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Contact: Charlotte Meynell
Direct line: 020 7974 2598
Email: charlotte.meynell@camden.gov.uk

Planning Solutions Team
Planning and Regeneration
Culture & Environment
Directorate
London Borough of Camden
2nd Floor
5 Pancras Square
London
N1C 4AG

Jeffrey Gillett
By email

www.camden.gov.uk/planning

Dear Jeffrey,

Re: 335 Euston Road, London, NW1 3AD

Thank you for submitting a pre-planning application enquiry for the above property which was received on 23rd August 2022, with the required fee of £1,084 received on 26th August 2022. The requested Daylight and Sunlight Report was received on 24th January 2023.

1. Drawings and documents

22/3519/1; 22/3519/2; 22/3519/3; 22/3519/4; 22/3519/5 Rev. A; 22/3519/6; 22/3519/7; Daylight and Sunlight Report (Neighbouring Properties) (prepared by Right of Light Consulting, dated 11/01/2023).

2. Proposal

Demolition of existing single storey retail unit and construction of a new 3 storey building (plus basement) for use as a medical facility.

3. Site description

The application site lies to the south of Euston Road and comprises a single storey building that is occupied by a shoe repair business (Class E use). It is located within the Central London Area and is on the periphery of the Euston Area Plan. The site also lies within the Fitzrovia Area Action Plan area. The site is adjacent to the Fitzroy Square Conservation Area.

The host building is located within a row of 2/3 storey terrace buildings extending from 327-337 Euston Road. There is a 6-storey block to the east and the 4-storey building, rising to 6 blocks to the west. Neither the host building nor the neighbouring buildings along this terrace are listed.

The site runs parallel with Warren Street to the south of the site which is in the Fitzroy Square Conservation Area. No. 341 Euston Road, located at the end of the terrace on

the junction with Fitzroy Street, is also within the Fitzroy Square Conservation Area. The most immediate listed buildings include Nos. 56 and 58-68 Warren Street, which are all Grade II listed buildings.

4. Relevant planning history

8700109 – Erection of a new building comprising ground first and second floors for retail with ancillary storage and ancillary office. **Planning permission granted 16/07/1987**

337 Euston Road (adjacent neighbouring site)

PS9704369 – The erection of a two storey extension over the building fronting Euston Road to provide a two bedroom flat, together with the installation of new timber shopfronts to both frontages. **Planning permission granted 14/08/1997**

339 Euston Road (Neighbouring site)

2004/3154/P – Erection of new building with basement, ground and 5 upper floors with front and rear terraces at fifth floor level, with restaurant (Class A3) use at basement and ground floor and 3 self contained flats above, comprising 1x one bed and 2x two bed maisonettes, following demolition of existing building. **Planning permission refused 21/10/2004; appeal allowed 18/01/2006**

5. Relevant policies and guidance

- **National Planning Policy Framework (2021)**
- **London Plan (2021)**
- **Camden Local Plan (2017)**
 - G1 – Delivery and location of growth
 - C1 – Health and wellbeing
 - C2 – Community facilities
 - C6 – Access for all
 - E1 – Economic development
 - E2 – Employment premises and sites
 - A1 – Managing the impact of development
 - A4 – Noise and vibration
 - A5 – Basements
 - D1 – Design
 - D2 – Heritage
 - D3 – Shopfronts
 - CC1 – Climate change mitigation
 - CC2 – Adapting to climate change

- CC3 – Water and flooding
- CC4 – Air quality
- CC5 – Waste
- TC1 – Quantity and location of retail development
- TC3 – Shops outside of centres
- T1 – Prioritising walking, cycling and public transport
- T2 – Parking and car-free development
- T4 – Sustainable movement of goods and materials

- **Camden Planning Guidance**

- CPG Access for all (2019)
- CPG Air quality (2021)
- CPG Amenity (2021)
- CPG Basements (2021)
- CPG Community uses, leisure and pubs (2021)
- CPG Design (2021)
- CPG Developer contributions (2019)
- CPG Employment sites and business premises (2021)
- CPG Energy efficiency and adaption (2021)
- CPG Planning for health and wellbeing (2021)
- CPG Town centres and retail (2021)
- CPG Transport (2021)
- CPG Water and flooding (2019)

- **Fitzrovia Area Action Plan 2014**

6. Constraints

- TFL Underground Zone of Influence
- TFL Red Route
- Underground development constraints: Subterranean (groundwater) flow; Slope Stability
- Clear Zone Area
- Article 4 Basement
- Business Improvement Districts
- CIL Charging Zone

7. Assessment

The proposal seeks to demolish the existing single storey retail unit and erect a two storey plus basement and roof level building for use as a medical facility in its place. The basement would be used for MRI scans, the rear of the ground floor for CT scans, and the first and second floors for consulting rooms.

The existing building has a height of 3.4m, with a 5.0m high parapet wall to the rear. The proposed building would have a height of 6.2m to the eaves and 8.9m to the top of the flat mansard roof, to match the adjoining neighbouring property No. 337 Euston Road, which was granted planning permission for a two-storey extension above the existing single storey building in 1997 (see planning history section above), and would have a GIA of approximately 184sqm.

Land Use

The host building is currently in commercial use and is occupied by a retail unit which falls within Class E use. The proposal would demolish the existing single storey building and erect a three-storey plus basement building for use as a medical facility specialising in CT scans and MRI scans (Class E use).

The application site is not located within a town or neighbourhood centre. Policy TC3 states that the Council will seek to protect shops outside centres and will only grant planning permission for loss of a shop outside a designated centre provided: alternative provision is available within 5-10 minutes' walking distance; there is clear evidence that the current use is not viable; and within the Central London Area, the development positively contributes to local character, function, viability and amenity.

The application site forms part of a small parade of shops with Class E retail and café/restaurant uses at ground floor level, and a frontage within the Fitzrovia Neighbourhood Centre is located along Warren Street to the rear of the site. There are also existing shoe repair shops located within 5-10 minutes' walk of the site, along

Cleveland Street and at Great Portland Street Station. Evidence that the current retail use is not viable and that the proposed medical facility use positively contributes to local character, function, viability and amenity has not been submitted.

However, in recent years there have been changes to permitted development rights which mean permission is no longer required for a change of use between retail and medical facility uses and the supporting text to the Local Plan (written before the relevant changes came into effect) acknowledges that the Council cannot apply its planning policies if permitted development rights apply (paragraph 9.15). Taking this into consideration, it is not considered that the proposed change of use would have a harmful impact on the level of retail provision in the area, and the proposed Class E use as a medical facility is considered acceptable, in principle.

Design and Heritage

The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

The proposal would result in the demolition of a single storey building covering approximately 61sqm and Policy CC1 (Climate change mitigation) points (e) and (f) state: the Council will 'require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building; and expect all developments to optimise resource efficiency'. The policy strongly encourages applicants to sensitively alter or retrofit a building before demolition is considered (see sustainability section below for further details).

Officers are of the opinion that the subject building can benefit from additional storeys given the height of the neighbouring buildings within the terrace, subject to acceptable design and the impact on amenity of neighbouring properties.

In terms of massing, when viewed from Euston Road, the proposed first floor and mansard roof addition would match the proportions and overall height of the adjacent building at No. 337 Euston Road, which was also originally a single storey building. To the rear, the first floor extension is proposed to extend the full depth of the building rather than match the rear building line of No. 337 which is set back at this level. This is problematic in amenity terms as discussed further in the amenity section below, and it is recommended that the building line at first floor level is brought back in line with No. 337.

The proposed large single windows to the front elevation at first floor and mansard roof levels would not be in keeping with the fenestration pattern at this level to the rest of the terrace, and should be revised to two smaller openings at each level, with smaller sized windows at roof level to respect the hierarchy of the building. The high-level windows to the rear at first and mansard roof levels are considered acceptable in design terms, as are the proposed roof lights on the flat roof.

The proposed new shopfront should contribute towards maintaining a cohesive streetscape appearance, and contribute to the character and attractiveness of the parade of shops. As shopfronts are seen at close quarters, the detailing, type and quality of materials, execution and finishes are very important. The shopfront should also be designed to be fully accessible for all.

The design of the proposed shopfront with a narrow, stepped entrance door would not be fully accessible and does not reflect the context of the site. Policy D3 of the Local Plan 2017 as well as CPG Design should be explored further to gain a greater understanding what the Council would expect here. Furthermore, the internal layout of the unit at ground floor level should be amended to move the proposed staircase away from the shopfront window, to activate the shopfront and allow a window display to be accommodated within this window. This is also important in terms of future flexibility and adaptability of the unit if it were to revert to a retail use in the future.

Further information should be submitted that would include details of where the necessary services would be located. It is understood that MRI scanners require quench pipes and it is important that these elements are carefully considered and assessed, including any potential impact from the outset. Thus, a detailed analysis of the services of the extract ducts, air condenser units, waste pipes and boiler flues etc is required for any future application. We would not be able to accept this information through planning conditions.

Any future submission should provide a comprehensive design rational for any new building given the sites close proximity to the Grade II listed buildings to the rear on Warren Street and the fact that the rear boundary of the site adjoins the boundary with the Fitzroy Square Conservation Area.

Basement

Policy A5 states that basement development must not cause harm to: neighbouring properties; the structural, ground, or water conditions of the area; the character and amenity of the area; and the architectural character of the building and the significance of heritage assets. The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property.

The proposed basement would be of a single storey and would not extend beyond the footprint of the existing host building or have any external manifestations, and as such, it would be of an adequate size and scale to comply with the design criteria set out in policy A5 and CPG Basements.

Any future planning application for a basement development on this site would need to include a Basement Impact Assessment (BIA) which has been prepared in accordance with the processes and procedures as set out within CPG Basements. Furthermore, the site is subject to underground constraints (subterranean groundwater flow and slope stability).

The BIA should include the following stages:

- Stage 1 – Screening;
- Stage 2 – Scoping;
- Stage 3 – Site investigation and study;
- Stage 4 – Impact assessment; and
- Stage 5 – Review and decision making.

Further details on BIAs can be found in CPG Basements. For completeness, please ensure that the report details the author's own professional qualifications, noting the varying qualification requirements within CPG Basements for the different elements of a BIA study.

The submitted BIA will be required to be independently assessed by a third party, at the applicant's expense, to satisfy the Council that the development would not lead to any unacceptable impacts on the land stability, groundwater flows and surface flows of the area should the development be granted.

Please note that the Council's preferred provider for the audit service is Campbell Reith. When an audit is required, Campbell Reith charges a fixed fee dependent on the category of basement audit, outlined in Appendix A of Camden's BIA audit service terms of reference.

As the BIA will require a third party audit, it will be expected that your report is in line with the Council's Pro Forma. You will need to complete the Basement Impact Assessment Audit Instruction Form on Camden's website; please see Section B of this form for a full list of items to be included in your BIA. You will need to fill out this section of the form and return to us alongside any formal submission.

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.

The rear elevation of the new building would be located approximately 3.5m from the rear elevation of the neighbouring properties on Warren Street at first floor level and 8.3m from the rear elevation at roof level.

The submitted Daylight and Sunlight Assessment concluded that given the location of the host site to the north of the rear building line of the terrace on Warren Street, following the proposed development, the daylight received to all neighbouring windows would meet the BRE targets in terms of No-Sky Line (NSL) and Vertical Sky Component (VSC). All neighbouring habitable rooms with windows within 90 degrees of due south would continue to receive good levels of sunlight. All gardens and open spaces tested would also meet the BRE recommendations. It is therefore accepted that the proposed development would have an acceptable impact on the amenity of neighbouring properties in terms of loss of light.

The rear of the proposed building has been designed with high level windows at first floor and roof level to prevent a loss of privacy through overlooking to neighbouring properties. However, given the limited separation distance of just 3.5m between the application site and No. 54 Warren Street to the rear, it is considered that the proposed first floor element would result in a harmful loss of outlook to the residential units within this building. Whilst the location of the rear building line at first floor level would follow the pattern of development of Nos. 327-333 (odd) Euston Road, this is historic and should not be used as a precedent for this development given the amenity impact it would have on No. 54 Warren Street. The proposed first floor should therefore be set back in line with the existing rear building line of the adjacent neighbouring property No. 337 Euston Road to give a separation distance of approximately 8.3m between the two buildings, which is considered acceptable given the constrained nature of the site.

A noise report should be submitted with any future application to demonstrate acceptable noise levels as a result of air conditioning or ventilation/extraction equipment.

Transport

In line with Policy T1 of the Local Plan, the Council expect secure and covered cycle parking to be provided in accordance with the standards set out in the London Plan. No cycle parking is shown on the submitted plans and it is questionable whether any can be provided given the proposed uses and the limited amount of floor space

available on site. If no cycle parking can be provided within the building, then at the very least, visitor cycle parking will need to be provided on-street in the surrounding area. A Section 106 legal agreement would therefore be required to secure a financial contribution towards the provision of on-street cycle parking facilities within the vicinity of the site.

Policy T2 states the Council will limit the availability of both off-street and on-street parking and require all new developments in the borough to be car-free. This is to prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. To comply with this policy, a s106 legal agreement is required to secure the medical facility as on-street Business parking permit (car) free.

To minimize the impact on the highway infrastructure and neighbouring community, a draft Construction Management Plan (CMP) would need to be submitted at application stage to clarify the details of construction access, and a detailed CMP would need to be secured via a section 106 planning obligation in accordance with Policy A1 if planning permission is granted. A CMP implementation support contribution would also need to be secured as a Section 106 planning obligation if planning permission were to be approved. The Council has a CMP pro-forma which must be used and would need to be approved by the Council prior to any works commencing on site. The CMP pro-forma and an advice note providing further information on this financial contribution is available on the Camden website: <https://www.camden.gov.uk/documents/20142/1269042/CMP+pro+forma+03-02-2020.docx/707773f3-96ed-3c36-13ee-98978af72350?t=1580769579776>

In addition to the CMP, it will be necessary to secure an Assessment in Principle by means of the section 106 agreement in respect of the basement development, given its immediate proximity to the footway. This will ensure that the structural integrity of the public highway (footway) is maintained throughout the excavation and construction process. The cost of this is at least £646.27. The Assessment in Principle will also need to be reviewed by TfL in addition to the Council's bridges and structures team.

The Council's Transport Planner has also advised that TfL may seek a S278 highways contribution for repaving the footway in front of the property and this will be secured separately to the planning permission. Alternatively, they may seek to cover the cost of any damage through a scaffolding and hoarding licence.

Air Quality

All of Camden is designated as an Air Quality Management Area due to the high concentrations of nitrogen dioxide (NO₂) and particulate matter (P10). Camden Local Plan policy CC4 seeks to ensure the impact of development on air quality is mitigated

and ensures that exposure to poor air quality is reduced in the Borough. The air quality along Euston Road is identified as particularly severe.

The submission of an Air Quality Assessment (AQA) is required where development is likely to expose residents to high levels of air pollution. Where the AQA shows that a development would cause harm to air quality, the Council will not grant planning permission unless measures are adopted to mitigate the impact. Development that involves significant demolition, construction or earthworks will also be required to assess the risk of dust and emissions impacts in an AQA and include appropriate mitigation measures to be secured in a Construction Management Plan. Please refer to policy CC4 for more information.

Sustainability

Demolition and Whole Life Carbon

Policy CC1 of the Local Plan requires all development to minimise the effects of climate change. The Council require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy. All new build non-domestic development is required to demonstrate the greatest possible reduction below Part L of 2013 Building Regulations. Policy CC1 requires schemes of this size to incorporate renewables where feasible.

Policy CC1 also requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. All proposals for substantial demolition and reconstruction should be fully justified in terms of the optimisation of resources and energy use, in comparison with the existing building. Where it is demonstrated to the Council's satisfaction that demolition is justified, a pre-demolition audit is required to be submitted, which shows that 95% of construction and demolition waste will be diverted from landfill and 95% of excavation waste will be put to beneficial uses, as per the requirement of the London Plan policy SI7.

A Whole Life Carbon assessment (including embodied carbon) should also be submitted once demolition has been justified, following the London Plan's Whole Life Carbon SPG and including long term carbon factors.

Active Cooling

All new developments will be expected to submit a Sustainability Statement demonstrating how the London Plan's 'cooling hierarchy' has informed the building design. Any development that is likely to be at risk of overheating (for example due to large expanses of south or south west facing glazing) will be required to complete

dynamic thermal modelling to demonstrate that any risk of overheating has been mitigated.

Active cooling (air-conditioning) will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy. Please refer to policies CC1 and CC2 and the Energy efficiency and adaptation CPG for more details.

8. Conclusion

The proposed use of the building as a medical facility is acceptable in land use terms.

The principle of the erection of additional storeys at the host site in the form of a first floor and mansard roof to infill the remaining gap in this terrace is acceptable, subject to amendments to the detailed design of the front elevation and a reduction in the depth of the first floor to bring it in line with the existing rear building line of No. 337 Euston Road.

However, the proposed demolition of the existing building is discouraged by policy CC1, and so a condition and feasibility study and options appraisal are required to justify this, followed by a Whole Life Carbon assessment.

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above advice, please do not hesitate to contact me on the number above.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Charlotte Meynell
Senior Planning Officer
Regeneration and Planning