

DATED

10TH APRIL

2013

**(1) THE THOMAS CORAM FOUNDATION FOR CHILDREN, FORMERLY KNOWN AS
"FOUNDLING HOSPITAL" AND CURRENTLY KNOWN AS CORAM**

-and-

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

DEED OF VARIATION

Relating to the Agreement dated 23 April 2012
Between the Mayor and the Burgesses of the London Borough of Camden
and the Thomas Coram Foundation For Children,
formerly known as "Foundling Hospital" and currently known as Coram
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
**CORAM COMMUNITY CAMPUS,
49 MECKLENBURGH SQUARE. LONDON WC1N 2QA**

Andrew Maughan
Head of Legal Services
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Tel: 020 7974 6007
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CLS/COM/JL/1685.1638
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THIS AGREEMENT is made on the 10th day of April

2013

BETWEEN

1. **THE THOMAS CORAM FOUNDATION FOR CHILDREN, REGISTERED WITH CHARITY COMMISSION REGISTERED NUMBER 312278, FORMERLY KNOWN AS "FOUNDLING HOSPITAL" AND NOW KNOWN AS "CORAM"** whose registered office is at 49 Mecklenburgh Square, London, WC1N 2QA (hereinafter called "the Owner") of the first part
2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

WHEREAS:

- 1.1 The Council and the Owner entered into an Agreement dated 23 April 2012 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN11955.
- 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 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 Agreement.
- 1.5 A new planning application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 12 June 2012 for which the Council resolved to grant permission conditionally under reference 2012/2913/P subject to the conclusion of this Agreement.

1.6 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 (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 Agreement 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 Agreement.

2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.

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

2.3.1 "Agreement" this Deed of Variation

2.3.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 23 April 2012 made between the Council and the Owner

2.3.3 "the Original Planning Permission" means the planning permission granted by the Council on 23 April 2012 referenced 2011/4725/P allowing the erection of two storey extension to existing building on western elevation, creation of new entrance forecourt, erection of two storey pavilion to north of site (to replace existing portakabin), alterations to footpath between Mecklenburgh Square and

Brunswick Square and hard and soft landscaping as shown on drawing numbers 0903EB_001A; 0903EB_002A; 0903EB_003A; 0903EB_004A; 0903EB_005A; 0903EB_006A; 0903EB_007A; 0903EB_008A; 0903PV_001A; 0903PV_002A; 0903_201 B; 14632 1 Rev 1; 0903_102 Rev C; 0903EB_501 B; 0903EB_502 B; 0903EB_503B; 0903EB_504 B; 0903PV_505 C; 0903EB_507 B; 0903PV_501 B; 0903EB_505 B; 0903EB_506 B; 0903PV_506 B; 0903PV_502 B; 0903PV_506 B; 0903PV_SK008; Western Entrance Sustainability and Services Strategy; Design and Access Statement (Masterplan); Restricted access load bearing and contiguous bored piling options; Letter from Phil Meadowcroft dated 08/11/11; Access Statement November 2011; Arboricultural Impact Assessment dated 12.09.11; Arboricultural Method Statement dated 12.09.11; Outline Structural Description dated 13.09.11; Screen images 1 & 2; Precedent Images.

- 2.4 Where in this Agreement 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 Agreement.
- 2.5 Headings are for ease of reference only and are not intended to be construed as part of this Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.
- 2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.7 References in this Agreement to the Owner and Mortgagee shall include their successors in title.

3. VARIATION TO THE EXISTING AGREEMENT

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

3.1.1 "the Development"

the development permitted by planning permission granted on 23/04/2012 (ref 2011/4725/P) (for Erection of two storey extension to existing building on western elevation, creation of new entrance forecourt, erection of two storey pavilion to north of site (to replace existing portakabin), alterations to footpath between Mecklenburgh Square and Brunswick Square and hard and soft landscaping) with variation of condition 9 (development to be carried out in accordance with the approved plans) to allow for minor material amendments to the two storey annexe, including a reduction in height, additional windows at the rear and the relocation of a canopy, and alterations to the public footpath and fence as shown on drawing numbers 0903_001 Rev C; 0903_102 Rev D; 0903_201 Rev C; 0903_202; 0903EB_501 Rev E; 0903EB_502 Rev D; 0903EB_503 Rev C; 0903EB_504 rev D; 0903EB_505 rev D; 0903EB_506 Rev D; 0903EB_507 Rev D; 0903EB_508 Rev E; 0903PV_501 Rev B; 0903PV_502 Rev B; 0903PV_503 Rev B; 0903PV_504 Rev C; 0903PV_505 Rev D; 0903PV_506 Rev B; 0903PV_SK008; Western Entrance Sustainability and Services Strategy; Design and Access Statement (Masterplan); Restricted access load bearing and contiguous bored piling options; Letter from Phil Meadowcroft dated 08/11/11; Access Statement November 2011; Arboricultural Impact

Assessment dated 12.09.11; Arboricultural Method Statement dated 12.09.11; Outline Structural Description dated 13.09.11; Screen images 1 & 2; Precedent Image

3.1.2 "Planning Application" a planning application in respect of the Development of the Property submitted to the Council and validated on 12 June 2012 for which a resolution to grant permission has been passed conditionally under reference number 2012/2913/P subject to conclusion of this Agreement

3.1.3 "Planning Permission" the planning permission under reference number 2012/2913/P to be issued by the Council in the form of the draft annexed hereto

3.2 All references in the Existing Agreement to "planning reference 2011/4725/P" shall be replaced with "planning reference 2012/2913/P".

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

4. **PAYMENT OF THE COUNCIL'S LEGAL COSTS**

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

5. **REGISTRATION AS LOCAL LAND CHARGE**

5.1 This Agreement shall be registered as a Local Land Charge

IN WITNESS whereof the Council and Owner have caused their Common Seals to be
hereunto affixed this day and year first before written

**THE COMMON SEAL OF THE THOMAS CORAM)
FOUNDATION FOR CHILDREN, NOW KNOWN)
AS CORAM was hereunto affixed)
in the presence of:)**

Carol Houlden



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

[Signature]
.....

Authorised Signatory



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NW5 1LB

Tel 020 7974 4444
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planning@camden.gov.uk
www.camden.gov.uk/planning

Application Ref: **2012/2913/P**

6 August 2012

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:

**Coram Community Campus
49 Mecklenburgh Square
London
WC1N 2QA**

Proposal:

DECISION
Variation of condition 9 (development to be carried out in accordance with the approved plans) pursuant to planning permission granted on 23/04/2012 (ref 2011/4725/P) (for Erection of two storey extension to existing building on western elevation, creation of new entrance forecourt, erection of two storey pavilion to north of site (to replace existing portakabin), alterations to footpath between Mecklenburgh Square and Brunswick Square and hard and soft landscaping.) to allow for minor material amendments to the two storey annexe, including a reduction in height, additional windows at the rear and the relocation of a canopy, and alterations to the public footpath and fence.

Drawing Nos: Superseded plans- 0903_102 Rev C; 0903_201 Rev B; 0903EB_501 Rev B; 0903EB_502 Rev B; 0903EB_503 Rev B; 0903EB_504 Rev B; 0903EB_505 Rev B; 0903EB_506 Rev B; 0903EB_507 Rev B; 0903EB_508 Rev B;

Proposed plans- 0903_102 Rev D; 0903_201 Rev C; 0903_202; 0903EB_501 Rev E; 0903EB_502 Rev D; 0903EB_503 Rev C; 0903EB_504 rev D; 0903EB_505 rev D; 0903EB_506 Rev D; 0903EB_507 Rev D; 0903EB_508 Rev E

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 - 23rd April 2012.

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

- 2 A sample panel of the facade and roof treatment of the pavilion and the brickwork of the western extension demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample 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 policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 3 The details of the fenestration and details of the cladding, windows and interface with the roof sections to be used on the building shall not be otherwise than as those submitted to and approved by the Council before any work is commenced on the relevant part of the development. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 4 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 5 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 development or any phase of the development whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 6 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council for each phase of development. Details shall be submitted to and approved by the Council before works commence on site to demonstrate how trees to be retained shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837:2005 "Trees in Relation to Construction"

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 7 Details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved by the Council as the local planning authority before any works on site are commenced. 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 Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 8 The proposed cycle storage area for 44 cycles shall be provided in its entirety prior to the first occupation of any of the new residential units, and thereafter permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.

9 REPLACEMENT CONDITION 9

The development hereby permitted shall be carried out in accordance with the following approved plans: 0903_001 Rev C; 0903_102 Rev D; 0903_201 Rev C; 0903_202; 0903EB_501 Rev E; 0903EB_502 Rev D; 0903EB_503 Rev C; 0903EB_504 rev D; 0903EB_505 rev D; 0903EB_506 Rev D; 0903EB_507 Rev D; 0903EB_508 Rev E; 0903PV_501 Rev B; 0903PV_502 Rev B; 0903PV_503 Rev B; 0903PV_504 Rev C; 0903PV_505 Rev D; 0903PV_506 Rev B; 0903PV_SK008; Western Entrance Sustainability and Services Strategy; Design and Access Statement (Masterplan); Restricted access load bearing and contiguous bored piling options; Letter from Phil Meadowcroft dated 08/11/11; Access Statement November 2011; Arboricultural Impact Assessment dated 12.09.11; Arboricultural Method Statement dated 12.09.11; Outline Structural Description dated 13.09.11; Screen images 1 & 2; Precedent Images.

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

- 10 No development shall take place until the applicant has implemented a programme of archaeological investigation which has been submitted by the applicant and approved by the Council. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Council.

Reason: Important archaeological remains may exist on this site. Accordingly the Council wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development in accordance with the

requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 11 The site should be supervised during demolition and construction by a qualified aboriculturalist.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 12 Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained and maintained, unless prior written permission is given by the local planning authority.

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 the London Plan (Consolidated with Alterations Since 2004) and Camden Planning Guidance 2006 and policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 13 The caretaker's accommodation hereby approved shall be used only in connection with the function of the Coram Campus and shall not be occupied as a separate residential unit.

Reason: To ensure that the future occupation of the building does not adversely affect the ongoing function of the community facility in accordance with policy CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy and policies DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.

- 14 Details of the obscure glazing to the ground floor windows on the rear elevation of the entrance annexe building hereby permitted shall have be submitted to and approved by the Council, before occupation. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 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).
- 2 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.
- 3 You are advised that the appropriate standards for tree work are set out in BS 3998: 2010. Failure to ensure that the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.
- 4 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
- 5 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
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential unit for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 7 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to

policies CS1 (Distribution of growth), CS5 (Managing the impact of growth and development), CS8 (Promoting a successful and inclusive Camden economy), CS11 (Promoting sustainable and efficient travel), CS13 (Tackling climate change and promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity), and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies, DP15 (Community and leisure uses), DP16 (Transport implications of development), DP17 (Walking, cycling and public transport), DP18 (Parking standards and limiting the availability of car parking), DP19 (Managing the impact of parking), DP21 (Development connecting to the highway network), DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours), and DP31 (Provision of, and improvements to, open space, sport and recreation). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

DRAFT

Yours faithfully

Culture and Environment Directorate

DECISION

DATED

10TH APRIL

2013

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-and-

(2) THE MAYOR AND THE BURGESSES OF
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Country Planning Act 1990 (as amended)
Relating to development at premises known as
CORAM COMMUNITY CAMPUS,
49 MECKLENBURGH SQUARE. LONDON WC1N 2QA

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