

DATED

29th April

1999

B E T W E E N

(1) CARA IRISH HOUSING LIMITED

-and-

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

AGREEMENT

Relating to land known as
17/19 Pratt Street, London NW1
pursuant to Section 106 of the
Town and Country Planning Act 1990
(as amended) [and Section 278 of the
Highways Act 1980]

Alison Lowton
Acting Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Ref: CLS/ENV/AB

Tel: 0171 413 4444

Fax: 0171 860 5659

envsec2/AIDEN/106-pratt



THIS AGREEMENT is made the 29th day of April 1999

B E T W E E N:

1. **CARA IRISH HOUSING ASSOCIATION LIMITED** whose registered office is situate at 72 Stroud Green Road, London N4 (hereinafter called "the Developer") of the one part
2. **THE MAYOR AND BURGESS 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 is registered at HM Land Registry with Title absolute under Title Number as the Freehold proprietor of the Property.
- (B) The Planning Application was submitted by the Developer to the Council on 6th March 1998, and was allocated application number PE9700541R3.
- (C) The Conservation Area Consent Application was submitted by the Developer to the Council on 6th March 1998, and was allocated application number CE 9700782R3
- (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 the 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 Planning Application and the Conservation Area Consent Application subject to the conditions set out in the Planning Permission and Conservation Area Consent of even date attached herewith and subject to the covenants undertakings and restrictions herein contained.

1. **DEFINITIONS**

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" the planning application for the Development of the Property submitted by the Developer on 6th March 1998 and subsequently revised and given reference number PE9700541R4.
- 1.4. "the Conservation Area Consent Application" the application for Conservation Area Consent at the Property submitted by the Developer (through their agent Alladale Ltd) on 6th March 1998, and given reference number CE9700782R4
- 1.5. "the Development" Demolition of existing buildings and erection of a basement, three storey and attic building to provide 10 self contained 1 bedroom units for homeless single women as shown on drawing numbers 233/01, 02, 03 98.076/P001, 02, 03, 98.076/P001, 98.076/P002, 98.076/P003, 98.076/P004, 98.076/P007, 98.076/SK08, 98.076/SK07 plus letters to the Council dated 27.11.98 and 2 samples of materials submitted to the Council.
- 1.6. "the Implementation Date" the implementation of the Development by the carrying out of a material operation as defined in Section 56 of the Act
- 1.7. "the Planning Permission" the planning permission granted for the Development in the draft form annexed hereto; and
- 1.8. "the Property" 17/19 Pratt Street, London NW1 which for the purposes of identification only is shown edged red on the plan attached hereto

1.9. "Residents Parking Bay"

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

1.10. "RSL"

Registered Social Landlord (formerly Housing Association) registered by the Housing Association Corporation under the Housing Act 1996 and approved by the Council.

1.11. "Affordable Housing"

low cost market and subsidised housing provided by an RSL for people who cannot afford to occupy houses generally available on the open market as defined within Department of the Environment Circular 6/98.

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 contain 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 clauses 1,2 and 4 below which shall come into effect on the date hereof and 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

3. THE DEVELOPER hereby covenants with the Council:-

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 S.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 ensure that the Property is utilised solely for the purpose of securing residential accommodation as Affordable Housing for the occupation by tenants of an RSL.

3.3. To pay the Council's reasonable legal costs in connection with the negotiation and completion of this Agreement within 7 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:-

4.2. 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

4.3. The provisions of Section 106 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 Planning Obligations Monitoring Officer, Environment Department, the Council of the London Borough of Camden, Town Hall, Judd Street, London WC1H 9LP and any notice to the Developer addressed to its registered office for the time being.

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

4.5. It is hereby agreed that the obligation contained in clause 3.2 hereof to retain the Development as Affordable Housing shall not bind any mortgagees of a Registered Social Landlord owning the Development or any receiver (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 and shall cease to apply to any part or the whole of the site should such part or the whole be transferred to any such mortgagee or receiver under the terms of the relevant mortgage or instrument of loan

ALWAYS PROVIDED that the following conditions have first been met:

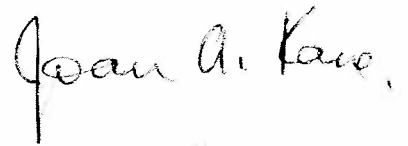
- (i) The Registered Social Landlord has first been registered as bankrupt or has defaulted on payments under its mortgage or instrument of loan for three consecutive months
- (ii) Documentary evidence of the events referred to in condition (i) is provided to the Council forthwith on the mortgagee (or other lender as the case may be) serving any relevant notice on the Registered Social Landlord
- (iii) That following the provision of the documentary evidence to the Council under condition (ii) the mortgagee (or other lender as the case may be) shall not exercise its power of sale for three months during which time the Council will use all reasonable endeavours (in consultation with the Housing Corporation) to identify another Registered Social Landlord ("the Alternative Registered Social Landlord") to take over ownership or complete the Development or as the case may be take over the running of the Affordable Housing Provisions
- (iv) In the event that the Council does not identify an Alternative Registered Social Landlord in the timescale referred to in Condition (iii) the mortgagee or (as the case may be the other relevant lender) shall be allowed to exercise its power of sale and dispose of the Development on the open market.

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

THE COMMON SEAL OF CARA IRISH)
HOUSING ASSOCIATION 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:-)





London Borough of Camden
Town Hall
Argyle Street
London WC1H 8EQ

Tel 0171 278 4444
Fax 0171 860 5713

SLD Architects & Surveyors,
J.McNutt (Ref. JM/TMF/98.076),
Foresters Hall,
25-27 Westow Street,
London,
SE19 3RY

Application No: PE9700541R4
Case File: J12/15/J

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 :
17-19 Pratt Street, NW1

Date of Application : 10/11/1998

Proposal :
Demolition of existing buildings and erection of a basement,
three storey and attic building to provide 10 self contained
1-bedroom units for homeless single women,
as shown on drawing numbers> 2331/01, /02, /03,
98.076/P.001, 98.076/P.002, 98.076/P.003A, 98.076/P.004,
98.076/P.07 98.076/SK08, 98.076/SK09;
two letters dated 27th November 1998 and samples of
materials.

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
Town Hall
Argyle Street
London WC1H 8ND

Tel 0171 278 4444
Fax 0171 314 1975

Additional conditions:

- 1 Provision for disabled access to the building and the upper ground floor flats shall be made in accordance with details to be submitted and approved by the Council prior to the occupation of the building. This shall be implemented and permanently maintained when the property is in occupation.
- 2 Detailed drawings of an amended configuration of the top part of the rear wing shall be submitted to and approved by the Council before this part of the building is to be constructed.
- 3 Details of the brick bonding pattern and mortar finish shall be submitted to and approved by the Council before development commences on site.
- 4 The roof covering to the main slope shall be metal, in accordance with a sample to be submitted to and approved by the Council before work commences on this part of the development.
- 5 The development shall be constructed in strict accordance with the drawings hereby approved or drawings which are subsequently approved pursuant to conditions which are attached to this planning permission.
- 6 The recessed central element on the front elevation above the entrance door shall be in cobalt blue glazed bricks.
- 7 Detailed sections of the roof at scale 1:10 shall be submitted to and approved by the Council prior to work commencing on this part of the development.

Reasons for additional conditions:

- 1 In order to ensure compliance with Council policies.
- 2 To improve the visual appearance of this part of the building.
- 3 To ensure a high standard of finish in the conservation area.
- 4 To improve the visual appearance of the building.
- 5 To safeguard the appearance of the premises and the character of the immediate area. (DD04)



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London Borough of Camden
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Tel 0171 278 4444
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- 6 To ensure that the Council may be satisfied with the external appearance of the building.
- 7 To ensure that the Council may be satisfied with the external appearance of the building.

This application was dealt with by Mary Samuel on 0171 278 4444 Ext.2516.

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

DRAFT



STATEMENT OF APPLICANTS RIGHT OF APPEAL FOLLOWING REFUSAL OF PLANNING PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS, AND OTHER INFORMATION

1. Appeals to the Secretary of State

If you are unhappy about the Council's decision to refuse planning permission or to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 6 months of the date of the decision notice using a form which is only available from The Planning Inspectorate at Tollgate House, Boulton Street, Bristol BS2 9DJ.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not usually use this power unless there are special circumstances which excuse any delay in giving notice of appeal.

2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be, permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 108 and related provisions of the Town and Country Planning Act 1990.

4. Further Information

This permission is given subject to the time limit conditions imposed by the Town and Country Planning Act 1990 and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder.

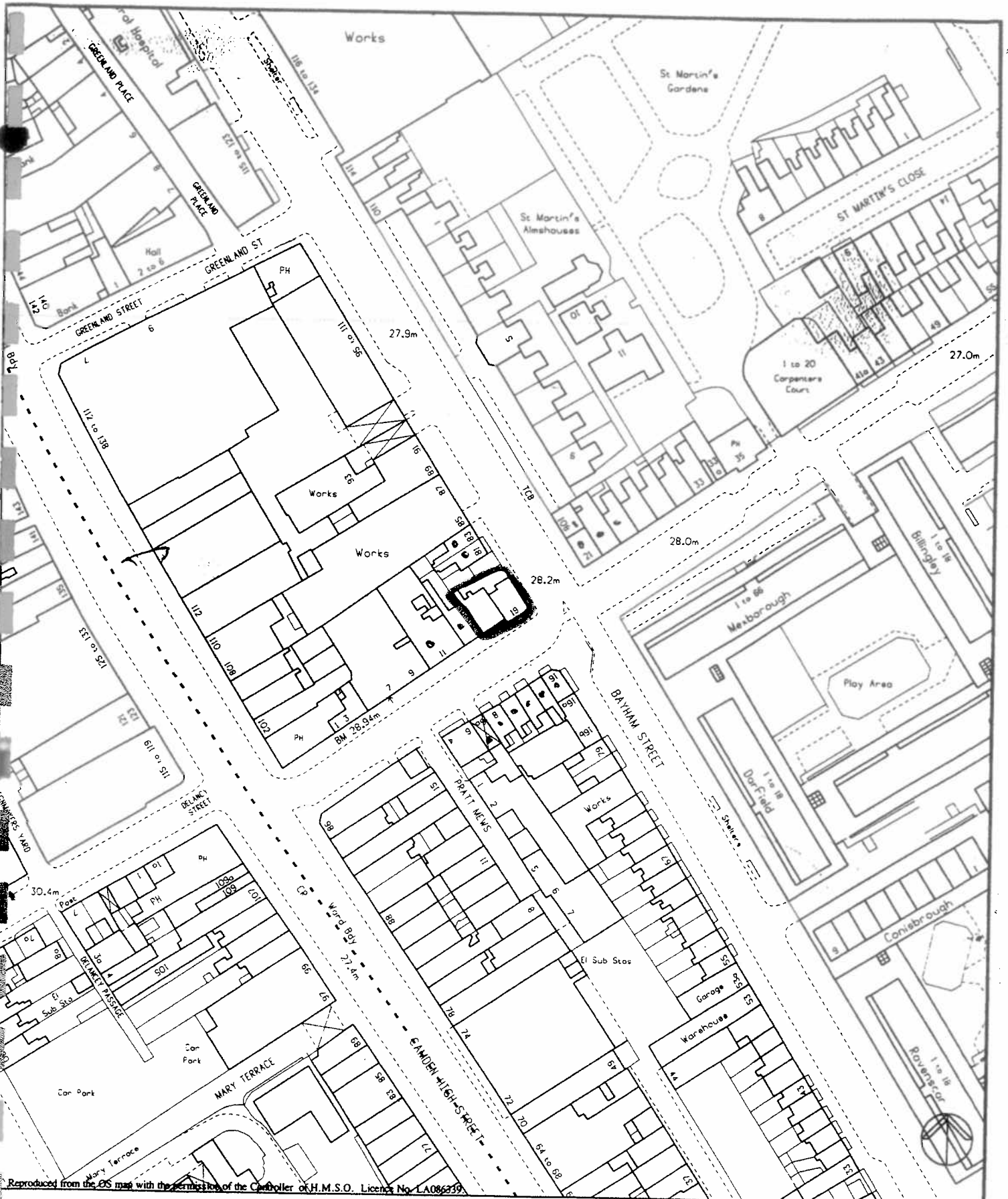
Your attention is drawn to the London Building Acts 1930-39 (as amended), and the Building Regulations 1985 which must be complied with to the satisfaction of the Council's Streets Management -

Building Control Section, 6th Floor, Camden Town Hall, Argyle Street, London WC1H 8EQ (tel: 0171 278 4444).

I would also remind you that the Council's permission does not modify or affect any personal or restrictive covenants, easements etc. applying to, or affecting, either this land or the rights of any persons (including the London Borough of Camden) entitled to the benefit thereof or holding an interest in the property concerned in this development or in any adjoining property.

Applicants are advised to consult Streets Management Engineering Group, 4th Floor, Camden Town Hall, Argyle Street, London WC1H 8EQ, regarding any works proposed to above, or under a carriageway, footway or forecourt.

A PLANNING PERMISSION DOES NOT CONSTITUTE A LISTED BUILDING CONSENT OR A CONSERVATION AREA CONSENT



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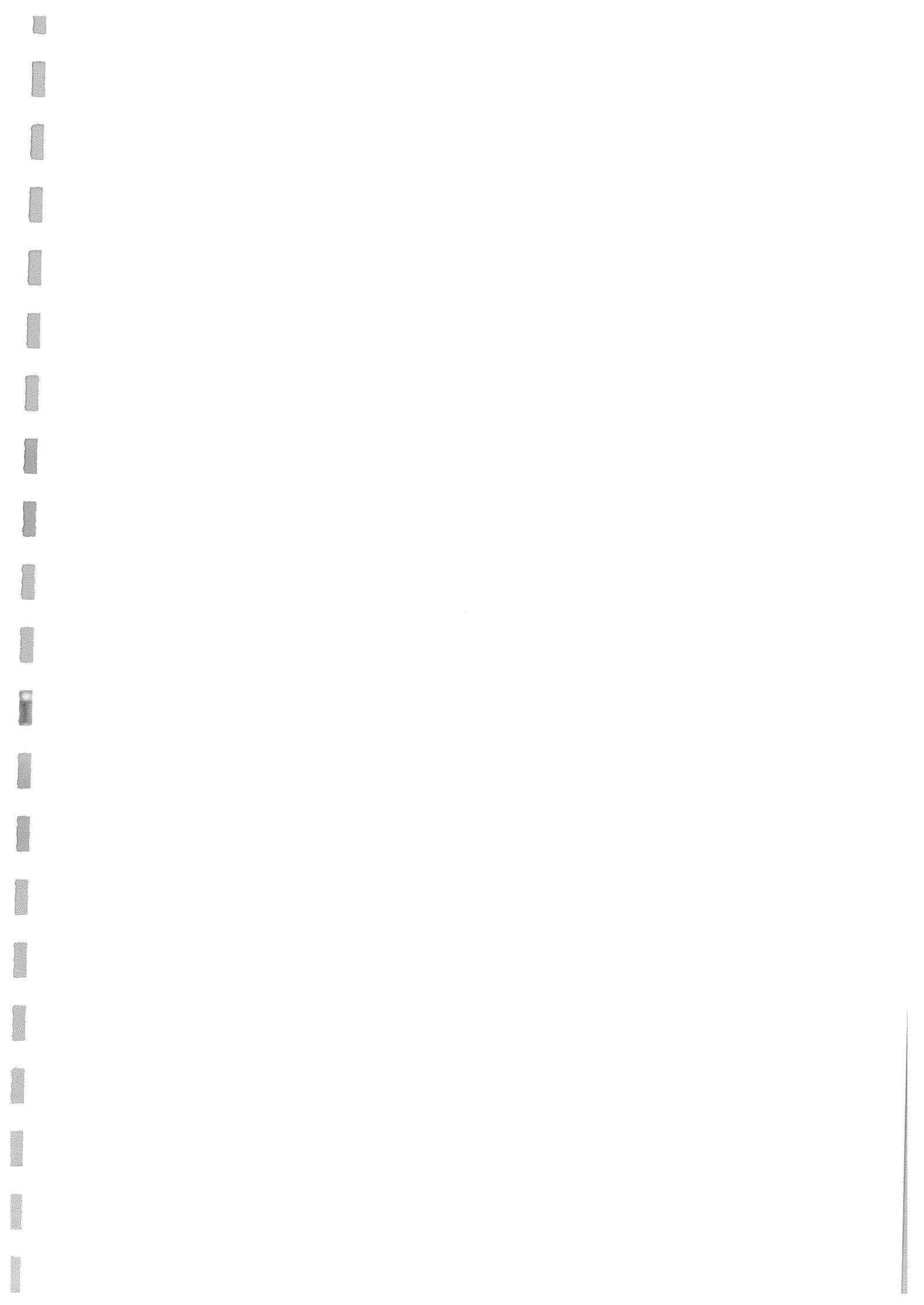
London Borough of Camden 17-19 Pratt Street

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

Date: 21-06-1997 Scale: 1 : 1250

66159





DATED 29th April 1999

B E T W E E N

(1) CARA IRISH HOUSING LIMITED

-and-

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

AGREEMENT

Relating to land known as
17/19 Pratt Street, London NW1
pursuant to Section 106 of the
Town and Country Planning Act 1990
(as amended) [and Section 278 of the
Highways Act 1980]

Alison Lowton
Acting Borough Solicitor
London Borough of Camden
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envsec2/AIDEN/106-pratt-2