

DATED

29th May

2018

(1) CENTRAL AND CECIL HOUSING TRUST

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

53 GLENMORE ROAD, LONDON, NW3 4DA

pursuant to

Section 106 of the Town and Country Planning Act 1990 (as amended);

Section 16 of the Greater London Council (General Powers) Act 1974;

Section 111 of the Local Government Act 1972; and

Section 1(1) of the Localism Act 2011

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

Tel: 020 7974 6750

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FINAL

THIS AGREEMENT is made the 29<sup>th</sup> day of May 2018

**BETWEEN:**

- A. **CENTRAL AND CECIL HOUSING TRUST** (Registered Society No.27693R) of 266 Waterloo Road, London SE1 8RQ (hereinafter called "the Owner") of the first part
- B. **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

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 LN133711.
- 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 25<sup>th</sup> May 2017 and the Council resolved to grant permission conditionally under reference number 2017/2579/P subject to the conclusion of this legal Agreement.
- 1.4 The Council is the local planning authority for the purposes of the Act and Section 16 of the Greater London Council (General Powers) Act 1974 Section 111 of the Local Government Act 1972; and Section 1(1) of the Localism Act 2011 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.
- 1.5 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	"Basement Approval in Principle"	an application to the Council's Highways Structural team for an approval in principle of the construction of the basement (forming part of the Development) which is to be assessed by the Council with a view to ensuring that sufficient loadings are maintained at all times at the interaction of the Property and the Public Highway so as to ensure that the Public Highway is not compromised at any time during the construction phase or thereafter
2.4	"Basement Approval in Principle Contribution"	the sum of £1800.00 (£1800.00 pounds) to be applied by the Council in event of receipt towards the assessment by the Council's Highways Structural team of the Basement Approval in Principle Application
2.5	"the Development"	subdivision of 3 partially self-contained flats to 2 x 1 bedroom and 1 x 2 bedroom fully self contained flats. Excavation of basement and side infill extension:- 2674-MA-E-SL-DR-0100-D00, Design & Access Statement 05 May 2017, Heritage Statement 05 May 2017, Camden geological, hydrogeological and hydrological study November 2010, Flood Risk Assessment for Planning March 2017, LMB Geosolutions Ltd Basement Impact Assessment August 2017, 2674-MA-E-ZZ-DR-2100-D00, 2674-MA-E-EL-DR-2200-D00, 2674-MA-N-EL-DR-2200-P00, 2674-MA-N-ZZ-DR-2700-P00, 2674-MA-E-SN-DR-2750-P00 and 2674-MA-N-SN-DR-2750-P00
2.6	"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

2.7	"the Nominated Unit"	the two (2) residential units forming part of the Development on the basement/ground floor and first floor of the Property (known as Flats 1 and 2 respectively) as shown edged in red and blue on approved drawings attached hereto
2.8	"Occupation Date"	the 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 and the Owner
2.10	"the Planning Application"	a planning application in respect of the development of the Property submitted to the Council and validated on 25 <sup>th</sup> May 2017 for which a resolution to grant permission has been passed conditionally under reference number 2017/2579/P subject to conclusion of this Agreement
2.11	"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
2.12	"the Planning Permission"	a planning permission granted for the Development substantially in the draft form annexed hereto
2.13	"the Property"	the land known as 53 Glenmore Road, London, NW3 4DA the same as shown shaded grey on the plan annexed hereto
2.14	"the Public Highway"	any carriageway footway and/or verge adjoining the Property maintainable at public expense
2.15	"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
2.16	"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 is also made in pursuance of Section 16 of the Greater London Council (General Powers) Act 1974 Section 111 of the Local Government Act 1972; and Section 1(1) of the Localism Act 2011 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, 7 and 8 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 Nominated Units 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

##### 4.1 **Basement Approval in Principle**

4.1.1 On or prior to the Implementation Date to:-

- (a) submit the Basement Approval in Principle Application; and
- (b) pay to the Council the Basement Approval in Principle Contribution

4.1.2 Not to Implement or permit Implementation of any part of the Development until such time as:

- (a) the Council has approved the Basement Approval in Principle Application as demonstrated by written notice to that effect; and
- (b) the Council has received the Basement Approval in Principle Application Contribution in full.

##### 4.2 **Car free**

4.2.1 To ensure that prior to occupying each Nominated Unit (being part of the Development) each new occupier of any Nominated Unit 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:

- (i) be granted a Residents Parking Permit to park a vehicle in a Residents Parking Bay; and
- (ii) buy a contract to park within any car park owned, controlled or licensed by the Council.

4.2.2 Not to Occupy or use (or permit the Occupation or use of) the Nominated Unit (being part of the Development) at any time during which the occupier of the Nominated Unit holds a Residents Parking Permit to park a vehicle in a Residents Parking Bay or is permitted to park a vehicle in any car park owned, controlled or licensed by the Council unless the occupier is the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970).

4.2.3 The Owner for itself and its successors in title to the Property hereby acknowledges that the provision in Clause 4.2.1 and 4.2.2 in this Agreement shall continue to have effect in perpetuity.

4.2.4 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 and 4.2 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 Development 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 planning reference 2017/2579/P the date upon which the Development will be 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, Urban Design and Renewal, Planning and Public Protection, Culture and Environment Directorate, Town Hall Annex, Argyle Street, London WC1H 9LP quoting the planning reference number 2017/2579/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 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. **JOINT AND SEVERAL LIABILITY**

7.1 All Covenants made by the Owner in this Agreement are made jointly and severally and shall be enforceable as such.

8. **RIGHTS OF THIRD PARTIES**

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

EXECUTED AS A DEED BY )  
CENTRAL AND CECIL HOUSING TRUST )  
acting by )

.....  
Authorised Signatory

.....  
Authorised Signatory



THIS IS A CONTINUATION OF THE s106 AGREEMENT IN RELATION TO THE LAND KNOWN AS 53 GLENMORE ROAD

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

*R. Alexander*  
.....

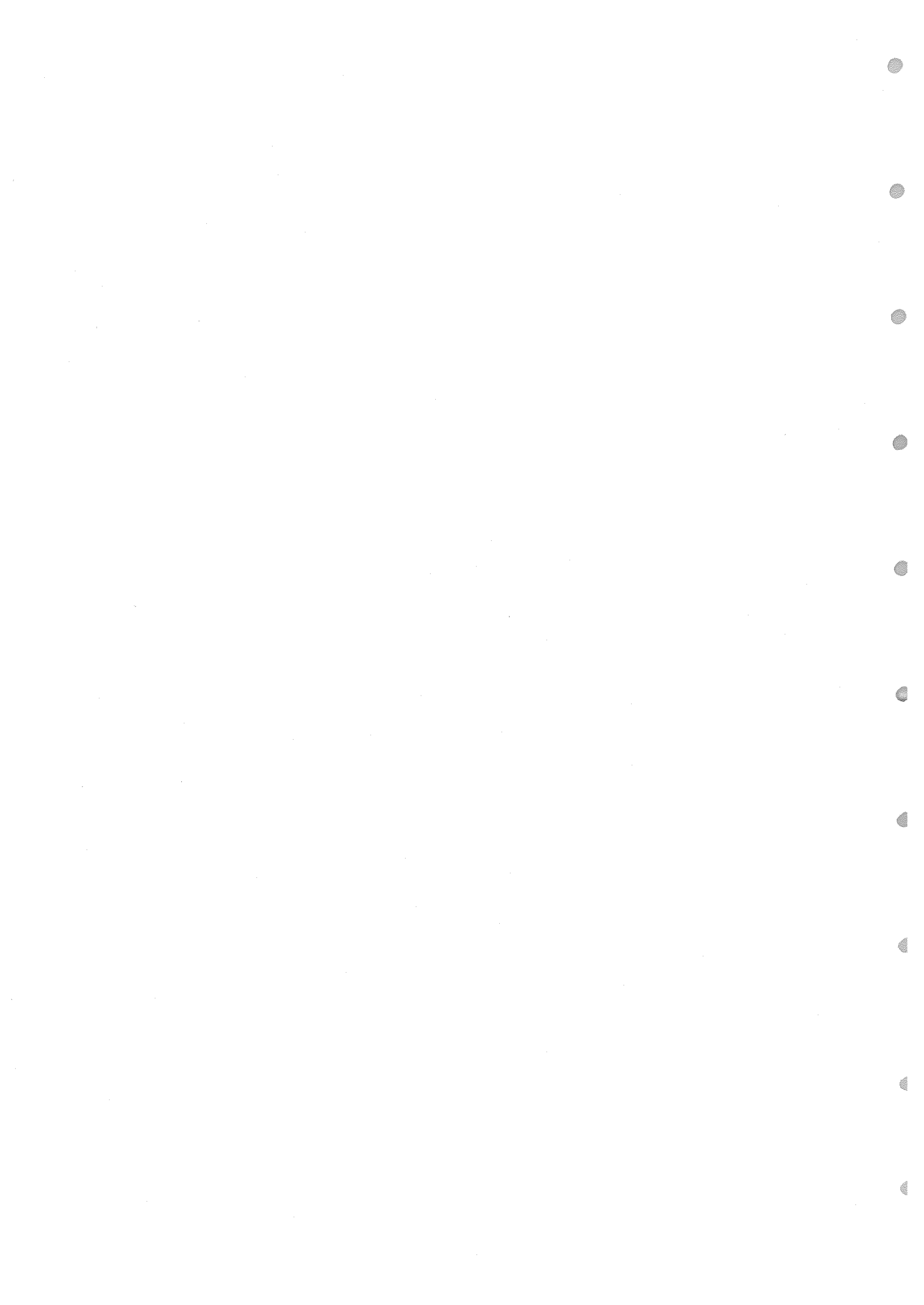
Authorised Signatory

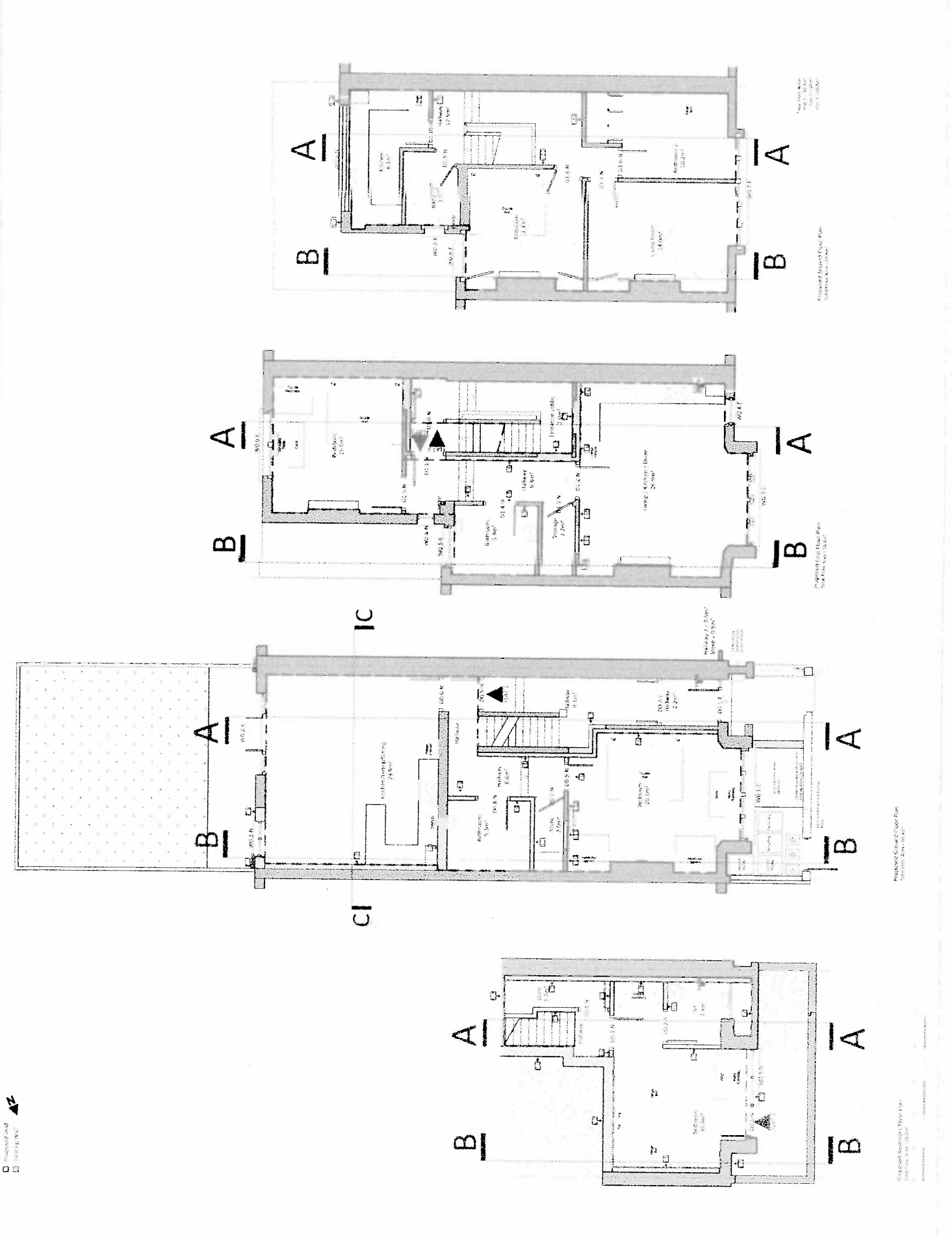


# NORTHGATE SE GIS Print Template



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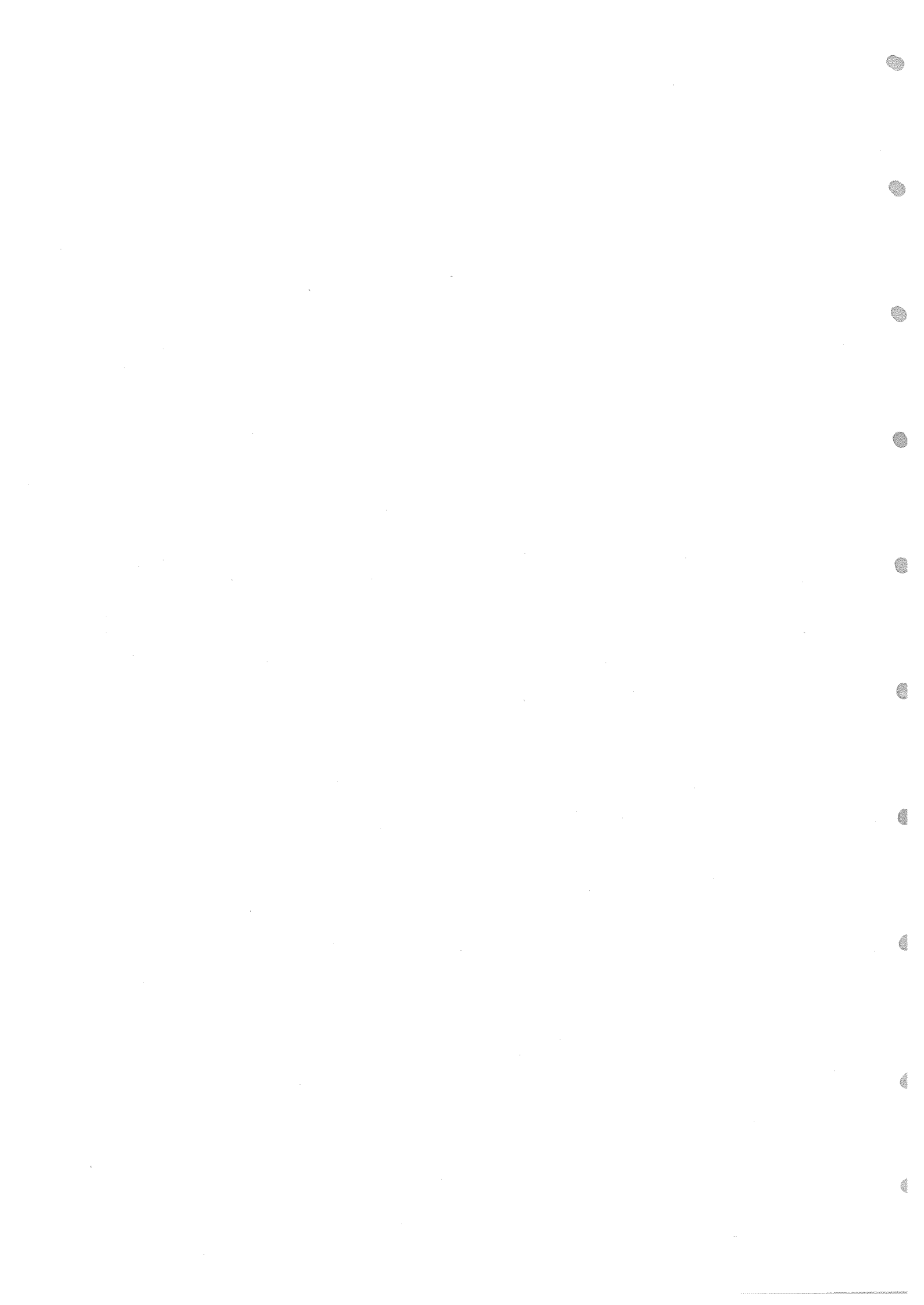
□ MASONRY  
 □ CONCRETE

Proposed Entrance Floor Plan  
 Scale: 1:50

Proposed Kitchen Floor Plan  
 Scale: 1:50

Proposed Living Floor Plan  
 Scale: 1:50

Proposed Second Floor Plan  
 Scale: 1:50



Martin Arnold LTD  
4 Gunnery Terrace  
Royal Arsenal  
London  
SE18 6SW

Application Ref: **2017/2579/P**

01 February 2018

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:  
**53 Glenmore Road**  
**London**  
**NW3 4DA**

**DECISION**  
Proposal:

Subdivision of 3 partially self-contained flats to 2 x 1 bedroom and 1 x 2 bedroom fully self contained flats. Excavation of basement and side infill extension.  
Drawing Nos: 2674-MA-E-SL-DR-0100-D00, Design & Access Statement 05 May 2017, Heritage Statement 05 May 2017, Camden geological, hydrogeological and hydrological study November 2010, Flood Risk Assessment for Planning March 2017, LMB Geosolutions Ltd Basement Impact Assessment August 2017, 2674-MA-E-ZZ-DR-2100-D00, 2674-MA-E-EL-DR-2200-D00, 2674-MA-N-EL-DR-2200-P00, 2674-MA-N-ZZ-DR-2700-P00, 2674-MA-E-SN-DR-2750-P00 and 2674-MA-N-SN-DR-2750-P00.

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 D1 and D2 of the London Borough of Camden Local Plan 2017.

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

2674-MA-E-SL-DR-0100-D00, Design & Access Statement 05 May 2017, Heritage Statement 05 May 2017, Camden geological, hydrogeological and hydrological study November 2010, Flood Risk Assessment for Planning March 2017, LMB Geosolutions Ltd Basement Impact Assessment August 2017, 2674-MA-E-ZZ-DR-2100-D00, 2674-MA-E-EL-DR-2200-D00, 2674-MA-N-EL-DR-2200-P00, 2674-MA-N-ZZ-DR-2700-P00, 2674-MA-E-SN-DR-2750-P00, 2674-MA-N-SN-DR-2750-P00 and Campbell Reith Basement Impact Assessment Audit dated October 2017 Project Number: 12466-82.

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

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.



- 5 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of all windows and external doors at lower ground level in the front elevation.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposal involves the conversion of the existing dwellinghouse containing a self contained unit and two partially self-contained units into 2 x 1 bedroom and 1 x 2 bedroom units. The development also includes excavation at basement level to turn the existing semi-basement into habitable space and increase the size. Additionally, a void area at the rear of the property which is currently an access to the rear garden shall be infilled to 'square off' the rear elevation. As part of the rear infill extension, a sash window shall be installed and at second floor, replacement windows are proposed. In the front elevation at lower ground level a new door and two windows shall be installed for light to the basement level.

The subdivision proposal is considered acceptable as the increase in the self-contained residential units meets a priority land use of Camden's Core Strategy. Furthermore, the development would provide a 2 bedroom flat which is identified as very high priority (Policy H7). The principle of providing additional residential accommodation at the site and maximising the supply of additional homes in the borough is therefore considered appropriate.

All flats would comply with Camden's Planning Guidance and national space standards with GIAs of 94.5sqm for the lower ground and ground floor 2 bedroom flat, 58sqm and 69.8sqm for the 1 bedroom flats at first and second floor. All habitable rooms would comply with recommended size standards. All flats would be dual aspect, which would ensure they received an adequate amount of daylight and natural ventilation.

The development will be required to be car-free, as secured by way of a S106 planning obligation. Although the proposal does not provide cycle parking in accordance with London Plan requirements, this is considered acceptable in this instance given the constrained nature of the site and that the proposal is a conversion. In addition, the building and large rear garden provides ample space to store cycles.

The proposed rear infill extension is to be a modestly sized, subordinate addition built in materials to match the main property and infilling 'wasted' space. The extension shall not be visible from the street. The revised fenestration details in the rear and the new door and windows in the front elevation at lower ground level are sympathetic to the original features of the property and are considered acceptable in design terms.

The applicant submitted a Basement Impact Assessment, Flood Risk Assessment and Structural Drawings and Method Statement which has been independently audited in accordance with basement policy A5. The proposed basement excavation works have been concluded to be not likely to adversely effect hydrology or hydrogeological water in the area and to include suitable proposed construction methods and underpinning. Overall, the basement works which are entirely underneath the existing footprint of the house, are considered to be acceptable, subject to an Approval in Principle secured via s106 legal agreement (as the works are adjacent to the public highway).

The proposed infill extension, basement works and revised fenestration details are not considered harmful in terms of neighbours amenity given they would not cause loss of light, outlook or privacy.

No objections have been received prior to making this decision. One comment was received in relation to keeping the boundary wall (no changes are proposed to the boundary treatment). The planning history of the site and surrounding area were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies H1, H6, H7, A1, A5, D1, D2, T1 and T2 of the Camden Local Plan. The proposed development also accords with The London Plan March 2016, and the National Planning Policy Framework 2012.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 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.

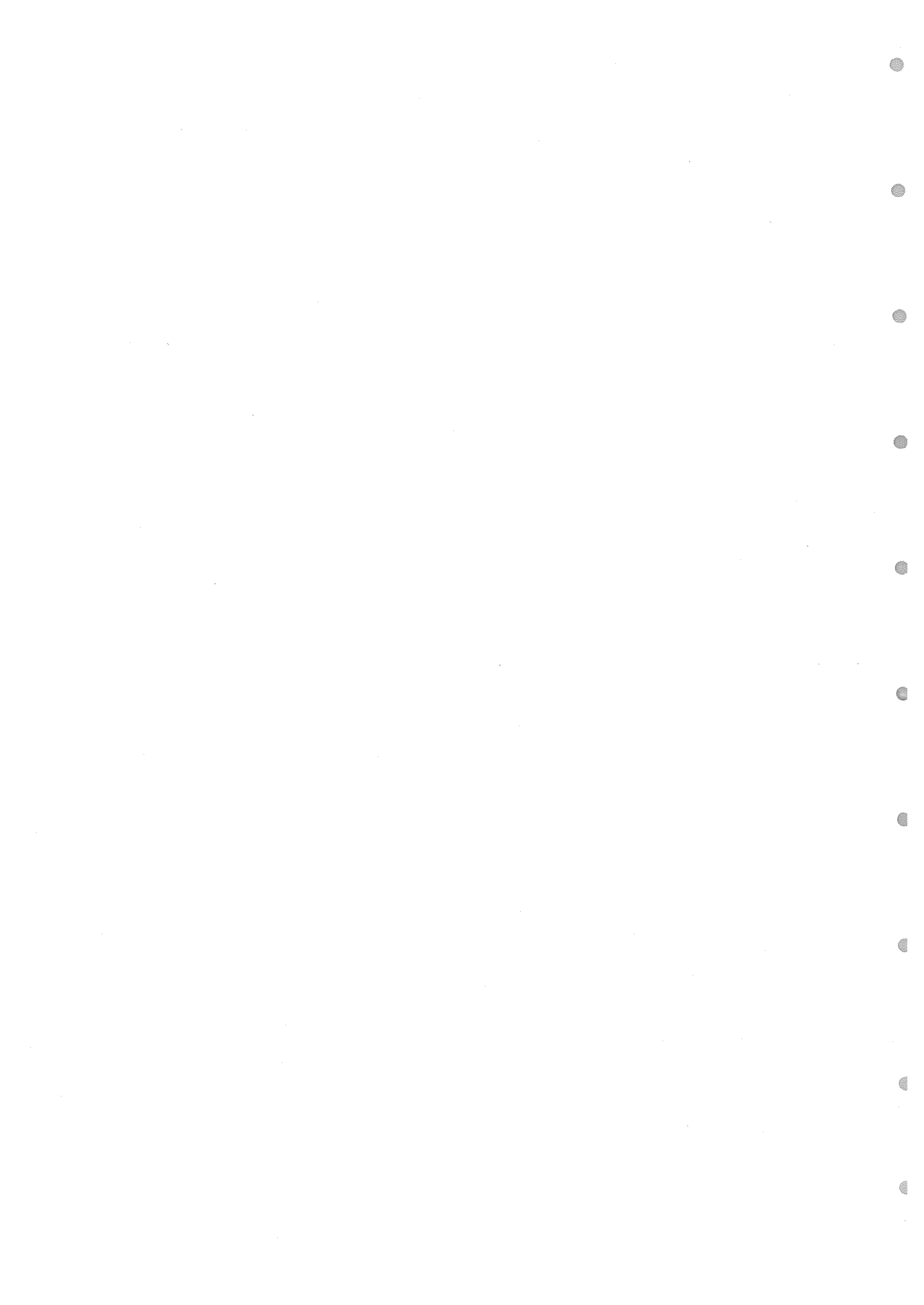
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

**DRAFT**

**DECISION**





DATED

29th May

2018

(1) CENTRAL AND CECIL HOUSING TRUST

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

53 GLENMORE ROAD, LONDON, NW3 4DA

pursuant to

Section 106 of the Town and Country Planning Act 1990 (as amended);

Section 16 of the Greater London Council (General Powers) Act 1974;

Section 111 of the Local Government Act 1972; and

Section 1(1) of the Localism Act 2011

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