

THE LONDON BOROUGH OF CAMDEN

At a meeting of the **PLANNING COMMITTEE** held on **THURSDAY, 11TH JULY, 2024** at 7.00 pm in Council Chamber, Town Hall, Judd Street, London WC1H 9JE

MEMBERS OF THE COMMITTEE PRESENT

Councillors Heather Johnson (Chair), Sagal Abdi-Wali, Nasrine Djemai, Tommy Gale and Liam Martin-Lane

MEMBERS OF THE COMMITTEE ABSENT

Councillors Edmund Frondigoun, Lotis Bautista, Danny Beales, Lloyd Hatton, Andrew Parkinson, Tom Simon and Sue Vincent

ALSO PRESENT

Councillor Matt Cooper (Primrose Hill Ward Councillor)

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 Lotis Bautista, Danny Beales, Edmund Frondigoun, Lloyd Hatton and Tom Simon.

2. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA

There were none.

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 deputation requests 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 such business.

6. PLANNING APPLICATIONS

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

6(1) LONDON TUNNELS ACCESSED BY CHANCERY STATION HOUSE, 31-33 HIGH HOLBORN, LONDON WC1V 8AX

Consideration was also given to the information provided in the Supplementary Agenda, referred to in Agenda Item 4 above.

The Planning Officer introduced the application highlighting to the Committee that the information in the Supplementary Agenda corrected figures quoted in the transport section of the main report and minor inconsistencies in the drawing numbers listed in the report asking that the Committee grant officers delegated authority to correct these in the final decision notice.

The Committee inspected a model of the proposals. Officers identified the location of the site in relation to key landmarks such as Kingsway and the tube stations as well as showing the two different entrance points and the location of the bar in the tunnels. Members asked questions around fire evacuation, capacity numbers and the scale of the tunnel. It was noted that there were 4 different fire evacuation points, 3 to ground level, the bar had a capacity of 160, with the wider site having a larger

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capacity which was to be controlled by condition. It was confirmed that the structure of the tunnel was to remain as it was.

Invited to comment on how people with disabilities and mobility access issues would be evacuated in emergencies, the applicant remarked that this was considered as part of the fire strategy, which was still in the early design stage, but it would need to comply with building regulations and was being designed using the same fire safety measures used in tube stations. However, as part of the consideration they would be providing places of refuge so that people with disabilities could wait in a safe environment until they were escorted by staff members during evacuation of the building.

Responding to a follow up question the applicant informed the Committee that there would be a Fire Management Plan with procedures on how to evacuate wheelchair users and people with mobility issues safely out of the building as well as the building being provided with fire suppression systems and safety systems to enable all evacuees to safely exit the building.

Also commenting on fire safety, the Head of Development Management informed the Committee that the Fire Brigade had been involved in discussions and there was still more work to be done in relation to the proposals, however officers had included a condition were permission to be granted, that required the applicant to provide a fire statement with further information around means of escape for all building users including those with disabilities and accessibility issues.

Answering further questions the applicant team provided the following responses:

- In relation to regular intersection points within the tunnels, this would be discussed with the design team in collaboration with the Fire Brigade as part of the Fire Compartmentation Strategy which would be considered in the next stage of the design.
- The fire compartmentation had been designed and outlined, this would however be improved with feedback received from the fire authority. This was an additional feature and was separate to the passageways which allowed for diverse routes for people to walk out of the tunnels.
- In relation to engagement with the local community, this had happened throughout the application process where six in person events were held with lots of interest shown. A lot of people had taken part in the consultation with 94% positive responses received from the local community. This was something the applicant would like to continue with as the development progressed.
- In terms of the scale of the tunnels, the avenues were large enough to drive 3 double decker buses down them and the streets could accommodate 2.

On being put to the vote, with 5 unanimously in favour of the officer recommendation, it was

RESOLVED –

THAT

- (i) Planning Permission be granted subject to conditions and Section 106 obligations, as set out in the agenda; and
- (ii) Delegate authority to officers to amend the drawing numbers on the decision notice and in the condition.

**ACTION BY: Director of Economy, Regeneration & Investment
Borough Solicitor**

6(2) 104A FINCHLEY ROAD, LONDON NW3 5EY

The Planning Officer introduced the application highlighting to the Committee that information in the Supplementary Agenda tidied up a few things in the main report such as striking out duplicated paragraphs and added a new condition relating to access to the school which although mentioned in the report was omitted from the conditions list.

A member expressed the view that this was a largely positive application as it was a good example of the Council's planning policies and site allocations being met.

Responding to questions, officers provided the following information:

- In relation to mitigation measures required for the metropolitan line underground tunnels, the protection of the tunnel infrastructure was covered by condition 4 which dealt with risks associated with development and required consultation with TfL. The section 278 agreement related to a highway agreement with TfL, as they were the highways authority responsible for repairs on Finchley Road and concerned the public realm.
- It was recommended that a late-stage review mechanism should be put in place to require a deferred contribution if the viability situation changed when it was built. The deferred contribution was capped at £7,000,000 which represented 50% affordable housing. The late-stage review mechanism was done using actual cost and sales values and would be done at a point which might allow for ground floor units to be flipped to intermediate rent or a contribution made to the Affordable Housing Fund. It was noted that whilst the applicant disagreed with the BPS Independent Adviser's figures, they had agreed to use those figures for the purpose of the S106 legal agreement.

The BPS Independent Adviser invited to comment on reasons for disagreeing with the applicant over the figures, explained to the Committee that the 2 main reasons for the disagreement with BPS figures were the assessment of site value because of the inclusion of a landowner premium in the evaluation and consideration of what was a reasonable profit target. However as already indicated the applicant was willing to adopt the proposed figures.

Upon being put to the vote, it was 5 votes that unanimously

RESOLVED –

THAT planning permission, subject to a section 106 legal agreement and conditions as set out in the agenda, be granted.

**ACTION BY: Director of Economy, Regeneration & Investment
Borough Solicitor**

6(3) 125 SHAFTESBURY AVENUE, LONDON WC2H 8AD

The Planning Officer introduced the application informing the Committee that a late representation had been received from the Culture Lead of the GLA in support of the proposals.

Upon being put to the vote, it was 5 votes that unanimously

RESOLVED –

THAT temporary planning permission be granted subject to conditions as set out in the agenda,

**ACTION BY: Director of Economy, Regeneration & Investment Borough
Solicitor**

6(4) UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LH

Consideration was also given to the information provided in the Supplementary Agenda, referred to in Agenda Item 4 above.

The Planning Officer introduced the application informing the Committee of a late representation received from Councillor Ajok Athian, Primrose Hill Ward Councillor objecting to the application which raised similar issues covered by other deputees relating to noise levels, mitigation measures and the environmental impact of the larger air conditioning units. Also asking that the Committee grant officers delegated authority to amend the wording of condition 4 further post committee to avoid any ambiguity about the permitted noise levels.

Invited to comment on the residents' objections about the noise levels that would emanate from the industrial plant, the applicant remarked that the intention of the

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policy and the condition was that any noise emitted would be at a level which was imperceptible against the existing background noise levels.

Invited to clarify their objections to the proposals, the deputees representative informed the Committee that the objections related to the lack of information that had been provided as to the actual noise impact on residents gardens in close proximity to the plant and in relation to the noise conditions and the achievability of complying with the noise standards.

Commenting further about statements attributed to the manufacturer about reduced noise levels being unachievable, the applicant informed the Committee that there had been detailed discussions with the manufacturer on a number of occasions about the proposed units and although they were generally used in external conditions there was nothing stopping them from being used inside in an attenuated environment such as this. The units had been specifically designed for this situation.

Responding to further members questions, the applicant advised that:

- in relation to consultation with residents,' letters were delivered to the neighbourhood and residential blocks surrounding the site notifying of a public consultation event that took place in July 2023. Residents were also notified by letter prior to submission of the application about changes to the scheme since the public consultation. Additionally direct contact was made with the Conservation Area Advisory Committee and Councillor Cooper prior to submission of the application.
- In relation to measurability and enforcement the Council's Environmental Health Officers were the arbitrators of how noise levels would be measured.

Responding to questions, officers provided the following information:

- In relation to the noise compliance, the condition had been added to ensure the plant met noise compliance standards, if these were exceeded enforcement action could be taken.
- In terms of noise levels not being achievable, the condition included a post installation noise assessment to be carried out to demonstrate compliance. Delegated authority was sought by officers to amend the wording of condition 4 further to make sure there was no ambiguity about the noise standard that was required to be met which should be in line with Council policy.
- In response to on-going concerns in the Community about noise levels, officers had put in the post installation measurements condition, that was not a standard requirement, and to provide residents and members with further reassurance, the wording could be tightened up to make sure the plant could not be operated until the post installation assessment showed that noise levels met the required standards.
- The noise level standards the Council was using were more robust than actual British standards asking that the applicant to prove this before it could be commissioned.

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- Members were required to determine the application in accordance with the Development Plan in existence at the time which in this case was the Local Plan 2017 P and taking account of guidance.
- The reason the hours of use were put at 24 hours a day was for purposes of assessment, the applicant wanted to demonstrate that the plant could run for the whole day and the noise impact would suitably be mitigated and could comply with the noise condition throughout that day.
- 24 hours had been put in to assess the worst-case scenario. It would be unreasonable to condition for reduced hours if the assessment showed they could comply throughout the day and night.
- The applicant had accepted the criticism around the noise report originally submitted with the application and had revised this, they had also used the noise data provided by the resident's noise consultants, that included noise levels taken at the locations the consultants felt the background noise measurements should be taken from. Using this data the noise levels had still be found to be acceptable.

The Head of Development Management commented that two separate points had been raised by the deputees, one was around the data used to make the assessment of the background noise level and the second was whether the attenuation was achievable. Although the consultants commissioned by the residents had said that the specification test data had not been provided to prove that the proposals were realistic and achievable, the Council's Environmental Health Officer had advised that it was not possible for that data to be provided at this stage, until the mitigation and attenuation was in place. A condition had been included to ensure that the plant could not operate until the attenuation achieved the standard noise level in compliance with policy. She was of the view that officers had been responsive to the concerns raised and put in many measures and mechanisms to address the concerns.

In concluding discussions, overall, the Committee were minded to grant the application amending the wording of condition 4 to avoid any ambiguity, noting that the plant must be at least 10dBA below the background noise level and plant must not be operated until the post installation measurements showed that the noise standards could be complied with; and an informative to be added to require the applicant to agree with the Council and residents the receptor points to be used for the post installation report before they took the readings.

Therefore,

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

RESOLVED –

- i) THAT Planning Permission be granted subject to conditions as set out in the agenda.

ACTION BY: Director of Economy, Regeneration & Investment

Borough Solicitor

7. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The meeting ended at 9.23 pm.

CHAIR

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MINUTES END