

**Our ref: 25619**



Date: 16<sup>th</sup> June 2022

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Mr D Fowler  
Principal Planning Officer  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AG

Dear David,

**FRANCIS CRICK INSTITUTE, 1 MIDLAND ROAD, LONDON NW1 1AT  
AMENDMENT TO WESTERN ELEVATION AS APPROVED UNDER PLANNING PERMISSION  
2010/4721/P  
PLANNING PORTAL REFERENCE: PP-11083714**

On behalf of our client, Francis Crick Institute Ltd, please find enclosed an application for an amendment to external appearance to the western elevation of the Francis Crick Institute (Ossulston Street end above the rear access) which was approved under planning permission 2010/4721/P on 10<sup>th</sup> March 2011.

The Francis Crick Institute ("The Crick") is proposing to refurbish its outside amenity area at the western end of the premises, the Ossulston Street end, at 2nd floor level, above the rear entrance to the building. This application is in relation to this and seeks approval for the erection of a glass balustrade along the outside edge of the amenity area that fronts Ousslston Street.

The planning application has been submitted via Planning Portal (PP-11083714) and comprises this covering letter and the following documents:

- Application Form (including completed Certificate B)
- Site Plan – Level 2 (Ref. 21063 PL 001)
- Existing Plan Level 02 Terrace (Ref. 21063 PL 101)
- Existing West Elevation (Ref. 21063 PL 201)
- Proposed Partial North Elevation (Ref. 21063 PL 202)
- Proposed Plan Level 02 Terrace (Ref. 21063 PL 111)
- Proposed West Elevation (Ref. 21063 PL 221)
- Proposed Partial North Elevation (Ref. 21063 PL 222)

The requisite planning application fee of £234.00 and £32.20 Planning Portal administrative fee has been paid online.

**Planning History**

Planning permission (2010/4721/P) was approved on 10<sup>th</sup> March 2011 for:

*"Development to provide a biomedical research centre including laboratory and research space, lecturing and teaching space, exhibition space and a community facility; landscaped public open spaces; a new*

*pedestrian route between Midland Road and Ossulston Street; a service entrance off Brill Place and a relocated vehicular access from Midland Road to serve the British Library”.*

Following the grant of planning permission, a Non-Material Amendment application was approved on 6<sup>th</sup> September 2017 (2017/4416/P) for the installation of a textual feature on Midland Road, specifically the engraving of ‘The Francis Crick Institute’. Due to construction issues, the text could not be engraved into the wall and a further Non-Material Amendment (2017/7084/P) was approved on 26<sup>th</sup> February 2018 to mount the lettering.

## **The Proposal**

The Crick is proposing amendments to its outside amenity area at the western end of the building at second floor level, above the rear entrance.

This area is accessible from the second floor of the building, through an existing door, from an internal amenity area at the western end of the building. This pedestrian access was designed with relevant shielding and protection for staff moving from the building to the terrace.

This area was shown on the original application as being laid to pavements, the only part of the building shown in this way, and the space constitutes an integral part of the Crick and exists as an incidental and ancillary area associated with the primary use of the building. Within the original planning permission there are no restrictions or any conditions which restricts or prevents its use as originally planned.

As part of its refurbishment of this area, which comprises the introduction of external (temporary /removable type) seating, tables and landscape planters, which do not require permission themselves, the Crick is intending to erect a new glazed screen behind the existing balustrade. This will be a permanent feature and will be visible from Oussulston Street. For these reasons, we are applying for formal consent for this amendment.

The proposed screen will align with the height of the glass box affair and will be of the same type and tint as the glazing behind the existing balustrading. Whilst the proposed screen will be visible from ground level, the addition of the glass would be indiscernible in terms of the street scene, using the same type and tint as the existing glazing, and therefore would not result in any adverse appearance. The uniform and continued height of the glass will further enhance the visual appearance.

This area was designed as an amenity space, was shown on the approved plans as having a direct access to the internal amenity area in the Crick itself and was laid to pavements rather than any other material. This area has been used for this purpose previously but notwithstanding, we have attached the relevant precedence and practice associated with these areas, as established at appeal and in the courts as Appendix A. The use of the area is therefore already established.

The key planning issue in this submission is whether the change to the external appearance of the building arising from these proposals is material, and if it would be unacceptable in overall street view terms. Regard therefore must be given to how the proposals could affect or change the planning permission as originally granted. That effect must look at the impact to the whole of the western end elevation and overall, it is considered that the proposed new glazed screen, which replicates the glazing already in situ, has no adverse or material affect to the external appearance of the building. No other changes are proposed.

The table below sets out the drawings which were approved as part of the original planning permission and those which are now being submitted showing the changes to the external appearance of the western elevation. Please note that drawings reflect the approved layout and elevations but have been drawn at a smaller scale to ensure the proposed glazed screen is clearly visible.

| Drawing Name            | Existing Drawing Reference: | Proposed Amendment Drawing Reference: |
|-------------------------|-----------------------------|---------------------------------------|
| Level 02 Terrace        | 21063 PL 101                | 21063 PL 111                          |
| West Elevation          | 21063 PL 201                | 21063 PL 221                          |
| Partial North Elevation | 21063 PL 202                | 21063 PL 222                          |

We trust that we have provided sufficient information for you to be able to register and consider the application, and we look forward to receiving confirmation of this in due course. However, should you require any additional information, please do not hesitate to contact me or my colleague Natasha Coakley at this office ([natasha.coakley@rpsgroup.com](mailto:natasha.coakley@rpsgroup.com)/ 02078321392).

Yours sincerely,

For RPS Consulting Services Ltd



**Paul Willmott OBE**

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## **APPENDIX A**

### **Precedence and Practice**

In considering the use of the amenity space, whilst it was originally designed and laid out for this purpose, we have also considered whether the use would in practice and precedence terms be acceptable in any event. This appendix reviews the practice and precedence established through the legal interpretations of cases determined by both the High Court and Court of Appeal, as well as by Planning Inspectors. We trust that on the basis of the following and having regard to the fact that the area was specifically intended for this use, that you will be satisfied that the use of this area is acceptable.

As shown in the submitted plans, the area sits above the rear entrance to the Crick which comprises a glass box affair, set in an inset to the building, and abutting the Living Centre. This entrance and this structure were introduced to the building immediately before the original applications submission and you will note that unlike anywhere else around the building, the roof was laid out with paving slabs, an industrial style handrail was installed along the edge of the space, to create the enclosure, and a designated door to the area was designed to be accessed from inside the building, but with an external protected zone to cater for weather conditions and to protect people entering/leaving the building accessing the area concerned.

No conditions were imposed restricting its use, and it is clearly part of the 'planning unit' that makes up the Crick itself. This is an important characteristic in planning terms in considering whether the use of this area for amenity seating constitutes a material change in use of the area. Planning appeal precedence establishes that it does not constitute a material change of use, provided that it is part of the same planning unit. In this case, there is no argument that the area is part of the Crick's planning unit and is therefore incidental and ancillary to the main use of the building

This was tested in an Enforcement Notice Appeal in Islington in 1995, where the Council alleged that the use of a second-floor roof for sitting out purposes by office workers constituted a breach of planning. The Inspector felt that the use fell within the same planning unit and was for the exclusive use of the occupants of that building; as is the case here. The Inspector rejected Islington Council's assertion that the use was not authorised, justifying their position by arguing that a roof terrace was not ordinarily ancillary to offices or light industry. The inspector did not accept that view and as you will be aware, the provision of roof and amenity terraces associated with office and commercial uses is now a much more regular occurrence; one that is promoted.

There are other appeal examples where the issue of whether the use of a terrace or flat roof constitutes a breach of planning and where the issue of the planning unit arose. This includes:

- A 1990 enforcement notice alleged unauthorised use of a terrace above the Brighton Aquarium for children's amusements. An Inspector observed that the Aquarium complex was within one ownership and that normally it was appropriate to regard the roof of a building as part of the planning unit. However, in this case the roof was above a separate building and so was indistinct in physical and functional terms to be considered as part from the Aquarium itself. There was no direct interconnection between the terrace and the inside of the building. Had this been the case, then the appeal would have been allowed but as it was not, the appeal was dismissed. Despite the decision to dismiss the appeal, the Inspector was clear that had the roof area been above the

physical aquarium and not separated from it, and more related to a second panning unit, the appeal would have been allowed.

- In Rossendale DC in 2010 an Inspector decided that an enforcement notice directed at the use of a roof associated with a flat in Lancashire fell outside of planning control. The Council had granted planning permission for the flat with French doors onto the roof of a ground floor extension. The drawings indicated that the roof would be bounded by balustrades and would be used as an emergency exit. In the Inspectors opinion, the use of the flat roof formed part of the planning unit which included the flat and he noted a specific condition had been imposed limiting the use of the flat roof. The Inspector did have regard however to the condition that required the development to be carried out in accordance with the approved plans, and applied the principle established in the “I’m Your Man Ltd v SoS and North Somerset DC” (1999). He determined that the condition which incorporated the submitted plans, did not limit the use of the roof to an emergency exit only, and related to the carrying out of the development only. Consequently, the use of the roof did not involve a breach of planning control and the notice was quashed.

Having regard to appeal precedence, of which the above are only a few examples, and given this area is an integral part of the Crick, accessed by an existing door and with no constraints attached to its use, this area is incidental and ancillary to the main use of the building. Consequently, its use for the amenity of those working within the building would fall outside planning control even if it had not be established for that purpose.

Taking that position and looking at what is now proposed, the Crick is intending to place temporary and moveable planters along the inside of the railing to create a stand-off zone from the railing itself, and similar seating/benches. None of these constitutes development so again planning controls would not apply. The proposed plans submitted in support of the application show the planters and outdoor furniture but this is for illustrative purposes only.