

Application ref: 2020/1945/P
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Date: 30 October 2020

Development Management
Regeneration and Planning
London Borough of Camden
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Montagu Evans LLP
5 Bolton Street
London
W1J 8BA
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:
Judges Walk House
7 Branch Hill
London
NW3 7LT

Proposal:

Variation of conditions 2 (approved plans) & 13 (basement construction details) of planning permission 2013/4187/P dated 17/06/2014 (as amended 2018/2655/P dated 22/02/2019) for "erection of 4 storey dwelling (including basement level) following demolition of existing 3 storey dwelling", namely to vary the footprint of the basement, erection of internal plant room at ground floor, increased 2nd floor front balcony footprint & alterations to front/rear façade. At roof level, alterations to rooflights, chimney & lift overrun.

Drawing Nos: Superseded: D_01 Rev A; D_14 Rev B; D_16 Rev B; P_01 Rev C; P_02 Rev C; P_03 Rev B; P_04 Rev B; P_05 Rev B; P_07 Rev B and P_08 Rev B.

Proposed: D_01 Rev.C; D_14 Rev C; D_16 Rev C; P_01 Rev D; P_02 Rev D; P_03 Rev C; P_04 Rev C; P_05 Rev C; P_07 Rev C; P_08 Rev C and and letter from Byrne Looby dated 7/4/20.

The Council has considered your application and decided to grant permission subject to the following condition(s):

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 planning permission ref 2013/4187/P dated 17/06/2014.

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

- 2 For the purposes of this decision, condition no.2 planning permission 2013/4187/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

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

D_01 Rev C; D_02 rev A; D_03 rev A; D_04 Rev A; D_05 Rev A; D_07 Rev A; D_08 Rev A; D_11 Rev A; D_12 Rev A; D_13 Rev A; D_14 Rev C; D_16 Rev C; E_02 Rev A; E_03 Rev A; E_04 Rev A; E_05 Rev A; P_00 Rev A; P_01 Rev D; P_02 Rev D; P_03 Rev C; P_04 Rev C; P_05 Rev C; P_06 Rev B; P_07 Rev C; P_08 Rev C; P_09 Rev B; P_11 Rev B; P_12 Rev B; P_13 Rev B; P_14 Rev C; P_16 Rev C; P_17 Rev C; P_18 Rev A; P_19 Rev A; P_20 Rev B; P_21 Rev A; 00933/SK/111 Rev C; 112 Rev B; 113 Rev B; 114 Rev B; 115 Rev B; MDE4638-M-01; 7922_P001; P002; P003; P004; P005; P006; P007; P008; P009 Rev.A; P010; P11 Rev.A; P012 Rev. B; P013A; P014A; P20 Rev.B; P021 Rev.A; 022 Rev.A

Supporting documents: Revised Design and Access Statement dated 15/10/2013; Basement Impact Assessment (ref. 7922/BIA/TM/Rev A) by Sinclair Johnston dated April 2018; Revised structural design and construction statement by Sinclair Johnston dated April 2018; and letter from Byrne Looby dated 7/4/20; Code for Sustainable Homes Pre-assessment by Ashby Energy dated 05/06/2013; Ecological Assessment by Skilled Ecology Consultancy Ltd dated April 2013; Car Lift Specifications; Green Roof Section; Green Roof Specifications; M & E Works Planning Statement by Chris Evans Consulting dated 29/04/2013; Acoustic Report by Emtec dated 28/03/2013; Tree Survey by LaDellWood dated June 2013; Technical Specification Sheet for Parklift by WOHR

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

- 3 Windows to the rear and south east elevations identified on drawing numbers P_11 Rev B and P_13 Rev B as being obscure glazed shall be installed as such and permanently fixed shut prior to occupation and permanently retained as such thereafter.

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

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least

5dB(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 10dB(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 London Borough of Camden Local Plan 2017.

- 5 The proposed development shall not be occupied until the whole of the cycle parking provision shown on the approved drawings is provided. The whole of the cycle parking provision shall be permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017 and policy TT4 of the Hampstead Neighbourhood Plan 2018.

- 6 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of the new dwelling.

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 London Borough of Camden Local Plan 2017.

- 7 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-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 G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 8 The development shall be carried out in full accordance with the details of the green roof approved in connection with 2015/6987/P on 25/02/2016. The living 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 G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2 and NE2 of the Hampstead Neighbourhood Plan 2018.

- 9 The development shall be carried out in full accordance with the details of the hard and soft landscaping approved in connection with 2015/6987/P on 25/02/2016. 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 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 policies A2, A3, A5 D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2 and NE2 of the Hampstead Neighbourhood Plan 2018.

- 10 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 prior to the occupation for the permitted use 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 policies A2, A3 and D1 of the London Borough of Camden Local Plan 2017 and and policies DH1, DH2, NE2 of the Hampstead Neighbourhood Plan 2018.

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A sample panel of the facing brickwork of both the main house and the front boundary wall, demonstrating the proposed colour, texture, face-bond and pointing, shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 12 A suitably qualified chartered engineer as approved 04/08/2016 under ref 2016/1517/P with membership of the appropriate professional body shall 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. Any subsequent change or reappointment to the chartered engineer approved on 04/08/2016 under ref 2016/1517/P 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 D1, D2 and A5 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2, BA1, BA2 and BA3 of the Hampstead Neighbourhood Plan 2018.

- 13 For the purposes of this decision, condition no.13 planning permission 2013/4187/P shall be replaced with the following condition:

REPLACEMENT CONDITION 13

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 letter from Byrne Looby dated 7/4/20 and all their 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 and letter from Byrne Looby dated 7/4/20.

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 D1, D2 and A5 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2, BA1, BA2 and BA3 of the Hampstead Neighbourhood Plan 2018.

- 14 The roof of the building hereby approved, shall not be used for amenity purposes or any form of roof terrace. Access to the roof shall be for maintenance purposes only.

Reason: In order to prevent any unreasonable overlooking of the neighbouring occupiers in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting consent:
The proposal would further decrease the size of the basement, it will now appear as two separate elements to house only the pool and the approved car lift. There will be no visual impact on the conservation area and therefore no design objection is raised in principle. As the basement is reduced in scale and still contained within the approved area an updated BIA was not required in this instance. The previous BIA predicted negligible (Category 0) damage on the burland scale.

It is noted that the site is enclosed by a high front boundary wall and a new internal plant room is proposed at the front at ground floor beside the entrance lobby. Given its modest scale and screening behind the boundary wall it is

acceptable in terms of its scale, siting and detailed design.

The proposed front balcony at second floor will be increased in width (2.7m to 3.9m), this increase is considered to be modest in the overall scale of the development. The balustrade will be of the same material and appearance as originally granted.

The revised front and rear fenestration will be the same material ('Bronze' electroplated aluminium) but appear more contemporary in its detailed design but it is not considered to detract from the character and appearance of the host property or the wider conservation area.

At roof level, the proposed rooflights will be re-sited and reduced in scale, the lift overrun will increase in height by 0.2m and the chimney width will be reduced. It is considered that they are all minor alterations and would be acceptable in terms of their revised siting, scale and design.

The proposed amendments are considered to be of an acceptable design quality and overall result in minor changes to the approved scheme. The proposed alterations are considered to preserve the character and appearance of the host property and the wider area.

Given the scale and nature of the amendments it is not considered to have a detrimental impact on the residential amenities of the neighbouring occupiers in terms of loss of daylight, sunlight, outlook or privacy to an extent that would warrant a reason for refusal.

The full impact of the scheme has already been assessed during the determination of the permitted scheme, and it is considered that the amendments would have a minor material effect in terms of appearance and neighbouring amenity considerations.

No objections were received during the consultation period. The planning history of the site has been taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies A1, A4, A5, D1 and D2 of the Camden Local Plan 2017, policies NE2, DH1, DH2, BA1, BA2 and BA3 of the Hampstead Neighbourhood Plan 2018, the London Plan 2016 and 2019 (intended to publish), and the National Planning Policy Framework 2019.

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street

London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 6 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DP', is centered on the page.

Daniel Pope
Director of Economy, Regeneration and Investment