

DATED

28 March

2017

(1) 160 IVERSON LIMITED and TIUTA PROPERTIES LIMITED

and

(2) MIZRAHI TEFAHOT BANK LIMITED

and

(3) 45 HOLMES ROAD LIMITED

and

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

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**SECOND DEED OF VARIATION**

Relating to the Original Agreement dated 28 January 2016 (as varied by the First Deed of Variation dated 6 October 2016)  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
160 Iverson Limited and Tiuta Properties Limited and Mizrahi Tefahot Bank Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**45 Holmes Road, London NW5 3AN**

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

Tel: 020 7974 1918  
Fax: 020 7974 2962

CLS/COM/SEA/1781.939  
DoV FINAL



THIS DEED is made on the 28<sup>th</sup> day of March 2017

**BETWEEN**

1. **160 IVERSON LIMITED** (Co. Regn. No. 08656684) whose registered office is at 21 Bedford Square, London WC1B 3HH and **TIUTA PROPERTIES LIMITED** (incorporated in British Virgin Islands) whose registered office is at 3<sup>rd</sup> floor, J&C Building, PO Box 933, Road Town, Tortola, BVI (hereinafter called "the Freeholder") of the first part
2. **MIZRAHI TEFAHOT BANK LIMITED** (incorporated in Israel) (UK Co. Regn. No. FC011504) of 30 Old Broad Street, London EC2N 1HQ (hereinafter called "the Mortgagee") of the second part
3. **45 HOLMES ROAD LIMITED** (Co. Regn. No. 9913112) whose registered office is at 21 Bedford Square, London WC1B 3HH (hereinafter called "the Leaseholder") of the third part
4. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the fourth part

**WHEREAS:**

- 1.1 The Council, 160 Iverson Limited and Tiuta Properties Limited and Mizrahi Tefahot Bank Limited entered into an agreement dated 28 January 2016 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (the "Original Agreement").
- 1.2 The Council, 160 Iverson Limited and Tiuta Properties Limited and Mizrahi Tefahot Bank Limited entered into an agreement dated 6 October 2016 pursuant to section 106A of the Town and Country Planning Act 1990 (as amended) to vary the terms of the Original Agreement (the "First Deed of Variation"). For the avoidance of doubt, the First Deed of Variation has come into effect and the Original Agreement has been varied.

- 1.3 The Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL704710 subject to two charges to the Mortgagee.
- 1.4 The Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.5 The Leaseholder is registered at the Land Registry as the leasehold proprietor with Title absolute of the Property under Title Number NGL961135 subject to a charge to the Mortgagee.
- 1.6 The Leaseholder is the leasehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.7 The Freeholder and the Leaseholder shall hereinafter be jointly referred to as "**the Owner**".
- 1.8 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Deed.
- 1.9 A new planning application in respect of the Property and to amend the Original Planning Permission as varied by the Second Planning Permission was submitted to the Council on behalf of the Owner and validated on 9 December 2016 for which the Council resolved to grant permission conditionally under reference 2016/6397/P subject to the conclusion of this Deed.
- 1.10 This Deed is made by virtue of the Town and Country Planning Act 1990 Section 106A (as amended) and is a planning obligation for the purposes of that section.
- 1.11 Without prejudice to the terms of the other covenants contained in the Existing Agreement (being the Original Agreement as varied by the First Deed of Variation) the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.
- 1.12 The Mortgagee as mortgagee under two legal charges registered under Title Number NGL704710, both of which are dated 6 November 2014, and one legal charge under title number NGL961135 dated 31 May 2016 is willing to enter into this Deed and to give its consent to the same.

## 2. INTERPRETATION

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Deed.
- 2.2 All reference in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Deed.
- 2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Deed and shall not effect the construction of this Deed.
- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 References in this Deed to the Owner and Mortgagee shall include their successors in title.
- 2.7 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.
- 2.7.1 "Deed" this Second Deed of Variation made pursuant to Section 106A of the Act
- 2.7.2 "the First Deed of Variation" the Deed of Variation under section 106A of the Town and Country Planning Act 1990 (as amended) dated 6 October 2016 made between the Council, 160 Iverson Limited and Tiuta

Properties Limited and Mizrahi Tefahot Bank Limited.

2.7.3 “the Original Planning Permission”

the planning permission granted by the Council on 28 January 2016 referenced 2015/3131/P allowing the erection of a three storey extension above ground floor level to provide 8 residential units with associated amenity space, landscaping and servicing as shown on drawing numbers L (10) 101\_P2 2, PL (10)100\_P2, PL (10) 100 P2, PL(10)10 301\_P1, PL(10) 300\_P1, PL(10) 200\_P1, PL (10) 104\_P1, PL(10)104\_P1, PL(10)103\_P1, PL(10) 102\_P1, PL(10) 011\_P1, PL (10) 010 P1, EX(10)300, EX(10)200, EX(10)102, EX(10)101, EX(10)100\_P1, and in accordance with the following documents submitted with the Planning Application: Transport Statement; Statement of Community Involvement; Planning Statement; Design and Access Statement; Energy and Sustainability Statement; Construction Management Plan; Acoustic Report; and Lifetime Homes Statement

2.7.4 “the Second Planning Permission”

the variation of Condition 3 of planning permission 2015/3131/P, granted on 6 October 2016 and referred to as 2016/2416/P, changes which included enlargement of rooflights and windows, alterations to internal layout and windows, removal of stair core and a new external stair to the second floor, slatted timber vents, alterations to external lift and stair core and a new vehicle and pedestrian gate.

### 3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following definitions contained in the Existing Agreement shall be varied as follows:

#### 3.1.1 "Development"

a 3 storey extension to provide 8x residential units as authorised by planning permission dated 28 January 2016 (2015/3131/P) as amended by the second planning permission dated 6 October 2016 (2016/2416/P) and the third planning permission given reference number 2016/6397/P which varies Condition 3 to include replacement of existing openings with aluminium, additional ground floor level windows, internal alterations and additional rooflights to ground floor level with the rooflights to incorporate operable glazing as shown on drawing numbers (MMA(10))100\_P6; 101\_P4; 102\_P4; 103\_P4; 104\_P7; 200\_P5; 300\_P2; 301\_P2, PL(10) 011\_P1; PL (10) 010 P1; EX(10)300; EX(10)200; EX(10)102; EX (10) 101; EX(10)100\_P1; Transport Statement; Statement of Community Involvement; Planning Statement; Design and Access Statement; Energy and Sustainability Statement; Construction Management Plan; Acoustic Report; Lifetime Homes Statement; Comparison Document - Revision: P1 and Noise Impact Assessment (ref: 8822-NIA-01) dated 09 December 2016.

#### 3.1.2 "Planning Permission"

the planning permission for the Development under reference number 2016/6397/P granted by the Council in the form of the draft annexed hereto

3.1.3 "Planning Application" the application for Planning Permission in respect of the Property submitted on 22 November 2016 on behalf of the Owner and given reference number 2016/6397/P

3.2 All references in Clause 5 and Clause 7 of the Existing Agreement to "Planning Permission reference 2016/2416/P" shall be replaced with "Planning Permission reference 2016/6397/P".

3.3 The draft planning permission annexed to this Deed shall be treated as annexed to the Existing Agreement in replacement of the previous draft planning permission.

3.4 In all other respects the Existing Agreement (as varied by the First Deed of Variation and this Deed) shall continue in full force and effect.

#### **4. COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the Planning Permission referenced 2016/6397/P.

#### **5. PAYMENT OF THE COUNCIL'S LEGAL COSTS**

5.1 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed.

#### **6. REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Deed shall be registered as a Local Land Charge.

#### **7. MORTGAGEE EXEMPTION**

7.1 The Mortgagee hereby consents to the completion of this Deed and agrees to be bound by it and to the same being registered at the Land Registry and for the avoidance of doubt agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession of the Property.



IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner and the Mortgagee have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY )  
160 IVERSON LIMITED )  
acting by a Director

.....  
Director

in the presence of: )

.....  
Witness Signature

Witness Name AMANDA WILLIAMS

Address 21 Bedford Square

Occupation London, WC1B 3HH  
Secretary

EXECUTED AS A DEED ON BEHALF OF )  
TIUTA PROPERTIES LIMITED )  
a company incorporated )  
in the British Virgin Islands by )  
in the presence of: )

.....  
Authorised Signatory

Name: YARDON STRAUSS

being a person who in accordance with  
the laws of that territory is  
acting under the authority of the company

EXECUTED as a Deed for and on behalf of  
By MIZRAHI TEFAHOT BANK LIMITED  
By  
in the presence of:-

)  
)  
)  
EITON HILLMAN  
HEAD OF CREDIT  
MIZRAHI TEFAHOT BANK LIMITED  
LONDON BRANCH

*Eiton Hillman*  
.....  
(Authorised Signatory)

*[Signature]*  
.....  
(Authorised Signatory)

MICHAEL GEHLER  
HEAD OF CORPORATE BANKING  
MIZRAHI TEFAHOT BANK LIMITED  
LONDON BRANCH

EXECUTED AS A DEED BY  
45 HOLMES ROAD LIMITED  
acting by a Director

*[Signature]*  
.....

Director  
in the presence of: )

*Erika Oliveros*  
.....  
Witness Signature

Witness Name *Erika Oliveros*  
Address *18 Great Portland St  
London, W1W 8QP*  
Occupation *Project Manager*

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

*L. Alexander*  
.....  
Duly Authorised Officer



Lynas Smith  
1F Mentmore Terrace  
Hackney  
London  
E8 3DQ

Application Ref: **2016/6397/P**

03 March 2017

Dear Sir/Madam

**DRAFT**

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**45 Holmes Road**  
**London**  
**NW5 3AN**

## Proposal:

**DECISION**

Variation of Condition 3 (approved plans) of planning permission 2015/3131/P dated 28/01/16 (as varied by 2016/2416/P which has a resolution to grant subject to s106) for a three storey extension to provide 8 x residential units); changes include the revision of the rooflights to incorporate openable glazing.

Drawing Nos: Proposed Plans: (MMA(10))100\_P6; 101\_P4; 102\_P4; 103\_P4; 104\_P7; 200\_P5; 300\_P3; 301\_P2; Comparison Document - Revision: P1 and Noise Impact Assessment (ref: 8822-NIA-01) dated 09 December 2016.

Superseded Plans: (PL(10))100\_P1; 101\_P1; 102\_P1; 103\_P1; 104\_P1; 200\_P1; 300\_P1 and 301\_P1.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the 28/01/2019.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 As per the approved details on details of secure and 01/06/2016 under 2016/1527/P, the covered cycle storage areas as shown on the approved drawings shall be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

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

(MMA(10))100\_P6; 101\_P4; 102\_P4; 103\_P4; 104\_P7; 200\_P5; 300\_P<sup>83</sup>~~2~~; 301\_P2; PL(10) 011\_P1; PL (10) 010 P1; EX(10)300; EX(10)200; EX(10)102; EX (10) 101; EX(10)100\_P1; Transport Statement; Statement of Community Involvement; Planning Statement; Design and Access Statement; Energy and Sustainability Statement; Construction Management Plan; Acoustic Report; Lifetime Homes Statement; Comparison Document - Revision: P1 and Noise Impact Assessment (ref: 8822-NIA-01) dated 09 December 2016.

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

- 4 The detailed drawings and samples of materials of the below should be implemented in accordance with the details approved on 23/03/2016 under 2016/1137/P.

a) Plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.

b) Typical details at a scale of 1:10 or 1:1 samples where appropriate and manufacturer's details of new facing materials including but not limited to brickwork, windows and door frames, shutters, glazing, balconies, balustrades, metal panels.

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

Reason: To safeguard the appearance of the premises and the character of the

immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies

- 5 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Prior to first occupation of the development commencing, the details of bird and bat box locations and types and indication of species to be accommodated shall be implemented in accordance with the details approved on 04/08/2016 under 2016/2082/P. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan (Consolidated with Alterations Since 2004) and Camden Planning Guidance 2006 and policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 7 Prior to the relevant part of the development commencing, details of a sustainable urban drainage system shall be implemented as per the details approved on 04/08/2016 under 2016/2082/P. Such system shall be based on demonstrating 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to the first occupation of the building the details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be implemented in accordance with the detail approved on 16/08/2016 under 2016/1544/P. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Prior to the relevant part of the development commencing, full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 10 The hard and soft landscaping and means of enclosure of all un-built, open areas must be undertaken with the details approved on 03/05/2016 under 2016/0812/P. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 11 The details of sound insulation between the commercial and residential units, as approved on 09/06/2016 under 2016/1868/P, shall be provided for the building in accordance these details prior to the first occupation of the residential development. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 12 At least 28 days before development commences:
- (a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and
  - (b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.
  - (c) The remediation measures shall be implemented strictly in accordance with the

approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 13 As per the details approved on 01/06/2016 under 2016/1527/P, the refuse and recycling storage facilities, as shown on the drawings hereby approved, shall be provided. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 14 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 15 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 16 The proposed vehicle and pedestrian gates on the northern boundary of the site, as shown in drawing no. MMA(10)100\_P2, shall be implemented in accordance with the details approved on 17/01/2017 under 2017/0049/P.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission:

The proposed changes include revisions to the ground floor; a new window at ground floor; replacement door and additional rooflights.

Overall the proposed external changes are considered to preserve the appearance of the extended building and would be in keeping with the details of the extant permission.

The internal changes provide a second means of escape (for fire safety). They would not materially alter the scheme and could be undertaken without the benefit of planning permission.

The new and replacement doors and windows would be at ground floor level using materials to match fenestration within the rest of the development. These changes would preserve the character and appearance of the host building and surrounding area.

Additional rooflights are proposed within the flat roof element of a single storey rear projection to the building. Given their location and concealment behind a parapet they would not be visually prominent nor detract from the appearance of the building.

No comments have been received during the consultation period. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Given the nature and location of the proposals it is not considered that any undue harm would result to neighbouring occupiers by way of a loss of outlook, sunlight and daylight or privacy. The proposed rooflights would be openable and due to their location near residential occupiers a Noise Impact Assessment was submitted and assessed by Environmental Health Officers at the Council. The report concluded that the calculations demonstrate that the noise from typical office noise levels would meet the recommendations of relevant British Standards when considering an onerous scenario of the rooflights to the office spaces being open. Environmental Health confirmed that they have no objections to the openable rooflights.



As such, the proposal is in general accordance with policies CS5, CS6, CS8, CS11, CS13 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP1, DP2, DP5, DP6, DP13, DP16, DP22, DP24, DP26 and DP29 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 5 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

- 6 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay the CIL charge.

The proposed CIL charge will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please refer to the information on the Camden website which may be accessed via the following link: [http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset\\_id=3298006](http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3298006)

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from the planning portal; <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or queries to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 7 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall,

Argyle Street, WC1H 8EQ.

- 9 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 10 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

**DRAFT**

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

Yours faithfully

Supporting Communities Directorate

**DECISION**





DATED 28 March

2017

**(1) 160 IVERSON LIMITED and TIUTA PROPERTIES LIMITED**

and

**(2) MIZRAHI TEFAHOT BANK LIMITED**

and

**(3) 45 HOLMES ROAD LIMITED**

and

**(4) THE MAYOR AND THE BURGESSES OF  
THE LONDON BOROUGH OF CAMDEN**

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**SECOND DEED OF VARIATION**

Relating to the Original Agreement dated 28 January 2016 (as varied by the First Deed of Variation dated 6 October 2016)  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
160 Iverson Limited and Tiuta Properties Limited and Mizrahi Tefahot Bank Limited  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**45 Holmes Road, London NW5 3AN**

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

Tel: 020 7974 1918  
Fax: 020 7974 2962

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DoV FINAL