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8 June 2018

London Borough of Camden  
Planning Department – 2<sup>nd</sup> Floor  
5 Pancras Square  
London  
WC1H 9JE

**FAO Rob Tulloch**

Dear Rob

**JUDGES WALK HOUSE, 7 BRANCH HILL, LONDON, NW3 7LT  
APPLICATION FOR VARIATION OF CONDITIONS FOLLOWING THE GRANT OF PLANNING PERMISSION  
MINOR MATERIAL AMENDMENT TO REF. 2013/4187/P  
TOWN AND COUNTRY PLANNING ACT 1990**

On behalf of our client, Mrs Cheryl Plaza, we write to apply for a minor material amendment to the planning permission granted (ref. 2013/4187/P) (“the 2014 Permission”) on 17 June 2014, which was approved by the London Borough of Camden (“LBC”) for the redevelopment of Judge’s Walk House, 7 Branch Hill, NW3 (“the Site”).

A householder application was granted permission (“the 2014 Permission”), subject to a legal agreement, with the following description of development:

*“Erection of 4 storey dwelling (including basement level) following demolition of existing 3 storey dwelling.”*

This Application seeks approval for an amended basement design which would significantly reduce its area, from previously approved. This Application therefore seeks to vary the drawings approved under Condition 2 (Approved Plans), and references to documents in Condition 13 (Basement Construction).

**Background and Proposed Amendment**

The 2014 Permission was granted (alongside conservation area consent – 2013/4193/C) for the redevelopment of the Site to provide a new four storey dwellinghouse with basement. The permission was subject to a Section 106 Legal Agreement (also dated 17 June 2014).

The 2014 Permission was implemented in early June 2017.

Minor material amendments to the approved scheme are sought (“the 2018 Application Scheme”) regarding the extent of the basement excavation and corresponding minor alterations to the ground floor layout. The 2014 Permission included a full basement level that extended across the majority of the footprint of the proposed house, and comprised leisure and supporting areas, such as a cinema room, laundry, plant areas and garage.

The 2018 Application Scheme seeks a shift in the location of the basement to the south west, as well as a reduction in the overall basement footprint. The smaller, single storey basement space would extend to

approximately 1.5m below ground level, and would continue to provide supporting functions, such as the plant room for the swimming pool directly above and a car lift.

The proposed revisions in the 2018 Scheme also require alterations at ground floor level. These include:

- Relocation of bike storage and bin storage from the basement level, to the ground floor terrace;
- An enlarged gymnasium and changing facilities at ground floor level;
- Replacement of the lightwell/void adjacent the games room, with a staircase to access the basement plant; and
- Removal of staircases to former basement area and replacement with storage / circulation space.

We consider the proposed amendments to be ‘minor material’, as they are of a scale and nature that results in a development that is not substantially different from the one which has been approved under the 2014 Scheme.

The amendments relate solely to alterations at basement and ground floor level, and there are no alterations proposed to upper levels or the appearance of the proposed dwelling. The amendments would result in a smaller basement level and an overall reduction in approved floorspace.

Informal pre-application discussions have been held with the case officer, Rob Tulloch, who confirmed that a Minor Material Amendment application would be appropriate in this instance.

## Relevant Conditions

### Condition 2

This application relates to the variation of Condition 2, which lists the approved drawing numbers. Some of these drawings would be superseded by revised drawings.

A series of plans comprising the Minor Material Amendment are submitted as part of this Application. **Table 1** below confirms which of the original approved drawings (both architectural and structural) are to be amended.

**Table 1 – Schedule of Approved and Amended Drawings**

Description	Reference	Revision Number	
		Approved 2013/4187/P	Amended (as proposed)
<b>Architectural Drawings (MW-A)</b>			
Demolition Basement Floor Plan	12021-D_01	A	B
Demolition Section AA	12021-D_14	A	B
Demolition Section CC	12021-D_16	A	B
Proposed Basement Plan	12021-P_01	B	C
Proposed Ground Floor Plan	12021-P_02	B	C
Existing and Proposed Section AA	12021-P_14	B	C
Existing and Proposed Section CC	12021-P_16	B	C
Existing and Proposed Section DD	12021-P_17	B	C
<b>Structural Drawings (Sinclair Johnston)</b>			
Proposed Lower Ground Floor Plan	7922/P009	-	A
Proposed Ground Floor Plan	7922/P011	-	A
Proposed First Floor Plan	7922/P012	A	B
Full Building Section A-A	7922/P020	A	B
Full Building Section B-B	7922/P021	-	A
Full Building Section C-C	7922/022	n/a	A

In addition to the approved drawings, a number of approved documents, also listed in Condition 2 require amending. The superseded and revised documents as well as entirely new documents are listed in **Table 2**.

**Table 2 – Schedule of Approved and Amended Documents**

Approved Document 2013/4187/P	Amended Document (as proposed)
Revised Design and Access Statement 15/10/2013	Not superseded but Addendum to the Design and Access Statement 21/05/2018 is provided.a
Basement Impact Assessment by Sinclair Johnston dated April 2013	Revised Basement Impact Assessment by Sinclair Johnston dated April 2018
N/A	Revised Structural Design and Construction Statement by Sinclair Johnston dated April 2018
N/A	Technical Specification Sheet for Parklift by WOHR
N/A	Proposed Basement Plan – Area subject to S73 Application (ref. 7922/P010)

We are proposing that Condition 2 is varied to list the revised application documents and drawings, so that the Proposed Development can be carried out in accordance with those revised details.

Condition 13

Condition 13, attached to the 2014 Permission states that:

*“The development (including both excavation and construction) hereby approved shall not commence until further details relating to the basement construction (including further investigations, ground movement analysis, construction methodology and detailed design, mitigation measures, monitoring methods, etc), as itemised in CGL’s report dated 05/12/2013 titled “7 Branch Hill, Independent Review of Basement Impact Assessment”, have been submitted to and approved by the Council. The development shall thereafter be constructed and monitored in accordance with such approved details and with the Basement Impact Assessment by Sinclair Johnston dated April 2013.”*

This information required to discharge the condition was formally submitted to LB Camden on 23 March 2016 (ref. 2016/1517/P). The condition was discharged by LB Camden on 4 August 2016 and the information has since been updated to address to the revised basement design, and included in the amended BIA and structural documents.

We therefore propose that the condition is varied by way of this minor material amendment application, such that it refers to the revised basement documents, as follows:

*“The development hereby approved shall be constructed and monitored in accordance with the details of basement construction approved as part of the Revised Basement Impact Assessment by Sinclair Johnston dated April 2018 and the Structural Design and Construction Statement by Sinclair Johnston dated April 2018. “*

The Applicant is committed to safeguarding the appearance and structural stability of neighbouring buildings and the character of the immediate area, in the spirit of the condition.

Although the extent and layout of the proposed basement has been reduced in comparison with that proposed as part of the 2014 Permission, the envisaged scope and sequence of works will not be altered as much and a similar approach will be adopted for the construction of the amended basement.

The Basement Impact Assessment and Structural Design and Construction Statement (both prepared by Sinclair Johnston) have been revised to assess the smaller basement, which concludes that it is unlikely to cause detriment to local ground water flow, slope stability or surface water.

The revised Ground Movement Assessment sets out that the reduced footprint and basement works would minimise excavation and ground conditions will not be altered. The structural integrity of neighbouring structures will continue to be maintained.

### **Amended Floorspace**

The reduction of the basement footprint will reduce the overall floorspace proposed as part of the approved scheme. The total gross internal area (GIA) for the 2014 Permission was 849 sqm, with the revised scheme reducing this to 630 sqm.

As the 2104 Permission has already been implemented, the relevant Community Infrastructure Levy (CIL) process has been followed. The reduction in floorspace would not affect the CIL liability of the 2017 Scheme. In any event, on 23 September 2016, LBC granted self-build relief for the chargeable development and therefore no CIL is payable in respect of the Proposed Development.

### **Application Procedure**

Due to the proposed amendments, it is likely that a Deed of Variation to the Section 106 Agreement will be required. We understand that LBC will also require the revised BIA to be assessed by their independent auditors, Campbell Reith.

The following documents have been submitted as part of this Application:

- This cover letter;
- Application form for Minor Material Amendments;
- Amended Architectural Drawings (as listed in Table 1);
- Addendum to the Design and Access Statement, prepared by MW-A;
- Revised Basement Impact Assessment, prepared by Sinclair Johnston;
  - Including Revised Structural Design and Construction Statement, prepared by Sinclair Johnston;
  - Including amended Structural Drawings (as listed in Table 2);
- Technical Specification Sheet for Parklift, by WOHR; and
- Proposed Basement Plan – Area Subject to S73 Application.

The planning application fee of £234.00 will be paid directly by the Applicant following submission of the Application on the Planning Portal (ref. PP-06998360).

Notice of this application has been given, in accordance with article 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

We trust that the enclosed information is sufficient to enable you to register and determine this application. However, should you have any queries or require any further information, please do not hesitate to contact Peter Bovill (020 7312 7456 / [peter.bovill@montagu-evans.co.uk](mailto:peter.bovill@montagu-evans.co.uk)) or James Huish (020 7312 7484 / [james.huish@montagu-evans.co.uk](mailto:james.huish@montagu-evans.co.uk)) of this office.

Yours Sincerely,

*Montagu Evans*

**MONTAGU EVANS LLP**

Enc.