

DATED

5 February

2019

**(1) MAJID SAADATI**

-and-

**(2) JOHN WEBB**

-and-

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

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**DEED OF VARIATION**

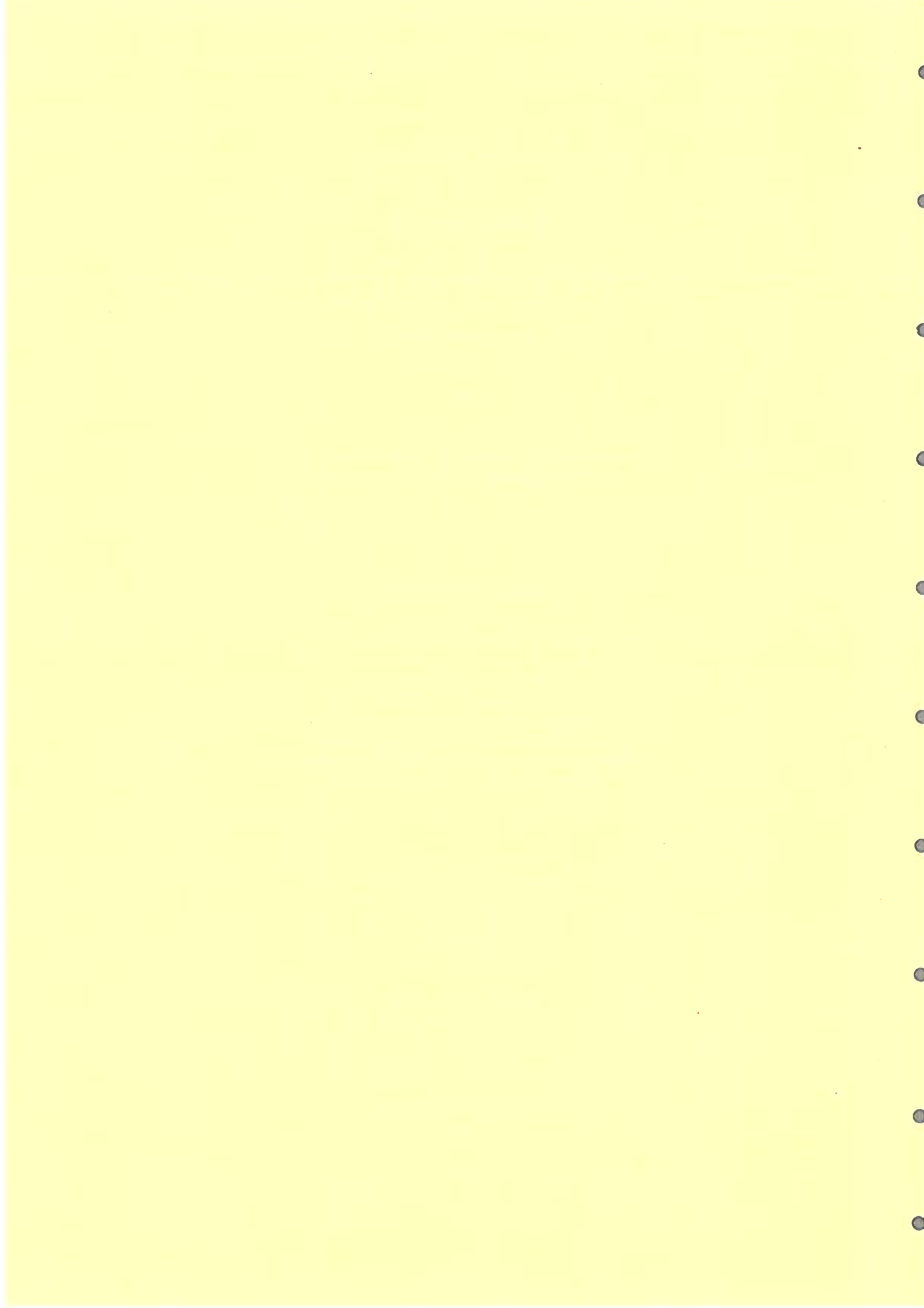
Relating to the Agreement dated 4 July 2016  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Svetlana Esther Volossov  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**53 Fitzroy Park, London N6 6JA**

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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/00/1800.889  
DoV



THIS DEED is made on the 5<sup>th</sup> day of February 2019

**BETWEEN**

- A. **MAJID SAADATI** of Fletcher Day, 56 Conduit Street, London W1S 2YZ (hereinafter called "the Owner") of the first part
- B. **JOHN WEBB** of Lawrence Stephens Solicitors, 50 Farringdon Road, London EC1M 3HE (hereinafter called "the Mortgagee") of the second part
- C. **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

1. **WHEREAS:**

- 1.1 The Council and Svetlana Esther Volossov entered into an Agreement dated 4 July 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 numbers NGL387687 and NGL707093 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 Mortgagee as mortgagee under a legal charge registered under title numbers NGL387687 and NGL707093 and dated 1 October 2018 is willing to enter into this Deed to give its consent to the same.
- 1.5 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.
- 1.6 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 5

June 2018 for which the Council resolved to grant permission conditionally under reference 2018/2104/P subject to the conclusion of this Deed.

- 1.7 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.
- 1.8 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, 4, 5, 6 and 7 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 4 July 2016 made between the Council and Svetlana Esther Volossov

2.8.3 "the Original Planning Permission" means the planning permission granted by the Council on 4 July 2016 referenced 2018/2104/P allowing the erection of a three storey single family dwelling including basement level, green roofs at first floor and roof level, solar panels at roof level and associated landscaping following the demolition of the existing part-two, part-three storey dwelling (Class C3). as shown on drawing numbers Drawing Nos: 1317-EX-101; 1317-EX-102; 0932-0100-AP-004 Rev PL02; 0932-0100-AP-005 Rev PL02; 0932-0100-AP-006 Rev PL02; 1317-EX-121; 1317-EX-122; 1317-EX-123;1317-EX-124; 1317-PL-201; 1317-PL-202; 1317-PL-211 Rev E; 1317-PL-212 Rev F; 1317-PL-213 Rev G; 1317-PL-214 Rev F; 1317-PL-215 Rev F;1317-PL-221 Rev F; 1317-PL-222 Rev F; 1317-PL-231 Rev G; 1317-PL-232 Rev F; Outline Arboricultural Method Statement (WFA/53FZP/AMS/01D), prepared by Landmark Trees, dated 7th May 2015;

Arboricultural Impact Assessment Report (WFA/53FZP/AIA/01D), prepared by Landmark Trees, dated 7th May 2015; Construction Traffic Management Plan - Rev 05a, prepared by Knight Build Ltd, dated 24 September 2015 (revised); Design & Access Statement (DOC REF: 1317-PL-DAS-REV-G) dated 21.10.15; Basement Impact Assessment 371263-01(03), prepared by RSK Environment Ltd (RSK), dated January 2015; Letter (13636/DG/BK/7877357v1) prepared by Nathaniel Lichfield & Partners Limited, dated 24 January 2015; Letter (13636/DG/8158846v1) prepared by Nathaniel Lichfield & Partners Limited, dated 27 January 2015; Energy Strategy (6601-01/002a11) prepared by CBG Consultants, dated Jan 2015; Environmental Noise Assessment, prepared by Acoustics Plus, dated 06/11/2014; Geotechnical, Hydrogeological and Geoenvironmental Site Investigation Report, prepared by RSK STATS Geoconsult Ltd (RSK), dated December 2010  
S0100 P3; S0110 P3; S0111 P4; S0700 P2; S0800 P2; S0900 P3; S01000 P2; S01100; S01200; S3000 P4; S3001 P4; S3100 P4; S3101 P4; S3102 P4; S3103 P4; S3104 P4; S3105 P4; S3105 P4; S3200 P1; S4000 P3; S4001 P3; S4002 P3; S4003 P3; S4004 P3; S4005 P3; S4006 P3; S4007 P3; S4008 P3; S4009 P3; S4100 P3; S4101 P3; S4200 P2; Planning and Heritage Statement (13636/DG), dated 25 January 2015; Code For Sustainable Homes Pre-Assessment (6601-01/003/A11), prepared by CBG Consultants Ltd, dated 29th September 2014; Site Waste Management Plan, prepared by Knight Build Ltd, dated 5th January 2015; Statement of Community

Involvement, prepared by Hardhat, dated January 2015; Consultation Response - 53 Fitzroy Park, Hampstead (3967/AG/060515/FB), prepared by Clarkson & Woods Ltd, dated 6th May 2015; Basement Impact Assessment Audit Rev: F1 dated October 2015, prepared by Campbell Reith Hill LLP; Basement Impact Assessment Audit Rev: D1 dated August 2015, prepared by Campbell Reith Hill LLP

### **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"**

shall mean the development authorised by the planning permission with reference 2015/0441/P dated 4 July 2016, as amended by:

Variation of Conditions 2 (plans), 3 (details/samples of materials), 8 (Noise Levels) and 13 (SuDS) to planning permission ref: 2015/0441/P dated 04/07/2016, for; Erection of a three storey single dwelling following demolition of existing dwelling (Class C3), to amend fenestration; lightwell added to north side; entrance relocated to the corner; bike storage relocated to south side boundary; metal spandrel changed to natural stone; external stair removed at rear lower ground floor level; metal balustrade changed to glass; cornices changed to plain natural stone; rear curved bay squared off at lower ground level; recessed blind window omitted and recessed wall revised on south elevation as shown in the drawing numbers: 110-A1-01-01; 110-A1-01-02; 110-A1-01-03; 110-A1-01-04; 110-A1-01-05; 110-A1-

02-01; 110-A1-02-02; Letter dated 4th April 2018 (371744), prepared by Dr. Clive Gerring for RSK Company Limited; Basement Impact Assessment Audit, Revision: D1, September 2018, Prepared by Campbell Reith Hill LLP

3.1.2 "Planning Permission" the planning permission for the Development under reference number 2018/2104/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 7 May 2018 by the Owner and given reference number 2018/2104/P

3.2 All references in Clause 5 and Clause 6 of the Existing Agreement to "Planning Permission reference 2015/0441/P" shall be replaced with "Planning Permission reference 2018/2104/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 2018/2104/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 Existing Agreement (as varied by this Deed) and to the same being registered at the Land Registry as provided in Clause 7 hereof 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.

7.2 The Parties agree that the obligations contained in the Existing Agreement (as varied by this Deed) shall not be enforceable against any mortgagee or chargee of the whole or any part of the Property unless it takes possession of the Property in which case it will be bound by the obligations as a person deriving title from the Owner.

**IN WITNESS WHEREOF** the Council has caused its Common Seal to be affixed, and the Owner and the Mortgagee have caused this Deed to be executed as a Deed the day and year first above written.

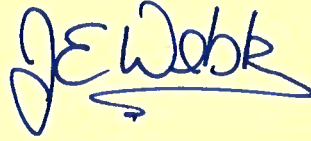
**EXECUTED AS A DEED BY  
MAJID SAADATI  
in the presence of:**

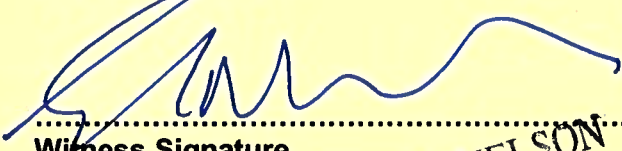
)  
)  
) *M. Saadati* )

*[Signature]*  
.....  
**Witness Signature**

**Witness Name:** *Miguel Serra*  
**Address:** *80 Stanmore Hill, HA7 3QU*  
**Occupation:** *Head Concierge*

EXECUTED AS A DEED BY  
JOHN WEBB  
in the presence of:

)  
)  
)  
)  




.....  
Witness Signature

Witness Name:

GREG NELSON  
Solicitor

Address:

Occupation:

FLETCHER DAY  
110 Cannon Street  
London EC4N 6EU  
DX 307462 Cheapside

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

)  
)  
)  
)



.....  
Duly Authorised Officer



Michael Burroughs Associates  
93 Hampton Road  
Hampton Hill  
Middlesex  
TW12 1JQ

Application Ref: **2018/2104/P**

16 January 2019

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:  
**53 Fitzroy Park**  
**London**  
**N6 6JA**

**Proposal:**

**DECISION**

Variation of Conditions 2 (plans), 3 (details/samples of materials), 8 (Noise Levels) and 13 (SuDS) to planning permission ref: 2015/0441/P dated 04/07/2016, for, Erection of a three storey single dwelling following demolition of existing dwelling (Class C3), to amend fenestration; lightwell added to north side; entrance relocated to the corner; bike storage relocated to south side boundary; metal spandrel changed to natural stone; external stair removed at rear lower ground floor level; metal balustrade changed to glass; cornices changed to plain natural stone; rear curved bay squared off at lower ground level; recessed blind window omitted and recessed wall revised on south elevation.

Drawing Nos: Superseded: 1317-PL211 Rev E; 1317-PL-212 Rev F; 1317-PL-213 Rev G; 1317-PL-214 Rev F; 1317- PL-215 Rev F; 1317-PL-221 Rev F; 1317-PL-222 Rev F.

Proposed: 110-A1-01-01; 110-A1-01-02; 110-A1-01-03; 110-A1-01-04; 110-A1-01-05; 110-A1-02-01; 110-A1-02-02; Letter dated 4th April 2018 (371744), prepared by Dr. Clive Gerring for RSK Company Limited; Basement Impact Assessment Audit, Revision: D1, September 2018, Prepared by Campbell Reith Hill LLP.

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 permission, reference ref: 2015/0441/P granted 04/07/2016.

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

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

**DRAFT**

**DECISION**

[1317-EX-101; 1317-EX-102; 0932-0100-AP-004 Rev PL02; 0932-0100-AP-005 Rev PL02; 0932-0100-AP-006 Rev PL02; 1317-EX-121; 1317-EX-122; 1317-EX-123; 1317-EX-124; 1317-PL-201; 1317-PL-202; 110-A1-01-01; 110-A1-01-02; 110-A1-01-03; 110-A1-01-04; 110-A1-01-05; 110-A1-02-01; 110-A1-02-02; 1317-PL-231 Rev G; 1317-PL-232 Rev F; Outline Arboricultural Method Statement (WFA/53FZP/AMS/01D), prepared by Landmark Trees, dated 7th May 2015; Arboricultural Impact Assessment Report (WFA/53FZP/AIA/01D), prepared by Landmark Trees, dated 7th May 2015; Construction Traffic Management Plan - Rev 05a, prepared by Knight Build Ltd, dated 24 September 2015 (revised); Design & Access Statement (DOC REF: 1317-PL-DAS-REV-G) dated 21.10.15; Basement Impact Assessment 371263-01(03), prepared by RSK Environment Ltd (RSK), dated January 2015; Letter (13636/DG/BK/7877357v1) prepared by Nathaniel Lichfield & Partners Limited, dated 24 January 2015; Letter (13636/DG/8158846v1) prepared by Nathaniel Lichfield & Partners Limited, dated 27 January 2015; Energy Strategy (6601-01/002a11) prepared by CBG Consultants, dated Jan 2015; Letter dated 4th April 2018 (371744), prepared by Dr. Clive Gerring for RSK Company Limited; Basement Impact Assessment Audit Rev: F1 dated October 2015, prepared by Campbell Reith Hill LLP; Basement Impact Assessment Audit Rev: D1 dated August 2015, prepared by Campbell Reith Hill LLP; Basement Impact Assessment Audit, Revision: D1, September 2018, Prepared by Campbell Reith Hill LLP; Geotechnical, Hydrogeological and Geoenvironmental Site Investigation Report, prepared by RSK STATS Geoconsult Ltd (RSK), dated December 2010; Structural Engineering Design and Construction Method Statement prepared by Elliotwood Rev. P5 dated April 2015; S0100 P3; S0110 P3; S0111 P4; S0700 P2; S0800 P2; S0900 P3; S01000 P2; S01100; S01200; S3000 P4; S3001 P4; S3100 P4; S3101 P4; S3102 P4; S3103 P4; S3104 P4; S3105 P4; S3106 P4; S3200 P1; S4000 P3; S4001 P3; S4002 P3; S4003 P3; S4004 P3; S4005 P3; S4006 P3; S4007 P3; S4008 P3; S4009 P3; S4100 P3; S4101 P3; S4200 P2; Environmental Noise Assessment, prepared by Acoustics Plus, dated 06/11/2014; Planning and Heritage Statement (13636/DG), dated 25 January 2015; Code For Sustainable Homes Pre-Assessment (6601-01/003/A11), prepared by CBG Consultants Ltd, dated 29th September 2014; Site Waste Management Plan, prepared by Knight Build Ltd, dated 5th January 2015; Statement of Community Involvement, prepared by Hardhat, dated January 2015; Consultation Response - 53 Fitzroy Park, Hampstead (3967/AG/060515/FB), prepared by Clarkson & Woods Ltd, dated 6th May 2015].

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

- 3 Before the relevant part of the work is begun, 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:
  - a) Details including sections at 1:10 of all windows (including jambs, head and cill), parapet, façade and roof junctions, lift, entrance canopy, doors, ventilation grills, external doors and gates;
  - b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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 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.

- 5 No development shall take place until 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. 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 A2, A3, A5, 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 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 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 A2, A3, A5, D1 and D2 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 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 premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 9 Before the development commences, details of secure and covered cycle storage area for 4 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter 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 Camden Local Plan 2017.

- 10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

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

- 11 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) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 12 Prior to first occupation of the buildings, 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.

- 13 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. 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 G1, CC1, CC3 and C1 of the Camden Local Plan 2017.

- 14 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 protected species, including impact of lighting during works. 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.

Reason: To ensure the development contributes towards the protection and creation of habitats and valuable areas for biodiversity, ensuring compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with policies A2 (Open Space) and A3 (Biodiversity) of the Camden Local Plan 2017.

- 15 Full details of a lighting strategy, to include information about potential light spill on to buildings, trees and lines of vegetation to minimise impact on bats, shall be submitted to and approved by the Local Planning Authority, in writing, before the development commences. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

REASON: To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended).

- 16 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s).



- 17 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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 A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 18 Full details in respect of the green roof in the area indicated on the approved roof plan 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 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: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies C1 and A2 of the Camden Local Plan 2017.

- 19 The dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2) in relation to accessible dwellings and shall be maintained thereafter.

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 Camden Local Plan 2017.

- 20 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation of the relevant part of the development, evidence demonstrating that this has been achieved shall be submitted 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 policy CC3 of the Camden Local Plan 2017.

- 21 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: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

Informative(s):

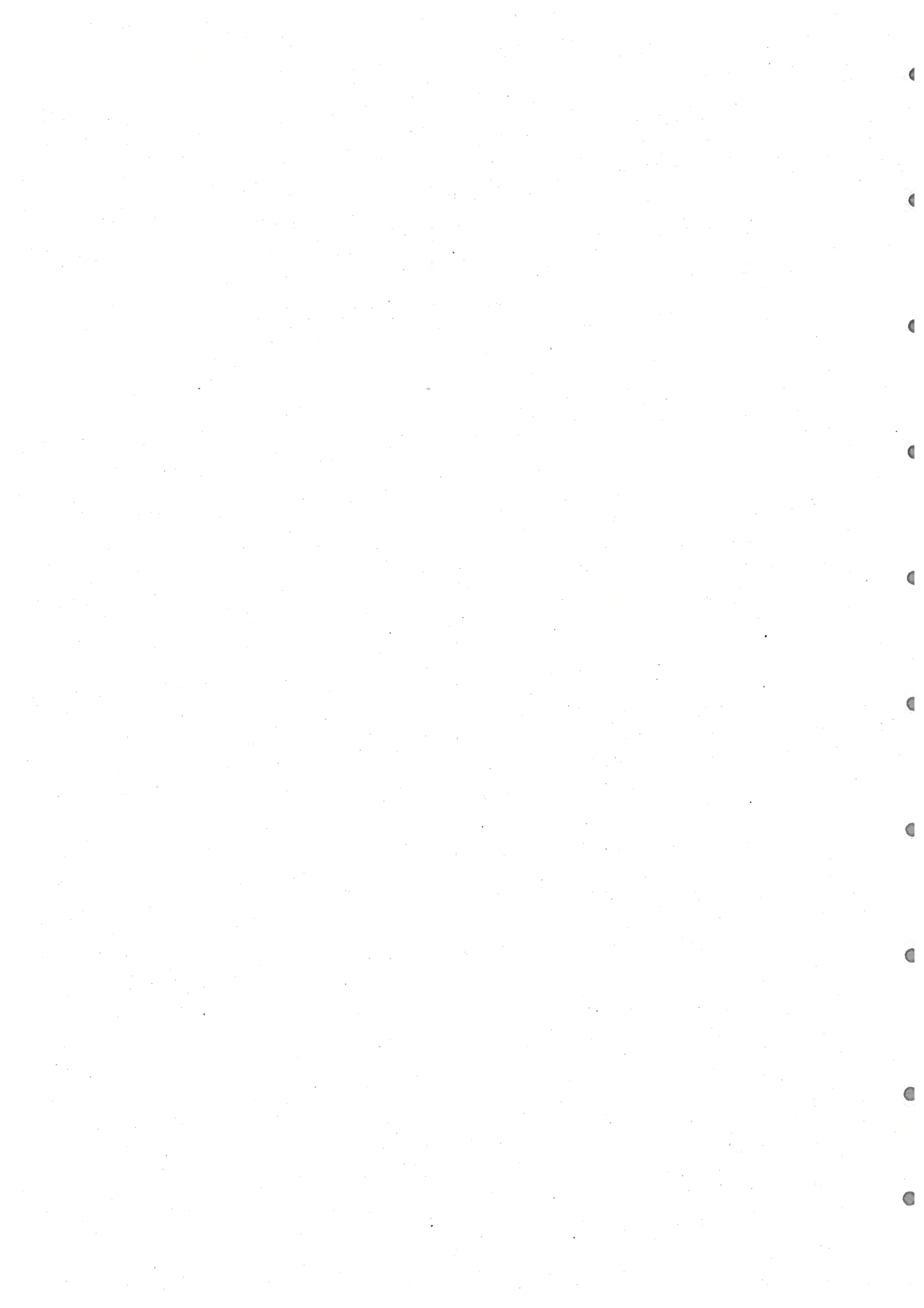
- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building 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 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/cem/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.
- 3 It shall be the Contractors' responsibility to report any serious defects noted whilst working in or climbing the tree(s) in question. Should this suggest the need for additional tree work to that specified or recommended, the Council should be notified in advance, excepting only in circumstances where safety reasons require immediate and urgent action.
- 4 Please note that any approval given by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), or any other Acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests from construction works. For further information contact Natural England on 0300 060 4911 or [www.naturalengland.org.uk](http://www.naturalengland.org.uk).
- 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 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

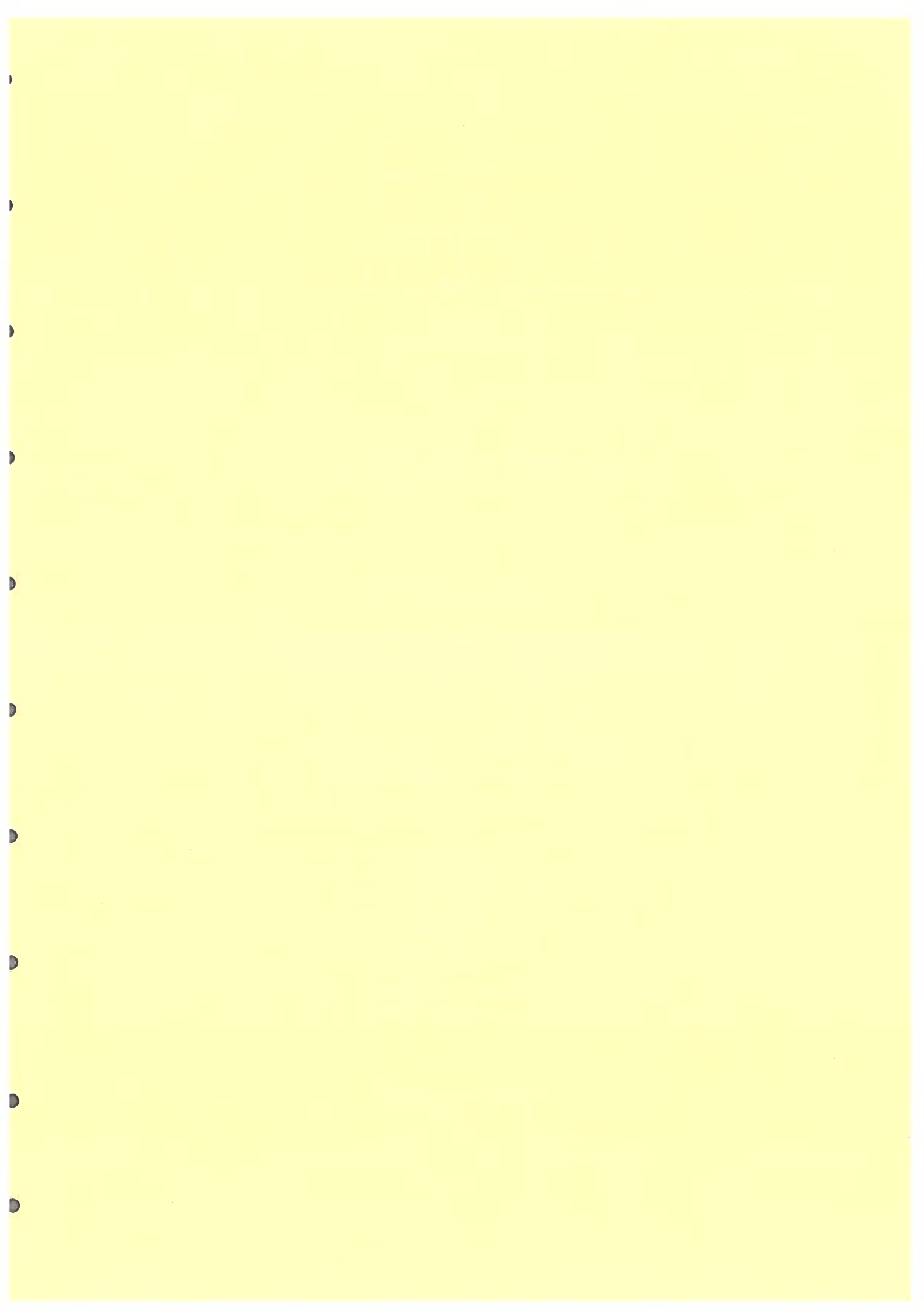
- 7 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 8 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.

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





DATED

5 February

2019

**(1) MAJID SAADATI**

-and-

**(2) JOHN WEBB**

-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 4 July 2016  
Between the Mayor and the Burgesses of the  
London Borough of Camden,  
Svetlana Esther Volossov  
under section 106 of the Town and  
Country Planning Act 1990 (as amended)  
Relating to development at premises known as  
**53 Fitzroy Park, London N6 6JA**

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

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DoV