

Supplementary Information for Development Control Committee

21st June 2016

Agenda Items: 1 & 2

Application Numbers: 2015/2704/P, 2015/7168/L

Address: Central Somers Town, Covering Land At Polygon Road Open Space, Edith Neville Primary School 174 Ossulston Street And Purchase Street Open Space, London NW1

Report

Correction - Land Use Details table at the beginning of the report, under ANALYSIS INFORMATION; the existing and proposed floor areas for the school should read as follows:

Existing: 1,770sqm

Proposed: 2,190sqm

Paragraph 10.9 should also be changed to include the above existing floorspace figure (the proposed figure is correct in this paragraph)

Correction – paragraph 6.34 this petition was received prior to the submission of the planning application – as detailed in paragraph 6.38.

Additional information – paragraph 6.36; This petition had 670 signatories received by Camden Council on 16 October 2015.

Correction - paragraph 9.4: delete final sentence – “There would be an increase of 2 private flats if these 6 storeys and therefore the 20 affordable units were to be lost.” (the removal of 6 storeys would result in the loss of 18 private units which would result in the loss of 20 affordable units from the scheme – as is detailed in the rest of paragraph 9.4).

Additional sentence at the end of paragraph 9.4:

Whilst there might be a possibility of securing further funding from the affordable housing fund (AHF) in the future, there is absolutely no certainty of this, given the many (and increasing) competing demands on the AHF.

Replace paragraph 9.5 with:

Avoiding any harm to the Grade-I listed terrace and park would come at the loss of 20 affordable housing units unless considerable harm to the character, appearance and functionality of the public open space were to be accepted Historic England consider that a reduction in storey heights of less than 6 storeys would still cause ‘less than substantial harm’ to the listed terrace and therefore officers consider that a reduction in a lesser amount of storeys than 6 would not address the objection or sufficiently mitigate the impact to be

worthwhile. Given the above, the impact of the tower on the terrace must be weighed up against the loss of 20 affordable housing units. This is discussed further in the 'Public benefits versus harm to Chester Terrace' section below.

Replace paragraph 10.2 with:

The scale of the development is required to pay for the new school buildings and other community facilities and to make a substantial contribution to meeting the Council's priority objective; the provision of housing, particularly affordable housing. The proposal would be an enabling development, with the private residential paying for the provision of the new school and community facilities and securing the provision of affordable housing.

Correction – replace paragraph 10.14: "The applicant intends to start construction in **March 2018**".

Replace paragraph 10.15 with:

Objections have been received suggesting that new school buildings could be built through the use of Section 106 and CIL money. It should be noted that CIL and Section 106 money cannot be used together for the same infrastructure project. The CIL money that the Council has for schools is for all of the schools in the borough and could not realistically be earmarked for just one school. Further, even if all the CIL money for schools were to be earmarked for re-providing ENPS, there is insufficient CIL money to pay for this. Section 106 money is collected from approved planning applications, to mitigate impacts from the relevant development. There would need to have been a very large development in the vicinity, which increased pressure on local schools, for section 106 funding to be available, which is unlikely to meet the costs. There have been no such developments in the vicinity in recent years.

Paragraph 13.11 – final sentence should be replaced with the following:

Balconies have therefore been removed from the proposed tower at the 15th floor and above. Winter gardens would be provided instead, ensuring that residents still had amenity space.

Replace paragraph 14.16 with:

Because of its height, the Brill Place Tower would be widely visible, and so would form part of the settings of several listed buildings and conservation areas in Camden, as well as other parts of the townscape and some locally-listed buildings. Only those buildings for which the proposed tower will represent a significant change in setting are considered in detail here, since in other cases the tower would form part of the general background of development in and around central London

Replace paragraph 14.46 with:

Most of the proposed development will do no harm to any designated or non-designated heritage assets, and in some instances would be an enhancement. Some very slight, less than substantial harm is identified in the effects of views of the Brill Place Tower (Plot 7) on the settings of Pancras Road Arches (Grade II), 18-41 Charrington Street (Grade II). Views of the tower will also do moderate less than substantial harm to the setting of 1-42 Chester Terrace and of the Regent's Park. The NPPF requires that any harm to a designated

heritage asset requires clear and convincing justification and case law indicates that the statutory provisions require considerable importance and weight be attached to the preservation of listed buildings, their settings and of conservation areas. Paragraph 134 of the NPPF identifies that in respect of less than substantial harm to any designated heritage asset, “this harm should be weighed against the public benefits of the proposal”.. The proposal will deliver very significant public benefits which are deemed to outweigh the less than substantial harm that has been identified (and which has been attributed considerable importance and weight). The proposal is considered to accord with the relevant parts of London Plan including policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7 and with the relevant parts of Camden Core Strategy including policy CS14 and the relevant parts of the Camden Development Plan including policies DP24 and DP25.

Paragraph 15.4 should be replaced with the paragraph below:

Officers are of the view that the public benefits of the 20 affordable units are substantial and compelling and outweigh the moderate ‘less than substantial harm’ to Chester Terrace and Regent’s Park Conservation Area and the very slight less than substantial harm to the Charrington Street Terraces and Pancras Road Arches according those harms the requisite considerable importance and weight. Officers therefore support the height of the proposed tower due to the public benefits.

Replace paragraph 19.1 with the following:

With regards to concerns raised by the FCI on overlooking, it should be noted that the amenity of commercial properties is not generally considered a material planning issue entitled to material weight. However, should overlooking impact on the ability of a neighbouring use to function, then this is considered material. The proposed flats would be located 16.5m away, which is less than the 18m required between habitable rooms serving residential properties, however there is a public highway in-between and it is considered that these buildings would have a normal relationship for an urban environment in terms of separation distance. Phoenix Court, to the west of the site of the proposed tower, is located closer to the FCI than the proposed tower. Officers consider that overlooking of a non-residential use to be acceptable.

Above paragraph 20.5, the heading should read:

‘Equality Planning Context and balance of considerations’

Paragraph 20.6 should be deleted (as it is not relevant to the section on equalities).

Delete paragraph 20.4

Replace paragraph 26.5 with the following:

The submitted Flood Risk Assessment (FRA) seeks to address all the flooding issues and provides a sufficient level of confidence that these can be addressed subsequently. However a condition is recommended that a fully detailed FRA will be submitted to the Council for approval prior to commencement of development.

Paragraph 30.20 should be deleted – the points in this paragraph are covered by paragraph 30.21.

Paragraph 30.28 – replace with the following paragraph::

It should be noted that the non-residential elements of the proposal including the reconfigured school and community facilities would generate a low level of deliveries and servicing trips by motor vehicle. This is also the case for the residential elements of the proposal. It was therefore agreed that on-site loading bays would not be required given that the proposed arrangements would not be detrimental in these respects.

Paragraph 37.2 – replace with the following paragraph:

The public benefits of the scheme need to be balanced against the harm. Specifically, the harm from the 6 storeys that would appear above the listed terrace needs to be weighed against the benefits that the scheme would deliver, including the provision of 20 affordable units. Giving the moderate ‘less than substantial harm’ considerable importance and weight, as is required, officers are satisfied that the countervailing benefit of the significant amount of affordable housing (20 units) which will be secured but which could not be delivered were 6 storeys to be removed clearly outweighs the harm.

Paragraph 37.11 – replace with the following paragraph

Officers acknowledge that there would be moderate ‘less than substantial harm’ to the settings of the Grade-I listed Chester Terrace and the Regent’s Park and very slight ‘less than substantial harm’ to the settings of the Grade-II listed Pancras Road Arches and 18-41 Charrington Street but have considered this impact against the benefits of the proposal detailed above. Officers consider that the significant benefits – specifically from the provision of modern school buildings and community facilities, as well as the provision of much-needed housing, quality architecture and improvements to the Public Open Spaces, outweigh this harm and complies with the NPPF. Specifically, officers consider that the moderate ‘less than substantial harm’ to the listed Chester Terrace and Regent’s Park and the very slight less than substantial harm to the listed Pancras Road Arches and Charrington Street Terraces is itself clearly outweighed by the benefit from the provision of 20 affordable housing units.

Additional paragraph after paragraph 37.12

The conclusion of officers is that overall the proposal complies with the development plan. But it is also the view of officers that even if the proposal were not considered to comply overall with the development plan e.g. because of conflicts arising out of the impact on the grade I listed building, the balance would still clearly be in favour of the grant of planning permission because of the overriding planning benefits that the proposal will deliver.

Additional objections

The Bloomsbury CAAC has objected on the following grounds:

- Concerns regarding rationale for recognised harm on heritage assets of national importance
- The Committee report fails to undertake the steps required when assessing impacts (as detailed in the NPPF), in particular, it fails to give due or proportionate weight to the importance of the safeguarding of buildings and townscapes identified as being of national importance, as recent planning case law has reconfirmed. The fact that no

less than 6 Grade 1 building(s) will be harmed just increases the deep disquiet that this application arouses. Insufficient weight given to heritage assets, insufficient justification.

- Proposal would be prominent and harmful in views out of the conservation area.
- Provision of housing does not outweigh harm from tower. Small additions to housing stock will not solve the underlying shortage, but will rather seriously undermine the amenities of the existing surrounding homes.
- Precedence of justifying harm with housing. Precedence of allowing towers above historic skyline along Chester Terrace

Conditions

1. Condition 14 – correction (number of units)

“**Quantum of housing – Plot 7

The development constructed and used pursuant to this permission shall provide when completed:

No more than **54** residential units within a maximum of 7,153sqm gross external area of market housing floorspace.

Reason: To secure sufficient provision of affordable and other tenures of housing in a balanced and sustainable manner across the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP3 and DP4 of the London Borough of Camden Local Development Framework Development Policies.”

2. Condition 93 – correction (trigger)

** Provision of community hall

The new community hall in Plot 5 shall be built and fully fitted out for use prior to first occupation of more than 50% of the residential units in this plot.

Reason: To ensure the provision of the school building in accordance with the requirements of policy CS10 of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 of the London Borough of Camden Local Development Framework Development Policies.

3. Additional condition: ** Community Access Plan – School (Plot 1)

A Community Access Plan for the School shall be submitted and shall be submitted to and approved in writing by the Council prior to first operation of the school.

Reason: To ensure reasonable access to community facilities in accordance with the requirements of policy CS10 of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 of the London Borough of Camden Local Development Framework Development Policies.

4. Additional condition: Tree protection – Public Open Space

Prior to the commencement of works on the relevant part of the Public Open Spaces, details demonstrating how trees to be retained both on and off site shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction" and should include details of appropriate working processes in the vicinity of trees, a tree protection plan and details of an auditable system of site monitoring. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details."

Reason: In order to ensure the development undertakes reasonable measures to take account of trees and biodiversity in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

5. Additional condition: Tree protection – community garden

Prior to the commencement of works on the community garden, details demonstrating how trees to be retained both on and off site shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction" and should include details of appropriate working processes in the vicinity of trees, a tree protection plan and details of an auditable system of site monitoring. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details."

Reason: In order to ensure the development undertakes reasonable measures to take account of trees and biodiversity in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies

Section 106 Obligations

6. Highways and pedestrian, cyclist and environmental contribution; The total sum is £2,070,079

Blimp

A third party paid for a blimp to be erected to demonstrate the height of the proposed tower on Brill Place. Planning officers did not consider that a blimp was necessary or useful in determining the impact from the tower, as they do not provide an accurate impression of the proposed building, and that this is done much better by CGIs submitted by the applicant. The planning inspector for the 100 Avenue Road appeal decision stated that:

“I would note that it was a windy day and the ‘blimp’ rarely flew vertically above its position, so its location would be to one side and vertical height not as measured. Therefore, it is my view that the photographs should be considered for general illustration only and not as a totally accurate representation of height or position.”

Nevertheless, given that a blimp was erected, officers requested the applicant to verify images of the blimp. The applicant’s consultants have advised that their modelling (Zmapping 3D model) provides a high level of accuracy with a measureable variance of no more than 50cm. In comparing the AOD (Above Ordnance Datum – i.e. height above sea level) figures for both the proposed tower and the height of the blimp the applicant’s consultants found that the blimp was flying at approximately 23.5m above the top of the proposed tower which translates to approximately 7.5/8 storeys above the proposed 25 storeys.



Image 1 – photo of blimp from Euston Road, above the St Pancras Station (Barlow train shed)

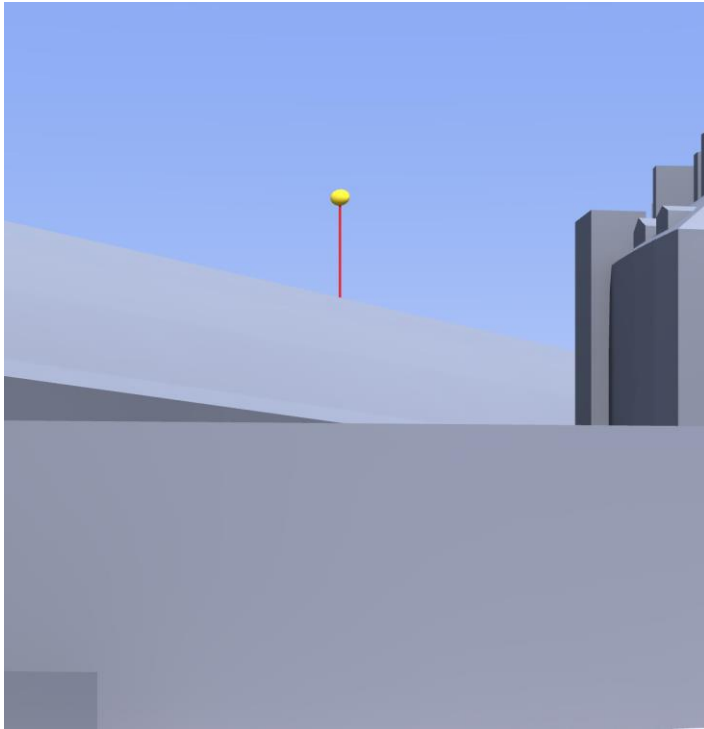


Image 2 – Massing render showing blimp above train shed



Image 3 – CGI showing tower in relation to train shed

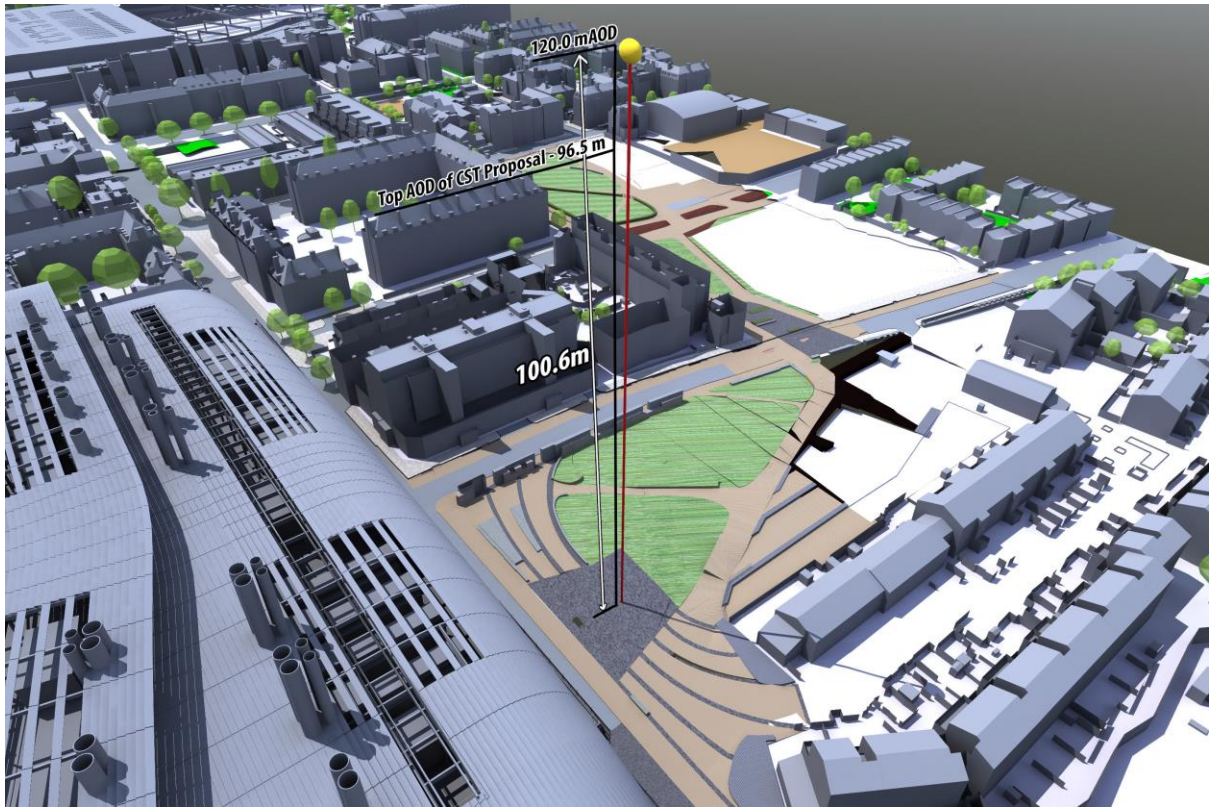


Image 4 – Height guide for blimp