

Delegated Report		Analysis sheet		Expiry Date:		13/11/2007	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
Barrington Bowie				2007/4594/P			
Application Address				Drawing Numbers			
St Giles Court 1-13 St Giles High Street London WC2H 8LB				Covering letter; Letter dated 8 Aug (excavation work and root structure investigation) Report dated June 2007 (extent of basement, trial pits, root inspection, radar study) Tree removal and replacement (Fletcher Priest, Aug 2007) Servicing (Aug 2007) Impact of Tree (Aug 2007)			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Details of removal of trees and replacement tree planting in respect of: part conditions 5 and 6 (landscaping) and condition 7 (method statement for trees) pursuant to planning permission dated 4th October 2006 (2005/0259/P) (for redevelopment of site for mixed use development comprising office (class B1), retail (class A1), food and drink (class A3), community (class D1) and residential (class C3) uses, new public courtyard and new pedestrian routes across the site).							
Recommendation(s):		Discharge Condition 7 and partially discharge conditions 5 & 6					
Application Type:		Approval of Details					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Liaison with tree officer. The submitted information which assessed the proximity of the roots to the existing basement including excavation work, trial pits, root inspection and a radar study. This has suggested that significant amendments to the approved basement and south-east elevation would have to be undertaken in order to retain the tree. It is reluctantly accepted that it would be impossible to retain the tree, as the methods required to do so would compromise the footprint/floorspace of the development and would be financially and practically undesirable.					

Summary of consultation responses (contd):	<p>This is subject to a firm commitment that a replacement plane tree of maximum stature is provided as part of a comprehensive package of hard and soft landscaping works,</p> <p>Formal notification of the intention to fell the tree has been undertaken under highways/leisure procedures. No written objections received.</p>
CAAC/Local groups* comments: <small>*Please Specify</small>	N/a

Site Description

1. The application site, currently known as St Giles Court is a street block comprising an 8 to 10 storey, 1950's-built office building complex providing some 33,500 sq m (361,000 sq ft) of floorspace. St Giles Court occupies the 7000sq m island with St. Giles High Street, Earnshaw Street, Bucknall Street and Dyott Street forming the site's southern, western, northern and eastern boundaries. The building is currently vacant, and earmarked for demolition following planning approval to redevelop the site in October 2006 (see history).
2. Immediately to the south of St Giles High Street (an historic route into the City of London) lies the Grade I listed, 18th century St Giles-in-the-Fields (hereinafter referred to as St Giles Church). To the west the Centre Point Tower stands between St Giles Court and Charing Cross Road. At the site's southeast corner lies Princes Circus, a complex traffic junction that is not pedestrian friendly. There are several buildings that front onto Princes Circus, including Bloomsbury Central Baptist Church, which separates the site from Princes Circus, and the Shaftesbury Theatre. Immediately to the north, across Bucknall Street, is Castlewood House, a development of similar style and vintage to St Giles Court.
3. Three conservation areas surround the application site, Bloomsbury to the north and east, Seven Dials (Covent Garden) to the southeast, and Denmark Street to the south and west.
4. The wider area around the site is characterised by many of London's most popular visitor attractions. Immediately to the north is the Bloomsbury area in which are located internationally prominent university colleges and the British Museum; to the east is Holborn, which has recently seen an increase in office floorspace, and new hotels. Further developments of this kind are expected in Holborn following its identification in the Draft London Plan as an area of intensification. Covent Garden with its market, restaurants, Opera House and historic streets lies to the southwest and London's theatreland, centred on Shaftesbury Avenue is to the south. These two areas are huge international attractions, drawing in large numbers of visitors throughout the year. Southwest of St Giles, across Charing Cross Road is Soho, popular as a home for media and film companies and for its large numbers of restaurants, bars and clubs. Oxford Street, Britain's largest shopping centre with a massive annual footfall lies to the west and Tottenham Court Road the UK's leading electronic retail centre to the northwest.

Relevant History

4 October 2006. App No 2005/0259/P. After the satisfactory completion of the legal agreement, planning permission granted for mixed use development comprising office (class B1), retail (class A1), food and drink (class A3), community (class D1) and residential (class C3) uses, new public courtyard and new pedestrian routes across the site.

18 May 2007. App No 2007/1564/P. **Approval of details granted** for additional lifetime homes information in support of the access statement pursuant to **condition 15** of the above approved application (2005/0259/P on 4 October 2006)

18 May 2007. App No 2007/1569/P. **Approval of details granted** for submission of a ground investigation report pursuant to **condition 23 (a & b)** of the above approved application (2005/0259/P on 4 October 2006)

18 May 2007. App No 2007/1571/P. **Approval of details granted** for community safety measures pursuant to **condition 34** of the above approved application (2005/0259/P on 4 October 2006)

25 May 2007. App No 2007/1773/P. **Approval of details partially granted** for submission of a written scheme of Archaeological Investigation for Archaeological Evaluation and a programme of archaeological investigation pursuant to **condition 14** of the above approved application (2005/0259/P on 4 October 2006)

25 May 2007. App No 2007/1781/P. **Approval of details granted** for submission of baseline noise monitoring survey pursuant to **condition 24** of the above approved application (2005/0259/P on 4 October 2006)

25 May 2007. App No 2007/1778/P. **Approval of details refused** for details contained within the submitted BREEAM and EcoHomes Design Stage Assessments pursuant to **condition 26** of the above approved application (2005/0259/P on 4 October 2006)

25 May 2007. App No 2007/1785/P. **Approval of details partially granted** for submission of survey details to assess impact of terrestrial television reception pursuant to **condition 31** of the above approved application

25 May 2007. App No 2007/1783/P. **Approval of details partially granted** for submission of design and method statements (as required by Crossrail) for all ground floor structures, foundations and basements and for other structures below ground level including all piling pursuant to **condition 35** of the above approved application

19 July 2006. App No. 2007/2510/P. **Approval of details granted** for submission of sustainable drainage measures pursuant to **condition 21** of the above approved application.

19 July 2006. App No. 2007/2520/P. **Approval of details granted** for submission of an energy statement pursuant to **condition 27** of the above approved application.

20 July 2006. App No. 2007/2511/P. **Approval of details partially granted** for submission of site drainage measures pursuant to **condition 22** of the above approved application.

20 July 2006. App No. 2007/2510/P. **Approval of details granted** for submission of water recycling measures pursuant to **condition 29** of the above approved application.

26 July 2007. App No. 2007/1804/P. **Certificate of Lawfulness granted** for a proposed development for minor amendments to the approved building envelope comprising: a shift of the residential block footprint 500mm eastwards and slight increases in height of the market and affordable housing elements of the residential by 300mm and 480mm respectively.

10 August 2007. App No 2007/3385/P. **Approval of details granted** for details contained within the submitted BREEAM and EcoHomes Design Stage Assessments pursuant to **condition 26** of the above approved application (2005/0259/P on 4 October 2006)

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

UDP 2006 Policies:

- B1 General design principles
- B7 Conservation areas

Assessment

CONDITION TO BE DISCHARGED:

Condition No. 7

A method statement for the protection of all trees to be retained and affected by construction works shall be submitted to and approved by the local planning authority prior to any works commencing on site, and the approved measures implemented and thereafter maintained.

REASON: To ensure a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies EN15 and EN35 of the London Borough of Camden Unitary Development Plan 2000 and B1, B7 and N7 of the Revised Deposit Draft Unitary Development Plan as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006 (now adopted June 2006).

A tree survey undertaken by Charles Funke Associates was submitted as part of the considerations of the parent application for redevelopment of the site. The survey identified the removal of 9 trees around the site. There was no objection in principle to the loss of eight of those identified; five whitebeams along St Giles High Street and 3 trees of heaven in Dyott Street as they were considered poor specimens and a commitment was secured to provide replacements (semi-mature native species) as part of a comprehensive package of landscaping works.

It was not the intention to remove the mature plane tree at the site's southeast corner – the junction of St Giles High St and Dyott St. Nevertheless, it was flagged up in the 6 July 2006 report that this tree was in close proximity to the footprint and basement of the proposal and that whilst it could be compromised every effort would be taken to ensure its survival. A condition requiring a method statement for the tree's protection was attached.

As site preparations and investigations have progressed, it has become apparent that the development as approved and the tree would not be able to satisfactorily co-exist. The developer's consultants have provided information investigating the possibility of maintaining the tree in situ, whilst constructing the development as approved. The results of trial digs showed mainly surface roots that extended up to the existing site boundary. The proximity of the development's proposed basement would result in the loss of the tree's root structure, whilst the proximity of the proposed southeast corner façade would require heavy pruning of one side of the tree. The result would be an unstable tree that would endanger highway users and other members of the public.

Root inspections and radar surveys have been undertaken to ascertain the tree's root levels. The main root density for all the scans undertaken, indicate a depth band of 0.08m down to 0.35m. Thus the majority of the roots are within the top 0.35m of ground and whilst it would not be unfeasible to cut out an area basement to protect these roots, it would be difficult and expensive engineering.

It could be possible to pull the basement and façade further away from the roots and the crown of this plane, but this would require a fundamental re-design of a scheme already approved; and the Council is likely to be unsuccessful in the event of an appeal from the applicant/developer against the Council's refusal to implement the current scheme to save the tree.

The developer has suggested that a replacement plane tree of equal and maximum stature is to be planted in an alternative location around the site, to mitigate the loss of the existing plane tree. This would be provided as part of a comprehensive landscaping package of landscape works.

Since this deals with all the trees on the site and there are no outstanding matters to be dealt with under condition 7, this condition can be considered to be **FULLY DISCHARGED**.

CONDITIONS TO BE DISCHARGED:

Condition No. 5

No works in respect of the development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas for the respective parts of the development have been submitted to and approved by the local planning authority. Such details shall include any proposed earthworks including grading, mounding and other changes in ground levels.

REASON: To enable the local planning authority to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies EN15 and EN31 of the London Borough of Camden Unitary Development Plan 2000 and B1 and B7 of the Revised Deposit Draft Unitary Development Plan as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006 (now adopted June 2006).

Condition No. 6

Prior to occupation of the proposed development, all hard landscaping works shall be carried out to a reasonable standard in accordance with details approved in accordance with Condition 5 (unless otherwise agreed by the local planning authority), and all soft landscaping shall be carried out by not later than the end of the planting season following completion of the development or any phase of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season.

REASON: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies EN15 and EN31 of the London Borough of Camden Unitary Development Plan 2000 and B1 and B7 of the Revised Deposit Draft Unitary Development Plan as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006 (now adopted June 2006).

The provision of replacement trees has been secured by conditions 5 and 6 and the highways element of the s.106 agreement, although full agreement of the landscaping has yet to be secured. The following information would be required to fully discharge conditions 5 and 6: a) the amount of new trees/plants to be planted including full planting specifications (e.g. species and size) and photo examples, b) the design of and materials to be used for the paving to be used in the courtyard area which clearly defines the space as a transition from the public highway, c) design statement and d) montage (photos) of samples of materials showing how they relate to each other and how they will relate to the materials to be used on the buildings. This would need to be contained within a full and detailed landscape strategy to be agreed in writing with the local planning authority. Whilst the principle of a comprehensive landscaping strategy has been established, no details have been formally agreed thus the conditions **cannot** be fully discharged. An informative has been attached to address this.