

<b>Delegated Report (Members' Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>31/01/2013</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		(i) 18/02/2013 (ii) 10/01/2013	
<b>Officer</b>				<b>Application Number(s)</b>			
Rob Tulloch				(i) 2012/6315/P (ii) 2012/6534/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
6 John Street & 10-11 King's Mews London WC1N 2ES				See decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
(i) Partial demolition of rear office extension at lower ground and ground floors and the erection of a new single family dwelling house (Class C3) fronting King's Mews. (ii) Partial demolition of rear office extension at lower ground and ground floors							
<b>Recommendation(s):</b>		(i) Grant Planning Permission subject to a Section 106 Agreement (ii) Grant Listed Building Consent					
<b>Application Type:</b>		(i) Full Planning Permission (ii) Listed Building Consent					
<b>Conditions:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>22</b>	No. of responses	<b>01</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>		Site notice 14/12/2012-04/01/2012 Press advert 20/12/2012-10/01/2013  12-13 King's Mews support the proposal in principle, but would seek assurances from the developer that there will be full consultation on all excavation and engineering works prior to construction, and have been offered such assurances.					

**CAAC/Local group comments:**

**English Heritage** does not wish to make any comments and advise that the application is determined in accordance with national and local policy guidance.

**Bloomsbury CAAC** object as it would be an opportunity to revise the design to have smaller windows, no glass balustrading and be more sensitive to the neighbouring original mews buildings. It would also be a good opportunity to make it more distinct from its neighbour.

Officer comment: See section 2

## Site Description

The application relates to two sites, no. 6 John Street and 10-11 King's Mews. 6 John Street is a Grade II listed Georgian town house building dating from the 1750's which forms part of a terrace of 8 similar houses. The building is 4 storeys, plus mansard and basement, and was rebuilt in Neo-Georgian style and restored in 1989. It has a lawful use for office purposes (Class B1a). The building backs on to 10-11 King's Mews which is currently a vacant plot used for car parking.

John Street is largely occupied by office accommodation, with some buildings having been returned to their original residential use. King's Mews was historically a mixture of commercial uses including office and light industrial (B1) and storage (B8), many of which are now vacant. The western side of the mews, of which the application site forms a part, has undergone piecemeal redevelopment and is now a mixture of flats and single dwellinghouses. Planning permission has been individually recommended for approval for the demolition of several buildings on the eastern side of the mews, nos. 25, 26, 27, 28, & 29-30, and the erection of three storey dwellings in the last six months (see history section). Most of these, apart from no. 28, are still waiting the signing of the relevant Section 106 agreements.

The sites are located within sub-area 10 of the Bloomsbury Conservation area and the Central London Area.

## Relevant History

2008/4099/P & 2008/4101/L Partial demolition of rear office extension at lower ground and ground floors and the erection of a new single family dwelling house (Class C3) fronting King's Mews. Granted 09/06/2009

PSX0105301 Renewal of planning permission Reg No. PS9704397 for a change of use from offices to a single residential dwellinghouse. Granted 21/01/2002

PS9704397 Change of use from offices to a single family dwelling house. Granted 17/07/1997

25505(R) The extension to 6 John Street by the erection of a new building at 9/11 Kings Mews comprising garage and offices on ground floor, offices on 1st floor and residential flat on 2nd floor. Refused 23/02/1978

26775 Extension to 6 John Street by the erection of a new building at 9-11 King's Mews, comprising garage and showroom on ground floor, offices on the first floor and residential flat on the second floor. Refused 17/10/1978

## King's Mews

### 22 King's Mews

Erection of 3 storey plus basement dwelling house (Class C3) following partial demolition of existing office/storage building (Class B1/B8). (2012/6290/P & 2012/6340/C Refused 11/02/2013)

## Reasons for refusal

*The proposed development, by virtue of its scale, bulk, massing and design, would be out of context within the mews setting, and would fail to preserve and enhance the character and appearance of the Bloomsbury Conservation Area, contrary to policy 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) of the London Borough of Camden Local Development Framework Development Policies.*

*The proposed development, by virtue of its scale and massing at roof level, would result in an increased sense of enclosure to neighbouring residential windows and associated outdoor amenity space to the rear, detrimental to the living conditions of those neighbouring residential occupiers, contrary to policy CS5 (managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (impact on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

A further four reasons for refusal concerned the absence of a legal agreement for car-free housing, construction management plan, a highways contribution and a sustainability plan.

### 23-24 King's Mews

Erection of two new residential dwellings (1x 3-bedroom and 1x 4-bedroom) comprising 3 storeys plus basement (Class C3), following demolition of existing office/storage buildings (Class B1/B8). (2012/6089/P & 2012/6232/C Refused 11/02/2013)

## Reasons for refusal

*The proposed development, by virtue of its scale, bulk, massing and design, would be out of context within the mews setting, and would fail to preserve and enhance the character and appearance of the Bloomsbury Conservation Area, contrary to policy 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) of the London Borough of Camden Local Development Framework Development Policies.*

A further four reasons for refusal concerned the absence of a legal agreement for car-free housing, construction management plan, a highways contribution and a sustainability plan.

### 25 King's Mews

Erection of three storey plus basement two bedroom dwelling with terrace at second floor level (Class C3), following partial demolition of two storey existing warehouse/storage building (Class B1/B8). Members of the Development Control Committee resolved to granted planning permission on 08/11/2012 and conservation area consent subject to a Section 106 Agreement (2012/0972/P & 2012/3870/C)

### 26 King's Mews

Erection of a three storey dwelling house with second floor terrace (Class C3) following partial demolition of existing office/warehouse (Class B1/B8).

Members of the Development Control Committee resolved to granted planning permission on 18/10/2012 and conservation area consent subject to a Section 106 Agreement (2012/3101/P & 2012/3159/C)

### 27 King's Mews

Erection of a three storey dwelling house with second floor terrace (Class C3) following partial

demolition of existing office/warehouse (Class B1/B8).

Members of the Development Control Committee resolved to granted planning permission on 18/10/2012 and conservation area consent subject to a Section 106 Agreement (2012/3101/P & 2012/3159/C Granted 07/02/2013)

#### 28 King's Mews

Erection of a three storey building to provide two flats with second floor terrace (Class C3) following partial demolition of existing office/warehouse (Class B1/B8).

Members of the Development Control Committee resolved to granted planning permission on 18/10/2012 and conservation area consent subject to a Section 106 Agreement (2012/3101/P & 2012/3159/C)

#### 29-30 King's Mews

Erection of new façade and second and third storeys following partial demolition of existing building in association with the change of use from warehouse/office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 4 bedroom maisonette at 1st, 2nd & 3rd floors (Class C3). Members of the Development Control Committee resolved to granted planning permission on 17/01/2013 and conservation area consent subject to a Section 106 Agreement (2012/3877/P & 2012/3950/C)

### **Relevant policies**

#### **LDF Core Strategy and Development Policies 2010**

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS8 Promoting a successful and inclusive Camden economy

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change and promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces & encouraging biodiversity

CS19 Delivering and monitoring the Core Strategy

DP2 Making full use of Camden's capacity for housing

DP6 Lifetime homes and wheelchair homes

DP13 Employment sites and premises

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

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

DP32 Air quality and Camden's Clear Zone

#### **Camden Planning Guidance 2011**

**Bloomsbury Conservation Area Appraisal and Management Strategy 2011**

**NPPF 2012**

**London Plan 2011**

## Assessment

### 1 Proposal

- 1.1 The application seeks full planning permission and listed building consent for the demolition of the rear two storey extension to no. 6 John Street, and the erection of a new three storey plus basement dwelling at 10-11 King's Mews. The application is identical to one approved in 2009 (2008/4099/P & 2008/4101/L) which was not implemented and expired on 09/06/2012.
- 1.2 Since the previous application was determined the replacement UDP has been itself replaced with the LDF, Camden Planning Guidance 2006 has been replaced by Camden Planning Guidance 2011 and the Bloomsbury Conservation Area Statement has been replaced by the Bloomsbury Conservation Area Appraisal and Management Strategy. Whilst these are material considerations, the thrust of the policies and guidance remains the same, particularly in terms of conservation and amenity. However, new policies and guidance have been adopted concerning basement development and sustainability.
- 1.3 The main issues are
- Land use
  - Design
  - Standard of proposed accommodation
  - Basement impact
  - Neighbour amenity
  - Transport
  - Sustainability
  - Community Infrastructure Levy

### 2 Land use

#### *Loss of employment*

- 2.1 No 6 John Street provides over 1,200sqm of office floorspace over six floors. The proposal would involve the loss approximately 282sqm of office floorspace currently provided in the modern extension at the rear of 6 John Street. The rest of the building (953m<sup>2</sup>) would remain in office use. Policies DP13 and CS8 require applicants to demonstrate that a site or building is no longer suitable for its existing business and the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.
- 2.2 The proposal would remove a 1960's basement and ground floor extension that has never been in separate use to the host building. It is currently used for storage and training purposes, and the space cannot be accessed independently. The extension is described as poor quality space with no natural light at basement level and only rooflights at ground floor level and suffers from limited natural light and ventilation. Much of the basement is used as ancillary storage space only. The loss of this substandard office accommodation is considered acceptable, particularly when weighed against the benefits of the reinstatement of the mews property on King's Mews and of the garden space between the terrace and the mews. It is considered that the loss of this relatively small proportion of the office would not affect the viability of the remaining unit and the existing occupier intend to remain in the host building. The previous scheme raised no objection to the loss of office floorspace, and no objection was raised to the loss of B1/B8 floorspace on the other side of the mews in relation to recent applications for new dwellings (nos. 22, 23-24, 25, 26, 27 & 28).
- 2.3 It is also accepted that the extension is only suitable for office use and would not be suitable for

any alternative business use. There are no design features that would make it suitable for an alternative business use, and its location at the rear of the building and the constraints of listing make an alternative use impractical. The LDF acknowledges that the future supply of offices in the borough, particularly in Kings Cross and Euston, can meet projected demand. Policy DP13 states that when it can be demonstrated that a site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses.

2.4 Moreover, paragraph 51 of the NPPF states 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.*” Furthermore, planning permission was granted, but not implemented, for a change of use to a single dwelling in 1997 and 2002, as well as in 2009.

2.5 In light of the above, the loss of employment floorspace is considered, given the particular circumstances of this case, to be appropriate and complies with policies CS8 and DP13.

#### *New residential accommodation*

2.6 Housing is the priority of the LDF and the provision of new residential floorspace is welcomed as long as it complies with other policies and guidance. The Holborn and Covent Garden Ward is also identified in the LDF as part of the borough where there is a relatively low proportion of large dwellings.

### **3 Design**

3.1 Since the previous scheme was approved, both local and national policy has changed through the introduction of the LDF, NPPF and an updated CPG and Conservation Area Statement for Bloomsbury. However the thrust of all these documents has not significantly differed from a design or conservation perspective which would result in a different decision from that reached previously.

3.2 There is no objection to the erection of a building on this site as it will infill a gap in the mews and help restore the historic break between John Street and Kings Mews. The external appearance is considered appropriate in terms of its overall proportions and massing with the two main storeys and recessed roof level. It is noted that proposals for replacement dwellings at nos. 22 and 23-24 were refused on the grounds of scale, bulk, massing and design, and it was considered that those proposed buildings would be out of context within the mews setting, but this proposal is considered to relate well in scale and design to the surrounding properties, and to the mass, bulk and design of applications recently recommended for approval by the Development Control Committee, but not yet implemented, opposite (nos. 25, 26, 27 & 28). The articulation at the rear of the property is in line with the typical building line of the mews and the garden area created is considered sufficient for amenity purposes and reinstates a more traditional buffer between the properties of John Street and Kings Mews.

3.3 It is recommended that a condition be added to any permission requiring the submission of and approval of details of the fenestration, doors and balustrade of the front elevation. It is also considered that further details of the materials to be used on the external elevations be submitted to and approved by the Council to ensure that they preserve or enhance the character and appearance of the host property and the conservation area.

3.4 With the proposed design and the suggested conditions, it is considered that the setting of the listed terrace of John Street will be unharmed by the proposals. The part of the extension to be removed is an unattractive modern addition to the listed building and its removal would improve

the character and appearance of the host property. The integrity of the listed building would be thus improved. (The demolition of the extension is not considered to be substantial demolition and therefore does not require conservation area consent.)

#### **4 Standard of proposed accommodation**

##### *Residential development standards*

- 4.1 The proposal would provide a 5-bedroom house over four floors. The building would benefit from regular sized and shaped rooms, all double bedrooms would be more than 11sqm with single bedrooms in excess of 6.5sqm. The building also benefits from good access to daylight and natural ventilation. No habitable rooms are proposed for the basement, and at ground to second floor the dwelling would be dual aspect
- 4.2 Amenity space would be provided in the form of terraces at rear ground and first floor levels, and at front and rear second floor level. Internal bin storage would be provided at basement level, and an informative will remind the applicant not to leave refuse sacks on the street until 30 minutes before collection.

##### *Lifetime Homes*

- 4.3 The applicant has provided a Lifetime Homes statement that indicates the new dwelling would meet the relevant criteria. A condition will require the Lifetime Homes features to be implemented in accordance with the submitted statement.
- 4.4 As such, the proposal is considered to provide a good level of amenity for future occupiers and would comply with policies CS5, DP6 and DP26 of the LDF and Camden Planning Guidance. A condition will ensure such measures are retained.

#### **5 Basement**

- 5.1 The proposed dwelling on King's Mews would feature a basement across the full extent of the plot. The basement would measure approximately 18.9m (d) x 8.8 (w) with an external depth of approximately 3m below street level. The basement would also include a small pool at the rear extending a further 1.35m below the basement. Policy DP27 requires applicants to demonstrate that basement development will not cause harm to the built and natural environment and local amenity and the applicants have submitted a Basement Impact Assessment by Geotechnical and Environmental Associates and a Structural Strategy Report by Fluid Structures.
- 5.2 A desk top study and ground investigation reveals the underlying strata around the site to be made ground to a depth of 4.8m with a layer of gravel to 6.1m and London Clay below. Seepages of groundwater were encountered at depths of 3.1-3.5m and 6-6.4m.
- 5.3 The BIA does not consider the proposal to have a harmful impact in the local water environment. There is no soft landscaping on the site and the proposal would not increase the amount of hard surfaces across the site. Therefore, the proposal would not result in more surface water being discharged to the ground. The site is not in an area identified as previously suffering flood events. The site is not within 10m of any water course or spring line, but as borehole investigations revealed groundwater at a depth of at least 3.1m, the pool section and the foundations may extend below the water table surface, and the BIA recommends further monitoring.
- 5.4 The BIA identifies groundwater flow towards the south east, and due to the local topography, likely to be very slow. It notes that as upstream buildings in the area have basements, the impact of the basement structure on groundwater flow would be minimal due to the size of the proposed

basement and permeability of the ground. It concludes that groundwater would be able to flow freely around the proposed basement and that the proposal would not have an adverse affect on local hydrogeology.

- 5.5 In terms of land stability, neither the site nor neighbouring land have slopes of greater than 7°, and no trees are to be removed, Made ground and terrace gravels are the shallowest strata and there is purported to be no history of seasonal shrink/swell subsidence in the local area or evidence of such effects on site. The proposal is not over or within the exclusion zone of any tunnels. The new dwelling would share party walls with other buildings in the mews and these would require underpinning. The BIA concludes that if the basement is designed and constructed using current best practice, there is no reason why the proposal would cause instability to surrounding buildings.
- 5.6 The Basement Impact Assessment has been compiled by relevantly qualified professionals and concludes that the proposal should not have a harmful impact on the local water environment or the stability of adjoining buildings and is considered to comply with the requirements of policy DP27 and associated planning guidance. A condition will ensure that a suitably qualified chartered engineer be appointed to oversee the works. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development.

## **6 Amenity**

### *Overlooking*

- 6.1 The previous scheme considered that the proposals would not have any negative impacts to neighbours in terms of loss of privacy or overlooking. To the rear the building would face directly onto the host office, and other non-residential buildings. Therefore, the properties to either side on John Street would not be affected by the small rear balconies at the rear. Number 9 King's Mews is immediately to the south side and its windows are obscure glazed and angled away from the rear of the proposed building. The neighbouring property to the north would be recessed in such a way that direct overlooking of habitable rooms would not occur. The balconies would have a view of neighbouring gardens but these spaces are already overlooked by the windows of the properties in the rear of the John Street terrace. The neighbouring buildings have terraces at second floor level facing the mews, and the approved buildings on the other side of the mews also include windows and terraces, and it is considered that the distance between interfacing windows is appropriate as in central London, and mews locations, dwellings are normally closer together.

### *Daylight and sunlight*

- 6.2 The new dwelling would infill a gap between a two storey building (no. 12) and a three storey building (no. 9). As it would have a depth and front building line in line with its neighbours it is not considered to have an impact on daylight or sunlight to these properties. The proposed building would be separated from no. 6 John Street at the rear by a garden wall measuring approximately 2m on the Johnm Street side and 4m on the King's Mews side. The buildings would be 12.5m away and the second floor of the proposed dwelling would rise approximately 3m above the height of the wall. The proposed dwelling would not obtrude a line drawn at 25° from the centre of the lowest ground floor window of no. 6 John Street and the new building is not therefore considered to affect daylight or sunlight to this commercial property.
- 6.3 On the other side of the mews, the proposed building is directly opposite no. 22 King's Mews, which is currently vacant and has a lawful use as office/storage (B1/B8). It has no windows at ground floor level, neither does no. 20-21 which is currently occupied by a car repair business, and the proposed building would not break a 25° angle drawn from the centre of the first floor



windows of these properties. No. 23-24 is another vacant commercial property, it has windows at ground floor level, but as it is to the south west of the application site there would be no impact on sunlight and although the proposal would slightly obtrude a 25° angle drawn from the ground floor windows, the proposal is not considered to have a significant on daylight to this commercial property.

It should also be noted, the resolution to grant planning permission for the eastern mews sites had regard to the presence of planning permission on this site (from 2009), and being no greater in mass, the current proposal would have no greater impact on these potential permissions.

6.4 As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5 and DP26 of the LDF and Camden Planning Guidance.

## **7 Transport**

### *Cycle storage*

7.1 The London Plan requires two cycle storage spaces for residential units of more than two bedrooms. Cycle parking has not been explicitly included in the scheme. For the single dwelling it is considered that 2 cycle storage spaces should be provided. As the proposed building has access from the ground floor and plenty of space it is considered that occupants will easily be able to accommodate cycles and a condition will require details of cycle storage to be submitted to the Council before the building is occupied.

### *Car parking*

7.2 The site has a Public Transport Accessibility Level of (PTAL) of 6b (excellent) and is within a Controlled Parking Zone (CPZ). Kings Cross (CA-D) CPZ operates Mon-Fri 08:30-18:30, Sat 08:30-13:30 and 105 parking permits have been issued for every 100 estimated parking bays within the zone. This means that more parking permits have been issued than spaces available. The site is also within the "Clear Zone Region", for which the whole area is considered to suffer from parking stress.

7.3 Council parking standards states that a maximum of 0.5 car parking spaces per new residential unit is acceptable in this location. The site is therefore suitable for car free housing. The application includes two parking spaces in an integral stacked parking system which is contrary to policy DP18. However, there is currently parking for 6 cars on the existing site facing onto Kings Mews. These car parking spaces are used by office workers and will be removed with the redevelopment of the site, resulting in an overall reduction in car parking provision which is in line with policy DP19 which welcomes proposals to reduce the amount of off-street parking in the borough.

7.4 In this particular instance, as the proposal would see a net reduction in car parking provision of four spaces, the proposal for two off-street parking spaces is considered appropriate. The parking spaces are approximately 2.5m x 3.5m which does not meet Camden's minimum dimensions for off street parking spaces of 2.4m x 4.8m, however as the provision of two spaces is superfluous to Camden's parking standards, the shortfall is not considered to be objectionable. It is recommended that any permission be subject to a section 106 for car capped housing preventing the occupants of the property from obtaining on-street parking permits

### *Construction Management Plan (CMP)*

7.5 Although the proposal for the site is relatively small, it is recognised that in context of this site there are other surrounding developments along the Mews that may also be developed and

there could be a cumulative impact of construction. This will result in a number of construction vehicle movements to and from the site, which will doubtless have a significant impact on the local transport network. This is of concern as the site is located within a tight mews environment and within the Clear Zone Region, which is a highly constrained area in regard to transport. Given the constrained nature of the mews it is considered that a CMP will need to be secured through a Section 106 agreement.

#### *Highways works*

- 7.6 In order to tie the development into the surrounding urban environment a financial contribution is required to repave the highway/footway adjacent to the site on King's Mews in line with policy DP21. An added benefit of the highways works is that damage caused to the highway in the area of the proposed highways works during construction can be repaired. The contribution will be secured via the Section 106 agreement.

### **8 Sustainability**

- 8.1 In line with policy DP22 new build housing is expected to meet Code for Sustainable Homes Level 4 requiring a minimum of 68%. The dwelling is anticipated to achieve 72.83%. In the energy category it is predicted to achieve 19.1 out of 31 credits or 61.61%. In the water category the proposal is expected to achieve 3 out of 6 credits (50%) through water consumption of less than 105 litres of water per person per day. In terms of materials the assessment predicts 12 out of 24 credits (50%). CPG3 encourages new dwellings to achieve a minimum standard of 50% in these categories.
- 8.2 The applicant has also indicated that the proposed dwelling will incorporate a green roof, a conditions will require full details of the roof to be submitted to the Council before development commences. A post-construction review, as part of the Section 106 agreement, will confirm that the proposals meet Code Levels indicated.

### **9 Community Infrastructure Levy**

- 9.1 The development will be CIL liable because it involves the creation of an additional residential unit. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge would be £17,000 (340sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

- 10 Recommendation:** Grant Planning Permission Subject to a Section 106 Agreement for car-capped housing, sustainability plan, construction management plan.

#### **DISCLAIMER**

Decision route to be decided by nominated members on Monday 11<sup>th</sup> March 2013. For further information please click [here](#).