

DATED

22 October

2018

**(1) HARVEY FREEMAN AND SERENA FREEMAN**

-and-

**(2) ISTVÁN SZÓKE**

-and-

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 1 March 2017  
Between the Mayor and the Burgesses of the  
London Borough of Camden and Shamim Firdaus Shafi  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**6 NUTLEY TERRACE LONDON NW3 5BX**

---

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

Tel: 020 7974 5826

CLS/COM/LN/1800.841  
DoV FINAL



THIS AGREEMENT is made on the 22<sup>nd</sup> day of October 2018

**BETWEEN**

1. **HARVEY FREEMAN AND SERENA FREEMAN** of 101 Goldhurst Terrace London NW6 3HA (hereinafter called "the First Freeholder") of the first part
2. **ISTVÁN SZÓKE** of 28 Estelle Road London NW3 2JY (hereinafter called "the Second Freeholder") 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 and Shamim Firdaus Shafi entered into an Agreement dated 1 March 2017 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The First Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL978982 subject to a charge to the Second Freeholder.
- 1.3 The First Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.4 The Second Freeholder is registered at the Land Registry as the freehold proprietor with Title Absolute under title number NGL978983 subject to a charge to the First Freeholder.
- 1.5 The Second Freeholder is the freehold owner of and is interested in the Property for the purposes of Section 106(9) of the Act.
- 1.6 The First Freeholder and the Second Freeholder shall hereinafter be jointly referred to as "the Owner".

- 1.7 The First Freeholder as mortgagee under a legal charge registered under Title Number NGL978983 and dated 29 March 2018 is willing to enter into this Agreement to give its consent to the same.
- 1.8 The Second Freeholder as mortgagee under a legal charge registered under Title Number NGL978982 and dated 29 March 2018 is willing to enter into this Agreement to give its consent to the same.
- 1.9 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 Agreement.
- 1.10 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 28 March 2018 for which the Council resolved to grant permission conditionally under reference 2018/0735/P subject to the conclusion of this Agreement.
- 1.11 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 and Section 106A (as amended) and is a planning obligation for the purposes of those sections.
- 1.12 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 Agreement 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 Agreement.
- 2.2 All reference in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.
- 2.3 Where in this Agreement 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 Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.

2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.6 References in this Agreement to the Owner shall include their successors in title.

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

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

2.7.2 "Existing Agreement" the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 1 March 2017 made between the Council and Shamim Firdaus Shafi

2.7.3 "the Original Planning Permission" means the planning permission granted by the Council on 1 March 2017 referenced 2015/7025/P allowing the erection of 2 x three storey plus basement single-family dwellinghouses (Class C3), new crossover and associated landscaping (following demolition of existing dwellinghouse) as shown on drawing numbers NUT-L01 (Site Location Plan); 000 P5; 001 P5; 002 P5; 003 P3; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 010 P1; 011 P3; 012 P1; 013 P1; 014 P1; 015 P2; 020; 022; 023; 024; 025; 026; 027; 028; 029; 030; 031; Site Investigation and Basement Impact Assessment Report (GEA April 2016); Ground Movement Assessment Report (GEA April 2016); Structural Engineering Report and Subterranean

Construction Method Statement (elliottwood April 2016); Desk Study and Ground Investigation Report (October 2011); Bat Survey (7th July 2015); Groundwater Impact Assessment (Nov 2011); Energy Efficiency Statement and Code for Sustainable Homes Pre-assessment (Feb 2012); Code for Sustainable Homes Pre-assessment Estimator Tool Rev03 (28/02/2011); Transport Statement (TPP Consulting Feb 2012); Daylight and Sunlight Report (GLHearn 19th Jan 2012); Arboricultural Impact Assessment Report (20th October 2011); Design and Access Statement (May 2012)

### 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" the development authorised by the Original Planning Permission as amended by the following: variation of Condition 3 (Approved plans) namely alterations to approved designs for lower ground floor and ground floor rears, including further excavation and other minor alterations to design; Removal of Condition 15 (Details of cycle storage) and Removal of Condition 17 (Code for Sustainable Homes) of planning permission 2015/7025/P granted 01/03/2017 (Erection of 2 x three storey plus basement single-family dwellinghouses (Class C3), new crossover and associated landscaping (following demolition of existing dwellinghouse). as shown on drawing numbers: SUPERSEDED: NUT-L01 (Site Location Plan); 000 P5; 001 P5; 002 P5; 003 P3; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 010 P1; 011 P3; 012 P1; 013 P1; 014 P1; Site Investigation and Basement Impact

Assessment Report (GEA April 2016); Ground Movement Assessment Report (GEA April 2016); Structural Engineering Report and Subterranean Construction Method Statement (elliotwood April 2016); Energy Efficiency Statement and Code for Sustainable Homes Pre-assessment (Feb 2012) REVIS<sup>PS</sup>ED: NUT-000 rev ~~P7~~<sup>P3</sup>, NUT-001 rev P6, NUT-002 rev P8, NUT-003 rev P4, NUT-004 rev P3, NUT-005 rev P3, NUT-006 rev P3 , NUT-007 rev P2, NUT-008 rev P4, NUT-010 rev P4, NUT-011 rev P3, NUT-012 rev P4, NUT-013 rev P4, NUT-014 rev P2, Structural Engineering Report and Subterranean Construction Method Statement (elliotwood Feb 2018), Energy & Sustainability Statement (XC02 for KSR Architects February 2018)

PA  
X  
IT  
12

3.1.2 "Planning Permission"

The Original Planning Permission and the planning permission granted for the Development under reference number 2018/0735/P substantially in the draft form annexed hereto

3.1.3 "Planning Application"

the application for Planning Permission in respect of the Property submitted to the Council and validated on 14 December 2015 and given reference 2015/7025/P and further application submitted and validated on 28 March 2018 and given reference 2018/0735/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "planning reference 2015/7025/P" shall be replaced with ""planning reference 2015/7025/P and planning reference 2018/0735"".

3.3 In all other respects the Existing Agreement (as varied by this Agreement) 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 2018/0735/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 Agreement) its reasonable legal costs incurred in preparing this Agreement

6. **REGISTRATION AS LOCAL LAND CHARGE**

6.1 This Agreement shall be registered as a Local Land Charge

7. **JOINT AND SEVERAL LIABILITY**

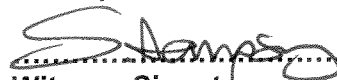
7.1 All Covenants made by the Owner(s) in this Agreement are made jointly and severally and shall be enforceable as such.

**IN WITNESS WHEREOF** the Council has caused their Common Seals to be affixed and the Owner has caused this Agreement to be executed as a Deed the day and year first above written.

EXECUTED AS A DEED BY  
HARVEY FREEMAN  
in the presence of:

)  
)  
)



  
.....  
Witness Signature

Witness Name: SARAH DEMPSEY

Address: SOWELLINGTON ST, GLASGOW G2 6HT

Occupation: OFFICE MANAGER



THIS IS A CONTINUATION OF THE DEED OF VARIATION TO THE SECTION 106  
AGREEMENT IN RELATION TO 6 NUTLEY TERRACE LONDON NW3 5BX

EXECUTED AS A DEED BY  
SERENA FREEMAN  
in the presence of:

)  
)  
) *Serena Freeman*

*S Dempsey*  
.....  
Witness Signature

Witness Name: *SARAH DEMPSEY*

Address: *50 WELLINGTON ST, GLASGOW G2 6HJ*

Occupation: *OFFICE MANAGER*

EXECUTED AS A DEED BY  
ISTVAN SZOKE  
in the presence of:-

)  
)  
) *I Szoke*

*B Davie*  
.....  
Witness Signature

Witness Name: *BARBARA DAVIE*

Address: *29 KNOTTS PLACE, SEVENOAKS, KENT TN13 1RQ*

Occupation: *PERSONAL ASSISTANT*

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

*R Alexander*  
.....  
Duly Authorised Officer





*F. Alex...*  
*H. J...*  
*J. ...*

# NORTHGATE SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

*[Faint, illegible markings]*



Orcadian Planning  
157 Byron Ave  
London  
E12 6NJ

Application Ref: **2018/0735/P**

03 October 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:  
**6 Nutley Terrace**  
London  
**NW3 5BX**

**DECISION**  
Proposal:  
Variation of Condition 3 (Approved plans) namely alterations to approved designs for lower ground floor and ground floor rears, including further excavation and other minor alterations to design; Removal of Condition 15 (Details of cycle storage) and Removal of Condition 17 (Code for Sustainable Homes) of planning permission 2015/7025/P granted 01/03/2017 (Erection of 2 x three storey plus basement single-family dwellinghouses (Class C3), new crossover and associated landscaping (following demolition of existing dwellinghouse).

Drawing Nos: SUPERSEDED:

NUT-L01 (Site Location Plan); 000 P5; 001 P5; 002 P5;  
003 P3; 004 P1; 005 P1; 006 P1; 007 P1; 008 P1; 010 P1; 011 P3; 012 P1; 013  
P1; 014 P1; Site Investigation and Basement Impact Assessment Report (GEA April 2016)  
Energy Efficiency Statement and Code for Sustainable Homes Pre-assessment (Feb  
2012)

REVISED:

NUT-000 rev P8, NUT-001 rev P6, NUT-002 rev P8, NUT-003 rev P4, NUT-004 rev P3, NUT-005 rev P3, NUT-006 rev P3, NUT-007 rev P2, NUT-008 rev P4, NUT-010 rev P4, NUT-011 rev P3, NUT-012 rev P4, NUT-013 rev P4, NUT-014 rev P2, Structural Engineering Report and Subterranean Construction Method Statement (elliotwood Feb 2018), Energy & Sustainability Statement (XC02 for KSR Architects February 2018)

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):

- DRAFT**
- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original consent granted 1st March 2017.

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

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

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

b) Samples and manufacturer's details of all new facing materials including masonry, windows and door frames, glazing

c) Plan, elevation and section drawing including materials of the proposed new gate on the front boundary at a scale of 1:10. The samples shall include a brickwork panel no less than 1m by 1m including junction with window openings demonstrating the proposed colour, texture, facebond, pointing, expansion joints and vertical and horizontal banding, which shall be erected on site for inspection by the local planning authority.

The relevant part of the works shall then be carried in accordance with the approved details

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).

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

NUT-000 rev P8, NUT-001 rev P6, NUT-002 rev P8, NUT-003 rev P4, NUT-004 rev P3, NUT-005 rev P3, NUT-006 rev P3, NUT-007 rev P2, NUT-008 rev P4, NUT-010 rev P4, NUT-011 rev P3, NUT-012 rev P4, NUT-013 rev P4, NUT-014 rev P2, Structural Engineering Report and Subterranean Construction Method Statement (elliotwood Feb 2018), Energy & Sustainability Statement (XC02 for KSR Architects February 2018); 015 P2; 020; 022; 023; 024; 025; 026; 027; 028; 029; 030; 031, Ground Movement Assessment Report (GEA April 2016); Structural Engineering Report and Subterranean Construction Method Statement (elliotwood April 2016); Desk Study and Ground Investigation Report (October 2011); Bat Survey (7th July 2015); Groundwater Impact Assessment (Nov 2011); Transport Statement (TPP Consulting Feb 2012); Daylight and Sunlight Report (GLHearn 19th Jan 2012); Arboricultural Impact Assessment Report (20th October 2011)

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

- 4 Prior to the commencement of development (other than demolition) full details of hard and soft landscaping (including replacement tree planting) and means of enclosure of all un-built, open areas have been submitted to and approved in writing by the local planning authority. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels and replacement trees for the recently removed trees. 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 policies D1 and D2 of the Camden Local Plan (2017).

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. 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 requirements of policies A3, D1 and D2 of the Camden Local Plan (2017).

- 6 The development shall not be carried out other than in accordance with details of tree protection measures approved under application 2018/2003/P or other such details which have been submitted to and approved in writing by the local planning authority 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 A3, D1 and D2 of the Camden Local Plan (2017).

- 7 Full details in respect of brown living roofs shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The details shall include species, planting density, substrate and 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 brown living roofs 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: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with the requirements of policies G1, CC1 and CC3 of the Camden Local Plan (2017).

- 8 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 Council.

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 Camden Local Plan (2017).

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A and C) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies A1, D1 and D2 of the Camden Local Plan (2017).



- 10 Prior to first occupation of the buildings the windows on the east side elevation of House 6A and the dormer window on the west side elevation of House 6B as shown on the approved drawing shall be obscure glazed and fixed shut or fitted with restricted opening (not opening more than 100mm) and as permanently retained and maintained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan (2017).

- 11 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 Camden Local Plan (2017).

- 12 Prior to commencement on the relevant part of the development details of the proposed Air Source Heat Pumps (ASHP) including a noise impact assessment (to demonstrate compliance with condition 11) and manufacturer's specification (including details of maximum noise output when they are in operation, cumulative noise output, a plan showing distance to the nearest windows of residential property and background noise levels), and mitigation measures if necessary shall be submitted to and approved in writing by the Council. The ASHP shall be installed in accordance with the details thus approved and permanently retained and maintained thereafter.

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 Camden Local Plan (2017).

- 13 Prior to commencement of development (other than demolition), details of a sustainable urban drainage system (SUDs) shall be submitted to and approved in writing by the local planning authority. The approved system shall be implemented as part of the development prior to first occupation 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 G1, CC1 and CC2 of the Camden Local Plan (2017).

- 14 Prior to commencement of development (other than demolition), a suitably qualified chartered engineer with membership of the appropriate professional body shall be 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, and details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council. 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 policies A1, D1 and D2 of the Camden Local Plan (2017).

- 15 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies G1, CC1 and CC3 of the Camden Local Plan (2017).

- 16 Prior to implementation a method statement for a precautionary working approach to demolition and construction should be submitted to the Local Authority and approved in writing. This shall include approaches to mitigate the impact on bats. All site operatives must be made aware of the possible presence of protected species during works. If any protected species or signs of protected species are found, works should stop immediately and an ecologist should be contacted. The applicant may need to apply for a protected species licence from Natural England, evidence of which should be submitted to the Local Authority. If more than 1 year passes between the most recent bat survey and the commencement of demolition and/or tree works, an update bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.

Reason: To ensure the development contributes towards the protection of habitats and species, ensuring compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with policy A3 of the Camden Local Plan (2017).

- 17 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended).

- 18 Prior to first occupation of the development a plan showing details of bird and bat box locations and types (preferably integrated into the fabric of the buildings) 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), Camden Planning Guidance, and policy A3 of the Camden Local Plan (2017).

- 19 Prior to commencement of development (other than demolition), full details of a lighting strategy shall be submitted to and agreed in writing by the Local Planning Authority. This shall include information about potential light spill on to buildings, trees, lines of vegetation and bat boxes plus a lux level contour plan which should extend outwards to incremental levels of zero lux. The lighting strategy should seek to minimise impact on bats and ensure no light spill outside of the site boundaries.

Reason: To limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation, in line with NPPF (2018) and in compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended).

- 20 Prior to commencement of work on the roof level, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policy G1, CC1 and CC2 of the London Borough of Camden Local Plan (2017).

Informative(s):

- 1 Reasons for granting permission

This application seeks to vary Condition 3 (Approved drawings) by proposing minor amendments to the design of the houses. House A would add additional glazing to the ground floor rear and increase the size of the first floor rear window. The proposed ground floor level rear projection of house B would be widened by 1.5m, with a rooflight added and additional areas of rear and side glazing added. The proposed chimney stack would be moved to the opposite roof slope. Minor amendments are sought to the proposed design of the front doors of both houses and to the ground floor front window of house B. These changes are not considered to significantly alter the character of the approved design, and by reason of their scale and siting would not lead to a significant change in impact on the amenity of neighbouring occupants beyond that already deemed acceptable by the previous permission.

Plans were revised for the proposed detailed design of the rears, to provide a more consistent architectural style across the houses.

House A would project further to the rear within the consented excavated area at lower ground level, and would include a further excavation to facilitate the provision of an indoor swimming pool. The proposed houses sit on sloping ground with the ground level at the front approximately 3m higher than to the rear of the site. Basement guidance indicates that the Council will allow a proportion of the basement to be deeper than the standard 4m to allow the development of a swimming pool, and as such the proposed 5.7m depth of excavation below the front ground level, and 2.7m below the rear of site ground level is acceptable. The extent of excavated rear area across both houses has increased by 27 sqm, or 4.5% above that previously approved. On balance this marginal increase in scale is considered acceptable against basement guidance and would still allow the retention of adequately sized gardens to both dwellings.

A revised Basement Impact Assessment for the scheme was submitted and audited by the Council's appointed consultants and found to comply with policy requirements in that it would not cause harm to neighbouring properties or the structural, ground or water conditions of the area, in compliance with policy A5.

The proposed relocation of the chimney stack on house B and addition of pedestrian gates for each house within the front boundary wall are not considered to significantly alter the character, appearance or amenity impact of the scheme as a whole and no objection is raised to these changes.

The proposed removal of Condition 17 (Code for Sustainable Homes) has been assessed by the Council's Sustainability Officer and in light of the equivalent sustainability measures and strategy included in the s106 Pre-Implementation submission 'Energy and Sustainability Statement'; the removal of the condition is considered acceptable. To address sustainability requirements a new condition will be added requiring full details of solar PV panels prior to commencement of development at the roof level.

The proposed removal of Condition 15 (Details of cycle storage) has been assessed by the Council's transport planner and found to be acceptable. The proposed drawings show 3 cycle parking spaces located in a secure and covered location within each dwelling.

2 Reasons for granting permission (cont.)

One consultation response was received from Hampstead CAAC and taken into account when making this decision. The planning history of the site and surrounding area were also taken into account. Special regard has been attached to the desirability of preserving or enhancing the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The proposal is in general accordance with policies A1, CC1, D1, D2, G1, T1 and T2 of the Camden Local Plan 2017. The proposed development also accords with policies BA1, DH1, DH2 and TT4 of the Hampstead Neighbourhood Plan (2018), and the policies of the London Plan 2016 and National Planning Policy Framework 2018.

- 3 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).
- 4 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 020 7974 4444 or on the [website](http://www.camden.gov.uk/ccm/content/contacts/councilcontacts/environment/contact-the-environmental-health-team.en) <http://www.camden.gov.uk/ccm/content/contacts/councilcontacts/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.
- 5 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.
- 6 If you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

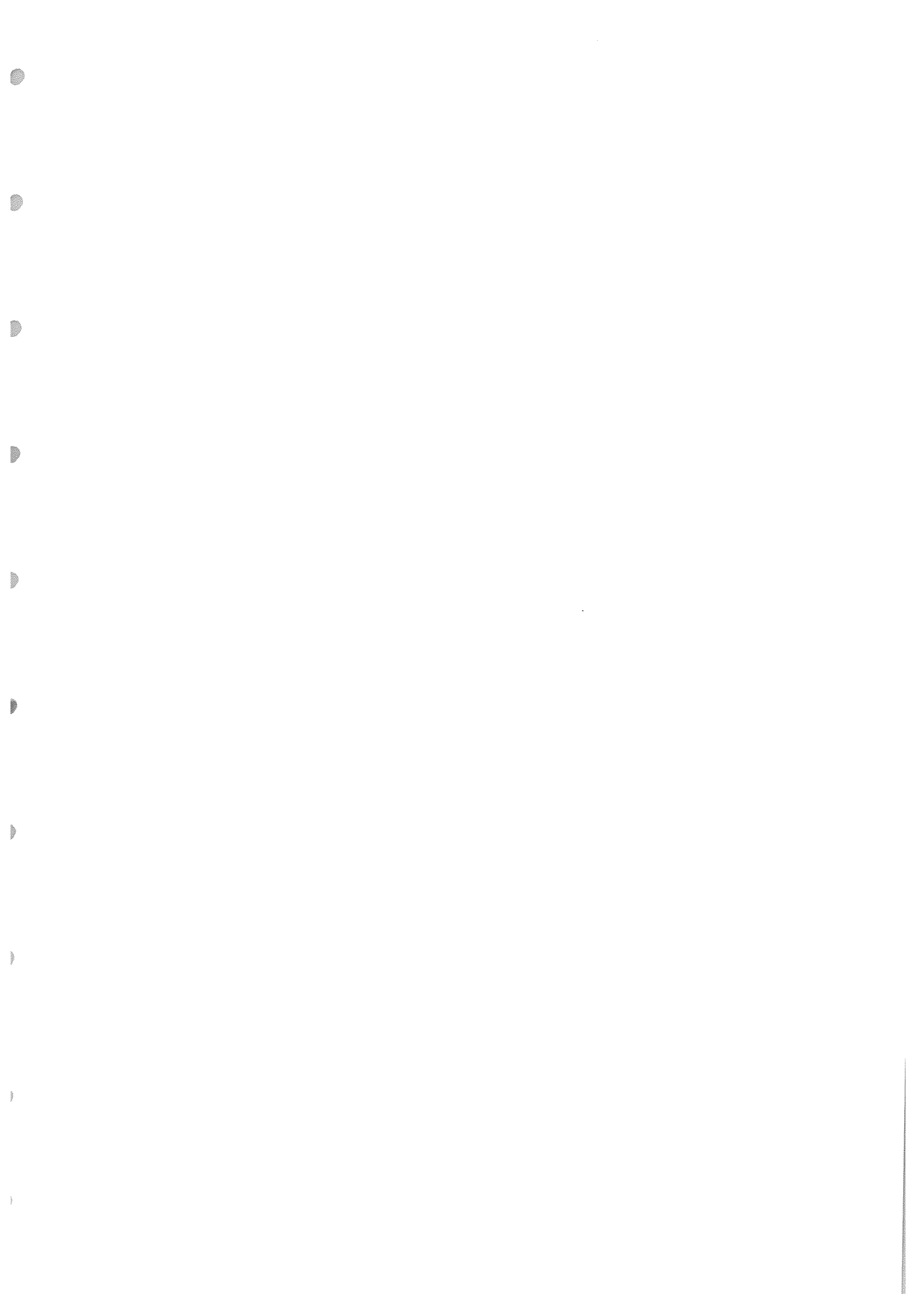
- 7 You are advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9litres/minute at the point where it leaves Thames Water pipes. The developer should take into account of this minimum pressure in the design of the proposed development.
- 8 You are advised that the proposed landscaping scheme required by Condition 4 should include the small leafed lime which should have been planted to replace the Ash tree removed in 2011.
- 9 You are advised that permission may be required from the Belsize Tunnel owners as you are proposing to pile within 10m. You should ensure all relevant permissions for such works are sought prior to commencement.

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

22 October

2018

**(1) HARVEY FREEMAN AND SERENA FREEMAN**

-and-

**(2) ISTVAN SZOKE**

-and-

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

---

**DEED OF VARIATION**

Relating to the Agreement dated 1 March 2017  
Between the Mayor and the Burgesses of the  
London Borough of Camden and Shamim Firdaus Shafi  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**6 NUTLEY TERRACE LONDON NW3 5BX**

---

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

Tel: 020 7974 5826

CLS/COM/LN/1800.841  
DoV FINAL