



Canal &
River Trust

Keeping people, nature & history connected

18 May 2015

Camden Borough Council
Planning Services
Town Hall
Argyle Street
London
WC1H 8ND

Our Ref BWYS-PLAN-2015-17490-1
Your Ref 2015/1937P

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Dear Mr David Fowler

**The Town & Country Planning Act 1990 (as amended)
Planning & Compulsory Purchase Act 2004
Application No: 2015/1937P**

Proposal: Erection of a six-storey mixed use building comprising flexible employment/gym at ground floor level and 24 flats (1 x studio, 9 x 1 bed, 9 x 2 bed and 5 x 3 bed) together with associated works to create public realm improvements and landscaping.

Location: 39-45 Kentish Town Road, London, NW1

Waterway: Regent's Canal

Thank you for your consultation dated 29 April 2015 in respect of the above.

The British Waterways Board (Transfer of Functions) Order 2012 has substituted references to British Waterways in the Town and Country Planning (Development Management Procedure) (England) Order 2010 to the Canal & River Trust. As such, local planning authorities are now required to consult the Canal & River Trust on applications for planning permission in the same way as British Waterways was previously consulted. In addition, under the British Waterways Board Transfer Scheme 2012 (also made under the Public Bodies Act 2011) all the property of British Waterways in England and Wales has now vested in the Trust.

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and

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Patron: H.R.H. The Prince of Wales. Canal & River Trust is a company limited by guarantee registered in England & Wales under number 7807276; and a charity registered with the Charity Commission under number 1146792.

- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

After due consideration of the application details, the Canal & River Trust has **no objection** to the proposed development, **subject to** the imposition of suitably worded **conditions** and the applicant first entering into a **legal agreement** with regard to the improvements to the towpath.

Principle of Development

The Trust has no objection in principle of the redevelopment of the site, which has been vacant for a number of years. The proposed building, at up to six storeys in height, is consistent with the height of other developments along the canal in the surrounding area and the Trust does not object to the bulk or scale of the building. The proposed building is set in from the edge of the site boundary which allows the proposal to open up this land as public realm and reduces the bulk of the building from the towpath.

Public Realm Enhancements

The Trust is pleased to see that the applicant is proposing additional areas of public realm in what is a very busy stretch of the towpath. The Trust considers that the proposed landscaping would benefit from some further landscaping, including seating and litter bins.

The Design & Access Statement (page 55) states that the landscape design is “subject to ongoing discussions with the Canal & River Trust”. The Trust therefore requests that a condition be attached to the decision notice requiring the provision of full landscaping details, to be agreed in consultation with the Canal & River Trust.

Access to Kentish Town Road from Towpath

The Trust supports the upgrade of the access to Kentish Town Road, which is currently in poor condition. There is a significant pinch point in this location due to the proximity of the existing stairway, the lock, the bridge and a narrow towpath. This pinch point can result in conflict between pedestrians and cyclists and any amendments to the layout here need to be carefully considered.

The proposed terraced seating with a planter at towpath level is an innovative solution to improving to an existing problematic area which will provide passive surveillance of the towpath in an area that has been subject to antisocial behaviour. The lowest terrace, which is indicated as a planter, will need to be designed in a way that prevents people from sitting at this level due to the very narrow width of the towpath in this location. People sitting in this location would exacerbate the pedestrian/cyclist conflict as it is likely that overhanging limbs and personal items would block the towpath. The Trust therefore requests that a condition be attached to the decision notice requiring that full details of this area be submitted to the Council for approval in consultation with the Canal & River Trust prior to any landscaping works being undertaken.

Ecology

The application documents do not appear to include an ecological survey; if this has been undertaken could you please provide the Trust with a copy of the report. If an ecological survey has not been undertaken the Trust requests that one be undertaken as a matter of best practice.

The Trust would also like to see further details provided with regard to the proposed planting species for the site. Any proposed canalside planting should be exclusively native with a preference for London natives. Details with regard to the lighting strategy for the site should be

submitted by way of planning condition and any proposed lighting should have regard to the impact upon bats as the canal is a feeding corridor.

Planning Obligations

The introduction of additional commercial space and residential properties, into a canalside location such as this, will place an additional burden on the Trust's management of the waterspace and towpath environment. Residents, employees and visitors to the development will likely make use of the canal environment and its towpath, which will put additional pressure on this valuable open space. We also experience increased complaints regarding windblown litter in the water (which there is much of in this area due to its busy nature) from new developments, where occupants have raised expectations of our waterspace management. We would therefore request a contribution towards canal environment improvements from the development, to include access improvements.

Given the developments that the applicant is undertaking in the area as part of the master plan, it would be logical for these public realm improvements to be secured as part of the s106 agreement for the site. Subject to the applicant following the Trust's third party works procedures, these works could be undertaken by the applicant, rather than through the Trust's own contractors. The public realm improvements should include towpath and environmental enhancements as well as lighting beneath the Kentish Town Road canal bridge. A financial contribution towards maintenance, made available to the Trust, should also be secured.

If the Council is minded to grant planning permission, it is requested that the following conditions and informatives are attached to the decision notice:

Conditions

Risk Assessment

Prior to the commencement of any works adjacent to the canal, a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water must be submitted and approved in writing by the Local Planning Authority in consultation with the Canal & River Trust.

Reason: To ensure the proposed works do not have any adverse impact on the safety of waterway users and the integrity of the navigation.

Landscaping

Prior to the commencement of any landscape works on site, full details of the proposed hard and soft landscaping scheme for the waterside area have been submitted to and approved in writing by the Local Planning Authority in consultation with the Canal & River Trust. The landscaping shall be carried out in accordance with the approved details.

Reason: To improve the appearance of the site when viewed from the waterside and to enhance the biodiversity of the area. Earthworks and associated landscaping also have the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for any planting.

Kentish Town Road Access

Prior to the commencement of any landscape works on site, full details of the proposed replacement stairway to Kentish Town Road and associated terraced seating area have been

submitted to and approved in writing by the Local Planning Authority in consultation with the Canal & River Trust. The development shall be carried out in accordance with the approved details.

Reason: To improve the appearance of the site when viewed from the waterside and to enhance the biodiversity of the area.

Lighting and CCTV

Prior to the commencement of any landscape works, full details of any proposed lighting and CCTV scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Canal & River Trust. The approved lighting and CCTV scheme should be implemented prior to first occupation of the development.

Reason: In the interest of crime prevention, ecology, visual amenity and the waterway setting.

Informatives

The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained. Please visit <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>

The applicant is advised that surface water discharge to the waterway will require prior consent from the Canal & River Trust. Please contact Nick Pogson from the Canal & River Trust Utilities team (nick.pogson@canalrivertrust.org.uk).

The applicant/developer is advised that any oversail, encroachment or access to the waterway requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust regarding the required access agreement.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Should you have any queries please contact me at this office

Yours sincerely

Russell Butchers
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