

DATED

7 October

2015

(1) GRAYS INN LIMITED

and

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

A G R E E M E N T
relating to land known as
79 GRAY'S INN ROAD LONDON WC1X 8TP
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)
Section 278 of the Highways Act 1980

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

Tel: 020 7974 5680
Fax: 020 7974 1920

1781.425

THIS AGREEMENT is made the 7 day of October 2015

BETWEEN:

- i. **GRAYS INN LIMITED** (Co. Regn. No. 9688441) whose registered office is at 173 Cleveland Street London W1T 6QR (hereinafter called "the Owner") of the first part
- ii. **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

1. WHEREAS

- 1.1 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number 342347.
- 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 18 May 2015 and the Council resolved to grant permission conditionally under reference number 2015/2329/P subject to conclusion of this legal Agreement.
- 1.4 A Planning Application and a Listed Building Application for the Development of the Property were submitted to the Council and validated on 18 May 2015 and the Council resolved to grant permission conditionally under reference number 2015/2329/P in respect of the Planning Application, subject to conclusion of this legal Agreement, and under reference number 2015/3259/L in respect of the Listed Building Application.
- 1.5 The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this 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 Development" change of use of ground floor office (B1) to 1-bed flat (C3) including replacement windows and alteration to roof. as shown on drawing numbers 1501_Design and Access Statement, 100B, 101A, 102A, 103A, 120, 121, 122, 123A, 200A, 201A, 202A, 203A, 250, 251, 252, 253, 254, 255, 1501_Lifetime Homes Statement, 1501_Photographic survey, 050, SK01, Heritage Appraisal dated April 2015, 1501A_Marketing & Planning Statement
- 2.4 "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

- 2.5 "the Listed Building Application" an application for listed buildings consent in respect of the works comprising the Development submitted to the Council and validated on 18 May 2015 for which a resolution to grant permission has been passed conditionally under reference number and 2015/3259/L subject to conclusion of this Agreement
- 2.6 "the Listed Building Consent" a listed building consent granted for the works sought in the Listed Building Application
- 2.7 "Occupation Date" the date when any part of the Development is occupied and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly
- 2.8 "the Parties" mean the Council and the Owner
- 2.9 "the Planning Application" a planning application in respect of the development of the Property submitted to the Council and validated on 18 May 2015 for which a resolution to grant permission has been passed conditionally under reference number 2015/2329/P subject to conclusion of this Agreement
- 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 S106 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 Development substantially in the draft form annexed hereto
- 2.12 "the Property" the land known as 79 Gray's Inn Road London WC1X 8TP the same as shown shaded grey on the plan annexed hereto
- 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

3. **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 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 4.1 for all relevant purposes.

4. **OBLIGATIONS OF THE OWNER**

The Owner hereby covenants with the Council as follows:-

- 4.1 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 The Owner for itself and its successors in title to the Property hereby acknowledges that the provision in Clause 4.1 above will remain permanently.
- 4.3 On or prior to the Occupation Date the Owner shall inform the Council's Planning Obligations Monitoring Officer of the official unit numbers of the residential units

forming part of the Development (as issued and agreed by the Council's Street Name and Numbering Department), identifying those residential units that in the Owner's opinion are affected by the Owner's obligation in Clause 4.1 of this Agreement.

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 Planning Permission has taken or is about to take place.

5.2 Within seven 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 the Planning Permission reference 2015/2329/P the date upon which the Development is 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 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, Urban Design and Renewal, Planning and Public Protection, Culture and Environment Directorate, Town Hall Annex, Argyle Street, London WC1H 9LP quoting the Planning Permission reference number 2015/2329/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 this Agreement shall forthwith determine and cease to have effect.

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 have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY)
GRAYS INN LIMITED)
in the presence of:-/)
acting by a Director and its Secretary)
or by two Directors)

.....
Director

Katherine Marnal
.....

Director/Secretary *Witness*
Katherine Marnal
12 Penda Close
Luton
LU3 3UT

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

.....
Cip Bels
Authorised Signatory





79 Gray's Inn Road London WC1X 8TP



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Nash Baker Architects
167-169 Kensington High Street
London
W86SHApplication Ref: **2015/2329/P**

28 September 2015

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:
79 Gray's Inn Road
London
WC1X 8TP

Proposal:

Change of use of ground floor office (B1) to 1-bed flat (C3) including replacement windows and alteration to roof.

Drawing Nos: 1501_Design and Access Statement, 100B, 101A, 102A, 103A, 120, 121, 122, 123A, 200A, 201A, 202A, 203A, 250, 251, 252, 253, 254, 255, 1501_Lifetime Homes Statement, 1501_Photographic survey, 050, SK01, Heritage Appraisal dated April 2015, 1501A_Marketing & Planning Statement

DECISION
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 policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

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

1501_Design and Access Statement, 100B, 101A, 102A, 103A, 120, 121, 122, 123A, 200A, 201A, 202A, 203A, 250, 251, 252, 253, 254, 255, 1501_Lifetime Homes Statement, 1501_Photographic survey, 050, SK01, Heritage Appraisal dated April 2015, 1501A_Marketing & Planning Statement

Reason:

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

- 4 The ground floor flat hereby approved shall not be occupied until all of the works shown on approved drawings: 251, 252, 253, 254, 255 and SK01 have been completed.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and Policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

79 Gray's Inn Road is a Grade II listed property and lies within the Bloomsbury Conservation Area. The applicant's marketing statement notes that the premises are not suitable for continued business use and that the listed status of the building is likely to make it unviable for an SME to carry out the necessary work to bring the site up to reasonably modern office standards. It also indicates that despite reasonable attempt to let the site, it has remained vacant over this period of time.

In accordance with the requirements of Policy DP13, the applicant's marketing

statement has satisfactorily demonstrated that the premises are no longer suitable for its existing business use and that there is no realistic demand for employment use of the site.

Limited external changes are proposed; namely the replacement of all non-original windows with painted timber sash windows. Due to poor condition, the central valley section of the roof will be replaced with a new flat lead finished roof. The site does not form part of an unbroken group of valley roofs with the surrounding properties displaying a range of roof types. The works would reflect the design of the flat top roof at the adjacent property no.77. There will be no significant impact on the street scene.

These external changes are all considered to be modest alterations, with regard to scale, character and position and are not considered to cause any detrimental impact on the character or appearance of the listed building or on its setting in the Bloomsbury Conservation Area.

The proposed 1-bedroom flat at ground floor level achieved would have a gross internal area (GIA) of 58.7m². This meets the London Plan guidance for minimum GIA of 50sqm for a 1bed2person dwelling. Apart from the slight stepped entrance, the accommodation will be arranged over one floor and corridor sizes will permit wheelchair adaptability. Due to the constraints of the listed building it is considered that the proposal reasonably meets the Lifetime Homes requirements.

The site Public Transport Accessibility Level (PTAL) is 6B, and falls within the King's Cross Area Controlled Parking Zone (CPZ) and is a highly stressed area. As per the requirements of Policy DP18, this decision is subject to a car free legal agreement to ensure that future occupants of the development are aware that they are not entitled to on-street parking permits. Policy DP18 seeks to ensure car-free development in low parking provision areas, which include the Central London area and areas with high PTAL.

No letters of objection were received prior to making this decision. The planning history of the site and the surrounding area has been taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies CS5, CS6, CS8, CS11, CS14 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP5, DP6, DP13, DP18, DP24, DP25 and DP26 of the London Borough of Camden Local Development

Framework Development Policies. The proposed development also accords with policies 3.5, 3.8, 6.12, 7.4, 7.6 and 7.8 of the London Plan March 2015, consolidated with alterations since 2011, and paragraphs 14, 17, 29-30, 39, 49-50, 56 -66 and 126-141 of the National Planning Policy Framework.

- 2 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).
- 3 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.
- 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. 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.
- 5 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 6 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.

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

DRAFT

DECISION



Nash Baker Architects
167-169 Kensington High Street
London
W86SH

Application Ref: **2015/3259/L**
Please ask for: **Fiona Davies**
Telephone: **020 7974 4034**

28 September 2015

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
79 Gray's Inn Road
London
WC1X 8TP

DECISION

Proposal:

Change of use of ground floor office (B1) to 1-bed flat (C3) with associated refurbishment of building including replacement windows, removal of basement staircase and reinstatement of joinery and cornices.

Drawing Nos: 1501_Design and Access Statement, 100B, 101A, 102A, 103A, 120, 121, 122, 123A, 200A, 201A, 202A, 203A, 250, 251, 252, 253, 254, 255, 1501_Lifetime Homes Statement, 1501_Photographic survey, 050, SK01, Heritage Appraisal dated April 2015, 1501A_Marketing & Planning Statement

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

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed



Buildings and Conservation Areas) Act 1990.

- 2 All new work and work of making good shall be carried out to match the original work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The works hereby approved are only those specifically indicated on the drawing(s) referred to above.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The ground floor flat hereby approved shall not be occupied until all of the works shown on approved drawings: 251; 252; 253; 254; 255 and SK01 have been completed.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and Policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting listed building consent.

79 Gray's Inn Road is a Grade II listed property forming part of a listed terrace of similarly constructed and dated properties on the west side of Gray's Inn Road. The site is a three storey Georgian 'townhouse' with attic and lower ground floor and lies within the Bloomsbury Conservation Area.

It is considered that the proposed internal works seeking to refurbish the listed building will be carried out in a manner which will enhance its architectural and historic interest with particular regard to the proposed joinery and plasterwork finishes.

The proposed removal of the basement staircase is considered acceptable, as the staircase is not historic or positioned in a historically accurate location. Some harm is caused to the plan form of the original 'townhouse' by not reinstating a staircase from ground to lower ground floor level. However the existing subdivision of the property to multiple residential units lessens the significance in this regard and the overall enhancements provided by the proposed scheme is considered sufficient to

outweigh the likely harm which would be caused.

These particular enhancements include: reinstatement of the original staircase handrail to the upper floors, the reinstatement of historically accurate joinery including to doors, architraves and skirting which address the hierarchy of the building per floor. Similarly the reinstatement of historically accurate plaster cornices which address the hierarchy of the building across the different storeys.

Furthermore the hierarchy of the floors marked by the changing proportions of the windows will be maintained by the re-instated windows to the second floor front elevation.

These alterations are all considered to be modest, with regard to scale, character and position and are not considered to cause any detrimental harm to the special interest of the listed building.

No objection to the application has been received to date from the Bloomsbury CAAC or from adjoining occupiers as a result of consultation. The planning history of the site and the surrounding area has been taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan March 2015, consolidated with alterations since 2011, and paragraphs 14, 17 and 126-141 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment



DATED

7 October

2015

(1) GRAYS INN LIMITED

and

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

A G R E E M E N T

relating to land known as
79 GRAY'S INN ROAD LONDON WC1X 8TP
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)
Section 278 of the Highways Act 1980

Andrew Maughan
Head of Legal Services
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