any external plant is compatible with the appearance of the building and the area and to ensure that residential amenities are protected, in accordance with the requirements of policies A4, D1 and D2 of the Camden Local Plan June 2017.

- 23 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 and A4 of the Camden Local Plan June 2017.

- 24 Glazing to the new residential units shall be sufficient to achieve internal noise levels of LAeq, 8hour 30dB in bedrooms and LAeq 16hour 35dB in living rooms as per BS 8233 and the WHO internal noise levels guides and all shall be permanently retained and maintained thereafter, unless otherwise agreed in writing.

Reason: To safeguard the amenities of future occupants in accordance with the requirements of policies A1 and A4 of the Camden Local Plan June 2017.

- 25 Prior to occupation of the urban gallery in building A a lighting report shall be submitted to and approved in writing by the Local Planning Authority detailing how the artificial lighting within the urban gallery (digital screens and any other lighting) shall not increase the pre-existing illuminance (lux levels) at adjoining and/or nearby light sensitive locations when the screens and lights are in operation

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

- 26 Prior to occupation of any of the approved uses, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, having regard to condition 27 and including a noise mitigation strategy, detailing:
- The location and direction of any speakers in the urban gallery;
 - Method of transporting deliveries, refuse and associated servicing to and from the service bays on Denmark Street, including any bottle crushing;
 - Location of smoking areas;
 - Location of external tables and chairs;
 - The operation of the upper floor louvers to building A and B; and

- The use of the residential roof terrace at 21-25 Denmark Street.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC2 of the Camden Local Plan June 2017.

- 27 Noise levels emitted from the use of the urban gallery (from the digital screens and associated speakers) shall be as follows:

Between 07:00 and 23:00 hours

1. The A-weighted equivalent continuous noise level (LAeq) emanating, as measured one metre from any facade of any noise sensitive premises over a 5 minute period when the screens and speakers are in use, shall not increase by more than 5dB as compared to the same measure, from the same position and over a comparable period with the screens and speakers not in use.

2. The unweighted equivalent noise level (Leq) in the 63Hz Octave band, measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any five minute period with the screens and speakers in use, should show no increase as compared to the same measure, from the same location(s) and over a comparable period with the screens and speakers not in use

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

- 28 Between 23:00 hours and midnight

1. The A-weighted equivalent continuous noise level (LAeq) emanating, as measured one metre from any facade of any noise sensitive premises over a 5 minute period when the screens and speakers are in use, shall not increase by more than 3dB as compared to the same measure, from the same position and over a comparable period with the screens and speakers not in use.

2. The neighed equivalent noise level (Leq) in the 63Hz Octave band, measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any five minute period with the screens and speakers in use, should show no increase as compared to the same measure, from the same location(s) and over a comparable period with the screens and speakers not in use

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

29 Between midnight and 07:00 hours

1. No sound emanating from the operation of the screens or speakers shall be audible a metre from the facade of the nearest noise sensitive premises.

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

30 No music from the roof terraces to Building A or B, hereby approved shall be audible from 1m outside of or on the balcony of the nearest noise sensitive facade.

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

31 The upper floor louvers and ground floor shopfront to Building A and Building B shall be closed between midnight and 07:00 every day of the week.

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

32 All of the following windows, as denoted on approved plans shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed before occupation of the extensions hereby permitted and shall be permanently retained and maintained thereafter:

- Ground floor commercial unit to rear elevation and first floor rear bathroom and bedroom to rear elevation of 6 Denmark Street
- First floor A4 toilets and second floor rooms facing 26 Denmark Street
- Second floor A4 rooms facing rear of 57 St Giles High Street across Denmark Place,

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

33 None of the A1, A3 or A4 uses hereby permitted shall occur outside of 08:00-01:00 Monday to Sunday. No customers shall be permitted within these premises outside of the approved hours of use.

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

- 34 None of Sui Generis uses (the urban gallery and basement venue) hereby permitted shall occur outside of the following times: 09:00-23:30 Monday to Thursday, 09:00 - midnight Friday and Saturday; and 09:00-22:30 Sunday. On 104 occasions per year the Sui Generis uses may operate within the following times: 09:00-02:00. No customers shall be permitted within these premises outside of the approved hours of use.

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

- 35 The approved roof terraces at sixth floor level to building A (fronting Denmark Place and Charing Cross Road) and at fourth floor level to building B (fronting Andrew Borde Street and the new pedestrian link) shall not be used outside the hours of 08:00 to 22.00, 7 days a week.

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

- 36 The new and existing pedestrian routes within the site at Denmark Place, linking Denmark Place to Denmark Street; linking Denmark Place to land to the north of the site shall not be used, except as a pedestrian route and entering or exiting buildings between the hours of 23:00 and 08:00 Monday to Thursday, 23:30 and 08:00 Friday and Saturday and 22:30 to 08:00 Sunday.

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

- 37 The location and height of the proposed CHP flue, including full modelling calculations of NO2 emissions, necessity of carbon filters and mitigation measures shall be in accordance with the details approved on 30/10/2015 and 09/08/2016.

Reason: To safeguard the air quality in the area general and the amenities of the adjoining premises in accordance with the requirements of policies A1 and CC4 of the Camden Local Plan June 2017.

- 38 The CHP plant hereby approved shall meet the Greater London Authority Standards for NO2 emissions which are in place at the time of construction. Details shall be implemented in accordance with the details approved on 30/10/2015 and 09/08/2016 and thereafter permanently retained.

Reason: To safeguard the air quality in the area general and the amenities of the adjoining premises in accordance with the requirements of policies A1 and CC4 of the Camden Local Plan June 2017.

- 39 The lifetime homes features and facilities in each relevant part of the approved development, 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 within that part.

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 H6 of the Camden Local Plan June 2017.

- 40 Prior to commencement of the relevant part of the work in each phase of the development details of hard and soft landscaping including tree/plant species and sizes, all hard landscape materials, play structures, and means of enclosure of all unbuilt, open areas shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include details on how the spaces are accessible by all including details on level access, ramp gradients, landings, handrails, step dimensions, colour contrast nosings etc. Implementation of the hard and soft landscaping and the boundary treatment shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies D1 and D2 of the Camden Local Plan June 2017.

- 41 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the relevant part of the development. Any newly planted 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 satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies D1 and D2 of the Camden Local Plan June 2017.

- 42 The details of a biodiverse, substrate-based extensive living roofs to the roof of York and Clifton Mansions and the new building at 19-21 Denmark Place shall be implemented as per the details approved on 02/12/2015. Each phase of the development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the commencement of any of the uses hereby approved. This shall include a detailed maintenance plan, details of its construction and the materials used, to include a section at a scale of 1:20, and full planting details. The substrate depth should vary between 80mm and 150mm with peaks and troughs, but should average at least 130mm.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan June 2017.

- 43 The details of the PV panels to be used on the buildings shall not be otherwise than as those submitted to and approved by the Council on 02/09/2015. Such details shall include a scale roof plan, elevation, section and manufacturers details. The relevant part of the development shall thenceforth not be occupied without the installation of such technologies. 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, the setting of the neighbouring listed buildings and the character of the conservation area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan June 2017.

- 44 The secure by design features and facilities in each relevant part of the approved development, as indicated on the drawings and documents hereby approved, shall be provided in their entirety prior to the first occupation of any of the commercial or residential units within that part.

Reason: To ensure that the scheme incorporates crime prevention measures in accordance with the requirements of policy C5 of the Camden Local Plan June 2017.

- 45 A minimum of 50% of the ground floor flexible retail/restaurant floorspace to building B shall be provided as class A1 retail floorspace

Reason: To ensure a minimum provision of retail space and to prevent an over concentration of food and drink uses in this Central London location in accordance with policies TC1, TC2 and TC4 of the Camden Local Plan June 2017.

- 46 Notwithstanding the provisions of Class D of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 as amended by any Order revoking and re-enacting that Order, no change of use of the ground floor units to Denmark Street, Denmark Place, Charing Cross Road, St Giles High Street or to the new pedestrian routes or the office floorspace shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

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

- 47 Notwithstanding the provisions of Class A1 or D2 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the 'urban gallery' shall only be used for advertising, exhibitions, brand and product launches, corporate events, screenings, uses associated with the basement venue. circulation space and retail, and for no other purpose.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area in accordance with the requirements of policy A1 of the Camden Local Plan June 2017.

- 48 Notwithstanding the provisions of Class A1 or D2 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the basement venue shall only be used for community events, exhibitions, product launches, live music, recorded music, awards ceremonies, conferences and fashion shows and for no other purpose.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area in accordance with the requirements of policy A1 of the Camden Local Plan June 2017.

- 49 The ground floor 'urban gallery' and the basement venue shall have a maximum capacity each of 550 people and 800 people respectively.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC2 of the Camden Local Plan June 2017.

- 50 The ground floor 'urban gallery' and the basement venue shall have a maximum of one event per month where both venues are used together for the same event to maximum capacity and a maximum of two events per week where each venue is used separately up to maximum capacity of 550 and 800 people respectively.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC2 of the Camden Local Plan June 2017.

- 51 Notwithstanding the details approved in the Transport Statement and Servicing Delivery Plan there shall be:

- (a) a maximum of 99 vehicle servicing and delivery related trips per day serving the development; and
- (b) a maximum of 3 larger vehicles (HGVs) servicing the site at any one time

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

- 52 (a) The new pedestrian routes from Denmark Street to Denmark Place shown on the approved drawings shall be carried out and available for public use prior to first occupation of any of the buildings within Phase A.1.

- (b) The new pedestrian route from the new public square (previously Andrew Borde Street) to Denmark Place, shown on the approved drawing, shall be carried out and available for public use prior to first occupation of any of the buildings within Phase A.

Reason: In order to ensure that the development makes sufficient provision for permeability and public access across the site in accordance with the requirements of policy T1 of the Camden Local Plan June 2017.

- 53 No loading or unloading of goods associated with the use of the buildings, including fuel, by vehicles arriving at or departing from the premises shall be carried out outside the following times: 07:00-20:00 Monday to Saturday and 08:00 - 20.00 Sunday and on Public/Bank Holidays.

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

- 54 No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises associated with the use of the buildings shall be carried out at the application site otherwise than via the on street servicing bays to Denmark Street.

Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policies A1, T1 and T4 of the Camden Local Plan June 2017.

- 55 The relevant part of development shall not commence until details of the proposed public cycle storage areas for
- (a) 46 cycles for the residential units
 - (b) 120 cycles for the commercial units (staff parking and visitors)
- have been submitted to and approved in writing by the Council. These spaces shall be provided prior to occupation of the relevant part of the development and shall thereafter be permanently retained and used for no purpose other than for the parking of bicycles for users and occupiers of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 56 The refuse/recycling storage areas shown on the approved drawings in the basement and ground floor shall be provided prior to occupation of the relevant part of the development and shall thereafter be permanently retained and used for no purpose other refuse/recycling storage areas, unless otherwise agreed in writing by the Local Planning Authority.

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 Camden Local Plan June 2017.

Informative(s):

- 1 You are advised that the phases referred to in the relevant conditions relate to the following phasing:

A = new build proposals including building A, building B, York and Clifton Mansions and the south of Denmark Place

B = works to the south side of Denmark Street C = works to the north side of Denmark Street

- 2 1. 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.
- 3 For the avoidance of doubt, any highway and public realm improvement works associated with this planning application will be implemented by LB Camden. This includes works on land within the applicant's ownership (red line boundary). Such areas of land are currently maintained as public highway.
- 4 Notwithstanding the drawings hereby approved the public realm works around the building should be in accordance with Gillespie's proposals. Further discussion is required between the landowner and Camden and other stakeholders to coordinate the design and implementation of this work.
- 5 This permission is granted without prejudice to the necessity of obtaining the necessary licenses under the Licensing Act 2003. The site is within the Seven Dials Special Policy Area where if representations are received for new licensing applications, they are likely to be refused. Further information can be found in the Councils Statement of Licensing Policy 2011 <http://www.camden.gov.uk/ccm/content/business/business-regulations/licensing-and-permits/general-licensing-information/licensing-policy.en>
- 6 With regard to condition 11 the development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines. Should significant archaeological remains be encountered in the course of the initial field evaluation, an appropriate mitigation strategy, which may include archaeological excavation, is likely to be necessary.
- 7 You are advised that conditions 31, 32, 33 and 34 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 times.
- 8 With regard to condition 36 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.
- 9 With regard to conditions 8, 9 and 10 the applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.

- 10 The developer and their representatives are reminded that this decision does not discharge their requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.
- 11 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

- 12 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 13 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).

- 14 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 15 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.
- 16 The Camden Local Plan was adopted on 05/07/2017, which was several months after the application gained a resolution to grant at Planning Committee on 23/02/2017. When the application was given the resolution to grant, the Local Plan only had limited weight as the Council was yet to consult on its proposed modifications to the Submission Draft Local Plan following comments made by the Inspector during examination. While having limited weight, the emerging policies at the time were considered and referenced within the Committee Report.

Following the adoption of the Local Plan officers have assessed the proposal in line with the new policies, which are mostly consistent with those within the Local Development Framework (the relevant policies with full weight at the time the application was heard at the Planning Committee). The proposal is considered to be wholly consistent with the Local Plan.

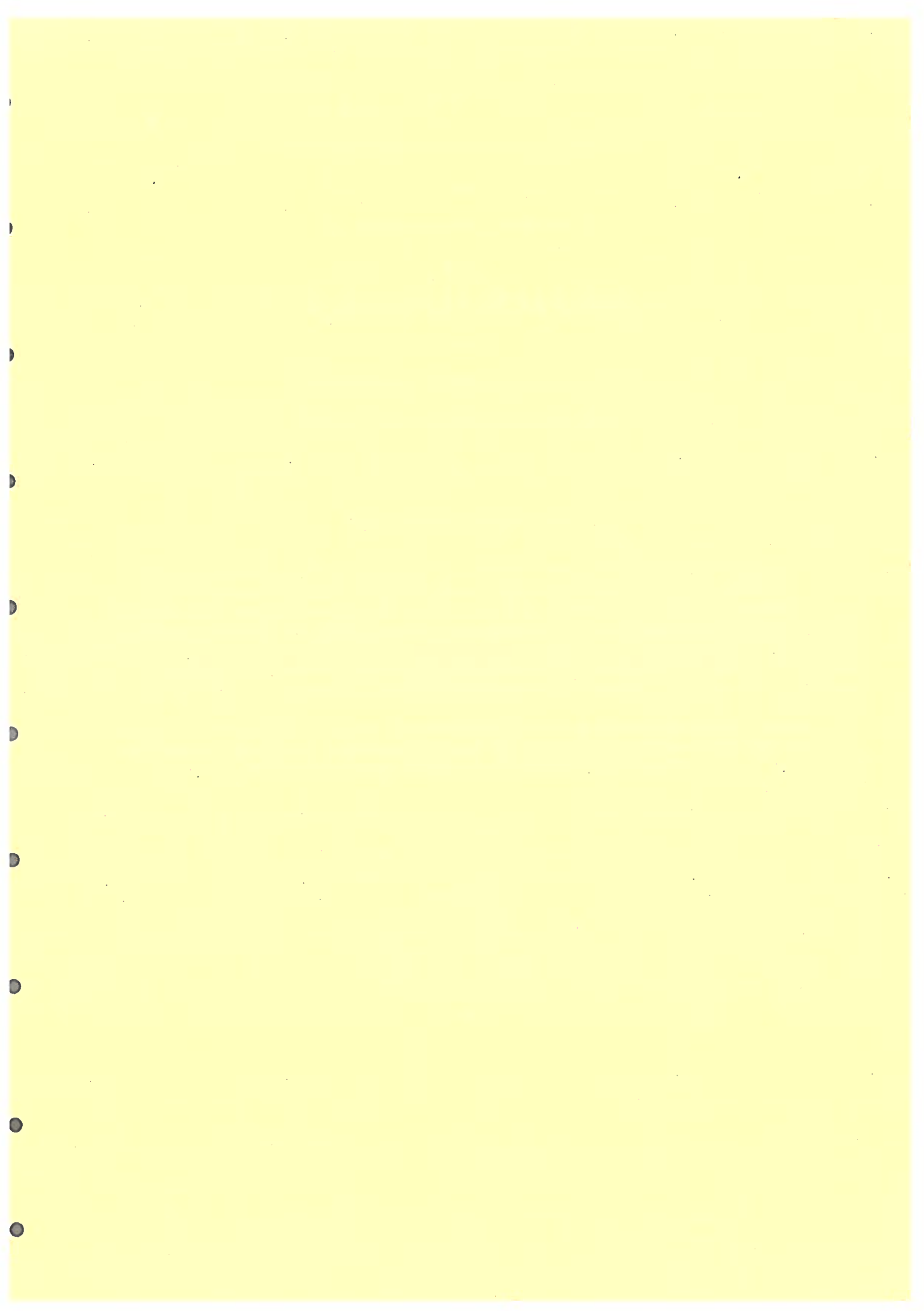
The most relevant planning policies for this proposal are A1 and A4, which are wholly consistent with DP26 and DP28 from the LDF.

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

16 January

2017 9

(1) CONSOLIDATED DEVELOPMENTS LIMITED

-and-

(2) LAURENCE GRANT KIRSCHER

-and-

(3) TRIMONT REAL ESTATE ADVISORS, U.K., LTD.

-and-

(4) THE MAYOR AND THE BURGESSES OF

THE LONDON BOROUGH OF CAMDEN

THIRD DEED OF VARIATION

Relating to the Agreement dated 31 March 2015 (as varied by the First Deed of Variation dated 8 August 2016 and the Second Deed of Variation dated 15 February 2017)
Between the Mayor and the Burgesses of the London Borough of Camden, Consolidated Developments Limited, Laurence Grant Kirschel, National Westminster Bank Plc and DB UK Bank Limited
under section 106 of the Town and Country Planning Act 1990 (as amended)
Relating to development at premises known as

St Giles Circus site including: site of 138-148 (even) Charing Cross Road 4 6 7 9 10 20-28 (inc) Denmark Street 1-6 (inc) 16-23 (inc) Denmark Place 52-59 (inc) St.Giles High Street 4 Flitcroft Street and 1 Book Mews London WC2

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