

DATED

5 March

2021

(1) CLERKENWELL LIFESTYLE (UK) LTD

and

(2) CAF6 (LUXEMBOURG) SARL

and

(3) A.S.K. PARTNERS AGENT LIMITED

and

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

DEED OF VARIATION

Relating to the Agreement dated 2 January 2020 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), Section 16 of the Greater London Council (General Powers) Act 1974, Section 111 of the Local Government Act 1972, Section 1(1) of the Localism Act 2011, and Section 278 of the Highways Act 1980,
relating to development at premises known as

**18 Vine Hill
15 - 29 Eyre Street
London EC1R 5DZ**

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

Tel: 020 7974 6007

Legal/JL/1800.1545
DoV v FINAL

THIS DEED is made on the 5th day of March 2021

BETWEEN

- A. **CLERKENWELL LIFESTYLE (UK) LTD** (Co. Regn. No. 10860189) whose registered office is at 17 Portland Place, London, W1B 1PU (hereinafter called "the Owner") of the first part
- B. **CAF6 (LUXEMBOURG) SARL** (incorporated in Luxembourg) of 2, Place de Strasbourg, L-2562 Luxembourg, Grand Duchy of Luxembourg, Luxembourg (hereinafter called "the First Mortgagee") of the second part
- C. **A.S.K. PARTNERS AGENT LIMITED** (Co. Regn. No. 11691487) whose registered address is 58 Queen Anne Street, London W1G 8HW (hereinafter called "the Second Mortgagee") of the third part
- D. **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 First Mortgagee and CBRE Loan Services Limited entered into an Agreement dated 2 January 2020 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (defined below as the "Existing Agreement").
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number LN59290, Title Number 307739, Title Number 439227 and Title Number 167938 subject to charges in favour of the First Mortgagee and the Second Mortgagee.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.

- 1.4 The Council is the local planning authority for the purposes of the Act and is the local authority for the purposes of Section 16 of the Greater London Council (General Powers) Act 1974 Section 111 of the Local Government Act 1972; and Section 1(1) of the Localism Act 2011 for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.5 A new Planning Application in respect of the development of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 26 February 2020 for which the Council resolved to grant permission conditionally under reference 2020/0984/P subject to the conclusion of this Deed.
- 1.6 This Deed of Variation is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.
- 1.7 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

2. INTERPRETATION

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Deed.
- 2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Deed.

2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this 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 the First Mortgagee and the Second 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" this Deed of Variation made pursuant to Section 106A of the Act

2.7.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 2 January 2020 made between the Council and the Owner the First Mortgagee and the CBRE Loan Services Limited

2.7.3 "the Original Planning Permission" means the planning permission granted by the Council on 2 January 2020 referenced 2018/6016/P.

3. VARIATION TO THE EXISTING AGREEMENT

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

3.1.1 "Development" the development permitted by the Planning Permission or the Variation Planning Permission

3.1.2 "Planning Permission" the planning permission granted pursuant to the Planning Application in the form of the draft

annexed hereto for erection of an 8 storey building comprising a 153 bed hotel (Class C1) with ancillary ground floor restaurant/cafe facilities (Class A3) and 9 flats (5 x 1 bed and 4 x 3 bed) (Class C3), excavation works to enlarge the lower ground floor level and create a lift pitt, following demolition of the existing rear annex and garages at 18 Vine Hill, together with refurbishment of 18 Vine Hill and the erection of a 3 storey extension to provide additional office accommodation (Class B1(a)), hard and soft landscaping and other associated works as shown on drawing numbers:- 13548-A LXX 03 001 Rev A, 13548-A LXX 03 010 Rev A, 13548-A L-1 01 099, 13548-A L00 01 100, 13548-A LM0 01 101, 13548-A L01 01 102, 13548-A LM1 01 103, 13548-A L02 01 104, 13548-A LM2 01 105, 13548-A L03 01 106, 13548-A LXX 01 201, 13548-A LXX 01 202, 13548-A LXX 01 203, 13548-A LXX 01 301, 13548-A LXX 01 302, 13548-A L-1 02 099, 13548-A L00 02 100, 13548-A LM0 01 101, 13548-A L01 02 102, 13548-A LM1 02 103, 13548-A L02 02 104, 13548-A LM2 02 105, 13548-A LXX 01 201, 13548-A LXX 01 202, 13548-A LXX 01 203, 13548-A LXX 02 301, 13548-A LXX 02 302, 13548-A LLG 00 099 Rev A, 13548-A LUG 00 100 Rev A, 13548-A L01 00 101 Rev B, 13548-A L02 00 102 Rev B, 13548-A L03 00 103 Rev B, 13548-A L04 00 104 Rev C, 13548-A L05 00 105 Rev B, 13548-A L06 00 106 Rev B, 13548-A L07 00 107 Rev B, 13548-A LRF 00 110, 13548-A LXX 04 101 Rev A, 13548-A LXX 04 102 Rev A, 13548-A

3.2 The following definitions shall be added into the Existing Agreement as follows:

3.2.1 "Variation Planning Application"

the planning application in respect of the Development of the Property submitted to the Council and validated on 26 February 2020 for which a resolution to grant permission has been passed conditionally under reference number 2020/0984/P

3.2.2 "Variation Planning

the planning permission granted for the Permission" Development pursuant to the Variation Planning Application in the form of the draft annexed hereto for variation of condition 2 (Approved Plans) of the Planning Permission, namely to reduce height of building by 900mm, amend pre-cast concrete panels to glass reinforced concrete panels, reconfigure PV panels on roof, and revise ventilation strategy for hotel rooms on Eyre Street Hill; alterations to the office building to relocate plant to 2nd floor external terrace with installation of associated plant enclosure, alter back of house layout, increase number of WCs and form new fire escape from stair core as shown on plans 13548-A LXX 03 001 Rev A; 13548-A LXX 03 010 Rev A; 13548-A L-1 01 099; 13548-A L00 01 100; 13548-A LM0 01 101; 13548-A L01 01 102; 13548-A LM1 01 103; 13548-A L02 01 104; 13548-A LM2 01 105; 13548-A L03 01 106; 13548-A LXX 01 201; 13548-A LXX 01 202; 13548-A LXX 01 203; 13548-A LXX 01 301; 13548-A LXX 01 302; 13548-A L-1 02 099; 13548-A L00 02 100; 13548-A LM0 02 101; 13548-A L01 02 102; 13548-A LM1 02 103; 13548-A L02 02 104; 13548-A LM2 02 105; 13548-A LXX 01 201; 13548-A LXX 01 202; 13548-A LXX 01 203; 13548-A LXX 02 301; 13548-A LXX 02 302; 8060-L(00)08F; 8060-L(00)09E; 8060-L(00)10E; 8060-L(00)11E; 8060-L(00)12F; 8060-L(00)120 Rev. B; 8060-L(00)121 Rev. B; 8060-L(00)122 Rev. B; 8060-L(00)123

Rev. D; 8060-L(00)124 Rev. B; 8060-L(00)125
Rev. C; 8060-L(00)126 Rev. B; 8060-L(00)127
Rev. B; 8060-L(00)128 Rev. B; 8060-L(00)129
Rev. C; 8060-L(00)220; 8060-L(00)134; 8060-
L(00)500 Rev. A; 8060-L(00)501 Rev. B; 8060-
L(00)502 Rev. A; 8060-L(00)503 Rev. B; 8060-
L(00)504 Rev. A; 8060-L(00)505 Rev. B; 8060-
L(00)506 Rev. B; 8060-L(00)507 Rev. A; 8060-
L(00)508 Rev. A; 8060-L(00)509 Rev. A; Air Quality
Assessment Issue 3 (prepared by Eight
Associates, dated 26/08/2020); Cover Letter
(prepared by DP9 Ltd, dated 17/08/2020); Design
Amendment Statement 8060_L(00)214C (prepared
by Leach Rhodes Walker, dated August 2020);
Overshadowing Assessment for Proposed PV
Panel Layout Rev. 01 (prepared by Solstice
Energy, dated 13/12/2019); Plant Noise
Assessment Rev. 01 (prepared by Scotch Partners
LLP, dated 10/07/2020); Sun Path Analysis Image
of Overshadowing to Proposed PV Panels - April
10am; Sun Path Analysis Image of Overshadowing
to Proposed PV Panels - August 10am; Sun Path
Analysis Image of Overshadowing to Proposed PV
Panels - December 10.45am; Sun Path Analysis
Image of Overshadowing to Proposed PV Panels -
February 10.30am; Sun Path Analysis Image of
Overshadowing to Proposed PV Panels - June
10am; Sun Path Analysis Image of Overshadowing
to Proposed PV Panels - October 10.30am;
SunPower Maxeon 3 400W PV Solar Panel
Technical Specification Details.

- 3.3 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2018/6016/P" "planning reference 2018/6016/P" and/or "planning reference number 2018/6016/P shall be replaced with "Planning Permission reference 2018/6016/P or 2020/0984/P (as applicable)".

3.4 The draft planning permission reference 2020/0984/P annexed to this Agreement shall be treated as annexed to the Existing Agreement.

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

4. COMMENCEMENT

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on completion of this Deed.

5 PAYMENT OF THE COUNCIL'S LEGAL COSTS

5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed

6. REGISTRATION AS LOCAL LAND CHARGE

6.1 This Deed shall be registered as a Local Land Charge

7 MORTGAGEE EXEMPTION

7. The First Mortgagee and the Second Mortgagee consents to the Owner entering into this Deed PROVIDED THAT any mortgagee (including the First Mortgage and the Second Mortgagee) shall be liable only for any breach of the provisions in the Existing Agreement as varied by this Deed during such period as they are a mortgagee in possession of the Property (or any part thereof to which such obligation relates) and shall not be liable for any breach after they have parted with or released their interest in the Property (or any part thereof to which such obligation relates) but without prejudice to any antecedent or subsisting breach which occurred prior to parting with such interest.

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

EXECUTED AS A DEED BY)
CLERKENWELL LIFESTYLE (UK) LTD)
acting by a director in the presence of)

.....
Director

Witness Signature: *[Signature]*

Witness Name: EDYTA BANKS

Witness Address: 3 DOUPHIN CLOSE
HASLEMERE, GU27 1PU

Witness Occupation: ACCOUNTANT

EXECUTED AS A DEED BY)
CAF6 (LUXEMBOURG) SARL)
a company incorporated in Luxembourg)
by)
and being persons who in accordance)
with the laws of that territory are acting)
under authority of the company)

.....
Authorised Signatory

.....
Authorised Signatory

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

EXECUTED AS A DEED BY)
CLERKENWELL LIFESTYLE (UK) LTD)
acting by a director in the presence of)

.....
Director

Witness Signature:


Witness Name:

Witness Address:


.....

Witness Occupation.....

EXECUTED AS A DEED BY)
CAF6 (LUXEMBOURG) SARL)
a company incorporated in Luxembourg)
by)
and being persons who in accordance)
with the laws of that territory are acting)
under authority of the company)


.....
DAVID MUEHLENBERG, MANAGER.

Authorised Signatory


.....
NATHAN LGEEST, DIRECTOR

Authorised Signatory

**EXECUTED AS A DEED BY)
A.S.K. PARTNERS AGENT LIMITED)
acting by a director in the presence of)**

PK
.....

Director

Witness Signature: *N King*.....

Witness Name: Naomi King.....

Witness Address: 81 Ashmole Street.....

London SW8 1NF.....

Witness Occupation: Marketing.....

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

[Signature]
.....
Authorised Signatory



Application ref: 2020/0984/P
Contact:
Tel: 020 7974
Date: 26 January 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

DP9
100 Pall Mall
London
SQ1Y 5NQ

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:
18 Vine Hill
15 - 29 Eyre Street
London
EC1R 5DZ

PROPOSAL
Proposal:

DECISION
Variation of condition 2 (Approved Plans) of planning permission 2018/6016/P dated 02/01/2020 (for erection of an 8 storey building comprising a 183 bed hotel with ancillary ground floor restaurant/cafe facilities and 9 flats, excavation works to enlarge the lower ground floor level and create a lift pitt, following demolition of the existing rear annex and garages at 18 Vine Hill, together with refurbishment of 18 Vine Hill and the erection of a 3 storey extension to provide additional office accommodation, landscaping and other associated works), namely alterations to the hotel to reduce height of building by 900mm, amend pre-cast concrete panels to glass reinforced concrete panels, reconfigure PV panels on roof, and revise ventilation strategy for hotel rooms on Eyre Street Hill; alterations to the office building to relocate plant to 2nd floor external terrace with installation of associated plant enclosure, alter back of house layout, increase number of WCs and form new fire escape from stair core.

Drawing Nos:

13548-A LXX 03 001 Rev A; 13548-A LXX 03 010 Rev A; 13548-A L-1 01 099; 13548-A L00 01 100; 13548-A LM0 01 101; 13548-A L01 01 102; 13548-A LM1 01 103; 13548-A L02 01 104; 13548-A LM2 01 105; 13548-A L03 01 106; 13548-A LXX 01 201; 13548-A LXX 01 202; 13548-A LXX 01 203; 13548-A LXX 01 301; 13548-A LXX 01 302; 13548-A L-1 02 099; 13548-A L00 02 100; 13548-A LM0 02 101; 13548-A L01 02 102; 13548-A LM1 02 103; 13548-A L02 02 104; 13548-A LM2 02 105; 13548-A LXX 01 201; 13548-A LXX 01 202; 13548-A LXX 01 203; 13548-A LXX 02 301; 13548-A LXX 02 302; 8060-L(00)08F; 8060-L(00)09E; 8060-L(00)10E; 8060-L(00)11E; 8060-L(00)12F; 8060-L(00)120 Rev. B; 8060-L(00)121 Rev. B; 8060-L(00)122 Rev. B; 8060-L(00)123 Rev. D; 8060-L(00)124 Rev. B; 8060-L(00)125 Rev. C; 8060-L(00)126 Rev. B; 8060-L(00)127 Rev. B; 8060-L(00)128 Rev. B; 8060-L(00)129 Rev. C; 8060-L(00)220; 8060-L(00)134; 8060-L(00)500 Rev. A; 8060-L(00)501 Rev. B; 8060-L(00)502 Rev. A; 8060-L(00)503 Rev. B; 8060-L(00)504 Rev. A; 8060-L(00)505 Rev. B; 8060-L(00)506 Rev. B; 8060-L(00)507 Rev. A; 8060-L(00)508 Rev. A; 8060-L(00)509 Rev. A.

Air Quality Assessment Issue 3 (prepared by Eight Associates, dated 26/08/2020); Cover Letter (prepared by DP9 Ltd, dated 17/08/2020); Design Amendment Statement 8060_L(00)214C (prepared by Leach Rhodes Walker, dated August 2020); Overshadowing Assessment for Proposed PV Panel Layout Rev. 01 (prepared by Solstice Energy, dated 13/12/2019); Plant Noise Assessment Rev. 01 (prepared by Scotch Partners LLP, dated 10/07/2020); Sun Path Analysis Image of Overshadowing to Proposed PV Panels - April 10am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - August 10am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - December 10.45am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - February 10.30am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - June 10am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - October 10.30am; SunPower Maxeon 3 400W PV Solar Panel Technical Specification Details.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original permission reference 2018/6016/P dated 02/01/2020.

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

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

13548-A LXX 03 001 Rev A; 13548-A LXX 03 010 Rev A; 13548-A L-1 01 099; 13548-A L00 01 100; 13548-A LM0 01 101; 13548-A L01 01 102; 13548-A LM1 01 103; 13548-A L02 01 104; 13548-A LM2 01 105; 13548-A L03 01 106; 13548-A LXX 01 201; 13548-A LXX 01 202; 13548-A LXX 01 203; 13548-A LXX 01 301; 13548-A LXX 01 302; 13548-A L-1 02 099; 13548-A L00 02 100; 13548-A LM0 02 101; 13548-A L01 02 102; 13548-A LM1 02 103; 13548-A L02 02 104; 13548-A LM2 02 105; 13548-A LXX 01 201; 13548-A LXX 01 202; 13548-A LXX 01 203; 13548-A LXX 02 301; 13548-A LXX 02 302; 8060-L(00)08F; 8060-L(00)09E; 8060-L(00)10E; 8060-L(00)11E; 8060-L(00)12F; 8060-L(00)120 Rev. B; 8060-L(00)121 Rev. B; 8060-L(00)122 Rev. B; 8060-L(00)123 Rev. D; 8060-L(00)124 Rev. B; 8060-L(00)125 Rev. C; 8060-L(00)126 Rev. B; 8060-L(00)127 Rev. B; 8060-L(00)128 Rev. B; 8060-L(00)129 Rev. C; 8060-L(00)220; 8060-L(00)134; 8060-L(00)500 Rev. A; 8060-L(00)501 Rev. B; 8060-L(00)502 Rev. A; 8060-L(00)503 Rev. B; 8060-L(00)504 Rev. A; 8060-L(00)505 Rev. B; 8060-L(00)506 Rev. B; 8060-L(00)507 Rev. A; 8060-L(00)508 Rev. A; 8060-L(00)509 Rev. A.

Air Quality Assessment Issue 3 (prepared by Eight Associates, dated 26/08/2020); Cover Letter (prepared by DP9 Ltd, dated 17/08/2020); Design Amendment Statement 8060_L(00)214C (prepared by Leach Rhodes Walker, dated August 2020); Overshadowing Assessment for Proposed PV Panel Layout Rev. 01 (prepared by Solstice Energy, dated 13/12/2019); Plant Noise Assessment Rev. 01 (prepared by Scotch Partners LLP, dated 10/07/2020); Sun Path Analysis Image of Overshadowing to Proposed PV Panels - April 10am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - August 10am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - December 10.45am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - February 10.30am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - June 10am; Sun Path Analysis Image of Overshadowing to Proposed PV Panels - October 10.30am; SunPower Maxeon 3 400W PV Solar Panel Technical Specification Details.

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following for the extension to the Ragged School, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all external windows and doors at a scale of 1:10.

b) Samples and manufacturer's details at a scale of 1:10, of all facing materials including windows and door frames, glazing, and brickwork with a full scale sample panel of brickwork, spandrel panel and glazing elements of no less than 1m by 1m including junction window opening demonstrating the proposed colour, texture, face-bond and pointing.

A sample panel of all facing materials should be erected on-site and approved by the Council before the relevant parts of the work are commenced and the development shall be carried out in accordance with the approval given.

The relevant part of the works shall then be carried in accordance with the approved details

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

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the following for the new building on Eyre Street Hill (Hotel and Residential Uses), shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all external windows and doors at a scale of 1:10.

b) Samples and manufacturer's details at a scale of 1:10, of all facing materials including windows and door frames, glazing, and brickwork with a full scale sample panel of brickwork, spandrel panel and glazing elements of no less than 1m by 1m including junction window opening demonstrating the proposed colour, texture, face-bond and pointing.

A sample panel of all facing materials should be erected on-site and approved by the Council before the relevant parts of the work are commenced and the development shall be carried out in accordance with the approval given.

The relevant part of the works shall then be carried in accordance with the approved details

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

- 5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

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

- 6 Prior to first occupation of each of the relevant uses in each building, the refuse and recycling storage areas shall be completed and made available for occupants of that building.

The development of each block shall not be implemented other than in accordance with such measures as approved. All such measures shall be in place prior to the first occupation of any residential units in the relevant plot and shall be retained thereafter.

Reason: To safeguard the amenities of the future occupiers and adjoining neighbours in accordance with the requirements of Policy CC5 of the London Borough of Camden Local Plan 2017.

- 7 No hard and soft landscaping shall take place on the relevant part of the site until full details and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include:
- a) details of any proposed earthworks including grading, mounding and other changes in ground levels.
 - b) an open space management plan.
 - c) details of all planting to terraces and lower ground courtyard, including proposed tree.

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

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of Policies A1, D1 and A2 of the London Borough of Camden Local Plan 2017.

- 8 The terrace located at 4th floor of the Ragged School building, 18 Vine Hill, shall only be used during the hours of 0700 to 2100 Monday to Saturday and 1000 to 2000 on Sundays and Bank Holidays.

Reason: To ensure that the amenity of occupiers of residential properties in the area is not adversely affected by noise and disturbance in accordance with the requirements of Policy A1 of the London Borough of Camden Local Plan 2017.

- 9 The terrace located at lower ground floor level in association with the hotel use shall only be used during the hours of 0700 to 2200 Monday to Saturday and 1000 to 2100 on Sundays and Bank Holidays.

Reason: To ensure that the amenity of occupiers of residential properties in the area is not adversely affected by noise and disturbance in accordance with the requirements of Policy A1 of the London Borough of Camden Local Plan 2017.

- 10 The Courtyard located at lower ground floor level shall only be used by office occupiers during the hours of 0700 to 2200 Monday to Saturday and 1000 to 2100 on Sundays and Bank Holidays.

Reason: To ensure that the amenity of occupiers of residential properties in the area is not adversely affected by noise and disturbance in accordance with the requirements of Policy A1 of the London Borough of Camden Local Plan 2017.

- 11 The development shall not be carried out other than in accordance with the sustainable urban drainage details previously approved under application ref 2020/1416/P, or other such details which have been submitted to and approved in writing by the local planning authority. SUDS shall be implemented prior to the occupation of the relevant parts of the development and permanently retained and maintained thereafter.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 12 The development shall not be carried out other than in accordance with the details of the proposed combined heat and power unit (CHP) plant and details of any necessary NO₂ abatement mechanisms previously approved under application ref 2020/1298/P, or other such details which have been submitted to and approved in writing by the local planning authority, demonstrating that the proposed CHP plant will comply with the Mayor's emission standards as set out in the Mayor's Sustainable Design and Construction SPG (2014).

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

- 13 The development shall not be carried out other than in accordance with the detailed plans hereby approved showing the location and extent of photovoltaic cells to be installed on the building, or other such details which have been submitted to and approved in writing by the local planning authority. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 14 The development hereby approved shall achieve a maximum internal water use of 110 litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 15 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 A1 and CC4 of the London Borough of Camden Local Plan 2017.

- 16 The development shall not be carried out other than in accordance with the details of the written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas and written scheme of remediation measures previously approved under application ref 2020/1380/P, or other such details which have been submitted to and approved in writing by the local planning authority.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written Validation Report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous use of the site in accordance with Policies G1, D1, A1 and DM1 of the London Borough of Camden Local Plan 2017.

- 17 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall meet the minimum Amber noise criteria set in The Camden Local Plan, Table C at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

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

- 18 Prior to installation of machinery, plant or equipment and ducting at the development each item shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

- 19 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by ground- or airborne vibration in accordance with the requirements of Policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 20 The design and structure of the Eyre Street Hill building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from external noise sources in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 21 The development shall not be implemented other than in accordance with the details of bicycle parking previously approved under application ref 2020/1379/P, or other such details which have been submitted to and approved in writing by the local planning authority, and which include: a) Secure and covered parking for 17 residents cycle spaces; b) Secured and covered parking for 32 office occupiers cycle spaces; c) Secured and covered parking for 8 hotel staff spaces; and d) Parking for 12 visitor cycle spaces.

All such facilities shall thereafter be permanently maintained and retained in accordance with the approved details.

Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with Policies T1 and T3 of the London Borough of Camden Local Plan 2017.

- 22 The development shall not be carried out other than in accordance with the details of biodiversity enhancements on the buildings and within the open space (including bird and bat boxes) previously approved under application ref 2020/1383/P, or other such details which have been submitted to and approved in writing by the local planning authority.

The measures shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of Policy A3 of the London Borough of Camden Local Plan 2017.

- 23 Other than the unit to first floor level, the residential units shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

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

- 24 The unit located to the first floor of the residential building, as indicated on the plans hereby approved, shall be designed and constructed in accordance with Building Regulations Part M4 (3). Evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the wheelchair units would be capable of providing adequate amenity in accordance with policy C6 of the Camden Local Plan 2017.

- 25 Notwithstanding the hereby approved plans, a detailed plan of the bar/check-in area shall be submitted to and approved in writing to ensure the provision of an accessible level area is provided.

Reason: To ensure the development provides fair access for all in accordance with the requirements of Policy C6 of the London Borough of Camden Local Plan 2017.

- 26 Prior to the commencement of use of the hotel, there shall be the provision of 15 (10%) fully wheelchair accessible rooms.

Reason: To ensure that the internal layout of the building makes sufficient provision for the needs of people with disabilities in accordance with the requirements of policy 4.5 of the London Plan 2016 and Policy C6 of the London Borough of Camden Local Plan 2017.

- 27 Piling on site shall only be implemented in accordance with the piling method statement previously approved under application ref 2020/1299/P or other such details prepared in consultation with Thames Water which have been submitted to and approved in writing by the local planning authority, setting out details of the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works.

All piling works shall be undertaken only in strict accordance with the approved method statement.

Reason: To safeguard the existing below ground utility infrastructure and controlled waters, in accordance with policy A5 of the London Borough of Camden Local Plan 2017.

- 28 Prior to the commencement of above ground works, impact studies of the existing water supply infrastructure shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The study shall identify any new additional capacity required in the system and suitable connection point.

Reason: To ensure the water supply infrastructure has sufficient capacity to cope with the additional demand in accordance with the requirements of Policy A5 of the London Borough of Camden Local Plan 2017.

- 29 Prior to occupation of the relevant use, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the permitted uses and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of Policies CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 30 No above-ground new development shall commence in a Phase until a Fire Statement for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the building's construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building. The relevant Phase of the development shall be carried out in accordance with the approved details.

Reason: In order to provide a safe and secure development in accordance with Policy C5 of the London Borough of Camden Local Plan 2017 and Policy 7.13 of the London Plan.

- 31 The development shall not be carried out other than in accordance with the details of the proposed Mechanical Ventilation system previously approved under application ref 2020/1300/P, or other such details which have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To safeguard the amenity of future occupiers of the development site in accordance with the requirements of Policy A1 of the London Borough of Camden Local Plan 2017.

- 32 Prior to the commencement of use of the hotel, evidence that an appropriate NO2 filtration system on the mechanical ventilation intake for the rooms fronting Eyre Street Hill has been installed, and a detailed mechanism to secure maintenance of this system, should be submitted to the Local Planning Authority and approved in writing.

Reason: To protect the amenity of residents in accordance with Policy CC4 of the London Borough of Camden Local Plan 2017 and Policy 7.14 of the London Plan.

- 33 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

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

Informative(s):

- 1 Reason for granting permission

The proposed amendments include minor internal and external changes to the hotel/affordable housing block and the office block.

The building height of the hotel/affordable housing block has been lowered by 900mm (150mm reduction in floor to floor height from the first to the seventh floors) due to a reconfiguration in the hotel bedroom internal waste storage which negates the need for the consented 150mm high raised access floor. This would reduce the floor to ceiling height of the affordable dwellings from 2.6m to 2.5m, which is considered acceptable. The reduction in height is considered to be minor and would not harm the building's proportions.

The replacement of the approved pre-cast concrete panels with glass reinforced concrete (GRC) panels to all elevations of the hotel/affordable housing block is considered to represent a minor alteration that would not have a significant impact on the appearance of the approved development, as it would be comparable with the pre-cast concrete panels in terms of colour and finish. The Council's Conservation Officer has reviewed the proposed materials and considers them to be acceptable.

The reconfiguration of the layout and reduction in the number of PV panels to the main roof of the hotel/affordable housing block has been considered by the Council's Sustainability Officer, and is considered acceptable as the proposed PV panels would be more efficient than the consented ones and are expected to achieve energy generation of 14137 kWh/year (including shading factor and location) as opposed to the target of 13595 kWh/year for the consented PV panels. The proposed alteration to the layout of the rooftop plant is considered acceptable as it would be of a similar footprint to the consented plant, and would be set further back from the front elevation of the building. The submitted overshadowing assessment demonstrates that the impact of the proposed layout of the rooftop plant on overshadowing to the PV panels would be acceptable.

The proposed change of façade materials to GRC panels to the hotel/affordable housing block would facilitate the opportunity to amend the ventilation strategy to the hotel bedrooms fronting Eyre Street Hill from a centralised system to individual ventilation systems for each bedroom. The Council's Sustainability Officer has reviewed the submitted drawings and Air Quality Assessment and, whilst the separation distance between the proposed air inlets and outlets is considered to be sufficient, the introduction of air inlets below seventh floor level would exceed the NO₂ concentrations baseline figure and is therefore considered unacceptable without mitigation. Although the baseline figures relate to residential properties, they are considered relevant in this instance as the hotel bedrooms could potentially be occupied by long-term residents. A condition is therefore added to the permission to ensure that NO₂ filtration is installed to the ventilation systems of the hotel bedrooms fronting Eyre Street Hill, to protect the amenity of future residents of these hotel rooms.

Alterations to the office building at lower ground, upper ground, first, second and 'tower' floors, including the rearrangement of the back of house spaces, new fire escape routes and associated alterations to external openings, alterations to access arrangements between floors, and an increased number of WCs, are all minor in nature and considered acceptable.

- 2 It is also proposed to relocate some of the internal plant to the second floor roof terrace above the side extension to the office building. The plant would be set back from the eastern elevation and not be visible in views from Eyre Street Hill due to the office building's location behind the hotel/affordable housing block. There would be some visibility of the plant from private views from residential properties to the north and west and also from the proposed units in the affordable block to the east, but it would sit lower than the second floor and would not appear as a bulky or incongruous addition to the roofscape. The plant would be enclosed by charred larch timber screening which is considered to be high quality in terms of materials and the silver/grey finish would be in keeping with the colour palette of the building.

In terms of amenity impact, the Council's Environmental Health Noise Pollution Officer has reviewed the noise impact assessment submitted with the application and has no objection. A standard condition shall be attached in order to limit noise levels in line with policy A4. The height increase is sufficiently minor to avoid an impact on daylight of surrounding residential occupiers.

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. A Deed of Variation to the Section 106 agreement will be secured.

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 Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies G1, H1, H2, H4, H6, H7, C1, C5, C6, E1, E2, E3, A1, A2, A3, A4, D1, D2, CC1, CC2, CC3, CC4, CC5, T1, T2, T3, T4 and DM1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319>

or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 8 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 9 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
- 10 In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. The applicant is advised to visit thameswater.co.uk/buildover
- 11 A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at

<https://wholesale.thameswater.co.uk/Wholesale-services/Businesscustomers/Trade-effluent> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ.
Telephone: 020 3577 9200.

- 12 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

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