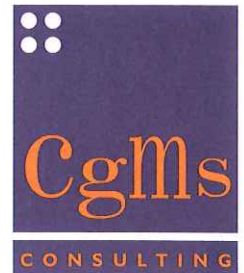


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28 June 2011

Dear Amanda,

**PLANNING APPLICATION REFERENCE: 2011/1586/P
SITE AT 11-13 ST PANCRAS WAY, LONDON NW1 0PT
RESPONSE TO OUTSTANDING MATTERS**

I write on behalf of our clients Travis Perkins plc and UNITE Group plc, with regard to the above planning application and, particularly, our meeting on 16th June and your subsequent email of 17th June which set out a limited list of issues which need to be resolved. Our clients are delighted to hear the application will be reported to Committee with a recommendation for approval.

This letter sets out our response to each of the outstanding matters in your email which we believe are now fully resolved and thus will enable the application to be considered at the Planning Committee on 21st July.

Internal Design

Communal Floorspace for Students

Whilst UNITE are convinced that the originally proposed communal areas will adequately meet the expectations of their students, in response to the comments of Vivienne Lewis at our meeting on 16th June, it is proposed to add an additional 135m² of communal floorspace on the seventh floor adjacent to the communal roof terrace. This will result in the loss of two student rooms. As a consequence, the total onsite provision will be 432m² which will mean the ratio of communal space per student will be 0.77m². Although this is less than the 1m² per student target expressed at the meeting, this target is not secured in adopted policy and UNITE strongly believe it is more appropriate to top up the communal space with a contribution to local community facilities through a Section 106 contribution. It is notable that the ratio is much higher than the permitted student scheme in Camden at Hawley Crescent (i.e. 0.3m² per bedspace) and in accordance with the provision at Blackburn Road which was deemed acceptable at appeal.

Kitchen Sizes

At our meeting on 16th June there was some confusion as to whether the 15m² minimum size for kitchen/dining areas as set out by the HMO standards includes living areas. We confirm that the requirement to provide 15 m² includes kitchen, dining and living areas. The enclosed schedule demonstrates the proposed kitchen/living/dining areas are very generous compared to the Council's HMO standards. In some cases they are double the HMO requirement and all are a minimum of 29% above the standard. The larger cluster flats are provided with a larger kitchen wherever possible.

Policy DP9 requires that all student accommodation meets HMO standards and taking into account the appended schedule the proposed development is fully compliant with the specified standards.

Natural Light to Corridors

As can be seen from the application drawings the corridors within the cluster flats are enclosed at one end by kitchens and at the other by the central cores. As a result it is not possible to provide windows to the corridors without reducing the size of the kitchens. Notwithstanding this, taking account of our discussions it is proposed that each of the doors to the kitchens are glazed so as to allow borrowed light into the corridors. UNITE are happy to accept a condition to ensure the implementation of agreed door types if deemed appropriate.

External Design

As you are aware discussions between Bellis Cooley Architects and Council's Design and Conservation Officer have been continuing in order to finalise the design of the scheme. It is understood that agreement has now been reached on the detail of the design following a number of small alterations to the scheme, as outlined below, the overall height and massing of the scheme remains the same. The design revisions can be summarised as follows:

- a. **Alterations to Fenestration** - The window size and patterns have been re-visited in some detail with a number of options having been explored. The overall intention in the changes to fenestration has been to increase the level of interest on the elevations and to further reduced the perceived mass of the buildings. The majority of the windows set into the brickwork are now full height, with the remainder being horizontal windows which are set into the brickwork in such a way as to appear like long slots. The windows are arranged into three types of patterns in the brickwork which are set in a rhythm so as to give interest across the elevation as a whole.
- b. **Repositioning of Stairs** - The relocation of the stair towers to the from the rear to the front of the building has also helped in defining the front elevation of the building. The staircases are strong vertical elements that take their cue from the red boxes elsewhere in the composition and serve to break the horizontal elevations of the long blocks.
- c. **Change of Materials to South Side** - In response to comments received during consultation, we have altered the south side of the

scheme at ground floor level. We have removed the frame over the car park and suggest a more subtle gate and fence design (the details of which can be secured by condition). We have also introduced brickwork to the podium level cycle store in order to soften the elevation and to tie the plant room and cycle store more cohesively into the building as a whole.

- d. Cycle Parking** - part of the cycle parking provision has been moved to the ground level 'service area' comprising josta cycle stands providing covered storage for 74 bicycles.

Relationship with RVC

Throughout the preparation of the scheme UNITE have kept all neighbouring occupiers involved of this proposal. The letter provided by the RVC to the London Borough of Camden on 8th June clearly establishes the college's support for the scheme. This support reflects the fact that UNITE have sought to involve the RVC throughout the development of the application proposals to ensure there is no prejudice to the neighbouring uses or occupants. As such, we are confident the development proposals will not adversely affect the current or future operation of the RVC.

Access

Negotiations have continued with the GLA's Access Officer who has confirmed support for UNITE's offer of 1% of the rooms to be fitted out as fully wheelchair accessible, with a further 4% capable of adaptation. This is consistent with the approach adopted on other recently approved student schemes in London, for example Hale Village, Haringey.

Whilst we are conscious the Council's Access Officer disputes this approach and is looking for 10% of the rooms to be wheelchair accessible we have submitted clear evidence that the provision of even 1% will result in a significant surplus of provision against demand based on UNITE's experience over the last few years. On this basis our position is there is no logical reason to require the provision of 10% of the rooms and that the provision of 1% will create harm.

In order to ensure that all potential student occupiers can be accommodated at the development, as suggested in the GLA Stage 1 Report the proposals have been amended to provide a flat at podium level for a disabled person and live in carer.

Sustainability

The GLA confirmed on 23rd June that the additional information submitted on 6th June clarifies the queries raised in the Stage 1 Report. As such, it is understood that the GLA are entirely satisfied that the energy and sustainability aspects of the scheme are appropriate and compliant with the policies of the London Plan.

Section 106 - Heads of Terms

We have considered each of the proposed S.106 requirements against the following legal tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The table below summaries the obligations UNITE Group Plc and Travis Perkins Plc are happy to agree to in principle, although in some cases we suggest they could be secured by planning condition.

Heads of Terms Agreed in Principle

Obligation	Position
Community Facilities	Financial contribution of £127,400 agreed in principle
Open Space	Financial contribution of £283,796.20 agreed in principle
Contribution to the apprentice placement and support service provided by the Kings Cross Construction Skills Centre	Financial contribution of £10,000 agreed in principle
Footway reinstatement and repaving of crossovers.	TBC - please see below.
Legible London	Financial contribution of £20,000 agreed for two signs
Affordability of units and benchmark price with other similar schemes.	Accepted
Student Management Plan	Accepted although could be conditioned
Restricting the student accommodation to the use of students only and not to be sold or let as self contained units.	Accepted
Best endeavours to work towards a target of 15% of jobs created by the construction of the development are filled by Camden residents.	Accepted
Agreement to provide 3 construction industry apprenticeships to Camden residents recruited via the Kings Cross Constructions Skills Centre. Each apprentice is to be employed for at least 52 weeks and paid at the National Minimum Wage or above.	Accepted
Agreement to provide two construction industry apprenticeships to Camden residents recruited via the Kings Cross Constructions Skills centre, each apprentice to be employed for at least 52 weeks and paid at the national minimum wage or above.	Accepted
Agreement to work with the Council's Economic Development Service to provide opportunities for Camden-based businesses to tender for the supply of goods and services during the construction of the development.	Accepted
Car free	Accepted
Construction Management Plan	Accepted but could be

Compliance with Energy/BREEAM/Sustainability Plan	secured by conditioned Accepted but could be secured by conditioned
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There are a few suggested obligations which we dispute for the reasons set out as follows.

Limiting Occupation by Students Studying in Camden

Criteria (h) of Camden Development Policy DP9 requires that student housing development should serve higher education institutions based in Camden or adjoining boroughs. UNITE are happy to operate the accommodation in line with this requirement, therefore, ensuring the application proposals are fully in accordance with the Policy DP9. Taking account of the CIL tests, we can see no necessity to apply any further restriction in excess of the requirements of Policy DP9 in order to make the development acceptable in planning terms. The evidence we have submitted with the planning application demonstrates there is a London wide need for student accommodation. Whilst there is no doubt that a large percentage of the students will study at the University of Arts at King's Cross and the Royal Veterinary College, some students will study at institutes in neighbouring boroughs. Indeed, this would be entirely sustainable given the proximity of SOAS, UCL and the University of Westminster all within 30 minutes walking distance of the site. It should also be noted that the University of Westminster has written to the Local Planning Authority to confirm its support for the development.

The Ministerial Statement: Planning for Growth (23rd March 2011) should also be taken into account which makes it clear that the *'Government's clear expectation is that the answer to development and growth should be wherever possible 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.'* In addition, the statement confirms that the sustainable growth needed to support economic growth *'is able to proceed as easily as possible.'* The Government's intentions have been further reaffirmed in the recently published draft Presumption in Favour of Sustainable Development. The statement sets out the approach that will be taken by the Government in the forthcoming National Policy Framework which will seek to ensure a presumption in favour of sustainable development is at the heart of the planning system. In particular, it should be noted that the statement requires Local planning authorities to plan positively for new development and approve all individual proposals wherever possible. The statement goes on to say that developments which accord with statutory plans should be approved without delay. It has been demonstrated through our application submission and confirmed by the Local Planning Authority the proposed land uses are entirely in accordance with both national and local planning policies, we can, therefore, see no reason why planning permission should be upheld.

Looking to other recently approved student accommodation schemes in Camden, given that Kings Cross T6 was approved on the basis that students from Camden or adjoining boroughs could occupy the accommodation we see no reason why UNITE's accommodation at St Pancras Way should have to operate under more onerous restrictions.

For the reasons outlined above we do not agree with the need to restrict the occupation of the accommodation as suggested neither do we agree that it is

appropriate to pursuing the restriction as an obligation of the S.106 Agreement. Taking into account the guidance set out in Paragraphs B2 and B51 of Circular 05/05, wherever possible the imposition of a condition over a legal obligation is preferable. This was the approach taken at Kings Cross T6 where it was considered appropriate to attach the following condition to the permission:

'The student accommodation hereby approved shall only be occupied by students enrolled on a full-time or part-time course within Camden or an adjoining Borough (Corporation of London, City of Westminster, Islington, Barnet, Brent and Haringey), or Kensington and Chelsea where the provider of that course is funded by the Higher Education Funding Council for England.'

We do not consider there to be any material difference between the schemes which would require a different approach in this instance.

Health Care

Looking to other student accommodation schemes recently considered by the Local Planning Authority it appears only the development at Blackburn Road has provided a contribution towards healthcare facilities.

Policies CS10 and DP15 require contributes to be made towards community facilities including healthcare where it can be demonstrated that the development will directly result in an increased demand for the facilities.

As discussed during the course of the application, the research produced by Savills to support the application indicates that the students likely to occupy the accommodation are expected to already be studying in the area rather than new students brought to the area as a result of the development. To this effect the NHS Healthy Urban Development Unit sought a legal opinion advising on the legality of seeking contributions towards healthcare facilities (No.5 Chambers, 20th August 2008, copy attached). It is specifically recognised at Paragraph 16 of the opinion that *'when considering the need for a contribution towards healthcare it is important to take account of the extent to which those likely users are existing inhabitants of an area and the extent to which they are new users attracted to an area by reason of the new development.'*

Again referring back to the CIL tests and taking account of the above, we do not consider a contribution to healthcare facilities to be either necessary to make the development acceptable in planning terms or to be directly related to the development.

Contribution Towards Regents Canal Bridge Feasibility Study and Provision of Bridge

As demonstrated by our supplementary information submitted on 6th June the application site is within easy walking distance of the University of the Arts campus at Kings Cross within walking times of approximately 15 minutes. The route to the campus is flat, unobstructed and direct. We can, therefore, see no direct need arising from the development proposals that require a feasibility study to be undertaken or a further contribution to the provision of a bridge.

TfL Docking Station

TfL initially looked for a contribution of £132,000 towards a docking station which we have been informed would secure a whole new station. Given the proximity to the existing stations at Royal College Street and Pancras Road, it is clear there will be no need for a further station outside the application site. Furthermore, given the scheme will secure 282 cycle spaces and it is within easy walking distance of HEIs it is unreasonable to state that the development of 562 students would create the need for a new docking station. As a consequence we are offering a contribution of £13,200.

Service Management and Travel Plan

As clearly established in our planning submission the driving point behind the proposals is the need to maintain and enhance the Travis Perkins presence at the site. The TP operation is well established here and the proposals have evolved to safeguard their future operation. This approach is entirely consistent and supported by planning policy. Within this context, we see no planning reason why the Council should seek to impose additional controls on TP's operation through either a Servicing Management or Travel Plan. Thus, whilst the submission of a Servicing Management Plan or Travel Plan should only be imposed on the student element of the scheme, this could be adequately dealt with by planning condition.

Restriction of Occupation of Student Accommodation Until Construction and Fit Out of Commercial Floorspace

The proposals are jointly led by Travis Perkins and UNITE. The whole purpose of the application scheme is to enable Travis Perkins to create bespoke accommodation to ensure the company's future at the site. As you are aware, the Travis Perkins branch at St Pancras Way is one of the company's most successful and profitable branches. As such, there is no doubt that Travis Perkins will continue to operate from the site in the future. Mindful of the CIL tests we believe it is not necessary that the commercial floorspace is fitted out in advance of the occupation of the student accommodation to make the development acceptable in planning terms.

The Ministerial Statement: Planning for Growth is also helpful in this respect. As noted above, sustainable development should be allowed to proceed as 'easily as possible'. In addition, the statement confirms that Local Planning Authorities should 'ensure that they do not impose unnecessary burdens on development.' In light of the above, we do not consider there is any reasonable basis for the Local Planning Authority to restrict the occupation of the student as suggested.

St Pancras Way Highway Improvements

We understand from John Duffy that the Council has recently received LIP funding to make improvements to St Pancras Way including the widening and repaving the footway adjacent to the application site. The tracking of the vehicles entering and leaving the site has been reassessed by WSP in light of the proposed improvements and we can confirm that the application proposals and improvements can be implemented concurrently.

However, as funding is already in place and the proposals would have taken place in any event, we consider it inappropriate that a further contribution

should be sought from UNITE and Travis Perkins for works in the area. As such, we have been advised by John Duffy that the contribution being sought by Camden's Highway Department for the repaving of the footway is being recalculated.

Additional Information Submitted

Copies of the following amended application drawings are enclosed:

- Proposed Floor Plan 1 of 11 - 0500 102 Rev D
- Proposed Floor Plan 2 of 11 - 0500 103 Rev D
- Proposed Floor Plan 3 of 11 - 0500 104 Rev C
- Proposed Floor Plan 4 of 11 - 0500 105 Rev C
- Proposed Floor Plan 5 of 11 - 0500 106 Rev C
- Proposed Floor Plan 6 of 11 - 0500 107 Rev C
- Proposed Floor Plan 7 of 11 - 0500 108 Rev C
- Proposed Floor Plan 8 of 11 - 0500 109 Rev C
- Proposed Floor Plan 9 of 11 - 0500 110 Rev B
- Proposed Floor Plan 10 of 11 - 0500 111 Rev B
- Proposed Floor Plan 11 of 11 - 0500 112 Rev C
- Proposed Elevations Block A - 0500 220 Rev B
- Proposed Elevations Block B - 0500 221 Rev B
- Proposed Elevations Block C - 0500 222 Rev B
- Proposed Elevations Block D - 0500 223 Rev B
- Proposed Elevations - Travis Perkins - 0500 224 Rev B

The following documents are also enclosed:

- Kitchen schedule
- NHS Legal Opinion

An updated CGI to reflect the alterations to the design is currently being produced and we will forward copies as soon as they are available.

We hope that the above fully addresses the outstanding matters raised in your email of 17th June to ensure that the application will be considered at committee on 21st July. However, should you require any further information or wish to discuss these matters further please contact either Gemma Brickwood or myself and we would be happy to help.

Yours sincerely,

pp. Gemma Brickwood

Matthew Roe
Director

Enc.

cc: Samantha Wells - GLA
Ralph Cooley - Bellis Cooley Architects
Asif Uz Zaman - UNITE Group Plc
Stewart Drummond - Travis Perkins
Andrew Ford - WSP