

THE LONDON BOROUGH OF CAMDEN

At a meeting of the **PLANNING COMMITTEE** held on **THURSDAY, 8TH SEPTEMBER 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, Richard Cotton, Sally Gimson, Adam Harrison, Phil Jones, Andrew Marshall, Richard Olszewski, Lazzaro Pietragnoli, Flick Rea, Stephen Stark, Abi Wood and James Yarde

MEMBERS OF THE COMMITTEE ABSENT

Councillors Phil Rosenberg and Sue Vincent

ALSO PRESENT

Councillors Tom Currie, Roger Robinson, and Paul Tomlinson

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 and any corrections approved at that meeting will be recorded in those minutes.

MINUTES

1. APOLOGIES

Apologies for absence were received from Councillors Phil Rosenberg and Sue Vincent.

An apology for lateness was received from Councillor Stephen Stark.

Councillor Abi Wood gave an apology for having to leave the meeting early.

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

In relation to Item 7(1) Central Somers Town, Councillor Phil Jones stated that he would be stepping off the Committee for the duration of the item and speaking in support of the application. Thus he would not take part in the deliberations and voting on the item. Also, in relation to Item 7(3) Greater London House, Councillor Jones stated for transparency that he had met with the applicant through his work as a Cabinet Member but that he did not consider this to be a prejudicial interest, had

an open mind on the application and would take part in the consideration and 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.

4. REPRESENTATIONS TO THE COMMITTEE

The Chair informed the committee that Councillor Nash Ali had withdrawn from speaking on item 7(7&8) Land at Chester Gate due to a personal matter.

RESOLVED –

- (i) THAT the written submissions and deputation requests contained in the supplementary agenda be accepted; and
- (ii) THAT the late request from Councillor Phil Jones to speak on item 7(1) Central Somers Town as Cabinet Member be accepted.
- (iii) THAT the late request from Councillor Paul Tomlinson to speak on item 7(1) Central Somers Town be accepted.

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

There were no urgent items of business.

6. MINUTES

RESOLVED –

- (i) THAT the minutes of the meeting held on 21st June 2016 be approved and signed as an accurate record;
- (ii) THAT the minutes of the meeting held on 28th July 2016 be approved and signed as an accurate record, subject to the addition of a declaration by Councillor Lazzaro Pietragnoli that, in respect of Item 7(1) Former Hampstead Police Station, he had also had a number of parties write to him regarding the application though he had not met anyone regarding it; and
- (iii) THAT the minutes of the meeting held on 18th August 2016 be approved and signed as an accurate record.

7. PLANNING APPLICATIONS

Consideration was given to the report of the Executive Director Supporting Communities.

(1) CENTRAL SOMERS TOWN, COVERING LAND AT POLYGON ROAD OPEN SPACE, EDITH NEVILLE PRIMARY SCHOOL 174 OSSULSTON STREET AND PURCHESE STREET OPEN SPACE, LONDON, NW1

Consideration was also given to the information contained in the supplementary agenda, as well as the deputations and written submission as referred to in Item 4 above.

The Legal Adviser advised the committee on the legal position of the decision before it. In summary:

- Legally, the committee would be taking a fresh decision and therefore would be looking at the application in its entirety.
- The Committee was legally bound to take all relevant considerations into account, including the report and representations made at the meeting on 21st June 2016.
- The committee was not legally bound to follow the previous decision, and would not be legally required to identify a material change of circumstances if it was minded not to follow the decision.
- Consistency was a key element of public law decision making.
- It would not be common sense to ignore the previous extensive debate on 21 June 2016 and the conclusions that the committee had reached after scrutinising the issues in detail.
- There had not been any fundamental changes to the planning considerations since 21st June and the report before the committee related to clarification of a very small number of planning considerations.
- In order to manage the meeting, it was reasonable for the Chair to focus discussion on the matters within the report.

There was some concern expressed by committee members about the approach to determining the application. Comments included:

- Frustration was expressed about having to consider the whole application again for minor amendments.
- Planning permission had already been granted and minor issues could be addressed through granting amendments to conditions.
- If the committee were just looking at certain details, the whole committee should be allowed to participate in deliberations and vote.
- If the committee was looking at the whole application again and had the previous report, minutes and representations before it, it was felt that the whole committee should be able to participate in deliberations and vote.

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The Legal Adviser agreed that the council was taking a cautious approach to this application on the advice of Legal Counsel. This approach would ensure the legal status of the decision. The Chair reminded the committee that, although the previous report, minutes and representations were in front of the committee, as any Members who had not been present on 21 June would not have witnessed the representations or taken part in part in the debate, they could not take part in this item. This was the convention adopted with other applications.

The Chair stated that only those Members present for the whole item and who had been present during consideration of this application during the previous meeting were able to take part in this item. Those Members being herself, and Councillors Freeman, Beales, Cotton, Harrison, Olszewski, Pietragnoli, Wood and Yarde.

The Planning Officer reported that the Francis Crick Institute had withdrawn its objections subject to the amended conditions, the Shadow Section 106 Legal Agreement, and the letter of comfort from the Chief Executive of the Council offering assurances. The Planning Officer reported a correction to the report as the letter of comfort had not yet been sent but would be sent should the committee approve the amended conditions before it.

Following the hearing of deputations, Members made comments and asked questions on the application as follows:

- Could a condition be included that required low-emission vehicles to be used, similar to what has been requested for High Speed 2.
- The cumulative impact of the works should be taken into account.
- It was queried whether a condition could be included for an automatic notification in the event of a black start for residents.
- Officers were asked for comments on accessibility to the residential units for people with disabilities.
- Members asked whether the implications of testing of generators on the tower had been considered.

Officers responded to questions and comments as follows:

- Condition 39 was being applied to all planning applications to address air quality issues. Officers could not comment on what was being required of High Speed 2.
- The Construction Management Plan would need to take account of cumulative impact.
- 14 of the units (10%) would be wheelchair accessible and all of the units feature level access except for three which would replicate the listed Georgian terrace for conservation and design reasons. The Accessibility Officer had been consulted.
- The maintenance regime for the generators would be part of the Management Plan.

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The applicant was asked to comment on questions from the committee:

- They would be reluctant to accept an automatic alert system in the event of a black start because of maintenance issues. Instead a Management Plan would address the notification of occupants of the tower.

Councillor Lazzaro Pietragnoli requested that his objection to the procedure followed to determine the amendments before the committee be noted.

On being put to the vote it was, with 9 votes unanimously in favour:

RESOLVED –

THAT conditional planning permission be granted subject to a Section 106 Legal Agreement.

**ACTION BY: Director of Regeneration and Planning
 Borough Solicitor (AB)**

Councillor Abi Wood left the meeting; Councillor Phil Jones rejoined the committee; and Councillors Sally Gimson, Andrew Marshall, Flick Rea and Stephen Stark were present and participated in the meeting.

(2) PLOTS T2-T4, KING'S CROSS CENTRAL, CANAL REACH, LONDON

On being put to the vote it was, with 13 votes unanimously in favour:

RESOLVED –

THAT the reserved matters be approved subject to conditions and the conditional details be approved subject to a Deed of Variation.

**ACTION BY: Director of Regeneration and Planning
 Borough Solicitor (AB)**

(10) LAND TO THE EAST OF KING'S BOULEVARD AND SOUTH OF GOODS WAY, KNOWN AS ZONE A, KING'S CROSS CENTRAL, LONDON, N1C 4UR

It was agreed to determine Item 7(10) Land to the East of King's Boulevard and South of Goods Ways next.

RESOLVED –

THAT the conditional planning permission be granted.

**ACTION BY: Director of Regeneration and Planning
Borough Solicitor (AB)**

(3) GREATER LONDON HOUSE, HAMPSTEAD ROAD, LONDON, NW1 7AW

Consideration was also given to the information contained in the supplementary agenda, as well as the written submission as referred to in Item 4 above.

Members queried why the site was accepted as being not suitable for residential use and so a financial contribution was not required but if the applicant were to leave within five years a financial contribution would be required. The Planning Officer explained that the Local Plan required a mix of uses in development where appropriate and that in the Central London Area or a designated town centre, where more than 200sqm additional floorspace is provided, up to 50% of additional floorspace is to be housing. However, this site was not located in the Central London Area or within a designated town centre. The proposed extension of floorspace would be for the existing user of the building which is a possible exemption under the mixed use policy. There were economic benefits to Camden from ASOS, the current user, staying on site. The additional employment was another reason to accept that the site was not suitable for residential use. If ASOS was to leave the building, the exemptions would no longer apply and therefore the mixed use policy would require a housing element and ASOS would be subject to a financial contribution. Members pointed out that another employer would replace ASOS and that affordable housing was needed in Camden.

Members queried whether residential units could be included in the corner site that was not part of the application before the committee. The Planning Officer confirmed that it was not part of the application site and so could not be considered. Permission had been granted and implemented for it to become a restaurant.

The Chair suggested that the Open Space contribution be used locally for Harrington Square Gardens as it was used by staff at Greater London House. The committee agreed that this request be noted.

On being put to the vote it was, with 13 votes unanimously in favour:

RESOLVED –

THAT conditional planning permission be granted subject to a Section 106 Legal Agreement.

**ACTION BY: Director of Regeneration and Planning
Borough Solicitor (AB)**

(4) ATHLONE HOUSE, HAMPSTEAD LANE, LONDON, N6 4RU

Members expressed pleasure with the scheme and paid tribute to officers for their work on the site.

On being put to the vote it was, with 13 votes unanimously in favour:

RESOLVED –

THAT conditional planning permission be granted.

ACTION BY: Director of Regeneration and Planning

(5) GROVE LODGE, ADMIRAL'S WALK, LONDON, NW3 6RS

(6) RELATED APPLICATION

Consideration was also given to the deputations and written submission as referred to in Item 4 above.

The Legal Adviser and Interim Head of Development Management clarified that the committee be taking a fresh decision and therefore would be looking at the application in its entirety. Unlike on Item 7(1) Central Somers Town, all those committee members present would be able to take part in this item and new deputations and written statements accepted. This was due to the Council undertaking a full re-consultation process since the application was previously considered on 21st January 2016.

The Planning Officer made the following amendments to the report:

- The Analysis Information in the summary table on page 485 and paragraph 6.76 should refer to the proposal resulting in 8 not 10 bedrooms.
- In paragraph 7.3, the financial contribution for highway works should read £13,165.79.

In response to a request from the Chair, the basement consultants, responded to the deputation statement by Dr Michael de Freitas and commented on the report submitted by Dr Stephen Buss:

- Slide 1 – the consultants had no further evidence of the cracks photographed.
- Slide 2 – Dr de Freitas was correct regarding difference in drilled groundwater levels. However, the use of standpipes was a standard technique used in all basement investigations across Camden and London.

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- Slide 3 – The original proposal had allowed for some water under the basement to minimise disruption of groundwater flow. A competent contractor could have dealt with this.
- Slide 4 – The situation depicted would be very unlikely. It would require the coincidence of an extreme event water level at the place of a badly constructed pile. The diagram doesn't suggest that there is a basement slab.
- Slide 5 – The applicant has suggested continuous piling around the whole basement which would provide a dam. Normal groundwater would be 5-10cm higher than floor of basement so not as extreme as in the diagram.
- Slide 6 – Groundwater flow would be diverted around the basement but would not be significant in terms of causing damage to neighbouring properties.
- The report submitted by Dr Stephen Buss was a numerical model of groundwater flows around the basement. The objectors had questioned errors in the data but that data had not been incorporated in the model. The model had been verified by the applicant's consultant and he still supported the report's conclusions.

Responding to a question about where the Bagshot Sands were a cause for concern, the basement consultant assured the committee that the technique proposed was straightforward if undertaken by a competent contractor. The Basement Construction Plan would be reviewed and approved by a certified engineer. It would also be checked by an independent third person.

The applicant agreed with a suggestion that an ultrasonic test of the piling be included as part of the Basement Construction Plan.

There was some concern expressed that the proposed construction would remain in place for 50 years or more and that extreme rainfall on occasion over that time could cause long term damage. Dr de Freitas considered that Camden already experiences extreme rainfall and that there were problems that had not been resolved. The basement consultants reminded the committee that this scenario was only for the time when there was no basement slab in place and not for the long term.

In response to a suggestion that a third party be brought in to adjudicate on the technical issues, the Chair pointed out that the basement consultants Campbell Reith were the third party experts.

The conservation officer informed the committee that he did not consider the proposal to be a modern extension as it had been designed to have the same experience as the rest of the house.

The planning officer confirmed that there had been no material change in policy since the January determination.

In response to a question about the removal of trees, the planning officer confirmed that the arboricultural officer was satisfied with the conditions safeguarding the

replacement of trees. The applicant confirmed that nine trees were being removed and replaced with 11 trees across the site. On the frontage, one tree would be removed and replaced with a tree as mature as possible. He had committed to replacement trees that were as mature as possible. The Interim Head of Development Management confirmed that proposed replacement trees would have to be approved by the local planning authority.

In response to questions about the Construction Management Plan (CMP), the Interim Head of Development Management confirmed that neighbours would be consulted during its development. A draft CMP had been submitted but could not be completed until it was known when the works would be undertaken. The Plan would need to address the local highways context that existed at the time of the build. The applicant confirmed that he did not want to have Admiral's Walk closed and that there were other possible access routes to Grove Lodge.

The calculated Community Infrastructure Levy was queried and officers agreed to check the uplift in new build floorspace.

The Legal Advisor confirmed that the committee was not bound by its previous decision but suggested that consistency was advisable.

On being put to the vote it was, with 10 votes in favour and 3 against:

RESOLVED –

- (i) THAT conditional planning permission be granted subject to a Section 106 Legal Agreement;
- (ii) THAT conditional listed building consent be granted;
- (iii) THAT the Basement Construction Plan include an ultrasonic test of the piling; and
- (iv) THAT officers check the calculations for the Community Infrastructure Levy.

**ACTION BY: Director of Regeneration and Planning
 Borough Solicitor (AB)**

**(7) LAND AT CHESTER GATE ADJACENT TO NOS. 6-10 CAMBRIDGE
 TERRACE, LONDON, NW1 4JL**

(8) RELATED APPLICATION

Consideration was also given to the deputations and written submissions as referred to in Item 4 above.

The planning officer informed the committee of five late written submissions which raised no new issues.

Following the hearing of deputations, Members made comments and asked questions on the application as follows:

- Members reviewed the Extract from OS Map 1870 on page 695 of the agenda pack and considered that historically there would likely have been public access through the John Nash garden. However, it was accepted that this was conjecture.
- The proposed garden would not replicate exactly what had been designed by Nash or the Victorian garden that was later installed.
- Concern was expressed about the loss of public space and it was felt that the officer report did not put enough focus on this.
- It was stressed that Nash had not designed the garden in the current context.
- The narrowing of the road access to Regent's Park would not be pleasant or useful for residents and pedestrians.
- The proposed garden would create a small enclave which could become a space for anti-social behaviour.
- A Member expressed support for the design and felt that the proposed garden was similar in size to the historic garden. It was considered that the road been narrow historically and had been widened in recent times. However, there was concern at the loss of public open space.

Officers responded to questions and comments as follows:

- The conservation officer considered the reinstatement of a historical element into a setting with listed buildings was of benefit to the area, although it was understood that neither the proposed design nor the garden which was historically present were exactly the same as John Nash's design.
- A private garden was generally considered to be of benefit to public amenity as it gave a view of greenery such as trees.
- There was no decisive evidence whether the historic garden had been publicly accessible.
- The transport officer informed the committee that the Crown Estates Paving Commission was the highways authority responsible for the area. If the application was approved, the Commission would have to realign the existing footpath. A kink would be introduced into the footway. It was suggested that most pedestrians walk on the north side of the road already. If the road were to be narrowed this would be of benefit to pedestrians as they could cross the road more safely. Also, narrowing the road would help reduce the speed of vehicles.
- High Speed 2 and the Cycle Superhighway 11 (CS11) had been considered but neither yet been approved. There was no evidence that CS11 would lead to a significant increase in traffic on Chester Gate.

Members made further comments and asked questions as follows:

- It was understood that it was difficult to model the impact of big schemes that had not been approved. However, concern was expressed that permission granted could not be subsequently removed if there was a significant impact from High Speed 2 and the Cycle Superhighway 11. Therefore the schemes should be taken into account.
- Chester Gate was a busy short road and narrowing the road was a concern.
- Granting permission and narrowing the road would close down options if cycling was to increase.
- The Victorian garden that previously existed had been removed in 1873 to improve the flow of traffic.
- The proposed transfer of public to private space was contrary to policies.
- The committee needed to balance the benefit of the garden with the disadvantage to residents.
- Suggestion that the other pavement was better for pedestrians was not good enough as seems to be writing off one side of the road for pedestrians.
- The report prioritises road users over pedestrians and cyclists.

Officers responded as follows:

- The Interim Head of Development Management stated that as there was no substantial harm from the proposal, officers did not need to assess public benefit.
- The application site was not designated as public open space as so did not fall under Council policies.
- The traffic officer confirmed that Chester Gate was a private road but that public had a right of way. There were restrictions on who could use Chester Gate.

On being put to the vote it was, with 1 vote in favour, 11 against, and 1 abstention:

RESOLVED –

- (i) THAT conditional planning permission and conditional listed building consent be refused for the following reasons:
- Transport implications
 - Pedestrian safety implications
 - Questionable heritage value of the proposal

It was considered that the proposal would therefore lead to less than substantial harm to a heritage asset. Weighed against the public benefits of the proposal it was considered that there was no public benefit.

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- (ii) THAT authority be delegated to the Director of Regeneration and Planning to finalise the specific wording of the reasons for refusal in line with the reasons given by the Committee.

ACTION BY: Director of Regeneration and Planning

(9) 194 KENTISH TOWN ROAD, LONDON, NW5 2AE

This item was deferred due to lack of time.

8. DATE OF NEXT MEETING

The date of the next meeting was noted.

9. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no such business.

Having adjourned between 8.26pm and 8.35pm, and having applied Committee Rule 19(a) at 10.00pm, the meeting ended at 10.30 pm

CHAIR

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MINUTES END