



TOWER HAMLETS Customer Services

41-47 Bow Road, London E3 2BS

Messrs. Hunt Thompson Assoc.
79 Parkway
Camden Town
London
NW1 7PP

Enquiries to: Peter Minoletti
Tel No: 0171 364 5000 Ext: 5355
My Ref: TH3756/PA/99/0121/PBM
Your Ref:

10 MAR 2000

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (General Development Procedure) ORDER 1995 CONDITIONAL PERMISSION FOR DEVELOPMENT

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof.

You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 1991, or other related legislation. In this connection you should contact the Head of Building Control, 41-47 Bow Road, E3 2SB (0171 364 5259) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Your attention is drawn to the following statement of applicants' rights:-

1) Appeals to the Secretary of State

If you are aggrieved by this decision you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol, BS2 9DJ. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

2) Purchase Notice

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 they can neither put the land to a reasonably beneficial use in its existing state nor can they 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 their interest in the land in accordance with the provisions of Part VI of the Town and Country 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 114 and related provisions of the Town and Country Planning Act 1990.

Yours faithfully

P. Minoletti
for O.C. Whalley
HEAD OF PLANNING

Engr. No.

6 ± 8 : 99



THIS AGREEMENT is made the 10th day of March 2000

BETWEEN:

- (1) **THE GOVERNORS OF THE PEABODY TRUST** of 45 Westminster Bridge Road, London SE1 7JB ("the Developer")
- (2) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF TOWER HAMLETS** of the Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG ("the Council")

WHEREAS:-

- (A) The Developer is the owner of the freehold interest of land known as the Marian Square Depot, Ada Place, London E1 which is in the process of being registered at H.M. Land Registry which land is hereinafter referred to as "the Land" and which is shown for the purposes of illustration edged with a black border on Site Plan 1 annexed hereto
- (B) The Council is the local planning authority (inter alia) for the area in which the Land is situated and is the appropriate statutory body to enforce the planning obligations herein for the purposes of Section 106 of the Town and Country Planning Act 1990 (as amended) and the undertakings herein for the purposes of Section 16 of the Greater London Council (General Powers) Act 1974
- (C) The Council received an application for planning permission (dealt with under reference number TH3756/PA/99/0121) from the Developer on the 23rd February 1999 to develop the Land by the provision of

- (i) 300 square metres of community/work space, with a reserved part of the Land available for a 300 square metres extension to the same ("the Community/work Space")
- (ii) fifty (50) residential units and thirty eight (38) car parking spaces on the remainder of the Land and which shall hereinafter be referred to as "the Residential Development" and
- (iii) the provision of a public landscaped square ("the Square") and pedestrian access to the Square ("the Access")

which shall hereinafter be collectively referred to as "the Development"

- (D) On the 6th August 1999, the Council resolved to grant conditional planning permission for the Development in the form of the consent annexed hereto and which



is hereinafter referred to as "the Consent" subject to the entering into of this Agreement

- (E) In discussing the planning application for the Development, the Developer and the Council have agreed that there should be provision for ensuring that the Development is carried out and regulated in the manner hereinafter appearing

NOW THIS DEED WITNESSETH as follows:-

1. This Agreement is made pursuant to:-

- (a) Section 106 of the Town and Country Planning Act 1990 (as amended)
- (b) Section 16 of the Greater London Council (General Powers) Act 1974
- (c) And all other powers enabling in that behalf

AND subject to clause 2 hereof, the covenants and undertakings herein on the part of the parties hereto are entered into with the intent that the same shall be enforceable without limit of time not only against the parties hereto but also against their respective successors in title through or under the Developer an interest or estate in any of or any part of the Land as if that person has also been an original covenanting party hereof in respect of the interest or estate for the time being held by him

AND FOR THE AVOIDANCE OF DOUBT references herein to "covenants" shall be construed to mean "agrees to provide the following planning obligation(s) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)" and references herein to "undertakes" shall be construed to mean "gives an undertaking pursuant to Section 16 of the Greater London Council (General Powers) Act 1974"

2. It is hereby agreed that:-

- (a) No person shall be liable for any breach of the covenants or undertakings contained in this Agreement which occur after the relevant person has parted with his interest in the Land or the part in respect of which such breach occurs
- (b) This Agreement shall come into effect upon the date hereof
- (c) If the Consent expires before the Development has begun within the meaning of Sections 91 to 93 of the 1990 Act or is revoked or otherwise withdrawn or, without the consent of the Developer or his successors in title, modified by any statutory procedure, this Agreement shall cease to have effect thereafter
- (d) Nothing in this Agreement shall be construed as prohibiting or limiting any right to develop any part of the Land in accordance with a planning permission granted by the Council or by the Secretary of State of the Environment on appeal or reference to him after the date of this Agreement

- (e) This Agreement does not bind "the Community/work Space"
- (f) This Agreement does not prevent residents, workers or visitors from parking cars or vehicles on the Land

3. The Developer hereby covenants and undertakes with the Council that in the event of the Consent being implemented, the Developer:-

- (a) will within seven days of the Consent being implemented, notify the Council in writing of the date on which the Planning Permission has been implemented ("the Implementation Date") by the carrying out of a material operation as defined in section 56 of the Town & Country Planning Act 1990
- (b) pay to the Council the sum of Two Thousand Pounds (£2,000) ("the Traffic Management Order Payment") within two calendar months of the Implementation Date
- (c) in relation to each residential unit of the Residential Development, not apply for (unless the occupant is the holder of a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970) a permit to park a vehicle in a place designated in an order made under section 45(2) of the Road Traffic Regulation Act 1984 for the use of residents in the locality of the Land (an "Application") Provided Always that only the person or persons making an Application shall be in breach of this sub-clause 3(c) and the Council shall only be entitled to take enforcement action against the person or persons who made the Application
- (d) in any disposal of the Residential Development inform all prospective purchasers, lessees or tenants etc of any unit of the Residential Development of the restrictions relating to car use due to this Agreement and
- (e) upon receipt of a written request from the Council, provide to the Council such information as the Council reasonably requires regarding compliance with clause 3(d) of this Agreement

4. The Developer hereby covenants with and undertakes to the Council that the Developer will:-

- (a) prior to completion of any of the residential units fronting the Grand Union Canal, submit details to the Council for approval regarding the Square (shown bordered and cross-hatched in bold black on Site Plan 2) such approval not to be unreasonably withheld or delayed by the Council
- (b) lay out and complete the Square in accordance with the details approved by the Council prior to any occupation of any of the residential units fronting the Grand Union Canal and

- (c) thereafter permit the public from the date of the first residential occupation of any of the Residential Development to have pedestrian access to the Square over the Access (shown bordered and hatched in bold black on Site Plan 2) or such other route that the Developer may reasonably designate from time to time with the written approval of the Council (such approval not to be unreasonably withheld or delayed by the Council)

5. The Developer hereby covenants with and undertakes to the Council that the Developer:-

- (a) will on the date hereof pay the Council's reasonable costs of £1,000 in respect of this Agreement
- (b) will forthwith after the date of this Agreement apply to the Chief Land Registrar to register this Agreement in that part of the Register wherein the Developer's title to the Land is registered and will furnish to the Council forthwith on written demand thereof office copies of such title to show the entry of this Agreement in the Charges Register of the same
- (c) will (subject to the limitations herein contained) observe and perform the conditions, restrictions, provisions and other matters mentioned herein and
- (d) will not make any claim for compensation in respect of any condition, restriction, provision or other matter mentioned in this Agreement or arising from the existence of this Agreement

6. The Council hereby agrees:

- (a) to issue the Consent on the date of this Agreement
- (b) to use the Traffic Management Order Payment for the purpose of taking all necessary steps to ensure that no owner (or occupier, lessee, tenant, etcetera) of a residential unit in the Residential Development is able to benefit from a permit to park a vehicle in any order made under section 45(2) of the Road Traffic Regulation Act 1984 AND in the event that the Traffic Management Order Payment is either not used or not fully used within five years of the date of payment, to repay the unused balance to the Developer and
- (c) upon the Developer's covenants and undertakings herein being satisfied and upon receipt of the Developer's written request, firstly to remove all entries relating to this Agreement from the Local Land Charges Register and secondly to consent to the removal of this Agreement from the relevant Charges Register at H M Land Registry

7. It is hereby agreed by the Developer and the Council that:-

- (a) this Agreement 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 as the relevant local planning authority or in any other capacity

- (b) nothing in this Agreement shall imply any obligations on the part of the Council to the Developer or to any person to ensure that the Development is properly constructed

IN WITNESS whereof the parties hereunto have executed this Deed the day and year first before written

THE COMMON SEAL OF THE GOVERNORS)
OF THE PEABODY TRUST was hereunto)
affixed in the presence of:-)



Authorised Signatory



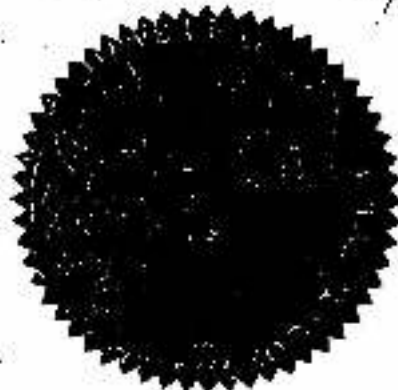
Authorised Signatory

THE COMMON SEAL of THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF TOWER HAMLETS)
was hereunto affixed by Order:-)



DULY AUTHORISED SIGNATORY

Development Panel 06/08/99



an/238

London Borough of Tower Hamlets



FORMER MARION SQUARE DEPOT
ADA PLACE, LONDON, E2

Scale

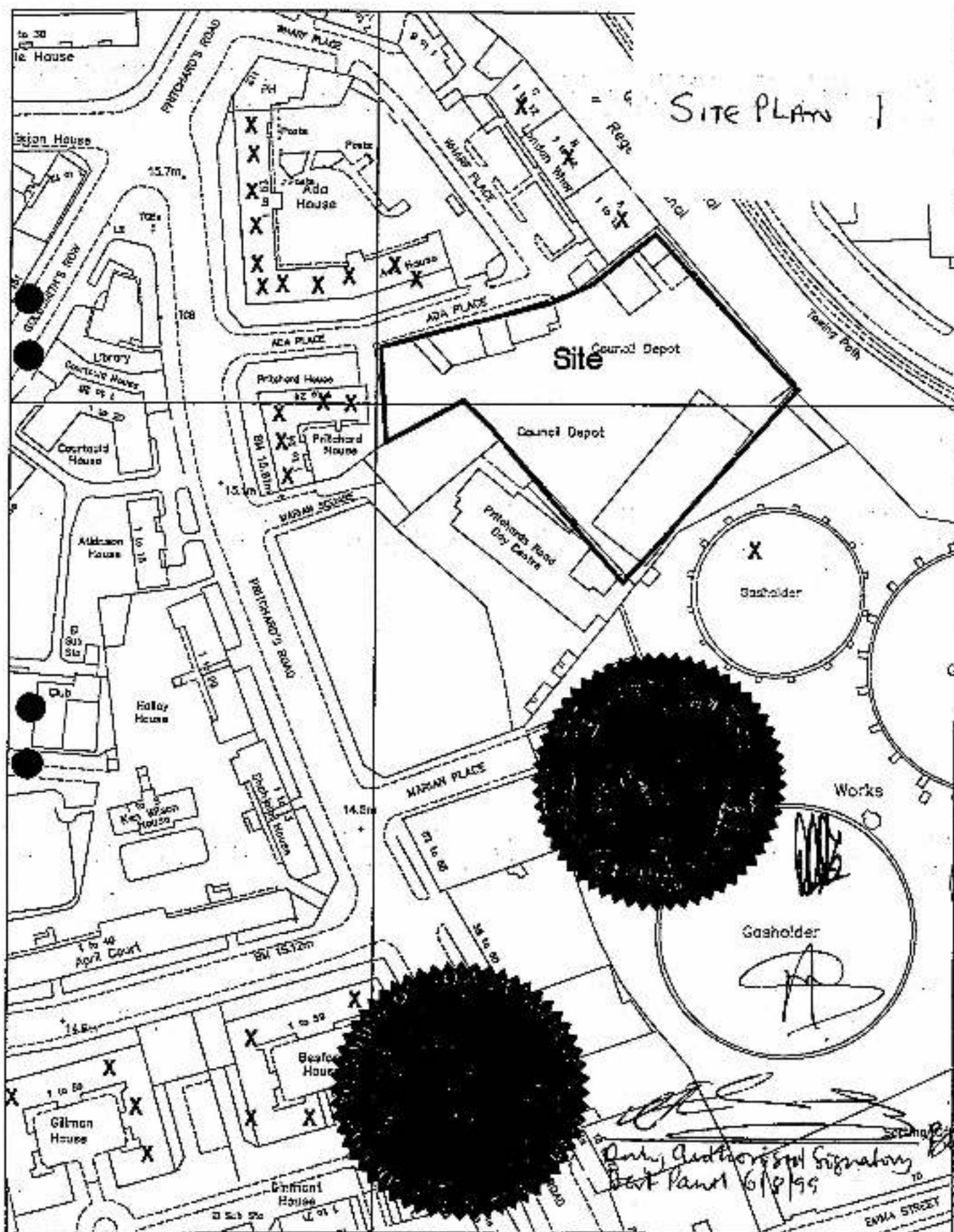
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Date

6.8.99

Dwg. No.

SITE PLAN 1



DATED this 10th day of March 2000

TOWN AND COUNTRY PLANNING ACT
1990, LOCAL GOVERNMENT ACT 1972
AND GREATER LONDON COUNCIL
(GENERAL POWERS) ACT 1974

BETWEEN:-

(1) THE GOVERNORS OF THE
PEABODY TRUST

(2) THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF
TOWER HAMLETS

AGREEMENT CREATING PLANNING
OBLIGATIONS AND UNDERTAKINGS in
relation to land known as the former Marian
Square Depot, Ada Place, London E1 in the
London Borough of Tower Hamlets

Russell Power
Solicitor to the Council
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel: 0171 364 5000 ext. 4346
Ref : L/P/pdd/MarianSq/BC
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Engronsment

THIS DEED OF VARIATION is made the *Sixth* day of *September* 2001

BETWEEN:

- (1) **THE GOVERNORS OF THE PEABODY TRUST** of 45 Westminster Bridge Road, London SE1 7JB ("the Developer")
- (2) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF TOWER HAMLETS** of the Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG ("the Council")

WHEREAS:-

- (A) The Developer and the Council entered into a planning obligation agreement on the 10th March 2001 ("the First Agreement") regarding land defined in recital (A) of the First Agreement
- (B) The Developer and the Council have agreed that the First Agreement should be varied as hereinafter set out

NOW THIS DEED WITNESSETH as follows:-

1. This Deed of Variation is made pursuant to the same statutory powers as the First Agreement
2. The Developer and the Council hereby agree that clause 4(b) of the First Agreement shall be replaced with the following provision:

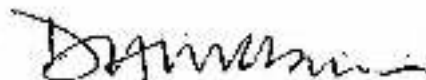
 "(b) lay out and complete the Square in accordance with the details approved by the Council within nine months from the date the first of the residential units fronting the Grand Union Canal is occupied and"
3. The Developer and the Council hereby agree that save as varied herein the First Agreement shall continue in full force and effect
4. The Developer agrees to pay the Council's costs of £250 in the preparation of this Agreement on the date hereof

AS WITNESS hereto the parties hereto have each caused their Common Seals to be hereunto attached the day and year first before written

THE COMMON SEAL OF THE GOVERNORS)
OF THE PEABODY TRUST was hereunto)
affixed in the presence of:-)



Authorized Signatory



Authorized Signatory

THE COMMON SEAL of THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF TOWER HAMLETS)
was hereunto affixed by Order:-)



DULY AUTHORISED SIGNATORY

Policy & Implementation Committee 13/09/00

Delegated Decision 21/05/01



01/11/50

DATED this 6th day of September
2001

TOWN AND COUNTRY PLANNING
ACT 1990 AND GREATER LONDON
COUNCIL (GENERAL POWERS) ACT
1974

BETWEEN:-

(1) **THE GOVERNORS OF THE
PEABODY TRUST**

(2) **THE MAYOR AND BURGESSES
OF THE LONDON BOROUGH OF
TOWER HAMLETS**

**DEED OF VARIATION AGREEMENT
CREATING PLANNING
OBLIGATIONS AND UNDERTAKINGS**
dated the 10th March 2000 in relation to
land known as the former Marian Square
Depot, Ada Place, London E1 in the
London Borough of Tower Hamlets

Helen Sidwell
Acting Solicitor to the Council
Town Hall
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel: 020 7364 5000 ext. 4346
Fax: 020 7364 4861/4804
e-mail: corpleg.lbth@dial.pipex.com
Ref: I/C/pdd/MarianSquare2/BC

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Bob's Word Directory\PLANNING\AR-FREE\MarianSq-deed2.doc

Engrossment 05/07/01



TOWER HAMLETS Customer Services

Town Planning, 41-47 Bow Road, London E3 2BS
Fax: 020 7364 5415 E-mail: planning.lbth@dial.pipex.com

Mr D Obst
Farrer Huxley Associates
19-23 Ironmonger Row
London EC1V 3QN

Contact: P. Minoletti
Tel: 020 7364 5355
Fax: 020 7364 5415
My Ref: TH3756/PA/99/121
Your Ref: P128/DO
E Mail: peter.minoletti@towerhamlets.gov.uk

Date: 18th January 2002

Dear Mr Obst

Re. Ada Place/Marian Square: Variation to landscaping details by canal

I refer to your letter and drawing of 14th November 2001 regarding the above and apologise for the delay in responding.

I confirm that the details as shown on Drawing No.AL(9)004E are acceptable as a non material alteration to the previously approved details.

Yours sincerely

Peter Minoletti
Planning Team Leader
Bethnal Green and Bow Area

cc: Stat.Reg.

MarSq22

SCHEDULE

FULL PLANNING PERMISSION

Date:

Reference: TH3756/PA/99/0121

Application received on: 23/02/1999

Last Amended Date: 12/07/1999

Drawings Submitted:

Registered Number: PA/99/121

Applicant's Number: SP/01, 002A, 003A, 004A, 006A, 007A, 008, 009, 010.

Location: Former Council Depot, Ada Place/Marian Square E2

Development: Redevelopment to provide two, six storey blocks of flats (17 units for sale and 17 units for shared ownership) plus three storey development to provide six one-bedroom flats, four three-bedroom houses and six four-bedroom houses plus 300 sq. metres of community/work space and 38 car spaces.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions.

2. Full particulars of the following shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out other than in accordance with the particulars so approved.

- a) details, including samples as appropriate, of all external materials
- b) treatment of land within the site including hard and soft landscaping

Reason: The particulars reserved are considered to be material to the acceptability of the development hereby approved and the local planning authority wishes to ensure that the details are satisfactory.

3. Building, engineering or other operations including demolition shall be carried out only between the hours of 8am to 6pm and shall not be carried out at any time on Saturdays, Sundays or Public Holidays.

Reason: To safeguard the amenities of the area.

4. Any driven piling shall only occur between 10am and 4pm Monday to Friday and at no other time.

Reason: To safeguard the amenities of local residents.

5. That part of the car parking accommodation shown for the flats/houses on the approved drawings shall be provided and retained permanently for the accommodation of vehicles of the residential occupiers in the development.

Reason: To ensure the permanent retention of the spaces for parking for residents only to ensure that the residential use does not add to local traffic congestion.

6. The development hereby approved shall not be implemented until details, which may need to include the entering into of planning obligation and undertaking agreements, are submitted to and approved in writing by the Local Planning Authority regarding the provision of Affordable Housing in accordance with the Authority's Affordable Housing policies and the development shall not be carried out except in accordance with details approved by the Authority regarding the provision of affordable housing in the three storey part of the residential development.

Reason: To ensure that the proposal conforms to the Local Planning Authority's policies regarding social and affordable housing.

7. Details of the methods for dealing with any contamination on the site are to be submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: To safeguard the amenities of both adjacent residents and future residents of the site itself.

INFORMATIVES

1. You are informed that the Council operates a Local Labour in Construction Scheme for all major developments proposed within the Borough. Further information can be obtained from Project Manager, Local Labour in Construction Team, Great Eastern Enterprise Centre, Block D, Millharbour London E14 9XP.

2. This permission is to be read in conjunction with the related planning agreement of even date.

3. Applications to remove Condition 6 under Section 73 of the Town and Country Planning Act 1990 will be welcomed once the applicant has demonstrated to the reasonable satisfaction of the Local Planning Authority that arrangements relating to the provision of social and affordable housing have been entered into with the London Borough of Tower Hamlets (such arrangements may include the entering into of rent and/or nomination undertakings and/or Planning Obligation Agreements) in relation to the development hereby approved.