

DATED 5th August 1998

B E T W E E N :

BERKELEY HOMES (SURREY) LIMITED (1)

and

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

SECTION 106 AGREEMENT

Relating to the redevelopment of
61 and 61A Endell Street London WC2
pursuant to Section 106 of the
Town and Country Planning Act 1990 (as amended)
and Section 16 of the Greater London Council
(General Powers) Act 1974

Amanda Kelly
Borough Solicitor &
Deputy Chief Executive
Town Hall
Judd Street
London WC1H 9LP

Tel: 0171 314 1918
Fax: 0171 860 5659

envsec2/SHABANA/106-End

CONQUEROR



THE CONQUEROR
A STORY OF THE
MOUNTAIN CLIMBERS
BY
J. H. BROWN
WITH ILLUSTRATIONS BY
J. H. BROWN
NEW YORK
1900

THIS AGREEMENT is made the 5th day of August 1998
BETWEEN

- (1) **Berkeley Homes (Surrey) Limited** company registration number 2238315 whose registered office is situate at 19 Portsmouth Road, Cobham, Surrey KT11 1JG ("the Developer")
- (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 other part

WHEREAS;

- (A) The Developers are registered at HM Land Registry with Title absolute under Title Number 67926 as the Freehold proprietors of the Property .
- (B) The Planning Application was submitted by the Developer to the Council on the 15th April 1998, and was allocated application number PS9804332.
- (C) The Listed Building Application was submitted by the Developer to the Council on the 15th April 1998, and was allocated application number LS9804333.
- (D) The Council is the local planning authority for the purposes of the Act and for the area within which the Property is situated and for the purposes of enforcing planning obligations pursuant to Section 106 of the Act.
- (E) The Council consider 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.
- (F) For that purpose the parties are willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.
- (G) The Council has resolved to grant planning permission upon the Application subject to the conditions set out in the Planning Permission of even date herewith and subject to the covenants undertakings and restrictions herein contained.

1. DEFINITIONS AND OPERATIVE PROVISIONS

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

- 1.1. "the Act" the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)
- 1.2. "the Agreement" this Planning Obligation made pursuant to Section 106 of the Act

1.3. "the Application"

- i) the planning application for the Development of the Property submitted by the Developer (through their agent Assael Architecture Ltd, Architects) on 15th April 1998, and given reference number PS9804332.
- ii) the application for Listed Building Consent submitted by the Developer (through their agent, Assael Architecture Ltd, Architects) on the 15th April 1998, and given reference number LS9804333.

1.4. "the Development"

Change of use of the ground floor and basement of no. 61 from offices to retail use and the conversion of the office use on the first floor to a two bedroom flat and a two bedroom maisonette on the second and third floors. Redevelopment of the yard at the rear to provide a building on part two, part three and part four floors providing 5 self-contained flats. As shown on Drawing Numbers A1153/001-005/P1; 010/P2, 011/P2, 012/P4, 013/P6, 020/P13, 021/P10, 024/P5, 025/P7, 026/P10, 027/P6, 028/P4, 30P3, 31P3, 32P1, 33P1, 34P2

1.5. "the Implementation Date"

the implementation of the Development by the carrying out of a material operation as defined in Section 56 of the Act

1.6. "the Planning Permission"

- (i) the planning permission granted for the Development in the form of the draft annexed herewith; and
- (ii) a Listed Building Consent granted for the Development in the form of the draft annexed herewith

1.7. "the Property"

61 and 61A Endell Street WC2 which for the purposes of identification only is shown edged red on the plan attached hereto

1.8. "Residents
Parking Bay"

a place designated in or under S45(2) of the Road Traffic Regulations Act 1984 (or any other legislation which the Council considers to have broadly equivalent effect) in the use only of designated residents of the locality.

2. NOW THIS DEED WITNESSETH as follows;

- 2.1. This Agreement is entered into by the Developer in relation to the Property to the extent that it contains planning obligations under Section 106 of the Act and such obligations herein shall be enforceable by the Council. Any provisions of this Agreement which are not planning obligations are made pursuant to Section 16 of the Greater London Council (General Powers) Act 1974.
- 2.2. It is hereby agreed between the parties that save for the provisions of clause 3.2 and 4.1.3 below which shall come into effect on the date hereof any covenants undertakings and obligations contained within this Agreement shall become binding upon the Developer upon the Implementation Date.
- 2.3. The Council hereby agrees to grant the Planning Permission on the date hereof.
- 2.4. No person shall be liable for a breach of a covenant contained in this Agreement after he shall have parted with all interest in the Property or the part in respect of which such breach occurs, but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.
- 2.5. Nothing in this Agreement shall prohibit or limit the right to develop any part of the Property in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Agreement.
- 2.6. If the Planning Permission is quashed revoked or otherwise withdrawn or (without the consent of the Developer) is modified by any statutory procedure or expires before it has been implemented this Agreement shall cease to have effect.
- 2.7. Where any confirmation, agreement, certificate, consent, permission or other approval is to be given by any party or person the same shall be given in writing and shall not be unreasonably withheld or delayed.


3. The Developer covenants with the Council that:

- 3.1. It shall ensure that prior to occupying any residential unit forming part of the Development every new resident is informed of the Council's policy that they shall not be entitled (unless they are the holder of a disabled persons badge issued pursuant to 5.21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a permit to park 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
- 3.2. To pay the Council's reasonable legal costs in connection with the negotiation and completion of this Agreement within 28 days of receipt of an invoice from the Council

4. **OTHER MATTERS**

4.1. It is hereby agreed and declared by the parties hereto that:

4.1.1. this Deed is without prejudice to and shall not be construed as derogating from any of the rights powers and duties of the Council pursuant to any of its statutory functions or in any other capacity

 4.1.2. the provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice to be served under or in connection with this Agreement any notice to the Council to be in writing and addressed to the Chief Executive (Reference: CLS/ENV/SK/19952) the Council of the London Borough of Camden, Town Hall, Judd Street, London WC1H 9LP and any notice to the Developer addressed to their registered offices for the time being.

4.1.3. the Deed shall be registered as a Local Land Charge.

IN WITNESS whereof the parties have caused their respective common seals to be affixed the day and year first above written.

THE COMMON SEAL OF BERKELEY)
HOMES (SURREY) LIMITED)
was hereunto affixed in the)
presence of:-)

Director

Secretary




THE COMMON SEAL OF THE
MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF CAMDEN
was affixed hereto in the
presence of:-

)
)
)
)
)



Handwritten signature

conqueror



COUNCIL OF THE UNIVERSITY OF CAMBRIDGE



London Borough of Camden

Environment Department
 Town Hall Extension
 Argyle Street Entrance
 London WC1H 8EQ

61 & 61A ENOELL STREET

Date: 21-Apr-1998

Scale: 1 : 1250

76/911



Handwritten signature

Development Control**Planning Services**

London Borough of Camden

Town Hall

Argyle Street

London WC1H 8ND

Tel 0171 278 4444

Fax 0171 314 1975

Assael Architecture Ltd
Studio 2
92 Lots Road
LONDON
SW10 0QD

Application No: PS9804332
Case File: P14/24/24

Dear Sir(s)/Madam

DECISION

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure)
Order 1995
Town and Country Planning (Applications) Regulations 1988

PERMISSION FOR DEVELOPMENT - Subject to Conditions

Address :
61 & 61A Endell Street, WC2

Date of Application : 15/04/1998

Proposal :

Change of use of the ground floor and basement of no.61 from offices to retail use and the conversion of the office use on the first floor to a two bedroom flat and a two bedroom maisonette on the second and third floors. Redevelopment of the yard at the rear to provide a building on part two, part three and part four floors providing 5 self-contained flats. As shown on Drawing Numbers: A1153/ 001-005/P1; 010/P2, 011/P2, 012/P4, 013/P6, 020/P13, 021/P10, 024/P5, 025/P7, 026/P10, 027/P6, 028/P4, 30P3, 31P3, 32P1, 33P1, 34P2..

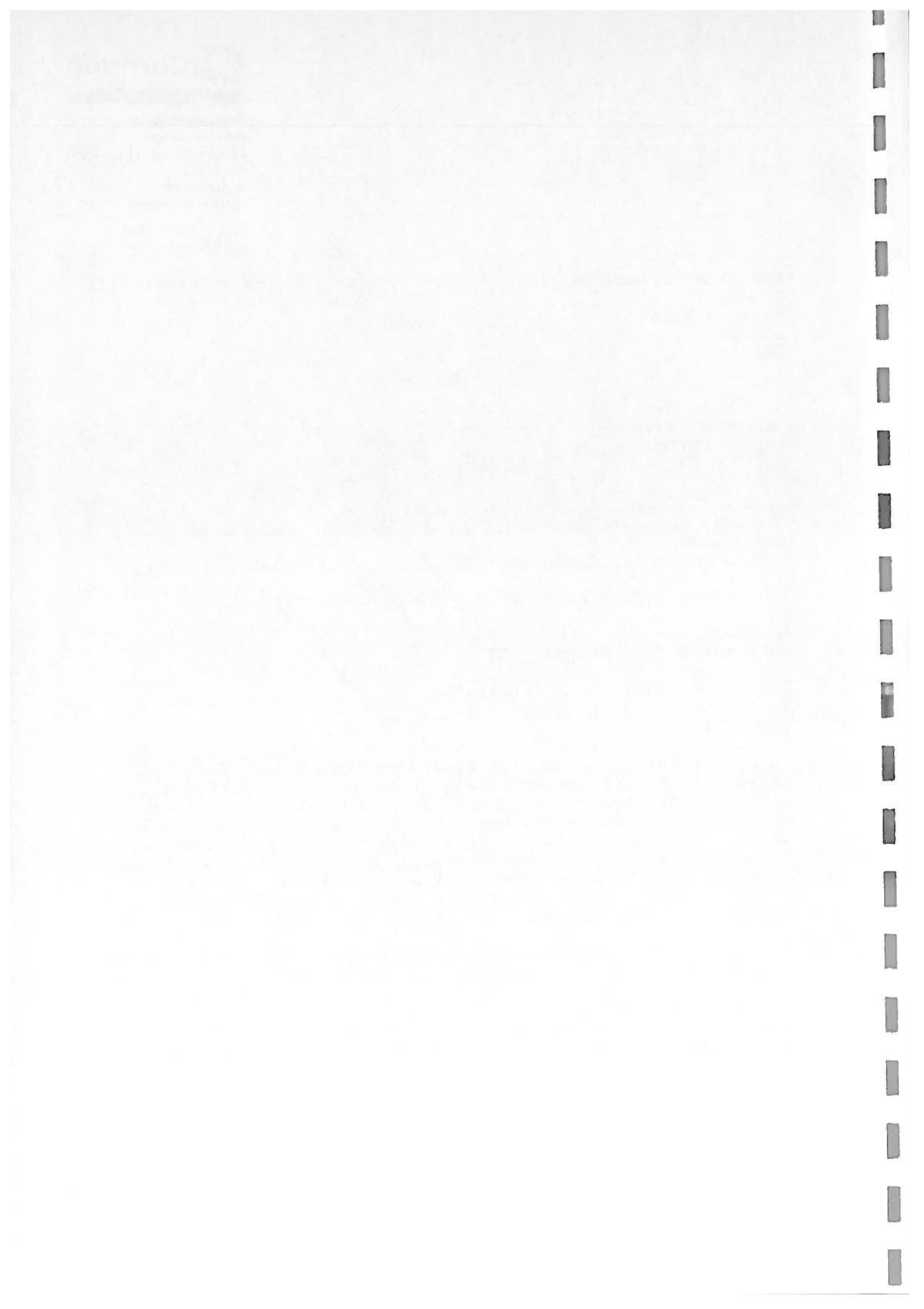
The Council has considered your application and decided to grant permission subject to the following conditions:

Standard condition:

The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

Standard Reason:

In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.



**Development Control
Planning Services**

London Borough of Camden
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London WC1H 8ND

Tel 0171 278 4444
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Additional conditions:

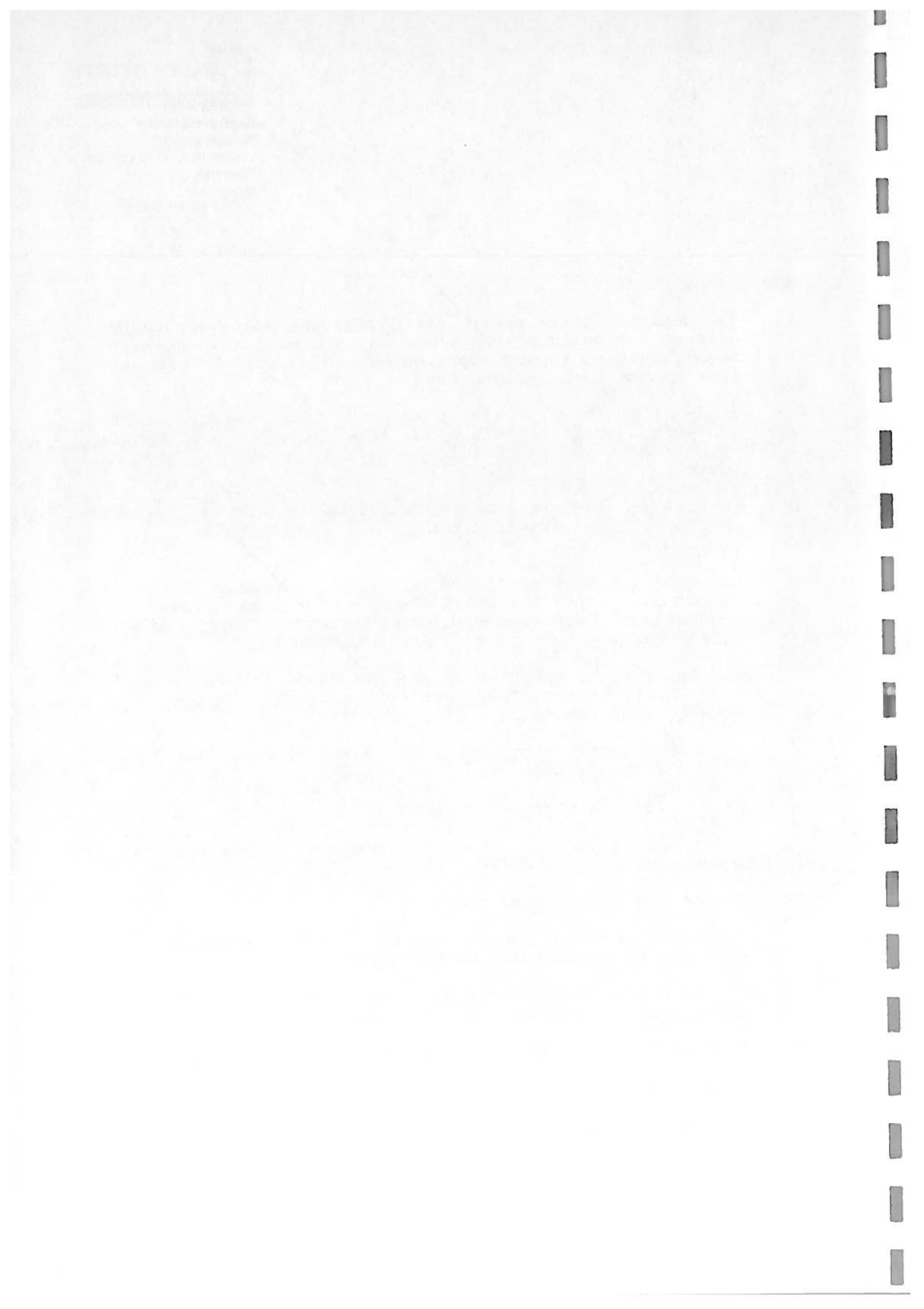
- 1 The details of the elevations and facing materials to be used on the building shall not be otherwise than shall have been submitted to and approved by the Council before any work on the site is commenced.
- 2 No development shall take place until full details of hard and soft landscaping and means of enclosure of all unbuilt, open areas have been submitted to and approved by the Council.
- 3 Obscure glazing shall be installed to windows as indicated on the approved drawings and shall be retained in perpetuity.
- 4 Construction work shall not begin until detailed design and method statements for all the ground floor structures, foundations, basements and other structures (including piles) below ground level which accommodate:
 - i) the proposed location of the CrossRail structures and tunnels, including ground movement arising from the construction thereof;
 - ii) the effects of noise and vibration arising from the use of the running tunnels,have been submitted to and approved in writing by the Local Planning Authority; all works which form part of the design and method statements shall be completed before any part of the building is occupied.

Reasons for additional conditions:

- 1 To ensure that the Council may be satisfied with the external appearance of the building.
- 2 In order that the Council may give consideration to the details of the proposed development.
- 3 In order to protect the privacy of adjoining occupiers.
- 4 As requested by CrossRail team.....

Informatives (if applicable)

- 1 London Regional Transport has indicated its preparedness to





Camden

ENVIRONMENT

Development Control

Planning Services

London Borough of Camden

Town Hall

Argyle Street

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provide guidelines in relation to the proposed location of the CrossRail structures and tunnels, ground movement arising from the construction of the running tunnels, and noise and vibration arising from the use of the running tunnels. Applicants are encouraged to discuss the guidelines with the CrossRail Engineer in the course of preparing detailed design and method statements.

This application was dealt with by John Davies on 0171 860 5885.

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

Yours faithfully

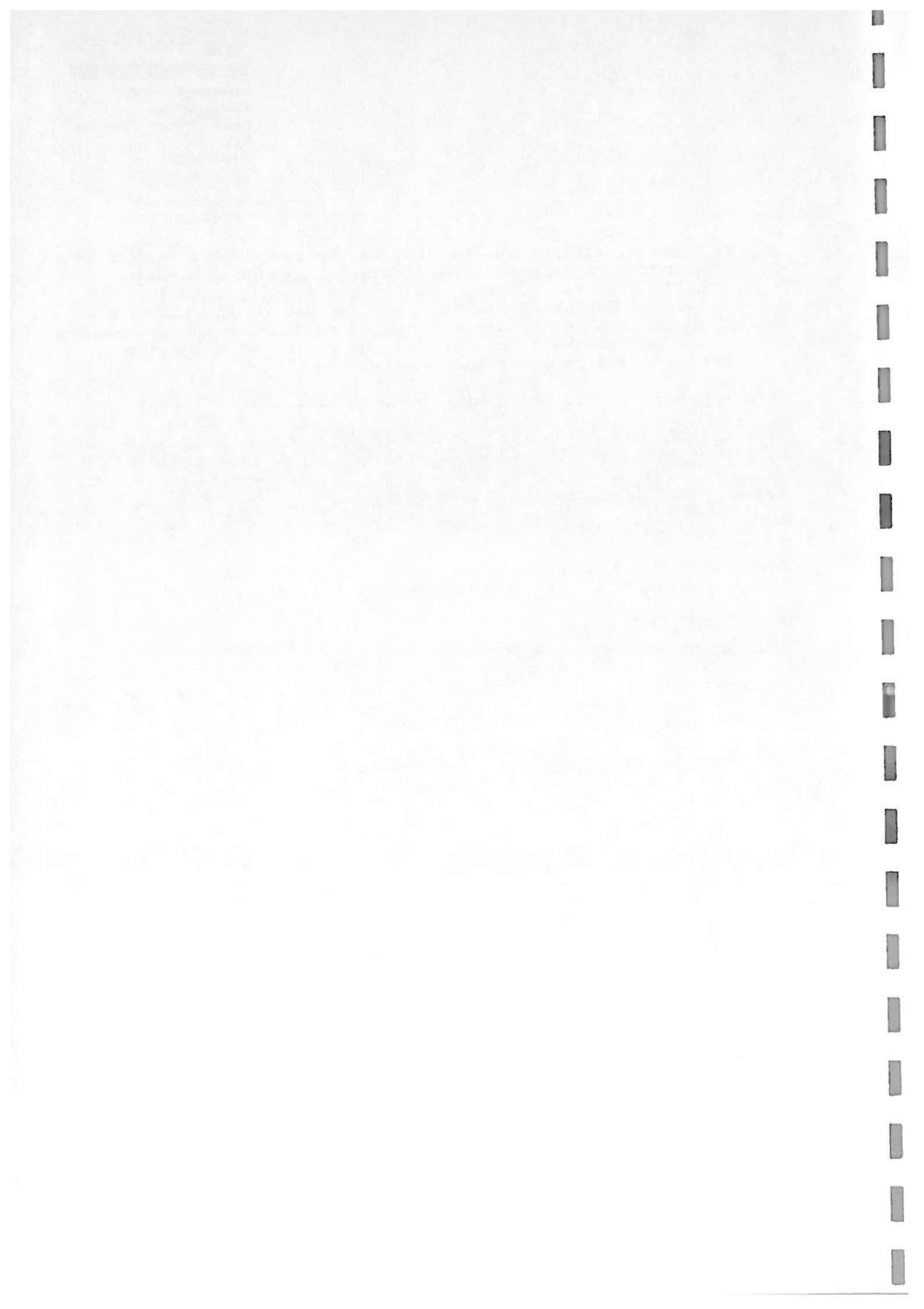
M.W. Gilks

Environment Department

(Duly authorised by the Council to sign this document)

DecfplanWC/TPFU

Director Mark Gilks BA(Hons), M. Soc. Sc., MRTPI



Development Control**Planning Services**

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London WC1H 8ND

Tel 0171 278 4444

Fax 0171 314 1975

Assael Architecture Ltd
Studio 2
92 Lots Road
LONDON
SW10 0QD

Application No: LS9804333
Case File: P14/24/24

Dear Sir(s)/Madam

DECISION

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990

GRANT LISTED BUILDING CONSENT - Subject to Conditions

Address : 61 & 61A Endell Street, WC2

Date of Application : 15/04/1998

Proposal .

Alterations to no.61 together with the demolition of the machine shop in the rear yard.

As shown on Drawing Numbers: A1153/ 001-005/P1; 010/P2, 011/P2, 012/P4, 013/P6, 020/P13, 021/P10, 024/P5, 025/P7, 026/P10, 027/P6, 028/P4, 30P3, 31P3, 32P1, 33P1, 34P2..

The Council has considered your application and decided to grant consent subject to the following conditions:

Standard condition:

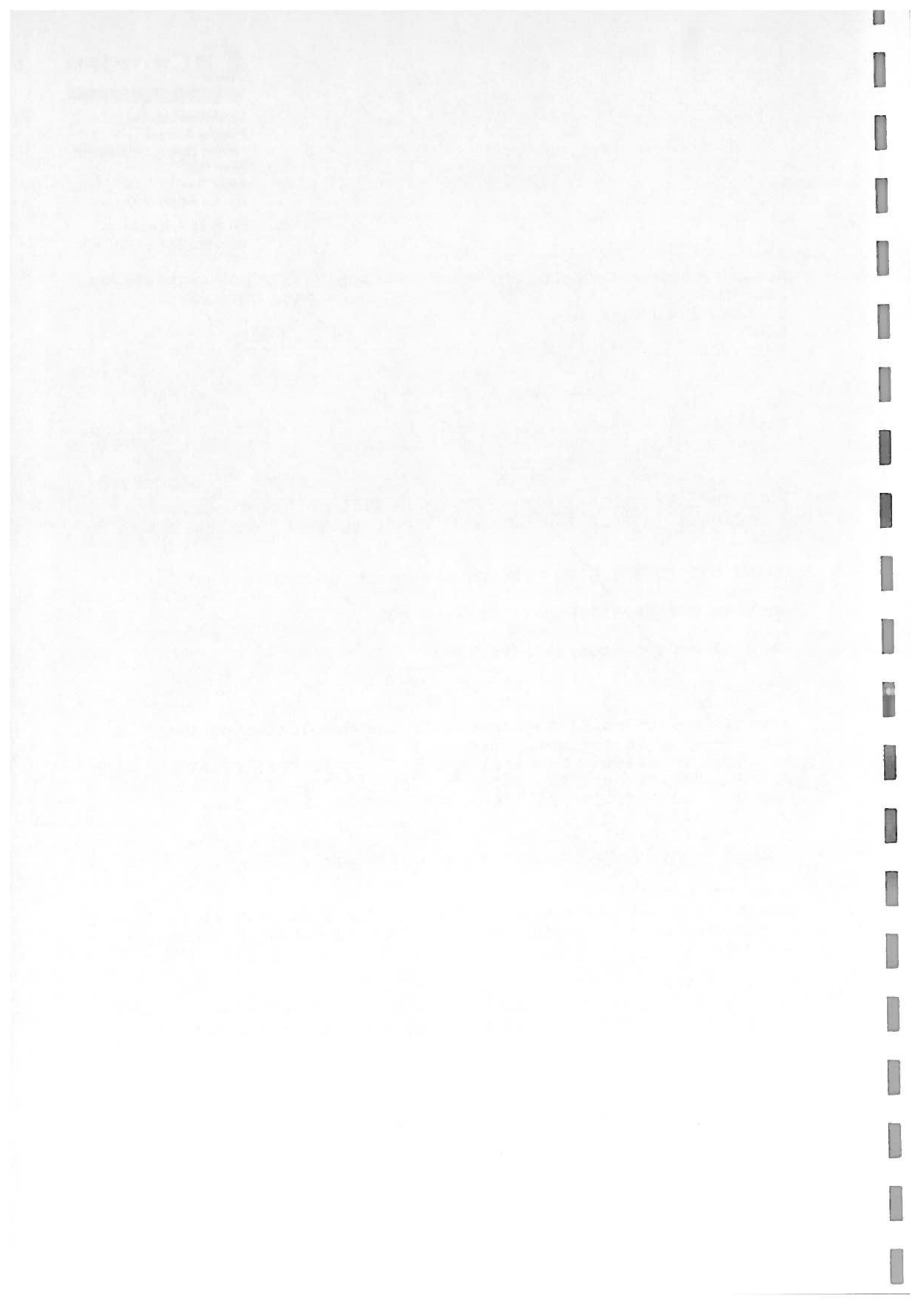
The development hereby permitted must be begun not later than the expiration of five years from the date on which this consent is granted.

Standard Reason:

In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Additional conditions:

- 1 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.



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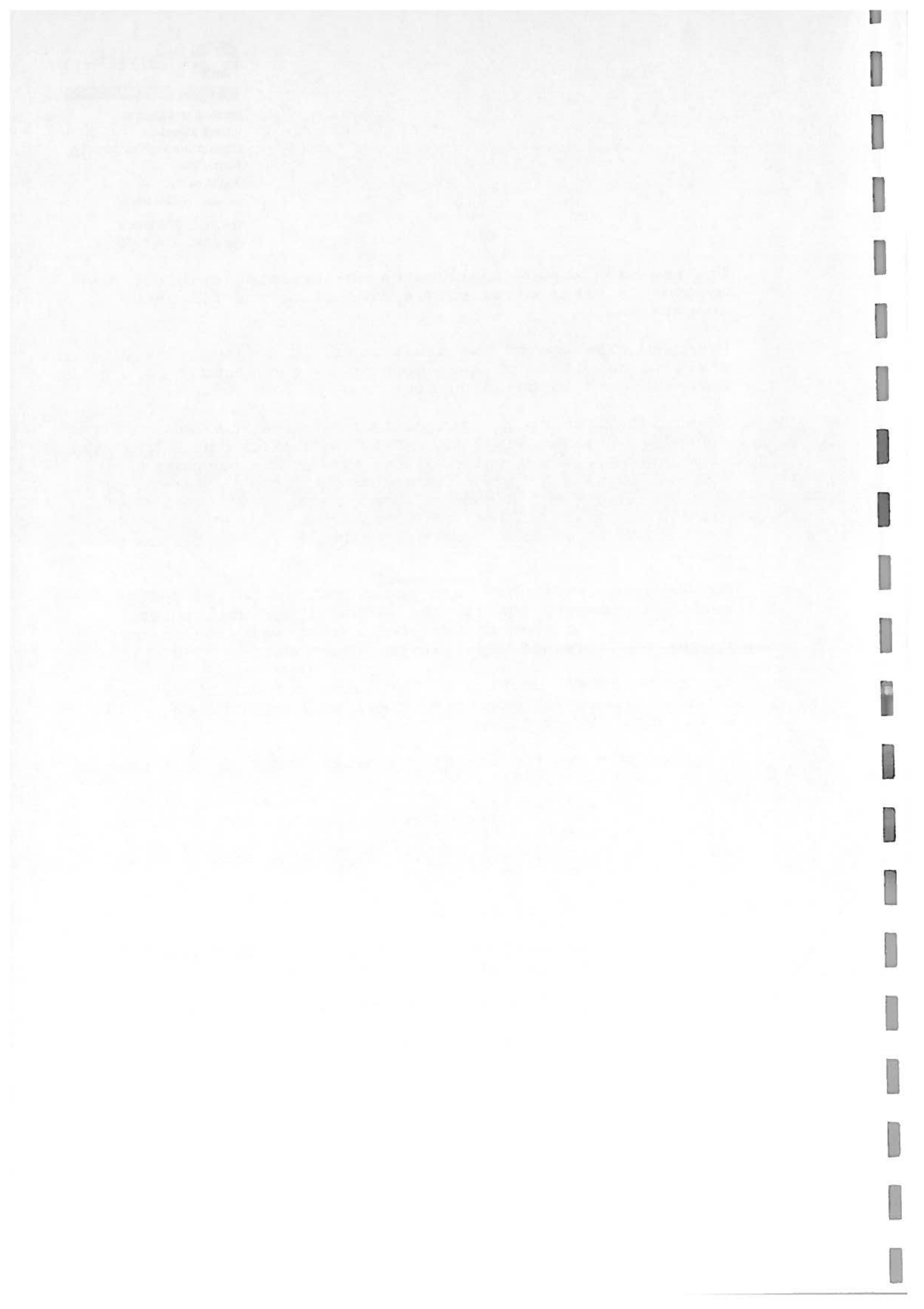
- 2 The new sash window shall match the existing original sash windows in terms of materials dimensions and finished appearance.
- 3 Detailed drawings of the new wrought iron gates (Scale 1:10) shall be submitted to and approved by the Council before the relevant work is begun on site.
- 4 Under the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 8(2) (c) owners of a listed building must give the Royal Commission on the Historical Monuments of England 30 days notice of works including any element of demolition for which consent has already been granted and allow the Royal Commission access to the building so that it may if it wishes make a record of the building before works begin.
- 5 Construction work shall not begin until detailed design and method statements for all the ground floor structures, foundations, basements and other structures (including piles) below ground level which accommodate:
 - i) the proposed location of the CrossRail structures and tunnels, including ground movement arising from the construction thereof;
 - ii) the effects of noise and vibration arising from the use of the running tunnels,have been submitted to and approved in writing by the Local Planning Authority; all works which form part of the design and method statements shall be completed before any part of the building is occupied.

Reasons for additional conditons:

- 1-3 In order to safeguard the special architectural and historic interest of the building.
- 4 In order to provide a photographic record of the building.
- 5 As requested by CrossRail team.

Informatives (if applicable):

- 1 London Regional Transport has indicated its preparedness to provide guidelines in relation to the proposed location of



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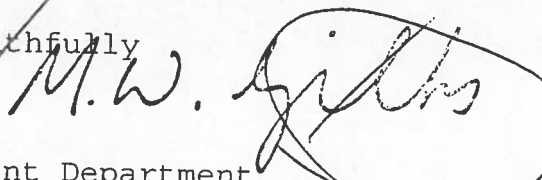
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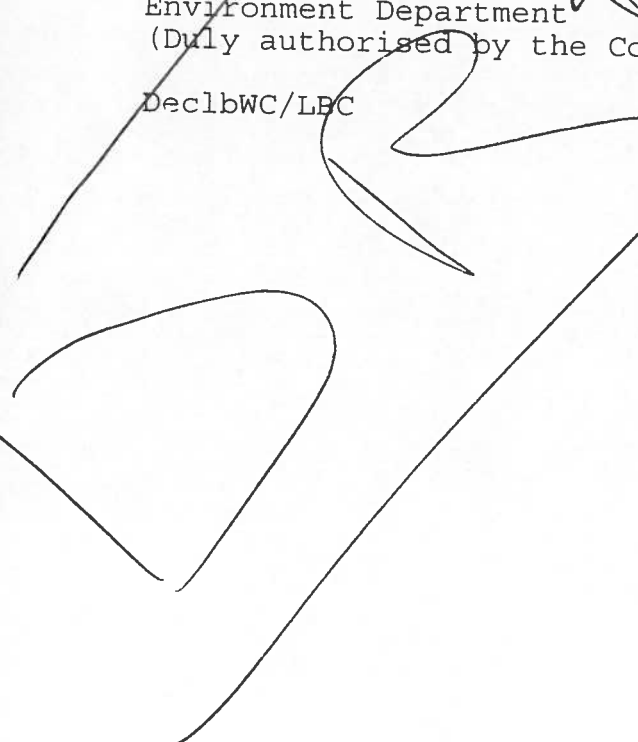
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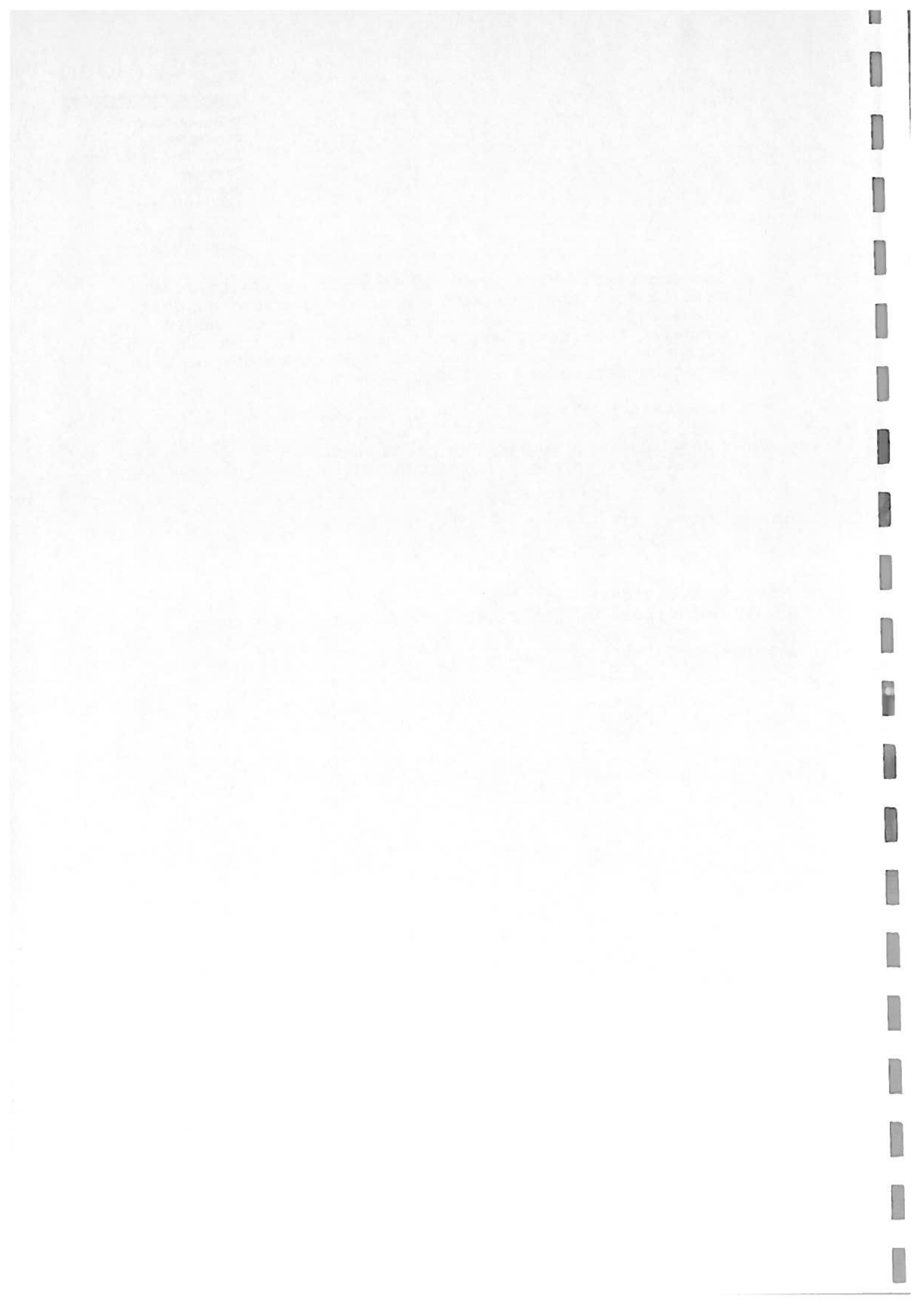
Yours faithfully



Environment Department
(Duly authorised by the Council to sign this document)

DeclbWC/LBC





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