

DATED

20<sup>th</sup> May

2009

**(1) ST PANCRAS AND HUMANIST HOUSING ASSOCIATION**

**and**

**(2) THE LAW DEBENTURE TRUST CORPORATION PLC**

**and**

**(3) HOUSING SECURITIES LIMITED**

**and**

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

**A G R E E M E N T**

**relating to land known as**

**117 CHALTON STREET, LONDON NW1 1RY and**

**88-118 EVERS Holt STREET, LONDON NW1 1BP**

**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 1918  
Fax: 020 7974 2962**

THIS AGREEMENT is made the 20<sup>th</sup> day of May 2009

**BETWEEN:**

1. **ST PANCRAS AND HUMANIST HOUSING ASSOCIATION** (Co. Regn. No.) whose registered office is at St Richard's House. 90 Eversholt Street, London NW1 1BS (hereinafter called "the Owner") of the first part
2. **THE LAW DEBENTURE TRUST CORPORATION PLC** (Co. Regn. No. 1675231) of Fifth Floor 100 Wood Street London EC2V 7EX (hereinafter called "First Mortgagee") of the second part
3. **HOUSING SECURITIES LIMITED** (Co. Regn. No. IP27885R) of care of ~~Unit 87-91 Newman Street, London W1F 2EY~~ <sup>Tribal Consulting</sup> ~~Limited of United House, North Road, London N7 9DP~~ and Public Records Section Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS (hereinafter called "Second Mortgagee") of the third part  
*THH F*  
*Jm7*  
*AD*  
*RD*
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 Owner is registered at the Land Registry as the freeholder proprietor with Title absolute of the First Property under Title Numbers NGL791118 and NGL397326 subject to a charge to the First Mortgagee.
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Second Property under Title Numbers NGL19884 and LN107414 subject to a charge to the Second Mortgagee.
- 1.3 The Owner is the freehold Owner of and is interested in the Properties for the purposes of Section 106 of the Act.

- 1.4 The First Planning Application for the development of the First Property was submitted to the Council and validated on 29 August 2006 and the Council resolved to grant permission conditionally under reference number 2006/3789/P subject to conclusion of this legal Agreement.
- 1.5 The Second Planning Application for the development of the Second Property was submitted to the Council and validated on 29 August 2006 and the Council resolved to grant permission conditionally under reference number 2006/3803/P subject to the conclusion of this legal Agreement.
- 1.6 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.
- 1.7 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.
- 1.8 The First Mortgagee as mortgagee under a legal charge registered on the First Property, contained in a Legal Charge under Title Number NGL791118 and dated 14 July 2008 is willing to enter into this Agreement to give its consent to the same
- 1.9 The Second Mortgagee as mortgagee under a legal charge registered on the Second Property, registered under Title Number NGL19884 and LN107414 dated 17 July 1995 is willing to enter into this Agreement to give its consent to the same.

## **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 "Certificate of Practical Completion" the final certificate issued by the Council certifying that the First Development has been completed to its reasonable satisfaction
- 2.4 "the First Planning Application" a planning application in respect of the development of the First Property submitted to the Council and validated on 29 August 2006 for which a resolution to grant permission has been passed conditionally under reference number 2006/3789/P subject to conclusion of this Agreement
- 2.5 "the First Development" change of use from existing ground floor offices (Class B1) to create 1 x 1 bed residential unit (Class C3) and associated external alterations as shown on drawing numbers Site Location Plan; 1038/11 B and letter dated 25 August 2006 from agent
- 2.6 "the First Property" the land known as 117 Chalton Street, London NW1 1RY the same as shown shaded grey on the plan marked "Plan 1" as annexed hereto
- 2.7 "the Implementation Date" the date of implementation of the First Development or the Second Development by the carrying out of a material operation as defined in Section 56 of the Act save that for the purposes of this Agreement the following shall be deemed not to be material operations:

archaeological works, site or soil investigations, ground investigations site survey works, works of decontamination and the erection of hoardings and fences and references to "Implementation" and "Implement" shall be construed accordingly

2.8 "Occupation Date"

the first date when any part of the Development is occupied and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly

2.9 "the Parties"

mean the Council the Owner the First Mortgagee and the Second Mortgagee

2.10 "Planning Obligations Monitoring Officer"

a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to section 106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof

2.11 "the Planning Permission"

a planning permission granted for the First Development and the Second Development substantially in the draft forms annexed hereto

2.12 "the Property"

the First Property and the Second Property

2.13 "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

- 2.14 "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
- 2.15 "the Second Application" a planning application in respect of the development of the Second Property submitted to the Council on 29 August 2006 for which a resolution to grant planning permission has been passed conditionally under reference number 2006/3803/P subject to conclusion of this Agreement
- 2.16 "the Second Development" Change of use and works of conversion from existing first floor residential unit (C3) to office use (B1) and the enclosure of the balcony as shown on drawings numbered Site Location Plan 1038/01; Drawing No. 1038/06; 02 Photo Sheets
- 2.17 "the Second Property" the land known as 88-118 Eversholt Street, NW1 1 BP the same as shown shaded in grey on the plan marked "Plan 2" and annexed hereto

**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.

7. **COUNCIL'S OBLIGATIONS**

- 7.1 The Council agrees that upon receiving a notice from the Owner referred to in clause 5.1 hereof it shall act reasonably in issuing the Certificate of Practical Completion as soon as reasonably practicable.

8 **MORTGAGEE EXEMPTION**

- 8.1 The First Mortgagee and the Second mortgagee hereby consent to the completion of this Agreement and agrees to be bound by it and to the same being registered at the Land Registry as provided in Clause 6.4 hereof and for the avoidance of doubt agrees to be bound by the said obligations only in the event that they become mortgagee in possession of the Property.

9. **RIGHTS OF THIRD PARTIES**


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

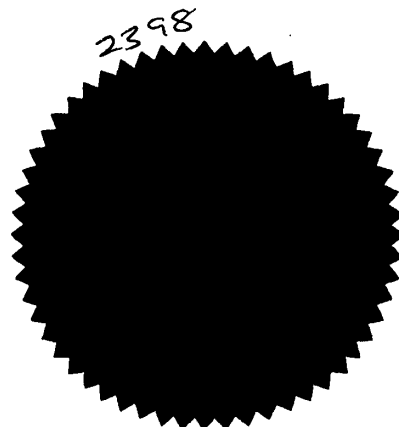
**IN WITNESS** whereof the Council and the Owner have caused their respective Common Seals to be hereunto affixed and the First Mortgagee and the Second Mortgagee have executed this instrument as their Deed the day and year first before written

THE COMMON SEAL OF  
ST PANCRAS AND HUMANIST  
HOUSING ASSOCIATION LIMITED  
was hereunto affixed  
in the presence of:-

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)  
)  
)  
)

  
.....  
Authorised Signatory

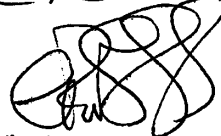
  
.....  
Authorised Signatory




CONTINUATION OF SECTION 106 AGREEMENT IN RELATION TO  
117 CHALTON STREET, LONDON NW1 1RY and  
88-118 EVERSOLT STREET, LONDON NW1 1BP

EXECUTED AS A DEED BY  
THE LAW DEBENTURE  
TRUST CORPORATION PLC  
by  
in the presence of:-

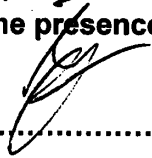
)  
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*The Mayor*  


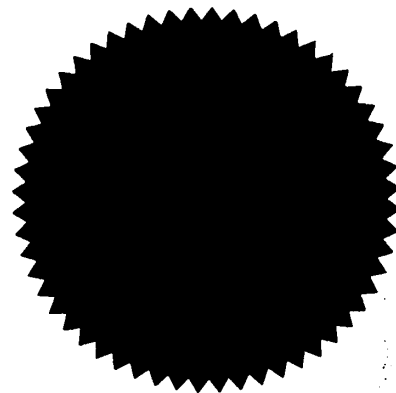
Representing Law Debenture Corporate Services Ltd

EXECUTED AS A DEED BY  
HOUSING SECURITIES LIMITED  
by  *PETER HAMMOND*  
in the presence of:-

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)



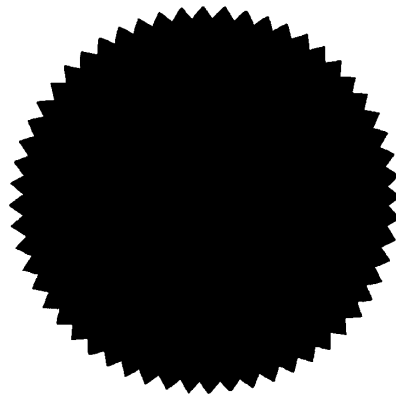
*ROBERT JONES*



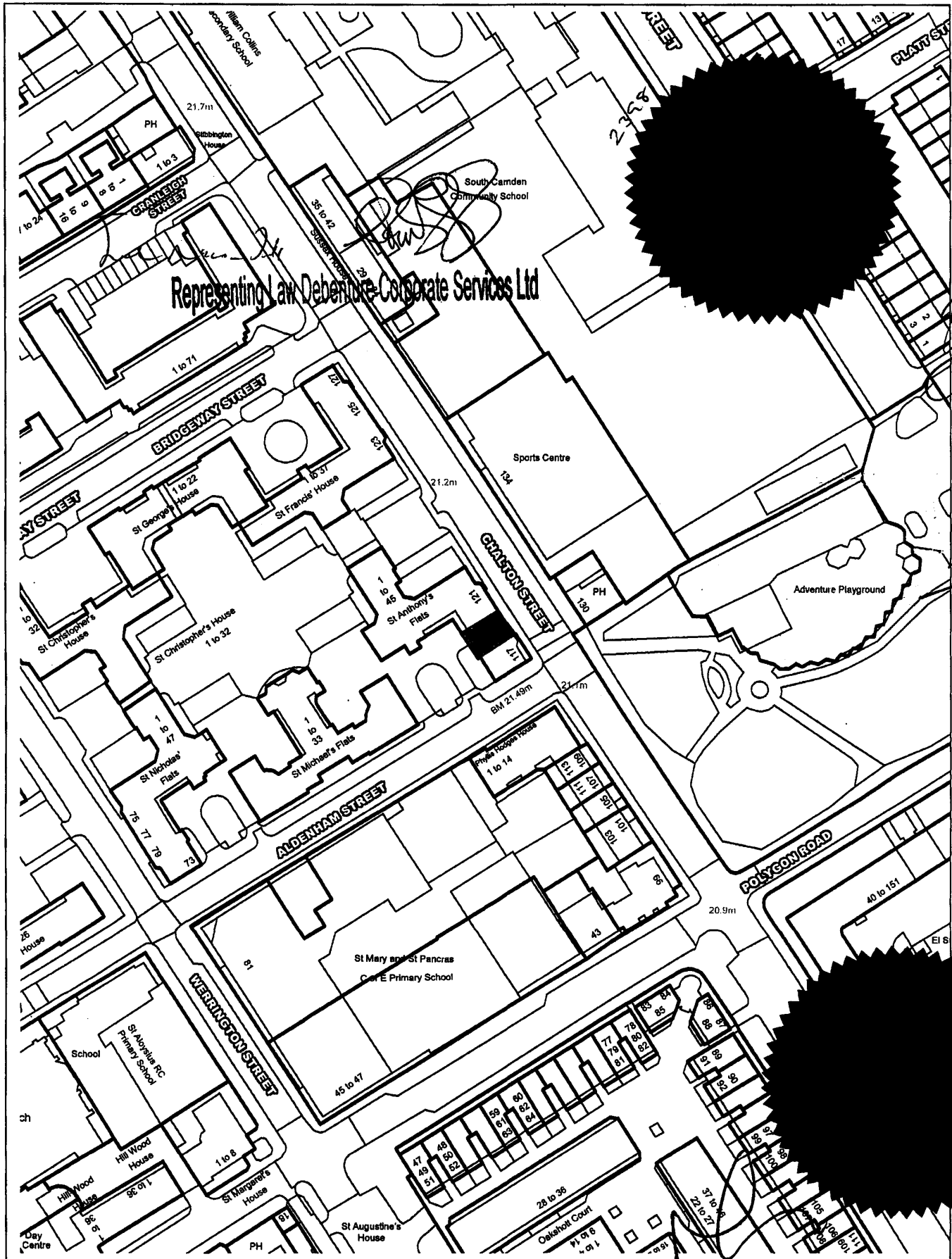
THE COMMON SEAL OF THE MAYOR  
AND BURGESSES OF THE LONDON  
BOROUGH OF CAMDEN was hereunto  
Affixed by Order:-

)  
)  
)  
)  
)

  
.....  
Authorised Signatory







# PLAN 1

Application No: 2006/3789/P

117 Chalton Street  
London  
NW1 1RY

Scale:  
1:1250  
Date:  
22-Jan-09



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## PLAN 2

Application No: 2006/3803/P

88 -118 Eversholt Street  
London  
NW1 1BP

Scale:

1:1250

Date:

22-Jan-09

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Pelta Associates  
41 London Street  
Chertsey  
Surrey  
KT16 8AP

Application Ref: **2006/3789/P**

22 January 2009

Dear Sir/Madam

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

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**117 Chalton Street  
London  
NW1 1RY**

**DECISION**  
Proposal:  
Change of use from existing ground floor offices (Class E) to create 1 x 1 bed residential unit (Class C3) and associated external alterations  
Drawing Nos: Site Location Plan; 1038/11 B; letter dated 25.8.06 from agent.

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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies B1 and B3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

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 6941).
- 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](mailto:env.health@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://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 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.
- 4 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, B1, B3, H1, H3, H7, T8, T9, T12, E1, E2, E3. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

Yours faithfully

Culture and Environment Directorate

Pelta Associates  
41 London Street  
Cherstsey  
Surrey  
KT16 8AP

Application Ref: 2006/3803/P

22 January 2009

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Town and Country Planning Acts 1990 (as amended)

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**London**  
**NW1 1BP**

**DECISION**  
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Change of use and works of conversion from existing first floor residential unit (C3) to office use (B1) and the enclosure of the balcony.  
Drawing Nos: Site Location Plan 1038/01; Drawing No. 1038/06; 02 Photo Sheets

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Yours faithfully

Culture and Environment Directorate

DATED

20<sup>th</sup> May

2009

**(1) ST PANCRAS AND HUMANIST HOUSING ASSOCIATION**

**and**

**(2) THE LAW DEBENTURE TRUST CORPORATION PLC**

**and**

**(3) HOUSING SECURITIES LIMITED**

**and**

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

**A G R E E M E N T**

**relating to land known as**

**117 CHALTON STREET, LONDON NW1 1RY and**

**88-118 EVERSOLT STREET, LONDON NW1 1BP**

**pursuant to Section 106 of the Town and Country Planning  
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