

THE LONDON BOROUGH OF CAMDEN

At a meeting of the **PLANNING COMMITTEE** held on **THURSDAY, 19TH JULY, 2018** at 7.00 pm in The Council Chamber, Town Hall, Judd Street, London WC1H 9JE

MEMBERS OF THE COMMITTEE PRESENT

Councillors Heather Johnson (Chair), Flick Rea (Vice-Chair), Danny Beales, Nayra Bello O'Shanahan, Marcus Boyland, Oliver Cooper, Adam Harrison, Samata Khatoon, Jenny Mulholland, Andrew Parkinson, Georgie Robertson and Sue Vincent

MEMBERS OF THE COMMITTEE ABSENT

Councillors Lazzaro Pietragnoli, Nazma Rahman, Peter Taheri and Anna Wright

ALSO PRESENT

Councillors Steve Adams and Leo Cassarani

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

MINUTES

1. APOLOGIES

Apologies for absence were received from Councillors Lazzaro Pietragnoli, Nazma Rahman, Peter Taheri and Anna Wright.

An apology for lateness was received from Councillor Samata Khatoon.

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

In respect of Item 6(1), 100 Avenue Road, Councillor Andrew Parkinson advised that he potentially had a pecuniary interest as he was advising residents about a legal challenge on the CS11 cycle scheme. As there were links between CS11 and the application, he would withdraw from the room for the duration of the item.

Councillor Sue Vincent declared for transparency that she worked for Urban Design London who were hosted by Transport for London (TfL). In respect of item 6(1), 100 Avenue Road, she confirmed she had not had any conversations with anyone at TfL about the application and therefore would participate and vote on the item.

Further in relation to Item 6(1), 100 Avenue Road, Councillor Nayra Bello O'Shanahan outlined that as an election candidate prior to the May 2018 local elections she had expressed concerns about the draft construction management plan. However she remained open-minded on the matter and would participate and vote on the matter.

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 written submissions and depositions 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 Executive Director Supporting Communities.

6(1) 100 AVENUE ROAD, LONDON, NW3 3HF

Consideration was also given to information contained in the supplementary agenda as well as the written submissions and depositions referred to at Item 4. Introducing the report, the Planning Officer outlined an error in the draft construction management plan (CMP) advising that it should read as 50 vehicle movements per day and not per week in relation to question 21a. It had been clear in the consultation and other documentation that the proposal was for 50 vehicle movements per day, and had been assessed by officers on this basis; the error was simply limited to the draft CMP only.

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The Committee was also informed of four late written submissions in objection. These raised no new issues.

Responding to questions on the construction working group, officers advised:

- It would have roughly 15 to 20 members, with an aim to have representatives from each part of the local community, for example, someone from a local school, ward councillors, community group representatives, and representatives from other affected parties such as Hampstead Theatre;
- Meetings of the group would likely be minuted so discussion and decisions were recorded and could be referred back to; and
- If no agreement could be struck on any particular issue, the Council would have to take a reasonable and proportionate view. The Council might have to agree with the developer that a request was not feasible, but equally would push the developer to agree to reasonable requests.

Regarding enforcement, the Committee was informed that in the first instance the Council would seek a quick and amicable solution to any issues by identifying the cause and addressing it appropriately. Persistent breaches of the CMP could lead to the Council using its enforcement powers up to seeking a court injunction to force the developer to adhere to the CMP. It was noted that the Council had an enforcement officer specifically for monitoring CMP adherence and addressing issues raised. This officer would liaise with Transport and Environmental Health colleagues as necessary.

Officers advised that the wording of clause 3.5 on the Section 106 legal agreement meant that the key issue for the Committee was whether the CMP acceptably addressed construction impacts, having regard to the fact that some impact was inevitable. As part of this consideration, the Committee was entitled to explore whether there was a viable alternative CMP that had less impact.

The Committee noted objectors had set out an alternative of using only the A41 to avoid the disruption caused by vehicles using Winchester Road. The developer's view as supported by officers was that this was not a feasible alternative because it would add 2 years to the construction programme and make the construction more difficult. However it was suggested that a more difficult and longer construction with less impact should be considered because the duty under the Section 106 legal agreement was to approve a CMP causing the 'minimal possible impact' rather than the least difficult construction. Fundamentally, it was difficult to see how moving 14 vehicle movements a day from Winchester Road to the A41 was going to cause so much extra difficulty in the construction that it was not possible.

In response, officers advised that the developer had submitted a lot of technical information supporting the view that option of using only the A41 was not feasible. In summary by not using Winchester Road, there would be no access point to the site from the north. This would mean the site layout had to be significantly altered and would require the sub-structure works to be significantly extended as they would have to be done as two consecutive works rather than concurrently.

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Answering questions regarding legalities around the CMP process, the Committee was advised that the Section 106 legal agreement, as an agreement between the developer and Camden, did not include an appeal mechanism for the developer, such as to the Planning Inspectorate, but regardless the Council was bound to act reasonably and proportionately under public law principles in deciding whether to approve the CMP or not. Regard could be given to alternatives, but the Committee had to assess whether what was submitted was a reasonable approach to minimising impacts from the construction.

Asked for comment, the applicant's representative stated that the pit lane agreed with Transport for London (TfL) on the A41 could only accommodate two lorries at a time. 14 additional vehicle movements a day therefore would have a considerable impact. He reiterated the problem of not being able to build different aspects of the construction simultaneously without access to the north of the site thereby adding to the construction duration. TfL had set out that they would not support an elongated construction programme because of concerns of traffic backing up on the A41.

The Planning Officer assured the Committee that the Council had thoroughly scrutinised the developer's assertion that sole use of the A41 for construction was not feasible and was satisfied that the developer had been demonstrated this. It was worth noting the draft CMP submitted with the planning permission had sought to only use local roads, so the current version was a marked improvement. However some impact had to be expected and the Planning Inspectorate and Secretary of State had accepted this when granting planning permission.

Committee members congratulated officers for running a bespoke consultation. However they were concerned that the developer's approach was to only heed the reasonable requests made via the consultation when pressed by the Council. This did not give assurance that the developer would take on board residents' concerns going forward. It was suggested a ward councillor chair the construction working group, that a 24 hour a day contact number be available to residents, where someone was genuinely at the other end of the phone, and works be prohibited on bank holidays.

Concerns were also raised by the Committee at the lack of detail both regarding a respite mechanism for residents, as well as on noise and dust impact mitigations. It was further commented that the developer should be contributing greater resources to the CMP monitoring and management of the market site, with a single person for the market one day a week not going far enough in addressing the impacts.

The Planning Officer outlined that environmental health legislation prohibited working on bank holidays, so it did not need to be specifically excluded as part of the CMP. Specific actions, such as a respite mechanism, could be considered through the working group. Having a ward councillor chair the working group was perfectly fine if one was willing.

Regarding the decision-making process for licensing use of the green space, officers outlined that some initial conversations had been held with the developer about licensing use of the space. There was a commitment to public engagement on this,

with the community's views on the impacts and suggestions on potential mitigations sought. The developer had also indicated a willingness to invest in the Swiss Cottage Open Space as part of their mitigation measures. Although officers would normally take decision on such licences, the decision could be referred to the Cabinet Member for approval. The Cabinet Member for Improving Camden's Environment indicated that he would be happy to take the decision on licensing use of the green space in public and meet with community groups to discuss the decision beforehand.

The Committee returned to the issue of why having all construction traffic on the A41 was not feasible. The lack of access to the north side of the site and the resultant extension of the construction by 2 years was reiterated, with the applicant's representative outlining the constraints of the site and impacts. The Transport Officer outlined that officers had been privy to conversations between TfL and the developer, and in summary TfL would not consent to extend the pit lane on the A41, because of the perceived impact on traffic, including cyclists, and pedestrians on the A41. He agreed that 14 extra vehicle movements a day did not sound like much, but it was potential congestion arising from unloading of vehicles that was the root of TfL's concern. This concern over congestion was also why TfL did not support extending the build time from 3 to 5 years. Committee members commented that backing up of lorries would likely occur in any case, but accepted there was always going to be an impact from construction traffic.

The Planning Officer commented that even if TfL were willing to consent to the longer build time, there would be impacts on air quality and public space for an extra 2 years and therefore this option was arguably not a less impactful construction. An extended build time would also lead to potential cumulative impact; High Speed 2's construction was not currently anticipated to start until 100 Avenue Road had been redeveloped. If the build overran, then the CMP may need to be amended and require reconsultation; whether this was necessary would depend on the circumstances.

Answering a question, the Planning Officer outlined that a separate condition on the planning permission offered protection of trees in and around the site. Committee members expressed concern that a large plane tree at the south end of the site was not covered by the condition nor some of the trees on Eton Avenue. The Planning Officer advised that officers would support their protection but the developer would have to consent; the applicant's representative indicated they were happy to protect those trees and they had discussed root protection for trees and methodology already.

Answering further questions, officers advised:

- The developer had signed an addendum committing to the Council's minimum standards with respect to pollution controls. These would be an enforceable requirement through the tender process that the contractors would have to meet. The Committee's request to use Euro VI class emission vehicles could be investigated, particularly as the works had to be procured alongside TfL's works for CS11;

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- There were existing issues with the way the market was laid out, and it was felt that it was possible to reconfigure the market layout to fit in with the construction; and
- The developer had offered to pay for a coordinator to be in the market to supervise construction issues on the busiest market day. Officers felt this was appropriate to mitigate for when there might be the most impact from the construction on the market.

Committee members agreed that the market coordinator needed to be present when there was likely to be most impact from the construction on the market's operation. However, this was likely to be when the market vehicles were coming and going to set up and pack away and there was potential for conflicting traffic. Therefore, a better distribution of the market coordinator's time would be to have them at those key times rather than a single day per week. Conceivably, it may be appropriate to have the coordinator on both the busiest market day as well as key times throughout the week. The Planning Officer outlined that there would be a consultation mechanism for the developer and market traders via the construction working group and this could be discussed. The Committee stated that it should be ensured that someone from the market was on the group.

Responding to additional questions, officers advised:

- The Council did not have a construction planning expert, but the evidence supplied by the developer on the impact of not permitting construction traffic on Winchester Road and limiting it to the A41 was consistent with officers' views and experience;
- While TfL and the Council both had policies on hours of construction, longer hours could be looked at as an option. This had occurred at previous sites with the support of local residents; and
- The Council did not have the resources to assess in detail any alternative proposals put forward by third-parties, including that set out by an objector in the supplementary agenda.

Some Committee members expressed concern that alternatives such as that put forward in the supplementary agenda did not seem to have been assessed. The applicant's representative outlined that a proposal similar to that suggested in the supplementary agenda had been considered. However, the siting of a London Underground office directly underneath the mooted entry point to the site presented weight-bearing issues, and London Underground were unwilling for any propping within their office. It had also been identified that such an approach would restrict access to Swiss Cottage underground station, and create pedestrian and cycle pinch points, which would likely cause more tailbacks while those cleared for traffic. There were also greater impacts from construction of CS11 with such a proposal.

The Planning Officer commented that the developer and TfL had been holding discussions for a year on the CMP and considering TfL's experience and expertise any viable alternatives should have come forward during those discussions. The Committee acknowledged that TfL and the Council had some overlapping interests in securing an effective CMP, but noted there were still significant differences and

therefore queried whether the Council should discount schemes simply because TfL had expressed contrary views or no views on them.

The Head of Development Management outlined that officers had gone a long way to minimising impact from the development on local community and had sought to ensure as much construction traffic as possible on the A41. TfL had been firm in their view that they would not permit all construction traffic on the A41 nor extension of the pit lane in light of their duty to consider the impact on car drivers, bus users, pedestrians and cyclists. These were groups that the Council also had to be mindful of. The Legal Adviser stated that Council was not delegating any decisions to TfL, but as the strategic transport authority their views had to be given considerable weight.

The Committee was informed in response to a further question, that if the developer was content to do so, an appendix could be added to the CMP outlining what the outstanding issues were and how they would be addressed.

Committee members requested that road safety officers be involved in construction working group meetings to advice on market management. It was also noted that the gantry to be erected would need to be wide enough to be passable for wheelchairs and pushchairs. Officers advised that hoardings were addressed under a separate licensing process and the Committee's views would be picked up as appropriate.

In response to a question, the Transport Officer outlined that scissor entry gates were the most efficient way of segregating traffic and pedestrians in the market area as they could easily be packed away when not needed. Other barriers types would be used for usual traffic management.

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

RESOLVED –

THAT the officers' recommendation be rejected.

The Committee then discussed alternative courses of action with Committee Members outlining that they did not feel that enough evidence had been provided on why use of the A41 solely for construction traffic was not feasible. Other alternative proposals avoiding residential roads entirely would also merit further consideration as there was little evidence of what other alternatives had been explored. Ideally, a TfL representative should be present to represent TfL's views. This was noted, but it was acknowledged the Committee could not compel anyone from TfL to attend.

In response to other points, the Head of Development Management stated that conditions on the planning permission would address issues such as air quality and related limits on dust and similar, for example. The CMP should be considered in that context.

The Chair summarised the discussion and recommended that the Committee defer the item pending the provision of further evidence on why alternative approaches to

construction traffic management were not feasible, particularly relating to sole use of the A41. Officers should seek to invite a TfL representative when the item came back to Committee. This was put to the vote and it was, with 8 votes in favour, none against and 2 abstentions:

RESOLVED –

THAT the application be deferred pending production of additional evidence as outlined above.

ACTION BY: Director of Regeneration and Planning

6(2) 2-6 ST PANCRAS WAY, LONDON, NW1 0TB

Consideration was also given to the information in the supplementary agenda and tabled update, as well as the deputations and written submission outlined at Item 4. The Planning Officer outlined a further amendment to the proposal whereby the walkways agreement would be secured by a Section 106 legal agreement head of term and not by condition as set out in the report.

The Committee inspected a model of the proposal and were informed about the locations of surrounding roads, the St Pancras hospital site and the different plots on the site. Officers also outlined the landscaping of the central plaza and the proposal to use planters along the canal edge, the routes through the site, and location of the bridge. It was also advised that the community group space would likely be in Plot A. It was highlighted where terraces would be located and that roofs to the buildings would be green roofs. Finally materials and where they would be used were also discussed.

Committee members welcomed the pedestrian routes through the site and the reduction in car parking spaces. However, 27 car parking spaces still seemed high for a very well connected site, albeit the clause setting out these would be lost if Ted Baker vacated the site was welcome. Invited to respond, the applicant's agent outlined that the parking provision had been generally led by what was on the site currently and spaces would be needed for some staff and visitors.

The Transport Officer outlined that an audit had not been undertaken on the existing site, and a reduction from 52 to 27 parking spaces was significant. Of the 27 spaces, 3 would be disabled spaces and some spaces would be needed for servicing. There were six individual travel plans covering different aspects of the site, and a requirement that cycle parking and facilities be kept in good condition. Cycling incentives would be promoted by the applicant, including cycle to work week, and there would be cycle and travel card loan schemes. The applicant had also agreed to be involved in Council initiatives on transport and as part of the travel planning officers could discuss a target to repurpose some of the spaces over time, noting suggestions from the Committee on increasing electric charging points for example.

Responding to questions from the Committee, officers stated:

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- Biodiverse roofs would have habitats in which wildlife, likely insects in this case, could live. The details of these would be secured by condition;
- Plot A was 7 storeys, 5 on the canal with 2 set back, Plot B was 9 storeys, Plot C1 was 7 storeys and Plot C2 was 12 storeys but set back from the canal edge; and
- The development at 101 Camley Street had yet to be constructed but 103 Camley Street had been. Those were of a similar height to the taller building on this scheme.

Committee members queried the impact of the scheme on the Regent's Canal conservation area, particularly in respect of potential enclosure and the scheme being overbearing. They did however note the mixed uses and the mix between buildings set back and those along the canal's edge.

The Conservation Officer advised that officers were of the view that harm was not caused to the conservation area by the scheme. He outlined that the canal was part of a 300-mile canal network, with the canal forming a winding ribbon through Camden. The industrial heritage of the canal in Camden was important and was a designated heritage aspect. The special character of the canal was derived from its hidden and varied nature: the turns in the canal meant there were no straight vistas, with changing views, and a generally tranquil nature. This section of the canal, between the St Pancras Way road bridge and Camley Street Bridge was already quite enclosed with developments up to the canal edge. This meant the development was in keeping with the character of this canal section, but would be less appropriate on other softer, more opened out sections with lower buildings past the bridges. No precedent would be set for other sections of the canal. North of the St Pancras Way road bridge, two developments of 5 and 7 storeys had recently been refused and the Council had won both appeals. Of course each case had to be assessed on its own merits.

Answering a question, the applicant's agent advised that in designing the development some thought had been given to futureproofing the development in terms of cycle and pedestrian routes. It had been noted that some of the buildings further up from the site were against the canal and not likely to be developed, there would be links to the King's Cross development and the bridge would provide an obvious connection to the Royal Mail site on the other side of the canal.

Committee members suggested that using the open space furniture to reference the history of the site in a similar vein to Granary Square would enhance the site.

The design quality, provision of apprenticeships and Ted Baker becoming a STEAM employer were all commended by the Committee, who also noted the poor quality of the existing building. It was however suggested that the existing building might be so unsightly as to act as a statement building and have some value in being retained; officers advised that it had been listed as a negative contributor.

Responding to further questions, officers advised:

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- A lighting strategy would be secured by condition. This would have to balance the safety concerns of people against protecting local biodiversity from too much light;
- The scheme had been checked to ensure it would not be overshadowing the canal too greatly; and
- Although it was open to the public, with only 87 rooms and the management by and link to the Ted Baker offices, it was likely the hotel would be used by many of Ted Baker clients. With that small size and specialist focus, it was felt to be compliant with policy E3 on permitting hotels outside of designated areas.

Some Committee members noted the large uplift in internal floor space and therefore intensification of use of the site, and queried why the hotel space could not be used for housing. Others suggested that a commercial and short-term accommodation mix of uses was appropriate for the site and the poor open space currently would benefit from the scheme as a result. It was noted that the St Pancras Hospital site might be likely used for residential development in future.

In response, the Head of Development Management advised that there were no plans as of yet for the St Pancras Hospital site, but this scheme had been approached with views on what uses and routes were likely to come forward for any future scheme at St Pancras Hospital. However it was hard to future proof for everything.

On being put to the vote it was, with 8 votes in favour, 3 against and no abstentions:

RESOLVED –

THAT planning permission be granted subject to a Section 106 legal agreement and conditions as set out in the report, supplementary agenda, tabled update and securing the walkways agreement by Section 106 legal agreement and not condition, as well as referral to Mayor of London for his direction.

**ACTION BY: Director of Regeneration and Planning
 Borough Solicitor**

6(3) CAMDEN WHARF, 28 JAMESTOWN ROAD, LONDON, NW1 7BY

This item was deferred due to lack of time.

**6(4) LAND TO WEST OF ROYAL MAIL SORTING OFFICE BOUNDED BY
PHOENIX PLACE, MOUNT PLEASANT, GOUGH STREET AND
CALTHORPE ST, CAMDEN WC1.**

In response to a question, the applicant's agent stated that the plot size was quite constrained and so a four-storey building was needed. The ground floor would have

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space for a model and an exchange room for sales, the first and second would have display rooms and the top floors were amenity space.

On being put to the vote, it was, with 12 votes unanimously in favour:

RESOLVED –

THAT planning permission be approved subject to conditions.

ACTION BY: Director of Regeneration and Planning

7. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

Having adjourned between 20:57 and 21:10, the meeting ended at 22:23.

CHAIR

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MINUTES END