

THE LONDON BOROUGH OF CAMDEN

At a meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY, 27TH FEBRUARY, 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, Jenny Headlam-Wells, Heather Johnson, Phil Jones, Andrew Marshall, Chris Naylor, Lazzaro Pietragnoli, Flick Rea and Matthew Sanders

MEMBERS OF THE COMMITTEE ABSENT

Councillors Paul Braithwaite, Sally Gimson, Valerie Leach, Milena Nuti and Laura Trott

ALSO PRESENT

Councillors Julian Fulbrook, Nancy Jirira 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 for absence were received from Councillors Braithwaite, Leach, Nuti and Trott. An apology for lateness was received from Councillor Pietragnoli.

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

In relation to Item 7(1&2) Land to the West of Royal Mail Sorting Office Bounded by Phoenix Place, Mount Pleasant, Gough Street and Calthorpe Street, Councillor Naylor declared that he was a trustee of the National Postal Museum. However, he did not consider this to be a prejudicial interest and would take part in consideration of the item.

In relation to Item 7(3) Garages, Willingham Terrace, Councillor Apak declared that he would be stepping down from the Committee for the duration of the item and addressing the Committee as a ward councillor. He would not take part in deliberations or voting on the item.

In relation to Item 7(3) Garages, Willingham Terrace, Councillor Headlam-Wells declared that she had been present at a number of meetings relating to the site between residents and the Council and a meeting between the Cabinet Member for Housing and the developer. However, she did not consider this to be a prejudicial interest and would take part in consideration of the item.

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

3. ANNOUNCEMENTS

Developer Briefings

The Head of Development Management reported that the Developer Briefing scheduled for 10th March had been cancelled but there would be one on 7th April which she would write to Members about shortly.

4. REPRESENTATIONS TO THE COMMITTEE

RESOLVED –

- (i) THAT the written submission and deputation requests contained in the supplementary agenda be accepted; and
- (ii) THAT the late request from Councillor Nancy Jirira to address the Committee on Gondar Gardens Reservoir be accepted.

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

There was no notification.

6. MINUTES

RESOLVED –

THAT the minutes of the meeting held on 6th February 2014 be approved and signed as a correct record.

7. PLANNING APPLICATIONS

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

- (1) LAND TO WEST OF ROYAL MAIL SORTING OFFICE BOUNDED BY PHOENIX PLACE, MOUNT PLEASANT, GOUGH STREET AND CALTHORPE STREET, LONDON WC1 &**
- (2) RELATED APPLICATION**

Consideration was also given to the additional information contained in the supplementary agenda and to the deputations referred to in item 4 above.

The Planning Officer remarked that the viability report to which Members needed to have regard was in the supplementary agenda.

In response to questions, the Planning Officer commented that although the Council encouraged densities at the higher end of the density range, this was a guideline and not an absolute requirement as there were other considerations to be taken into account. As this proposal fell within the acceptable range, density was not being suggested as a reason for refusal, although there were a limited number of units considered to be of sub-standard quality and some instances where the overlooking distances between units were less than acceptable, thought impacts in regard to the latter may be able to be adequately mitigated. In relation to the cycle superhighway proposed for the area, it was expected that, as the scheme was developed it would take account of this and accommodate it appropriately as referred to in addendum on the supplementary agenda. Height and massing was not specifically considered to be an issue with the Camden element of the scheme, although some combination of these aspects may contribute towards the identified harmful effects upon daylight levels in properties in Laystall Court and Mount Pleasant bordering the south west corner of the scheme.

Andrew Jones of BPS, in response to questions, remarked that the location of any additional affordable housing would require careful thought as there were clearly some higher value elements of the site, such as the tops of the tower blocks, and social housing providers tended to prefer all their units to be located together in order to avoid the higher service charges that applied in blocks with private housing. However, there was no reason that it could not be provided. The Planning Officer added that in the original informal proposal, for 20% affordable housing, it would have been split between the lower levels of the building facing the ITN building and some dotted around the northern part of the site. The current 11.3% affordable housing offer would be only in the lower two storeys of the central part of that block and to his recollection dotted around the northern part of the site, and an equal proportion of affordable housing would no longer be delivered in each phase of the development.

Members made the following comments on the proposals:-

- The proposal was deficient in public open space.
- It was unacceptable that the Council had been stripped of its power to take a decision on this application by the Mayor of London on the basis of spurious reasons for the call-in.

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- It was regrettable that the applicant sought to profit at the expense of people desperately in need of homes.
- There was an unacceptably high level of residential parking provision proposed, especially in light of the high level of public transport accessibility of the site.
- The health impacts of this in an area of poor air quality were also a matter of concern.
- Even sites in the north of the borough were expected to be car free and this should be pointed out to the Mayor for his consideration when assessing the application.
- The low level of affordable housing was unacceptable.

On being put to the vote, it was unanimously

RESOLVED –

2013/3807/P

THAT the Mayor of London be advised that the Council, whilst supporting the principle of mixed use development, considers that, in its current form, the application should not be approved and that amendments should be secured prior to determination in relation to the following matters:

1. That the application fails to demonstrate that the maximum reasonable amount of affordable housing, taking into consideration the individual circumstances including development viability, the availability of public subsidy and in particular the implications of phased development, including provisions for re-appraising the viability of schemes prior to implementation of later phases.
2. That the application should be brought forward only as part of the wider site proposals, including enabling works and residential led development within the Islington borough site, ensuring that adequate linkages and restrictions on commencement / occupation are secured between tenures and phases.
3. That the proposed quantum of private residential car parking is excessive and the development should be modified to substantially reduce this level.
4. That the development would exert a materially harmful impact on neighbouring amenity to those residential properties identified within this report and should therefore be modified to overcome this impact.
5. That the proposed development does not, in the identified instances, demonstrate the necessary standard of living environment and should be modified in the manner described.
6. That full and proper regard should be had to all other identified deficiencies and other matters set out within the report, such as those relating to archaeological impact, highways related design modifications, planning conditions, Section 106

provisions and the securing of development in accordance with approved plans and information.

7. That the level of open space proposed is inadequate to meet the needs of future occupiers of the development.

2013/4128/P

THAT the Mayor of London be advised that the following views are offered / recommendations made:

1. That the height, mass, position of blocks E & F would result in harm to listed terraces on Calthorpe Street & Wren Street, and to the Bloomsbury Conservation Area, and should be revised accordingly.
2. That the Islington application also fails to demonstrate the maximum reasonable amount of affordable housing, taking into consideration the individual circumstances including development viability, the availability of public subsidy and in particular the implications of phased development, including provisions for re-appraising the viability of schemes prior to implementation of later phases.
3. That the Islington application should also be brought forward only as part of the wider site proposals, including residential led development within the Camden borough site, ensuring that adequate linkages and restrictions on commencement / occupation are secured between tenures and phases.
4. That the proposed quantum of private residential car parking is excessive and the development should be modified to substantially reduce this level.
5. That full and proper regard should be had to all other matters set out within the report relating to the Islington scheme where impacting upon or relating to the Camden development and the surrounding locality within the London Borough of Camden, whether relating to planning conditions, Section 106 provisions and the securing of development in accordance with approved plans and information.

ACTION BY: Director of Culture and Environment

(3) GARAGES, WILLINGHAM TERRACE, LONDON NW5

Consideration was also given to the additional information set out on the supplementary agenda and to the deputations referred to in Item 4 above.

In response to questions, the Planning Officer remarked that there would be a access walkway on the east (rear) elevation and this would have a timber screen treatment in the gaps to prevent overlooking to properties to the rear. The Legal Adviser confirmed that the Section 106 agreement would secure the details and mechanisms of the sale and re-sale of the low cost units.

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In response to questions, the applicant made the following comments:-

- The discount of 20% had to be evidenced and would be regulated by the terms of the Section 106 agreement and by the London Plan, which specified that the units could not be sold for more than £230,000.
- The units could only be sold to people with an annual income below the level specified in the London Plan, which was currently £66,000, although Pocket Housing had never actually sold to anyone with a household income of more than £43,000.
- Pocket Housing's homes currently tracked a discount to market of at least 15%.
- Flats could not be sold on without a certificate from the administrator, appointed by the Director of Housing, to state that the buyer was eligible.
- The scheme did not rely on 'Help to Buy' although that would make homes more affordable.
- 50% of Pocket Homes' buyers relied on their parents for at least part of their deposit, which was below the average for London.
- This kind of scheme did target key workers, for whom this was a cheaper option than shared ownership.
- The original proposal had been 4 units and one floor larger but had been scaled down to address the concerns of neighbours.

The Planning Officer clarified that there was no set definition of what was deemed harmful in terms of outlook, and a right to a view was not a planning consideration except in the case of strategic views. The guidance on overlooking was that there should be 18m between directly facing habitable room windows but this was purely guidance and mitigation was possible for smaller distances. The Conservation and Design Officer remarked that the design of the proposed building picked up on key elements of the predominant building type in the area without attempting to be a replica.

Members made the following comments on the application:-

- This type of development providing low cost residential units was to be welcomed and the Pocket Housing development in Weedington Road had integrated very well into the local community.
- The progress being made on the small sites programme was commended.
- This was an underused site and there was a need in the area for affordable homes.
- There was some concern about the effect of the development on outlook from, and overlooking of, neighbouring properties, primarily those facing the east elevation.
- The proposal did feel rather squashed into the site and was perhaps one or two units too big.

On being put to the vote, with 7 in favour, 2 against and 1 abstention, it was

RESOLVED –

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

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

(4) GONDAR GARDENS RESERVOIR, GONDAR GARDENS, LONDON

Consideration was also given to the additional information contained in the supplementary agenda and to the deputations referred to in Item 4.

In response to questions, the applicant team made the following comments:-

- The bay windows would be ventilated by perforations in the reveals which would allow air to flow and prevent condensation forming. Each would also have a sliding door on the side which could be opened to increase air flow.
- There had been discussion about putting an element of fritting into the balconies to restrict views in. The balconies had been enclosed in order to give a greater degree of privacy, in response to criticism of the previous scheme by local residents.
- There would be no objection to a Section 106 obligation securing the involvement of the Gondar and Agamemnon Residents' Association in the ongoing management of the retained habitat land. However, the terms and timing of this would need to be agreed with the London Wildlife Trust.

The Conservation and Design Officer commented that the introduction of glass bay windows represented a modern interpretation of the Victorian bays of the surrounding properties and the design picked up on the use of stucco work. The vertical stacking of the windows and the projection of the bays also reflected the neighbouring buildings.

The Planning Officer confirmed that there had been no policy changes since the Inspector's decision, except for a change to the London Plan regarding sustainability and carbon reduction. That change had been acknowledged in this application. There had been no relevant changes in basement policy which affected the application.

In discussion Members made the following comments:-

- This proposal appeared to be largely the same as the previous scheme and the overall impression was still of four squat cubes amongst the surrounding tall, narrow houses.
- It was disappointing that the changes seemed to be quite minimal.

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- Some of the changes made were an improvement but others, such as the balconies that attempted to replicate the original terrace in a modern way, were unattractive.
- Some lengths had clearly been gone to in order to address the concerns of the Planning Inspector but there was still little visible connection to the detailing found in the surrounding buildings.
- If the application was approved, there should be a working group to look at construction management and landscaping issues, to be convened by the developer and to include local residents.
- The covenant for the habitat land transfer to the London Wildlife Trust should be secured by the Section 106 agreement before development commenced.

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 as a nature reserve.

On being put to the vote, with 4 in favour, 4 against and 1 abstention, the Chair exercised her casting vote and it was

RESOLVED –

THAT the application be refused for the following reasons:-

- 1 The proposed development, by reason of its detailed design, would be detrimental to the streetscape and the character and appearance of the wider 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 policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.
- 2 The proposed development, in the absence of a legal agreement to secure affordable housing on-site in addition to a contribution in lieu, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policies CS6 (Providing Quality Homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy, policy DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies and Policy 3.12 (Negotiating affordable housing) of the London Plan July 2011.
- 3 The proposed development, in the absence of a legal agreement for car-capped housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and sufficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of

- Camden Local Development Framework Development Policies.
- 4 The proposed development, in the absence of a legal agreement securing a contribution towards educational infrastructure, would place an unacceptable strain on local educational resources, contrary to policies CS10 (Supporting Community Facilities and Services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy.
 - 5 The proposed development, in the absence of a legal agreement securing a contribution for public open space, would be likely to contribute to pressure and demand on the existing open space in this area, contrary to policies CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP31 of the London Borough of Camden Local Development Framework Development Policies.
 - 6 The proposed development, in the absence of a legal agreement to secure a contribution towards community facilities, would be likely to result in unacceptable additional pressures on existing facilities in the area, contrary to policy CS5 (Managing the impact of growth and development), CS10 (Supporting community facilities and services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.
 - 7 The proposed development, in the absence of a legal agreement to secure the submission of, and implementation in accordance with, a demolition and construction management plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users, and would be detrimental to the amenities of the area generally, contrary to policies 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 DP20 (Movement of goods and materials) and DP32 (Air Quality) of the London Borough of Camden Local Development Framework Development Policies.
 - 8 The proposed development, in the absence of a legal agreement securing the provision of an Ecology and Habitat Plan, including measures to secure the transfer of the retained protected land to a third party in perpetuity with a financial contribution towards long term management and maintenance, would fail to secure acceptable short, medium and long term measures to protect and improve the site of nature conservation and on-site habitats and species and to provide for public accessibility, contrary to policies CS15 (Protecting and Improving our Parks and Open Spaces & encouraging Biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP31 (Provision of, and improvements to, open space, sport and recreation) of the London Borough of Camden Local Development Framework Development Policies and policy 7.19 (Biodiversity and access to nature) of the London Plan 2011.

- 9 The proposed development, in the absence of a legal agreement to secure local labour and procurement, would fail to contribute towards the creation of local employment and business opportunities and to contribute to the regeneration of the area, contrary to policies CS8 (Promoting a successful and inclusive Camden Economy and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy.
- 10 The proposed development, in the absence of a legal agreement requiring a contribution to secure associated highways works to be undertaken adjacent to the site, would be likely to result in an unacceptable impact on the local transport system, contrary to policies 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 DP16 (The transport implications of development), DP17 (Walking, cycling and public transport), DP19 (Managing the Impact of Parking) and DP21 (Development Connecting to the Highway Network) of the London Borough of Camden Local Development Framework Development Policies.
- 11 The proposed development, in the absence of a legal agreement securing financial contributions towards pedestrian and environmental improvements in the area, would fail to mitigate the impact of the development created by increased trips contrary to policies 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 DP16 (Transport implications of development), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway) of the London Borough of Camden Local Development Framework Development Policies.
- 12 The proposed development, in the absence of a legal agreement to incorporate environmental sustainability measures, with a view to reducing carbon energy emissions and minimised use of energy, water and resources, including the submission of post-construction reviews demonstrating compliance with Level 4 of the Code for Sustainable Homes, would fail to take sufficient measures to minimise the effects of, and adapt to, climate change contrary to policies CS13 (Tackling climate change through promoting higher environmental standards), CS16 (Improving Camden's health and well-being) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies and policy 5.2 (Minimising carbon dioxide emissions) of the London Plan 2011.
- 13 The proposed development, in the absence of a legal agreement to secure fully fitted wheelchair accessible affordable housing, would fail to take account of the need to contribute to supporting the independence and quality of life of wheelchair users, contrary to policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the

London Borough of Camden Local Development Framework Core Strategy and policy DP6 (Lifetime homes and wheelchair homes) of the London Borough of Camden Local Development Framework Development Policies.

ACTION BY: Director of Culture and Environment

(5) 65-69 HOLMES ROAD, LONDON NW5 3AN

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

In response to questions to Planning Officer made the following comments:-

- There was one more storey than in the previous application as the last appeal Inspector had made it clear that this would have no impact and would in fact be an improvement.
- Condition 14 had been imposed at appeal and required details of basement works to be submitted. The standard basement condition could also be added if Members felt it necessary.
- The inspector had not felt it necessary for the student accommodation to be linked to a specific institution. Condition 11 specified that the accommodation could only be used as student accommodation.

The Legal Adviser confirmed that the Section 106 legal agreement would restrict use of the residential accommodation to students attending Higher Education Funding Council for England funded institutions only.

Members expressed some concern that the development might be used for very short term accommodation for anyone in possession of a student card and asked that the terms of the Section 106 agreement be drafted in such a way as to prevent this and to ensure that those being accommodated were attending a course in London. The Chair requested that the clause in the Section 106 agreement specifying that 20% of the workforce must be local residents should be clear regarding whether that applied only to the construction phase or would remain in place in perpetuity.

On being put to the vote, with 5 in favour, 0 against and 3 abstentions, it was

RESOLVED –

THAT planning permission be granted subject to conditions and a Section 106 legal agreement as set out in the report, the legal agreement to be worded to ensure that the accommodation cannot be let out on a very short term basis and can only be let out to students attending a course in London, and to the following additional condition:-

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The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 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**

**(6) HAMPSTEAD CRICKET CLUB, 25 LYMINGTON ROAD, LONDON NW6
 1HZ**

On being put to the vote, it was unanimously

RESOLVED –

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

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

**(7) 31-32 AND 33-34 ALFRED PLACE, LONDON WC1E 6DP &
(8) RELATED APPLICATION**

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

Members welcomed the open space contribution.

On being put to the vote, it was unanimously

RESOLVED –

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

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

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

(9) 4 WILD COURT, LONDON WC2B 4AU

Consideration was also given to the additional information contained in 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 (AB)**

8. DATE OF FUTURE MEETINGS

It was noted that the next meeting of the Committee would take place on Thursday 20th March 2014 at 7.00pm.

Dates of meetings of the Committee in the 2014/15 Municipal Year were also noted as follows:-

2014

19th June
10th July
31st July
21st August
11th September
2nd October
23rd October
13th November
4th December
18th December

2015

22nd January
12th February
5th March
26th March
16th April
7th May

9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no such business.

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Having adjourned between 9.31pm and 9.36pm, and having applied committee procedure rule 19 at 10.00pm, the meeting ended at 10.03 pm.

CHAIR

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MINUTES END