

DATED

15 November

2021

(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**

FIFTH 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 and the Third Deed of Variation dated 16 January 2019 and the Fourth Deed of Variation dated 16 January 2019

Between the Mayor and the Burgesses of the London Borough of Camden, Consolidated Developments Limited, Laurence Grant Kirschel and Trimont Real Estate Advisors, U.K., LTD.)

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

THIS DEED is made on the 15th day of November 2021

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 Welbeck Works, 33 Welbeck Street, London, England, W1G 8EJ (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 Council, the Owner, the Second Freeholder and the Mortgagee entered into the Third Deed of Variation to further vary the terms of the Original Agreement.
- 1.5 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.
- 1.6 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 Tile Number 299400.
- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 The Council has resolved to grant the Advertisement Consent conditionally subject to the conclusion of this Deed.
- 1.11 A new Planning Application in respect of the First Property to amend the Original Planning Permission as varied by the First Planning Permission, the Second Planning Permission, the Third Planning Permission and the Fourth Planning Permission was submitted to the Council by the Owner and validated on 17 May 2020 for which the Council resolved to grant permission conditionally under reference 2020/1669/P subject to the conclusion of this Deed.

1.12 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.

1.13 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 as follows:

2.6.1 Clauses 3.1 to 3.6 (inclusive) upon the grant of the Advertisement Consent; and

2.6.2 Clauses 3.7 and 3.8 (inclusive) 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 "Advertisement Consent" the application for advertisement consent was submitted to the Council by the Owner and validated on 1 May 2020 for which the Council resolved to grant consent conditionally under reference 2020/1910/A

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

2.8.3 "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

2.8.4 "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

2.8.5 "the Third Deed of Variation" means the deed of variation of the Original Agreement under section 106A of the Act dated 16 January 2019 made between the Council, the Owner, the Second Freeholder and the Mortgagee

2.8.6 "the Fourth Deed of Variation" means the deed of variation of the Original Agreement under section 106A of the Act dated 16 January 2019 made between the Council, the

Owner, the Second Freeholder and the Mortgagee

2.8.7 "Existing Agreement"

means the Original Agreement as amended by the First Deed of Variation the Second Deed of Variation the Third Deed of Variation and the Fourth Deed of Variation

2.8.8 "Original Agreement"

means the Section 106 Agreement under the Act dated 31 March 2015 made between the Council, the Owner, the Second Freeholder, National Westminster Bank PLC and DB UK Bank Limited

**2.8.9 "Original Planning
Permission"**

means the planning permission granted by the Council on 31 March 2015 referenced 2012/6858/P

2.8.10 "Planning Permission"

the planning permission for the First Property under planning reference 2020/1669/P granted by the Council in the form of the draft annexed hereto

**2.8.11 "Second Planning
Permission"**

means the minor material amendment permission reference number 2015/3900/P dated 8 August 2016 of condition 2 of the Original Planning Permission

**2.8.12 "Third Planning
Permission"**

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

2.8.13 "Fourth Planning

Permission" means planning permission reference 2016/5690/P which varies the development authorised by the Original Planning Permission the Second Planning Permission and the Third Planning Permission

2.8.14 "Fifth Planning Permission" means planning permission reference 2016/5692/P which varies the development authorised by the Original Planning Permission the Second Planning Permission the Third Planning Permission and the Fourth Planning Permission

3 VARIATION TO THE EXISTING AGREEMENT

3.1 In respect of the Advertisement Consent, the following definitions contained in the Existing Agreement shall be replaced as follows:

3.1.1	"Advertising Consent"	advertising consent to be granted pursuant to the Application for Advertising Consent
3.1.2	"Application for Advertising Consent"	an application for Advertising Consent in respect of the Main Development of the First Property submitted to the Council and validated on 1 May 2020 for which a resolution to grant consent has been passed conditionally under reference 2020/1910/A
3.1.3	"the Highways and Public Realm Working Group"	a working group to be the currently convened St Giles Working Group or an alternative working group to be organised and convened by the Owner (and unless otherwise agreed whose administrative expenses shall be funded by the Owner) comprising representatives of the Council, the Owner, adjoining landowners, the City of Westminster, Transport for London,

		<p>London Underground Limited and Crossrail which will meet regularly (at least monthly unless otherwise agreed):</p> <p>(a) To work together and assist in the creation of the draft Public Realm Works Logistical Plan (together with associated designs, specifications, programmes and other measures securing delivery of such works);</p> <p>(b) To act as a forum for the Council and the Owner and others to liaise and co-operate to facilitate the carrying out of the Public Realm Works; and</p> <p>(c) To act as a forum to the Council and the Owner and others regarding the operation of the Development in accordance with the Advertising Consent.</p>
3.1.4	"the Venue Management Plan"	<p>The plan to be based on (and have regard to) the submission document entitled Venue Management Plan by Charcoalblue dated October 2012 setting out the package of measures to be adopted by the Owner and approved by the Council for the management and operation of the Venue such plan to have three iterations namely:</p> <ul style="list-style-type: none"> • Venue Management Plan Number One • Venue Management Plan Number Two • Venue Management Plan Number Three • Venue Management Plan Number Four <p>With:</p> <p>Venue Management Plan Number Two being an amended version of Venue Management Plan Number One reviewed against:</p>

		<p>(a) The RSA; and</p> <p>(b) the following criteria ("the Venue Management Review Criteria") namely:</p> <ul style="list-style-type: none"> • Pedestrian throughput; • Station crowd management; • Any residents' complaints (to assess whether noise and disturbance has been an issue); • Queue management; • Smoking management; • Management/dispersal of events; • Management issues arising from licensing on site; • Security/anti-social behaviour issues; and • Waste management and cleaning issues <p>With amendments only being required to address operational impacts arising from the Venue Management Criteria</p> <p>And</p> <p>Venue Management Number Three being an amendment version of Venue Management Plan Number Two reviewed against the Venue Management Review Criteria with amendments only being required to address operational impact arising from the Venue Management Criteria</p> <p>(together with such subsequent form thereof as may be revised or amended from time to time</p>
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		<p>with the formal prior written approval of the council such written approval specifically referencing the Plan and the precise amendment)</p> <p>Each such iteration to include inter alia the following requirements:</p> <ul style="list-style-type: none"> (i) To prepare an Event Management Plan for each event in the Venue to be available on the Property for inspection by the Council if required; (ii) To provide the Council's Licensing Department with an advanced list of upcoming events in the Venue each quarter (or as otherwise agreed with the Council's Licensing Department) and if required to provide additional event specific information to enable the Council to assess the potential impacts of specific events on public safety and the local highway network; (iii) The provision of a smoking area including details of location and management with a view to mitigation of anti-social behaviour; (iv) Provision of an effective dispersal policy to ensure the safe and quiet movement of people from the area in order to minimise disturbance to the public and neighbours in the vicinity of the Development and to mitigate against anti-social behaviour;
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		<p>(v) The provision of pop up toilets including details of the type, locations and times at which they will be provided;</p> <p>(vi) Details of the digital screens in the Urban Gallery these to have an element of use for a combination of commercial advertising and public information as set out below (with a mechanism governing the format and timescale for the submission of information to be agreed as part of the Plan having regard to the logistical requirements of the overall operation of the digital screens and the Owner's reasonable operational requirements) with the following minimum screen space to be allocated and made available the agreed discounted rate set out below (such rate having been fixed to as to ensure meaningful access/availability for the allocated user group):</p> <ol style="list-style-type: none"> a. 15% air time of a screen space of 10 square metres (or such larger area as may be agreed) to be made available at nil cost in each 24 hour period at times which make it meaningfully accessible for the allocated users for public information, community use and/or transport information; b. 15% air time of a screen space of 10 square metres (or such
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		<p>larger area as may be agreed) to be made available in each 24 hour period at times which make it meaningfully accessible at a cost of no more than 65% of the commercial rate for Tin Pan Alley Users; and</p> <p>c. b. 15% air time of a screen space of 10 square metres (or such larger area as may be agreed) to be made available in each 24 hour period at times which make it meaningfully accessible for small and medium sized local retailers;</p> <p>(vii) Provision of a queue management strategy;</p> <p>(viii) The Urban Gallery to be closed to the public a maximum of 30 days in any one year (which may be 30 consecutive days) for ticketed private events;</p> <p>(ix) The Urban Gallery not to be used for any period in excess of 14 consecutive days for the screening of events/gigs/performances and/or films;</p> <p>(x) Some part of the operational activities of the Urban Gallery to be provided on site;</p> <p>(xi) Proposals to integrate public safety and security measures within the local area including joint working with London Underground, British Transport Police and the Metropolitan Police on security and</p>
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		<p>policing within the Development and in the vicinity of the Development including proposals in the event of emergency and overcrowding situations such as closing the louvres or changing the contents of the screens as appropriate;</p> <p>(xii) Proposals for co-ordinating any CCTV system installed within the Development with other local CCTV systems such integration to include a method for the Owner the Council and Metropolitan Police to have access to the digital feed from each other's camera in accordance with any Data Protection Act requirements; and</p> <p>(xiii) Identifying means of ensuring the provision of information to the Council and the provision of a mechanism for an ongoing review of the operation of the screen Urban Gallery and Event Gallery and updated of the Venue Management Plan as required from time to time.</p>

3.2 The following new definition shall be added to the Existing Agreement:

"the RSA"	A road safety audit to be carried out by the Owner to inform and update the Venue Management Plan Number Two to be prepared by the Owner and submitted to and approved by the Council in accordance with clause 4.19.3 of this Agreement.
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3.3 Clause 4.13.1 of the Existing Agreement shall be deleted and replaced with:

4.13.1	To convene the Highways and Public Realm Working Group and (unless otherwise agreed) to arrange for it to meet at least once monthly until such time as the Venue Management Plan Number Two has been approved by the Council in accordance with clause 4.19.4 of this Agreement.
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3.4 Clause 4.19.3 of the Existing Agreement shall be deleted and replaced with:

4.19.3	<p>On or prior to the date being 9 months from the Occupation Date to submit to the Council for approval the Venue Management Plan Number Two such approval not to be unreasonably withheld or delayed and in considering whether to grant such approval the Council shall have regard to:</p> <p>(a) any comments raised by the Highways and Public Realm Working Group in relation to the operation of the Development pursuant to the Advertising Consent with particular regard to be had to comments raising issues of impacts of the development on public safety and amenity and whether any such comments/ representations have been properly considered/ addressed by the Developer in Venue Management Plan Number Two having regard to the terms of the Advertising Consent; and</p> <p>(b) the Venue Management Plan Criteria.</p>
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3.5 Clause 4.19.4 of the Existing Agreement shall be deleted and replaced with:

4.19.4	Subject to clause 14.19.7 below after a date being 12 months from the Occupation Date the Owner shall (a) comply with the requirements of the Venue Management Plan Number Two as approved by the Council in the operation of the Development and (b) the Owner shall not Occupy or permit Occupation of the Development at any time when the Development is not being managed in strict accordance with the Venue Management Plan Number Two as approved by the
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	Council from time to time and shall not Occupy or permit Occupation of the Development otherwise than in strict accordance with the requirements of the Venue Management Plan Number Two.
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- 3.6 The draft advertisement consent reference 2012/6863/A in the Sixth Schedule of the Existing Agreement shall be deleted.
- 3.7 In respect of the Planning Permission, the following definitions contained in the Existing Agreement shall be replaced as follows:

3.7.1	"Development"	the development authorised by the Original Planning Permission the Second Planning Permission the Third Planning Permission the Fourth Planning Permission and the Fifth Planning Permission as amended by the following: Removal of Condition 53 (No loading or unloading of goods outside the following times: 07:00-20:00 Monday to Saturday and 08:00 - 20.00 Sunday and on Public/Bank Holidays) of planning permission 2012/6858/P dated 31/03/15 (as amended by: 2015/2808/P dated 03/08/2015; 2015/3900/P dated 08/08/2016; 2015/6939/P dated 15/02/2017; 2016/5690/P dated 16/01/2019; 2016/5692/P dated 16/01/2019; 2019/6153/P dated 27/12/2019; 2017/5192/P dated 25/05/2018; 2019/2074/P dated 22/07/2019; 2019/2680/P dated 17/06/2019) 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
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		private housing; 239sqm of affordable housing and 2540sqm of retail
3.7.2	"Planning Permission"	The planning permission for the First Property under reference number 2020/1669/P granted by the Council
3.7.3	Planning Application"	The application for Planning Permission in respect of the First Property registered with the Council on 20 April 2020 by the Owner and given reference number 2020/1669/P

3.8 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 application 2015/3900/P and 2015/6939/P and 2016/5690/P and 2016/5692/P and 2020/1669/P".

3.9 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 by the Council as a Local Land Charge

EXECUTED AS A DEED BY
TRIMONT REAL ESTATE
ADVISORS, U.K., LTD.

acting by a Director)
in the presence of)


ALEC WILLIAM SEXTON
DIRECTOR

.....
Witness signature 

Witness name: H. STUMPE

Address: 33 WELBECK STREET, LONDON, ENGLAND W1G 8EJ

Occupation: SOLICITOR

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


.....
Duly Authorised Officer



Annex 1 – Draft Decision Notice in respect of the Planning Permission



Application ref: 2020/1669/P
Contact:
Tel: 020 7974
Date: 9 June 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

Iceni Projects
Da Vinci House
44 Saffron Hill
London
EC1N 8FH

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:

Removal of Condition 53 (No loading or unloading of goods outside the following times: 07:00-20:00 Monday to Saturday and 08:00 - 20:00 Sunday and on Public/Bank Holidays) of planning permission 2012/6858/P dated 31/03/15 (as amended by: 2015/2808/P dated 03/08/2015; 2015/3900/P dated 08/08/2016; 2015/6939/P dated 15/02/2017; 2016/5690/P dated 16/01/2019; 2016/5692/P dated 16/01/2019; 2019/6153/P dated 27/12/2019; 2017/5192/P dated 25/05/2018; 2019/2074/P dated 22/07/2019; 2019/2680/P dated 17/06/2019) 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

Drawing Nos: 1793 PL001-01 Rev P2; Covering letter dated 07/04/2020; Statement of Community Involvement dated March 2020; Noise Survey dated August 2019; Servicing Management Plan dated 06 March 2020.

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 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;

- 2 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; 1793 PL001-01 Rev P2; Covering letter dated 07/04/2020; Statement of Community Involvement dated March 2020; Noise Survey dated August 2019; Servicing Management Plan dated 06 March 2020.

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

- 3 The development hereby permitted must be carried out in accordance with the relevant written detailed scheme of assessment consisting of site reconnaissance, conceptual model, risk assessment and proposed schedule of investigation as approved by the local planning authority under 2015/3073/P dated 01/09/2015 (northern side of Denmark Street), 2015/3075/P dated 01/09/2015 (southern side of Denmark Street) and 2017/5845/P dated 14/12/2017 (remaining areas not discharged above). 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 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 policy A1 of the Camden Local Plan 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 2017.

- 6 Phase 1 of the development hereby approved shall commence (excluding demolition works) in accordance with the details approved under 2015/3072/P 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 D2 and A5 of the Camden Local Plan 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 under 2015/3071/P 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 D2 and A5 of the Camden Local Plan 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 2017.

- 9 Each phase of the development shall be carried out in accordance, 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), with the details approved in writing by the Local Planning Authority under 2016/4486/P dated 14/09/2016 and 2017/1660/P dated 16/06/2017, 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

- 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) Development shall take place in each phase in accordance with the secured Written Scheme of Investigation approved under 2015/2723/P on 22/07/2015, or other such details approved.

B) Development and demolition shall take place in each phase in accordance with the Written Scheme of Investigation approved under Part (A), or other such details approved.

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), or other such details approved, 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 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 Flitcroft 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 as approved under 2018/0906/P dated 01/05/2018, or any other details approved;
- d) Elevation and sections at 1:10 of all new windows (including jambs, head and cill), external doors and for 17-21 Denmark Place as approved under 2019/0844/P dated 08/05/2019, or any other details approved;
- 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 as approved under 2019/1020/P dated 29/05/2019, or any other details approved;

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 2017.

- 14 The development must be carried out in accordance with the sample panels of the facing brickwork for 17-21 Denmark Place demonstrating the proposed colour, texture, face-bond and pointing provided on site and approved in writing by the Local Planning Authority under 2019/2992/P dated 09/08/2019, or any other details subsequently approve. 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 2017.

- 15 The development must be carried out in accordance with the sample panels of the facing brickwork for York and Clifton Mansions demonstrating the proposed colour, texture, face-bond and pointing approved in writing by the Local Planning Authority under 2019/2992/P dated 09/08/2019 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 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 carried out in accordance with the details approved in writing by the Local Planning Authority under 2018/5352/P dated 24/06/2019, or in accordance with any other details approved.

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 2017.

- 17 Works must be carried out in accordance with the method statement detailing how the existing pilaster and first floor façade to 21 Denmark Street will be removed, stored and reinstated, approved in writing by the Local Planning Authority under 2018/2498/P dated 08/10/2018, or in accordance with any other such details approved.

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 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 Each phase of the development (excluding demolition works) shall be carried out in accordance with, full details of the position, specification in terms of luminance and typical design of fixtures in respect of external lighting as approved by the Local Planning Authority under 2019/2992/P dated 09/08/2019, or with any other such details approved. 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 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 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 under 2016/1362/P on 06/05/2016 and Zone 3 under 2018/1148/P dated 12/04/2018, or any details otherwise approved. 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, A4 and TC2 of the Camden Local Plan 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, A4 and TC2 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 A1, 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 the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 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 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 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 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 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, A4 and TC2 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 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 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: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 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 the Sui Generis uses (the urban gallery and basement venue) hereby permitted shall occur outside of the following times: 09:00 - 23:30 Monday to Wednesday, 09:00- midnight Thursday, Friday and Saturday; and 09:00-22:30 Sunday, and 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, A4 and TC2 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 TC2 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 TC2 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 under 2015/3104/P on 30/10/2015 and 09/08/2016, or any other details otherwise approved, 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 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 under 2015/3104/P on 30/10/2015 and 2016/3896/P dated 09/08/2016, or any other details otherwise approved, 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 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 under 2015/3070/P on 02/12/2015, or via details otherwise approved. 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 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 under 2015/3068/P on 02/09/2015, or via details otherwise approved. 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 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, Charring 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 policies A1 and A4 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 policies A1 and A4 of the Camden Local Plan June 2017.

- 49 The ground floor 'urban gallery' and the basement venue shall have a maximum capacity of 550 and 2000 people respectively.

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.

- 50 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 A4 of the Camden Local Plan June 2017.

- 51 (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.

- 52 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 T1 and T4 of the Camden Local Plan June 2017.

- 53 The relevant part of development be carried out in accordance with until details of the approved public cycle storage areas as approved under 2019/3650/P dated 07/02/2020 (or any subsequent approved details) for:

- (a) 46 cycles for the residential units
- (b) 120 cycles for the commercial units (staff parking and visitors)

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 2017.

- 54 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 than for the 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, A4 and CC5 of the Camden Local Plan June 2017.

- 55 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.

Informative(s):

1 Reasons for granting approval.

Site

The application site relates to the substantially constructed development under planning permission 2012/6858/P (as amended). It is located close to the junction of Oxford Street, New Oxford Street, Tottenham Court Road and Charing Cross Road within the Denmark Street Conservation Area. St Giles High Street and Charing Cross Road lie to the east and west and the wider site contains properties on the northern and southern sides of Denmark Street. It is split into three Zones. Planning permission was granted on 31 March 2015 under 2012/6858/P for redevelopment of the wider site including 3 new buildings, a large basement venue, an urban gallery, flexible retail/restaurant space, drinking establishments, a hotel, office, private residential, affordable residential and retail floorspace.

Proposal

Planning permission is sought to remove condition 53 of planning permission 2012/6858/P dated 31/03/15. The condition states that there should be no loading or unloading of goods outside the following times: 07:00-20:00 Monday to Saturday and 08:00 - 20:00 Sunday and on Public/Bank Holidays. These restrictions were put in place due to the potential noise and acoustic impacts on local residents. Officers note that the current servicing timing restrictions do not align with the licenced operating hours of the development.

The approved scheme includes a 2,000 person capacity music/entertainment venue at basement level. The restrictions on servicing within condition 53 are considered to impede the function of the music venue, and other associated music related uses. On this basis, the applicant seeks to remove the condition to allow 24 hour servicing which is consistent with the scope of a revised Servicing Management Plan (SMP), which is secured under the Section 106 agreement of the original permission (and any subsequent minor material amendment via a Deed of Variation). The proposal would not increase the number of servicing vehicles accessing the site, as this is controlled by a separate condition.

Residential Amenity

The application is supported by a Noise Impact Assessment, which demonstrates that there would not be unduly harmful impacts on neighbouring residents from servicing during the night. A number of measures are proposed to mitigate noise:

- " Attenuation measures;
- " Noisy deliveries would be during day time;
- " Acoustic tunnel along Denmark Street;
- " Use of newer/quieter delivery vehicles where possible;
- " Quiet roll cages, rubber matting soft-close doors etc. for late-night servicing;

- " Briefing of late night delivery personal;
- " Preparing goods behind closed doors;
- " Switching off vehicle engines when not in use and modifying reversing alarms.

The Council's Environmental Health Officer (Noise) has assessed the submitted data and is satisfied that there would be a negligible impact on adjoining occupiers. The data reviewed includes a 3D acoustic model of the site to assess noise impacts from the predicted loading/unloading activities and HGV pass-bys in relation to the existing background levels across the site.

Given the above and that servicing would be controlled via a SMP, the proposal is not considered to give rise to unacceptable increase in residential amenity impacts.

Transport Considerations

A revised SMP has been submitted, and is still under consideration to discharge the relevant Section 106 obligation. The submitted SMP demonstrates that if the night-time restrictions on loading were removed, a proportion of the servicing associated with the basement music venue which would have otherwise occurred during the day would occur at night. As such, daytime trip generation would be reduced, further minimising the impact on the surrounding road network at peak times.

- 2 A balanced approach to servicing schedules for the different venues, businesses and tenants is proposed within this SMP to avoid placing undue stress on the transport network during peak hours. Servicing slots would be coordinated through a centralised booking system for deliveries and servicing.

Due to the above and given servicing would be controlled, monitored and reviewed via the SMP, the proposal is considered acceptable on highways grounds.

Consultation

An objection has been received from a local resident regarding the impacts from unloading to venues, and the resulting noise impacts. A number of the concerns are direct at the Centre Point development, which is not part of the application site so outside of its remit. Officers consider that noise impacts would be suitably controlled via the SMP, as well as the various licences required by the venues and uses as part of the development.

Transport for London (TfL) wrote to confirm that the proposal is to enable loading in early hours or late evening outside the standard 7am-8pm. From a transport point of view TfL has no objection to this. It may help spread out the arrival of servicing vehicles.

Westminster City Council wrote to confirm that they do not wish to comment on the proposals.

Policies

As such, the proposed development is in general accordance with policies G1, C3, C5, A1, T1, 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.

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

- 4 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.
- 5 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.
- 6 Notwithstanding the drawings hereby approved the public realm works around the building should be in accordance with Gillespies proposals. Further discussion is required between the landowner and Camden and other stakeholders to coordinate the design and implementation of this work.
- 7 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>
- 8 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.
- 9 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.

- 10 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.
- 11 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.
- 12 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.
- 13 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

- 14 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).

- 15 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.
- 16 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.
- 17 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.

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