

DATED

21 March

2018

**(1) OPTICREALM LIMITED**

and

**(2) COUTTS & COMPANY**

and

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

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**DEED OF VARIATION**

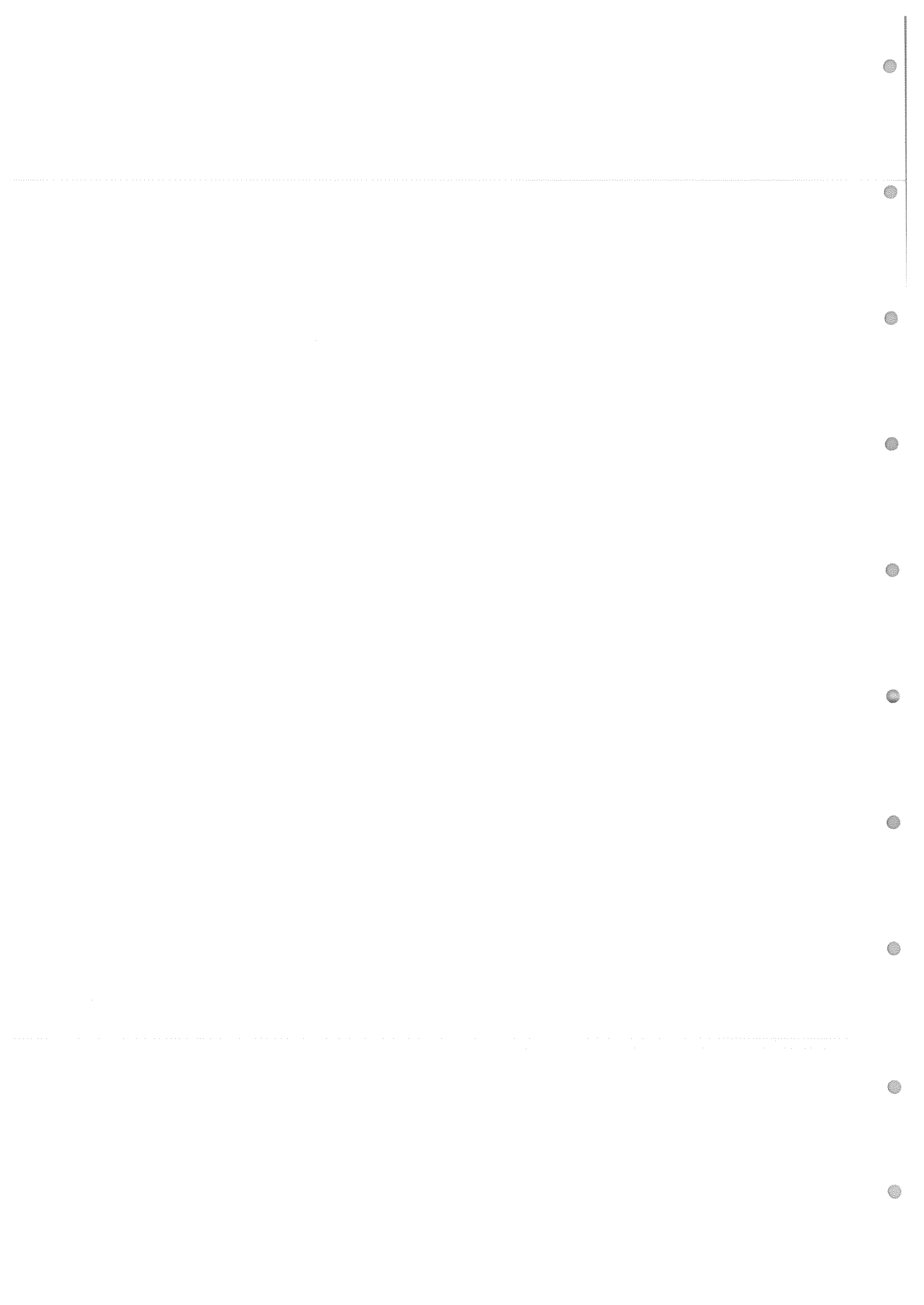
Relating to the Agreement dated 27 June 2016  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Opticrealm Limited and Coutts & Company  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**Clifford Pugh House 5-7 Lancaster Grove NW3 4HE**

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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/ESA/1800.575  
DoV FINAL



THIS DEED is made on the 21st day of March 2018

**BETWEEN**

1. **OPTICREALM LIMITED** (Co. Regn. No. 02839043) of 313-315 Caledonian Road, London, N1 1DS (hereinafter called "the Owner") of the first part
2. **COUTTS & COMPANY** (Co. Regn. No. 36695)(an unlimited company) of 440 Strand, London WC2R 0QS (hereinafter called "the Mortgagee") of the second part
3. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

**WHEREAS:**

- 1.1 The Council, Opticrealm Limited and Coutts & Company entered into an Agreement dated 27 June 2016 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute under title number LN108467 and Title Number LN128808 subject to a charge to the Mortgagee.
- 1.3 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 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.
- 1.5 A new Planning Application in respect of the Property and to amend the Original Planning Permission was submitted to the Council by the Owner and validated on 16 August 2017 for which the Council resolved to grant permission conditionally under reference 2017//4138/P subject to the conclusion of this Deed.

1.6 This Deed of Variation 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.

1.7 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

## 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 Agreement.

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 Agreement 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 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5 and 6 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Deed shall become binding upon the Owner upon the Implementation Date.

2.7 References in this Deed to the Owner and Mortgagee shall include their successors in title.

2.8 In this Deed the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.8.1 "Deed" this Deed of Variation made pursuant to Section 106A of the Act

2.8.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 27 June 2016 made between the Council Opticrealm Limited and Coutts & Company

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 27 June 2017 referenced 2015/2366/P allowing the erection of six storey building (including basement and accommodation in roof space) to provide 15 flats (Class C3) (7x 1-bed, 1x 2-bed, 4x 2-bed and 3x 3-bed) with erection of glazed veranda, 2 gazebos, and store to garden and front boundary wall, following demolition of existing student accommodation (Class Sui Generis) and front boundary wall as shown on drawing numbers 1409;\_4000 P1; 2002 P1; 2001 P1; 5010; 5009; 5008; 5007; 5006; 5005; 5004; 5003; 5002; 5001; 1999 P1; 3500; 2000; 1500; 1002; 1001; 1000; 4001; Surface Water Drainage Proforma prepared by Lyons O'Neill dated 22/07/15; ASHP Noise Impact Assessment prepared by Sound planning dated 21st July 2015; Affordable Housing Statement prepared by Douglas Birt Consulting dated May 2015; Report on Community Engagement prepared by gka dated February 2015; Planning statement prepared by Paultcarter Planning dated April 2015; Heritage Statement prepared by Turley dated October

2014; Ground Conditions Desk Study Report and appendices prepared by Hydrock dated 19th December 2013; Flood risk assessment prepared by three counties flood risk assessment dated 2 October 2014; Sustainability and Energy Strategy Report prepared by Syntegra Consulting dated 29th August 2014; Daylight, Sunlight & Overshadowing prepared by Syntegra Consulting dated 9.09.2014; Design and Access Statement prepared by JPA dated April 2015; Basement Impact Assessment prepared by Lyons O'Neill dated 16th October 2014; Landscape & Ecology prepared by Studio Engleback dated September 2014; 358/P/1003 rev B; 358/P/1002 rev A; 358/P/1001 rev A; 358/P/1000 rev B

### **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" variation of condition 2 (approved plans) of 2015/2366/P dated 27/06/2016 (for erection of six storey building (including basement and accommodation in roof space) to provide 15 flats) namely to allow a change to the pitch of the roof at front and rear and the re-location of the cycle store to lower ground floor level as shown on drawings:-

Superseded: 1409/:1999 P1; 4001; 4000 P1; 2002 P1 Feb 2015

Proposed: 1409/:1999 P4; 4001 P1; 4000 P2; 2002 P1 (issued 17th Nov 2017)

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2017/4138/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 17 August 2017 by the Owner and given reference number 2017/4138/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/2366/P" shall be replaced with "Planning Permission reference 2015/2366/P as varied by planning permission 2017/4138/P".

3.3 In all other respects the Existing Agreement (as varied by 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 2017/4138/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**

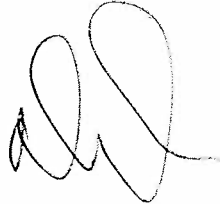
6.1 This Deed shall be registered as a Local Land Charge

CONTINUATION OF DEED OF VARIATION IN RELATION TO CLIFFORD PUGH HOUSE  
5-7 LANCASTER GROVE NW3 4HE

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  
OPTICREALM LIMITED

)  
)



acting by a Director and its Secretary  
or by two Directors

)  
)

.....*Nickolas Coakburn*.....

Director

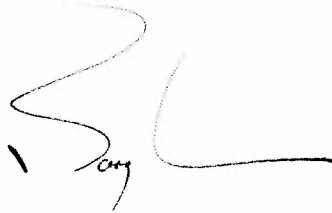


.....*Timothy Coakburn*.....

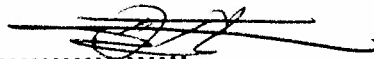
Director/Secretary

Signed and Delivered  
~~EXECUTED~~ as a Deed  
By **COUTTS & COMPANY**  
by *BALDY* IAN WILLIAMSON  
in the presence of:-

)  
)  
)  
)



.....*Darren Murphy*.....



THE COMMON SEAL OF THE MAYOR  
AND BURGESSES OF THE LONDON  
BOROUGH OF CAMDEN was hereunto  
Affixed by Order:

)  
)  
)  
)

.....*C.P.B.*.....

Authorised Signatory





John Pardey Architects  
Beck Farm Studio  
St. Leonards Road East End  
Lymington  
SO41 5SRApplication Ref: **2017/4138/P**

02 March 2018

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:  
**Clifford Pugh House**  
**5-7 Lancaster Grove**  
**NW3 4HE****DECISION**  
Proposal:  
Variation of condition 2 (approved plans) of 2015/2366/P dated 27/06/2016 (for erection of six storey building (including basement and accommodation in roof space) to provide 15 flats) namely to allow a change to the pitch of the roof at front and rear and the re-location of the cycle store to lower ground floor level.

Drawing Nos:

Superseded: 1409/:1999 P1; 4001; 4000 P1; 2002 P1 Feb 2015

Proposed: 1409/:1999 P4; 4001 P1; 4000 P2; 2002 P1 (issued 17th Nov 2017)

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 end of three years from the date of the original planning permission ref 2015/2366/P dated 27/06/2016.

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

- 2 For the purposes of this decision, condition no.2 of planning permission 2015/2366/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans: 1409\_4000 P2; 2002 P1 (issued 17th Nov 2017); 2001 P1; 5010; 5009; 5008; 5007; 5006; 5005; 5004; 5003; 5002; 5001; 1999 P4; 3500; 2000; 1500; 1002; 1001; 1000; 4001 P1; Proposed Cycle Stores 17.11.2017

Surface Water Drainage Proforma prepared by Lyons O'Neill dated 22/07/15; ASHP Noise Impact Assessment prepared by Sound planning dated 21st July 2015; Affordable Housing Statement prepared by Douglas Birt Consulting dated May 2015; Report on Community Engagement prepared by gka dated February 2015; Planning statement prepared by Paultcarter Planning dated April 2015; Heritage Statement prepared by Turley dated October 2014; Ground Conditions Desk Study Report and appendices prepared by Hydrock dated 19th December 2013; Flood risk assessment prepared by three counties flood risk assessment dated 2 October 2014; Sustainability and Energy Strategy Report prepared by Syntegra Consulting dated 29th August 2014; Daylight, Sunlight & Overshadowing prepared by Syntegra Consulting dated 9.09.2014; Design and Access Statement prepared by JPA dated April 2015; Basement Impact Assessment prepared by Lyons O'Neill dated 16th October 2014; Landscape & Ecology prepared by Studio Engleback dated September 2014; 358/P/1003 rev B; 358/P/1002 rev A; 358/P/1001 rev A; 358/P/1000 rev B

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Details including sections at 1:10 of all windows (including jambs, head and cill), external doors and gates;

- b) Manufacturer's specification details of all facing materials including windows and door frames, slate and precast panels (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site) with a sample panel of not less than 1m by 1m demonstrating, the proposed colour, texture, face-bond and pointing of brickwork.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 A sample panel showing the interface of stone and window measuring 1.5m x1.5m shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details and shall include the planting of 3 replacement trees by not later than the end of the planting season following completion of the development. Details of the replacement trees shall be submitted to and approved by the Council in writing. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3 and D1 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 8 Prior to the first occupation of the development a plan showing details of the bio-diverse 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 submitted to and approved in writing by the local planning authority. 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 CC1, CC2, CC3, CC4, D1, and A3 of the London Borough of Camden Local Plan 2017.

- 9 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 policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 10 Before the use commences, the air source heat pump shall be provided with an acoustic enclosure in accordance with the Noise Impact Assessment prepared by Sound Planning hereby approved. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 11 The cycle storage area for 24 cycles hereby approved 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 T1 of the London Borough of Camden Local Plan 2017.

- 12 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.

Reason: To protect the visual amenity of the area in accordance with the requirements of policies D2 of the London Borough of Camden Local Plan 2017.

- 13 Prior to first occupation of the development a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. 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 2016 (Consolidated with Alterations Since 2011) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 14 Prior to commencement of development details of a sustainable urban drainage system as approved (surface water drainage profroma) shall be submitted including:
- Tanked storage below ground,
  - Vertical rain gardens using a tree box system,
  - Planting beds to drain pathways,
  - Storm crates beneath paving to be used as plant irrigation,
  - Water butts in communal garden,

Details should include supporting drainage calculations confirming the required attenuation volume provided by the above measures shall be submitted to and approved in writing by the local planning authority. Such a system should be designed to accommodate all storms up to and including a 1:100 year storm with a 30% provision for climate change, and shall demonstrate that greenfield run off rates (5l/s) will be achieved.

Details should include surface water flow routings demonstrating how surface water will be directed away from the building and in particular away from points where it could access the basement and lower ground floor.

Details shall also include a lifetime maintenance plan, and shall thereafter be retained and maintained in accordance with the approved details.

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 CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 15 Prior to occupation of the development, evidence that the sustainable drainage system has been implemented in accordance with the approved details (for condition 14) shall be submitted to the Local Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

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 CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 16 No impact piling shall be carried out until a piling method statement, prepared in consultation with Thames Water or the relevant statutory undertaker, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works, has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy CC3 of the London Borough of Camden Local Plan 2017.

- 17 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.

- 18 The development shall be carried out in strict accordance with the basement impact assessment prepared by Lyons O'Neill dated 16th October 2014 hereby approved.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.

- 19 All units hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2).

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 H6 of the London Borough of Camden Local Plan 2017.

- 20 Unit 3 as indicated on the plans hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (3) adaptable.

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 H6 of the London Borough of Camden Local Plan 2017.

- 21 Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers 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 adjoining premises and the area generally in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 22 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 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 Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email [env.health@camden.gov.uk](mailto:env.health@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) 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.
- 3 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £76,975 (1539.5sqm x £50) for Mayoral CIL and £769,750 (1539.5sqm x £500) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 4 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.
- 5 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 6 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 7 Active bird nests are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended) which states that it is an offence to disturb, damage or destroy the nest of any wild bird while that nest be in use or being built. Active nests are highly likely to be present within the site during peak nesting season, considered by Natural England as between 1 March and 31 July. It should be noted that active nests are afforded legal protection at all times and can be encountered throughout a nesting season which may extend between mid February and October depending on bird species and weather conditions. Nesting habitats which includes trees, shrubs, climbing plants, grounds flora, buildings and other structures may be cleared at any time of year where survey (undertaken by a suitably experienced person) can establish active nests are absent. For further information contact Natural England on 0845 600 3078.
- 8 A precautionary working approach to demolition where protected species might be present should be followed including the careful removal by hand of features which could support bats, including roof tiles, lead flashing and fascia boards.

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.

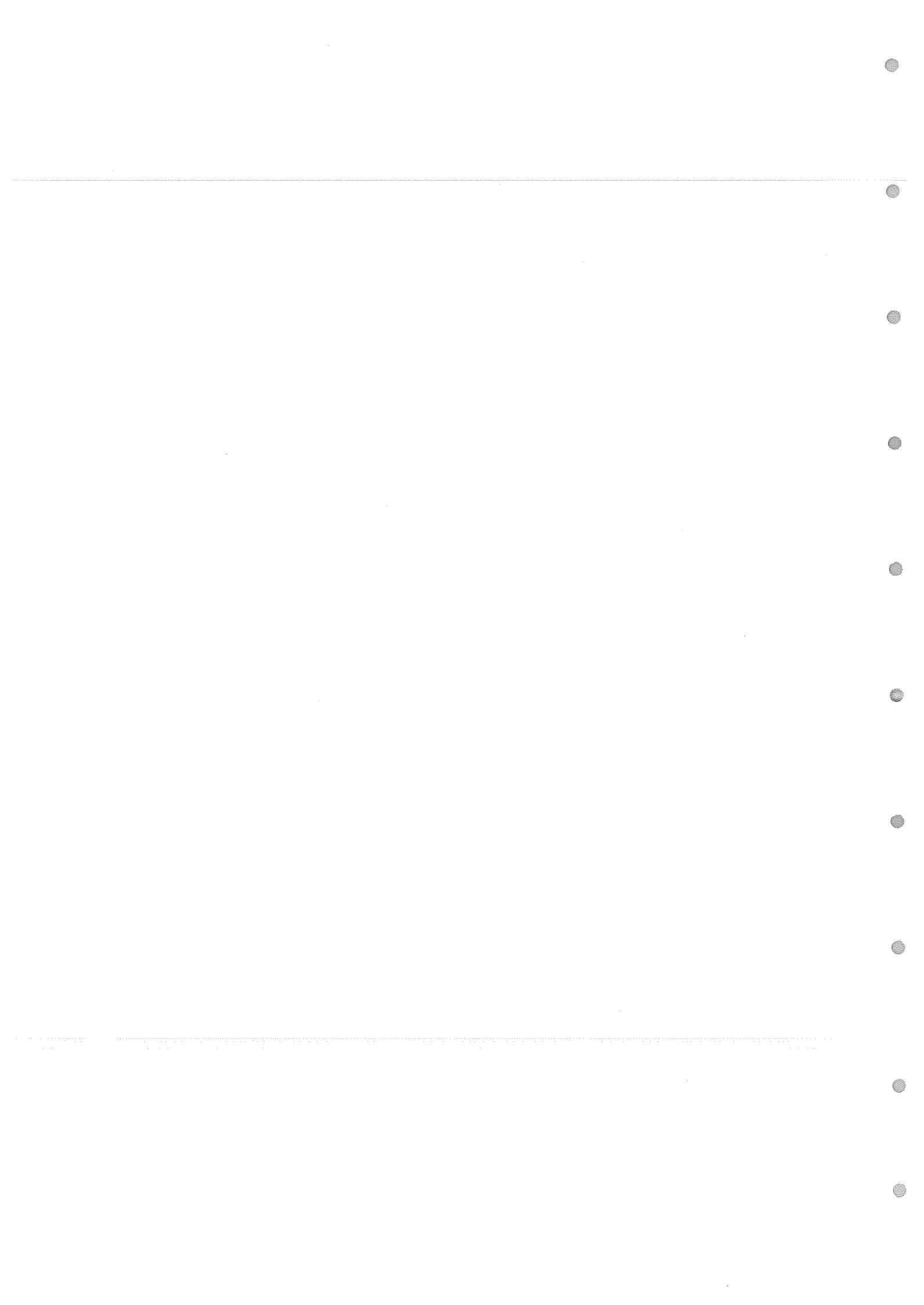
Yours faithfully

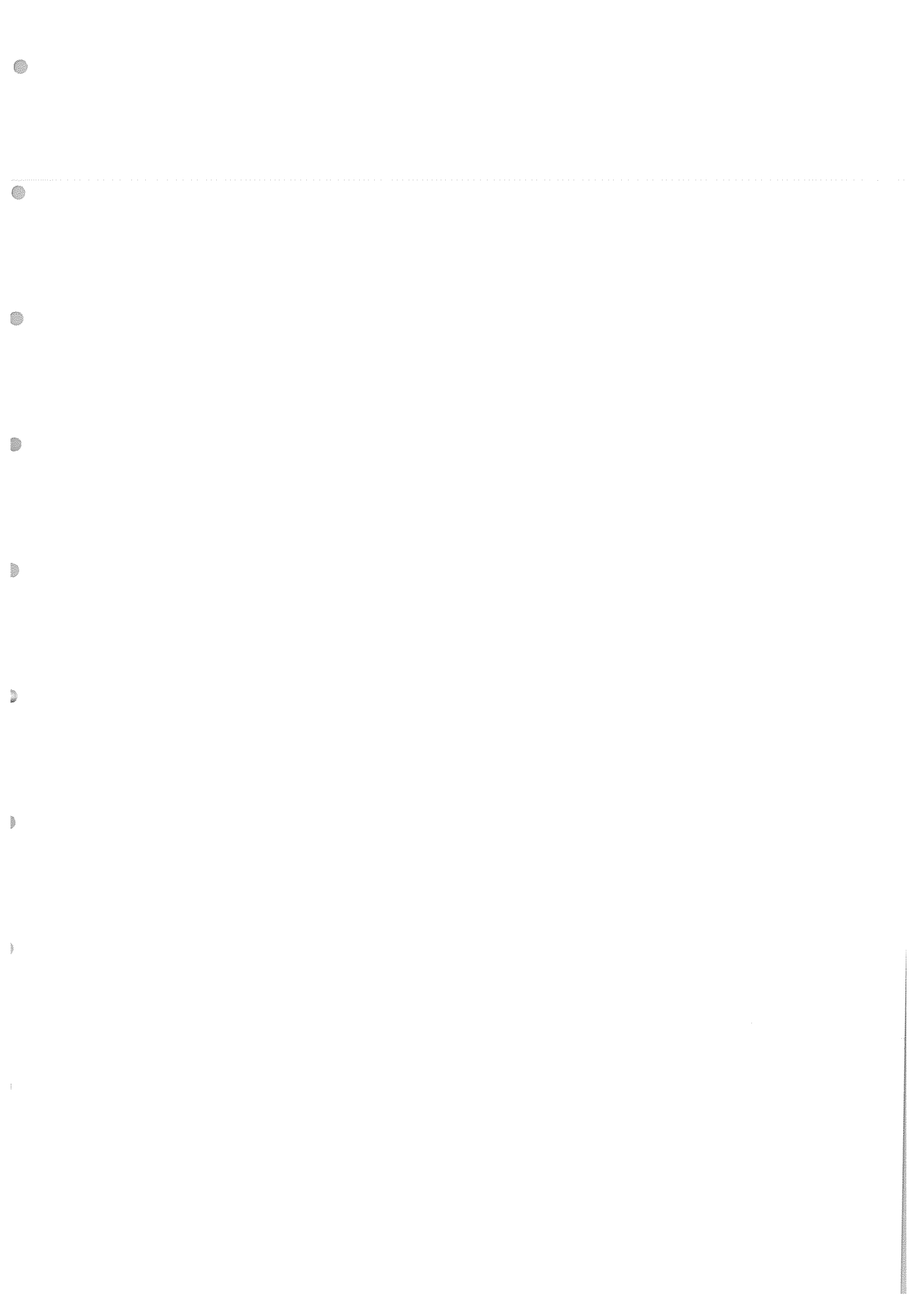
Executive Director Supporting Communities



**DRAFT**

**DECISION**





DATED

21 March

2018

**(1) OPTICREALM LIMITED**

and

**(2) COUTTS & COMPANY**

and

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

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**DEED OF VARIATION**

Relating to the Agreement dated 27 June 2016  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Opticrealm Limited and Coutts & Company  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**Clifford Pugh House 5-7 Lancaster Grove NW3 4HE**

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Head of Legal Services  
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