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Planning Department  
London Borough of Camden  
5 Pancras Square  
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**FAO Mr David Fowler**

21 December 2023

LW/TF – 16/085  
Via PLANNING PORTAL

Dear David

**SECTION 73 APPLICATION TO VARY CONDITION 2 AND 7 OF PLANNING PERMISSION  
2023/2662/P**

**HIGHGATE NEWTOWN COMMUNITY CENTRE, 25 BERTRAM STREET, LONDON N19 5DQ**

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On behalf of Farrans (Construction) Limited (the 'Applicant') please find enclosed an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to amend planning permission 2018/5774/P most recently amended by 2023/2662/P on 20 November 2023, as approved by the London Borough of Camden (the 'Council'), for development at Highgate Newtown Community Centre, 25 Bertram Street, London N19 5DQ (the 'Site').

The purpose of this application is to secure a range of minor modifications to the approved development which have become necessary as part of the detailed design of the scheme, as well as to rectify discrepancies and issues with previously approved drawings. These changes principally relate to the Building B mechanical Plant, Building A additional external shading measures at ground floor, Building D privacy screens, along with other minor changes to reflect the as-built parapet details of Building A, reduction in height of the Building C rear garden wall, the Building B and C rooflights, and substation location.

The amendments are sought by the contractor delivering the scheme (Farrans) and represent a series of detailed design changes or housekeeping amendments that have arisen during the final stages of completion.

In support of this application, we provide the following documentation:

- Application forms and certificates
- Site Location Plan, prepared by RCKa Architects
- Proposed Drawings, prepared by Hunters and Farrans
- Design and Access Statement, prepared by Hunters and Farrans
- Updated Landscaping plan, prepared by Camlins
- Application fee of £357.

## a. Background

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Planning permission was granted on 29 March 2019, which was most recently amended on 20 November 2023 (Council ref: 2023/2662/P) for the following description of development:

*“Variation of condition 2 (Approved Plans) and deletion of conditions 48 (Post Construction Viability Assessment) and 49 (Affordable Units) of development granted under reference 2016/6088/P dated 30 June 2017 as varied by reference 2018/5774/P dated 29 March 2019 and 2022/3378/P dated 10 March 2023 for the "Redevelopment of the existing Highgate Newtown Community Centre and Fresh Youth Academy and the change of use of the People's Mission Gospel Hall to provide replacement community facilities (Use Class D1) and 41 residential units (Use Class C3) including 7 affordable units (intermediate) with associated public open space, landscaping, cycle storage, plant, disabled parking, and inclusion of the existing right of way on the western side of the site."*

*Namely to make the following changes:*

- Change the tenure mix to 100% affordable housing*
- Amendments to the layout of the first - third floors of Building A to include a new entrance door at the northern end of the corridor to facilitate the amalgamation of two 2 x bedroom units into one 4 x bedroom unit at each floor*
- Amendments to the layout of the fourth floor of Building A to remove an entrance door and the inclusion of a new opening in the party wall to facilitate the amalgamation of two 3 x bedroom units into one 6 x bedroom unit*
- Amendments to the layout of ground and first floors of Building C to amalgamate two 3 x bedroom units into one 6 x bedroom unit."*
- Change in the overall unit number from 41 to 36. This would result in total of 36 units to be provided across three buildings, comprising 1x studio, 19x one-bed, 8x two-bed, 3x three-bed, 3x four-bed and 2x six-bed*

The planning permission has been amended on several occasions, most recently on 20 November 2023 (council ref: 2023/2662/P).

Since the grant of planning permission, the Applicant has been working with the Council to discharge the relevant pre-commencement conditions in advance of implementing the planning permission. The Application has now been implemented and construction is underway, with works due to be completed toward the end of 2023.

The Applicant has been in recent discussion with officers of the Council in relation concerns which were raised by neighbouring residents and the London Borough of Camden development management team. These concerns raised related to the visibility of the ASHP unit and acoustic enclosure including its height and massing above the Building B parapet line beyond what was shown on the approved plans.

To resolve this issue, the Applicant has undertaken a detailed design process in consultation with Camden planning and design officers and neighbouring residents including Pentad Housing Society to review options to relocate the plant to reduce its visibility from key views, along with exploring materiality and finishes which ultimately resulted in a preferred option which is set out in the accompanying design information.

The purpose of this application, therefore, is to rectify this issue through the submission of updated plans and design information. This application also includes other minor detailed design amendments which have arisen during the final stages of delivering the scheme. These amendments are all required to facilitate practical completion of the scheme expected in Q4 2023.

As agreed with officers this Section 73 application seeks to package these changes up into a single Section 73 application to deal with the amendments in one go. The changes include:

- Retrospective permission for the construction of an ASHP at roof level of Building B including its relocation and visual screening
- Installation of vertical shading structures externally to the windows at the east facing windows of Building A (Apartment A2) at ground floor level
- Installation of privacy screening to the northern end of the balconies of Building D
- Reduction in the number of rooflight to Building B and C
- Relocation of the substation approximately 1m east from the approved location.
- Reduction in height of the Building C rear garden wall to 2.4 comprising a brick wall to 1.9m with an additional 0.5m privacy barrier above.
- Amendment to the parapet detail of the Building A roof to match the as built detail.

Further details of the amendments proposed are detailed in Section b of this covering letter, and the proposed amendments to planning permission 2023/2662/P are detailed in section c.

## **b. The Proposed Amendments**

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As noted above, this application seeks to secure a range of minor material amendments to the approved development. These are described in detail below and should be read in conjunction with the accompanying drawings and design information submitted with this application.

### **Building B Mechanical Plant**

The need for this update has arisen from a discrepancy on the approved planning drawings for the roof level plant on Building B. Since granting the original approval, the Applicant had anticipated a centralised heat pump system would provide the domestic hot water to the development.

When the application was comprehensively amended in 2019 (2018/5774/P) the mechanical servicing strategy was changed from a combined heat and power system to an air source heat pump (ASHP) system, which is more efficient and lower carbon technology in line with the London Plan (2021) expectations.

The approved building B roof plan (PL-GA-604) identified the location of the roof level mechanical plant, however, the unwrapped elevations (PL-E-103) did not identify the height and massing of the plant above parapet level.

The contractors delivering the scheme, Farrans, have since installed the mechanical plant equipment at roof level of Building B. Since its installation, concerns were raised by neighbouring resident groups and the London Borough of Camden development management team. The concerns raised related to the visibility of the ASHP unit and acoustic enclosure including its height and massing above the Building B parapet line.

To resolve this issue, the Applicant has undertaken a detailed design process in consultation with Camden planning and design officers to review options to relocate the mechanical plant to reduce its visibility from key views, specifically from Winscombe Street. The various locations explored are set out in the accompanying Design and Access Statement.

Ultimately, it was decided that the most appropriate location was to reorganise the roof level plant equipment and to relocate the ASHP unit within the centre of the Building B rooftop.

To further reduce its visual impact, it is proposed to construct a visual screening enclosure around the ASHP. The proposed screening would take precedent from the rooftop extension on Building A visually, but in terms of materiality would be constructed of a more durable metal cladding and painted in a more muted pale grey colour. This is considered to be in keeping with the materiality and character

of the area. The ASHP unit is enclosed in a highly efficient acoustically attenuated box, meaning the screening would be visual purposes only and would not serve any acoustic attenuation.

Feedback from Pentad Housing Society has also been considered during this detailed design process in the relocation of the roof level mechanical plant. Several options for the roof level mechanical plant screening were presented by the design team to Pentad Housing Society in September 2023, who advised that their preferred solution was to centralise the plant to reduce its visibility. It was also suggested that a more durable material (metal) and muted finish (pale grey) be used for the visual screening enclosure. This has also been reflected in the proposed design submitted with this application.

In summary, whilst the structure would still be visible beyond the parapet line from Winscombe Road, the proposed location is considered on balance the best solution which would reduce its visibility when compared to alternative feasible locations such as on the western side of the Building B roof, whilst achieving important sustainability and carbon reduction improvements during the operational phase of the development.

### **Building A - External Shading**

The need for this amendment has arisen from thermal modelling being undertaken to satisfy building control requirements.

The thermal modelling has identified the requirement for external shading to three bedrooms within the ground floor east facing unit within Building A.

The design team have reviewed a range of measures to achieve the internal overheating requirements which were discussed with Camden Planning and Design Officers. The different options explored are set out in the accompanying Design and Access Statement, prepared by Farrans.

It was agreed that the most appropriate design response is to install fabric vertical blinds affixed external within the window reveal. Additional thermal modelling has been undertaken which confirms that this external shading measure would mitigate the overheating to a sufficient level to meet building control requirements.

### **Building D - External Screening**

The need for this amendment has arisen following consultation with neighbouring residents on Bertram Street, who have raised concerns on the potential for overlooking from balconies within Building D to their rear gardens and amenities spaces.

The design team have consulted with residents on Bertram Street to review options to screen the northern end of the balconies of Building D to limit opportunities for overlooking. The different options which were explored by the design team are detailed in the accompanying Design and Access Statement.

Ultimately it was determined that a metal lattice style screen to the northern end of the balconies at first, second, and third floors is the most appropriate design solution. This would be in keeping with the materiality and colour palate of the existing balcony railings, whilst appropriately screening opportunities for overlooking into neighbouring properties.

### **Buildings B and C - Rooflights**

The need for this amendment has arisen during detailed structural design of the roof structures for Building's B and C. Specifically, the location of the structural beams within the roof structures have resulted in the requirement to relocate the rooflights within the buildings. This would see the following amendments:

- Building B – reduction from 15 rooflights to 12.
- Building C – reduction from 14 rooflights to 12.

Importantly, each bedroom and living space would continue to be provided at least one rooflight, meaning that access to internal light would be retained.

### Substation

The need for this amendment has arisen during the detailed design phase of the scheme. Specifically, the location of the substation is required to shift slightly to the south east to ensure that it does not compromise the underpinning of the existing foundations of the adjoining building.

### Other amendments

This application also includes the following housekeeping amendments:

- Reduction in height of the Building C rear garden wall to 2.4 comprising a brick wall to 1.9m with an additional 0.5m privacy barrier above. This is set out in the revised landscaping plan prepared by Camlins which is proposed to be included as an approved plan under condition 2 and 7.
- Amendment to the parapet detail of the Building A roof to match the as-built detail.

### c. Proposed Condition Rewording

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In order to facilitate the changes described above, it shall be necessary for the Section 73 application to vary the wording of Condition 2 to reference the amended drawings. For completeness, the Applicant is also seeking to include the revised landscaping plan as an approved drawing reference in Condition 2 and 7.

The amendments required are set out as follows.

#### Variation to Condition 2

Condition 2 lists the approved drawings and documents that form part of the approved development. A separate Drawing List has been submitted with this application that lists the amendments to the approved drawings that are being sought.

The proposed amendments to condition 2 are indicated by ~~strike through~~ and the replacement plans are indicated in **red** as follows:

#### 2. Approved drawings

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

*Proposed plans:*

*PL-E-100 ~~F~~ **G**, PL-E-101 H, PL-E-102 ~~E~~ **F**, **PL-E-102.1 A** PL-E-103 ~~F~~ **E**, PL-E-104, PL-E-105, PLGA-002 A, PL-GA-A-600 Z, PL-GA-B-599 X, PL-GA-C-600 F, PL-GA-B-600 Z, PL-GA-A-601 T, PL-GA-B-601 V, PL-GA-A-602 X, PL-GA-B-602 W, PL-GA-A 603 X, PL-GA-B-603 W, PL-GA-A-604 ~~T~~ **U**, PL-GA-B-604 U, PL-GA-A-605 Q, PL-GA-700 F, PL-GA-701 Q, PL-GA-703 L, PL-GA-706 M, PL-GA-707 L, PL GA-712 K, PL-GA-713 B, PL-GA-714 D, PL-GA-715 D, PL-GA-ST-800 ~~Q~~ **O**, PL GA-ST-801 M, PL-GA-ST-802 S, PL-GA-ST-803 S, PL-GA-ST-804 N, PL-GA ST-805 ~~J~~ **I**, PL-GA-ST-899 F **HNCC-CAM-ZZ-ZZ-DR-L-0001 P12***

*Proposed documents:*

*Addendum Design and Access Statement HNCC-RCK-ZZ-XX-PP-A-138-S3-P5 (rcka) November 2018, Statement of Community Involvement (rcka) November 2018, Heritage Statement (Iceni) November 2018, Daylight and Sunlight Study (Neighbouring Properties) (Right of light Consulting) November 2018, VSC Corrections (uploaded 22/01/2019),, Sunlight*

Corrections (uploaded 22/01/2019), Energy Strategy (McBain's) November 2018, Sustainability Statement (Iceni) November 2018, Acoustic Report A973 R03B (ION Acoustics) 20th November 2018, Air Quality Assessment 01.0129.001/AQ v2 (Isopleth) November 2018, Transport Technical Note (Systra) 20/11/18, Transport Statement (JMP) November 2016, Draft Framework Travel Plan (JMP) November 2016, Draft Servicing Management Plan(JMP) November 2016, Draft Construction Management Plan, (JMP) November 2016, Transport Statement (JMP) November 2016, Draft Framework Travel Plan (JMP) November 2016, Draft Servicing Management Plan(JMP) November 2016, Draft Construction Management Plan, (JMP) November 2016, Ground Investigation and Basement Impact Assessment J16021A (GEA) October 2018, Addendum Drainage Strategy (McBain's) November 2018, Viability Report (Savills) November 2018, Planning Statement (Iceni) November 2018, Preliminary Ecological Survey (Syntegra) November 2018, Daylight and Sunlight Study (Within Development) v2 (Right of Light Consulting) November 2018, Arboricultural Constraints/Arboricultural Impact Assessment/Arboricultural Method Statement HNCC\_AIA\_revis\_11102018\_JP\_V3\_Arboricultural Assessment.pdf (Greenman) 11/10/2018, Endoscope Survey Brief 18-4442 (Syntegra) December 2018, Arboricultural Letter (Greenman) 4th March 2021, Covering letter (Iceni) 15 March 2021, LL566-300-0072 Rev C, PL-ST-001 B, Roof Maintenance Plan (RCKA) July 2022, Covering letter (Iceni) 24 August 2022,

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

#### **Variation to Condition 7**

Condition 7 lists the approved landscaping details. For completeness, the Applicant is also seeking to include the revised landscaping plan as an approved drawing reference under this condition.

The proposed amendments to condition 7 are indicated in **red** as follows

##### *7 Landscape*

*The landscpaing shall ne carried out in accordance with the details approved under application 2021/6203/P dated 24 February 2022 **and HNCC-CAM-ZZ-ZZ-DR-L-0001 P12***

*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 D1 and D2 of the Camden Local Plan.*

#### **d. Planning Assessment**

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This section of the Planning Statement assesses the proposed development (as amended) against the relevant adopted and emerging planning policy and guidance at national, regional and local level.

The relevant Development Plan for the site consists of:

- The London Plan (2021)
- The Camden Local Plan (2017)

#### **Principle of Development**

Policy H1 of the Camden Local Plan (2017) seeks to maximise housing supply. Policy H4 seeks to maximise the supply of affordable housing.

The proposed amendments relate to detailed design development of the scheme and would not result in any change in unit numbers, mix, or tenure. The proposal is therefore considered to be in accordance with the policies H1 and H4 of the Camden Local Plan (2017).

### **Design Considerations**

Local Plan Policy D1 'Design' seeks to secure high quality design in all development that respects local character and context.

The proposed amendment seeks retrospective consent for the construction of an ASHP at roof level of Building B including its relocation and visual screening. The final location and screening design of the structure is the result of extensive consultation with design and planning officers at Camden Council, as well as discussions with Pentad Housing Association.

The proposed design and location of the mechanical plant structure is considered on balance the best solution which would reduce its visibility when compared to alternative feasible locations such as on the western side of the Building B roof. The design of the proposed screening is considered appropriate and in keeping with the established materiality colour and character of the scheme and surrounding area.

Similarly, the proposed Building A external shading and Building D privacy screens are considered an appropriate design response which is in keeping with the materiality and colour palette of the scheme and character of the surrounding area.

For these reasons, the proposal, as amended, is considered to represent considered to comply with Policy D1 of the Local Plan

### **Quality of Residential Accommodation**

Policy D6 of the London Plan (2021) – House quality and standards states that development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose.

The proposal, as amended, would see a minor reduction in the number of rooflights within Buildings B and Building C. Each bedroom and living space within Building C would continue to be provided at least one rooflight, meaning that access to internal light would be retained.

### **Relationship to neighbouring properties.**

Policy A1 of the Local Plan 2017 requires that new development to protect the quality of life of occupiers and neighbours by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking. Policy A4 of the Local Plan 2017 seeks to ensure noise and vibration is controlled and managed.

Condition 29 of 2023/2662/P relates to plant and equipment and sets noise limits which must be complied with before the use commences and when in operation.

As set out in the accompany Design and Access Statement, the revised design has been reviewed by the design team's acoustic consultant who have confirmed that the proposal, as amended with the ASHP unit, would continue to comply with the requirements of Condition 29.

In terms of privacy and overlooking, the amendments would result in an improved scenario in that additional screening would be installed to the northern end of the boundaries to Building D. This would further obstruct opportunities for overlooking toward properties on Bertram Street. Similarly, the revised height of the boundary wall at the rear of Building C was discussed with residents of the adjoining properties, who have agreed that the revised height of this wall is acceptable, and the additional privacy barrier would further obstruct opportunities for overlooking.

## Energy and Sustainability

Policy CC1 'Climate change mitigation' of the Local Plan 2017 supports and encourages sensitive energy efficient improvements to existing buildings.

The proposals are entirely in accordance with the objectives of this policy in that they would improve sustainability and energy efficiency credentials of the building through the installation of an ASHP system. These works would see the operational carbon efficiency of the building enhanced.

### e. Summary and Conclusion

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This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to secure a minor material amendment to the approved development.

The purpose of this application is to secure a range of minor modifications to the approved development which have become necessary as part of the detailed design of the scheme.

As set out within this letter and enclosed information, the proposals are a result of extensive consultation with the Council and neighbouring occupiers and have been assessed and considered to comply with the relevant adopted and emerging planning policy and guidance.

We trust the enclosed is sufficient for your current purposes and we look forward to receiving confirmation that the application has been registered validation. In the meantime, please contact Tim Fleming (07875 681 231 or [tfleming@iceniprojects.com](mailto:tfleming@iceniprojects.com)) in the first instance should you have any questions.

Yours faithfully,



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enc. As listed above