

## **THE LONDON BOROUGH OF CAMDEN**

At a meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY, 4<sup>TH</sup> JUNE, 2015** at 7.00 pm in the Council Chamber, Town Hall, Judd Street, London WC1H 9JE

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

Councillors Heather Johnson (Chair), Roger Freeman (Vice-Chair), Danny Beales, Adam Harrison, Phil Jones, Claire-Louise Leyland, Richard Olszewski, Flick Rea, Phil Rosenberg, Stephen Stark, Abi Wood and James Yarde

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

Councillors Nasim Ali, Julian Fulbrook, Lazzaro Pietragnoli and Sue Vincent

### **ALSO PRESENT**

Councillors Pat Callaghan, Oliver Cooper, Sally Gimson and Alison Kelly

**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. MATTERS DELEGATED TO THE DEVELOPMENT CONTROL COMMITTEE**

##### **RESOLVED –**

THAT the matters delegated to the Development Control Committee be noted.

#### **2. APOLOGIES**

Apologies for absence were received from Councillors Ali, Fulbrook, Pietragnoli and Vincent.

An apology for lateness was received from Councillor Rea.

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

In respect of Item 7(7), West Hampstead Overground Station:

- Councillor Rosenberg declared that he was a member of the local neighbourhood development forum but had not been involved with its response to the application;

## ***Development Control Committee - Thursday, 4th June, 2015***

- Councillor Olszewski declared that he had chaired the area action group meeting in 2014 which had discussed the application, but he had had no subsequent involvement;
- Councillor Yarde declared he had attended the area action group meeting and a local residents' meeting that had discussed the application; and
- Councillor Leyland declared that she had attended a neighbourhood development forum meeting which had looked at the early plans for the application.

None of them considered these to be prejudicial interests.

In respect of Item 7(1), vacant site adjacent to No 11 Crogsland Road, Councillor Wood advised that she was a ward councillor and had had residents express views on the application to her, but she did not consider this to be a prejudicial interest and participated in the consideration of and vote upon the item.

In respect of Item 7(2), Former Royal Ear Hospital and Former Student Union Building, Capper Street/Huntley Street, Councillor Beales declared that he was a governor of University College London Hospital (UCLH) and had received a briefing on the application from UCLH. That briefing was open to all Members, he had not expressed any views and he had not been part of the application process. However he did not take part in the consideration of or vote upon the item.

On the same item, Councillor Freeman declared that he had been at the developer's briefing but did not consider this to be a prejudicial interest and participated in the consideration of and vote upon the item.

Regarding Item 7(3), Bartrams Convent Hostel, Councillor Stark stated that he had met the developers but had expressed no views on the application and therefore did not consider this to be a prejudicial interest and he participated in the consideration and vote on the item.

## **4. ANNOUNCEMENTS**

### **Webcasting**

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made available to those that requested them. Those seated in the Chamber were deemed to be consenting to being filmed. Anyone wishing to avoid appearing on the webcast should move to one of the galleries.

### **Site Visit**

The Head of Development Management reminded the Committee of the visit to the King's Cross Central site due to take place on Monday 8<sup>th</sup> June.

**5. REPRESENTATIONS TO THE COMMITTEE**

**RESOLVED –**

- (i) THAT the written submissions and deputation requests contained in the supplementary agenda be accepted;
- (ii) THAT the additional requests by Councillors Callaghan and Cooper to speak on Items 7(1) and 7(4) respectively be agreed.

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

There was none.

**7. PLANNING APPLICATIONS**

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

**(1) VACANT SITE ADJACENT TO NO 11 CROGLAND ROAD, LONDON, NW1 8HF**

Consideration was also given to the additional information contained in the supplementary agenda and to the deputations referred to in Item 5 above.

In response to questions from Members, the Planning Officer advised:

- The affordable housing credit would be based on the residential component of the scheme and would allow an equivalent market housing proposal when the scheme for the existing Charlie Ratchford site came forward. Any additional floorspace proposed would be considered against normal policy requirements;
- The driver on height was the local residential terrace, and although higher, the proposed development would not dominate the terrace as it was a site where greater height could be accommodated;
- Letters were sent to residents on the 3<sup>rd</sup> March 2015 regarding the application. Why those letters had not arrived could not be explained;
- While there was a reduction in daylight in the closest windows of the Denton block opposite, these did not count as principal habitable rooms and therefore the impact was not material. The windows on other elevations would continue to receive good light;
- In respect of height, no scheme for the Charlie Ratchford site had come forward and the application had to be considered on its own merits having regard to the constraints of that site. The height of the building before the Committee, if granted, would become a material consideration on any proposal coming forward relating to the Charlie Ratchford site;
- The height of the proposed structure would not set a precedent for the Charlie Ratchford site as the residential amenity concern from the site would prevent

*Development Control Committee - Thursday, 4th June, 2015*

- a building at Charlie Ratchford being of any great height and therefore no 'canyon effect' as described by the depute would be created;
- If the application for the existing Charlie Ratchford site was to be rejected the affordable housing credit would be banked;
  - The nearby sports pitch was used until 10pm. The design of the scheme was informed by amenity of the future occupant in as much as:
    - The layout of the flats incorporated the main living spaces away from the sports pitch facing Crogsland Road
    - The rear incorporated the access deck with a glazed screen to separate the flats from the pitch area;
    - A noise assessment had been submitted to demonstrate that the use of the sports pitch could coexist without harm to amenity, subject to noise attenuation measures; and
    - Appropriate sound insulation in accordance with the conclusions of the report was required to be implemented under the terms of proposed condition 10;
  - A daylight study had shown no material harm to the residents of the neighbouring terrace; and
  - The refuse store would be an internal cupboard store. The applicant's agent added that it did not abut the flank wall.

The Design Officer remarked that there was a mixed context to the site, which would allow the proposed structure to sit comfortably in its surroundings. She thought that the scale and elevation enhanced the setting and would be a positive addition.

Responding to a question, the Legal Adviser stated that the shadow 106 legal agreement was a standard approach to Council applications to bring consistency. The applicant added that there was no intention to sell the site.

In discussion Members agreed that the proposed type of facility was needed. Concerns about the size of the proposed structure were expressed but it was felt that the banding would improve the harmony between the proposed structure and its neighbours. The view was also expressed that because of the unusual closeness of the Denton block opposite, some concerns on daylight impact may have been overly played down.

On being put to the vote, with 9 in favour, 1 against and 1 abstention, it was:

**RESOLVED –**

- i) THAT planning permission be granted subject to conditions and a shadow Section 106 legal agreement as set out in the report; and
- ii) THAT the applicant's request for the creation of an 'affordable housing credit' on the future redevelopment of the existing Charlie Ratchford Centre site in Belmont Street be granted.

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

**(2) FORMER ROYAL EAR HOSPITAL AND FORMER STUDENT UNION BUILDING, CAPPER STREET/HUNTLEY STREET, LONDON, WC1E 6AP**

Consideration was also given to the supplementary information, written submissions and deputations referred to in Item 5 above.

In examining a model of the proposed site, the Committee was informed about:

- The location of surrounding buildings, particularly at the rear;
- Sunlight and daylight impacts;
- Materials to be used, particularly on the flank elevations and working chimney, which were stated to be brick work; and
- Turning circles at the rear.

Responding to questions from the Committee, the Planning Officer clarified that the Fitzrovia Area Action Plan (FAAP) set out that development of the former student union building should look to add height to match the scale and massing of adjacent sites. Adjacent sites were not limited to the former Royal Ear Hospital and therefore would include Shropshire House, the Macmillan Centre and Gordon Mansions. Once it was accepted that the former Royal Ear Hospital building could be removed then the context would change accordingly. The Design Officer added that the building was designed to match Gordon Mansions both in terms of parapet and overall height. Shropshire House was only a single-story lower than what was proposed in the application.

Responding to another question, the Planning Officer advised that the addition of 2 extra stories above the FAAP proposed massing essentially made no difference to the daylight levels of 147 windows if a building of the massing proposed in the FAAP was erected. The applicant's daylight assessor stated that this was because the additional stories were set back. He added that the impact of the additional 2 stories would be to reduce further the daylight received by the 37 windows failing to receive enough daylight from a building of the massing proposed in the FAAP. All of those 37 windows would suffer a loss between 20 and 30% of daylight, with BRE guidance stating that a loss of 20% would not be noticed by occupants.

The Planning Officer remarked that no generalisations could be drawn with respect to comparative compliance on daylight impacts, because each case would vary depending on factors such as the usage of rooms and the nature of those rooms. The site had particular characteristics, and the harm on neighbouring residents' daylight was considered acceptable.

The Assistant Director of Regeneration and Planning commented that because there was an unusually low building at the southern end of the site, the change in daylight was abnormally large. The normal expectation on urban design was that the building would have been higher and therefore an overall consideration of both urban design and daylight needed to be considered.

The Legal Adviser commented in response to a question that Members had to assess the application in respect of planning policy on loss of daylight and could not

***Development Control Committee - Thursday, 4th June, 2015***

consider notional private rights to light. The Head of Development Management added that impacts on property values were not considerations for the Committee.

Replying to further questions the Design, Planning and Transport Officers and Legal Adviser stated that:

- Historic England's comment essentially amounted to them having no objection to the application;
- The proposed building had been designed by two architects, a hospital specialist and a specialist in working in historic contexts. In order to retain such specialism for the detailing on the development, the Section 106 legal agreement would require a suitable architect be retained for that work. This was a normal part of legal agreements in such cases;
- Party wall agreements were private law matters, but a suitable Basement Construction Plan (BCP) was required in the Section 106 legal agreement. Active checking and monitoring of the stipulations in the Plan would be undertaken;
- The applicant had acknowledged the potential transport issues associated with the proposed building usage and officers had emphasised the need for a coherent and strategic plan, particularly regarding patient drop-offs and use of discretionary parking badges;
- Condition 12 was a normal condition, replacing the condition on conservation area consent;
- Something could be included in the BCP regarding surveys on the impact of basement construction on adjacent buildings. However this would require neighbouring occupiers' consent and therefore could not be compelled;
- Cycling provision, with 50 spaces for staff and 12 additional spaces, conformed to the existing level of cycling surveyed;
- Condition 13 would control reversing noises from large vehicles between 9pm and 8am; and
- Dust management would be included in the Construction Management Plan.

Regarding roof garden access for Gordon Mansions' residents, the applicant commented that they could explore this idea, although there were security concerns. It was clarified that roof garden access was proposed until 21:00 as staff would be on the premises later than the 6pm closing time for patients.

On the ambulance exclusion zone the applicant advised that an area bounded by Gower Street, Tottenham Court Road and Euston Road formed the ambulance exclusion zone. This required an ambulance to wait no longer than 15 minutes outside the site - otherwise it would have to leave the zone before returning.

In discussion Members expressed concerns about the demolition of the frontage, which was identified in the report as causing less than substantial harm to the conservation area. The medical benefits of the proposed usage were welcomed as was a design seen as sympathetic to its surroundings. A concern was raised that the aspects of the transport plan relating to Blue Badges seemed overly aspirational.

Potential impacts up to 4 times the depth away from the site from basement construction were noted, and it was agreed to amend the Basement Construction Plan to replace 'reasonable endeavours' with 'all necessary precautions' in relation to the requirement to reduce the impact of the basement development. It was also agreed to add to the Plan a requirement for basement impact surveys to be conducted in adjacent buildings, including on the opposite side of the street if access was available.

On being put to the vote it was with 9 votes in favour and 1 against, it was:

**RESOLVED –**

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

- i) Amendment of the Basement Construction Plan to replace 'reasonable endeavours' with 'all necessary precautions' in relation to the requirement to reduce the impact of the basement development; and
- ii) A requirement in the Basement Construction Plan for basement impact surveys to be conducted in adjacent buildings, including on the opposite side of the street, if access was available.

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

**(3)    BARTRAMS CONVENT HOSTEL, ROWLAND HILL STREET, LONDON,  
         NW3 2AD**

Consideration was also given to the supplementary information, written submissions and deputations referred to in Item 5 above.

The Planning Officer added that an additional head of terms not in the report was being proposed that would require the development to be used in line with the proposed usage due to the links between the proposed use and the scheme viability.

The Committee examined a model of the proposed development, bay windows for the terrace and casts for the window reverses. They were informed about the location of the Cancerkin and Pears buildings and light impacts on those buildings.

In response to questions, the Transport Officer stated that when originally assessed the land classification had been thought to be Sui Generis rather than C3. As the current parking standards did not apply to Sui Generis, a different conclusion may have been drawn than had it been assessed as a C3 class. In addition to this the applicant had made a case that without the on-site parking, because the elderly residents were likely to be more eligible for Blue Badges, there was likely to be an increased stress on on-street parking; officers felt that on balance having on-site parking was preferable.

***Development Control Committee - Thursday, 4th June, 2015***

Responding to questions the depute advised the rooms overlooked by the site were a large room for group therapy and a smaller Lymphedema Clinic where privacy was needed.

The Planning Officer stated that:

- It was understood that there had been discussion between the Royal Free Hospital and the applicant on the development, but the former had not formalised their concerns;
- While there was an impact on daylight on the Cancerkin building, because it had a non-residential use, it was not given the same weight as had the building been residential;
- Applicants could not be compelled to engage with those in neighbouring premises. However pre-requisites for the Demolition Management Plan (DMP) and Construction Management Plan (CMP) would be a construction working group to include neighbouring parties, as well as a need to consult;
- Analysis of the daylight impact was particularly focused on the neighbouring amenity of residential properties and the school to the north of the site;
- There would be some screening from the new Royal Free Hospital building;
- The Community Infrastructure Levy did include the car storage; and
- The car stacker was a vertical arrangement requiring residents to pre-order their cars. There was therefore little chance of an early morning rush hour associated with a normal housing arrangement. Additionally the applicants were proposing a maximum ratio of 0.5 cars per residents.

The Committee was advised that BPS, the Council's independent viability advisers, considered that the proposed flexibility relating to a Deferred Affordable Housing Contribution (DAHC) was satisfactory. Under the proposals the upper limit of the financial contribution as set by the policy would not change. However there was flexibility as to the point at which deferred payments started as a result of the need for the applicant to raise the finance needed for construction. Without this flexibility the total amount of capital that could be raised would be limited. Andrew Jones, of BPS, remarked that the developer had paid more for the site than was used as the benchmark determining the viability. Price paid was not used as the basis for benchmarking viability, which in this instance was based on existing use. Through negotiation a benchmark of 50% of what had been paid for the site had been agreed. On the benchmarked profit margin of 20% the developer would simply be recouping land costs. Because of this, finding funding for such a project would be difficult. In addition to this the high-specification units with unique associated services would be sold to a specific and therefore narrow market, leading to higher risks of the developers not achieving profit margins. The 25% profit margin, before the DAHC contributions applied, reflected that higher risk.

Responding to further questions, Mr Jones stated that it was anticipated that residents of the development would contract to a minimum service level, which would increase as they aged. However there was a general not-for-profit basis so these were mostly not factored in to the viability assessment. Additionally the cost of services in the development would impact on the property values. The applicant confirmed that they were not seeking to make a profit from the supplementary



***Development Control Committee - Thursday, 4th June, 2015***

services adding that they would not have a monopoly on providing services to residents.

The Transport Officer advised that a draft CMP had been submitted and seen by the local primary school and Royal Free Hospital. Once a contractor had been appointed, detail would be added to the CMP, with key stakeholders, including those parties, forming part of the CMP working group. The completed CMP would address transport management issues such as access to Rowland Hill Street which was a private road owned by the Royal Free Hospital.

In discussion Members expressed concerns about the parking spaces proposed in an area with a high PTAL rating and the lack of policy compliance. There were also concerns at the weight, or lack therefore, given to impacts on the Cancerkin building.

It was felt that the developers should be compelled to engage with Cancerkin as well as the Royal Free Hospital and it was therefore agreed that the DMP and CMP should necessitate consultation with the Royal Free Hospital and all other organisations sharing the site.

The Head of Development Management added that there would be a community engagement plan regarding the sharing of facilities within the development and this could include specific provision regarding a discussion with Cancerkin.

Officers advised that they could emphasise the need to compress times for demolition work but could not exclude works outside of the school summer holidays. A Member suggested that as the area was not greatly residential, works on a Saturday may be permissible, which would help to compress the demolition time.

On being put to the vote, with 5 votes in favour, 4 against and 1 abstention, it was:

**RESOLVED –**

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

- i) Inclusion in the Demolition Management Plan and Construction Management Plan of a requirement for consultation with the Royal Free Hospital and all other organisations sharing their site; and
- ii) A requirement in the community engagement plan for the applicant to discuss the sharing of the facilities on the site with Cancerkin.

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

**(4)    ARTHUR WEST HOUSE, 79 FITZJOHN'S AVENUE, LONDON, NW3 6PA**

This item was deferred due to lack of time.

- (5) **ARTHUR STANLEY HOUSE, 40 TOTTENHAM STREET, LONDON, W1T 4RN**

This item was deferred due to lack of time.

- (6) **WEST HAMPSTEAD OVERGROUND STATION, WEST END LANE, LONDON, NW6 2LJ**

This item was deferred due to lack of time.

- (7) **FARRINGDON POINT, 29-35 FARRINGDON ROAD, LONDON, EC1M 3JF**

This item was deferred due to lack of time.

- (8) **TURTLES NURSERY, 47 DUDLEY COURT, 36 ENDELL STREET, LONDON, WC2H 9RF**

On being put to the vote, it was with 9 votes in favour, none against and 1 abstention:

**RESOLVED –**

THAT conditional planning permission be granted.

**ACTION BY: Director of Culture and Environment**

- (9& 10) **23 MONMOUTH STREET, LONDON, WC2H 9DD AND 1 FIELDING COURT, 28 EARLHAM STREET, LONDON WC2H 9LN**

On being put to the vote, it was with 7 votes in favour, none against and 2 abstentions:

**RESOLVED –**

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

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

**8. DATE OF NEXT MEETING**

The date of the next meeting would be Thursday 25<sup>th</sup> June 2015.

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

There was none.

The meeting ended at 10.23 pm

**CHAIR**

**Contact Officer: Dan Rodwell**

**Telephone No: 020 7974 5678**

**E-Mail: dan.rodwell@camden.gov.uk**

**MINUTES END**