

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		06/09/2006	
		N/A / attached		<b>Consultation Expiry Date:</b>		N/A	
<b>Officer</b>				<b>Application Number(s)</b>			
Neil McDonald				2006/3114/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
37-63 Fortune Green Road London NW6 1DR				1405-4-S-200-3100 Rev A; 1405-5-A-200-4570 Rev A; 1405-4-P-000-1011 Rev C; 1405-4-P-000-1012 Rev B; 1405-4-P-000-1013 Rev D.			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		<b>Date:</b>		
<b>Proposal(s)</b>							
Details of screening/ pergola treatment to the rear balconies pursuant to conditions 6(m) and 23 of outline planning permission ref. 2003/1858/P granted on appeal dated 17th February 2005 (ref. APP/X5210/A/03/1135364) (for the redevelopment of existing public house, shop units, showroom/garage & petrol station by the erection of a part 4, part 5 storey building plus basement & sub-basement for gym use (Class D2), commercial use (Class A1, A2 or A3 use), and residential use (Class C3)).							
<b>Recommendation(s):</b>		Granted					
<b>Application Type:</b>		Approval of Details					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	00	No. of responses	00	No. of objections	00
<b>Summary of consultation responses:</b>		None required					
<b>CAAC/Local groups* comments:</b> *Please Specify							

## Site Description

The site comprises a former car showroom/garage with petrol filling station, parade of shops and a public house located on the west side of Fortune Green Road. The land and buildings are surrounded on 3 sides by Fortune Green public open space. The site is the subject of redevelopment proposals granted on appeal for a part 4 and part 5 storey building of residential flats with basement parking and shops and a gym at ground floor/part basement. It is not located within any conservation area.

## Relevant History

On 17 February 2005, following an inquiry held in October 2004, outline planning permission was granted for a part 4, part 5 storey building plus basement & sub-basement to provide a gym (Class D2) at part basement & part ground floor, 5 ground floor commercial units (Class A1, A2 or A3 use), 22 affordable residential units at 1st-3rd floors & 50 private residential units at 1st-4th floor levels, plus 82 ancillary parking spaces on the site comprising 37-63 Fortune Green Road. (2003/1858/P).

Outline permission was also granted for a smaller scheme of 7 affordable and 21 private units, parking, shops and gym, at 41-47 Fortune Green Road, in order to keep open the option of a partial redevelopment if the outstanding leases on some of the shop units failed to be acquired (PWX0202685).

Permission was refused in respect of other partial redevelopment schemes (PWX0202681, 0202680, 0202682 and 0202683) for the reasons that these would unjustifiably fail to achieve the most desirable outcome, being a comprehensive redevelopment of the site.

A further application (2003/1859/P), which was submitted as a duplicate of 2003/1858/P but subsequently modified, was refused by the Council on 14/07/2004.

The approvals are bound by an accompanying Unilateral Undertaking securing affordable housing; car capped housing; travel plan; contributions for education, highways works and additional planting for the adjacent public open space.

The Inspector granted outline permission with reserved matters being design, external appearance, landscaping and access. These were approved on 30/06/2006 (ref. 2006/1705/P).

Approvals of details have since been issued in respect of conditions 4 (slab levels), 6a (layout of flats and detailed elevations), 8 (tree survey), 9 (tree protection), 10 (tree planting), 12 (site access and visibility splays); 13 (route for construction traffic); 24 (archaeological investigation), 25 (site investigation), 30 (noise insulation).

Details relating to conditions 6i (boundaries), glazing (condition 6e); parapets (6f); balconies (6g); roofs 6h) and shopfronts (6l) have been submitted and are currently receiving consideration.

Details in respect of conditions 5 (samples of materials), 6b (lighting), 6c (signage), 6d (planting fixed to building), 6j (entrances), 6k (gate to service area), 6n (staggered apex), 15 (residents parking layout), 16 (vehicular ramp), 17 (cycle parking), 26 (waste storage and removal), 27 (surface and foul drainage), 29 (sound insulation of gymnasium) and 31 (ventilation and fume extraction) are still awaited.

## Relevant policies

London Borough of Camden Replacement Unitary Development Plan –Adopted June 2006

SD6 – Amenity for occupiers and neighbours

B1 – General design principles

## Assessment

*Condition 6(m) –details of the pergola treatment to the rear boundaries;*

*Condition 23 –Details of any screens (including details of obscure or opaque glazing and any other materials) to ameliorate potentially intrusive overlooking at close quarters of the Cemetery and adjoining occupiers shall be submitted to and approved in writing by the local planning authority before the development commences. The screens shall be implemented in accordance with any such approval prior to occupation of the development and retained in the form approved for as long as the development remains in existence, unless otherwise previously agreed in writing with the the local planning authority.*

On the matter of privacy the Appeal Inspector commented:

*The schemes would not seriously intrude upon the privacy enjoyed by those living nearby, in my opinion. Either the screens projecting from the balconies would curtail surveillance over the dwellings to the north as well as the nearest parts of the Cemetery, or the height and design of the ‘corniced’ parapets would achieve a similar effect. (para. 111.)*

Condition 23 was attached to secure the details of such screens.

The applicant has submitted details of the pergola treatment to the rear balconies pursuant to 6(m) which, at the same time double up as privacy screening for the purposes of condition 23.

The form of screening proposed is in the form of a steel louvre projecting from the top of the balustrade enclosing the rear balconies and also extending below the window ledges where the balconies make way for the curved facade. The angle of the louvres largely block any direct line of vision at a downward angle in so doing protecting the cemetery from close range intrusive overlooking. In the same way the rear gardens of adjacent properties to the north are also protected, which could otherwise suffer from an increased sense of overlooking from the living room window to flat 1.13. By not curtailing long range views, the louvres are not considered to unacceptably compromise the amenities of the occupiers through any oppressive sense of enclosure.

The lightweight appearance of the louvres and steel finish are considered to accord with the modern minimalist design of the building as approved.

It is therefore considered that the objectives of conditions 6m and 23 have been met and these can now be discharged.

## Disclaimer

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