

PD11328/PJB/JH

London Borough of Camden
Planning Department – 2nd Floor
5 Pancras Square
London
WC1H 9JE
FAO Sofie Fieldsend

1 May 2020

Dear Sir/Madam

**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. 2018/2655/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. 2018/2655/P) (“the 2019 S73 Permission”) on 22 February 2019, which was approved by the London Borough of Camden (“LBC”) for the redevelopment of Judge’s Walk House, 7 Branch Hill, NW3 (“the Site”).

This Application seeks approval for an amended basement design which would further reduce its area and depth, 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

Planning permission was initially granted via a householder application on 17 June 2014 (ref. 2013/4187/P) (“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.”

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.

In February 2019, a minor material amendment to the 2014 Permission was granted under Section 73 (ref. 2018/2655/P) which formed the 2019 S73 Permission. This approved variations to conditions 2 (approved plans) and 13 (basement construction details), namely to vary the footprint of the basement and various other alteration at ground floor.

The 2019 S73 Permission shifted the location of the basement and reduced the overall footprint. In addition, a number of alterations were approved to the ground floor layout including the relocation of bike/bin storage, enlarged gymnasium, shifting of circulation areas and staircases.

Proposed Development

Minor material amendments to the approved scheme are now sought for further amendments (“the 2020 Application Scheme”) regarding a further reduction in the extent of the basement excavation and corresponding minor alterations to upper levels.

The 2020 Application Scheme seeks to reduce both the area and depth of the proposed basement level. The basement area is reducing by 287 sqm, and now comprises excavation for the swimming pool and the car lift (with plant room). The depth of the basement has also reduced.

The proposed revisions in the 2018 Scheme also seek the following changes:

- Relocation of pool plant room from basement to ground level, resulting in the reduction in area of the gymnasium.
- Relocation of Jacuzzi within swimming pool area;
- Removal of staircase to former basement area;
- Creation of plant area adjacent entrance lobby;
- Reconfiguration of ground floor layout, including powder room, laundry and changing facilities;
- Relocation of sliding doors to guest suites;
- Omission of the internal void at second floor level;
- Associated internal layout alterations at first and second floor level; and
- Omission of the fixed roof light at roof level.

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 or 2018 Permissions.

The amendments mostly relate to the reduction in the basement extent with minor alterations to upper levels through internal layout changes or external alterations that would have a negligible impact on the appearance of the building. The amendments would result in a smaller basement level, a reduction in the depth and an overall reduction in approved floorspace.

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	Approved 2018/2655/P	Proposed Amendment (i.e. this submission)
Architectural Drawings (MW-A)				
Demolition Basement Floor Plan	12021-D_01	A	B	C
Demolition Section AA	12021-D_14	A	B	C
Demolition Section CC	12021-D_16	A	B	C
Proposed Basement Plan	12021-P_01	B	C	D
Proposed Ground Floor Plan	12021-P_02	B	C	D
Proposed First Floor Plan	12021-P_03	B	-	C

Proposed Second Floor Plan	12021-P_04	B	-	C
Proposed Roof Plan	12021-P_05	B	-	C
Existing and Proposed Branch Hill Elevation	12021-P_07	B	-	C
Existing and Proposed Front Elevation Section	12021-P_08	B	-	C
Existing and Proposed Section AA	12021-P_14	B	C	D
Existing and Proposed Section CC	12021-P_16	B	C	D
Existing and Proposed Section DD	12021-P_17	B	C	D
Structural Drawings (Sinclair Johnston)				
Proposed Lower Ground Floor Plan	7922-009	-	A	K
Proposed Ground Floor Plan	7922-010	-	A	K
Proposed First Floor Plan	7922-011	A	B	J
Proposed Second Floor Plan	7922-012	-	-	G
Proposed Roof Plan	7922-013	-	-	H
Full Building Section A-A	7922-020	A	B	K
Full Building Section B-B	7922-021	-	A	J
Full Building Section C-C	7922-022	n/a	A	K
Full Building Section D-D	7922-023	-	-	J
Full Building Section E-E	7922-024	-	-	K
Full Building Section F-F	7922-025	-	-	I
Full Building Section G-G	7922-026	-	-	I
Full Building Section H-H	7922-027	-	-	J

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	Approved Document 2018/2655/P	Proposed Amendment (i.e. this submission)
Revised Design and Access Statement 15/10/2013	Not superseded but Addendum to the Design and Access Statement 21/05/2018 is provided	Further Addendum to the Design and Access Statement is provided
Basement Impact Assessment by Sinclair Johnston dated April 2013	Revised Basement Impact Assessment by Sinclair Johnston dated April 2018	Not superseded – refer to addendum letter from Byrne Looby, dated 7 April 2020, including revised Structural Drawings
N/A	Revised Structural Design and Construction Statement by Sinclair Johnston dated April 2018	
N/A	Technical Specification Sheet for Parklift by WOHR	Revised specification to be confirmed.

N/A	Proposed Basement Plan – Area subject to S73 Application (ref. 7922/P010)	Not superseded
-----	---	----------------

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 2019 S73 Permission states that:

“The basement shall be constructed in accordance with the details, recommendations, methodologies and mitigation measures in the Basement Impact Assessment (ref 7922/BIA/TM/Rev A dated April 2018) and its supporting documents hereby approved, including but not limited to recommendations in respect of temporary support, groundwater monitoring, and foundations. 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 2018. ”

The Proposed Amendments seek permission for a reduced extent of basement as shown in the submitted Architectural and Structural Drawings.

The engineers have reviewed the 2018 Basement Impact Assessment and notes that in light of the reduction in basement footprint and the shallower excavation of the pool area, it is confirmed that the findings and conclusions of the 2018 BIA would not be materially affected by these changes. Please refer to Byrne Looby’s letter, *Section 73 Application – Basement Impact Assessment*, dated 7 April 2020.

In light of this, a revised BIA has not be submitted with this Application. This approach was discussed and agreed with the LBC planning officer prior to submission.

We therefore propose that the condition is varied by way of this minor material amendment application, such that it refers to this additional letter, which also contains the revised Structural Drawings, as follows:

“The basement shall be constructed in accordance with the details, recommendations, methodologies and mitigation measures in the Basement Impact Assessment (ref 7922/BIA/TM/Rev A dated April 2018) and its supporting documents hereby approved (including the Byrne Looby letter dated 7 April 2020), including but not limited to recommendations in respect of temporary support, groundwater monitoring, and foundations. 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 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.

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 2019 S73 Permission reducing this to 630 sqm.

This Application results in a further reduction in floorspace, resulting in a dwelling of 601 sqm (a reduction on 29 sqm).

Community Infrastructure Levy

As the 2014 Permission has already been implemented, the relevant Community Infrastructure Levy (CIL) process has been followed, which includes the granting of self-build exemption for the chargeable development. However, as the liability is due to change (albeit to a lower amount), the applicant will seek an exemption for self-building housing again.

Application Procedure

Due to the proposed amendments, it is likely that a Deed of Variation to the Section 106 Agreement will be required.

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

- This cover letter;
- Application form for variations to conditions;
- Amended Architectural Drawings (as listed in Table 1);
- Addendum to the Design and Access Statement, prepared by MW-A, including:
 - Revised Area Schedule
- Letter from Byrne Looby, *Section 73 Application – Basement Impact Assessment* dated 7 April;
 - Including amended Structural Drawings (as listed in Table 2).

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-08568599).

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) or James Huish (020 7312 7484 / james.huish@montagu-evans.co.uk) of this office.

Yours faithfully,

JAMES HUISH

Associate

DDI: 020 7312 7484

Email: james.huish@montagu-evans.co.uk