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19 April 2016

London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 8ND

**F.A.O Michael Cassidy**

**By Planning Portal  
Ref. PP-05063335**

Dear Mr Cassidy

**44-44a GLOUCESTER AVENUE  
APPLICATION FOR THE VARIATION OF CONDITION 19 PURSUANT TO PLANNING PERMISSION REF.  
2015/1243/P**

On behalf of our client, Victoria Square Property Company Ltd, we have been instructed to apply, under Section 73 of the Town and Country Planning Act 1990, for the variation of Condition 19 pursuant to planning permission ref: 2015/1243/P.

This application is submitted via the Planning Portal, ref. PP-05063335.

**Background**

Planning permission was granted on 30 November 2015, under reference 2015/1243/P, for the:

*“Demolition of existing buildings identified as Number 2 at the northwest corner of the site and Number 4 at the eastern corner of the site to provide a new ground plus 5 upper storey building along the north west part of the site and a ground plus 2 storey building at the eastern corner and refurbishment of existing building on site to create 40 residential units, employment floor area (Class B1a), car parking and landscaping within the courtyard with ancillary works.”*

**Condition 19**

This application seeks to vary Condition 19 attached to permission reference 2015/1243/P, which states:

*“Prior to the commencement of work on site, details of temporary and permanent works on site and a method statement and risk assessment in consultation with Network Rail shall be submitted to the local planning authority.”*

The condition as currently drafted assumes that the demolition and construction works would be undertaken in one contract, and, as such, the detailed design would have been completed for both the temporary and permanent works prior to any works being undertaken. This is not going to be the case. The demolition works are to be carried out as a separate contract to the construction works, with a two month separation between the completion of the demolition and the commencement of construction. The reasons for this are in part to facilitate a better programming sequence, to improve the purchasing of these contracts, to allow time in the programme for the Network Rail negotiations, to provide sufficient level of detail to enable the discharge of the conditions related to Network Rail and to allow the design team more time to design the temporary and permanent basement design.

p:\currentjobs\pd7193 gloucester avenue nw1\2014 application\full application\final 2015 full application (approved)\conditions applications\variation of condition 19\cover letter.docx

The existing Block B building has a part basement along the Network Rail boundary and part of the Sunny Mews boundary (see sketch Demo 1). The new Block B building will have a full basement (see sketch Con 2), again along the Network Rail and Sunny Mews boundary. The new ground and basement floor levels will be lower than the existing, and this will result in a temporary works design being implemented to allow the new basement structure, whilst supporting the surrounding ground structures, Sunny Mews driveway and Network Rail boundary wall. In order to avoid clashes in the temporary and permanent design, and to facilitate the sequence of works to demolish the building separately from construction, it has been agreed that the demolition works will not include any work below the ground floor slab level of Block B.

There is no existing basement at Block D, which also backs onto the Network Rail boundary. Demolition works will again involve the demolition of Block D to ground floor slab level only, as shown on sketch Demo 2. The new basement will then be developed through the construction phase, as shown on sketch Con2, and will require temporary and permanent works in order to enable the construction of the new basement.

The works would therefore be broken down as follows.

#### Demolition Phase

- Block B – the building would be demolished as shown on sketches Demo 2 & 3 down to ground floor slab level where the works will stop. The existing basement structures and ground floor will remain in situ as shown on sketch Demo 1.
- Block D – The building will be demolished down to ground floor slab level where the works will stop as shown on sketch Demo 2. The existing ground floor slab will remain.
- To confirm, in this Phase, the Block B building would be taken down to ground floor slab level where the works would stop. The existing basement structures and ground floor would remain in situ.
- To discharge Condition 19 in relation to these works, a method statement and risk assessment relating to the demolition works on site, in consultation with Network Rail, would be submitted to the Council for approval, prior to the commencement of demolition on site.

#### Construction Phase

- Block B – The existing basement will be removed as per sketch Con 1. The new basement will be created as per sketch Con 2
- Block D – The new basement will be created as per sketch Con 2.
- In order to discharge Condition 19 in relation to these works a method statement and risk assessment relating to the construction works on site, in consultation with Network Rail, would be submitted to the Council for approval, in addition to the submission of the detailed design of the temporary and permanent works in removing the existing basement structures and the construction their permanent replacements. These details would need to be discharged prior to the commencement of construction of this particular part of the development.

Demolition Sketches (Demo 1, 2 & 3) are appended to this letter at **Appendix 1** and Construction Sketches Con 1 & 2) are appended at **Appendix 2**.

#### Variation of Condition 19

In the light of the above, it is necessary to split Condition 19 into 'prior to the commencement of demolition works' and 'prior to the commencement of the construction works', to allow for sufficient details in relation to each phase of the development to be provided.

As such, we would suggest that Condition 19 be amended to read as follows:

*“(a) Prior to the commencement of any demolition works on site, details of temporary and permanent works in relation to the demolition works (down to ground floor slab level) on site and a method statement and risk assessment in consultation with Network Rail shall be submitted to the local planning authority; and*

*(b) Prior to the commencement of construction works of the relevant part of the development, details of temporary and permanent works on site and a method statement and risk assessment in consultation with Network Rail shall be submitted to the local planning authority. ”*

**S106**

Schedule 3 (Basement and Construction Management Plans) of the S106 Legal Agreement pursuant to permission 2015/1243/P, dated 30 November 2015, states:

*“1. Construction Management Plan*

*1.1 On or prior to the Implementation Date to provide the Council a draft Construction Management Plan for approval.*

*1.2 Not to Implement nor allow Implementation of the Development until the Council has approved the Construction Management Plan as demonstrated by written notice to that effect.”*

And

*“2. Basement Construction Plan*

*2.2 On or prior to the Implementation Date to provide the Council for approval a draft Basement Construction Plan.*

*2.2 Not to Implement nor allow Implementation of the Development until such time as the Council has approved the Basement Construction Plan as demonstrated by written notice to that effect.”*

For the reasons set out above, the provisions at Schedule 3 of the S106 Legal Agreement, requiring the submission and approval of a Construction Management Plan and a Basement Construction Plan, will also need to be varied, by way of a Deed of Variation, in order to split the obligation into ‘prior to the commencement of demolition’ and ‘prior to the commencement of construction of the relevant part’ phases.

Forsters, are preparing a Deed of Variation, which will be submitted as part of this application.

**Application Procedure**

This application has been submitted online via the planning portal under planning portal reference: PP-05063335. The application fee of £195 has been calculated in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. A cheque has been sent in the post with a copy of this letter.

We trust the enclosed is sufficient to enable you to validate the application. If you have any queries, please do not hesitate to contact Anna Russell-Smith at this office.

Yours faithfully

**MONTAGU EVANS LLP**

Enc.

**APPENDIX 1**

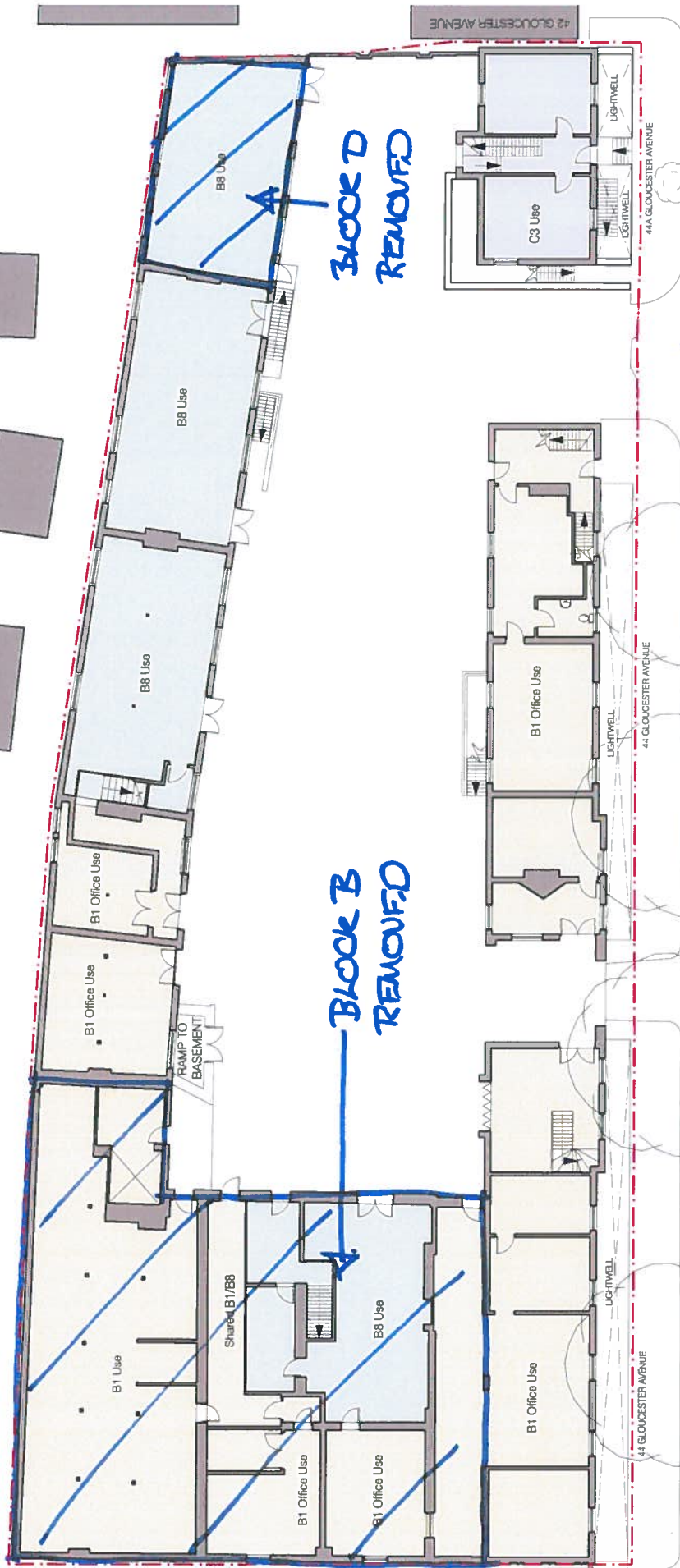
**DEMOLITION SKETCHES (DEMO 1, 2 & 3)**





-  Existing B1 Use
-  Existing B8 Use
-  Existing C3 Use

Train Tracks



**DEMOLITION PHASE**



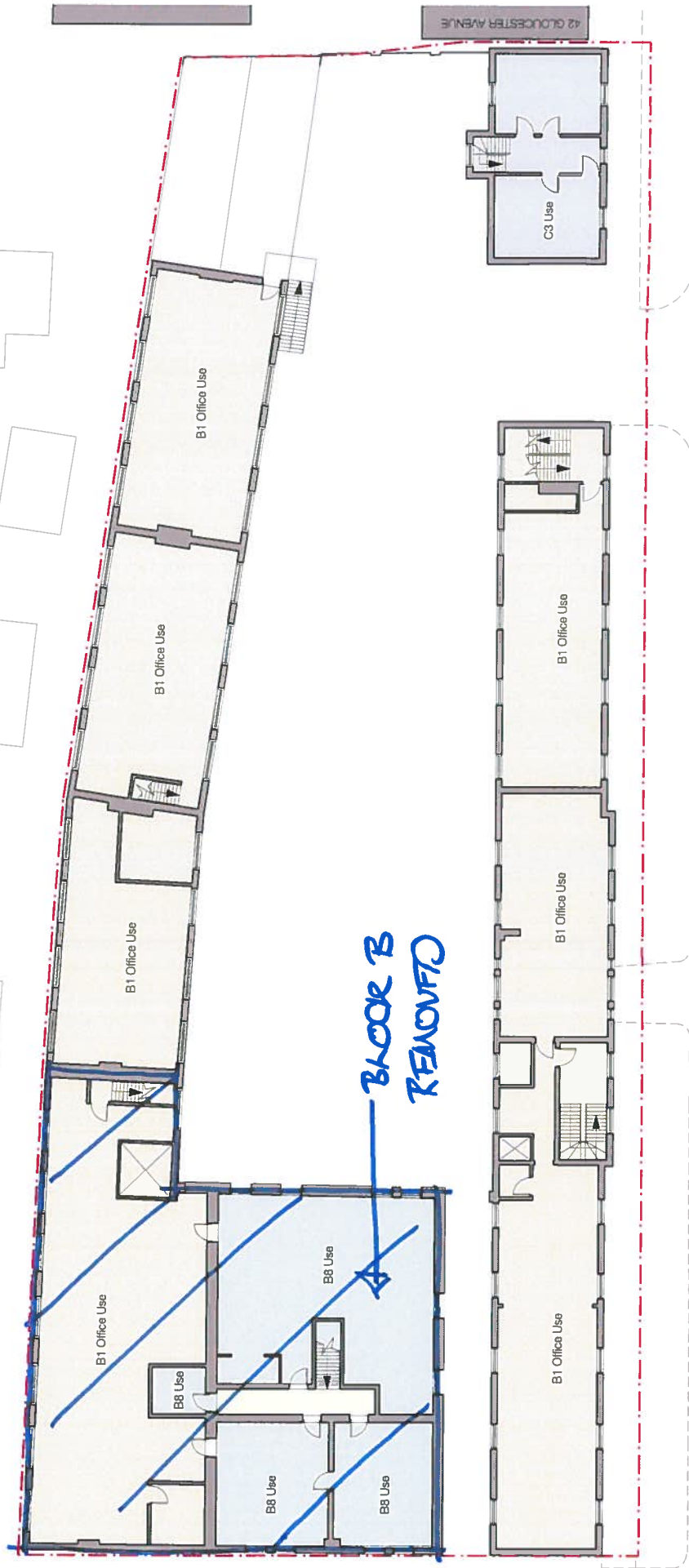
**Existing Ground Floor General Arrangement**  
 E100 1:100 @ A1 1:200 @ A3

GLOUCESTER AVENUE

**DEMO 2**

<p>Victoria Square Property Company Limited          44 Gloucester Avenue          London NW1 8UD          Tel: +44 (0)20 7861 1111          Fax: +44 (0)20 7861 1112          Email: info@victoriaproperty.com</p>		<p>Project: 44 Gloucester Avenue          Location: London NW1 8UD          Date: 12/01/2015          Scale: 1:100 @ A1, 1:200 @ A3</p>	
<p>Client: Victoria Square Property Company Limited          Project: 44 Gloucester Avenue          Location: London NW1 8UD          Date: 12/01/2015          Scale: 1:100 @ A1, 1:200 @ A3</p>		<p>Author: [Name]          Designer: [Name]          Checker: [Name]          Date: 12/01/2015</p>	

- Existing B1 Use
- Existing B8 Use
- Existing C3 Use



**DEMOLITION PHASE.**

**Existing First Floor General Arrangement**  
 1:100 @ A1, 1:200 @ A3

**DEMO 3**

Victoria Square Property Company Limited  
 41 Gloucester Avenue  
 London NW1 1JD  
 Tel: +44 (0)20 7492 1823  
 www.vsq.co.uk



28/03/2015 Submitted for Proposed Development Rights  
 26/07/2015 Submitted for Full Planning Application

Project: Victoria Square Property Company Limited  
 41 Gloucester Avenue  
 London NW1 1JD  
 Tel: +44 (0)20 7492 1823  
 www.vsq.co.uk

Block: Victoria Square Property Company Limited  
 41 Gloucester Avenue  
 London NW1 1JD  
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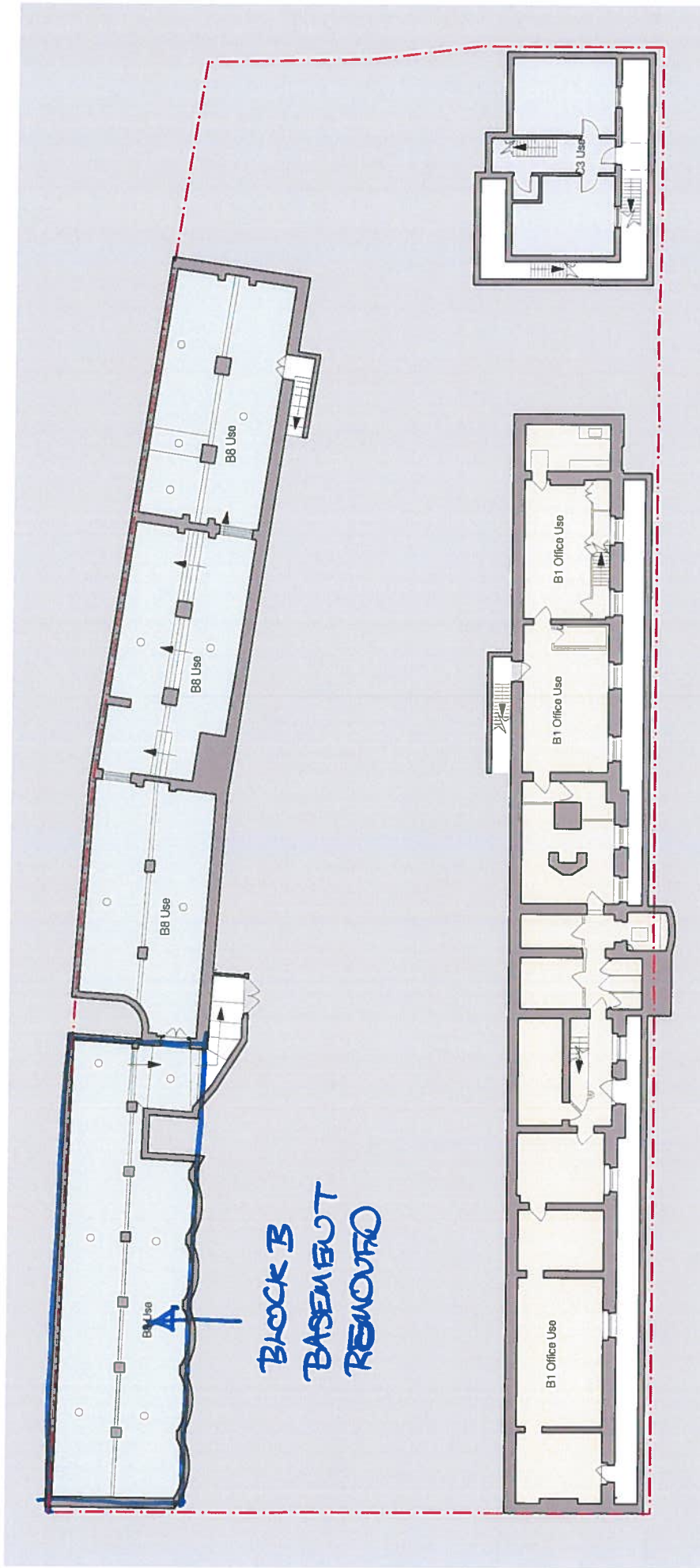
Block: Victoria Square Property Company Limited  
 41 Gloucester Avenue  
 London NW1 1JD  
 Tel: +44 (0)20 7492 1823  
 www.vsq.co.uk

**APPENDIX 2**

**CONSTRUCTION SKETCHES (CON 1 & 2)**



- Existing B1 Use
- Existing B8 Use
- Existing C3 Use



**BLOCK B  
BASEMENT  
REMOVAL**

**CONDITION 19B — CONSTRUCTION PHASE**

**Existing Basement Floor General Arrangement**  
 EA-C1 1:100 @ A1: 1,200 @ A3

**CON 1**

<p>24/9/2015 Submitted for Planning Development Rights          28/9/2015 Submitted for Full Planning Application</p>		<p>Victoria Square Property Company Limited          100 Old Gloucester Avenue          London NW1 6ED</p>		<p>Victoria Square          100 Old Gloucester Avenue          London NW1 6ED          020 7310 8888          www.victoriasquare.com</p>	
<p>Project: Existing Basement Floor Plan          General Arrangement</p>		<p>Information: 1:100 @ A1: 1,200 @ A3</p>		<p>Date: 13th          Drawn: HU          Checked: TJS          Date: 13th          Revision: 1</p>	

