

## **THE LONDON BOROUGH OF CAMDEN**

At a meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY, 25TH JUNE, 2015** at 7.00 pm in the Council Chamber, Town Hall, Judd Street

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

Councillors Heather Johnson (Chair), Roger Freeman (Vice-Chair), Nasim Ali, Adam Harrison, Phil Jones, Claire-Louise Leyland, Richard Olszewski, Flick Rea, Stephen Stark, Sue Vincent, Councillor Abi Wood and James Yarde

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

Councillors Danny Beales, Julian Fulbrook, Lazzaro Pietragnoli and Phil Rosenberg

### **ALSO PRESENT**

Councillors Oliver Cooper, Angela Mason and Lorna Russell

**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 Beales, Fulbrook and Rosenberg.

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

For transparency, Councillor Vincent declared that she worked for Urban Design London who were hosted by Transport for London.

In relation to Item 7(5): Hampstead School, Councillor Olszewski declared that he was a governor at Hampstead School, he had not been involved in the schools development or application of the item, however for transparency he decided to not take part in consideration or voting on the item.

### **3. 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.

#### **Order of Agenda**

The Chair suggested, and it was agreed, that Item 7(5) Hampstead School, should be the first application to heard.

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

#### **RESOLVED –**

- (i) THAT the written submissions and deputation requests contained in the supplementary agenda be accepted.
- (ii) THAT the request by Councillor Cooper to speak on Item 7(2) Arthur West House be accepted.
- (iii)

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

There was none.

### **6. MINUTES**

#### **RESOLVED –**

THAT the minutes of the meeting held on 14<sup>th</sup> May and 4<sup>th</sup> June be approved and signed as correct records.

### **7. PLANNING APPLICATIONS**

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

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

Consideration was given to the supplementary information, written submission and deputation requests as referred to in item 4 above.

The Planning Officer outlined the key aspects of the application and added that an additional head of terms would be added which required the development to be used in line with the proposed usage due to the links between the proposed use and the scheme viability.

He further added that in relation to the deferred affordable housing contribution, the applicant had indicated that, if Members felt strongly, it would match the payment for Bartrams Convent Hostel, which was 25% of the profit margin. Members indicated that if minded to grant the application the 25% profit margin should apply.

In response to questions from the Committee in relation to the deferred affordable housing contribution, Andrew Jones of BPS, the Council's independent viability adviser explained that the London Plan stated that a formulaic approach in respect of profit margins should not be taken. The scheme had lower net area for sales than usually expected in order to provide care facilities. The scheme viability had been benchmarked against the current use based on a hypothetical refurbishment of the existing building with an additional of a 20% land owners premium. The development was a restricted product due to the age limitations of those able to purchase a property (60 years old plus). Due to those reasons there was a higher level of risk attached to it the development. The had a high existing use value and the price paid meant that the profit margins would make it a break even development. Andrew Jones went on to explain that there were a number of methods considered when preparing the deferred affordable housing contribution calculation. In order to give a sufficient incentive to go ahead with the scheme, the application of a 25% profit margin before the deferred affordable housing contribution applied which reflected that higher risk. The scheme would not be delivered if there was not flexibility within the calculations; this was a new product at the upper end of the retirement market. There was a Community Infrastructure Levy (CIL) payment on the scheme too, however that could not be used towards affordable housing.

Further discussion took place in relation to design, in response to questions the conservation officer remarked that, in his opinion, it was a good scheme and displayed design excellence. The scheme was on a prominent corner site which needed a statement building. Mansion blocks generally had prominent features and the design was a contemporary response to this.

In response to concerns about the design of the building, the applicant stated that they designed the building to be sympathetic to the historical development of the area and wanted to make a contemporary interpretation of that. Materials had been selected carefully to work with the local environment

The Planning Officer remarked that there had been a couple of late written submissions in relation to daylight and sunlight amenity; however they did not raise

any new issues. The written submission in objection to the application on page 32 of the supplementary agenda had been withdrawn following discussions with the application.

Concerns were raised in relation to the impact the development would have on the neighbours, specifically with regards to overlooking. It was confirmed that the neighbouring buildings were a significant distance from the windows.

Further concerns were raised in relation to the difference of opinion between Historic England and the Council, in response it was noted that the conservation team were generally guided by the comments of professional bodies and the application had been amended to reduce the height and include a greater set back. The Legal Advisor remarked that the report represented the professional view of the officer writing it, with regards to the heritage issue, comments on heritage were subjective, therefore the report contained the officers opinion on heritage.

One Member of the Committee raised the question of the applicant working with a local charity to get young people into jobs through apprenticeships. The applicant indicated that they would be happy to meet with the charity to discuss opportunities.

In response to concerns about the loss of tree cover, the Planning Officer remarked that there was one tree which would be lost, it was a sycamore tree that was not in good condition and didn't make a contribution to the area. The landscape proposals showed how a replacement tree would be put in its place.

On being put to the vote, with 4 against, 4 in favour and 2 abstentions, the Chair exercised her right to the casting vote and it was

**RESOLVED –**

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

(ii) THAT the following head of terms be added:

Development to be managed on a not-for-profit basis as self-contained specialist accommodation for older people with shared facilities

(iii) THAT the point at which the deferred affordable housing contributions would be paid matches the approach agreed for Bartrams Convent Hostel (reflecting a 25% notional profit margin).

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

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

Consideration was given to the deputation request as referred to in Item 4 above.

One Member of the Committee stated that they welcomed the plans to expand the station, was pleased that there would be disabled access through the inclusion of the lifts. However they would like to see an additional entrance into West End Lane. It was requested that there was a requirement in the construction management plan to have a working group including local residents and representatives from the Ballymore Construction Working Group, during and post construction. The applicant indicated that they would be happy for this to be a requirement.

On being put to the vote, it was unanimously

**RESOLVED –**

- (i) THAT planning permission be granted subject to a Section 106 legal agreement and conditions as set out in the report.
- (ii) THAT a working group be set up and included in the construction management plan for during and post construction.

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

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

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

The Planning Officer outlined the key aspects of the report.

Members of the Committee raised questions in relation to office floor space, residential floor space and how that sat in line with the Fitzrovia Area Action Plan (FAAP). Members remarked that the FAAP stated that Stanley House was designated for housing; the space was not anticipated to be a mixed scheme as had been presented in the application. Therefore the expectation is that the development of Arthur Stanley House should be housing. Members expressed that there was no problem with the scheme itself; however it did not seem compliant with recently agreed planning policies.

In response the Planning Officer stated that the FAAP also talked about safeguarding businesses and it did not explicitly mention that the site should be exclusively housing; it did not exclude mixed use on the site.

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There continued to be significant concerns from the Committee that the application was non policy compliant and went against the spirit of the FAAP. One Member of the Committee remarked that there was a big increase in office space in King's Cross, which the report did not seem to take into account, therefore losing this space could be justified. Further concerns in relation to the lack of housing and open space included in the application were raised. Further concerns were raised in relation to the work put in by local residents on the FAAP for it to be deviated away from; it was expressed that it did not send out a good message to the rest of the Area Action Plans being developed across the Borough.

The Head of Development Management responded to concerns raised by the Committee. He acknowledged and understood why Members were frustrated with the scheme as it was the one of the first applications to come forward since the FAAP was agreed. He highlighted that office led developments were not common and asked the Committee to consider what harm would be caused by having a mixed scheme on the site. The development would provide flexible space; it did not accord with the FAAP however it did accord with the Camden Local Development Framework and its objectives.

The Planning Officer confirmed there would be a public open space contribution which would be used in Fitzrovia.

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

**RESOLVED –**

THAT planning permission be refused for the following reasons:-

The proposed development, on a site which is identified in the Fitzrovia Area Action Plan as an opportunity site for provision of permanent self-contained homes (including affordable homes), would fail to maximise the site's contribution to the supply of homes in the Borough which is the Council's preferred replacement use for the existing healthcare uses. The proposal is therefore contrary to policies CS6 (Providing quality homes) and CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy 2010, policies DP2 (Making full use of Camden's capacity for housing), DP3 (Contributions to the supply of affordable housing) and DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies 2010 and the Fitzrovia Area Action Plan 2014 which identifies Arthur Stanley House as an opportunity site for permanent self-contained homes.

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

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

This application was deferred due to lack of time.

**(5) HAMPSTEAD SCHOOL, WESTBERE ROAD, LONDON, NW2**

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

Councillor Mason, Cabinet Member for Children, Schools and Families addressed the Committee as Cabinet Member.

The Planning Officer outlined the key aspects of the report.

Members of the Committee raised questions and concerns in relation to the design of the proposal, specifically in relation to the colour of the brickwork chosen for the southern flank elevation of the development. In response the Planning Officer remarked that the proposed colour of the bricks were autumnal in tone to compliment the surrounding buildings. It was suggested that due to the comments and concerns from objectors and to ensure it didn't impact on the design, a condition be added to ask the applicant to agree the finer details of the design such as the colour of the bricks. The Head of Development Management confirmed that if Members were minded to grant the application, a compliance based condition could be added. The condition would specify what colour the flank wall needed to be.

Further questions were raised in relation to the noise attenuation from the ground floor music rooms, given the proximity to residential properties. In response the Planning Officer stated that there were reasons as to why the windows could not be sealed shut. The applicant took the Committee through the ventilation strategy and stated that there would be a restriction on hours the music rooms could be used to meet those concerns of the residents. The Head of Development Management highlighted that there was currently no restriction on the school space and how it was used; therefore the proposal included mitigating measures in relation to noise to address the concerns of the residents. The applicant clarified that acoustically treated meant that the music rooms would be built to protect them from noise coming in and out of the space, the windows would also be treated for ingress and egress of noise.

The applicant went on to state that during the preparation of the application, options were considered where the teaching block was moved back, however it was not possible and this had been communicated with the objectors.

Two students from Hampstead School were present at the meeting and explained how the students were involved in the consultation of the application and the benefits the redevelopment of the site would bring.

Further discussion took place in relation to daylight and sunlight assessments, it was clarified that the depute employed their own daylight consultant to carry out an assessment. The assessment was different to the assessment carried out by the applicant's consultants, and showed a significant reduction in daylight to the depute's property. That test had not been run by the applicant's consultants as the internal layout of the depute's property was not known at the time the application

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had been submitted. However the applicant's consultants had subsequently ran the same test as the deputies consultant and it showed that all but one of the windows passed the test. The one window which was affected showed a ratio of 0.8, the minimum ratio to pass the test was 0.8.

Questions in relation to sustainable design and construction were raised, the Committee were advised that it would not be possible for the development to gain a higher than 'very good' BREEAM rating. The applicant informed the Committee that the limitations were budgetary driven, if more funding was available more work could be done to ensure the BREEAM rating was 'excellent'.

On being put to the vote, it was unanimously

**RESOLVED –**

- (i) THAT planning permission be granted subject to a Section 106 legal agreement and conditions as set out in the report.
- (ii) THAT the following condition be added:-

A lighter colour for the southern flank elevation of the proposed teaching block be secured by a compliance condition.

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

**(6)    ASTOR COLLEGE, 99 CHARLOTTE STREET, LONDON, W1T 4QB**

Consideration was given to the supplementary information.

On being put to the vote, with 8 in favour and 2 abstentions 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 (AB)**



**(7) 18-26 HATTON WALL, LONDON, EC1N 8JH**

Consideration was given to the supplementary information and written submission as referred to in Item 4 above.

The Planning Officer remarked that proposed building was very similar to the extant permission, but not identical, as stated in the report.

On being put to the vote, with 9 in favour and 2 abstentions, it was

**RRESOLVED –**

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 (AB)**

**(8) 102 CAMDEN MEWS, LONDON, NW1 9AG**

This application was deferred due to lack of time.

**(9) 81 & 81A BAYHAM STREET, LONDON, NW1 0AG**

This application was deferred due to lack of time.

**8. DATE OF NEXT MEETING**

It was noted that the next meeting of the Committee would take place on Thursday 16<sup>th</sup> July 2015 at 7pm and an additional meeting of the Committee would take place on Tuesday 21<sup>st</sup> July 2015 at 7pm.

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

There was no such business.

The meeting ended at 10.22 pm

**CHAIR**

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**MINUTES END**