

## **THE LONDON BOROUGH OF CAMDEN**

At a meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY, 15TH AUGUST, 2013** at 7.00 pm in the Council Chamber, Town Hall, Judd Street

### **MEMBERS OF THE COMMITTEE PRESENT**

Councillors Sue Vincent (Chair), Roger Freeman (Vice-Chair), Meric Apak, Paul Braithwaite, Sally Gimson, Heather Johnson, Phil Jones, Valerie Leach, Andrew Marshall and Flick Rea

### **MEMBERS OF THE COMMITTEE ABSENT**

Councillors Jenny Headlam-Wells, Chris Naylor, Milena Nuti, Lazzaro Pietragnoli, Matthew Sanders and Laura Trott

### **ALSO PRESENT**

Councillor Jonathan Simpson

**The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of this Committee.**

## **MINUTES**

### **1. APOLOGIES**

Apologies for absence were received from Councillors Headlam-Wells, Naylor, Nuti, Pietragnoli, Sanders and Trott.

### **2. DECLARATIONS BY MEMBERS OF PECUNIARY AND NON-PECUNIARY INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA**

Councillor Vincent declared a non-pecuniary interest as she worked for Urban Design London, which was hosted by Transport for London.

Councillor Jones declared a non-pecuniary interest in relation to Item 7(3) 4 St Augustine's Road as he lived on St Augustine's Road.

For the purposes of transparency, Councillor Vincent declared that she used to work on the same street as the Architect firm for Item 7(3) 4 St Augustine's Road.

### **3. ANNOUNCEMENTS**

#### **Webcasting**

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made available to those that requested them. Those seated in the Chamber were deemed to be consenting to being filmed and those addressing the Committee would be recorded and broadcast. Anyone wishing to avoid appearing on the webcast was asked to move to one of the galleries.

### **4. REPRESENTATIONS TO THE COMMITTEE**

#### **RESOLVED –**

THAT the written submissions and deputation requests contained in the supplementary agenda be accepted.

### **5. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT**

There was none.

### **6. MINUTES**

The Committee noted that there was an error in the minutes circulated in the agenda. The last sentence before the resolution in minute item 7(11 & 12) 28 King's Mews, had been amended to read:

*“On being put to the vote, with three votes in favour, six votes against and one abstention, it was”*

Following the above amendment it was

#### **RESOLVED –**

THAT the minutes of the meeting held on 25<sup>th</sup> July 2013 be signed as a correct record.

### **7. PLANNING APPLICATIONS**

Consideration was given to a report of the Director of Culture and Environment.

**(1) UNIVERSITY OF LONDON, GARDEN HALLS AND CARTWRIGHT GARDENS OPEN SPACE, LONDON, WC1H 9FF - 9EF**

**(2) RELATED APPLICATION**

Consideration was given to additional information on the supplementary agenda and the written submissions and deputation requests as referred to in Item 4 above.

The planning officer addressed some of the issues raised through the objections, it was noted that there would be a change in the levels of sunlight and daylight that would be felt by those properties that currently overlook the existing car park. Although in some instances levels would exceed BRE guidance, the levels that would arise following development would not be untypical of a central London location. In relation to noise and disturbance concerns, officers considered that the changes made to the northern townhouse terraces accesses, the improved sound insulation to Sandwich Street windows and the form and layout of the scheme would allow it to not have a harmful impact but would bring an improvement to the existing environment. In relation to servicing concerns, officers concluded that activities would be restricted to the northern end of the site, there was also opportunity to have management over the hours and scheduling over the arrivals, the efficient management of the site would allow no harmful situations to occur on site. It was noted that discussions had considered the potential to reverse the servicing access direction. In conclusion it was thought that the correct design approach had been taken and sufficient mitigation measures would be taken to prevent a harmful impact on the environment, and the case had been made for the need for accommodation on the site.

Members of the Committee then viewed a scale model of the entire site and a detailed section of the Cartwright Gardens frontage. During the viewing of the model, members looked at the proposed development on Leigh Street, the one way northbound traffic flow, the scope for car parking bays and a new footway in front of Cartwright Gardens.

The Committee then received the deputations as referred to in Item 4 above. Councillor Jonathan Simpson then addressed the Committee, speaking in objection to the development as ward Councillor for King's Cross ward.

Discussion took place and Members of the Committee raised questions and concerns in relation to, the management of the university facilities and students; the cost and maintenance of the Cartwright Gardens; the current use and the loss of two tennis courts; the unnecessary removal of two trees in Sandwich Street; the development being used like a hotel and conferencing facility; and, traffic flow with particular concern with regard to contraflow bike lanes.

One member of the Committee wished it to be noted that they were opposed to the redesign of the gardens resulting in the loss of two tennis courts.

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In response to the Committee's questions and concerns, planning officers, the applicant and deputies made the following additional points:-

- The university would take on the cost of the gardens for the lifetime of the development; it would remain in private ownership;
- It was recognised that there was currently a low level of wardens and that the university halls management had been an issue. The applicant team took the committee through the induction process for new students entering the halls and stated that there would be CCTV coverage over the entire site, there would be security onsite 24/7 and there would be a stakeholder meeting quarterly with the community liaison group to discuss any issues arising;
- There would be a management plan in place for the gardens, they would be locked by a member of the security team at sunset, and, during the day there would be a full time member of staff in the gardens such as a grounds keeper;
- Detailed records of the tennis court usage had not been kept on the level of use. The sports team had been consulted on the loss of tennis courts, they supported the scheme. Although two private courts would be lost, the remaining two public courts would be upgraded and made fully publically available, therefore allowing the wider access to improved sports facilities;
- It was noted that the applicant had been asked to consider the retention of the two trees. The Committee heard that the southern most silver birch tree could possibly be retained after further investigation. The applicant would accept an additional condition obliging them to take reasonable steps to retain the tree. In relation to the corner tree, the applicant had not responded, but it was thought that a similar condition could be placed, but it was more likely to be more difficult to retain this tree;
- In relation to the accommodation and facility space it was clarified that the summer period months within the year would be defined in the Section 106 legal agreement. It was further clarified that there was a 400 square metre space which could be used for conference space and this could be used throughout the year. It was noted that currently conferences for 30-40 people are typical and that peak times were Monday to Friday 9am until 5pm. Outside of those timings the facilities have been designated student space;
- The flexible university space could possibly be used in the future to house the university administration team;
- In relation to the bedrooms being rented like a hotel, it was stated that the marketing of the accommodation would be important and there would be a slight increase of the current prices;
- In relation to traffic flow, a tracking study had been undertaken. The highway proposal was only indicative, therefore if the Committee were minded to grant permission, the highway proposals would be looked at and could be changed if appropriate. A large proportion of trips were made by cyclists;
- In relation to the proximity of the properties across Sandwich Street, particularly to the proposed northern townhouses, it was noted that the distance across the street was not untypical of that in central London location and it was concluded that obscure glazing would not be necessary. It was

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further stated that obscure glazing would not normally be required on a street frontage.

Following discussion one of the members of the Committee requested that if the proposal be granted condition 17 be emphasised to stress that obscure glazing should be put in wherever needed.

In relation to the design of the gardens and the retention of two tennis courts a member of the Committee further requested that if granted the design of the gardens be brought back to the Council for approval. The applicant indicated that they would be happy to discuss the retention of the two additional tennis courts.

The legal officer clarified that there was a landscaping plan and management obligation for the gardens in the Section 106 legal agreement, which already contained a requirement on the university to bring the design proposal for the garden back to the Council for approval. The exploration of keeping the two tennis courts could be added to that obligation.

On being put to the vote, subject to the above additions to the conditions and Section 106 legal agreement, it was unanimously

**RESOLVED –**

- (i) THAT planning permission be granted subject to a Section 106 legal agreement and conditions as set out in the report with an additional condition that the Developer take reasonable steps to retain the existing silver birch tree and the additional requirement in the Section 106 legal agreement that consideration be given to keeping the tennis courts in the Cartwright Gardens; following referral to the Mayor of London; and
- (ii) THAT conservation area consent be granted subject to conditions as set out in the report.

**ACTION BY:**                      **Director of Culture and Environment**  
**Borough Solicitor (AB)**

**(3) 4 ST AUGUSTINE'S ROAD, LONDON, NW1 9RN**

Consideration was given to additional information on the supplementary agenda and the written submissions and deputation requests as referred to in Item 4 above.

The planning officer outlined the previous planning history of the site. The Committee noted that the main light impact of the development was on the adjacent garden

where sunlight would be below BRE levels. The planning officer stated that the applicant had amended the application to reflect objections received from local residents, the proposed development now related much better to its surroundings. It was further noted that a deferred affordable housing contribution had been secured.

The Members of the Committee raised questions and concerns, specifically in relation to its bulk, height and massing and how it sat in the context of the other buildings along the street. Further comments were made in relation to the unappealing design of the proposal and the type of brick that would be used. Members felt strongly that the proposed scheme was substandard in design, over-massed in scale and did not preserve or enhance its surroundings and did not provide a suitable gateway to the conservation area.

In response to concerns raised by the Committee, officers stated that the previous schemes that had been refused were overtly contemporary and the design had now been pared back. The design was now sympathetic to the buildings along the road and was a careful balance between being a marker and not over dominant against the other buildings. The brick work would predominantly be London stock brick. The road naturally sloped and the two buildings next to the proposed site were a storey lower, however the scale matched the predominant scale of the street.

Further discussion took place in relation to the semi-circle window on the west elevation, the inset terraces to the roof and the contribution that would be made towards an electric car bay.

On being put to the vote with three in favour of the recommendation, five against and two abstentions, it was

**RESOLVED –**

THAT planning permission be refused.

Reasons:

1. The proposed development, by reason of its scale, massing and detailed design, would appear as an unsympathetic addition to the street scene and would fail to achieve the necessary quality of architectural design befitting of this prominent site. As such it would neither preserve nor enhance the character and appearance of the Camden Square Conservation Area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed development, in the absence of a legal agreement to secure the provision of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption, and be detrimental to the

amenities of the area generally, contrary to CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.

3. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP18 (parking standards), DP19 (Managing the impact of parking) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a legal agreement securing necessary contributions towards highway works would fail to make provision to restore the pedestrian environment to an acceptable condition after construction contrary to policy CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.
5. The proposed development, in the absence of a legal agreement securing a sustainable energy strategy, would fail to take sufficient measures to minimise the effects of, and adapt to, climate change contrary to policies CS13 (tackling climate change) and DP22 (sustainable design and construction) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.
6. The proposed development, in the absence of a legal agreement for securing a contribution to open space provision, would be likely to contribute unacceptably to pressure and demand on the borough's existing open space facilities, contrary to policies CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP31 (Provision of, and improvements to, open space) of the London Borough of Camden Local Development Framework Development Policies.
7. The proposed development, in the absence of a legal agreement for securing a contribution to education provision, would be likely to contribute unacceptably to pressure and demand on the borough's existing educational facilities, contrary to policies CS10 (Supporting community facilities and services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy

and policy DP15 (Community and leisure) of the London Borough of Camden Local Development Framework Development Policies.

8. The proposed development, in the absence of a legal agreement securing a necessary contribution towards pedestrian, cycling and environmental improvements in the area would fail to make sufficient provision in a sustainable manner for the increased trips generated by the development contrary to policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.
9. The proposed development, in the absence of a legal agreement to secure a deferred affordable housing contribution, would fail to maximise the contribution made by the development to the supply of affordable housing in the borough, contrary to policies CS6 (Providing Quality Homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy, policy DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies.

**ACTION BY:            Director of Culture and Environment  
                                 Borough Solicitor (AB)**

**(4)    14 ROGER STREET, LONDON, WC1N 2JU**

On being put to the vote it was unanimously

**RESOLVED –**

THAT planning permission be granted subject to a Section 106 legal agreement and conditions as set out in the report.

**ACTION BY:            Director of Culture and Environment  
                                 Borough Solicitor (AB)**

**(5)    43 BELSIZE LANE, LONDON, NW3 5AU**

**(6)    RELATED APPLICATION**

Consideration was given to the additional information contained in the supplementary agenda.

On being put to the vote it was unanimously

**RESOLVED –**



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- (i) THAT planning permission be granted subject to a Section 106 legal agreement and conditions as set out in the report; and
- (ii) THAT conservation area consent be granted.

**ACTION BY:            Director of Culture and Environment  
                                 Borough Solicitor (AB)**

**8.     DATE OF NEXT MEETING**

The next meeting would be held on Thursday 5<sup>th</sup> September 2013.

**9.     ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no such business.

Having adjourned between 8.51pm and 9.05pm the meeting ended at 9.46 pm

**CHAIR**

**Contact Officer:    Hannah Hutter**

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**MINUTES END**