

Delegated Report		Analysis sheet		Expiry Date:		14/07/2020	
		N/A / attached		Consultation Expiry Date:		N/A	
Officer				Application Number(s)			
Josh Lawlor				2020/2350/P			
Application Address				Drawing Numbers			
St Pancras Coroners Court St Pancras Gardens Camley Street London N1C 4PP				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Amendments to planning permission ref. 2018/5713/P granted on 24/05/2019 for 'partial removal of the front concrete boundary wall to St Pancras Gardens and construction of a two-pass ramp to provide disabled access into St Pancras Gardens off Camley Street', namely to carry out various alterations to plan, elevation and detailed design.							
Recommendation(s):		Refuse NMA					
Application Type:		Non-Material Amendments					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:				No. of responses	00	No. of objections	00
Summary of consultation responses:		This type of application does not require any consultation to be undertaken.					

Site Description

The site is located on the western side of Camley Street to the south of the Dennis Geffen Environmental Health Annexe adjacent to St Pancras Gardens, designated public open space. The site comprises the Victorian Gothic Coroners Court, which is Grade II* listed by virtue of the special historic and architectural interest of the 1886 building designed by Mr Eggar of London and commissioned by the Vestry of St Pancras. Attached to the Victorian Coroners Court is a mid-20th century addition, which fronts Camley Street. The building is located within the Kings Cross St Pancras Conservation Area.

History

2018/5713/P Partial removal of the front concrete boundary wall to St Pancras Gardens and construction of a two-pass ramp to provide disabled access into St Pancras Gardens off Camley Street. **Granted 24/05/2019**

Relevant policies

This application is to determine whether the proposed alterations to the approved development are 'non-material' and hence can go ahead without the specific grant of planning permission from the local planning authority. An assessment of its planning merits as to its acceptability under current policies is therefore not relevant or possible here, as it is purely a legal determination.

The scheme can therefore only be assessed against the relevant planning legislation which is section 96a of the Town and Country Planning Act 1990.

The National Planning Policy Guidance notes: "*There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990*".

Assessment

1. The proposal

1.1. This application seeks permission to make the following amendments to planning permission reference 2018/5713/P, dated 24/05/2019 (Partial removal of the front concrete boundary wall to St Pancras Gardens and construction of a two-pass ramp to provide disabled access into St Pancras Gardens off Camley Street). The level changes and the specified ramp slope gives rise to the need for a long ramp which, due to the restrictions of the site, must dog-leg back on itself. The changes to the planning permission include:

- straighten walls to ramp structure;
- removal of octagonal gate piers and half octagonal piers;
- reposition of gate on upper landing;
- alterations to material finish;
- reposition of upper rear retaining wall;

- upper wall railings to be fixed into the wall

1.2. The applicant has applied to make the changes under Section 96 of The Town and Country Planning Act 1990 (a non-material amendment).

2. Procedure

2.1. The Town and Country Planning Act 1990, Section 96A(1) states that a local planning authority (LPA) may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. Section 96A(2) states that, in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made, on the planning permission as originally granted.

2.2. It is considered that the proposed changes (ie. straightening the walls to ramp structure, removal of the octagonal gate piers and half octagonal pier, and repositioning of gate on the upper landing) would represent a material change to the approved scheme. This is because the changes would alter the character and appearance of the access ramp and its relationship with the historic St Pancras Gardens.

2.3. If the applicant was to apply for the changes under section 73 of the Town and Country Planning Act, the Council would be unlikely to grant permission as the proposal conflicts with Policies D1 (Design) and D2 (Heritage) of the Local Plan and CPG Design March 2019. Policy D1 seeks to secure high quality design in development. Policy D2 states that the Council will preserve and enhance Camden's heritage assets and their settings, including conservation areas. The Council will not permit development that results in harm that is 'less than substantial' to the significance of the heritage asset unless the public benefits of the proposal significantly outweigh that harm. The Council will also require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

3. Assessment – Whether the proposed works constitute non-material amendments to the original permission

Removal of swept wall structure, i.e. straightening of walls to ramp and reposition of gate on upper landing upper wall

3.1. The informative with the reasons for granting permission (ref. 2018/5713/P) state that *'the first two flights would be a curved design that follows the direction of the existing concrete retaining wall and the highway layout'*. Historic map records show that the northern boundary of the graveyard/gardens is swept rather than straight. The sweep in the ramp structure should be retained as a memory of the historic boundary. Straightening out the ramp hardens its appearance and does not follow the adjacent swept landscaping treatment. Due to the need to locate a long ramp within a short space, the structure appears more visually congested with straight walls. The swept walls provide a softer less defensive appearance. The revised design appears more like a rampart than an entrance to a public park.

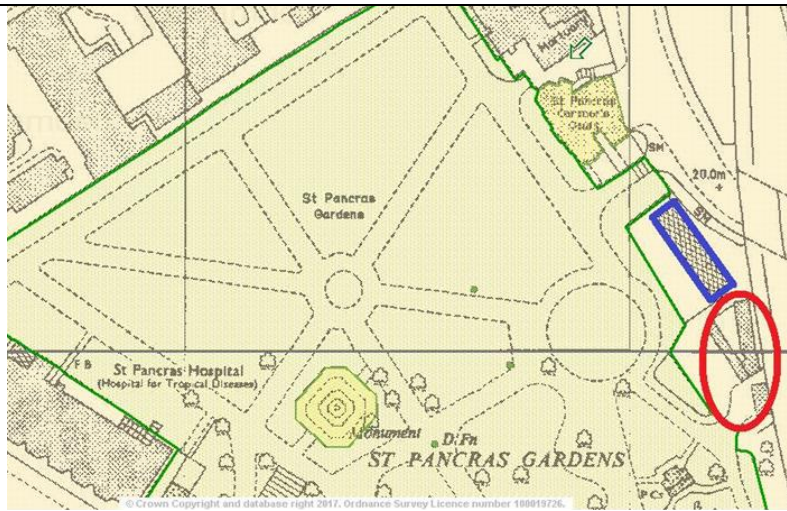


Figure 1 OS map 1963-88

- 3.2. The OS map from 1963-88 shows the boundary of St Pancras Gardens now cutback to its current extent. The land between the garden and the railway line has been extended and is now occupied by a large (but different) glasshouse (highlighted in blue) and ancillary buildings (circled in red). A small section of the original garden wall shown on the earlier OS maps remains adjacent to the northern corner of the glasshouse and is still present today.
- 3.3. The gates were deliberately set diagonally across the path so that when open, which is how they will mostly be seen, would sit back against the adjacent walls. The amended positioning in the gates is partly due to the loss of the swept wall structure. The straightening of the gates is regarded as the loss of an interesting and characterful feature of the overall design.

Removal of octagonal gate piers and half octagonal pier

- 3.4. The octagonal gate piers and half octagonal pier at the junction of the left side high boundary wall would be removed. The octagonal cross-sectional piers were added to the original scheme as they would mirror those associated with the existing steps to the gardens. It was considered that their presence would give equal prominence to this disabled access route. The removal of the piers represents a watering down of the approved scheme through removing a key element of the conservation inspired design. The loss of these features means that the proposal appears plainer with less reference to the historic setting.

Railings to be fixed into wall, material finish and re-positioning of upper rear retaining wall

- 3.5. The original permission features concrete pockets behind the wall. Traditionally railings would be fixed into a boundary wall rather than located behind. This change is considered to be non-material to the approved scheme.
- 3.6. Resin-bonded aggregate would be used rather than a black asphalt finish to the ramp surface. This would be considered non-material to the approved scheme. Should the amendments otherwise have been considered acceptable, the chosen colour would be required to integrate with the footpaths within the garden.
- 3.7. The upper rear retaining wall would be finished horizontal in line with existing park entrance

walls adjacent to existing park gate. The upper wall would finish in line with the existing park wall. This is considered to provide a more cohesive design and can be considered non-material to the approved scheme.

3.8. In any event, the entirety of the proposed alterations listed above would materially alter the design and layout of the approved scheme and cannot be considered as non-material amendments.

4. Conclusion and recommendation

4.1. The proposed changes are not considered to represent non-material amendments to the original permission. The application is therefore recommended for refusal on this basis.