

# Public Document Pack

**Minutes of the Meeting held on 20 March 2014**

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## **THE LONDON BOROUGH OF CAMDEN**

At a meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY, 20TH MARCH, 2014** at 7.00 pm in the Council Chamber, Town Hall, Judd Street, London WC1H 9JE

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

Councillors Sue Vincent (Chair), Roger Freeman (Vice-Chair), Meric Apak, Paul Braithwaite, Sally Gimson, Jenny Headlam-Wells, Phil Jones, Valerie Leach, Andrew Marshall, Chris Naylor, Lazzaro Pietragnoli, Flick Rea and Matthew Sanders

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

Councillors Heather Johnson, Milena Nuti and Laura Trott

### **ALSO PRESENT**

Councillors Chung, Olad, Knight and Marcus.

**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 were received from Councillors Nuti and Trott.

Apologies for lateness were received from Councillors Gimson, Leach and Marshall.

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

Councillor Apak declared for the purposes of transparency that he had had an e-mail exchange with the applicant's representative for Item 7(1) 79 Camden Road and 86-100 St Pancras Way with regard to the numbers of affordable housing. He did not consider this to be prejudicial.

Councillors Naylor and Pietragnoli declared for the purposes of transparency that they had helped to establish a residents' group in relation to Item 7(3-5) 8 Fitzroy Road.

Councillor Naylor declared for the purposes of transparency that he had had some contact with the applicants for Item 7(3-5) 8 Fitzroy Road but had not discussed the application with them.

Councillor Jones declared for the purposes of transparency that he had had contact with the applicants for Item 7(2) but did not consider this to be prejudicial.

Councillor Vincent declared for the purposes of transparency that she worked for Urban Design London, which was hosted by Transport for London.

Councillor Vincent also declared for the purposes of transparency that she had received treatment at the Rosenheim and University College London Hospitals recently.

Councillor Vincent further declared for the purposes of transparency that she had visited the site for Item 7(8) 6 Coptic Street.

### **3. ANNOUNCEMENTS**

#### **Development Management Forums**

The Head of Development Control stated that there would be a Development Management Forum on the Middlesex Annexe site, Cleveland Street on Thursday 27 March 7-9pm at Fitzrovia Community Centre, Foley Street.

The Head of Development Management also announced that the Development Management Forum on 1 April regarding 277A Grays Inn Road and the Developer Briefing on Monday 7 April had both been cancelled.

#### **Order of Business**

Item 7(7) 26 Wedderburn Road was taken before Item 7(6) 8 Pilgrims Lane.

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

#### **RESOLVED –**

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

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

There was no urgent business.

### **6. MINUTES**

The Committee agreed to amend the final paragraph of Item 7(4) by inserting the words “in perpetuity” before “nature reserve”, so that it read:

“The Legal Adviser confirmed that both the working group on construction management and landscaping and the land transfer to the London Wildlife Trust would effectively be picked up in the Section 106 agreement and the land transfer would be on terms that would secure its future use in perpetuity as a nature reserve.”

Members also noted that one of the proposed dates for the next Municipal Year, 7 May 2015, would be the date of the General Election and that as a result this date would need to be rearranged.

**RESOLVED –**

THAT subject to the above amendment, the Minutes of the meeting held on 27<sup>th</sup> February 2014 be approved and signed by the Chair as a correct record.

**7. PLANNING APPLICATIONS**

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

**(1) FORMER ODEON SITE AND ROSENHEIM BUILDING, SITE BOUNDED PARTLY BY GRAFTON WAY, TCR, HUNTLEY STREET AND UNIVERSITY STREET, LONDON, WC1E 6DB**

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

The Planning Officer reported the receipt of 5 further submissions in objection from local residents. He reported that one such submission contained a further legal opinion from the agents representing Paramount Court residents, which clarified an earlier legal opinion on daylight and sunlight issues referred to in the report. Officers had sought their own legal advice on this further legal opinion and were not minded to change their assessment of the issues as set out in the report.

The Planning Officer then briefly highlighted some of the issues raised in the written submissions, which he stated were mainly addressed in the report. He also confirmed that amended plans had not been reconsulted on as these were minor amendments and as such did not require reconsultation as part of Camden's Statement of Community Involvement.

Members then viewed a model of the proposed scheme as part of their consideration of the item.

Members queried the level of the public open space contribution and the lack of any public open space on site. In response, the Planning Officer replied that it was not possible to provide public open space on the site due to the need for patient privacy. He stated that due to the absence of public open space on-site, officers had negotiated an open space contribution which exceeded the Camden Planning

Guidance figures. He stated that there would be a preference for the money to be spent at Alfred Place, which was nearby.

Members then queried the servicing requirements for the site and expressed some concern that the four bays for ambulances which would be provided would not prove to be sufficient. A Member commented that there were already issues in the vicinity with ambulances queuing to access the current site. In response, the Transport Officer stated that a full transport assessment had been undertaken at that this had found that four bays for ambulances would be sufficient. She stated that the Section 106 legal agreement would contain provisions to allow this to be reviewed should there be any issues in the future and officers would be likely to look for an off-site provision.

Members also queried the loss of light to neighbouring properties. In response, the Planning Officer stated that the BRE calculation was a guide only and did not have the status of policy. He stated that a total of 490 windows were tested in total. Of the 168 tested within Paramount Court, 159 met the BRE standards.

A Member asked why further details were required on the connection to export heat back into the energy network. In response, the Planning Officer stated that there were two aspects to this, the generation of energy and then the connection to a local network. Much would depend on the detailed designs as to the type of energy that could be produced on site. The applicant had put in an initial response to say that this might not be possible on the site, as there was a need for a very reliable source of energy. He stated that this would be controlled through the Section 106 legal agreement so that this could be kept under review as the detailed design was progressed, with the aim of achieving a scheme where possible and if not possible, at least keeping the possibility open for the future.

In response to a query regarding the design, the Design Officer stated that the tone of the materials used would be the same on both elevations and would be of a light whitish hue. The Conservation Officer stated that the entrance to the corner building on Tottenham Court Road/Grafton Way was chamfered, which opened up improved views of the Cruciform building from Tottenham Court Road.

A Member suggested that residents should be fully involved in a Management Group for the site if permission was granted. Members agreed to ensure that this requirement would be included as part of the Section 106 Agreement. It was noted that the construction period was expected to last three years.

In response to a query on the lack of affordable housing, the Planning Officer replied that this site had been identified as a preferred site for medical use within the Fitzrovia Area Action Plan and so the Council's standard mixed use policy did not apply.

Some Members expressed concern at the manner in which the building appeared to loom over the Jeremy Bentham public house. The Conservation Officer replied that the current Rosenheim building was already significantly taller than the public house

and appeared to wrap around it on two sides. The proposed scheme would see bulk removed from the University Street side, which would be an improvement. It was confirmed that this was no taller than the current arrangements and efforts had been made down to break down the façade, through the use of materials that would complement the surrounding area.

Some Members, whilst being supportive of the overall scheme, still had some concerns regarding transport issues and the lack of open space. However, other Members accepted that it would be difficult to provide open space on the site given the sensitivities around the building's use. On balance, Members expressed their support for the scheme.

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, with the following additional requirements included in the Section 106 legal agreement, and that the resolution be referred back to the Mayor of London for his Stage 2 Direction:

- Review of the Servicing Management Plan
- Construction Management Group to be set up for engagement with local residents
- Reconsideration of public open space contribution

**ACTION BY –** Director of Culture and Environment  
Borough Solicitor

**(2) 79 CAMDEN ROAD AND 86-100 ST PANCRAS WAY, LONDON, NW1 9EU**

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

The Planning officer reported the receipt of one late letter of objection from a local resident. He also recommended an additional condition be imposed, which would require the final layout of all wheelchair accessible flats to be approved by the Council.

The Planning Officer gave a presentation which highlighted the main aspects of the scheme. The Planning Officer clarified that the floor sizes for each of the duplex units was given per floor, so that to get the size of the full unit both figures needed to be added together.

A Member queried the amount of affordable units. He also queried the light levels for flats looking onto the proposed courtyard and asked about the loss of industrial and employment space.

In response, the Planning Officer stated that 50% of the units would be affordable, which amounted to 82 units, and that these included 3 and 4 bed family sized units for social rent. He also stated that the level of affordable rents had been secured at 57% of market rent for 1 bed flats and 52% of market rents for 2 bed flats. With regard to light issues, he stated that the courtyard was 18m x 18m which prevented overlooking and would allow sunlight into a significant proportion of the elevations, even if it would not reach all the way to the ground, and the windows and materials would allow for significant reflection of light. The courtyard provided a peaceful and quiet outlook for properties on a site which had busy roads on two sides.

On the issue of loss of employment space, the Planning Officer stated that the site had most recently been used as a B1A office space, not industrial. He stated that where there was no prospect of that use continuing, the National Planning Policy Framework stated that applications for change of use needed to be judged on their merits. The site did not meet a number of requirements that would be needed for ongoing employment use on the site and was of low quality and in need of significant investment, which meant that the loss of employment space would be in accordance with Camden's policies DP13 and CPG 5. As a result, the only appropriate use for the site was B1A offices and the marketing exercise undertaken had been appropriate. The preferred alternative use was housing and the scheme would be providing a significant increase in the Borough's housing stock.

In response to a question as to whether a mixed use might be possible on the site, the Planning Officer stated that the site was outside the Central London area and was not a Town Centre, so there was no requirement for a secondary use under policy DP1. He stated that the possibility of a B1 use on the site had been looked at but that would jeopardise the amount of affordable housing that could be delivered, which was the top land use priority.

In response to a question regarding the trees on the site, the Planning Officer replied that a full arboricultural survey had been undertaken. The plane tree which needed to be removed would be replaced and there was a £15,000 contribution for street tree planting.

In response to concerns that allowing this change of use might set a precedent for other nearby light industrial uses, the Planning Officer stated that every scheme would need to be judged on its own merits but that this site did not set a precedent as it was B1A office use and different policies would apply to other nearby light industrial sites.

A Member stated that there appeared to be a number of compromises made to the Council's guidelines on issues such as light and public open space. He queried whether these were driven by viability issues, as there was no viability assessment provided and whether the density on the site was too high. The Planning Officer



stated that there was no need for a viability assessment under the Council's policies when the 50% policy objective on affordable housing was met. Although the density of 395 units per hectare was at the higher end of the density range, given the context of the site and the highly accessible location it was considered to be acceptable.

In response to a question regarding nursery and GPs surgeries, the Planning Officer stated that there had been an assessment undertaken by the applicant which indicated that there was capacity for them to be served by the available facilities. However, the objectors present expressed concerns that GPs' surgeries in the area were not accepting new patients.

A Member commented that noise surveys should not be undertaken in the quiet month of August and expressed his concern that this had happened.

In response to questions regarding the design, the Design Officer stated that the material used inside the courtyard would be light in tone whereas a textured mid-grey brick would be used on the external façades. The materials to be used would need to be approved by the Council under one of the proposed conditions. The use of corten steel on the roof had been chosen as it had a robust, weathered appearance that responded appropriately to nearby buildings.

A Member queried whether Rochester Place would be able to cope with servicing requirements from the new flats which would have their refuse collected from that street. He also queried whether pavement widths were sufficient for wheelchairs.

The Planning Officer stated that the refuse from 50 of the units would be collected on Rochester Place. There was already a refuse vehicle which went down the road so there would not be additional vehicles movements, although the vehicle would need to stay slightly longer. There was a strategy in the Section 106 legal agreement to ensure that the refuse was brought out when the refuse vehicles arrived, which would minimise the length of time refuse bags would be on the street. The Transport Officer stated that there would be less servicing for the site compared to the previous B1A office use, with approximately 10 trips per day expected. There would be a minimum 0.9m pavement width, which met requirements for wheelchair access and the pavements would be wider than this across most of the site. The proposed pavements would be wider than the existing pavement.

In response to a question, the Planning Officer stated that 79% of the flats across the scheme were dual aspect. He stated that an independent daylight assessment had been provided as part of the application. 500 rooms had been tested for average daylight factor and 86% of them passed this assessment.

On being put to the vote, with 7 votes in favour, 4 against and 1 abstention it was

**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

**(3) 8 CHALCOT YARD, FITZROY ROAD, LONDON, NW1 8TX**

**(4) RELATED APPLICATION**

**(5) RELATED APPLICATION**

Consideration was given to the additional information contained on the supplementary agenda and the written submission referred to in Item 4 above.

Members noted that the site's address should be 8 Fitzroy Road, not 8 Chalcot Yard.

Members expressed concern at the harm which had been done to the listed building. They also expressed the view that officers should ensure that any additional units of housing provided on the site in future would be affordable.

On being put to the vote it was unanimously

**RESOLVED –**

- (1) THAT planning permission be granted subject to a Section 106 legal agreement and conditions as set out in the report.
- (2) THAT conservation area consent be refused for the reasons set out in the report.
- (3) THAT listed building consent be granted subject to conditions as set out in the report.

**ACTION BY –** Director of Culture and Environment  
Borough Solicitor

**(6) 8 PILGRIMS LANE, LONDON, NW3 1SL**

This item was deferred due to lack of time.

**(7) 26A WEDDERBURN ROAD, LONDON, NW3 5QG**

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

The Planning Officer gave a presentation which highlighted the main features of the scheme, during which he reported that the site's address should be listed as either

26 Wedderburn Road or Garden Flat 26 Wedderburn Road, and not 26A Wedderburn Road which was a separate property.

Members sought reassurances that the basement extension would not cause flooding and would not damage the foundations of neighbouring properties. Mr Marychurch from CGL stated that groundwater in the Claygate beds was not responsive to surface water to the extent that this would cause groundwater flooding at surface level. He believed that recent flooding was much more likely to be caused by surface water run-off. He stated that there would be a specialist grout curtain that would prevent water ingress to neighbouring properties, which would surround the perimeter and would allow construction to take place in dry conditions. This would require an additional metre in depth.

Members agreed that should they be minded to grant permission, they would require a precondition survey to be undertaken of neighbouring properties.

In response to a number of questions regarding the information provided, Mr Marychurch stated that he had reviewed the Basement Impact Assessment and was satisfied with the approach and the information provided. He did not feel additional information was required.

In response to a question, Mr Marychurch confirmed that the grouting contractor would need to be a specialist company. Following discussion, Members agreed to add a condition requiring approval of the method of grouting, conducted by a specialist grouting contractor. This method would be reviewed by an independent expert commissioned by the Council, at the expense of the applicant.

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

**RESOLVED –**

THAT planning permission be granted subject to the conditions set out on the report and subject to a Section 106 legal agreement and an additional condition as set out below:

*Pre-condition Survey*

A Pre-Condition Survey to be secured via a Section 106 legal agreement. This would include analysis of all properties within No 26 Wedderburn Road, No 24 Wedderburn Road and 5 Akenside Road.

*Grouting Condition*

No works associated with the development hereby approved shall take place until the proposed method of grouting associated with the basement works have been submitted to and approved in writing by the Council in conjunction with the advice of

the appointed independent engineering assessors. The works shall be carried out in accordance with the approved method statement.

Reason: To protect the built and natural environment and the wellbeing of neighbouring buildings in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

**ACTION BY –** Director of Culture and Environment  
Borough Solicitor

**(8) 6 COPTIC STREET, LONDON, WC1A 1NH**

This item was deferred due to lack of time.

**(9) 3-6 LONG YARD, LONDON, WC1N 3LU**

Consideration was given to the additional information contained on the supplementary agenda and the written submission referred to in Item 4 above.

**RESOLVED –**

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

**ACTION BY –** Director of Culture and Environment  
Borough Solicitor

**(10) 14 WELL ROAD, LONDON, NW3 1LH**

**(11) RELATED APPLICATION**

This item was deferred due to lack of time.

**(12) CAROB TREE RESTAURANT, 15 HIGHGATE ROAD, LONDON, NW5 1QX**

This item was deferred due to lack of time.

**(13) 2 MARYLEBONE ROAD AND 1-9 ALBANY STREET, LONDON, NW1 4DF**

**(14) RELATED APPLICATION**

This item was deferred due to lack of time.

**(15) 297 EUSTON ROAD, LONDON, NW1 3AQ**

This item was deferred due to lack of time.

**(16) 65 REGENTS PARK ROAD, PRIMROSE HILL, LONDON, NW1 8XD**

This item was deferred due to lack of time.

**(17) 26 KING'S MEWS, LONDON, WC1N 2JB**

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

**RESOLVED –**

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

**ACTION BY –** Director of Culture and Environment  
Borough Solicitor

**(18) 23 HATTON WALL, LONDON EC1N 8JJ**

**RESOLVED –**

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

**ACTION BY –** Director of Culture and Environment  
Borough Solicitor

**8. DATE OF NEXT MEETING**

The next meeting of the Committee would be held on Thursday 3<sup>rd</sup> April 2014.

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

There was no urgent business.

*Development Control Committee - Thursday, 20th March, 2014*

Having adjourned between 9.43pm and 9.51pm, and having applied committee procedure rule 19 at 10.00pm, the meeting ended at 10.30 pm.

**CHAIR**

**Contact Officer: Alastair Round**

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**MINUTES END**