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Date 15 April 2015
Our ref 13636/02/IR/8774530v2
Your ref 2011/1682/P; 2011/1686/C

Dear Sir/Madam

Application for Planning Permission for Relevant Demolition in a Conservation Area of No. 53 Fitzroy Park, London, N6 6JA

On behalf of our client, Mrs Svetlana Esther Volossov, the owner of No. 53 Fitzroy Park, please find enclosed an application for planning permission for relevant demolition in a conservation area, submitted via the Planning Portal (Ref. PP-0 4121097).

The application is supported by the following documents, which have been submitted online via the planning portal:

- Planning Application Form
- Certificate A
- Location plan **1317-EX-101** 1:1250 A3
- Site plan **1317-EX-102** 1:200 A3
- Existing Front Elevation East **1317-EX-121** 1:100 A3
- Existing Rear Elevation West **1317-EX-122** 1:100 A3
- Existing Side Elevation North **1317-EX-123** 1:100 A3
- Existing Side Elevation South **1317-EX-124** 1:100 A3
- Demolition House foot print plan **1317-PL-151** 1:100 A3
- Demolition Front Elevation East **1317-PL-161** 1:100 A3
- Demolition Rear Elevation West **1317-PL-162** 1:100 A3
- Demolition Side Elevation North **1317-PL-163** 1:100 A3
- Demolition Side Elevation South **1317-PL-164** 1:100 A3



In accordance with an application for relevant demolition in a conservation area no application fee has been submitted with the application.

The Site and Property

No. 53 Fitzroy Park is an undesignated part-two, part-three storey flat roofed detached (and currently vacant) dwelling of cuboid form dating from 1952, designed by the architect Stephen Gardiner. The property is constructed of a mixture of horizontal white painted weatherboard cladding at first floor level, with brick used elsewhere. The immediate area surrounding the property was once part of the grounds of the former Fitzroy House, a Palladian villa built c.1770 for Colonel Charles Fitzroy and later demolished in 1828.

The site is located within the Highgate Conservation Area but is not considered to make a positive contribution to the wider Conservation Area. In addition, there are no listed buildings in the immediate vicinity of the site.

Relevant Planning History

Planning permission and conservation area consent were granted on 16 November 2012 at no 53 Fitzroy Park. As stated in the description, planning permission (ref. 2011/1682/P) (herewith referred to as 'the planning permission') was granted for the "Erection of a three storey single dwelling including basement level, green roof, solar panels and landscaping following demolition of existing dwelling (Class C3)" and conservation area consent (ref. 2011/1686/C) (here in 'the conservation area consent') for the "demolition of existing dwelling".

By Section 91(1) of the Town and Country Planning Act 1990 ('TCPA'), the planning permission was granted subject to a time limit condition providing that the development/works must begin no later than the end of three years from the date of the permission. Consequently, under the planning permission, development must commence on or before the 16 November 2015. The conservation area consent was subject to an identical time limit condition by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('Listed Buildings Act').

Following the grant of the planning permission and the conservation area consent an application was made for a Judicial Review (JR) of the planning permission. This application was refused by Mr Justice Hickinbottom on 8 July 2013.

Section 91(3A), (3B) of the TCPA extends the time period of a permission by one year if legal proceedings are brought to challenge the validity of a grant of a planning permission. Although permission to apply for the JR was refused, the act of applying is still considered to be a challenge to the validity of the permission as proceedings were begun. As such, the commencement period of the planning permission was extended by one year to 16 November 2016.

Counsel opinion was sought which confirmed the extension of the planning permission by one year. This was accepted by Mr William Bartlett of LB Camden's legal department in an email dated 27.03.15.

The JR proceedings were solely against the planning permission and did not challenge the conservation area consent. As such, the extension of time limit does not apply to the conservation



area consent and the implementation date remains the 16 November 2015. There is therefore a variance between when the separate planning permission and associated conservation area consent need to be implemented.

The Proposal

Given the above, and because our client does not want to immediately implement the extant permission at the site before the 16 November 2015 expiry of the extant conservation area consent, the application submitted now seeks a new planning permission for relevant demolition of the existing building (separate conservation area consent having been abolished) to allow for its redevelopment in parallel with the extant planning permission extended by the JR. Planning permission for relevant demolition in a conservation area approved under these proposals would be specifically related to the planning permission (2011/1682/P) scheme and in effect replace the conservation area consent (2011/1686/C) which expires later this year. The time limit for the implement of the new planning permission for relevant demolition could also be limited to the date of the expiry of the associated planning permission for the replacement building – 16 November 2016, if so required, rather than being for a full three years.

The principle of demolition of the existing building, with respect to Policy HE7, was established by the grant of consent for the 2012 extant approved applications (Refs. 2011/1682/P and 2011/1686/C).

The planning permission also has a number of pre-commencement conditions attached to it which also require discharge. However, due to the time available to the new owners, it is doubtful all of the conditions could be discharged prior to the expiry of the conservation area consent (16th Nov 2015) but could be discharged before the expiry of the planning permission (16th November 2016).

As with the conservation area consent we would expect a condition to be attached to this permission for relevant demolition in order to link it to the extant, and JR extended, associated planning permission.

Further to this, the planning permission is subject to a Section 106 agreement which requires the production of a Construction Management Plan. This legal agreement requires that the Construction Management Plan covers the entire construction phase between the implementation date and the issue of a certificate of practical completion. Clause 2.4 of the legal agreement states that the construction phase 'includes any demolition'. As such, the control of the demolition will be contained within the Construction Management Plan associated with the extant planning permission and therefore it is necessary and beneficial that both the consent for demolition and the planning permission are regularised to overcome the discrepancy in dates for implementation created by the JR affecting the extant planning permission only.

Conditions

There are two existing conditions on the extant conservation area consent 2011/1686/C. We anticipate that these would be carried forward and amended as follows onto the new planning permission for relevant demolition in order to maintain the same level of control and specifically link the implementation of the permission to the associated planning permission 2011/1682/P.

Suggested Condition wording:



- 1 The works hereby permitted shall be begun not later than the 16 November 2016 and only in parallel to the associated planning permission reference 2011/1682/P.
- 2 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.

Conclusion

The proposals seek planning permission for relevant demolition in a conservation area of 53 Fitzroy Park in association with its redevelopment as approved under extant and extended planning permission ref: 2011/1682/P. The application is necessary to regularise the discrepancy in implementation dates created by the JR associated with the planning permission, but not the conservation area consent, and in order to provide sufficient time for pre-commencement conditions to be discharged and the development to be implemented in line with the extended expiry date of the planning permission (16th November 2016).

The principle of demolition has been approved and there has been no shift in policy which would suggest it is no longer appropriate. The principle has been discussed with Camden's legal department who recommended this application be made to regularise the situation and allow for lawful development of both the demolition of the existing building, and the extant approval for its replacement up to 16th November 2016.

Should you have any questions, please do not hesitate to contact us. We look forward to confirmation of registration and validation in due course.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Owain'.

Owain Nedin
Senior Planner

Copy

Mr Mark Volossov – Householder (by email)
Mr David Wolff – Wolff Architects (by email)
Mr Mark Sumray – Agent (by email)