

THE LONDON BOROUGH OF CAMDEN

At a meeting of the **DEVELOPMENT CONTROL COMMITTEE** held on **THURSDAY, 14TH JANUARY, 2016** 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, Lazzaro Pietragnoli, Flick Rea, Stephen Stark, Sue Vincent and Abi Wood

MEMBERS OF THE COMMITTEE ABSENT

Councillors Nasim Ali, Julian Fulbrook, Richard Olszewski, Phil Rosenberg and James Yarde

ALSO PRESENT

Councillors Siân Berry, Sally Gimson, Alison Kelly, Oliver Lewis, Angela Mason 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 Nasim Ali, Julian Fulbrook, Richard Olszewski and Phil Rosenberg.

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

For transparency Councillor Sue Vincent declared that she worked for Urban Design London which was hosted by Transport for London.

Councillor Danny Beales declared for transparency that he had received communications from residents in respect of Items 6(4), 42 Caversham Road and 6(5), 59 Camden Mews. He did not consider this to be prejudicial and would take part in the consideration and voting on both applications.

Councillor Stephen Stark declared a pecuniary and prejudicial interest in respect of Item 6(10), 10 Pandora Road, as he was the applicant. He therefore withdrew from the room and took no part in the consideration or vote on the matter.

In relation to Item 6(1) Mansfield Bowling Club, Councillor Roger Freeman stated that he had received communications from the Kenlyn Lawn Tennis Club, however

he had not discussed the application. He did not consider this to be a prejudicial interest and would be taking part in the consideration and vote on the item.

Councillor Abi Wood declared for transparency that in respect of Item 6(3), Unit 23-24, Cheriton, she had received communications from constituents, but had made clear she could not comment as she was on the Committee. She did not consider this to be prejudicial and took part in the consideration and vote on the application.

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.

4. REPRESENTATIONS TO THE COMMITTEE

RESOLVED –

THAT the deputation requests and written submissions contained in the supplementary agenda be accepted.

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

There was no urgent business.

6. PLANNING APPLICATIONS

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

(1) MANSFIELD BOWLING CLUB, CROFTDOWN ROAD, LONDON, NW5 1EP

Consideration was also given to the deputation requests and written submissions referred to in Item 4 above.

Members expressed the view that the facility was clearly valued by the community and that the conclusion that there was no demand for such facilities on site appeared unjustified, especially in light of Sport England's stated position. Concerns were raised over the engagement process with local schools, with it noted that there appeared to be some interest from local schools in using facilities at the site, albeit not firmly expressed. It was also felt to be curious that football pitches had been ruled out due to lack of parking, when the site already had and would retain some

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parking on-site. Additionally floodlighting had been ruled out due to a detrimental impact on amenity, although there were some floodlit pitches in the Borough which had been designed to avoid such impacts. In response to these points and questions, the Planning Officer advised:

- Local schools had not been responsive to engagement regarding the application;
- A contribution of £600,000 was accepted as there was evidence of some local need for sports facilities. £600,000 was an estimate of costs to enhance and/or refurbish the facilities at the Highgate Newtown Community Centre;
- A wide-ranging report submitted by the applicant had found that alternative sporting activities could not be supported on site, without an adverse impact on amenity. Tennis facilities on site however would be sustainable. A report had been independently prepared by Knight, Kavanagh and Page (KKP) on behalf of the Council to examine the report submitted by the applicant;
- The small green spaces on the proposed site did count towards the overall open space, but the landscaping had not been finally determined;
- As the main development was not on designated open space but adjacent to it, the application was broadly compliant with Policy CS15;
- Sport England was not a statutory consultee as there was no loss of playing fields, though their views and experience were helpful; and
- Whether floodlighting was feasible depended on a number of factors. KKP had agreed that in this case it could not be installed without an unacceptable impact on the amenity.

David McHendry, KKP, advised that a 5-a-side football pitch or sports hall would mean an increased intensity of use compared to tennis courts, which would be particularly great during the changeover period between bookings, hence increased parking would be needed to make such uses sustainable.

The Legal Adviser confirmed that issues regarding covenants and titles on the land as raised by some parties were not matters for the Committee. He also stated that in any subsequent appeal, the matter would be assessed against the planning policies in place; the indoor facility strategy was not a planning policy.

Responding to a query regarding a mixed-use sports hall/residential development, the applicant's agent stated that the scheme in its entirety was mixed use, and built on previous applications, including taking on board the views of the local tennis community and officers.

The Planning Officer replied to further questions by stating:

- The strength of the policy on private open space meant that no additional conditions to preclude future development were needed;
- A management and maintenance plan for the open space, including securing it as a publicly useable open space, would be a head of term in a Section 106 legal agreement;
- KKP had worked with both Planning and Leisure when determining their conclusions, and the applicant had been advised that any needs assessment would need to draw on sports officers' views;

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- There was no specific process or requirement in respect of engagement with schools; and
- A designation as an asset of community value would mean any future attempt to sell the site would need to go through the same moratorium to permit local groups to raise funds to buy the site. However that designation was not a reason to refuse the application.

Members commented in discussion that a contribution of £600,000 towards sporting facilities was contradictory to the idea that there was no demand in the area for sports facilities. The Legal Adviser remarked that it was felt that ultimately the application presented a solution to securing a long-term publicly useable space for the site, with the £600,000 contribution an acknowledgement that there was some low level demand for sports facilities and that the list of potential uses explored was not exhaustive.

In response to concerns from Members regarding the PTAL rating of what appeared to be a well-connected area, the Transport Officer stated that the current policy was to seek completely car free schemes when the PTAL rating was 4 or higher. As such this scheme was policy compliant and would reduce onsite parking. The draft local plan set out that all future schemes ought to be car free, with the Legal Adviser adding that until fully adopted, it could not be applied.

The Committee also expressed concerns about setting a precedent regarding housing being on-site should they be minded to grant the application, and a future revision due to viability be presented. The Committee was further advised in response to these points and questions;

- Any future application would have to be considered on its own merits in line with the planning policies at the time, though granting the application may create a precedent with respect to housing on-site;
- The carbon reduction would reach 35% with the addition of panels;
- The basement would be 3 metres deep; and
- Access to the open space would be in line with public parks so in effect it was closed during the night but otherwise open via the gates.

The Head of Sport and Physical Activity outlined the principles of the Council's strategy for sports facilities and outlined that the application and its tennis provision was broadly compliant with it. An extra £600,000 investment in the Talacre Sports Centre would increase visits by 250,000 per year, representing 5000 – 7000 extra patrons. In his experience, schools preferred to do sports on site with the exception of swimming, and were unlikely to want to pay a fee for using any facilities that may be on site thereby impacting on sustainability.

On being put to the vote, it was with 0 votes in favour, 7 against and 3 abstentions:

RESOLVED –

THAT planning permission be refused for the following reason:-

1. The applicant has failed to demonstrate that the existing leisure facility is no longer required, that there is no demand for an alternative leisure use of the site

which would be suitable and that therefore the loss of the facility would not undermine the range of services and facilities needed to support local communities, contrary to policy 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.

(2) 112A GREAT RUSSELL STREET, LONDON, WC1B 3NP

Consideration was also given to the deputation requests and written submissions referred to in Item 4 above.

The Planning Officer advised that section 7.2 of the report should be amended to indicate that the public open space contribution would be roughly £49,000. He added that Secretary of State had asked that should the Council be minded to grant the application, to hold back issuing the decision until he had decided whether to call it in.

A Member remarked that while the report set out that there was no specific policy regarding underground hotels, the London Plan indicated that hotel developments should promote high quality design so as to be accredited by the National Quality Assurance Scheme. However in the absence of windows, the hotel would fail to achieve the minimum requirements for a 1-star accreditation. The Chair commented that the quoted part of the London Plan asked for the promotion of high quality design rather than being an out-and-out requirement. Another Member added that hotel choice was a matter for consumers and that the scheme would fill a gap in the market. While internal air quality was a potential issue, the removal of the car park, potential reduction in congestion and boost to the local economy were all to be welcomed.

The Planning Officer advised in response to questions:

- The Police were generally supportive of the application, due to its removing of the car park;
- Similar applications had been approved elsewhere, including the Town Hall Extension, which would have an internal core of windowless rooms;
- A similar scheme's online marketing clearly set out that there were no windows. This lack of ambiguity would be expected of this scheme and it would be up to prospective visitors to decide whether the type of accommodation was suitable for them;
- Air quality details had been heavily scrutinised by relevant officers, who were satisfied that the equipment was of sufficiently high quality and the proposals feasible. Condition 3 was accordingly very detailed and ensured that if the air quality system was inoperable the hotel could not stay open; and
- Building control had not assessed the application fully, but felt that the proposals would be capable of meeting fire regulations.

In response to a question, the applicant's agent advised that the rooms would be double rooms so theoretically the maximum number of guests would be 332. A

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Member remarked that higher-quality design needed to be promoted with such a high number of potential guests. Another Member felt that the increase in activity would have a detrimental impact on the amenity of an already highly stressed area, bringing a more West End type use into a residential area.

The Transport Officer confirmed that the service management plan would prevent late night deliveries, and would be enforceable if there was a breach, and advised that preventing bookings of more than 8 persons would discourage coaches. Ultimately even with an occasional coach arriving the overall congestion in the area would be reduced as a result of this scheme.

It was suggested that the hot air emitted by the vents would be unacceptable to neighbouring properties and people walking past the site, though the Planning Officer advised that most activity would be focussed away from Adeline Place therefore reducing any impact.

It was requested that a short note be circulated to the Committee setting out the implications of the Secretary of State asking for the opportunity to consider calling in applications when the Committee was minded to grant them.

ACTION BY: Director of Culture and Environment

The Planning Officer commented that although the Fitzrovia Area Action Plan was not specific as to what should happen with the site, the application was considered to be in accordance with the Plan. He also confirmed that further design details would be secured through conditions.

In response to a question, the depute in objection advised that there were concerns about air intakes and outtakes going across land which was not owned by the application.

It was proposed by a Member that the condition regarding air quality could be amended to include a measurable figure which the hotel would have to achieve as a minimum. The Planning Officer advised that such an amendment was possible, but a minimum air quality level may be covered by other legislation and he would need to discuss with relevant officers.

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

RESOLVED –

THAT conditional planning permission be refused for the following reasons:

1. The applicant has failed to demonstrate that the internal design, layout and standard of air quality of the proposed development would provide an acceptable standard of accommodation and amenity for future occupants, contrary to policies CS5 (Managing the impact of growth and development) and CS16 (Improving Camden's Health and Well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP32

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(Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies;

2. The proposed development, by reason of the increased activity associated with the hotel operation and the environment resulting from the vents on Adeline Place, would have an unacceptable impact on local residential and pedestrian amenity, contrary to policies CS5 (Managing the impact of growth and development) and CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies and policy 9 (Residential amenity) of the Fitzrovia Area Action Plan.

ACTION BY: Director of Culture and Environment

(3) UNIT 23-24 CHERITON, QUEEN'S CRESCENT, LONDON, NW5 4EZ

Consideration was also given to the written submissions and deputations as set out in Item 4, bar the deputations from the applicant and in objection, as the party making the deputation in objection was not present.

One amendment to Condition 1 was proposed by the Planning Officer, which would set out that after the 12 month period the reversion to the previous usage would be in accordance with all the conditions and limitations of the 2009 permission.

Responding to questions, the Planning Officer confirmed that officers had been unable to get into the flat directly above but had managed to take readings from adjacent to Flat 6. It should also be borne in mind that the existing community use had no sound measures or protections to minimise noise, that the permission was temporary and therefore the position would be reviewed, and that residents could still make noise complaints to the Council. All the recommendations from the noise consultant had been incorporated into the proposed conditions.

The Committee was advised that officers would be working closely with the applicant to gauge their intentions before the end of the 12 month period and reversion to a purely class D1 use.

Councillor Awale Olad stated in response to a question that he considered proposed condition 7 regarding amplified music to be realistic. The Planning Officer added that although there was no set baseline for noise level defined in the relevant condition, as the baseline may change during the day, Environmental Health were satisfied with the wording. Additionally the Fire Service was satisfied with the proposed capacity, and the 21:00 weekday curfew was considered enforceable.

Noting that there were concerns from local residents about potential noise should the application be granted, the Committee agreed that a community working group should be incorporated in to the management plan which was secured via condition.

On being put to the vote with a unanimous 11 votes in favour, it was:

RESOLVED –

THAT temporary planning permission be granted subject to conditions, the incorporation of a community working group into the Management Plan and the revision of Condition 1 as follows:

The use hereby permitted is for a temporary period only and shall cease within 12 months of the date of this decision notice, at which time the premises shall revert to their former lawful use which is a training/community centre (D1) on the ground floor and office (B1a) at basement level in accordance with planning approval 2009/0626/P dated 25/11/2009. After the 12 month temporary use has ceased, the use of the site must be in accordance with all of the conditions of 2009/0626/P, including condition 2 (use as a training centre only and no other D1 use) and 4 (hours of operation).

Reason: The Council would wish to review the permission at the end of the period in the light of experience of the operation of the use, in order to ensure compliance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

ACTION BY: Director of Culture and Environment

(4) 42 CAVERSHAM ROAD, LONDON, NW5 2DS

The Planning Officer advised of an additional condition to be added, which would prevent the flat roof being used as a terrace.

In response to questions, the Planning Officer stated that the change from office to residential had been implemented as per the prior approval following checks by officers, with tenants already resident in a number of units. She also advised that the previous prior approval meant that the Council did not have the same conditions and control, hence the lack of conditioning on refuse stores.

A question was raised about the waste facilities and it was confirmed an additional condition would be added to secure the necessary details.

The Conservation Officer remarked that the dark stock brick picked up the rhythm of the street and while the white element would distinguish the building from the consistent rhythm of its neighbours, it picked up on white elements of other local buildings. The brick detailing on the main façade, which was a difference in profile rather than colour, was a contemporary interpretation aiming to reproduce the finesse of a traditional Victorian building to fit in with other nearby buildings and was appropriately conditioned.

On being put to the votes, with 10 votes unanimously in favour, it was:

RESOLVED –

THAT conditional planning permission be granted subject to a Section 106 legal agreement and the following additional conditions:

Condition: Before the development commences, details of the location and method of refuse storage including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

Condition: The flat roofs of the building hereby permitted shall not be used at any time as a terrace.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

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

(5) 59 CAMDEN MEWS, LONDON, NW1 9BY

This item was not considered due to lack of time.

(6) 10 AND 11 KINGS MEWS, LONDON, WC1N 2ES

(7) RELATED APPLICATION

These items were not considered due to lack of time.

(8) 231 GOLDHURST TERRACE, LONDON, NW6 3EP

On being put to the vote, with 9 votes in favour, 0 against and 2 abstentions, it was:

RESOLVED –

THAT planning permission be granted subject to conditions and a Section 106 legal agreement.

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

(9) 13&15 JOHNS MEWS, LONDON, WC1N 2PA

This item was not considered due to lack of time.

(10) 10 PANDORA ROAD, LONDON, NW6 1TT

On being put to the vote, with 9 votes in favour, 0 against and 1 abstention, it was:

RESOLVED –

THAT a certificate of lawful development (proposed) be granted.

ACTION BY: Director of Culture and Environment

7. DATE OF NEXT MEETING

The date of the next meeting was noted as Thursday 21st January 2016.

8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

Having adjourned between 20:24 and 20:32, and again between 21:48 and 21:54, and having applied Committee Rule 19(a), the meeting ended at 22:27.

CHAIR

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MINUTES END