

THE LONDON BOROUGH OF CAMDEN

At a meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY, 3RD APRIL, 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), Meric Apak, Heather Johnson, Phil Jones, Valerie Leach, Andrew Marshall, Chris Naylor, Lazzaro Pietragnoli, Flick Rea and Matthew Sanders

MEMBERS OF THE COMMITTEE ABSENT

Councillors Roger Freeman, Paul Braithwaite, Sally Gimson, Jenny Headlam-Wells, Milena Nuti and Laura Trott

ALSO PRESENT

Councillors Peter Brayshaw, Linda Chung, Maya De Souza, Chris Knight and Awale Olad.

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 Braithewaite, Freeman, Gimson, Headlam-Wells, Nuti and Trott.

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

Councillor Jones declared for the purposes of transparency that in relation to Item 7(6) 2 Marylebone Road, he used to work at the "Which?" building. He did not consider that to be prejudicial to his consideration of the application.

Councillor Leach declared for transparency that she was aware of the issues in relation to Item 7(5) The Carob Tree as a ward councillor but stated that she had not expressed any views on the application.

Councillor Rea declared that in relation to Item 7(14) The Railway, she stated that she had visited The Railway on several occasions but had not discussed the application.

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

Councillor Vincent also declared for transparency that she had visited the site for Item 7(2) 6 Coptic Street.

Councillor Vincent further declared that in relation to Item 7(2) 6 Coptic Street, she was acquainted with one of the objectors but that she did not consider this to be prejudicial to her consideration of the application.

3. ANNOUNCEMENTS

65 Regents Park Road

The Chair announced that Item 7(9) Regents Park Road had been withdrawn from the agenda.

Date of Next Meeting

The Chair reminded Members that due to Council moving to 24 April 2014, the next meeting of the Development Control Committee would now take place on 1 May 2014.

4. REPRESENTATIONS TO THE COMMITTEE

RESOLVED –

THAT the written submissions and the deputation requests set out in the supplementary agenda be accepted, with the following amendments:

- the applicants for 297 Euston Road, Agar Grove Estate, 1-5 King's Cross Bridge, Village Close Garages and 16 Greville Road were not heard as there was nobody registered to speak against those applications.
- Councillor Maya De Souza spoke on The Carob Tree
- The applicant for 61-63 Rochester Place spoke in response to the objectors.

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

There was none.

6. MINUTES

Members agreed the following amendment to the Minutes:

Item 7 (3-5) 8 Chalcot Yard, Fitzroy Road, 3rd paragraph, second sentence be amended to read: "They also expressed the view that officers should ensure that any additional units of housing provided on the site in future would be counted towards an affordable total and any that would be subdivided."

RESOLVED –

THAT subject to the above amendment, the Minutes of the meeting held on 20th March 2014 be approved and signed by the Chair as a correct record.

7. PLANNING APPLICATIONS

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

(1) 8 PILGRIMS LANE, LONDON NW3 1SL

Consideration was given to the deputation requests and written submissions referred to in Item 4 above.

The Planning Officer gave a presentation which highlighted the key features of the application.

In response to a query, the Planning Officer confirmed that three trees would be removed as part of the scheme and that there would be two trees planted to replace them.

A number of Members expressed concern about whether the construction would work and queried the basement impact assessment and the proposed method of construction. They sought reassurance that the proposed basement would not cause damage to neighbouring properties and queried whether it was legitimate in such a sensitive situation for such fundamental information to be provided through conditions after planning permission had been granted. They also queried whether there was sufficient expertise within the Council to sign-off the construction method. In response, the Legal Adviser stated that it was legitimate for approval to be granted subject to further information, unless there was a fundamental doubt regarding the method proposed.

Nick Langdon, from the Council's Basement Impact Assessment consultants CGL, stated that he recognised that this was an extremely sensitive site. He stated that it was not possible to assess the depth of the post which held up 10 Pilgrims Lane prior to construction and that it would be safest to do this during the construction process. He stated that nine boreholes had been dug as well as 8-10 trial pits, which was a significant amount of investigation.

A Member queried whether the Council would be liable should there be any damage to the buildings. The Legal Adviser stated that the Council would not be liable as long as it properly applied its policies. Nick Langdon stated that it was likely that these issues would be controlled through the Party Wall Agreement which would be required.

In response to a question regarding the lack of a requirement for Sustainable Urban Drainage, the Planning Officer stated that the application was not expected to generate a significant change in surface water movement which was why this was not being required.

On being put to the vote, with seven votes against and two abstentions, it was

RESOLVED –

THAT planning permission be refused for the following reasons:

1. In the absence of sufficient information the applicant has failed to demonstrate that the proposed basement excavations would not have significant adverse impacts on the structural stability of the application site and adjacent properties. As such, the scheme is contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.
2. The removal of the TPO tree would be harmful to the visual amenity it provides and harmful to the character and appearance of the conservation area, contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design), DP25 (conserving Camden's Heritage) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

3. The proposed basement, patios, steps and associated excavation by virtue of their size, depth, bulk, mass and detailed design would have an adverse impact on the original proportions of the host building to the detriment of the quality of the building, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's heritage) and DP27 (basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a legal agreement to secure the submission and implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and hazards for pedestrians, cyclists and other road users and would be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), 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 policies DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
5. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policy 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 DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.
6. The proposed development, in the absence of a legal agreement to secure the submission and implementation of a Construction Impact Plan, could have significant adverse impacts on the structural stability of the application site and adjacent properties contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP23 (Water), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

Informative: Without prejudice to any future application or appeal, the applicant is advised that reasons for refusal numbered 4, 5 and 6 could be

overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

ACTION BY – Director of Culture and Environment

(2) 6 COPTIC STREET, LONDON WC1A 1NH

Consideration was given to the written submissions and the deputation requests referred to in Item 4 above.

The Planning Officer gave a presentation which highlighted the main features of the application. She also reported the receipt of one further late piece of correspondence from one of the objectors to the application.

A Member expressed surprise that there was not a thorough assessment of the two roofscapes in the officers report and felt that this should have been included. Members felt that the removal of the original roof had a significant impact on the Conservation Area.

A Member asked whether there had been a significant improvement from the previously refused scheme. The Planning Officer stated that the previous refused application had been full width, which would have blocked the gap between the mews building and the rear of 7 Coptic Street entirely. This would have led to more significant loss of daylight/sunlight than the current proposal.

Members expressed concern regarding the loss of daylight/sunlight to neighbouring properties and noted that the application failed a number of daylight/sunlight tests. They felt that it had a significant impact on neighbouring properties.

A member questioned whether the property could be converted to residential units using the new Permitted Development rights and it was confirmed that it could not as it was in the Central London Area.

On being put to the vote, it was unanimously

RESOLVED –

THAT planning permission be refused for the following reasons:

1. The proposed rear extension, by reason of its bulk, mass and terminating height would result in harm to the character and appearance of the host building and of this part of the Bloomsbury conservation area, contrary to policy 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 roof extension, by reason of its design, form, bulk, location in a pair of buildings unimpaired by later additions and removal of original roof form would result in harm to the character and appearance of the host building, the pair of buildings of which it forms part and of this part of the Bloomsbury conservation area, contrary to policy 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
3. The proposed rear closet wing extension by reason of its height and location would result in a loss of amenity to neighbouring occupiers by virtue of the impact on sunlight, daylight and sense of enclosure to the adjoining roof terrace and windows at 5 and 7 Coptic Street, contrary to policy CS5 (Managing the impact of growth and development) the London Borough of Camden Local Development Framework Core Strategy; and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

ACTION BY – Director of Culture and Environment

(3) 14 WELL ROAD, LONDON NW3 1LH

(4) RELATED APPLICATION

In response to a question regarding the Conservation Area Advisory Committee's comment that the previous scheme was preferable, the Planning Officer stated that there were not too many differences between the two schemes and that the significant changes were at the rear of the property.

A Member asked a question regarding the use of the fins to the rear elevation and the Planning Officer confirmed that these were considered acceptable in terms of design and impact on the conservation area.

On being put to the vote, it was unanimously

RESOLVED –

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

- (2) THAT conservation area consent be granted subject to conditions as set out in the report.

ACTION BY – Director of Culture and Environment
Borough Solicitor

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

Consideration was given to the written submissions and deputation requests referred to in Item 4 above.

The Planning Officer gave a presentation which highlighted the key features of the application. The Planning Officer also reported the receipt of a late letter of objection from a nearby business.

A Member queried the previous planning conditions and queried whether enforcement action was being taken at the site. She stated that the history of the site meant that people were not confident regarding compliance with conditions. Another Member queried whether the size of the refuse store, which he felt was very small, would be sufficient.

The Planning Officer stated that work had begun on site without all the conditions being discharged, which had prompted Planning Enforcement to visit the site. She stated that no enforcement action was being taken, although the site was being monitored. She stated that work already undertaken did not affect the refuse storage, cycle parking, the cladding or the roof terrace. She stated that the conditions on the original permission were designed to prevent refuse and the cycle parking from being sited at the front of the site. She stated that the change to a restaurant from a pub was permitted development and that officers felt that the proposed extension was a minor one in relation to the size of the unit. She stated that the Council's Street Services Section had confirmed that in their opinion, the proposed refuse area was acceptable.

A Member queried the position of the cycle parking at the rear of the bin store and asked how useful this was. In response, the Transport Officer stated that although he had not been consulted on the application, he did not consider the siting of the bike store and refuse area in the same area to be best practice.

On being put to the vote, with one vote in favour, six against and two abstentions it was

RESOLVED –

THAT planning permission be refused for the following reasons:

1. The proposed size, layout and location of the combined refuse/recycling and cycle storage facilities is both inadequate and inconvenient and is likely to result in the storage of refuse and bicycles on the highway or elsewhere on the property to the detriment of the visual amenities of the property and the conservation area and would fail to comply with the London Borough of Camden Local Development Framework Development Policies with particular regard to policy CS5 (Managing the impact of growth and development), and London Borough of Camden Local Development Framework Development Policies DP17 (Walking, cycling and public transport), DP18 (Parking standards and limiting the availability of car parking) and DP26 (Managing the impact of development on occupiers and neighbours).
2. The proposed development, in the absence of a legal agreement to secure the submission and implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and hazards for pedestrians, cyclists and other road users and would be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), 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 policies DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Informative: Without prejudice to any future application or appeal, the applicant is advised that reason for refusal numbered 2 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

ACTION BY – Director of Culture and Environment

(6) 2 MARYLEBONE ROAD AND 1-9 ALBANY STREET, LONDON NW1 4DF

(7) RELATED APPLICATION

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

The Planning Officer gave a presentation which highlighted the key features of the application.

Members viewed a model of the proposal and also viewed samples of the proposed materials.

During debate, Members expressed their support for the design and the view was expressed that the building would be an interesting and positive addition to the area.

On being put to the vote, it was unanimously

RESOLVED –

- (1) THAT planning permission be granted subject to conditions and a Section 106 Legal Agreement as set out in the report.
- (2) THAT conservation area consent be granted subject to conditions as set out in the report.

ACTION BY – Director of Culture and Environment
Borough Solicitor

(8) 297 EUSTON ROAD, LONDON NW1 3AQ

A Member stated that he was generally concerned about the loss of office space in the Borough, although he was willing to support this application.

On being put to the vote it was unanimously

RESOLVED –

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

ACTION BY – Director of Culture and Environment
Borough Solicitor

(9) 65 REGENTS PARK ROAD, PRIMROSE HILL, LONDON NW1 8XD

This item was withdrawn from the agenda.

(10) AGAR GROVE ESTATE, AGAR GROVE, LONDON NW1

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

The Planning Officer gave a presentation which highlighted the main features of the scheme. The Planning Officer also reported the receipt of a late letter from Councillor Brayshaw which stated that all three ward councillors supported the application.

A Member welcomed the proposal as exemplary with very low number of objections which had been received and stated that he was broadly supportive. However, he queried how the rent element of the shared ownership affordable properties would be calculated. He also expressed some concern at the lack of open space.

In response, the applicant's representative responded that the shared ownership would be based on 25% equity, with rent charged as a percentage of the unsold equity up to 2.5%. He stated that this was a standard shared ownership product.

A Member queried why there were not more two and three bed social units proposed when that was the housing priority. The Planning Officer replied that the housing to be provided on site had been matched to the particular housing needs of the residents currently living on the Agar Estate. In response to a further question, the applicant confirmed that there were 72 proposed 1 bed units, 79 proposed 2 bed units, 40 proposed 3 bed units and 25 proposed 4 bed units.

Another Member queried the reduction in the amount of play space for those over the age of 11. In response, the Planning Officer stated that whilst the amount of play space had reduced, the quality of the space available had significantly increased in particular due to the provision of a new Multi-Use Games Area and better integration in the estate. He stated that the scheme fully accorded with the Council's play standards.

A member requested that particular attention be paid to the approval of materials to avoid an over dominance of dark brickwork.

On being put to the vote, it was unanimously

RESOLVED –

THAT permission be granted for the Council's own development under regulation 3, subject to the conditions and a shadow Section 106 Legal Agreement as set out in the report and subject to any direction by the Mayor of London.

ACTION BY – Director of Culture and Environment
Borough Solicitor

(11) MAIDEN LANE ESTATE, MAIDEN LANE, LONDON NW1 9UJ

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

The Planning Officer gave a brief introduction which highlighted the main aspects of the application.

In response to a query regarding the consultation, the Planning Officer stated that there were three site notices placed near the site.

On being put to the vote, it was unanimously

RESOLVED –

THAT the variation of condition as set out in the report (minor material amendment) be granted.

ACTION BY – Director of Culture and Environment

(12) 1-5 KING'S CROSS BRIDGE, 281 PENTONVILLE ROAD AND 368 GRAYS INN ROAD, LONDON N1 9NW

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

The Planning Officer gave a presentation which highlighted the key features of the application.

In response to a question regarding noise prevention and insulation, the Planning Officer replied that the proposed building would contain thick glazing and that there would also be dampeners to help prevent noise and vibrations from the underground tunnels below ground.

In response to a question on energy generation on site, the applicant stated that whilst there would be solar panels, it was not possible to install a ground source heat pump due to the London Underground tunnels beneath the site.

Members expressed their support for the design of the building.

On being put to the vote, it was unanimously

RESOLVED –

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

ACTION BY – Director of Culture and Environment
Borough Solicitor

(13) VILLAGE CLOSE GARAGES, BELSIZE LANE, LONDON NW3 5AS

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

The Planning Officer gave a brief presentation which highlighted the main aspects of the application.

Members expressed concern about the methodology which had been used to carry out the viability assessment and that it was not possible to achieve a better affordable housing contribution on this site. In response, the Planning Officer stated that Camden Planning Guidance did not specify how the land value used in the assessment should be calculated but made reference to existing use value and alternative use as possible measures. The officer advised that in this case alternative use value had been used to calculate viability rather than existing land value and that the Council's viability consultants, BPS, were satisfied with the figures in the developer's viability assessment. However, Members remained concerned about the methodology used and that the affordable housing contribution had not been achieved.

The applicant also responded to say that the approach taken to assessing viability was a legitimate one.

A Member expressed concern at the bulk and massing of the building and the colour of the proposed development.

On being put to the vote, with two votes in favour, four against and two abstentions it was

RESOLVED –

THAT planning permission be refused for the following reasons:

- (1) The proposed development by virtue of its height, bulk, massing and detailed design would have a detrimental impact on the street scene, the character and appearance of the local area and the adjoining conservation area contrary to policies CS14 (promoting high quality places and conserving 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 applicant has failed to demonstrate that the proposed development would deliver the maximum reasonable amount of affordable housing, contrary to policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and 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

(14) THE RAILWAY, 100 WEST END LANE, LONDON NW6 2LU

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

On being put to the vote it was unanimously

RESOLVED –

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

ACTION BY – Director of Culture and Environment
Borough Solicitor

(15) 16 GREVILLE ROAD, LONDON NW6 5JA

On being put to the vote it was unanimously

RESOLVED –

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

ACTION BY – Director of Culture and Environment
Borough Solicitor

(16) 61-63 ROCHESTER PLACE, LONDON NW1 9JU

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

The Planning Officer gave a presentation which highlighted the main aspects of the application.

A Member expressed concern about the closeness of the rooflights to nearby properties. The Planning Officer replied that the rooflights had been approved and he stated that the light from the rooflights would shine upwards, away from properties, once scaffolding had been removed.

A Member queried the materials to be used and the colour of the brickwork, given concern which had been expressed about this by objectors that these were not suitable for the location. In response, the officer stated that it was not part of the Conservation Area although this had a Mews style character with industrial characteristics. There was a predominance of London stock brick in the vicinity but officers felt that the use of more modern materials would help to draw a distinction between the proposed building and the existing buildings but in colours that would reflect its surroundings. She stated that the colour of the proposed panels would be subject to condition.

On being put to the vote, with four votes in favour and four votes against and with the Chair exercising a second casting vote in favour of refusal, it was

RESOLVED –

THAT planning permission be refused for the following reasons:

1. The proposed extension, by reason of its bulk, size, location, design and materials, would be detrimental to the character and appearance of the immediate area and adjoining conservation areas, contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed extension, by reason of its size, location and design, would result in loss of outlook to neighbouring properties in Reeds Place to the detriment of their residential amenities, contrary to policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

ACTION BY – Director of Culture and Environment

(17) 107 GRAY'S INN ROAD, LONDON WC1X 8TZ

This item was deferred due to lack of time.

(18) LACON HOUSE, 84 THEOBALDS ROAD, LONDON WC1X 8RW

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

On being put to the vote it was unanimously

RESOLVED –

THAT planning permission be granted subject to 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 1 May 2014 at 7pm.

9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

Having adjourned between 9.07pm and 9.15pm, and having applied committee procedure rule 19 at 10.00pm, the meeting ended at 10.30 pm.

CHAIR

Contact Officer: Ally Round

Telephone No: 020 7974 5642

E-Mail: alastair.round@camden.gov.uk

MINUTES END