

Application ref: 2023/3153/PRE
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Purcell UK

Dear Sir/Madam

Pre-application Medium Development Pre-application Advice Issued

Address:

Law Society
60 Carey Street
London
WC2B 2JB

Proposal: Change of Use from Class E (commercial) to C3 (Residential) with options on the number of units, Mansard roof extension, accessibility alterations, internal alterations

Site constraints

- Article 4 – Basements
- Article 4 – Land use – Class E to Class C3
- Grade II* Listed Building
- Bloomsbury Conservation Area
- Central London Area
- Underground development constraint - Slope Stability
- Underground development constraint – Subterranean (groundwater) flow

Relevant planning history

N/A

Relevant policies and guidance

National Planning Policy Framework (NPPF) 2023

The London Plan 2021

Camden Local Plan 2017

G1 Delivery and location of growth
A1 Managing the impact of development
A3 Biodiversity
A4 Noise and vibration
A5 Basements
D1 Design
H1 Maximising housing supply
H6 Housing choice and mix
H7 Large and small homes
E1 Economic development
E2 Employment premises and sites
CC1 Climate Change Mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC5 Waste

Camden Planning Guidance

CPG Access for all
CPG Design
CPG Amenity
CPG Water
CPG Energy Efficiency and Adaptation
CPG Employment and business premises
CPG Transport
CPG Developer contributions
CPG Housing
CPG Basements
CPG Biodiversity

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

Site and surroundings

The special architectural and historic interest of this building lies partly in its origins as an eighteenth century house, with its elevation hierarchy, façade detail, plan form, internal features and historic fabric all contributing to this. However, later additions, such as the twentieth century courtroom and basement vaults, are also of some significance.

The character and appearance of Bloomsbury Conservation Area come from it representing the early expansion of London northwards from 1660 to 1880, with the influence of major institutional uses contributing to this in creating distinct character areas amongst the original residential townhouse development. Whilst the building sits next to the Lincoln's Inn and other notable legal institutions, it does appear a little anomalous in the townscape due to its residential appearance.

New Square is of special architectural and historic interest, being an example of early purpose built barristers' chambers, built around a square which feels detached from the wider city. Its plainer rear elevation has a more informal appearance, but it still has a strong presence on the street scene, which has dictated a lower scale of development onto Carey Street.

This building's architectural and historic interest is derived from its rich architectural façade which forms a striking landmark building on the corner.

ASSESSMENT

The principal planning considerations are the following:

- Principle of development
- Design and Heritage
- Neighbouring amenity
- Transport
- Energy and sustainability

1. Principle of development

The proposal includes a number of options which provide a mixture of uses – mostly commercial and residential. Due to the occupant (Law Society) and the nature in which the building was used, it was explained on site that there were living quarters for senior members of staff at the point of employment. While it was confirmed onsite that this included a kitchen, bathroom, bedroom, and some living areas, these were not permanent residences or self-contained units of accommodation. Furthermore, they were for whoever was the president of the society and, therefore, were only available for the specific period for a certain tenure. Because of this and the unusual nature of the use, it is considered that the site does not contain both Class E (Commercial) and Class C3 (Residential) but that the living quarters are incidental to the enjoyment of the commercial premises. Therefore, the use of the building is Class E.

Policy E2 is clear that the Council will resist the loss of a business use to a non-business use unless it has been thoroughly explored whether there is the possibility for that use to continue. The Council will consider the suitability of the location for business use; whether the premises are in a reasonable condition to allow the use to continue; the range of unit sizes; and whether the business use is well related to nearby land uses (para. 5.37 of the Local Plan). Where a change of use to a non-business use is proposed, the applicant must demonstrate to the Council's satisfaction that there is no realistic prospect of demand to use the site for an employment use. The applicant should submit evidence of a thorough marketing exercise, sustained over at least two years. The premises should be marketed at realistic prices, include a consideration of alternative business uses and layouts and marketing strategies, including management of the space by specialist third party providers (para. 5.39). See paragraph 44 of [CPG Employment sites and business premises \(2021\)](#) for detail on marketing requirements.

At this stage, there is no evidence to suggest that it is not feasible to retain an employment use at this site. There would be particular merits of the use being retained in this case: the position of the premises within the Inns of Court area/ Lincoln's Inn; the long-standing associations of the premises with the legal profession and the ability of an employment use to maintain some public access (admittedly solely by workers and visitors) allowing appreciation of the building's historic interior to continue.

The site is in the broad area defined as a specialist legal cluster in the London Plan 2021 (Fig 2.16 CAZ diagram). London Plan Policy SD4 states "The CAZ as a centre of excellence and specialist clusters including functions of state, health, law, education, creative and cultural activities, and other more local Special Policy Areas should be supported and promoted." Policies SD5 (C) and (G) make it clear that offices and strategic functions are to be prioritised over residential development.

The lack of access appears to be suggested as a potential issue for people using wheelchairs- both when entering the building and subsequently passing through it. However, as will be discussed in the design section, this can be at least partially mitigated.

The quality of the building and its interiors suggests to me that the building could be appealing to one or more legal occupiers or to a tenant with connections to the legal profession (e.g. a law school). Its attractiveness is likely to be accentuated by its location and its nearly 100 year use by the Law Society. For example, the premises *could* offer prestigious accommodation for one or more law firm or a law school. Should any such interest not be found, it may still be possible to find other types of businesses attracted by the heritage and location of the building and which wish to see it sensitively refurbished. I am also conscious such uses would provide the ability for workers and visitors to the premises to appreciate the building's interiors whereas any ability to do this would be effectively lost forever in the event that the building is converted solely into residential. An employment use might also over the long-term be more accepting of the unique quirks of the building – e.g. the document vaults in the basement and the large room used for hearings.

Moreover, the CPG on [Town Centres and Retail](#) has additional information regarding applications within the Inns of Court. Essentially, the Council's approach seeks to ensure there is no net loss of premises suitable for use by legal occupiers. On this basis, the ability of the premises to accommodate employment uses should be thoroughly explored via a marketing exercise that should target media used by the legal profession. A generic exercise will not be appropriate.

Overall, the condition of the building and interiors seems to be reasonably sound and therefore this is unlikely to feature as a serious impediment to its continued occupation – It is appreciated that there will be a need for refurbishment.

Occupation as a single dwelling house seems to have limited merit from a policy perspective. The public benefits of a single very large home are limited. The subdivision of the building is also less desirable due to heritage constraints. Applying the sliding scale in Policy H4, the applicable affordable housing target would be 2% so a financial contribution would be required.

Policy H1 of the Local Plan aims to secure a sufficient supply of homes to meet the needs of existing and future households and will seek to exceed the target for additional homes in the borough by regarding self-contained housing as the priority land use of the Local Plan

It is noted that for the mixed-use option, the office must be self-contained and not ancillary to the residential use. This appears to be challenging considering the nature of the building and how much of the building is connected through small corridors and different stairwells.

With the residential elements, officers would have to be satisfied that the accommodation is up to a genuinely acceptable standard and would have to provide amenity space, outlook, daylight and privacy for future occupants. Again, as with the mixed scheme, a purely residential scheme would still have to provide a sufficient internal arrangement which will not cause harm to the significance of the building.

2. Design and Heritage

The building has been owned by the Law Society since 1929, with the lower floors being used for office space and the upper level as an occasional residence for the President of the Society's use. Since the Law Society has refurbished its offices on the other side of the street, in Bell Yard, 60 Carey Street is underused but still has significant maintenance costs, so options are being explored for different uses.

Proposed wheelchair access

A proposal to change the side elevation door to allow level access to the building is preferable than to the main front door, as they will have less of an impact on the building. A proposal to remove the step and lower the door would not have an appreciable impact on the appearance of the building and would result in the loss of a minimal amount of historic fabric.

As part of our assessment, we would also expect to see how level access would be continued through the building to ensure that the proposals are fully justified.

Proposed lift options

Four options have been presented. Options 1 and 2 would cause harm to the listed building due to the loss of historic fabric and intrusion on the plan form in the main part of the building.

Option 3 shows a lift on the rear elevation, and of all the options, it is the most harmful due to the visual impact on the rear elevation, loss of historic windows and impact on the first-floor panelled room.

Whilst option 4 would still cause some harm to the building, it causes the lowest of the four. It would replace a later side extension, which is of limited interest, and be located at the rear of the plain, side elevation. Whilst the existing staircase would need to be altered for this option, it is noted that it is relatively plain (compared with other parts of the building) and probably dates from the 1930s.

Of the four options, option 4 would be preferable if a lift is necessary. It would cause some harm to the special interest of the listed building so it would need to be justified against any public (or heritage benefits) the scheme might bring. As discussed above the provision of 1 or two homes provides little public benefit when compared with the loss of commercial floorspace.

Possible uses

The special interest in the building is partly derived from its eighteenth-century origins. Still, the additions made by the Law Society in the twentieth century are also of some value.

Option 1 Single House

This option offers heritage benefits in terms of allowing the main part of the eighteenth century to remain largely intact. It also maintains the Court Room unaltered at the rear.

It is acknowledged many parts of the basement would not be suitable for residential use, in particular the large area of store rooms. The removal of these stores would harm the special interest of the building.

Whilst the creation of the garage would only remove predominantly modern fabric, its appearance on the street elevation would be somewhat incongruous and is not encouraged. The car parking is also contrary to Local Plan policy T2.

Option 2 Office & Flat

The removal of the basement stores would cause harm the special interest of the building, and the only justification would be if it were necessary to provide a long term and viable use for the building. There does not appear to be such a justification but if such a scheme is progressed it would be expected that only the minimum number of stores are removed that is necessary and that some are retained to acknowledge the historic function of this space.

The formation of a light well in this location would result in the loss of some fabric at ground floor level, but this is a more modern part of the building and may be justifiable.

Option 3 Multi unit residential

Great care has been taken to maintain the floor plan of the ground and first floors under this proposal. Concern is raised regarding the impact it will have in terms of separating the main rooms into different residential units which would significantly erode its character as a building with a single user. In addition, a significant number of multiple services and building regulation requirements will need to be installed, which could have a harmful impact on the building's fabric.

Mansard Roof

The existing roof structure is non original, featuring a flat roof hidden behind the parapet. It is likely that the original roof form would have consisted of a double pitched roof with a central valley gutter. Such a roof is fairly common on Georgian buildings where an important part of the design was a hidden roof with the parapet and cornice terminating the façade.

Historic photos do not show any roof form projecting above the parapet line, although the gable adjacent to the eastern chimney stack alludes to there having been a shallow-pitched roof in place at some point.

60 Carey Street is distinct from the neighbouring buildings both architecturally and in terms of its height (being lower than its neighbours). It has been listed at grade II* in its own right therefore even though there are a variety of visible roof forms in the vicinity. It is seen as visually separate and subservient to New Square.

Given that the roof form of the building was never intended to be visible and the façade itself is already well resolved a proposal to introduce a mansard on the building would be unlikely to be acceptable as it would harm the appearance and special interest of the listed building, the setting of New Square and the character and appearance of Bloomsbury Conservation Area. Other than the provision of additional space, it offers no obvious benefits that would outweigh the harm.

Most of these options will cause some degree of less than substantial harm, which the NPPF advises in paragraph 200 requires clear and convincing justification. In progressing a scheme, the level of harm should be kept to the minimum necessary, and a clear case would need to be made regarding the public benefits of the scheme, including the benefits of keeping the building in use, which are set out in paragraph 201 of the NPPF.

Option 2 with a mixed office/ flat use or a variation of Option 1 as a single dwelling could cause the least amount of harm however, these would still cause harm and would have to be weighed against public benefits.

Options for lift locations or a mansard roof have a greater level of harm and are not encouraged.

As the building is Grade II*, Historic England would be a consultee if an application is submitted. They offer a pre-application service which the owner may wish to use.

3. Neighbouring Amenity

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy, outlook; sunlight, daylight, and overshadowing; artificial lighting levels; noise and vibration; odour, fumes, and dust; and impacts of the construction phase, including the use of Construction Management Plans.

Because the pre-app document includes multiple options with different uses and development the report will not touch on all of the options presented.

Lots of the works proposed appear to be internal and therefore any impact to neighbours will be minimal.

With the mansard extension, as it is angled and only covers the footprint of the building, the impact on amenity for neighbours is likely to be very limited and is not considered to be significant.

If any plant is being proposed, then noise impact assessments will need to be provided in any formal submission.

4. Transport

Policy T1 aims to promote sustainable transport by prioritising walking cycling and public transport. This is achieved by improving pedestrian friendly public realm, road safety and crossings, contributing to the cycle networks and facilities and finally improving links with public transport. All these measure are in place to ensure the Council meets their zero carbon targets.

Policy T2 limits the availability of parking in the borough and requires all new developments in the borough to be car-free. This will be done through not issuing parking permits, resisting development of boundary treatments and using legal agreements to secure these actions.

Cycle parking will have to be provided for all options; mixed use and purely residential. For more information please consider our [Transport CPG](#) to ensure the standards are met.

One option included car parking for a residential property which would not be supported; as per policy T2, all new residential developments should be car free.

5. Energy and Sustainability

The Council requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy CC1 requires all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy; supports and encourages sensitive energy efficiency improvements to existing buildings; and expects all developments to optimise resource efficiency.

Policy CC2 requires all development to adopt appropriate climate change adaptation measures such as:

- A. the protection of existing green spaces and promoting new appropriate green infrastructure.
- B. not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems.
- C. incorporating bio-diverse roofs, combination green and blue roofs, and green walls where appropriate; and
- D. measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

No details of energy or sustainability measures have been provided as part of the pre-application document. Retrofitting the building with more energy-efficient measures to minimise energy consumption (draught-proofing, and insulation) should be considered as part of any refurbishment work. The introduction of PV panels and Air Source Heat Pumps (ASHP) could be accepted if placed sensitively.

CONCLUSION

The loss of employment space is not supported as it needs to be demonstrated that the site is not suitable for continued business use. Any change of use would require a catered marketing exercise to be undertaken. Managing the access and separation issues will have to be considered.

This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable, nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

If you have any queries about the above letter or the attached document, please do not hesitate to contact **Ewan Campbell**

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