T/P Number 98/0557

Date Opened 26/3/98

THE ROYAL BOROUGH OF

# KENSINGTON & CHELSEA

TOWN PLANNING
DEVELOPMENT CONTROL

CONS AREA 1

PROPERTY 122 CAMBRIDGE GARDENS, W10

| Referred to | Date | Min. or Encl. | Referred to | Date | Min. or Encl. | Referred to | Date | Min. or Encl. | Referred to | Date | Min. or Encl. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| → RT | 27/3/98. | | | | | PSC | 2/7/98. | | | | |
| → SW | 1/4/98. | | | | | | | | | | |

C

# PLANNING SERVICES APPLICATION
## CONSULTATION SHEET

APPLICANT:

Notting Hill Housing Trust,
Grove House,
26 Hammersmith Grove,
London W6 0JL

3266

SW

**Application No:** ~~DPS/DCN/TP~~/98/0557

**Application dated** ~~03/03~~/98

SITE: 122 CAMBRIDGE GARDENS, W.10

NATURE OF PROPOSAL:

Removal of condition No. 8 "The seven self-contained flats hereby approved shall be occupied only by tenants of a registered housing association."

From the planning consent dated 7/10/97.

**Application complete** 23/03/98

**Date to be decided by** 18/05/98

**Date Acknowledged** 25/03/98

| | Address to be consulted | Letter sent | Reply received | Observations For | Observations Against | Decision letter sent |
|---|---|---|---|---|---|---|
| 1 | Repeat 97/1012 → SEE LIST ON FILE | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | (1) | | | | | |
| 5 | | | | | | |
| 6 | | | | | | |
| 7 | | | | | | |
| 8 | | | | | | |
| 9 | | | | | | |
| 10 | | | | | | |

CT 1/4/98

**CHECK Section 65 certificate/Environmental Impact Statement**

**CONSULT STATUTORILY (GDO)**

1. **HBMC**
   - (a) Circ. 8/87 (Para. 82) Listed Buildings ☐
   - (b) Circ. 8/87 (Para. 28) Setting of Grade I or II ☐
   - (c) Demolition in Conservation Area ☐
2. Demolition Bodies - Circ. 8/87 (para 81) ☐
3. Department of Transport ☐
   - (a) Trunk Road - increased traffic ☐
   - (b) Westway etc. ☐
4. Neighbouring Local Authority ☐
5. Strategic View Authorities ☐
6. Department of Environment (Kensington Palace) ☐
7. Civil Aviation Authority (over 300') ☐
8. Development affecting Theatres (Theatre Trust) ☐
9. National Rivers Authority ☐
10. Thames Water ☐
11. Crossrail Project Team ☐
12. LRT - Chelsea/Hackney Line ☐

**ADVERTISE**

- Effect on CA* ☑ (1)
- Setting of Listed Building* ☐
- Works to Listed Building* ☐
- Demolition in CA* ☐
- Departure from DP† ☐
- "Major" Development† ☐
- Environmental Assessment† ☐

CT 30/3/98.

**Note:** *Site Notice is required
†Site Notice or Neighbour Notification required (GDO)
A Site Notice will normally be produced if advert requested

If no Site Notice required ☐

**OTHER SITE NOTICES**

If Site Notice required for case not in above catagories ☐

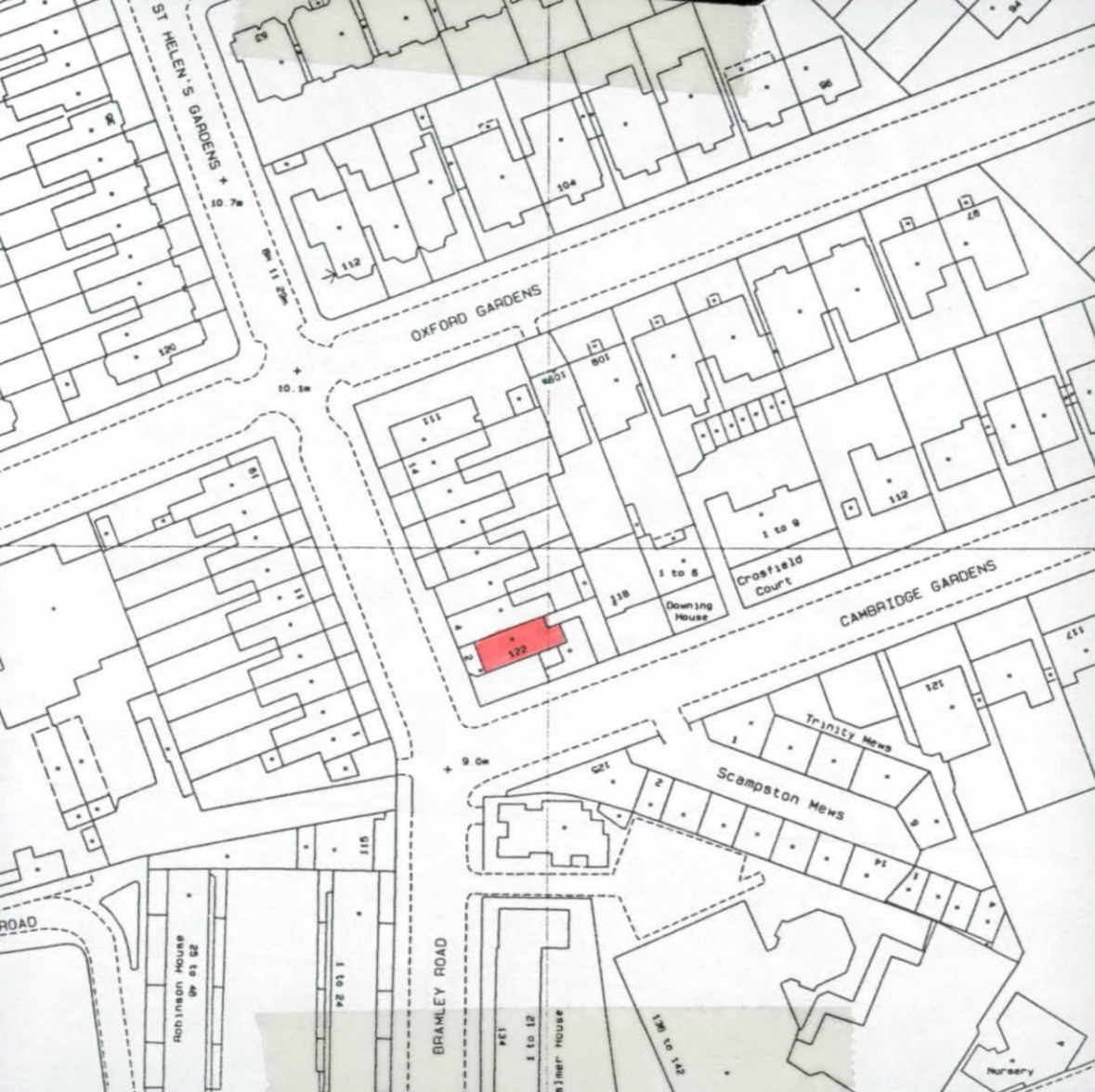
**OTHER CONSULTATION**

1. Police ☐ 2. L.P.A.C. ☐ 3. British Waterways Board ☐
4. Environmental Health ☐

# SUBJECT TO SECTION 106

122 CAMBRIDGE GARDENS

P.S.C. DATED 21.7.98


ST HELEN'S GARDENS
OXFORD GARDENS
CAMBRIDGE GARDENS
BRAMLEY ROAD
Trinity Mews
Scampston Mews
Crosfield Court
Downing House
Robinson House
Nursery
122
118
1 to 8
1 to 9
1 to 24
25 to 40
1 to 12
130 to 142
10.7m
10.1m
9.0m

# TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

APPLICATION FOR PERMISSION TO DEVELOP LAND / OR BUILDINGS IN GREATER LONDON

FOR OFFICE USE ONLY

Fee £ 95/00

Cheque / ~~Postal Order~~ / Cash 014635

Receipt No. Issued 102003

APPLICATION COMPLETE 23 MAR 1998

Borough Ref.

Registered No.

Date Received

**PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM**

| PART ONE | To be completed by or on behalf of all applicants as far as applicable | |
|---|---|---|
| | **FEE** (where applicable) | £ 95—00 |

**1. APPLICANT** (in block capitals)

Name NOTTING HILL HOUSING TRUST

Address GROVE HOUSE
26 HAMMERSMITH GROVE
LONDON W6 0JL

Tel. No. 0181 357 5023

**AGENT** (if any) to whom correspondence should be sent

Name

Address N/A

Tel. No. Ref.

**2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT**

(a) Full address or location of the land to which this application applies: 122 CAMBRIDGE GARDENS
LONDON. W10

(b) Site area: TP980557

(c) Give details of proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.

REMOVAL OF CONDITION No 8
"THE SEVEN SELF-CONTAINED FLATS HEREBY APPROVED SHALL BE OCCUPIED ONLY BY TENANTS OF A REGISTERED HOUSING ASSOCIATION"

FROM THE PLANNING CONSENT DATED 7 OCTOBER 1997. TP980557

(d) State whether applicant owns or controls any adjoining land and if so, give its location: N/A

(e) State whether the proposal involves:-

| | | State Yes or No | | |
|---|---|---|---|---|
| (i) | New building(s) / Extension(s) to existing building(s) | NO | If "Yes" state gross floor area of proposed building(s). | m² |
| | | | If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats. | |
| (ii) | Alterations | NO | | |
| (iii) | Change of use | NO | If "Yes" state gross area of land or building(s) affected by proposed change of use (if more than one use involved state gross area of each use). | Hectares/m² |
| (iv) | Construction of new access to a highway: vehicular | NO | | |
| | pedestrian | NO | | |
| (v) | Alteration of an existing access to a highway: vehicular | NO | | |
| | pedestrian | NO | | |

Strike out whichever is inapplicable

RECEIVED BY PLANNING SERVICES 20 MAR 1998

EX DIR | HDC | N | O | S/A | SLG | NF | AO ACK

APPEALS | IO | REC | ARB | FWD PLN | CON DES | FEES

24 MAR 1998

# TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

APPLICATION FOR PERMISSION TO DEVELOP LAND / OR BUILDINGS IN GREATER LONDON

GREATER LONDON AUTHORITY
APPLICATION COMPLETE
23 MAR 1998

FOR OFFICE USE ONLY
Fee £ 95.00
Cheque / ~~Postal Order~~ / Cash 014035
Receipt No. Issued 020035

Borough Ref.
Registered No.
Date Received

**PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM**

| PART ONE | To be completed by or on behalf of all applicants as far as applicable | |
|---|---|---|
| | **FEE** (where applicable) | £ 95—00 |

**1. APPLICANT** (in block capitals)

Name NOTTING HILL HOUSING TRUST
Address GROVE HOUSE
26 HAMMERSMITH GROVE
LONDON W6 0TL
Tel. No. 0181 357 5023

**AGENT** (if any) to whom correspondence should be sent

Name
Address N/A
Tel. No. Ref.

**2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT**

(a) Full address or location of the land to which this application applies: 122 CAMBRIDGE GARDENS LONDON W10

(b) Site area: TP980557

(c) Give details of proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.

REMOVAL OF CONDITION No 8 "THE SEVEN SELF-CONTAINED FLATS HEREBY APPROVED SHALL BE OCCUPIED ONLY BY TENANTS OF A REGISTERED HOUSING ASSOCIATION" FROM THE PLANNING CONSENT TP980557 DATED 7 OCTOBER 1997.

(d) State whether applicant owns or controls any adjoining land and if so, give its location: N/A

(e) State whether the proposal involves:-

| | | State Yes or No | | |
|---|---|---|---|---|
| (i) | New building(s) or extension(s) to existing building(s) | NO | If "Yes" state gross floor area of proposed building(s). | m² |
| | | | If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats. | |
| (ii) | Alterations | NO | | |
| (iii) | Change of use | NO | If "Yes" state gross area of land or building(s) affected by proposed change of use (if more than one use involved state gross area of each use). | Hectares/m² |
| (iv) | Construction of new access to a highway — vehicular | NO | | |
| | pedestrian | NO | | |
| (v) | Alteration of an existing access to a highway — vehicular | NO | | |
| | pedestrian | NO | | |

Strike out whichever is inapplicable

RECEIVED BY PLANNING SERVICES
EX DIR | HDC | 20 MAR 1998 | APPEALS | IO | REC | ARB | FWD PLN | CON DES | FEES | AO ACK

24 MAR 1998

Ray Thompson, Planning Services North


# COUDERT BROTHERS

REGISTERED FOREIGN LAWYERS AND SOLICITORS

60 CANNON STREET
LONDON EC4N 6JP
ENGLAND
TEL: 44 171 248-3000
FAX: 44 171 248-3001
DX: LDE 49
e-mail: oneilla@london.coudert.com

NEW YORK, PARIS, WASHINGTON, BRUSSELS, HONG KONG, SINGAPORE, SAN FRANCISCO, BEIJING, SYDNEY, LOS ANGELES, SAN JOSE, TOKYO, MOSCOW, BANGKOK, JAKARTA, HO CHI MINH CITY, HANOI, BERLIN, DENVER, ST. PETERSBURG, MONTREAL, ALMATY, PALO ALTO, MEXICO CITY, BUDAPEST


**Number of Pages:** 1

**Date:** 1 April 1999

**To:** Mr J Zukowski - RBK&C

**Your Ref:** JZ/10017063

**From:** Anne O'Neill

**Re:** 122 Cambridge Gardens

**Client No:** 40

**Fax No:** 361-3488

**Our Ref:** AON/100008.121

Dear Sir

Thank you for your letter of the 29th March. We apologise for the delay, we are waiting for our client's instructions. We have chased them.

Yours faithfully

COUDERT BROTHERS

**LEGAL SERVICES**
THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

**DIRECTOR OF LEGAL SERVICES** A.G.PHILLIPS LLB, SOLICITOR

Coudert Brothers
**LDE 49**

**TELEPHONE** **0171-361-2617**
FACSIMILE 0171-361-3488
DX 84015 Kensington High Street 2
INTERNET tcljz@rbkc.gov.uk

29 March, 1999

My reference: JZ/10017063
Your reference: AON/100008.121
Please ask for: John Zukowski

Dear Sirs,

**Proposed Section 106 Agreement**
**122 Cambridge Gardens**

I write further to my letter of 4 November 1998 and enquire whether there is any progress in this matter?

Yours faithfully,



John Zukowski
for Director of Legal Services

cc Roy Thompson, Planning Services, North

# M E M O R A N D U M

**DATE:** October 6, 1998

**TO:** Executive Director, Planning & Conservation
Sarah Wilden

**FROM:** Director of Legal Services

**RE:** 122 Cambridge Gardens, W10

**CC:** Stan Logan, New Initiatives Manager, Room 242

I attach hereto a draft Section 106 which has today been sent to the solicitors acting for NHHT.

Please let me have any comments in due course.

John Zukowski
for Director of Legal Services

looks ok.

**THIS DEED** is made the day of One thousand nine hundred and ninety eight

**BETWEEN**

(1) **THE MAYOR AND BURGESSES OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA** of the Town Hall Hornton Street London W8 7NX ("the Council)

(2) **NOTTING HILL HOUSING TRUST** whose registered office is Grove House, 27 Hammersmith Road London W6 0IL ("the Owner")

**WHEREAS**

A The Council is the local planning authority for the administrative area of the Royal Borough of Kensington and Chelsea for the purposes of the Town and Country Planning Act 1990

B The Owner is registered at HM Land Registry with freehold Title Absolute in respect of the Land

C The Planning Application was made to the Council

D The Council resolved at a meeting of its Planning Services Committee on 21 July 1998 to grant planning permission in respect of the Development following the completion of an agreement for the purpose of making acceptable arrangements for the carrying out of the Development (this Deed)

NOW THIS DEED WITNESSETH AS FOLLOWS:-

1. **INTERPRETATION**

1.1 In this Deed the following words and expressions shall unless the context otherwise requires have the following meanings:-

| WORDS AND EXPRESSIONS | MEANINGS |
| --- | --- |
| **"AffordableHousing Unit"** | a unit of residential accommodation provided to meet the objectives of a Registered Social Landlord |
| **"Development"** | the development referred to in the Planning Application and described in the First Schedule |
| **"Executive Director"** | the Executive Director of Planning and Conservation and shall be deemed to mean the officer for the Council from time to time holding that appointment or (if no officer holds that appointment) carrying out the duties of that appointment |
| **"Implementation"** | the carrying out of any act pursuant to the Planning Permission which constitutes a material operation within the meaning of Section 56 of the Town and Country Planning Act 1990 (as amended) and material operations shall be construed as carried out at the earliest date on which any material operation is begun and "Implemented" shall be construed accordingly |
| **"Land** | the land at 122 Cambridger Gardens, Kensington W10 which is registered [with other land] at HM Land Registry under Title No. and is shown for identification purposes edged in red on the Plan |

| | |
|---|---|
| **"Plan"** | the Plan annexed hereto |
| **"Planning Application"** | the application for planning permission under the Council's reference number TP/98/0557/0/13 |
| **"Planning Permission"** | the planning permission to be granted pursuant to the Planning Application |

1.2 Words in this Deed importing the singular meaning shall where the context so admits include the plural meaning and vice versa

1.3 Words in this Deed of the masculine gender shall include the feminine and neuter genders and vice versa and words denoting natural persons shall include corporations and vice versa

1.4 References in this Deed to any statutes or statutory instruments shall include and refer to any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force

1.5 Covenants made thereunder if made by more than one person are made jointly and severally

2. **LEGAL EFFECT**

2.1 This Deed is made pursuant to Section 111 of the Local Government Act 1974,

Section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 and all other powers so enabling

2.2 This Deed contains a planning obligation made pursuant to the said Section 106 which is enforceable by the Council and which binds each and every part of the Land

2.3 The terms of this Deed (other than 4.1 and 4.2 below) shall come into effect upon the grant of the Planning Permission

2.4 Nothing contained or implied in this Deed shall prejudice or affect the rights, powers, duties and obligations of the Council in the exercise of their functions as Local Planning Authority and their rights, powers, duties and obligations under all public and private statutes, byelaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Deed

2.5 If any provision in this Deed shall be held to be invalid, illegal or unenforceable the validity, legality and enforceability of the remaining provisions shall not in any way be deemed thereby to be affected or impaired

2.6 No waiver (whether express or implied) by the Council of any breach or default in performing or observing any of the covenants, terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said terms or conditions or from acting upon any subsequent breach or default

2.7 Nothing this Deed shall be construed as a grant of planning permission

2.8 The covenants herein shall be enforceable without any limit of time against the Owner and the Lessee and any successors in title and assigns of the Owner or any person claiming title thorough or under the Owner and the Lessee to the Land or any part thereof as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person

3. **THE OWNER'S COVENANTS**

3.1 The Owner hereby covenants with the Council not to occupy or permit the occupation of any of the self contained flats to be provided in accordance with the Planning Permission other than for occupation by tenants of a Registered Social Landlord

3.2 Subject to Clause 3.3 of this Deed notwithstanding Clauses 1 & 4 of this Deed the agreement shall not be binding upon the following in the cicumstances set out below:-

3.2.1 the mortgagee of the Registered Social Landlord or any receiver of such mortgagee or any persons deriving title under them in the event that the mortgagee of the Registered Social Landlord seeks to dispose of the Property or any part thereof (as to such part) pursuant to its power of sale exercised pursuant to default of the terms of the mortgage or any such receiver seeks to dipose of the property or any part thereof (as to such part)

3.2.2 an occupant of an Affordable Housing Unit who has exercised a statutory right to acquire under the Housing Act 1996 or otherwise ("the Occupant") or any person other than a Registered Social Landlord deriving title under that Occupant

3.2.3 the mortgagee of the Occupant or any receiver of such mortgagee or any person deriving title under them in the event that the mortgagee of the Occupant seeks to dispose of the Affordable Housing Unit pursuant to its power of sale

exercised pursuant to default of the terms of the mortgage or any such receiver seeks to make a disposition

3.3 In the event that a mortgagee of a Registered Social Landlord wishes to exercise its power of sale or such receiver wishes to dispose of the Property or any part thereof such person shall first use reasonable endeavours to sell the Property to another Registered Social Landlord PROVIDED THAT if after a period of 2 months (having used all reasonable endeavours as aforesaid) such person shall not have sold the Property to another Registered Social Landlord the mortgagee of the Registered Social landlord or such receiver shall thenceforth be under no obligation to sell the Property to a Registered Social Landlord and shall be entitled to exercise its powers of sale or make a dispositions as the case may be free of any restrictions under this agreement which shall thereupon determine and be of no further effect

4. **FURTHER TERMS**

4.1 The Owner shall on the execution hereof pay the Council's costs incurred in the preparation and settlement of this Deed in the sum of pounds (£)

4.2 The covenants in this Deed shall be treated and registered

(a) as local land charges for the purposes of the Local Land Charges Act 1975 and

(b) in the Charges Register of the registered titles of the Owner(s) at HM Land Registry

**FIRST SCHEDULE**

**DESCRIPTION OF THE DEVELOPMENT**

The alteration extension and conversion from launderette and bedsitting rooms to 7 number self-contained dwellings in accordance with submitted drawings numbered

TP/97/1012, TP/97/1012A and TP/97/1012/B

and Applicant's drawings numbered NGC/S/06, /07, /10, /11, /12, and 13

NGC/P/10C, /11C, /12C, all as superceded by NGC/14/A and /15B concerning fenestration, /13C, /14A, and /15B, in accordance with your application dated 12/05/97, completed 15/05/97, revised 14/08/9 and 18/09/97

applicant's drawing s numbered IKA/241/PL/1002C, 1003D, 1004D, 1005C, 1006C, 1007A, 1008A, 1009A, 1009A, 1012C, 1013B, 1014, 1015 and 1016

IN WITNESS of which this Deed has been executed on the first date before written

THE COMMON SEAL of the MAYOR )
AND BURGESSES OF THE ROYAL )
BOROUGH of KENSINGTON AND )
CHELSEA was hereunto affixed )
in the presence of:- )

The seal of NOTTING HILL )
HOUSING TRUST was hereunto )
affixed in the presence of:- )

DATED 19

THE MAYOR AND BURGESSES OF
THE ROYAL BOROUGH OF
KENSINGTON AND CHELSEA

-and-

NOTTING HILL HOUSING TRUST

---

**DEED**

Made pursuant to Section 106 of
the Town and Country Planning
Act 1990 (as amended by the
Planning and Compensation Act 1991)

Re: Land at 122 Cambridge Gardens
Kensington W10

---

A G Phillips
Director of Legal Services
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London
W8 7NX

My Ref: JZ/10017063
Tel: 0171 361 2617

TPA3

# CURRENT APPLICATION

Con_slip

**COMMITTEE:**

105

**FOR OBSERVATIONS:**

1. Delay 3/4

2.

3.

**PLEASE ENTER OBSERVATIONS ON 2ND PAGE OF CURRENT PINK SHEET IN FILE**

**Officer** SW

**Report Written**

PH 6.4.98 13.4.98

**NOTES:** Only allowed loss of bedsits because for H.A. affordable housing ∴ S.106 required

**For Schedule**
**Typing**
**Committee**
**FILE**

**MEMORANDUM**

| | |
|---|---|
| **To: Executive Director**<br>**Planning & Conservation** | **From: The Director of Legal Services** |
| My ref: JZ/5551<br>Room No: 313 | Your Ref: Sarah Wilden |
| Ext: 2617 | Date: 2 July 1998 |

**Proposed S106 Agreement**
**122 Cambridge Gardens W10**

I refer to the proposal by Notting Hill Housing Trust to replace the condition in the planning permission (ref TP/97/1012/G/38/294) relating to occupancy restriction with a planning obligation in similar terms and incorporating a mortgagee exemption clause.

As mentioned to you verbally, there is nothing wrong with the principle of this although the draft agreement provided by the Trust contains certain other provisions which would not be acceptable. However, such matters can be resolved once Committee approval has been obtained and need not, therefore, cause any delay.

John Zukowski
for Director of Legal Services

Advised Paul Pearce of the above.
He asked that John Z. contact NHHT/ their solicitors re any bits he's not happy with to resolve. Message left for JZ.
SW 6/7.

Notting Hill Housing Trust
Grove House
27 Hammersmith Grove
London W6 0JL

Tel 0181-357 5000 Fax 0181-357 5299
DX 32758 Hammersmith 2 Exchange

SW

**NOTTING HILL**
**HOUSING TRUST**

Sarah Wilden
Planning Department
Royal Borough of Kensington & Chelsea
Town Hall
Horton Street
London W8 7NX

Our ref : PP/VNW
Your ref :

RECEIVED BY PLANNING SERVICES
EX DIR | HOC | N | C | SW | SE | ENF | AO ACK
- 3 JUL 1998 (11)
APPEALS | IO | REC | ARB | FWD PLN | CON DES | FEES

**Direct line: 0181-357 5023**
**Direct fax: 0181-357 5050**

01 July 1998

Dear Ms Wilden

**122 CAMBRIDGE GARDENS, W10**

Please find attached a copy of a draft 106 Agreement restricting use of property to affordable housing but with a mortgage exemption clause, which will allow NHHT to raise private finance on the property.

NHHT are willing to enter into this agreement in exchange for removal of condition number 8 in the planning consent.

If you have any comments, please contact me.

Yours sincerely

Paul Pearce
Area Development Manager

Enc.



*Providing affordable rented homes for people in housing need*

DATED 199

THE COUNCIL: THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

THE DEVELOPER: NOTTING HILL HOUSING TRUST

# SECTION 106 AGREEMENT

relating to
122 Cambridge Gardens
London W10



Coudert Brothers
20 Old Bailey
London EC4M 7JP

Ref: AO/SEC106.A

1 July 1998

**THIS AGREEMENT** is made 199

**BETWEEN:**

(1) THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA of Town Hall Hornton Street London W8 7NX ("the Council")

(2) NOTTING HILL HOUSING TRUST whose registered office is at Grove House 27 Hammersmith Grove London W6 OJL ("the Developer")

**RECITALS:**

(A) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1990 ("the Act") for the area within which the Land is situated

(B) The Developer owns the freehold interest in the piece or parcel of land ("the Land") at 122 Cambridge Gardens London W10 shown edged red on the annexed plan free from incumbrances

(C) The Developer has applied to the Council by written application reference number [ ] dated [ 199 ] for permission to remove condition number 8 from the planning consent dated 7 October 1997 reference number DPS/PA/TP/97/1012/G/38/294

(D) At a meeting of the Council's Planning Sub-Committee on [ ] it was resolved that subject to the completion of this Agreement consent for the removal of condition 8 should be granted in the form of the annexed draft ("the Permission")



**IT IS AGREED** as follows:

1 This Agreement is made pursuant to Section 106 of the Act (and is a planning obligation for the purposes of that Section) and the Council is the local planning authority by which the provisions of this Agreement are intended to be enforceable

2 No person shall be liable for any breach of the covenants restrictions or obligations contained in this Agreement occurring after he has parted with his interest in the Land or the part in respect of which such breach occurs

3 This Agreement shall come into effect only upon the grant of the Permission PROVIDED ALSO THAT

3.1 unless and until the Developer implements the Permission by the carrying out of a material operation (as defined in Section 56(4) of the Act) nothing in this Agreement shall oblige the Developer to comply with the covenant on the Developer's part contained in clause 4 of this Agreement and

3.2 for the purpose of determining whether or not a material operation has been carried out there shall be disregarded such operations as demolition site clearance site preparation diversion and laying of services and construction of access or service roads

4 The Developer covenants with the Council to observe and perform the restrictions and obligations set out in the Schedule hereto

5 The Developer further covenants with the Council to pay on demand the Council's reasonable legal costs incurred in connection with the approval and completion of this Agreement subject to a maximum of *[£ plus VAT]*

6 The Council will upon the written request of the Developer at any time after the obligations of the Developer under this Agreement have been performed or otherwise discharged issue written confirmation of the same and as soon as possible effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Agreement

7 Any dispute or difference arising between the parties with regard to their respective rights and obligations as to any matter or thing arising out of or connected with this Agreement shall be referred to the decision of a single arbitrator to be agreed by the parties or failing agreement between them to be nominated by the President for the time being of the Royal Institution of Chartered Surveyors and any such reference shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1996 or any statutory modification or re-enactment for the time being in force

8 This Agreement is a Local Land Charge and shall be registered as such

9 Save where the context otherwise requires references to any party in this Agreement shall include the successors in title of that party

EXECUTED BY THE PARTIES AS A DEED and delivered on but not before the date of this Deed.



**SCHEDULE**
**(Restrictions and Obligations)**

In this Schedule:

*"Period"* means a period of 30 years from the date of this Agreement

*"Registered Social Landlord"* a social landlord as defined in Section 1 of the Housing Act 1996 registered with the Housing Corporation If registered social landlords as defined shall have ceased to exist or have been superseded then the expression shall mean such nearest equivalent body whose

objectives include the provision of housing to be kept available for letting or sale on shared ownership leases as the Council may reasonably approve for the purposes of this Agreement

1 During the Period not to sell transfer lease or otherwise dispose of the whole or any part of the Land other than:

1.1 to a Registered Social Landlord

1.2 by way of individual letting to a tenant

1.3 to an eligible Assured Tenant who exercises the right to acquire under section 16 of the Housing Act 1996 (or any statute amending or replacing the same)

1.4 by way of mortgage or financial charge

1.5 by way of the grant of a shared ownership lease of an individual dwelling

except that if:

1.6 the freehold or leasehold title to the whole or any part of the Land is vested in a Registered Social Landlord and

1.7 the said Registered Social Landlord grants a mortgage or financial charge over the Land or any part of it to a building society bank insurance company or other bona fide financial institution and

1.8 there has been a bona fide default by the said Registered Social Landlord of the terms of such mortgage or financial charge and

1.9 such mortgagee or chargee seeks to dispose of the whole or any part of the Land under the terms of that mortgage or charge

then such mortgagee or chargee in respect of that part of the Land to which such mortgage or charge relates shall be free from the restriction in this clause as will any subsequent purchaser from the said mortgagee or chargee

2 Any tenant who has acquired any part of the land under paragraph 1.3 or 1.5 shall thereupon cease to be bound by the restriction contained in the preceding clause 1

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

| PLANNING SERVICES COMMITTEE | 21/07/98 | APPLICATION NO. | AGENDA ITEM |
|---|---|---|---|
| | | TP/98/0557/0/13 | 105 |

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

Notting Hill Housing Trust,
Grove House,
26 Hammersmith Grove,
London W6 0JL

Application dated 03/03/98

Revised

Completed 23/03/98

Polling Ward C 12

RECOMMENDATION ADOPTED

ON BEHALF OF : Notting Hill Housing Trust
INTEREST : Owners

District Plan Proposals Map:

| Cons.Area | CAPS | Article 4 Direction | Listed Building | HBMC Direction | A/O Consulted | Objectors (to date) |
|---|---|---|---|---|---|---|
| 1 | YES | NO | NO | NO | 17 | 0 |

RECOMMENDED DECISION :-

(1) SUBJECT to a Planning Obligation under S.106 to ensure that the 7 self contained flats are occupied only by tenants of a registered Housing Association subject to a mortgagee exemption clause. (2) GRANT planning permission to remove Condition 8 of planning permission reference TP/97/1012 dated 07/10/1997 for alteration, extension and conversion from laundrette and bedsitting rooms to 7 self-contained dwellings.

At: 122 CAMBRIDGE GARDENS, KENSINGTON, W.10

As shown on submitted drawing(s) No(s): -

Applicant's drawing(s) No(s) : -

APPROVED BY PLANNING SERVICES CTTEE
JUL 21 1998
SUBJECT TO S.106.
CONSENT REF.....

INFORMATIVE

You are reminded that all other conditions relating to Planning Permission reference TP/97/1012 remain in force.

1.0 Site and Relevant Planning History

1.1 No. 122 is located on the northern side of Cambridge Gardens at the junction with St. Helen's Gardens.

1.2 The premises formerly comprised a ground floor launderette and bedsitting rooms, with further bedsitting rooms on two upper floors, and various storage outbuildings.

1.3 The premises are currently being substantially rebuilt and extended pursuant to a planning permission, granted on 7th October 1997, to create 7 self-contained dwellings.

1.4 Conditions of the planning permission included Condition 8:

"The seven self-contained flats hereby approved shall be occupied only by tenants of a registered Housing Association."

2.0 Proposal

2.1 Permission is sought for the removal of Condition 8 of the above permission because the applicants are having difficulty raising the required private finance for the scheme.

2.2 They are willing to enter a Planning Obligation under Section 106 with the occupancy condition referred to in Condition 8 of the planning permission, but with a mortgagee exemption clause. This would overcome the problem in raising finance and would only be invoked in the unlikely event that the Notting Hill Housing Trust were unable to meet their financial commitments and the property was repossessed by the mortgagee.

3.0 Town Planning Considerations

3.1 The issue in this case is the safeguarding of affordable housing on the site. The relevant Unitary Development Plan policy is:

H20 (resistance to loss of bedsitting rooms)

3.2 Loss of bedsitting rooms in favour of self-contained flats was previously only allowed because the development was to be undertaken by a Housing Association, thus providing an alternative form of affordable housing. At that time, it was noted that the Unitary Development Plan Chapter 5, Paragraph 5.7 allows for housing associations to convert bedsitting rooms to self-contained accommodation where there is no significant reduction of accommodation in terms of bespaces.

3.3 A Planning Obligation in the terms referred to in Paragraph 2.2 above would ensure the retention of affordable housing on the site, except in the unlikely event that the Housing Trust were in financial difficulties. In the circumstances, this approach is considered acceptable.

4.0 Public Consultation

4.1 Seventeen addresses in St. Helen's Gardens and Cambridge Gardens were notified of the application. No responses have been received.

5.0 Recommendation

5.1 Subject to a Planning Obligation under S.106, grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of the file number TP/98/0557 referred to at the head of this report save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

Officer Contact

The above documents can be inspected by prior appointment with Tracey Rust in the Planning Information Office, Room 325, The Town Hall, Telephone 0171-361-2080.

REPORT PREPARED BY: SW
REPORT APPROVED BY: RT/LAWJ
DATE REPORT APPROVED: 02/07/98

PSC9807/SW.REP

Grove House
27 Hammersmith Grove
London W6 OJL

R.B.K.& C.
TOWN PLANNING
- 1 JUL 1998
RECEIVED

NOTTING HILL

## Fax message

| | |
|---|---|
| To<br>**SARAH WILDEN** | Date/Time<br>**1 JULY 1998 3.35 PM** |
| Company<br>**RBKC** | Fax No<br>**0171 361 3463** |

From: Name and Company
**PAUL PEARCE NOTTING HILL HOUSING TRUST**

Total number of pages including this page
26

In case of difficulty please telephone sender on
**0181 357 5023**

Message

RE: 122 CAMBRIDGE GARDENS, W10

Please find attached a letter regarding the above property.

Thank you

Paul

Notting Hill Housing Trust
Grove House
27 Hammersmith Grove
London W6 0JL

Tel 0181-357 5000 Fax 0181-357 5299
DX 32758 Hammersmith 2 Exchange

NOTTING HILL
HOUSING TRUST

Sarah Wilden
Planning Department
Royal Borough of Kensington & Chelsea
Town Hall
Horton Street
London W8 7NX

Our ref : PP/VNW
Your ref :

**Direct line : 0181-357 5023**
**Direct fax : 0181-357 5050**

01 July 1998

Dear Ms Wilden

**122 CAMBRIDGE GARDENS, W10**

Please find attached a copy of a draft 106 Agreement restricting use of property to affordable housing but with a mortgage exemption clause, which will allow NHHT to raise private finance on the property.

NHHT are willing to enter into this agreement in exchange for removal of condition number 8 in the planning consent.

If you have any comments, please contact me.

Yours sincerely

Paul Pearce
Area Development Manager

Enc.



*Providing affordable rented homes for people in housing need*

DATED 199

THE COUNCIL: THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

THE DEVELOPER: NOTTING HILL HOUSING TRUST

# SECTION 106 AGREEMENT

relating to
122 Cambridge Gardens
London W10

Coudert Brothers
20 Old Bailey
London EC4M 7JP

Ref: AO/SEC106.A

1 July 1998

**THIS AGREEMENT** is made 199

**BETWEEN:**

(1) THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA of Town Hall Hornton Street London W8 7NX ("the Council")

(2) NOTTING HILL HOUSING TRUST whose registered office is at Grove House 27 Hammersmith Grove London W6 OJL ("the Developer")

**RECITALS:**

(A) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1990 ("the Act") for the area within which the Land is situated

(B) The Developer owns the freehold interest in the piece or parcel of land ("the Land") at 122 Cambridge Gardens London W10 shown edged red on the annexed plan free from incumbrances

(C) The Developer has applied to the Council by written application reference number [ ] dated [ 199 ] for permission to remove condition number 8 from the planning consent dated 7 October 1997 reference number DPS/PA/TP/97/1012/G/38/294

(D) At a meeting of the Council's Planning Sub-Committee on [ ] it was resolved that subject to the completion of this Agreement consent for the removal of condition 8 should be granted in the form of the annexed draft ("the Permission")

**IT IS AGREED as follows:**

1 This Agreement is made pursuant to Section 106 of the Act (and is a planning obligation for the purposes of that Section) and the Council is the local planning authority by which the provisions of this Agreement are intended to be enforceable

2 No person shall be liable for any breach of the covenants restrictions or obligations contained in this Agreement occurring after he has parted with his interest in the Land or the part in respect of which such breach occurs

3 This Agreement shall come into effect only upon the grant of the Permission PROVIDED ALSO THAT

3.1 unless and until the Developer implements the Permission by the carrying out of a material operation (as defined in Section 56(4) of the Act) nothing in this Agreement shall oblige the Developer to comply with the covenant on the Developer's part contained in clause 4 of this Agreement and

3.2 for the purpose of determining whether or not a material operation has been carried out there shall be disregarded such operations as demolition site clearance site preparation diversion and laying of services and construction of access or service roads

4 The Developer covenants with the Council to observe and perform the restrictions and obligations set out in the Schedule hereto

5 The Developer further covenants with the Council to pay on demand the Council's reasonable legal costs incurred in connection with the approval and completion of this Agreement subject to a maximum of *[£ plus VAT]*

6 The Council will upon the written request of the Developer at any time after the obligations of the Developer under this Agreement have been performed or otherwise discharged issue written confirmation of the same and as soon as possible effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Agreement

7 Any dispute or difference arising between the parties with regard to their respective rights and obligations as to any matter or thing arising out of or connected with this Agreement shall be referred to the decision of a single arbitrator to be agreed by the parties or failing agreement between them to be nominated by the President for the time being of the Royal Institution of Chartered Surveyors and any such reference shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1996 or any statutory modification or re-enactment for the time being in force

8 This Agreement is a Local Land Charge and shall be registered as such

9 Save where the context otherwise requires references to any party in this Agreement shall include the successors in title of that party

EXECUTED BY THE PARTIES AS A DEED and delivered on but not before the date of this Deed

**SCHEDULE**
**(Restrictions and Obligations)**

In this Schedule:

| | |
|---|---|
| *"Period"* | means a period of 30 years from the date of this Agreement |
| *"Registered Social Landlord"* | a social landlord as defined in Section 1 of the Housing Act 1996 registered with the Housing Corporation If registered social landlords as defined shall have ceased to exist or have been superseded then the expression shall mean such nearest equivalent body whose |

objectives include the provision of housing to be kept available for letting or sale on shared ownership leases as the Council may reasonably approve for the purposes of this Agreement

1 During the Period not to sell transfer lease or otherwise dispose of the whole or any part of the Land other than:

1.1 to a Registered Social Landlord

1.2 by way of individual letting to a tenant

1.3 to an eligible Assured Tenant who exercises the right to acquire under section 16 of the Housing Act 1996 (or any statute amending or replacing the same)

1.4 by way of mortgage or financial charge

1.5 by way of the grant of a shared ownership lease of an individual dwelling

except that if:

1.6 the freehold or leasehold title to the whole or any part of the Land is vested in a Registered Social Landlord and

1.7 the said Registered Social Landlord grants a mortgage or financial charge over the Land or any part of it to a building society bank insurance company or other bona fide financial institution and

1.8 there has been a bona fide default by the said Registered Social Landlord of the terms of such mortgage or financial charge and

1.9 such mortgagee or chargee seeks to dispose of the whole or any part of the Land under the terms of that mortgage or charge

then such mortgagee or chargee in respect of that part of the Land to which such mortgage or charge relates shall be free from the restriction in this clause as will any subsequent purchaser from the said mortgagee or chargee

2 Any tenant who has acquired any part of the land under paragraph 1.3 or 1.5 shall thereupon cease to be bound by the restriction contained in the preceding clause 1

| Site: | 122 Cambridge Gdns. | File reference: TP98/0557. |
|---|---|---|
| Subject: | removal condition. | |

R.B.K.& C Planning Services

# NOTES OF MEETING

Site ☐ Office ☐

Date: 15.6.98.

Names of persons attending:

| Officers | Applicant/Agent/Resident |
|---|---|
| S. Wilder | Paul Pearce, NHHT |

Matters discussed:

A Plg obligation under s.106 will be required.

He says that they will seek one with the occupancy condition but a mortgagee exemption clause if they were to get into financial difficulties or be repossessed.

He will draft something

I will find out if this can be dele'd or needs to go to C^ee.

↳ "C^ee" says legal (JZ)

Further tel con with Paul Pearce 30.6.98

(1) Where's the draft s106 clause he promised? → He will send by 1/7.

(2) How is it that work has started when can't get finance? → Under development loan. Mortgage will apply upon practical completion

(3) There are details required by conditions of 1997 PP to be supplied before works start.

→ He will chase up architect.

Signatures:

dev^r loan. pr. comp. ∋ mm.

**Royal Borough of Kensington and Chelsea**
**Directorate of Planning Services - Policy Observations**

| TP No: TP/98/0557 | Address: 122 Cambridge Gardens, W10 | Date Received 6.4.98 | | Date of Obs. 12.6.98 |
|---|---|---|---|---|
| UDP Paras/Policies | | Obj. | | No obj. |
| | Development: Removal of condition restricting occupancy to housing association tenants | HMO? YES | No. of Dwelling Units: Existing | Proposed 7 |
| | | D.C. Officer SW | | Policy Officer PH |

**Comments:**

This condition was originally imposed to ensure use for affordable housing and because the previous use was a HMO. The main concern would be if the Registered Social Landlord (RSL) ie. NHHT decided to sell the property on the open market. Circular 6/98: Planning and Affordable Housing provides some guidance on this issue:

Para. 12 states: "Where a RSL is to manage affordable housing on any given site this should be an effective way of controlling occupancy without the need for additional occupancy controls to be imposed by the LPA."

Para. 28 states: " Where a LPA seeks to impose strict occupancy controls, lenders of private finance often require RSLs to negotiate for the inclusion of clauses in planning obligations which would enable the lender to dispose of the property on the open market as a last resort, if the RSL is in financial difficulties. The need for such clauses can be avoided, in the vast majority of cases, if the LPA leaves the issue of controlling occupancy to the RSL. The Housing Corporation would take steps to persuade lenders against open market disposal, but could not prevent lenders from doing so if the terms on which they had lent allowed such disposal."

Para. 33. B) states: "Where a RSL develops and manages the housing, the LPA might ask the RSL to execute planning obligations or it may impose conditions.... Such conditions would provide that the affordable housing should only be used for the purposes of providing housing accommodation to be occupied by households in need of affordable housing in the local plan area and to meet the objectives of a RSL."

Picking your way through this slightly inconsistent advice, I would suggest the replacement of the condition with a suitable clause in a S 106 Planning Obligation, which is suggested by the applicant in a file letter dated 4 March 1998.

PH 12.6.98

**Top copy DC case file; Second copy to Policy Obs. file; third copy to be retained by Policy Officer**

THE ROYAL
BOROUGH OF

# NOTICE OF A PLANNING APPLICATION

KENSINGTON
AND CHELSEA

*TOWN AND COUNTRY PLANNING ACT 1990*
*PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990*

*Notice is hereby given the Royal Borough of Kensington and Chelsea Council have received an application:*

*(a) for development of land in or adjacent to a Conservation Area.*

*Details are set out below.*

*Members of the public may inspect copies of the application, the plans and other documents submitted with it at:*

*The Planning Information Office, 3rd Floor, The Town Hall, Hornton Street, W8 7NX between the hours of 9.15 and 4.45 Mondays to Thursdays and 9.15 to 4.30 Fridays;*

*For applications in the Chelsea area: The Reference Library, Chelsea Old Town Hall, Tel. 0171-361-4158.*

*For postal areas W10, W11, and W2: The 1st floor, North Kensington Library, 108 Ladbroke Grove, W11. Tel.0171-727-6583.*

*Anyone who wishes to make representations about this application should write to the Executive Director of Planning and Conservation at the Town Hall (Department 705) within 21 days of the date of this notice.*

SCHEDULE

Reference: TP/98/0557/SW Date: 03/04/98

122 CAMBRIDGE GARDENS,
W.10

Removal of condition No. 8 "The seven self-contained flats hereby approved shall be occupied only by tenants of a registered housing association." From the planning consent dated 7/10/97.

APPLICANT Notting Hill Housing Trust

Notice put up on Lamp Post 8/4/98

D1/1737

MEMORANDUM

| | |
|---|---|
| From: EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION | To: FOR FILE USE ONLY |
| My Ref: TP/98/0557/SW | Your Ref: |
| P.A.X.No. 2082 | Date: 30/03/98 |

DEVELOPMENT

122 CAMBRIDGE GARDENS, W.10

Removal of condition No. 8 "The seven self-contained flats hereby approved shall be occupied only by tenants of a registered housing association." From the planning consent dated 7/10/97.

Would you please advertise the above development under:-

1. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (development affecting the character or appearance of a Conservation Area or adjoining Conservation Area).

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

**PLANNING AND CONSERVATION**

E TOWN HALL HORNTON STREET LONDON W8 7NX

**Executive Director** M J FRENCH FRICS Dip TP MRTPI Cert TS

**Director of Planning Services**

**THE ROYAL BOROUGH OF**

**KENSINGTON AND CHELSEA**

COUNCIL NOTIFICATION OF DEVELOPMENT
THE OCCUPIER
FILE COPY

Switchboard: 0171 - 937 5464
Direct Line: 0171-361 2079/2080

Facsimile: 0171 - 361 3463

Date: 02/04/98

My reference: DPS/DCN/SW/TP/98/0557

Your reference:

Please ask for: **Planning Information Office**

**THIS LETTER INVITES YOU TO COMMENT ON A PLANNING APPLICATION / LISTED BUILDING APPLICATION WHICH MAY AFFECT YOUR PROPERTY**

Dear Sir/Madam,

The Council has received a planning application for development at a property which is close to yours. The address of that property is set out below, together with brief details of the development for which permission is sought. The Council's Planning Applications Committee, in considering the proposal, will welcome comments, for or against the scheme from those who live in or own property nearby. I should therefore be pleased to know, in writing, if you as the occupier/owner of neighbouring property have any comments.

**Address of application property**

122 CAMBRIDGE GARDENS,
W.10

**Proposal for which permission is sought**

Removal of condition No. 8 "The seven self-contained flats hereby approved shall be occupied only by tenants of a registered housing association."
From the planning consent dated 7/10/97.

Further details are printed overleaf.

Yours Sincerely,

M.J. FRENCH

Executive Director, Planning and Conservation

## TOWN AND COUNTRY PLANNING ACTS, 1990

The Council is required by the Secretary of State for the Environment to consider all planning applications expeditiously. Any letter of support or objection should be received as soon as possible within 21 days of the date of this letter, although later objections, if received in time, will be reported to the Council Committee meeting which decides the application. An early response gives the Council's Officers the opportunity to encourage applicants to amend their plans in the light of objections received, and the application may therefore be amended before it is decided. If you cannot formulate your detailed objections within 21 days you should acknowledge this letter so that your interest can be noted.

The reasons for any objection should be clearly stated.

Objections relating to party walls and inconveniences which may be caused by building operations should however be taken up, either by yourself or your professional representative, with the applicant.

All correspondence received will be available to members of the determining Committee when the application is considered.

It must be clearly understood that any comments you may choose to make will be made available to the applicant, his agent and any other interested party, pursuant to the requirements of the Local Government (Access to Information) Act, 1985.

Should there be any tenants in the buildings of other persons likely to be affected by this application, would you please be good enough to bring this letter to their attention.

If you are not the owner of the property to which this notice is addressed will you kindly forward this letter to the owner.

## WHERE TO EXAMINE THE PLANS

The plans and/or application details referring to this proposal may be inspected at the Planning Information Office on the 3rd floor at the Town Hall, Hornton Street, W8 7NX, between the hours of 9.00 a.m. and 4.45 p.m., Mondays to Thursdays and 9.00am to 4.15pm Fridays.
Alternatively, copies of all planning applications relating to:

(a) the Chelsea area can be examined at the Information Office, Chelsea Old Town Hall, King's Road, SW3. Tel. 0171-352 1856.

(b) the postal areas W10, W11, or W12 can be examined at the Information Office, North Kensington Library, 108 Ladbroke Grove, W11. Tel. 0181-969 2433

Please telephone the Chelsea and Westway offices to check opening times.

Please quote the T.P. reference number on all written replies.

Please note: In the interest of economy, letters in agreement or without objections to the proposals will not be acknowledged.

OK, K $d13

Welcome to KENCH

17

BRIX - Version 8.000.063 - 17.11 10 Jun 92

Good Morning

It is 10:33 - The date is Tuesday, March 31st, 1998.

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Error from Spooler (Spool-21):
Not found.: Cannot open file to print: O-
ER! COMO -E

TP SHEET 1 OF 1.

# DEVELOPMENT CONTROL
TECHNICAL INFORMATION

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

C

**ADDRESS** 122 Cambridge gdns W10

TP980557

N

| | | | |
|---|---|---|---|
| HB | Buildings of Architectural or Historic interest | LSC | Local Shopping Centre |
| AMI | Area of Metropolitan Importance | AI | Sites of Archeological Importance |
| MDO | Major Sites with Development Opportunities | SV | Designated View of St. Paul's From Richmond |
| MOL | Metropolitan Open Land | SNCI | Sites of Nature Conservation Importance |
| SBA | Small Business Area | REG 7 | Restricted size and use of Estate Agent Boards |
| PSC | Principal Shopping Centre (Core or Non core) | ART IV | Restrictions of Permitted Development Rights |

| Conservation Area | HB | CPO | TPO | AMI | MDO | MOL | SBA | Unsuitable for Diplomatic use | PSC C | PSC N | LSC | AI | SV | SNCI | REG 7 | ART IV |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | | | | | | | | ✓ | | | | | | | ✓ | |

| | |
|---|---|
| Density | |
| Site Area | |
| Habitable rooms proposed | |
| Proposed Density | |

| | |
|---|---|
| Plot Ratio | |
| Site Area | |
| Zoned Ratio | |
| Floor Area proposed | |
| Proposed Plot Ratio | |

| | | |
|---|---|---|
| **Daylighting** | Complies | |
| | Infringes | |

| | | |
|---|---|---|
| **Car Parking** | spaces required | |
| | spaces proposed | |

**Notes**

25 MAR 1998

# 122 CAMBRIDGE GARDENS

Property Card N° : 0116 120 22

Sitename :

Comment :
TP Arch/History :
See Also :

Xref : FORMERLY NO.114 CAMBRIDGE GARDENS
Notes :

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TP No **TP/94/2133** Brief Description of Proposal 1 of 4 Adverts & History No

**EXTENSION AND CONVERSION INTO SEVEN FLATS, ERECTION OF A NEW CORNER SHOP AND REORGANISATION OF EXISTING SHOP STORAGE**

| | | | | |
|---|---|---|---|---|
| Received **27/09/94** | Decision & Date | | Appeal | Works |
| Completd **17/10/94** | **Conditional** | **06/06/95** | Lodged | Completed |
| Revised **07/02/95** | | | | |

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TP No **TP/94/2134** Brief Description of Proposal 2 of 4 Adverts & History No

**WORKS OF DEMOLITION (I.E. THE OUTBUILDINGS ALONG CAMBRIDGE GARDENS FRONTAGE) IN CONNECTION WITH EXTENSION AND CONVERSION INTO SEVEN FLATS, ERECTION OF A NEW CORNER SHOP AND REORGANISATION OF EXISTING SHOP STORAGE**

| | | | | |
|---|---|---|---|---|
| Received **27/09/94** | Decision & Date | | Appeal | Works |
| Completd **17/10/94** | **Conditional** | **06/06/95** | Lodged | Completed |
| Revised **07/02/95** | **CAC** | | | |

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TP No **TP/97/1013** Brief Description of Proposal 3 of 4 Adverts & History No

**PARTIAL DEMOLITION IN CONNECTION WITH ALTERATIONS, EXTENSION AND CONVERSION FROM LAUNDERETTE AND BEDSITTING ROOMS TO 7 SELF-CONTAINED DWELLINGS.**

| | | | | |
|---|---|---|---|---|
| Received **12/05/97** | Decision & Date | | Appeal | Works |
| Completd **15/05/97** | **Conditional** | **07/10/97** | Lodged | Completed |
| Revised **18/09/97** | **CAC** | | | |

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TP No **TP/97/1012** Brief Description of Proposal 4 of 4 Adverts & History No

**ALTERATION, EXTENSION AND CONVERSION FROM LAUNDRETTE AND BEDSITTING ROOMS TO 7 SELF-CONTAINED DWELLINGS.**

| | | | | |
|---|---|---|---|---|
| Received **12/05/97** | Decision & Date | | Appeal | Works |
| Completd **15/05/97** | **Conditional** | **07/10/97** | Lodged | Completed |
| Revised **18/09/97** | | | | |

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## 114 CAMBRIDGE GARDENS

Property Card N° : 0116 115 00

Sitename : NOW KNOWN AS 122 CAMBRIDGE GARDENS (RN 31/12/91)

Comment :
TP Arch/History : 75628
See Also :

Xref :
Notes :

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TP No **TP/88/0242** Brief Description of Proposal 1 of 17 Adverts & History No

**CONVERSION INTO 4 SELF CONTAINED FLATS INVOLVING EXTENSIONS AND OTHER ELEVATIONAL ALTERATIONS AT GROUND FLOOR LEVEL.**
**WITHDRAWN BY APPLICANT**

Received **10/11/87** Decision & Date Appeal Works
Completd **03/02/88** **Withdrawn** **19/04/88** Lodged Completed
Revised

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TP No **TP/88/2161** Brief Description of Proposal 2 of 17 Adverts & History No

**ERECTION OF SIDE EXTENSION AND CONVERSION INTO 7 SELF-CONTAINED FLATS. ALSO CREATION OF RETAIL SHOP (A1) AT GROUND FLOOR LEVEL. (PRIME VERSION)**
**APPEAL LODGED 4.8.89 (CARD VERSION)**

Received **05/09/88** Decision & Date Appeal Works
Completd **12/10/88** Lodged Completed
Revised **Y 04/08/89**

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TP No **TP/88/2162** Brief Description of Proposal 3 of 17 Adverts & History No

**EXTENSION AND CONVERSION.**
**(CONSERVATION AREA CONSENT) (PRIME VERSION)**

**APPEAL LODGED 14.8.89 (CARD VERSION)**

Received **06/10/88** Decision & Date Appeal Works
Completd **12/10/88** Lodged Completed
Revised **Y 14/08/89**

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TP No **TP/89/1437** Brief Description of Proposal 4 of 17 Adverts & History No

**(SUBJECT TO APPEAL PROCEDURES) FOR THE ERECTION OF SIDE AND REAR EXTENSIONS AND CONVERSION TO PROVIDE SIX SELF CONTAINED FLATS AND ONE RETAIL SHOP. (PRIME VERSION)**
**APPEAL LODGED 16.10.89**
**(CARD VERSION)**

Received **20/07/89** Decision & Date Appeal Works
Completd **01/08/89** Lodged Completed
Revised **07/08/89** **Y 16/10/89**

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## 114 CAMBRIDGE GARDENS

Property Card N° : 0116 115 00

Sitename : NOW KNOWN AS 122 CAMBRIDGE GARDENS (RN 31/12/91)

Comment :
TP Arch/History : 75628
See Also :

Xref :
Notes :

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TP No **TP/89/1438** Brief Description of Proposal 5 of 17 Adverts & History No

**(SUBJECT TO APPEAL PROCEDURES) FOR THE ERECTION OF SIDE AND REAR EXTENSIONS AND CONVERSION TO PROVIDE SIX SELF CONTAINED FLATS AND ONE RETAIL SHOP. (PRIME VERSION)**
**APPEAL LODGED 16.10.89**
**(CARD VERSION)**

| | | | |
|---|---|---|---|
| Received **20/07/89** | Decision & Date | Appeal | Works |
| Completd **01/08/89** | | Lodged | Completed |
| Revised | | **Y 16/10/89** | |

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TP No **TP/88/2161** Brief Description of Proposal 6 of 17 Adverts & History No

**T. & C.P.A. - 1971 SECTION 36 & 47 SCHEDULE 9&11**
**APPEALS AGAINST FAILURE TO DETERMINE 4 APPS. ON LAND, 3 PP FOR EXTENSION & CONVERSION TO 7 FLATS FROM BEDSITS AND ERECTION OF NEW CORNER SHOP WITH REORGANISATION OF EXISTING SHOP STORAGE AND CAC. APPEALS ALLOWED**

| | | | | |
|---|---|---|---|---|
| Received **05/09/88** | Decision & Date | | Appeal | Works |
| Completd **12/10/88** | **Conditional** | **12/04/90** | Lodged | Completed |
| Revised | | | | |

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TP No **TP/88/2162** Brief Description of Proposal 7 of 17 Adverts & History No

**T. & C.P.A. - 1971 SECTIONS 36&37 SCHEDULES 9&11**
**DETAILS AS PREVIOUS APPLICATION.**
**APPEALS ALLOWED.**

| | | | | |
|---|---|---|---|---|
| Received **06/10/88** | Decision & Date | | Appeal | Works |
| Completd **12/10/88** | **Conditional** | **12/04/90** | Lodged | Completed |
| Revised | **CAC** | | | |

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TP No **TP/89/1437** Brief Description of Proposal 8 of 17 Adverts & History No

**T. & C.P.A. - 1971 SECTIONS 36&37 SCHEDULES 9&11**
**AS PREVIOUS APPLICATIONS**
**(* 6 FLATS)**
**APPEALS DISMISSED.**

| | | | | |
|---|---|---|---|---|
| Received **20/07/89** | Decision & Date | | Appeal | Works |
| Completd **01/08/89** | **Refused** | **12/04/90** | Lodged | Completed |
| Revised **07/08/89** | | | | |

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## 114 CAMBRIDGE GARDENS

Property Card N° : 0116 115 00

Sitename : NOW KNOWN AS 122 CAMBRIDGE GARDENS (RN 31/12/91)

Comment :
TP Arch/History : 75628
See Also :

Xref :
Notes :

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TP No **TP/89/1438** Brief Description of Proposal 9 of 17 Adverts & History No

**T. & C.P.A. - 1971 SECTIONS 36&37 SCHEDULES 9&11**
**AS PREVIOUS APPLICATION.**
**APPEALS DISMISSED.**

Received **20/07/89** Decision & Date Appeal Works
Completd **01/08/89** **Refused** **12/04/90** Lodged Completed
Revised

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TP No **TP/90/1312** Brief Description of Proposal 10 of 17 Adverts & History No

**THE ERECTION OF SIDE AND REAR EXTENSIONS AND CONVERSION TO PROVIDE 7 SELF-CONTAINED FLATS AND SHOP. (PRIME VERSION)**

**APPEAL LODGED**
**(CARD VERSION)**

Received **06/07/90** Decision & Date Appeal Works
Completd **18/07/90** Lodged Completed
Revised **Y**

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TP No **TP/90/1313** Brief Description of Proposal 11 of 17 Adverts & History No

**THE ERECTION OF SIDE AND REAR EXTENSIONS AND CONVERSION TO PROVIDE 7 SELF-CONTAINED FLATS AND SHOP (PRIME VERSION)**
**APPEAL LODGED**
**(CARD VERSION)**

Received **06/07/90** Decision & Date Appeal Works
Completd **18/07/90** Lodged Completed
Revised **Y**

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TP No **TP/90/1312** Brief Description of Proposal 12 of 17 Adverts & History No

**T.& C.P.A. 1990 SECTION 78 & SCHEDULE 6**
**PLANNING(LB & CA) ACT 1990**
**APPEAL AGAINST THE FAILURE OF THE COUNCIL TO DETERMINE WITHIN THE PRESCRIBED PERIOD FOR PP FOR THE ERECTION OF SIDE AND REAR EXTENSIONS AND CONVERSION TO 7 S/C FLATS.**

Received **06/07/90** Decision & Date Appeal Works
Completd **18/07/90** Lodged Completed
Revised **DISMISSED** **07/10/91**

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## 114 CAMBRIDGE GARDENS

Property Card N° : 0116 115 00

Sitename : NOW KNOWN AS 122 CAMBRIDGE GARDENS (RN 31/12/91)

Comment :
TP Arch/History : 75628
See Also :

Xref :
Notes :

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TP No **TP/90/1313** Brief Description of Proposal 13 of 17 Adverts & History No

**T. & C.P.A. - 1990 SECTION 78 & SCHEDULE 6**
**PLANNING (LB AND CA) ACT 1990**
**APPEAL AGAINST THE FAILURE OF THE COUNCIL TO DETERMINE WITHIN THE PRESCRIBED PERIOD FOR PP FOR THE ERECTION OF SIDE AND REAR EXTENSIONS AND CONVERSIONS TO 7 S/C FLATS.**

| Received **06/07/90** | Decision & Date | | Appeal | Works |
|---|---|---|---|---|
| Completd **18/07/90** | | | Lodged | Completed |
| Revised | **DISMISSED** | **07/10/91** | | |

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TP No **RN/91/** Brief Description of Proposal 14 of 17 Adverts & History No

**LONDON BUILDING ACTS (AMENDMENT) ACT 1939 PART II**
**114 CAMBRIDGE GARDENS SHALL NOW BE KNOWN AND DESCRIBED AS 122 CAMBRIDGE GARDENS.**

| Received | Decision & Date | | Appeal | Works |
|---|---|---|---|---|
| Completd | **Renumbering** | **31/10/91** | Lodged | Completed |
| Revised | | | | |

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TP No **RN/91/** Brief Description of Proposal 15 of 17 Adverts & History No

**LONDON BUILDING ACTS (AMENDMENT) ACT 1939 PART II**
**NUMBER 114 CAMBRIDGE GARDENS RENUMBERED.**
**SEE 122 CAMBRIDGE GARDENS.**

| Received | Decision & Date | | Appeal | Works |
|---|---|---|---|---|
| Completd | **Renumbering** | **31/10/91** | Lodged | Completed |
| Revised | | | | |

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TP No **RN/91/** Brief Description of Proposal 16 of 17 Adverts & History No

**LONDON BUILDING ACTS (AMENDMENT) ACT 1939 PART II**
**FORMER 114 CAMBRIDGE GARDENS SHALL BE KNOWN AS 122 CAMBRIDGE GARDENS.**

| Received | Decision & Date | | Appeal | Works |
|---|---|---|---|---|
| Completd | **Renumbering** | **31/12/91** | Lodged | Completed |
| Revised | | | | |

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## 114 CAMBRIDGE GARDENS

Property Card N° : 0116 115 00

Sitename : NOW KNOWN AS 122 CAMBRIDGE GARDENS (RN 31/12/91)

Comment :
TP Arch/History : 75628
See Also :

Xref :
Notes :

| TP No **NB/ /** | Brief Description of Proposal | 17 of 17 | Adverts & History No |
|---|---|---|---|

**FOR DECISIONS, PLEASE SEE CARD 122 CAMBRIDGE GARDENS**

| Received | Decision & Date | Appeal | Works |
|---|---|---|---|
| Completd | | Lodged | Completed |
| Revised | | | |

# REMITTANCE ADVICE

Notting Hill Housing Trust
Grove House
27 Hammersmith Grove
London W6 0JL

Tel 0181-357 5000 Fax 0181-357 5099
Dx 32758 Hammersmith 2 Exchange

For payment queries phone 0181-357 5075

NOTTING HILL
HOUSING TRUST

Royal Borough of Kensington & Chelsea
Planning Dept (Sarah Wilden)
Town Hall Hornton Street
Kensington
London
W8 7NX

RECEIVED BY PLANNING SERVICES
OUR ACCOUNT No. xxxx9999
EX DIR | HDC | N | C | SW | SE | ENF | AO DATE ACK
13MAR98
20 MAR 1998
APPEALS | IO | REC | ARB | FWD PLN | CON DES | FEES

| DATE | TYPE | YOUR REFERENCE | AMOUNT | DEDUCTION | NET AMOUNT |
|---|---|---|---|---|---|
| 11MAR97 | crinv . | PP/VNW | 95.00 | 0.00 | 95.00 |
| | | | | TP980557 | |

TOTAL PAID £ 95.00

Notting Hill Housing Trust
Grove House
27 Hammersmith Grove
London W6 0JL

Tel 0181-357 5000 Fax 0181-357 5299
DX 32758 Hammersmith 2 Exchange

NOTTING HILL
HOUSING TRUST

Sarah Wilden
Planning Department
Royal Borough of Kensington & Chelsea
Town Hall
Horton Street
London W8 7NX

Our ref : PP/VNW
Your ref :

**Direct line : 0181-357 5023**
**Direct fax : 0181-357 5050**

04 March 1998

Dear Ms Wilden

**122 CAMBRIDGE GARDENS**

Please find attached a completed form for the removal of the condition in the planning consent for use as affordable housing. Such a condition makes the property unusable as collateral for a loan to raise the required private finance for this scheme.

If you wish to cover this condition elsewhere, for example in a Section 106 Agreement please let me know so we can prepare a draft for discussion.

Yours faithfully

TP980557

Paul Pearce
Area Development Manager

Enc.



*Providing affordable rented homes for people in housing need*

# TOWN & COUNTRY PLANNING ACT 1990

FORM TP1

APPLICATION FOR PERMISSION TO DEVELOP LAND / OR BUILDINGS IN GREATER LONDON

R.B.K.C. TOWN PLANNING
APPLICATION
COMPLETE
23 MAR 1998

FOR OFFICE USE ONLY
Fee £ 95/00
Cheque / ~~Postal Order~~ / Cash 014035
Receipt No. Issued 020035

Borough Ref. .....
Registered No. .....
Date Received .....

**PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM**

| PART ONE | To be completed by or on behalf of all applicants as far as applicable | |
|---|---|---|
| | **FEE** (where applicable) | £ 95—00 |

**1. APPLICANT** (in block capitals)

Name NOTTING HILL HOUSING TRUST
Address GROVE HOUSE
26 HAMMERSMITH GROVE
LONDON W6 0JL
Tel. No. 0181 357 8023

**AGENT** (if any) to whom correspondence should be sent

Name .....
Address N/A
Tel. No. ..... Ref. .....

**2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT**

**(a)** Full address or location of the land to which this application applies: 122 CAMBRIDGE GARDENS LONDON. W10

**(b)** Site area: .....

**(c)** Give details of proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.

REMOVAL OF CONDITION No 8 "THE SEVEN SELF-CONTAINED FLATS HEREBY APPROVED SHALL BE OCCUPIED ONLY BY TENANTS OF A REGISTERED HOUSING ASSOCIATION" FROM THE PLANNING CONSENT DATED 7 OCTOBER 1997. TP980557

**(d)** State whether applicant owns or controls any adjoining land and if so, give its location.

N/A TP980557

**(e)** State whether the proposal involves:- State Yes or No

(i) New building(s) or extension(s) to existing building(s): NO ▶ **If "Yes"** state gross floor area of proposed building(s). ▼ m²

If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats.

(ii) Alterations: NO

(iii) Change of use: NO ▶ **If "Yes"** state gross area of land or building(s) affected by proposed change of use (if more than one use involved state gross area of each use). Hectares/m²

(iv) Construction of new access to a highway: vehicular NO; pedestrian NO

(v) Alteration of an existing access to a highway: vehicular NO; pedestrian NO

Strike out whichever is inapplicable

RECEIVED BY PLANNING SERVICES
EX DIR | HDC | APPEALS | IO | REC | ARB | FWD PLN | CON DES | FEES | AO ACK
20 MAR 1998 (8)

24 MAR 1998

## 3. PARTICULARS OF APPLICATION

State whether this application is for: State Yes or No

(i) Outline planning permission [No] ▶ **If "Yes"** strike out any of the following which are not to be determined at this stage.
1. Siting
2. Design
3. Landscaping
4. External appearance
5. Means of access

(ii) Full planning permission [NO]

(iii) Renewal of temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted. [NO] ▶ **If "Yes"** state the date and number of previous permission and identify the previous condition.

Date ..... Number .....

The Condition .....

(iv) Consideration under Section 72 only (Industry) [NO]

## 4. PARTICULARS OF PRESENT AND PREVIOUS USE OF BUILDINGS OR LAND

State :-

(i) Present use of buildings/land .....

(ii) If vacant the last previous use and period of use with relevant dates. N/A

## 5. LIST ALL DRAWINGS, CERTIFICATES, DOCUMENTS, ETC; forming part of this application

N/A

## 6. ADDITIONAL INFORMATION State Yes or No

(a) Is the application for non-residential development [NO] If "Yes" complete PART THREE of this form (See PART THREE for exemptions)

(b) Does the application include the winning and working of minerals [NO] If "Yes" complete PART FOUR of this form

(c) Does the proposed development involve the felling of any trees [NO] If "Yes" state numbers and indicate precise position on plan

(d) (i) How will surface water be disposed of? N/A

(ii) How will foul sewage be dealt with? .....

(e) Materials - Give details (unless the application is for outline permission) of the colour and type of materials to be used for:

(i) Walls .....

(ii) Roof N/A.

(iii) Means of enclosure .....

**We hereby apply for (strike out whichever is inapplicable)**

(a) Planning permission to carry out the development described in this application and the accompanying plans in accordance therewith

(b) Planning permission to retain the building(s) or work(s) already constructed or carried out, or a use of the land already instituted as described in this application and accompanying plans.

**Signed** [signature] **on behalf of** NOTTING HILL HOUSING TRUST **Date** 3/3/98

## AN APPROPRIATE CERTIFICATE MUST ACCOMPANY THIS APPLICATION (See General Notes)

If you are the ONLY owner of ALL the land at the beginning of the period 20 day before the date of application, complete Certificate A. If otherwise see PART TWO of this form.

**CERIFICATE A** - Certificate under Section 66 of the Town & Country Planning Act 1990. **I hereby certify that:-**

*Strike out whichever is unapplicable.

1. No person other than the applicant was an owner (a)of any part of the land to which the application relates at the beginning of the period of 20 days before the date of the accompanying application.
2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
3. *I have / the applicant has given requisite notice to every person other than *myself/himself who, 20 days before the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:-

(a) "Owner" means a person having freehold interest or a leasehold interest the unexpired term of which was not less than 7 years.

Name and Address of Tenant .....

Date of Service of Notice .....

**Signed** [signature] **on behalf of** NOTTING HILL HOUSING TRUST **Date** 3/3/98

HPC D4/1870