

Application ref: 2019/1724/P
Contact: Rachel English
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Date: 21 May 2021

Development Management
Regeneration and Planning
London Borough of Camden
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GLA Architecture and Design Ltd.
Southgate Office Village
Block E
286A Chase Road
N14 6HF

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**3
5 and 7 Fortess Road
London
NW5 1AA**

Proposal:

Demolition of existing buildings and erection of a four storey block with retail units at ground floor and 3 x 3-bed residential units above

Drawing Nos: 01revA1, 02revA1, 03revA1, 04revA1, 05revA5, 06revA5, 07revA5, 08revA5, 10revA5, 12revA8, 13revA7, 14revA8, 15revA7, 17revA6, 18revA1, 19revA1, 20revA, 22revA1, 23revA, Design Statement (Ref 1539-2) dated 30th March 2020, Transport and Traffic Consultancy Delivering and Servicing Management Plan dated January 2019, Heritage Impact Assessment dated February 2019, Daylight and Sunlight report rev I dated December 2019, Energy and Sustainability Statement by EAL Consult dated January 2019. and Planning Statement ref DLA Ref: 19/009

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 this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 01revA1, 02revA1, 03revA1, 04revA1, 05revA5, 06revA5, 07revA5, 08revA5, 10revA5, 12revA8, 13revA7, 14revA8, 15revA7, 17revA6, 18revA1, 19revA1, 20revA, 22revA1, 23revA.

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

- 3 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- a) provide details on all structures
- b) accommodate the location of the existing London Underground structures and tunnels
- c) accommodate ground movement arising from the construction thereof and
- d) mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details including sections at 1:10 of all windows (including jambs, head and cill) and external doors;
- b) Plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new shopfronts at a scale of 1:10;
- c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).
- d) Detailed drawings and manufacturers specifications of the PV panels

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwellings shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 6 The development shall be carried out in complete accordance with all the measures as recommended in the approved Energy and Sustainability Statement by EAL Consult dated January 2019.

Reason: In order to secure the appropriate energy and resource efficiency measures in accordance with policies G1, C1 , CC1, CC2 and CC4 of the London Borough of Camden Local Plan 2017.

- 7 The approved cycle facilities shall be provided in its entirety prior to the first occupation of the flats, and permanently retained 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.

- 8 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: In order to safeguard the archaeological interest of this site in accordance with policy D2 of the London Borough of Camden Local Plan 2017.

- 9 The use of the cafe/restaurant use hereby permitted shall not be carried out outside the following times 0800 to 2300 Mondays to Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4, TC1,TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 10 The flat roofs hereby approved shall be accessed for maintenance purposes only and not be used as terraces.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission

The existing buildings are in a serious state of disrepair and are structurally unsound and have been longterm vacant. There is no objection to the demolition of the existing buildings and replacement with new buildings. The buildings formerly housed 1 x 3-bed flat and 2 x 2-bed flat above retail and takeaway units.

Following extensive Officer involvement, the design of the proposals have been revised. Whilst the proposal is for a singular block, it seeks to reference the historic pattern of development on the site, retaining the finer grain of the existing buildings. The additional storey is considered appropriate on this site in its context. The result is such that the three plots can be read through the vertical piers and arrangement of fenestration at upper levels, but also recognised as a single building. The proposed materials (predominantly brick) respond contextually to the established palette in the area and are welcomed. The shopfronts have been revised to include stall risers, a suitable fascia and finer glazing pattern. The proposals are considered acceptable in design terms in accordance with policy D1 of the Camden Local Plan. Details of materials and PV panels on the roof would be secured by condition to ensure high quality. Due to difficulties with site investigation on the site as the buildings are largely structurally unsafe, the proposed basement has been removed from the scheme.

The proposed flats would all be 3 bed units which are considered to be high priority sizes for the Council in accordance with policy H7. The units would exceed the Nationally Described Space Standards for 3-bed units and all units would be dual aspect. Whilst the proposed increase in floorspace would be just over 100sqm, there would be no change in the number of residential units therefore a contribution to affordable housing is not required.

The proposed replacement commercial units would be welcomed in this town centre location. Whilst there would be two units instead of three, the proposed retail and restaurant/cafe units are considered appropriate for this location and would be of a larger size than the existing units enabling greater storage space. There are no protections for hot food takeaway units therefore the lack of reprovision is acceptable. A condition is added limiting operation hours of the cafe/restaurant.

The rear building line would be the same as the existing at first floor and above levels therefore would not have an adverse impact on adjoining residential occupiers. A daylight and sunlight report has been submitted which assesses, in particular, the impact of the additional height on the residential units to the rear of the site, at 8 and 10 Highgate Road. Whilst the increase in height of the

buildings would lead to a loss of light in terms of vertical sky component for numbers 8 and 10 Highgate Road, this is not considered to be to an unacceptable level. An element of mutual overlooking already existed from the 3 flats on site to the rear buildings therefore it is considered that the additional floor is unlikely to give rise to any further unacceptable impacts in terms of loss of privacy. A condition is added to ensure the flat roof would not be used as a terrace.

A number of sustainability measures would be introduced including PV panels. The proposed replacement flats would be secured as car-free, whereby occupiers would not have access to onstreet parking permits. Due to the location of the site on a main road, a Construction Management Plan, associated implementation fee and CMP bond are secured by S106. Whilst only three cycle parking spaces are being provided onsite, this is considered acceptable in this instance due to the constraints of the site. A condition would be attached to ensure that these are installed and retained. A highways contribution is required to repair/replace the footway and kerb due to damage caused by construction.

- 2 No objections were received following statutory consultation. A consultation summary discusses the consultation responses received. The planning and appeal history of the site were taken into account when coming to this decision.

As such, the proposal is in general accordance with policies G1, H1, H2, H3, H7, T1, T2, T4, TC1, TC2, TC4, CC1, CC2, CC3, CC4, D1, D2, A1 and A4 of London Borough of Camden Local Plan 2017 and policy T3 of the draft London Plan. The proposed development also accords with policies SW1 and D3 of the Kentish Town Neighbourhood Plan 2016 and the policies of the London Plan 2016, Intend to Publish London Plan 2019 and National Planning Policy Framework 2019.

- 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 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice

PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

- 6 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation and construction methods;
- 7 There may be public sewers crossing or close to the development. If you discover a sewer, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read the Thames Water guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 8 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 9 If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
- 10 With regard to surface water drainage, Thames Water advises that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to the TW website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
- 11 The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 12 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town

Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.

- 13 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.
- 14 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.
- 15 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973)] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 16 Please be advised that this permission does not grant consent for the vinyls on the windows. Any advertisements will require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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



Daniel Pope
Chief Planning Officer