

SR



Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Tel 020 7278 4444
Fax 020 7974 1680
Textlink 020 7974 6866

env.devcon@camden.gov.uk
www.camden.gov.uk/planning

Simon Poole/Ben Kelway (CL/10674)
Nathaniel Lichfield & Partners
14 Regents Wharf
All Saints Street
LONDON
N1 9RL
FAO

Application Ref: **2006/4824/P**
Please ask for: **Alex Bushell**
Telephone: 020 7974 2661

17 August 2009

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
62-66 Huntley Street
London
WC1E 6DD

Proposal:

Change of use and works of conversion from residential use (Class C3) to use a hostel for family carers (sui generis) associated with University College London Hospital, demolition of rear additions to Nos.62 & 64, installation of a glazed lift enclosure to rear of No. 66 and erection of a single-storey rear extension to Nos. 62 & 64 and other minor external works.
Drawing Nos: CL10674/007, 3145-1001B, 1002A, 1003, 1020A, 1025A, 1100B, 1101A, 1102, 1200, 1205A, 1500, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1510, 1513, 1515,
Schedule of Proposed Works ref CL/10674/IR/SPo/BK amended January 2007, 'Design & Access Statement' October 2006, 'Access Statement in Support of Planning Application' Issue 1 rev F October 2006, 'Statement of Community Need'

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

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 this permission.

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

- 2 Prior to the first use of the care home hereby permitted, space shall be provided for a secure and weatherproof storage area accommodating five bicycles for use by staff and residents. Thereafter, the storage area and bicycles shall be retained and maintained for use by the staff and occupiers of the buildings.

Reason: To ensure the development makes satisfactory provision for cycling pursuant to Policy T3 of the London Borough of Camden Unitary Development Plan 2006.

Informative(s):

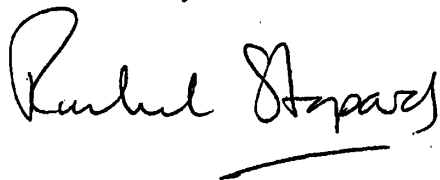
- 1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies SD1, SD6, H3, H5, H7, H9, H10, B1, B3, B6, B7, T1, T3, T4, T8, T12 and C1. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 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 Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email env.health@camden.gov.uk or on the website www.camden.gov.uk/pollution) 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 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).
- 4 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.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line drawn underneath the name.

Rachel Stopard
Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk/planning.

DATED

17 August

2009

(1) CLIC SARGENT CANCER CARE FOR CHILDREN

-and-

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

AGREEMENT
relating to land known as
62, 64 and 66 HUNTLEY STREET
LONDON WC1E 6DD
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)

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

Tel: 020 7974 5826
Fax: 020 7974 2962

THIS AGREEMENT is made the 17th day of August 2009

BETWEEN:

1. **CLIC SARGENT CANCER CARE FOR CHILDREN** of Griffin House, 161 Hammersmith Road, London W6 8SG (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 Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Numbers 388199, LN122894 and NGL529524. —
885123
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 A Planning Application for the Development of the Property was submitted to the Council and validated on 22 November 2006 and the Council resolved to grant permission conditionally under reference number 2006/4824/P subject to the conclusion of this legal Agreement.
- 1.4 An Application for Listed Building Consent for the Development of the Property was submitted to the Council and validated on 22 November 2006 and the Council resolved to grant consent conditionally under reference number 2006/4829/L subject to the conclusion of this legal Agreement.
- 1.5 The Council 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.
- 1.6 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.

2. DEFINITIONS

In this Agreement the following expressions (arranged in alphabetical order) shall unless the context otherwise requires have the following meanings:-

- | | | |
|-----|---|--|
| 2.1 | "the Act" | the Town and Country Planning Act 1990 (as amended) |
| 2.2 | "the Agreement" | this Planning Obligation made pursuant to Section 106 of the Act |
| 2.3 | "the Certificate of Practical Completion" | the certificate issued by the Owner's contractor certifying that the Development has been completed |
| 2.4 | "the Council's Considerate Contractor Manual" | the document produced by the Council from time to time entitled "Guide for Contractors Working in Camden" relating to the good practice for developers engaged in building activities in the London Borough of Camden |
| 2.5 | "Construction Management Plan" | <p>a plan setting out how the Owner will undertake the construction of the Development using good site practices in accordance with the Council's Considerate Contractor Manual to ensure the Construction Phase of the Development has minimal impacts on the surrounding environment including (but not limited to):-</p> <p>(i) a statement concerning the construction of the Development to be submitted to the Council giving details of the environmental protection highways safety and community liaison measures proposed to be adopted by the</p> |

Developer in order to mitigate and offset potential or likely effects and impacts arising from the demolition of the existing buildings on the Property

- (ii) effects on the health and amenity of local residences site construction workers local businesses adjoining developments undergoing construction;
- (iii) amelioration and monitoring measures over construction traffic including procedures for notifying the owners and or occupiers of the residents and businesses in the locality in advance of major operations delivery schedules and amendments to normal traffic arrangements (if any);
- (iv) proposed routes of vehicles to and from the Development and the access arrangements for vehicles;
- (v) sizes of all vehicles and the schedule of when they will need access to the site;
- (vi) swept path drawing for the vehicle routes for all vehicles sizes;
- (vii) parking and loading arrangement of vehicles and delivery of materials and plant to the Development;
- (viii) details of proposed parking bays suspensions and temporary traffic management orders;

- (ix) the proposed working hours;
- (x) the inclusion of a waste management strategy for handling and disposing of construction waste; and
- (xi) identifying means of ensuring the provision of information to the Council and provision of a mechanism for monitoring and reviewing as required from time to time

2.6 "the Construction Phase"

the whole period between

- (i) the Implementation Date and
- (ii) the date of issue of the Certificate of Practical Completion

2.7 "the Development"

the change of use and works of conversion from residential use (Class C3) to use a hostel for family carers (*sui generis*) associated with University College London Hospital, demolition of rear additions to Nos.62 & 64, installation of a glazed lift enclosure to rear of No. 66 and erection of a single-storey rear extension to Nos. 62 & 64 and other minor external works as shown on drawing numbers: CL10674/007, 3145-1001B, 1002A, 1003, 1020A, 1025A, 1100B, 1101A, 1102, 1200, 1205A, 1500, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1510, 1513, 1515, Schedule of Proposed Works ref CL/10674/IR/SPo/BK amended January 2007, 'Design & Access Statement' October 2006, 'Access Statement in Support of Planning Application' Issue 1 rev F October 2006, 'Statement of Community Need'

2.8 "the Implementation Date"

the date of implementation of the Development by the carrying out of a material operation as defined in Section 56 of the Act and references to "Implementation" and "Implement" shall be construed accordingly

2.9 "the Listed Building Consent"

a listed building consent granted for the development of the Property submitted to the Council and validated on 22 November 2006 for which a resolution to grant consent has been passed conditionally under reference number 2006/4829/L

2.10 "Listed Building Works"

the works to be undertaken to the Property to return it to residential use under class C3 of the Use Classes Order and including the removal of external lift bathroom pods and that the lateral wall openings are removed and walls are reinstated and made good

2.12 "Occupation Date"

the first date when any part of the Development is beneficially used for the use permitted by the Planning Permission and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly

2.13 "the Parties"

mean the Council and the Owner

2.14 "the Planning Application"

an application for Planning Permission in respect of the development of the Property submitted to the Council and validated on 22 November 2006 for which a resolution to grant permission has been passed conditionally under reference

number 2006/4824/P subject to conclusion of this Agreement

2.15 "Planning Obligations Monitoring Officer"

a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to S106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof

2.16 "the Planning Permission"

a planning permission granted for the Development substantially in the draft form annexed hereto

2.17 "the Property"

the land known as 62-66 Huntley Street, London WC1E 6DD the same as shown shaded grey on the plan annexed hereto

2.18 "Residents Parking Bay"

a parking place designated by the Council by an order under the Road Traffic Regulation Act 1984 or other relevant legislation for use by residents of the locality in which the Development is situated

2.19 "Residents Parking Permit"

A parking permit issued by the Council under section 45(2) of the Road Traffic Regulation Act 1984 allowing a vehicle to park in Residents Parking Bays

2.20 "Use Classes Order"

the schedule to the Town & Country Planning (Use Classes) Order 1987

NOW THIS DEED WITNESSETH as follows:-

- 3.1 This Agreement is made in pursuance of Section 106 of the Act, and is a planning obligation for the purposes of Section 106 as aforesaid, and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 3.2 Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies corporations and other artificial persons.
- 3.3 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute.
- 3.4 The clause and paragraph headings do not form part of this Agreement and shall not be taken into account in its construction or interpretation.
- 3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6 and 7 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.
- 3.6 The Council hereby agrees to grant the Planning Permission and Listed Building Consent on the date hereof.
- 3.7 The Parties save where the context states otherwise shall include their successors in title.
- 3.8 The Parties acknowledge that the Development shall be treated as being permanently designated as car free housing in accordance with Clause 4.2 for all relevant purposes.

4. OBLIGATIONS OF THE OWNER

The Owner hereby covenants with the Council as follows:-

4.1 PERSONAL PERMISSION

- 4.1.1 Not to use the Property for the purposes of the Planning Permission otherwise than when CLIC Sargent Cancer Care for Children is in Occupation of the Property and in the event of non-compliance the Owner will cease Occupation of the Property forthwith.
- 4.1.2 If at any time CLIC Sargent Cancer Care for Children shall cease occupation of the Property the Owner shall forthwith advise the Council in the manner outlined at clause 6.1 hereof quoting planning reference 2006/4824/P.
- 4.1.3 Upon CLIC Sargent Cancer Care for Children vacating the Property the lawful use of the Property shall revert to residential use under Class C3 of the Use Classes Order and the Owner shall undertake the Listed Building Works AND FOR THE AVOIDANCE OF DOUBT the reversion to residential use will require planning permission and listed building consent.

4.2 CAR FREE DEVELOPMENT

- 4.2.1 The Owner hereby covenants with the Council to ensure that prior to occupying any residential unit forming part of the Development each new resident of the Development is informed by the Owner of the Council's policy that they shall not be entitled (unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit to park a vehicle in a Residents Parking Bay and will not be able to buy a contract to park within any car park owned, controlled or licensed by the Council.
- 4.2.2 The Owner for itself and its successors in title to the Property hereby acknowledges that the provision in Clause 4.2.1 above will remain permanently throughout the duration of the use of the Property for the purposes permitted by the Planning Permission.

4.3 CONSTRUCTION MANAGEMENT PLAN

- 4.3.1 On or prior to Implementation to provide the Council for approval the Construction Management Plan.
- 4.3.2 Not to Implement or allow Implementation of the Development until such time as the Council has approved the Construction Management Plan as demonstrated by written notice to that effect.
- 4.3.3 To ensure that throughout the Construction Phase the Development shall not be carried out otherwise than in strict accordance with the requirements of the Construction Management Plan as approved from time to time and in the event of non compliance with this sub-clause the Owner shall upon notice from the Council forthwith take any steps reasonably required by the Council to remedy such non-compliance.

5. NOTICE TO THE COUNCIL/OTHER MATTERS

- 5.1 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place.
- 5.2 Within 7 days following completion of the Development the Owner shall certify in writing to the Planning Obligations Monitoring Officer in the manner outlined at clause 6.1 hereof quoting planning reference 2006/4824/P the date upon which the units forming the Development are ready for occupation.
- 5.3 The Owner shall act in good faith and shall co-operate with the Council to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part of the Property or any requests to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.

5.4 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned herein and shall not make any claim for compensation in respect of any condition restriction or provision imposed by this Agreement and further shall jointly and severally indemnify the Council for any expenses or liability arising to the Council in respect of breach by the Owner of any obligations contained herein save to the extent that any act or omission of the Council its employees or agents has caused or contributed to such expenses or liability.

6. **IT IS HEREBY AGREED AND DECLARED** by the Parties hereto that:-

6.1 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval or agreement to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and Parties to the Agreement and shall cite the clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Planning Obligations Officer, Forward Planning and Projects Team, Planning Division Environment Department, Town Hall Annex, Argyle Street, London WC1H 9LP quoting the planning reference number 2006/4824/P and in the case of any notice or approval or agreement from the Council this shall be signed by a representative of the Council's Environment Department.

6.2 This Agreement shall be registered as a Local Land Charge.

6.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Agreement on or prior to the date of completion of the Agreement.

6.4 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.

6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything

contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

- 6.6 Neither the Owner nor their successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.
- 6.7 For the avoidance of doubt the provisions of this Agreement (other than those contained in this sub-clause) shall not have any effect until this Agreement has been dated.
- 6.8 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of development or is modified (other than by agreement with or at the request of the Owner) this Agreement shall forthwith determine and cease to have effect and the Council will effect cancellation of all entries made in the Register of Local Land Charges in respect of this Agreement.

7. RIGHTS OF THIRD PARTIES

- 7.1 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement.

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

EXECUTED AS A DEED BY
CLIC SARGENT CANCER
CARE FOR CHILDREN
in the presence of:

)
)
)
)
)
Sophie Pullen
Chair

.....
Witness Signature

Witness Name

Address

Occupation

Emily R

EMILY BIRD

CLIC SARGENT

GRIFFIN HOUSE

161 HAMMERSMITH RD

LONDON

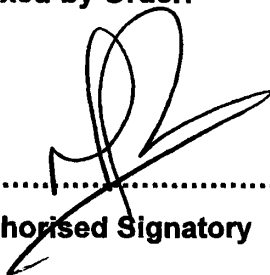
W6 8SG

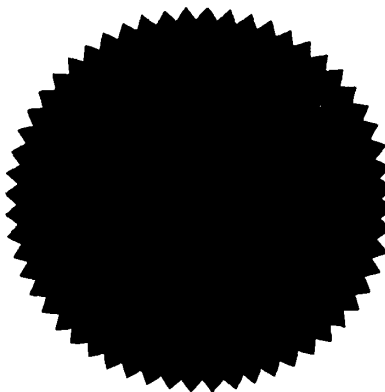
Campaigns + Public Affairs
manager

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

)
)
)
)
)

.....
Authorised Signatory





62-66 Huntley Street, London WC1E 6DD



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Nathaniel Lichfield & Partners
14 Regents Wharf
All Saints Street
LONDON
N1 9RL
FAO

Application Ref: **2006/4824/P**

26 July 2007

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Acts 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
62-66 Huntley Street
London
WC1E 6DD

DECISION
Proposal:

Change of use and works of conversion from residential use (Class C1) to use a hostel for family carers (sui generis associated with University College London Hospital, demolition of rear additions to Nos.62 & 64, installation of a glazed lift enclosure to rear of No. 66 and erection of a single-storey rear extension to Nos. 62 & 64 and other minor external works.
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Schedule of Proposed Works ref CL/10674/IR/SPo/BK amended January 2007, 'Design & Access Statement' October 2006, 'Access Statement in Support of Planning Application' Issue 1 rev F October 2006, 'Statement of Community Need'

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 this permission.

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

- 2 Prior to the first use of the care home hereby permitted, space shall be provided for a secure and weatherproof storage area accommodating five bicycles for use by staff and residents. Thereafter, the storage area and bicycles shall be retained and maintained for use by the staff and occupiers of the buildings.

Reason: To ensure the development provides satisfactory provision for cycling pursuant to Policy T3 of the London Borough of Camden Unitary Development Plan 2006.

Informative(s):

- 1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies SD1, SD6, H3, H5, H7, H9, H10, B1, B3, B6, B7, T1, T3, T4, T8, H12 and C1. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the Access report.

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- 4 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.

Yours faithfully

Culture and Environment Directorate

DRAFT

DECISION

DATED

17 August

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-and-

**(2) THE MAYOR AND BURGESSES OF
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