

David Fowler  
Regeneration and Planning  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AG

06 April 2016

Dear David

## **CENTRAL SOMERS TOWN - APPLICATION REFERENCE 2015/2704/P APPLICATION BY THE LONDON BOROUGH OF CAMDEN**

I refer to our letter of the 29<sup>th</sup> January 2016 on behalf of the Francis Crick Institute and to the correspondence dated 16<sup>th</sup> March 2016 from Turley responding to our clients objections to the proposals specifically for a Tower on Brill Place, associated with the wider proposals across Central Somers Town.

Following consideration of the additional information submitted on behalf of the Council, as applicant, in the context of our original concerns we respond as follows. For your assistance we have, after the Context section below, responded to each element raised by Turley in the same order.

### **CONTEXT**

In considering the merits of the current proposals by the Council, it is important for the Planning Authority to have regard directly to adjoining land uses and the potential impacts on those both physically and in the strategic context. The Francis Crick Institute is a nationally significant project which has attracted some £650 million of investment; the largest contribution from HM Government. It is a project that was identified in the 2011 National Infrastructure Plan and is a direct response to the Government's Review into UK Health Research Funding carried out by Sir David Cooksey and which reported in December 2006.

The Crick sits at the centre of the UK's Medical Research activities and is a centre of national importance to the UK and centrepiece of London's Med City. London Plan Policy 3.17 and its supporting paragraphs sets out the importance of this sector to London. Indeed, the GLA has, last week, issued an updated Stage 1 Report (Updated planning report D&P/3418/P dated 30<sup>th</sup> March 2016) in respect to proposals in Whitechapel by Londonnewcastle. The updated Stage 1 Report states:

**12 At initial consultation stage, concerns were raised over the new residential uses proposed in close proximity to existing (and potentially proposed) life science uses, in particular the Wingate Building, which is used for important research activities. In light of the representations made by QMU there was concern that neighbouring uses could give rise to amenity impacts on future residents of the scheme, by way of noise, vibration and air quality. Given the strategic priority to safeguard life science uses in Whitechapel and the unique nature of activities taking place in the Wingate Building, it would not be appropriate to simply impose conditions requiring mitigation measures to be approved. It is necessary to ensure, prior to determination of the application that the proposed residential uses are able to coexist with established research uses. It is understood that the applicant has been in discussions with QMU, but detailed modelling of potential mitigation measures have not progressed. This issue therefore remains outstanding.**

That revised Report makes clear that the proposed residential accommodation must be wholly acceptable in terms of its coexistence alongside existing facilities before any permission is granted and that the use of conditions to ensure that is achieved is inappropriate.

In this case, we note that the application falls under the provisions of strategic application and must, therefore, be referred to the Mayor.

Additionally, given the context of the Crick as a National Infrastructure project the proposals have the potential to have a significant long-term impact on the economic growth (added to the call-in criteria on 12 October 2012) of the UK's Health & Medical Research activities that are expected to accrue from the Crick, given the standing objections and risks set out below. As such the application should also be referred to the Secretary of State.

## **CONSTRUCTION**

We would comment that it is difficult to reach a conclusion on the potential impact of the basement and foundation methodology until such time as the design for the construction of the basement and foundations has been completed. We would also highlight that in the development of the Crick, our client became aware of a major steel gas main running along Brill Place which will also need to be factored into the construction methodology. (The Crick is able to share that information with the Council when they come to design the basement).

The Crick however welcomes the suggestion that this element should be controlled by way of a condition or a provision within a S106 agreement. Given the context of the Crick, the latter would be preferable as would ensure that engagement between the developer and the Crick occurred and would also ensure that agreement was reached on the overall methodology in the basement construction in order to minimise the risk. Accordingly, the relevant provisions should not just require the developer/owner to work with the Crick in developing the design of the basement but also that an appropriate methodology for its subsequent construction. This detail should be submitted for approval before the commencement of any works related to the Tower (including site clearance, site preparation etc.).

In addition, we would request that the Council as Planning Authority also imposes its standard condition preventing the use of impact piling.

## OVERLOOKING

The analysis work undertaken by the applicants to assess the possible views into the research laboratories has only considered the horizontal plane and the potential impact at levels 1 - 4. It has not addressed the fact that views from floors in Brill Tower will look down, from height, into the Crick building.

In designing the laboratories the Crick was required to consider views looking upwards from the adjoining road network, public spaces and tangential views from Phoenix Court on Brill Place.

Contrary to the impression given in the analysis study that was undertaken by the Council, the windows within the southern elevation to Phoenix Court are high level and contain opaque glass, being related to the bathrooms of each of the three units. These are not windows that provide easy views and do not relate to habitable space (see Photos 1 & 2).

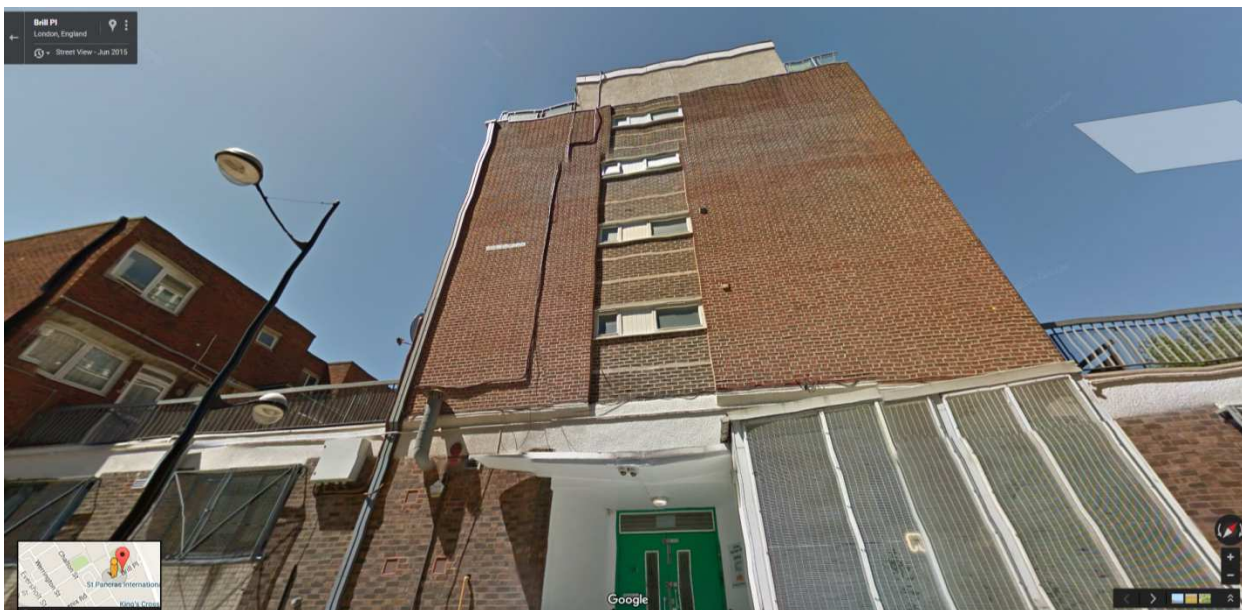
Further, with respect to the tangential views from the three windows on the south eastern corner of the Phoenix Court, there were concerns over whether these would have views into the sensitive parts of the Crick. Indeed the original case officer should recall visiting one of the units to assess actual sight lines and the conclusion reached was that there would only be, at worse, glimpses across Brill Place to the building. Notwithstanding that, the internal layout has been designed so as not to give sight lines to more sensitive areas. Indeed there are no laboratories in the visual plane from any existing building.

*Photo 1 – Phoenix Court*



Source: Streetview (Google)

Photo 2 – Phoenix Court (Southern elevation with opaque windows to the Crick)



Source: Streetview (Google)

The analysis that has been carried out has also only considered views based on standard residential dimensions of habitable room to habitable room. Given the downward plane and the nature of activities that will take place within the internal areas of the Crick building this standard is inappropriate for this assessment. There is no scenario where direct views into those internal areas would be acceptable.

The Council has suggested that the Crick's concerns can be overcome by the installation of 'slatted blinds to windows serving private areas'; the space between write up areas and inner laboratories. This approach conflicts with the very ethos of openness and collaboration that underpins the research of the Crick and which the Council sought in making research more transparent. It is at odds with the way in which the building has accordingly been designed and fitted out, a process which is now nearly complete.

If the Council wishes the Crick to consider this then they need to discuss this more fully with them. Having regard to the specification requirements of the building and its facilities, the Council should be aware that the specification of any blinds would need to meet those required of a research establishment such as this. It would not be for the Crick to provide this mitigation. This would be the responsibility of the developer who must mitigate the impact of his development in exactly the same way as developers install triple glazing to mitigate noisy development. Notwithstanding that, there is no practical planning powers that would enable the Planning Authority to require the Crick to use the blinds and, as such, mitigation through the use of blinds would not be enforceable. We question therefore how useful it is to pursue this suggestion further.

Accordingly, we do not consider that our concerns in this area have been adequately addressed for us to remove our objection. We continue to have considerable concern over the potential of views into the inner core of the building. This has a direct impact on the residential amenity of potential future occupants.

## **AIR QUALITY**

### Location and Height / Odour / Balconies & Winter Gardens

The comments within the Turley letter, in response to the updated information provided by the Crick are welcomed and noted. This relates specifically to the impacts to floor levels 15 upwards. On the basis of the information set out in the Turley letter and the additional modelling carried out the proposed approach to mitigation would seem to address the concerns raised originally.

It is noted that the change to winter gardens from Level 15 upwards has already been proposed through the submission of revised plans. Additionally, it is considered that mechanical ventilation would overcome the other odour issues. Whilst it is the Crick's preference that windows should be sealed to prevent any risk to their operations in future years, they would accept the proposal for mechanical ventilation subject to appropriate conditions relating to:

1. Confirming the specification provisions of the mechanical ventilation proposed and the carrying out of a subsequent test, prior to first occupation, to demonstrate that this standard has been achieved (as per the approach taken on the Council's application at Maiden Lane)
2. The maintenance of the system and replacement of the filters within the time frame recommended by the manufacturers. This maintenance requirement to be a Management responsibility (service charge requirement) not individual occupants (this will address buy-to-let, vacant occupation scenarios etc.)

### Generators/Black Start Event

The comments made in respect to Black Start Events in Turley's letter are noted, but are not accepted. We remain concerned that the proposed Tower is being erected within an area where it is acknowledged that should a Black Start event occur, then the requisite air quality levels would rise significantly, regardless of the existing background levels. Given the manner in which the legislation is applied, this places the Crick at risk which is wholly unacceptable. Unless the Council, as applicant, can demonstrate that the Crick can continue to operate, including in a black start scenario, without any risk to their operations and activities their objection on this ground remains.

We also do not accept the comment that there is not a risk to the Crick from future power outages which would give rise to a black start situation and which could lead to a breach of the 18 hours/per annum threshold.

The Council have been aware for some time that developments, and existing occupants, of the area are reliant on UK Power Networks sub-station at King's Cross for its electrical power provision. There is currently no alternative supply should there be a failure anywhere within the King's Cross power grid and this represents a single point of failure.

Further, we are surprised by the comment that there is no evidence of issues associated with the capacity of the electrical grid given that hundreds of pages and links appear when the query is inputted into any internet search engine.

National Grid, for example, has commenced stakeholder engagement in respect to looking at Future Energy Scenarios (FES) to meet future demand, the Industry Regulator, Ofgem, annually produces a Report on the Security of Supply and, the UK Parliamentary Office for Science & Technology produces regular briefing notes for MPs and Members of the House of Lords. Indeed in their September 2015 Note (PostNote 503) the Parliamentary Research team indicate that the mix of generation sources beyond 2020 to deliver on demand is 'uncertain'. Moreover, these are only a few examples of the research and analysis that is undertaken annually into the UK's power and energy industries and activities.

The Institution of Mechanical Engineers, the relevant professional body, the CBI, and others also highlight that unless there is further expansion in the UK's generating capability then current commitments will unlikely meet demand post 2025; and this is before any issues that may arise from EU sources should the country decide to leave the EU, from which we draw additional capacity.

What is clear, from all sources, including UK Government and Parliamentary websites, is that if the current policies and proposals for expansion are not met, such as the delivery of the new nuclear generating stations, in the timelines proposed, then there will be issues associated with a guaranteed supply.

Given the legislative environment in which the Crick's emergency generators are required to operate, the siting of a residential tower block in such close proximity to the Crick, represents a significant risk to its operations and research. It would be the Crick's operations that would be materially impacted should it be necessary to use the generators, which includes inter-alia the risk of potential closure.

Accordingly, our client restates its objection on the basis that the Tower proposals do not mitigate against the potential reduction in air quality from the emergency generators sited at the Crick building; generators which if they are needed would exceed the threshold of 18 hours in any one year quickly. In simple terms, this represents a significant risk to the Crick and its operations which given the context and function of the Crick, as a national asset, whether slight or not, should be placed in such an uncontrolled situation.

## **PUBLIC OPEN SPACE**

As Planning Authority, the Council has sought to protect and enhance designated open space areas identified within the statutory plan and prevent physical development on these. Numerous other objectors have made comment on the loss of green space for hard standing, the loss of mature trees and the inadequacy of their replacements. The scheme does not provide any additional area of open space to cater for the scale of new development proposed. It simply does not result in a net loss of existing space. This is a moot point when the addition of new pedestrian routes and hard landscaping reduces the overall amount of open/recreation space. It is a matter for the Planning Authority to determine whether the provisions of paragraph 31.5 should apply in this case. However we note that hitherto the Council has sought to ensure that the Council's own developments are policy compliant, and where not, that the justification is so robust that a precedence is not established.

In looking at the open space proposals, it is for the Planning Authority to determine what comprises the replacement and compensation for the impacts resulting from the development, such as the replacement of trees etc. and what constitutes the contributions to other policy requirements and wider improvements arising from the development. The two should not be confused.

## **OTHER MATERIAL CONSIDERATIONS**

In reviewing this section, we believe that the original point that we made has been misunderstood. The Council, as applicant, is quite right in what they say. When the Crick's application was progressed the Crick ensured that its proposals could coexist with its established neighbours.

The design responded to this:

- Noise generating uses such as plant and emergency generators were sited away from existing residential accommodation so that they could operate without risk;
- flue outputs were sited having regard to the air modelling of the local environment, giving rise to extended flues above roof level and establishing extraction speed rates;
- open space provision was made at both ends of the building and additional compensatory contributions made (but still not yet spent) to public space improvements in accordance with policy;
- overlooking and sight lines into the building were all assessed in order that the design could 'turn on its head' on the historical approach to research building design resulting in a bright and open building. This approach sought to remove the secrecy that had hitherto been attached to such uses. Indeed, the Council, and its Design Officers, led on much of that work.

With the building now complete, and being commissioned, the Crick must for this application be considered as an existing use and facility. As such it is for the Council to show that its proposals can fulfil the same challenging brief that the Crick had to achieve when its proposals were coming forward. It is for the Council, as applicant, to now show how the Tower is able to coexist with all of its neighbouring land uses, whether these be existing residential, or as now, the Crick itself.

In order to assist the Council with this, the Crick has provided up to date and 'as completed' data and information to the Council rather than limiting them to that which had been placed in the public domain as part of its original application. However, as set out above, there are still a number of concerns that remain outstanding.

I trust that the above is self-explanatory but should you require any additional information or clarification on any of the points raised then please do not hesitate to contact me or my colleague Hannah Blunstone. We remain open to further discussions with the applicants but, as you will appreciate having regard to the context of the Crick as set out in the first section of this letter, our client cannot concede a scenario that could put its operations at risk.

Yours sincerely



**PAUL WILLMOTT OBE**  
**SENIOR DIRECTOR - PLANNING**