

CALLY RAIL GROUP

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Rt. Hon. John Prescott MP
Government Office for London
Riverwalk House
157-161 Millbank
London SW1P 4RR

Dear Mr Prescott,

London Boroughs of Camden and Islington: Outline planning applications by Argent King's Cross for the King's Cross Railway Lands and Triangle site (King's Cross Central) and listed building and conservation area applications in that area

I am writing on behalf of Cally Rail Group to ask you to call in these applications. The grounds this group has are outlined below, but we would also wish to associate ourselves with the submissions made by King's Cross Railway Lands Group, King's Cross Conservation Area Advisory Committee, the Islington Society, Regents Network and Camden Green Party.

Cally Rail Group

The group was formed in 1994 and is an unfunded community group based in West Islington, where the Channel Tunnel Rail Link crosses the Caledonian Road. Our main remit is to prevent detrimental effects arising from the CTRL and associated developments (unlike some other groups we have never opposed the link). Experience relevant to the current request is our active campaign to control construction impacts (from publication of the CTRL Bill, its passage through Parliament, and, since Section 2 began in 2001, monitoring and liaison with both Islington and Camden's environmental health officers). In addition, it was part of our joint case with LB Islington to Parliament in 1995, during the passage of the CTRL Act, which led to the revised scheme in this area which helped create the Triangle site as developable land.

Prematurity

We adumbrated our concerns at a partial decision on call-in being taken (i.e. one on the Main Site alone) in our initial submission yesterday. The site is in both boroughs but is a single site and, because of the realignment of York Way, cannot be separated into borough blocks. The fact that the two Councils, Camden and Islington, agreed to work together and went on to produce a joint

planning brief reassured us that the whole site (Main and Triangle) would be dealt with as one. This was reinforced by the commitment by the Councils to produce a joint report on the Triangle site. Such an approach was vital if the aims of a comprehensive development were to be achieved, particularly in terms of creating a genuinely mixed development and reaching the housing targets for the development as a whole.

In practice, over the last few weeks, this has proved not to be the case. The Camden committee report on the Main Site has provisions for requiring that the housing *on that site* should be delivered in phases but makes no conditions that require delivery of the housing proposed on the Triangle or its replacement on the Main Site if it cannot be delivered on the Triangle. The Camden report on the Triangle recommends approval of it for a considerable amount of housing but with conditions on noise control that damage not only the amenity of the flats for potential residents but also make them ecologically unsustainable. If more complete environmental information shows that the site is unsuitable for housing, then that housing would be lost. The risk of losing this housing is aggravated by the fact that the Triangle development does not have to start for eight years, unlike the Main Site.

Worst of all, any pretence of joint working was dropped by Camden's decision to withdraw from the agreement that the two Councils should agree a joint report on the Triangle. This has resulted in a delay in Islington's decision-making process. In itself, as you will appreciate, this would have been sufficient cause for requesting a call-in at a much earlier stage had the lack of joint working and the lack of proper conditions to ensure delivery on the housing requirements been known.

In addition to this we have a number of issues to raise.

Policy issues

We understand that the applications have already been or will be referred to you by the Councils on a number of issues where the development would diverge from existing policies, including the loss of heritage buildings on the Main Site, contrary to PPG15, and the proposed heights of buildings on the Triangle, contrary to Islington's Unitary Development Plan. We would ask you to uphold existing policies on such issues.

In particular we would ask you to bear in mind the decision you made on the 'Croydon gateway' application. There you held that an outline application was inappropriate for such a site. We would argue that this is even more the case with the present site which is largely in conservation areas, includes many listed buildings, and provides the setting for the two, nationally important, Grade 1 listed stations. The listed building consents in the present case are not for any specific replacement that would enhance the setting of the remaining listed buildings or the conservation areas but merely for infrastructure and to facilitate the wider development. That is a decision that should not be taken without the most thorough and detailed scrutiny.

In addition we would add:

- The number of residential units/habitable rooms per hectare proposed for the Triangle site, contrary to PPG3, the London Plan and Islington's UDP.
- The conditional provision of wheelchair accessible units for only 10% of the affordable homes rather than the 10% of all new homes in the London Plan.
- The proportion of less than 50% affordable homes, contrary to the London Plan.

Suitability of the Triangle for housing

Our main concern on the Triangle proposals, however, is whether it is in fact suitable for housing. The Triangle is 1.1 hectare of land next to or near a main road and five railway lines (the East Coast main line; the new Thameslink line; CTRL, which comes out just north of the site; the North London Line; and the link between NLL and ECML). In addition, CTRL is building an autotransformer on the site immediately north of the Triangle, and Network Rail has indicated it may want to locate a further autotransformer beside it. As the applicants admit, the Environmental Statement and its revision did not fully assess the impacts of these on the amenity of the proposed housing. As things stand the only proper view to take is that the ES represents the best case and the reality is going to be worse.

The *Joint Planning Brief* adopted by the boroughs (Sub-Area 5 (4), p.69) states that:

Subject to satisfactory designs and residential amenity being achieved this close to railway lines, the Triangle could accommodate about 200 one-and two-bed homes.

The caveats seemed—and still seem—quite clear: the site poses some particular problems for residential accommodation but, provided those problems can be solved, then 200 one and two-bed homes can be built there. Argent's first application proposed 250 units of varying sizes (several of more than two beds). This revised application proposes 246 units, including some larger family units, a total of 625 habitable rooms.

In our objection to Argent's first application we expressed concerns about possible noise and vibration impacts on residents, and these concerns were also raised by Islington's noise team (report available, dated 29 September 2004). The call for detailed information was reiterated in Islington's first observations to Camden of March 2005.

Argent's revised application of October 2005 did not address these concerns, so we contacted Islington noise team directly before drafting our own response and discovered from them (report available, dated 28 October 2005) that there was still information which had been requested from Argent but which had not been supplied.

We recognise that any site close to the middle of London will be subject to noise, as well as possibly groundborne noise and vibration, but the point is to establish whether it is within environmentally acceptable levels on this particular site. Without detailed studies which answer *all* the questions raised by the noise officers, it is not yet clear whether this site is suitable for housing and therefore complies with the *Joint Planning Brief*.

'Acceptable noise' condition

Even on the basis of the inadequate information supplied, both boroughs' noise teams have had to require a condition that double glazing and air conditioning must be installed in order to ensure—provided bedroom windows are kept shut—that acceptable levels of noise are not exceeded at night. This condition could not, in our view, provide the 'residential amenity' which is a condition in the *Joint Planning Brief*.

Moreover, in terms of sustainability, the environmental costs of running artificial ventilation as a matter of course must surely be of great concern. Argent's proposals for carbon reduction and renewable energy targets on the scheme as a whole are already very modest (see submission by Camden Green Party), and this permanent air conditioning would negate any possible gains from such devices as wind turbines and solar panels. It would also impose a financial burden on residents, particularly those in 'affordable' units.

What is plain, in ordinary human terms, is that if residents must sleep with their windows shut and the air conditioning running, their amenity is poor indeed.

Procedures before and during Camden's Development Control Committee

There were a number of procedures before and during the meetings on 8 and 9 March which give rise to concern about whether these applications (both for the Main Site and the Triangle) have been fully and properly considered, and can be seen to have been. Our objections were addressed to both Councils and, although we are an Islington-based group, we made a deputation to Camden along with a number of other community groups. Below are some of the matters we found of great concern.

1. Islington's West Area Committee made extensive observations in March 2005 on the original Main Site application which were not communicated to their councillor counterparts in Camden. Nor were they informed of this directly (it was only revealed to us by a Camden officer in October 2005, and then communicated via us to Islington members).
2. Objectors were instructed not to communicate with Camden councillors about the application. As a group which has worked closely with officers and members in both Islington and Camden on several issues over many years, we found this an unusual curtailment of normal 'lobbying' rights, though obviously of even greater concern for Camden people, since in Islington we still retain our right to communicate with our elected representatives.
3. Our written objection dealt with a number of issues, concentrating on those relating to transport, construction impacts and the Triangle. Relying on Transport for London and the transport working papers made available after the deadline for objections, we opted not to address the Camden committee on transport but to concentrate on our other two main concerns: construction impacts and their mitigation, and the Triangle.
4. Construction impacts. These are of particular concern to Islington residents, a greater number of whom live immediately beside the Main Site than do Camden residents. It is an issue we have particular experience of, and when Islington's West Area Committee agreed its second round of observations in January 2005 it adopted many of the detailed proposals suggested by our group. These proposals were not addressed in the final agenda for the Camden committee. This is an example of poor decision making that one would not expect Camden to make, particularly as only last year the Administrative Court granted judicial review against them for failing to take account of the views of an adjoining local authority in *Weir & ors v Camden* ([2005] EWHC 1875).
5. Environmental Statement. While our own concerns about the completeness of the Environmental Statement were partially included in the draft report for the Main Site (published some days before the final agenda) they had been excised from the report issued with the final agenda.
6. Camden's report on the Triangle was not made available as part of the draft report, but only published in the final agenda on Tuesday, 7 March. You are aware of the length of the final agenda: Camden members were considering these applications for the first, and only, time (no report had apparently ever been made to the Camden Committee on any aspect of the Argent applications after the initial fact that the first applications had been lodged in 2004). While we find it extraordinary that members should have been expected to read, consider, question and debate some 800 pages relating to hitherto unseen matters, in the case of the Triangle report this was particularly extreme.
7. In our allotted five minutes speech we presented points on construction and the Triangle. The written version included an annex of detailed proposals for mitigating construction impacts.

Our points on the Triangle included a proposal that, if the Committee were minded to grant the application, it should impose a condition:

That the Triangle development is made part of the Third Phase of the whole development in order to ensure that Reserved Matters dealing with this issue are brought forward.

Currently it is not in any phase. Putting it in an early phase would mean that there would be a deadline for completing the required noise and vibration studies as part of the detailed working up of a reserved matters application. If that work then showed that the Triangle was not suitable for residential development, it might still be possible for those 246 units to be relocated onto part of the Main Site, despite the lack of conditions requiring this reallocation. Otherwise, if our fears of the site's unsuitability prove correct, we could risk losing that amount of housing, including 84 affordable units, from the whole development.

Since Camden's decision, we have discovered that, in a written response from the Camden officers to members during the second meeting on 9 March, our proposal was misleadingly described as putting the Triangle into 'a late phase'.

8. At a certain point the Chair abandoned her stated agenda of taking the Committee through the issues topic by topic, and simply omitted a number of topics completely, apparently in the interests of getting a decision on this major scheme before 10.30 that night. One of those topics was construction, which meant that an issue of major concern to local residents and businesses went entirely undiscussed. Members of this group work closely with our neighbours in St Pancras on CTRL construction impacts, in which this same committee takes a lively interest, demanding regular progress reports and demonstrating a detailed knowledge of the issues. We cannot know what questions members might have had on this issue, or what view they might have taken of the report, had they had the chance to discuss it.

9. The Chair curtailed discussion with a remark to the effect that the Committee must make a decision that night otherwise it would be left till after the council elections. We find such a political consideration quite inappropriate to the consideration of a planning application.

The last four points can be fully appreciated by seeing the 'webcast' recording of the committee meetings.

Conclusion

These are some of the reasons why our group is asking you to call in these applications; others have been provided by the groups whose submissions we support. We are concerned that the applications have not been sufficiently fully considered by the Camden committee. We are concerned that the Triangle application has not yet been considered at all by the Islington committee, and, further, that they would have no power to require conditions to ensure that the housing proposed for the Triangle would be replaced on the Main Site should the Triangle prove to be unsuitable.

We feel that nothing short of a public inquiry will permit all the issues of concern to be properly considered—and to be seen to be considered. The Government may feel that this is of particular importance for a scheme in which it may be considered, through its interest in CTRL, to have some interest.

Yours sincerely,

Diana Shelley
Chair