

Delegated Report		Analysis sheet	Expiry Date:	09/12/2013
		N/A	Consultation Expiry Date:	18/11/2013
Officer		Application Number(s)		
Ben Le Mare		2013/5445/P		
Application Address		Drawing Numbers		
John Stewart House 51 Calthorpe Street London WC1X 0HH		Refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of an additional storey, a 2/3 storey rear extension, roof extension, the creation of a new front basement and the excavation of an existing basement, in connection with the change of use of the property from offices (Class B1) and storage (Class B8) to create 16 residential units (3 x studios, 3 x 1-bedroom flats, 4 x 2-bedroom flats, 6 x 3-bedroom flats) (Class C3).				
Recommendation(s):	Refuse planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>Site Notice: 18/09/2013 (expiring 09/10/2013) Press Notice: 26/09/2013 (expiring 17/10/2013) Neighbour notification letters were sent out on 12/09/2013</p> <p>One letter of objection has been received from the occupier of Nos. 5 Pakenham Street and the occupier of No. 11 Pakenham Street has commented on the proposals.</p> <p>The following concerns have been raised:</p> <ul style="list-style-type: none"> - Loss of privacy as the occupants will be able to look right on to our garden. - Daylight and sunlight; - Additional noise; - Increased pressure on car parking in the area; - There are already flats being built on the Royal Mail site which is going to make the area even more built up so there is no need for flats on this site; - Sense of enclosure from large buildings; - These are work units and should be used for small businesses instead of making the businesses have to find alternative work spaces, which is very difficult in this location. 					
CAAC/Local groups comments:	<p>Bloomsbury CAAC – <u>Objection</u> on the following grounds: <i>“The bulk and materials of the roof and rear extensions are <u>completely</u> out of keeping with the host building and the neighbouring historic buildings on Pakenham Street. This element of the scheme is not acceptable nor is the mansard roof to the front.</i></p> <p><i>The raising of the brick front façade should be in proportion to the main façade and thus higher than adjacent terrace”</i></p>					

Site Description

The application site is a 'T' shaped building which is currently in use as offices and associated storage. It was a former School House dating from the 19th Century.

To the east is an eleven storey hotel dating from the early 90s (permission granted 8900385). The hotel is a dominant feature in the street scene and is of a scale far in excess of the 2/ 3 storey historic properties nearby. Adjoining the site to the west are a group of 3 three storey Grade II Listed houses nos.45 to 49 Calthorpe Street. To the north is a school and the northwest a terrace of two storey mid 19th century cottages.

The site lies within the strategic viewing corridors of Kenwood to St Pauls and Parliament Hill to St Pauls and is in the Central London Area. The Bloomsbury CAAMS identified the building as a positive feature in the area, and has thus included the site within the Bloomsbury Conservation Area boundary, and has designated the building as a positive contributor within the Conservation Area.

A planning brief has just been completed for the residential-led redevelopment of the Royal Mail sites on either side of Phoenix Place.

Relevant History

2012/6859/P - Erection of an additional storey, a three storey rear extension, roof extension, the creation of a new front basement and the excavation of an existing basement, in connection with the change of use of the property from offices (Class B1) and storage (Class B8) to create 17 new dwellings (Class C3) – Refused planning permission for the following reasons:

1) *'The proposed development, in the absence of adequate justification to demonstrate the provision of an appropriate contribution towards the supply of affordable housing, and the subsequent absence of a legal agreement to secure an appropriate contribution towards the supply of affordable housing, fails to make adequate provision to the boroughs strategic affordable housing targets, contrary to policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP3 (Contributions to supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies.'*

2) *The proposed rear and roof extensions, by reason of their scale, massing and detailed design would detract from the historic character of the building and fail to preserve and enhance the character and appearance of the wider Bloomsbury Conservation Area and setting of nearby listed buildings, which is contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) the London Borough of Camden Local Development Framework Development Policies.*

3) *Insufficient information has been submitted to enable the Council to determine whether the application should be accompanied by application for conservation area consent and subsequently demonstrate that these proposed works would not have an adverse impact on the character and appearance of the building and the wider Bloomsbury Conservation Area and setting of the nearby listed buildings, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (promote high quality places) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (securing high quality design) and DP25 (conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*

4) *The submitted daylight/sunlight assessment fails to take into account the requirement for 1.8m high privacy screens in the proposed amenity areas at basement level and therefore insufficient information has been submitted to demonstrate that the proposed windows serving habitable rooms would receive*

adequate daylight levels, which is contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy; and to policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

5) The proposed development would create an unacceptable level of overlooking between windows serving habitable rooms on the west elevation of the host building and existing hotel bedrooms on the adjoining site, which would be to the detriment of the amenity of future occupiers, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy; and to policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

6) The proposed self-contained flats at basement level, by reason of the accommodation being in receipt of inadequate outlook, would provide sub-standard accommodation which would be harmful to the residential amenity of future occupiers, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy; and to policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

8) The proposed development, in the absence of flood risk assessment, the proposed development by reason of the inclusion of self-contained flats at basement level in a location that is identified as being in an area with the potential to be at risk of surface water flooding, is contrary to policies CS5 (Managing the impact of growth and development) and CS13 (Tackling climate change through promoting higher environmental standards) of the London Borough of Camden Local Development Framework Core Strategy; and to policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.

10) The proposed development, in the absence of the submission of sufficient information by the applicant, has failed to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.

Reasons 7, 9, 11, 12, 13, 14, 15, 16 & 17 relate to s106 matters: sustainability plan; education contribution; public open space contribution; Construction Management Plan; car-free development; Community facilities contribution; energy plan; local employment and training contribution; local labour and procurement agreement.

28790 - Change of use of the building from warehousing to use for light industrial purposes – Granted 06/08/1979

10515 - Enlargement of the existing means of vehicular access – Refused 08/04/1971

Relevant policies

Local Development Framework - Core Strategy and Development Policies (2010):

Core Strategy

- CS1 (Distribution of growth)
- CS3 (Other highly accessible areas)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS8 (Promoting a successful and inclusive Camden economy)
- CS9 (Achieving a successful Central London)
- CS10 (Supporting community facilities and services)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)
- CS16 (Improving Camden's health and well-being)
- CS17 (Making Camden a safer place)
- CS18 (Dealing with our waste and encouraging recycling)
- CS19 (Delivering and monitoring the Core Strategy)

Development Policies

- DP1 (Mixed use development)
- DP2 (Making full use of Camden's capacity for housing)
- DP3 (Contributions to the supply of affordable housing)
- DP5 (Homes of different sizes)
- DP6 (Lifetime homes and wheelchair housing)
- DP13 (Employment premises and sites)
- DP16 (The transport implications of development)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and limiting the availability of car parking)
- DP19 (Managing the impact of parking)
- DP20 (Movement of goods and materials)
- DP21 (Development connecting to the highway network)
- DP22 (Promoting sustainable design and construction)
- DP23 (Water)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP27 (Basements and lightwells)
- DP28 (Noise and Vibration)
- DP29 (Improving access)
- DP31 (Provisions of, and improvement to, open space and outdoor sport and recreation facilities)
- DP32 (Air quality and Camden's Clear Zone)

Bloomsbury Conservation Area Statement (2011)

Camden Planning Guidance (2013):

- CPG 1 (Design), sections 1, 2, 3, 4, 5, 6, 9, 10 & 11
- CPG 2 (Housing), sections 1, 2, 4 & 5
- CPG 3 (Sustainability), sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13
- CPG 4 (Basement and lightwells), sections 1 & 2.
- CPG 5 (Town centres, retail and employment), sections 1, 7 & 8.

Camden Planning Guidance (2011):

CPG 6 (Amenity), sections 1, 2, 4, 5, 6, 7, 8, 9 & 11.

CPG 7 (Transport), sections 1, 2, 5, 9

CPG 8 (Planning Obligations) sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11.

The London Plan 2011 NPPF 2012

Assessment

Background

This application is a resubmission of the previous refused scheme which proposed extensions and alterations to the building a change of use from offices (Class B1a) and storage (Class B8) to provide 16 new units (3 x studios, 3 x 1-beds, 4 x 2 beds, 6 x 3-beds).

The current submission redesigns the proposed extensions to the building and provides additional / updated supporting information.

The main planning issues have been identified as:

- Principle of development including loss of employment floorspace;
- Housing; affordable housing, mix of units, quality of accommodation, refuse, occupier amenity;
- Urban Design and heritage assets;
- Neighbourhood Amenity in terms of the impacts of the proposed development on its surroundings, effects on daylight, sunlight and overlooking;
- Transport and servicing;
- Landscaping / Ecology / Biodiversity;
- Sustainability and energy issues;
- Flooding / Basement impact; and
- Planning Obligations.

These matters are discussed below in the context of planning policy and other material considerations.

Principle of development

Policy CS8 seeks to ensure that the borough retains a strong economy. It seeks to do this by, amongst other things, safeguarding existing employment sites that meet the needs of modern industry and employers. Policy DP13 seeks to implement the priorities outlined in CS8 and states that the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless it can be demonstrated that the site is no longer suitable for its existing business use and there is evidence that the possibility of re-using or redeveloping the site for alternative business use is not viable.

Camden Planning Guidance (CPG5) adds clarification as to the circumstances where a change of use from offices would be acceptable. This states that a change of use may be allowed in the case of older office premises since it is expected that new office accommodation coming on stream during the plan period will meet projected demand. The guidance (para 6.4) goes on to list various criteria to be taken into account when assessing applications for a change of use from B1 to a non-business use. These include factors such as the age and condition of premises; whether there are existing tenants in the building; location and whether there is evidence of demand. In addition, marketing information may be requested if it is considered difficult to make an assessment based on the above criteria alone.

In addition, to these policies and guidance a material consideration for the determination of this application is the Camden Business Premises Study which was carried out by Rodger Tym and Partners in March 2011. This report identifies that there is no quantitative shortage of office floorspace in the Borough, with enough office development to meet the long term demand and in short term no indications that the market is undersupplied. However, sufficient justification for the proposed loss of offices is required on the basis that once the development has been built it is highly unlikely to return to this use in the future.

The more recent national context is also another important consideration, with paragraph 51 of the NPPF stipulating that local planning authorities should “*normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate*”. It is therefore this context in which the proposals are considered.

The property is partially occupied by various tenants across the floors for a range of B1a office and B8 uses. The applicant has submitted some supporting information to justify that building is suitable for its existing businesses use. This information is summarised below:

- The unit is not located in or adjacent to an Industrial Area and within the Royal Mail site coming forward for new housing, it is not in a suitable location for warehousing;
- The site can accommodate cars and transit vans, but not larger goods vehicles;
- The building is reaching the end of its natural life and it is not viable to refurbish it;
- All of the occupiers of the building are on leases which expire in nine months.

Whilst the building is capable of providing a range of unit sizes for small businesses, the Council recognise that it is in a poor condition with no air conditioning and inefficient heating system, no lift access to the upper floors, cabling problems and awkward floor layout. The building is considered to require significant investment in order to meet current office or storage requirements.

In light of above findings the owners of the property are considered to have justified that the existing employment floorspace is unsuitable and of a poor quality for Class B1 offices or B8 storage and would require considerable investment to achieve a comparable standard of floorspace which is currently available within the site's locality. The proposed change of use to residential is therefore considered to be in accordance with the Guidance set out in CPG5 and policies CS8 and DP12 of the LDF.

Housing

Under policy DP2 the Council seeks to maximise the supply of additional residential accommodation within the Borough. The principle of development is therefore supported, subject to meeting the other housing policy requirements, which are considered below.

Affordable housing

The provision of new housing on this site is welcomed and accords with policy to promote new housing in the borough. However the scheme involves more than 10 units and therefore is required to provide affordable housing onsite in accordance with LDF policy DP3 and CPG guidance. The scheme does not provide any such housing onsite or offsite, but the submission is accompanied by a viability report which proposes a commuted sum of £692,048 as a payment-in-lieu. This report has not been independently assessed and verified by Council-appointed surveyors.

As stated above the Council's preference is for onsite affordable housing. In support of this revised

application the planning agent has provided a brief covering letter which seeks to make a case for failing to deliver an on-site provision for affordable housing. This supporting information has been reviewed and is considered to provide insufficient justification as to why affordable housing cannot be provided onsite, namely because:

- It is apparent that the applicant has not taken sufficient steps to identify a potential affordable housing provider for the site.
- While the Council agrees that the site is small and constrained, it is considered that the proposed layout of the building offers sufficient scope for affordable housing to be provided at ground floor level as some apartments have ground floor access and entrance which can be accessed independently off the other units. This may in turn mitigate the potential management and service charge issues.
- The applicants have not made their own enquiries regarding either an on-site solution (their submissions are made without any supporting evidence of their own) or where the off-site contribution may be spent. They have suggested that the monies may be spent at the forthcoming development in Mount Pleasant. This scheme is however still at the very early stages of planning and no detailed analysis has been undertaken to identify how additional affordable housing could be identified.
- The identification of an alternative site (rather than direct payment of a commuted sum as proposed) has not been pursued, as far as the Council are aware, by the applicant.

Furthermore, the Council's Affordable Housing Development Co-ordinator has been liaising closely with Origin Housing, a London based affordable housing association, who have provided a verbal indication that they might be able to take one or two units in the scheme. Origin Housing suggested that they are considering these units on an intermediate rent basis which the Council are open to discussions on.

In light of the above and in the absence of adequately justified and fully tested demonstrable evidence that no such affordable housing can be provided either on- or off-site, the scheme has to be refused on grounds of lack of affordable housing provision. This is contrary to the housing guidance set out in CPG2 and policy DP3 of the LDF.

Mix of units

Policy CS6 relates to a wide range of housing, including permanent self-contained housing. The general approach outlined in CS6 aims to make full use of Camden's capacity for housing. Policy DP5 seeks to provide a range of unit sizes to meet demand across the Borough. In order to define what kind of mix should be provided within residential schemes, Policy DP5 includes a Dwelling Size Priority Table and the expectation is that any housing scheme will seek to meet the priorities outlined in the table and will provide at least 40% 2 bedroom units. The application proposes to provide 3 studios, 3 one-bedroom, 4 two-bedroom and 6 three-bedroom units. Whilst the number of market two-bedroom units falls below the policy requirement of 40%, there are 6 three-bedroom units which provide family accommodation. The mix of accommodation is considered to be appropriate for the site and in accordance with planning policy.

Quality of Accommodation / occupier amenity

There is a requirement that all new residential accommodation within the Borough has to be designed in accordance with the Mayor's Housing SPG and the London Housing Design Guide (LHDG) produced in interim form in August 2010 and Camden's minimum guidelines set out in CPG2. These are set out in the table below alongside the maximum and minimum internal areas for the units proposed.

Unit Size Comparison

Unit Type	London Plan Min (sqm)	CPG2 Min (sqm)	Proposed (Min) (sqm)	Proposed (Max) (sqm)
Studio	38	32	38.3	40
1b2p	50	48	59.6	62
2b3p	61	61	77.2	77.2
2b4p	70	75	78.3	81.3
3b5p	86	84	107.5	107.5
3b6p	106	93	100	157.3

In the table above, the vast majority of unit types either meet or exceed both the Mayor's and Camden's minimum standards. Two 3b6p person units fall short of the London Plan's standards, however they both comfortably exceed Camden's standards. The standard of accommodation in both these units is considered to be acceptable as they are sited at first and second floor level and have views out of the front of the building

The applicant has submitted details confirming that Lifetime homes will be achieved throughout and the drawings appear to confirm this. It has been indicated that Units 6 & 7 will be easily adaptable for wheelchair users. However, the entrance hallway for Flat 6 would require a manoeuvring space 1500 x 1800mm.

In terms of outlook, daylight levels and ventilation considerations, all of the units with the exception of studio flats and one bedroom flat in the basement are dual aspect. However, the development provides 3 units in the basement which would have their sole means of outlook into either lightwells or small courtyards which have sub-divided by privacy screens in close proximity to the windows serving habitable rooms.

CPG 6 requires that all new accommodation should be designed to ensure that the occupiers have a pleasant outlook, something which, in the case of the basement units, in this revised scheme is considered to marginally achieve. The submitted daylight / sunlight assessment undertaken by a qualified BRE consultant confirms acceptable daylight levels would be achieved in habitable rooms within the basement.

Refuse

The application proposes refuse storage in the form of a bin store which is sunken into the front courtyard and mechanically operated. The store would house 4 x 1100 eurobins which is an acceptable amount for the scale of development proposed.

Contributions

In the case of a scheme which was otherwise acceptable, financial contributions would be required for community, education and open space facilities in line with CPG advice and would be secured by S106. The values have been calculated based on those set out in CPG8 and are provided in the planning obligations section of this report.

Urban Design and heritage assets

The main issues to consider are the impact the substantial demolition and redevelopment of the site would have on the character and appearance of the Conservation Area (designated heritage asset and Building (undesignated heritage asset) with particular regard for NPPF and relevant local policies DP24 (a-i) and DP25 (c) and (g).

Significance of the building and its setting

Architecturally, the building's main interest lies in the front elevation, a design of some sophistication, which is tentatively attributed to the firm of Roumieu & Gough. The symmetrical composition of neo-classical proportions, with the three middle bays projecting, makes a positive contribution to the streetscape in terms of its aesthetic and architectural value.

Moreover the building appears to have been purpose-built around 1830 and is of historical interest as a former school (built for the British and Foreign School Society, providing a cheap education for the children of the poor at a time when free universal education was not available). From the late nineteenth century it served a quasi-military use as a drill hall, and more recently it has been used as workshops by a number of small businesses.

This form and design of the building is consistent with its use as a school and subsequent adaptability. As is common with school buildings of this era, the building is formed in a 'T' shape with the rear element forming the double height hall. This is consistent with the existing arrangement. The double height window can still be seen in views between 4 Peckham Street and 45 Calthorpe Street, albeit that later alterations have resulted in an additional floor being inserted in the space. As such the form and external envelope of the building as a whole is also considered to be largely original and form part of the building's significance. The building was identified in the late 19th century as a 'Drill Hall', and in the 1900 Post Office directory it is home to the Volunteer Medical Corps. As such the building is also considered to have evidential, historical and communal value.

The adjoining hotel is the most immediate negative feature in the site's setting. Other lesser negative features include the front of the property, including its unsympathetic front boundary treatment.

More positive aspects of the setting include the buildings and development to the immediate west and north, including the adjoining slightly later development of terraced houses at 45-49 Calthorpe Street, Calthorpe Street to the west and the terrace on the east side of Pakenham Street. These are all either listed buildings, or identified by Camden as positive contributors to the character and appearance of the conservation area.

The rear range of no.51 is visible through a gap at the south end of this terrace where again it is somewhat overshadowed by the Holiday Inn.

Officers agree with the applicant that the building makes a positive contribution but an opportunity exists to effect improvements in its external appearance (central doors) and immediate setting (front area and boundary).

Demolition

Demolition plans have been provided which satisfactorily show that the building would be largely retained, preserving the important aspects of the façade as outline above.

Height, Bulk and Design

In this regard the main issue to consider is the impact of the proposed works on the significance of the building and wider conservation area. Any new elements are required to respond to the character and architectural quality of the existing building to ensure it preserves and enhances the undesignated heritage asset (the site) or heritage assets (Bloomsbury Conservation Area and adjoining Listed Buildings).

The front boundary would also be enhanced by the works thereby enhancing the setting of the building. There is not considered to be an issue with the slight increase in the size of the front lightwells.

However, the height and bulk of the rear extension and roof extension is considered to overwhelm the existing building, extending above the existing rear part of the building by two storeys and wrapping over the top of the front part of the building. The front part of the building would also be extended by a complete storey. Whilst an extension to the front element of the building could be deemed acceptable, the cumulative impact of the extensions results in an inability to satisfactorily appreciate and recognise the original form and scale of the building appropriately.

The rear element, whilst seen in the context of the hotel, would be visible from the public realm and continue to overwhelm the host building. The proposed height is also considered to result in a top-heavy appearance when seen in views east from Peckham Street.

The architectural approach has been to extrude a new modern extension out of the retained envelope of the building, allowing the old and new works to be seen independently and thereby preserving the original form of the building. However the detailed design is not considered to satisfactorily demonstrate this will be achieved. For example the terraces created at 2nd and 3rd floor level would project beyond the predominant west elevation building line of new extension, disrupting the form of the modern extension, encroaching on the existing envelope and further overwhelming the building at this point.

The proposal to extend the main façade would significantly alter the original form and proportions of the building. In order to address the issues regarding the extension, a more appropriate approach would be to reduce the extension by a storey, allowing one additional floor to the main façade. If this were designed to be differently than the existing façade, it would more easily allow the original form and proportions of the building to be recognised and appreciated. This would more sensitively address the original form and proportions of the front entrance whilst giving the building more presence against the adjoining hotel block.

Officers' view on the proposals design is consistent with formal pre-application planning advice which was issued in July 2012: *"It is likely to be possible to include an additional storey on each element of the building, subject to detailed design and amenity issues, particularly given the scale of the adjoining buildings. Any accommodation above an additional storey is not advisable as it is likely to undue harm on the architectural scale and character of the host building."*

Conclusion

The proposed scheme has failed to satisfactorily overcome the previous design reason for refusal. The cumulative impact of the proposed extensions fails to remain subordinate to the host building and as such would unduly impact on the character and appearance of the building and the wider conservation area. It is possible to extend and alter the existing building. However, when the combination of all the works are considered together, they result in over-development in a manner which is considered harmful.

The proposed rear and roof extensions, by reason of their overall height, bulk and detailed design, would therefore detract from the historic character of the building and fail to preserve and enhance the character and appearance of the wider Bloomsbury Conservation Area and setting of nearby listed buildings. This is contrary to the design guidance set out in CPG1 and policies DP24 and DP25 of the LDF.

Neighbourhood Amenity

Policy DP26 seeks to protect the quality of life of neighbours from development. A number of concerns have been raised during consultation about the impact of the scheme, during and after construction. These can be largely grouped as follows:

- Daylight and sunlight;
- Privacy and overlooking;
- Noise disturbance;
- Lightspill;
- Construction and demolition impact.

Daylight and sunlight

In relation to daylight and sunlight, DP26 refers to the tests and standards detailed in the BRE document Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice. The submitted sunlight and daylight assessment assesses the impact on the light receivable by No.4 Pakenham Street as well as the Cubitt Play Centre and the Holiday Inn.

The submitted assessment looks first at Vertical Skylight Component (VSC) which measures the potential for good daylight to a given point on a building façade. This does not measure actual daylight accessing a room but is a good indication of the potential of a development to have an impact on light conditions. BRE advises that if there is a reduction below 27% VSC and the ratio of impact is more than 20% (i.e. the VSC is reduced to less than 0.8 its former value) then there is the potential for a neighbouring property to experience noticeably poorer light conditions.

The assessment identifies that the existing VSC score for no. Pakenham Street is 24%, so the existing conditions already fail to meet the required 27% standard. As a result of the development there would be a 10.4% reduction in the VSC, which is below the advised 20% and therefore the impact of the development would be minimal. There are two windows on the side elevation of the hotel which would fail to meet the required VSC levels. However as these serve bedrooms which are let on a short term basis and a fire escape the impact of the development is not considered to be unacceptable in this instance. In terms of sunlight to windows the assessment all of the primary habitable room windows satisfy the BRE criteria both annually and during the winter months

Privacy and overlooking

The existing residential properties which are most likely to be affected by the development in terms of privacy are the occupiers of properties along Pakenham Street as windows serving habitable rooms on the rear elevations are less than 18m from the application site. To overcome this issue the scheme incorporates fins along the east facing elevation which deflect the views from the new habitable rooms. This ensures that there would be no direct overlooking from the proposal.

In order assess whether there would any potential privacy issues affecting the future occupiers of the site it was necessary to establish what the windows on the side elevation of the hotel serve. Whilst the submitted drawings stipulate that none of these windows serve bedrooms, a review the daylight/sunlight assessment and a site visit has confirmed that there is a row of bedroom windows on the side elevation. The bedroom windows at first – third floor (serving) would therefore experience overlooking from the hotel bedrooms as the distance between directly facing windows would be around 7m. Officer's are however of the view that measures (such as the provision of one way glazing could be secured through condition in order to resolve this issue.

Noise disturbance

The proposed residential use of the building is considered to be compatible with the existing land uses in the area and would therefore not result in any noise nuisance which would be to the detriment of the occupiers of neighbouring buildings. It should be noted that the proposal does not include the provision of any extraction units. The CHP which is proposed in the basement would have to meet the Council's noise and vibration thresholds set out in supporting text of DP28.

Construction and demolition impact

Policy DP21 seeks to protect the safety and operation of the highway network and for some

development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP). A draft CMP has been provided in support of this planning application demonstrating that the applicant is willing and able to complete the details once a contractor has been brought on board.

The detailed information would need to be submitted and local residents consulted on plans before a CMP can be agreed. Should the application have been acceptable on all other grounds then the full CMP would have been required through a clause in the s106 Agreement.

Transport and servicing

Car Free

The site has a Public Transport Accessibility Level (PTAL) of 6B (excellent) and is within a controlled parking zone. No parking is proposed as part of the application. In line with Policy DP18 all 16 of the flats should be designated as being car free. The Council will not agree to a designated disabled car parking space linked to this development. Should the application have been acceptable in all other respects then there would have been a requirement for car free development under a Section 106 Agreement.

Cycle Parking

Camden's Parking Standards for cycles DP18, states that one storage or parking space is required per residential unit up to two bedrooms, for residential units with three or more bedrooms, two spaces are required. The proposal is for 16 residential units including 6 x 3-bed units (2 spaces per 3-bed unit is required by the London Plan standards); therefore 22 cycle storage/parking spaces are required. The applicant has included plans for the appropriate number of storage units to be installed within each residential unit and not in a secure collective unit. Officers are satisfied with this provision as all floors within the building are accessible by a lift and the proposals are appropriate.

Highways Financial Contribution

In order to cover the costs of any damage caused to the public highways during the construction phase of this development, and to ensure that the footway ties the development into the surrounding urban environment, a financial contribution is required to repave the footway adjacent to the site which would have been secured through a s106 agreement.

Landscaping / Ecology / Biodiversity

The site currently makes little or no provision for landscaping or encouraging biodiversity within the area. This proposals incorporates a landscaping scheme for the front courtyard which includes raised beds with hedge planting, areas of mix shrubs and herbaceous plants and trees planted within power coated containers. At the rear of the site the application seeks to provide green walls and the building's roof would include green roofs. Officers are therefore of the view that the proposed hard and soft landscaping meets the requirements of policy CS15 of the LDF.

Sustainability and energy issues

The London Plan climate change policies in chapter 5, Camden's Core Strategy policy CS13 and Development Policies DP22 and DP23 require all developments to contribute to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. In order to address these requirements the applicant has submitted an Energy Strategy and a Sustainability Statement including a BREEAM Domestic Refurbishment report.

An energy strategy report has been submitted which recommends the use of a CHP system and 70m² photovoltaic (PV) panels. These renewable facilities would provide 30.63% of CO₂ emission reductions against Building Regulations baseline arising from fabric efficiency and other measures. The PV panels would provide a reduction of 5.8% in CO₂ emissions, which is lessened as a result of the building's proximity to the neighbouring hotel building. Other renewable energy measures have been explored but not deemed to be feasible given the site constraints.

The submitted BREEAM assessment demonstrates that the development can reach an 'Excellent' standard with a score of 71.05%, with at least 60% of unweighted credits for energy and water and 40% of available credits under the material category being achieved.

The renewable facilities would need to be secured by a S106 and, given the overall unacceptability of the scheme, the lack of this forms a reason for refusal.

Flooding / Basement Impact

Flood Risk

Policy DP27 states that the Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. Map 2 in the LDF Development Policies shows the site as being within an area with the potential to be at risk of surface water flooding.

Since the previous refusal, the applicant has undertaken a Flood Risk Assessment which has been submitted with this application. The FRA concludes that the risk of flooding is generally low and whilst there are residual risks, associated with sewer/surface water flooding and water supply infrastructure these are usually found within urban locations. Officers are therefore generally satisfied that the site can accommodate the inclusion of self-contained flats at basement level.

Basement Impact

A Basement Impact Assessment report has been submitted which follows the procedures and stages for assessing such schemes as outlined in CPG4 and has been prepared by suitably qualified professionals. The scheme involves construction large basement at the front of the property and an excavation of the existing basement by a depth of 1m, taking the total depth to approx. 2.5m. In that context, no problem is envisaged with this scheme in terms of its impact on the environment and townscape but, such an excavation requires the submission of a BIA. The BIA shows that the site has made terrace ground overlaying London Clay. Measures are outlined for some level of groundwater control in these circumstances.

The study has shown by its screening and scoping stages that the scheme will not have any impact on land stability or subsurface flows nor harm neighbouring buildings. As stated above, the council can now confirm that the building does not lie within an area which is prone to flooding or at risk of flooding and therefore the submitted information is considered to be adequate in this instance.

Planning Obligations

If the scheme were in all other respects acceptable, a S106 legal agreement would be necessary to secure the following:

- Post construction review of sustainability measures
- Car Free
- Highways contribution of £8,867
- Education contributions of £46,784
- Community Facilities contribution of £31,360
- Public open space contribution of £24,020

- Training and employment contribution of £29,150

The financial contributions calculated above are based on 16 residential flats and are derived from CPG8 (Planning Obligations). The above contributions would be necessary to make the development acceptable in planning terms, as they are directly related to the development and fairly and reasonably related in scale and kind to the development.

In addition, owing to the size of the development and had the loss of the office use been justified, officers would seek that the applicant agree to enter into obligations to assist with business growth and employment opportunities. This comprises these elements:

- That the applicant recruit 1 construction apprentice per £3million of build costs, plus a £1,500 per apprentice placement fee; and
- That, if the value of the scheme exceeds £1million, the applicant would have sign up to the Camden Local Procurement Code.

Community Infrastructure Levy (CIL)

The proposal would have been liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm or one unit of residential accommodation.

Recommendation: Refuse planning permission.