

<b>Address:</b>	<b>Haines House, 21 John Street; The Duke of York Public House, 7 Roger Street; and Nos. 1-4 Mytre Court, John's Mews. London WC1N 2BP</b>	
<b>Application Number:</b>	2012/5486/P	<b>Officer: Jonathan Markwell</b>
<b>Ward:</b>	Holborn & Covent Garden	
<b>Date Received:</b>	<b>12/10/2012</b>	
<p><b>Proposal:</b> Change of use of 2nd to 7th floors of 21 John Street from offices (Class B1) to 8 (1x1, 6x2 and 1x3 bed) self-contained residential units (Class C3), provision of bike and bin stores in rear courtyard, replacement of window with door on rear courtyard (south-west elevation) at ground floor level, green roof above second floor level, replacement of windows to 21 John Street, upper floors of 7 Roger Street and 1-4 Mytre Court, John's Mews and associated works.</p>		
<p><b>Drawing Numbers:</b> D1000 Rev P1; D1100 Rev P1; D1101 Rev P1; D1102 Rev P1; D1103 Rev P1; D1104 Rev P1; D1105 Rev P1; D1106 Rev P1; D1107 Rev P1; D1108 Rev P1; D1109 Rev P1; D1201 Rev P1; D1202 Rev P1; D1203 Rev P1; D1301 Rev P1; D2100 Rev 01; D2101 Rev 04; D2102 Rev 02; D2103 Rev 03; D2104 Rev 04; D2105 Rev 02; D2106 Rev 01; D2107 Rev 02; D2108 Rev 02; D2109 Rev 02; D2150 Rev 01; D2151 Rev 00; D2152 Rev 00; D2201 Rev 00; D2202 Rev 00; D2203 Rev 01; D2204 Rev 01; D2205 Rev 02; D2250 Rev 00; D2301 Rev 00; D3201 Rev 00; D2302 Rev 00; D3203 Rev 00; D3300 Rev 00; D3301 Rev 00; D3302 Rev 00; D3303 Rev 00; D3304 Rev 00; D3305 Rev 00; D3306 Rev 00; D3307 Rev 00; D3800 Rev 00; D4300 Rev 00; D4301 Rev 00; D4302 Rev 00; D4303 Rev 00; D4304 Rev 00; D4305 Rev 00; D4306 Rev 00; D4307 Rev 00; Planning, Design and Access and Heritage Statement by Metropolis Planning and Design LLP dated October 2012, as received 16/11/2012; Energy Statement by Metropolis green Revision 2 dated 16/11/2012 Ref 2386/ES – 1211VT.00; Ecohomes Pre-Assessment &amp; Sustainability Statement by Metropolis green Revision 2 dated 16/11/2012 Ref 2386/EH-141211AA.00; Note from Quod dated 20/06/2012 Ref Q30173.</p>		
<b>RECOMMENDATION SUMMARY: Grant Planning Permission subject to a Section 106 Legal Agreement</b>		
<b>Related Application Date of Application:</b>	<b>12/10/2012</b>	
<b>Application Number:</b>	<b>2012/5504/L</b>	
<p><b>Proposal:</b> Internal and external alterations in association with the change of use of 2nd to 7th floors of 21 John Street from offices (Class B1) to 8 (1x1, 6x2 and 1x3 bed) self-contained residential units (Class C3), provision of bike and bin stores in rear courtyard, replacement of window with door on rear courtyard (south-west elevation) at ground floor level, green roof above second floor level, replacement of windows to 21 John Street, upper floors of 7 Roger Street and 1-4 Mytre Court, John's Mews and associated works.</p>		

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### RECOMMENDATION SUMMARY: Grant Listed Building Consent

Applicant:	Agent:
One West Smithfield LLP C/O Agent	Metropolis Planning & Design 4 Underwood Row LONDON N1 7LQ

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>B1 Business – Office</i>		<i>1,181m<sup>2</sup> (GIA)</i>
Proposed	<i>B1 Business – Office</i> <i>C3 Dwelling House</i>		<i>367m<sup>2</sup> (GIA)</i> <i>814m<sup>2</sup> (GIA) /</i> <i>1177.2 m<sup>2</sup> (GEA)</i>

Residential Use Details:										
	Residential Type	No. of Habitable Rooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>									
Proposed	<i>Flat/Maisonette</i>	1	6	1						

## **OFFICERS' REPORT**

**Reason for Referral to Committee:** The proposal constitutes a Major Development [Clause 3(i)] and also involves the creation of more than five residential units from a change of use of an existing building [Clause 3(iii)]. Furthermore, it also involves the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3(vi)] in relation to matters outside the scheme of delegation.

**N.B.** Please note that this submission is similar in nature to applications 2012/0277/P and 2012/0309/L), which were appealed under non-determination on 18/09/2012 (Appeal references APP/X5210/E/12/2183966 and APP/X5210/A/12/2183954). This appeal has not been decided at the present point in time.

### **1. SITE**

- 1.1 The application site comprises Haines House (21 John Street), The Duke of York Public House (7 Roger Street) and flat nos. 1-4 Mytre Court (John's Mews). It is therefore located at the northernmost end of the block bound by John Street (to the east), Roger Street (to the north) and John's Mews (to the west).
- 1.2 The application site buildings are grade II listed, under a single listing entry dating from 17/09/2010. The listing description denotes the application site to comprise offices, flats and the Duke (of York) Public House, designed in 1937 by Denis Edmund Harrington and completed by 1938.
- 1.3 The listing description continues by first detailing Haines House, the eight-storey and basement office block situated on the corner of John Street and Roger Street. This is a steel-framed building with artificial stone facing to the ground and first floor, red brick above, and metal casement windows. The third floor is accentuated by stone banding which forms a continuous sill and lintel to the windows which are separated by panels of fluted brickwork. The set-back top storey has banded rustication in the brickwork between the windows and an artificial stone cornice. The set-back is particularly deep on the John Street elevation and here the cornice forms a projecting canopy, inset with glass blocks. The offices are entered from John Street where the original glazed hardwood door is flanked by two tall, engaged pylons with sculpted tops. Each depicts a woman, in the stylised fashion of the 1930s and reminiscent of the work of Eric Gill. In keeping with the scale of the back streets and mews, the building height drops to three storeys half way along Roger Street. The elevations are treated in the same way as the office block, with the ground and first floor in artificial stone and the third floor in brick. Internally the listing description acknowledges that the office floorplates include features and fixtures that are recent in date. It is however also noted that the entrance lobby has fluted pilasters, a slender decorative frieze and a coved cornice to the ceiling, which has stepped shallow mouldings and that the fire escape stairs and doors are original.

- 1.4 The Duke of York Public House is located on the canted corner of the building between Roger Street and John Mews. The building at this point is three storeys and basement, with a flat associated with the pub located on the upper floors. The pub windows have marginal glazing bars and painted lettering giving the name of the brewery IND COOPE. The pub's double entrance doors are original as is the restaurant door (on John's Mews) with its surround of tiles laid end-on. The interior of the public house has a strong period character and it is very likely that most of its fabric is original.
- 1.5 Also facing John's Mews is the four-storey block of flats (known as Flats 1-4 Mytre Court). The frontage is symmetrical with curved brick balconies with concrete bases and coping either side of a canted bay window. The ground floor has banded brick rustication and a central door under a concrete canopy. The flat roof is bounded by iron railings.
- 1.6 As outlined above, the application site was listed in 2010. The listing description outlines that this was owing to the following principal reasons:
- architectural: a stylish design characteristic of the 1930s, which responds in scale and materials to the existing streetscape of Georgian
  - Bloomsbury sculptural embellishment: two engaged pylons with sculpted tops flanking the main entrance
  - materials and detailing: good brickwork and careful detailing on the pub and flats
  - intactness: an unusual degree of surviving original fabric in the Duke of York public house
  - planning interest: a mixed use development combining commercial offices with a block of flats and a public house, and therefore particularly forward-looking for its time
- 1.7 The application site is also located within Bloomsbury Conservation Area, the Central London Area, a Clear Zone Region and the Blackheath Point to St Paul's Cathedral viewing corridor. The site also has a Public Transport Accessibility Level of 6a (excellent) and is located within a Controlled Parking Zone.
- 1.8 The application site is surrounded by a variety of buildings and types of uses. To the north beyond Roger Street are the buildings located on the south-west side of Doughty Street. This terrace of 19 buildings (No's 1-19 consecutive) is Grade II listed and predominantly in residential use. No. 1 opposite the application site comprises a number of self-contained flats and office uses within the outrigger fronting onto Roger Street. To the east is the junction of Roger Street with Doughty Street (to the north-east) and John Street (to the east and south-east). The east side of John Street contains a terrace of 11 Grade II listed terrace houses, which comprise a mix of residential and commercial uses. To the south is the unlisted 21a John Street, a basement and five storey office building known as Bedford House which also fronts onto John's Mews. To the west of the site is St George The Martyr CE Primary School. To the north-west is the under construction 1a Doughty Mews (three storey single dwellinghouse).

## 2. THE PROPOSAL

- 2.1 Planning permission and listed building consent is sought for the change of use of the second to seventh floors of Haines House, 21 John Street from Class B1 office accommodation to eight self-contained residential units (Class C3). The proposed mix of residential accommodation is 1x1 bedroom unit, 6x2 bedroom units and 1x3 bedroom unit. A range of internal alterations to the listed building are proposed to facilitate the change of use to residential.
- 2.2 In addition, the proposals also include the provision of separate bicycle and waste and recycling storage spaces, both located within the ground floor level rear courtyard area. Associated with this a window is sought to be replaced with a door on the rear south-west courtyard elevation at ground floor level to facilitate access to the bicycle and waste and recycling storage areas. It is also proposed to reconfigure the window arrangements on this rear south-west courtyard elevation at third, fifth and seventh floor level to align with the existing window arrangements at second, fourth and sixth floor level. Furthermore the proposals also include the replacement of external windows / doors to Haines House, 21 John Street, the upper floors of the Duke of York Public House, 7 Roger Street, and Nos. 1-4, Mytre Court, John's Mews. This amounts to the replacement of all doors / windows on all elevations at all levels with the exception of:
- the main office entrance double doors to Haines House (ground floor level on John Street elevation);
  - ground floor windows/doors associated with The Duke of York Public House fronting Roger Street and John's Mews up to and including the restaurant entrance door;
  - ground floor doors to Mytre Court, John's Mews;
  - basement floor level doors on south-west courtyard elevation;
  - ground floor level window on south courtyard elevation (associated with The Duke of York Public House)
- 2.3 Thus for clarification, the proposal does not involve the replacement of the ground floor doors/windows at The Duke of York Public House, but does include those associated with the upper floors flat at the pub. Hence the site address includes reference to the pub.
- 2.4 The application submission, within the Historic Building Assessment of the Planning, Design and Access and Heritage Statement, also makes reference to a range of repair and restoration works proposed to the exterior of the building. These works, although not explicitly referred to on the plans submitted, include: repairs to cracks in rendered plinths at John Street entrances; repairs to lead flashing at second floor level on John and Roger Street elevations; repair of water damage to soffits on all elevations; replace copings to replicate originals on left hand balconies on John's Mews elevation; repair down pipes, clean masonry, remove vegetation and make good roofing material on John's Mews elevation.
- 2.5 During the course of the application the applicant has submitted an updated Planning, Design and Access and Heritage Statement, Energy Statement and Sustainability Statement to correct factual inaccuracies and inconsistencies. A

number of plans have also been updated to correct inconsistencies originally highlighted on those submitted for consideration. Furthermore, detailed plans and information has been submitted during the course of the application to assist the consideration of the replacement external windows/doors at the site, including detailed plans/sections of both the existing and proposed windows at the site.

### 3. RELEVANT HISTORY

- 3.1 M15/22/12/132524 - The erection of two buildings, (a block of offices next John Street and Henry Street, and a block of self-contained flats next John's Mews). Granted 01/11/1937.
- 3.2 M15/22/11/30617 - Erection of a single/storey storage shed at rear. Granted 29/07/1980.
- 3.3 2012/0277/P - Change of use of 2nd to 7th floors of 21 John Street from offices (Class B1) to 8 (1x1, 6x2 and 1x3 bed) self-contained residential units (Class C3), provision of bike and bin stores in rear courtyard, replacement of window with door on rear courtyard (south-west elevation) at ground floor level, green roof above second floor level, replacement of windows to 21 John Street, upper floors of 7 Roger Street and 1-4 Mytre Court, John's Mews and associated works. Appeal under non-determination made by the applicant on 18/09/2012. Appeal yet to be determined.
- 3.4 2012/0309/L - Internal and external alterations in association with the change of use of 2nd to 7th floors of 21 John Street from offices (Class B1) to 8 (1x1, 6x2 and 1x3 bed) self-contained residential units (Class C3), provision of bike and bin stores in rear courtyard, replacement of window with door on rear courtyard (south-west elevation) at ground floor level, green roof above second floor level, replacement of windows to 21 John Street, upper floors of 7 Roger Street and 1-4 Mytre Court, John's Mews and associated works. Appeal under non-determination made by the applicant on 18/09/2012. Appeal yet to be determined.

### 4. CONSULTATIONS

#### Conservation Area Advisory Committee

- 4.1 Bloomsbury CAAC comments on the application *"We do not object to the change of use in principle but the committee would like to visit this landmark building to ensure no original deco interior features are threatened"*.

#### Adjoining Occupiers

	Original
<i>Number of letters sent</i>	43
<i>Total number of responses received</i>	05
<i>Number of electronic responses</i>	05
<i>Number in support</i>	01
<i>Number of objections</i>	04

- 4.2 Site notices were erected on 31/10/2012, expiring on 21/11/2012. A press notice was published on 15/11/2012, expiring on 06/12/2012. A total of five responses have been received. One response has been received in support of the proposals and four objections.
- 4.3 An occupier of 72 Witney Court, Coram Street supports the application stating “*A fantastic plan. Cannot understand the hold up. Camden can’t seriously expect family sized council houses on this site. Affordable houses should be built in affordable places*”.
- 4.4 A representative from Punch Taverns (who hold a leasehold interest in the Duke PH) has concerns with regard to contrived complaints from new residents who do not wish to live above a licensed premises. Furthermore there is a recording studio above the pub and the company wishes the council (should it grant the application) to ensure that adequate soundproofing is installed to protect the pub and other residents - particularly in relation to structural borne sound.
- 4.5 An occupier at the Duke Public House, 7 Roger Street objects on the basis that:
- Building was designed for commercial use, not residential;
  - Concern about occupiers complaining about the public house;
  - Replacement of windows will require scaffolding; adverse effect on the business and earnings of the public house and dangerous to customers and nearby schoolchildren/residents.
  - Various other matters were raised in this consultation response in association with relations between the freeholder and the respondent.
- 4.6 An occupier at ground floor level of Haines House, 21 John Street objects as follows:
- Security issues associated with a mix of residential and business uses in the same building;
  - Noise nuisance to office occupier from frequent use of the upper floors for residential purposes;
  - Privacy issues associated with sharing toilet facilities;
  - Building work will impact on the day to day running of the business – noise, disturbance, loss of business and health and safety;
  - Proposals would hence seriously damage the ground floor business;
  - Rear access arrangements are not plausible – they should only be used for emergency access;
  - Green roof would be used for gatherings and parties causing noise and disturbance;
  - Further competition for the limited parking spaces in the vicinity;
  - Area is predominantly business related; residential homes would completely distort the environment and topography
  - No high demand for residential development in this area
- 4.7 An occupier at first floor level of Haines House, 21 John Street objects as follows:

- Detrimental impact on the business (company located here to align with the image of their media business, close-by to other such companies)
- Noise and disruption during construction – damaging to business operations
- Detrimental impact on local area, which is becoming a key area for media and support businesses;
- Mixed use of the building will change the feel of the building and the street;
- Proposals would invalidate insurance for the occupier due to the variance in time of footfall within the building;
- Queries over the feasibility of the alternative access;
- Green roof would be used by residents for social gatherings causing noise/disturbance;
- Change of use would erode the “legal land” legacy of the area;
- There are lots more appropriate residential blocks and areas in other streets than the application site for residential use;
- Concerns over increased pressure on parking in the area.

## 5. POLICIES

### 5.1 LDF Core Strategy and Development Policies

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 & encouraging biodiversity
CS18	Dealing with our waste and encouraging recycling
CS19	Delivering and monitoring the Core Strategy
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 homes
DP13	Employment sites and premises
DP15	Community and leisure uses
DP16	The transport implications of development
DP17	Walking, cycling and public transport
DP18	Parking standards and the availability of car parking
DP20	Movement of goods and materials
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



DP29	Improving access
DP31	Provision of, and improvements to public open space and outdoor sport and recreation facilities
DP32	Air quality and Camden's Clear Zone
Appendix 2	Parking standards

## 5.2 **Other Relevant Planning Policies**

Camden Planning Guidance 2011

Bloomsbury Conservation Area Appraisal and Management Strategy (Adopted 18/04/2011)

London Plan 2011

National Planning Policy Framework (Adopted 27/03/2012)

## 6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Principle of development – loss of employment use (both purely land use and significance of listed building considerations) and provision of residential accommodation
- Affordable housing
- Quality of residential accommodation
- Design / listed building
- Amenity
- Sustainability and energy proposals
- Transport
- Other matters – further S106 contributions and CIL

### **Principle of development – loss of employment use**

6.2 Considering first the proposed loss of employment floorspace, LDF policies CS8 and DP13 provide a context for these matters. Policy CS8 seeks to secure a strong economy in the borough by (amongst other things) safeguarding existing office premises in the borough which meet the needs of modern industry and employers. However, more specifically paragraph 8.8 indicates that the Council are promoting sufficient office space to meet projected demand, and so there is a general presumption that older office spaces can be released where housing or community uses are proposed. DP13 indicates circumstances under which the Council may a change to non-business use, namely where premises are not suitable for their existing use and there is evidence that the possibility of re-using or redeveloping the site for alternative business use is not appropriate.

6.3 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.

- 6.4 The applicant has submitted a wealth of information detailing the nature of the present accommodation, the refurbishment costs associated with upgrading the accommodation to modern Grade A standards, a market assessment and details of the various marketing strategies pursued at the premises, together with occupancy levels in recent years. In terms of the existing building the applicant suggests that the awkwardly shaped floorplate, the limited floor to ceiling heights and the lift / IT/ air conditioning capabilities amongst other things are all significant constraints to providing modern open plan accommodation. An assessment of the costs associated with the upgrades required to the building estimate this to be up to £2.3m, with these improvements anticipated to result in an increased rental level of £5 per sq ft. This would equate to an increase in revenue of £43,780 per year. As such it is considered by the applicant not to be viable to invest in the building for continual office use given the significant costs and the limited increase in rental level. Moreover the upper floors of the premises which are sought to be converted to residential use, barring one floor, was vacant at the time of the officer site visit in November 2012. Marketing of the building has taken place since October 2009, utilising a variety of standard techniques such as internet databases, mail shots and advertising boards, but with limited interest. Details, where available, of the circumstances involved in previous tenants leaving the building have also been provided.
- 6.5 In overall terms it is considered that the applicant has provided sufficient evidence to meet the policy requirements of CS8 and DP13. The offices, upon inspection and based on the level and nature of information provided by the applicant, are considered to constitute 'older' accommodation and owing to the nature of the building / location of the site it would not be appropriate for alternative Class B uses such as Class B1c light industrial, Class B2 industrial or Class B8 storage and distribution. An appropriate level of suitable marketing has also taken place, without suitable interest coming forward. Hence it is accepted that the upper floors of the building are coming to the end of its useful life as offices and the significant investment would not be viable in the short, medium or long term. It is also considered important that the building remains in active use and, given this context the loss of office accommodation is considered appropriate.
- 6.6 It is also acknowledged that the proposals seek to retain an element of the existing office space at the site, amounting to 31% of the GIA (367m<sup>2</sup> retained / 814m<sup>2</sup> to be lost). This is situated at ground and first floor levels where the floorspaces are larger and thus the accommodation is more suitable to a range of modern occupiers. Consequently the proposals would not result in the entire loss of employment uses within Haines House.

#### **Principle of development – significance of listed building considerations**

- 6.7 As noted at paragraph 1.6 above, part of the significance of the listed building is its 'planning interest' as an early form of mixed use development combining commercial offices with a block of flats and a public house. In this regard it is considered that the conversion of the majority of the commercial elements (second to seventh floors of the commercial block) in itself could have a detrimental impact

upon the historic value of the site. However, it is also recognised and considered that significant weight should be given to ensuring the building is in active use.

- 6.8 In this regard officers, as outlined above, sought for the applicant to fully justify the loss of the existing office use at second to seventh floor level in accordance with the relevant policies. This was to enable officers to be satisfied that the applicant had demonstrated that the existing office accommodation was not suitable for continued use. With this element considered to be satisfied it is also thought important that the block remains in viable use. Moreover it would not be beneficial for the floors to remain office use in perpetuity if they cannot be let and would stand vacant. Owing to this context, and given that a degree of mixed use including commercial is maintained with the continuation of the office use at ground and first floor level, the conversion of commercial accommodation of the upper floor to residential use is not considered to significantly impinge on the historic value of the site.

### **Principle of development – provision of residential accommodation**

- 6.9 Housing is regarded as the priority land-use of the LDF, as outlined by policies CS6 and DP2, and it is sought to maximise the supply of additional homes in the borough. Subsequently, in light of the loss of part of the Class B1 use and listed building matters being considered appropriate (as discussed above) at Haines House, it is duly considered that the principle of providing residential accommodation on the upper floors of the building can be established.
- 6.10 In terms of the proposed mix of units proposed, it is sought to provide 1x1, 6x2 and 1x3 bedroom flats. Hence a mix of small (1 and 2 bed) and large (3 bed and above) units suitable for a wide range of different household types will be provided, aligning with DP5. Moreover the proposed mix complies with the dwelling size priority table outlined in DP5, where 2-bed market units are in the highest 'very high' demand and in overall terms 75% of the units will have two bedrooms, substantially above the 40% requirement of DP5. Therefore it is considered that an appropriate mix of units will be provided.

### **Affordable housing**

- 6.11 Policy DP3 provides a clear rationale for seeking affordable housing in schemes of 10 or more additional dwellings or 1000m<sup>2</sup> of floorspace (gross external area - GEA). In this instance, although only 8 units are proposed, the GEA of these units totals 1177.2m<sup>2</sup>. A contribution to affordable housing is thus triggered. Consequently, applying the sliding scale for the provision of affordable housing, there is a 12% policy requirement. This equates to 141m<sup>2</sup> of floorspace, which based on the minimum overall flat size standards within CPG and the London Plan would equate to 1 or 2 residential units. Policy DP3 outlines a clear approach that affordable housing is expected on-site, but where it cannot practically be achieved on-site, off-site affordable housing may be accepted or exceptionally a payment-in-lieu.
- 6.12 In short the applicant does not consider it possible to provide any on-site affordable housing, nor any off-site. Instead the applicant has indicated a willingness to make

a full financial contribution as a payment-in-lieu to direct provision of affordable housing. During the course of the application from earlier in 2012 (see relevant history above), now subject to an appeal on the basis of the non-determination of the application by the local planning authority, affordable housing matters were subject to careful consideration and negotiation with the applicant. From the outset the applicant has only considered it possible to make a financial contribution; the local planning authority has sought to comprehensively assess, consistent with policy, whether the contribution could or should take the form of on or off site provision prior to considering the approach of the applicant to be appropriate. This provides a relevant context for the current application and how this matter has subsequently been considered to have, on balance, been resolved to be satisfactory in the deliberations associated with this current application.

- 6.13 As highlighted above the policy expectation is for affordable housing to be provided on site. At the outset of the original application the applicant specified that on-site affordable housing provision would not be possible owing to the existing site constraints, such as the building being listed and having only a single core. This would mean that any on-site affordable housing would not be able to be self-contained and thus attract the apportionment of service charges which would in-turn be to the detriment of the affordability of a single affordable unit. The applicant also indicated that they considered there to be no capacity to accommodate more than the eight units proposed.
- 6.14 Whilst acknowledging the inherent difficulties in the provision of on-site affordable housing in schemes of this nature which are marginally above the threshold for providing affordable housing, there has been a number of recent nearby examples of providing single or two affordable units in developments of a not dissimilar scale to the application site (such as 24-28 Gray's Inn Road – 2012/0081/P; 31-32 John Street – 2011/4196/P; 24-28 Warner Street – 2011/5129/P). Furthermore, it did not appear that the applicant had discussed on-site interest with any registered providers of affordable housing.
- 6.15 Given this context and the policy expectation for on-site provision, officers sought the views of three registered providers (A2 Dominion, One Housing Group and Origin) to gauge whether there would be any interest on a social rent or intermediate basis for either the 1x3 bed unit at second floor level, 1x1 and 1x2 bed units at third floor level or any of the 2-bed units proposed at the site. The replies were as follows:
- A2 Dominion replied stating an interest in the 1x1 and 1x2 bed units at third floor level on a social rent basis. Whilst acknowledging the market and affordable units would share the same entrance and lift, A2 Dominion confirmed there would be separation by floor in order to assist with the management of the affordable units.
  - One Housing Group replied outlining that the resources which would need to be invested in delivering one or two units would not be cost effective in this instance and thus were not interested in pursuing affordable housing at the site.
  - Origin replied verbally to the local planning authority stating that they would be interested in taking any 1 or 2 bed unit on a shared ownership basis.

- 6.16 On the basis of the positive two replies from RP's (A2 Dominion and Origin) officers sought for the applicant to further explore the provision affordable housing on site.
- 6.17 In response the applicant considered further the practicality and viability of incorporating affordable housing on site. A report by commercial agent Hurford Salvi Carr's Residential Management Team outlined the anticipated service charges at the building to be in the region of £7,690 - £8,690 per unit per annum. The reasons outlined for such charges was explained to be owing to the listed nature of the building, the relatively large size of the building compared with the low number of units being created, the extent of the common parts, and the need for a concierge (said to be required for security reasons due to mix of uses within the building and there only being a single access point). The location of the site, style of building, typical landlord obligations (e.g. Landlord and Tenant Health and Safety legislation and RICS Service Charge Residential Management Code) and likely demands of typical leaseholders anticipated to purchase the flats was also taken into account. Comparable examples were also provided, as detailed below:
- Tapestry Building, 16 New Street, EC2M 4TR - £7,565 per annum plus heating costs;
  - Hatton Garden, EC1N 8ER - £3,055.40 per annum plus building insurance premium;
  - Pietra Lara Building, Peartree Street, EC1 - £2,676.40 plus building insurance;
  - 32&34 Leather Lane, EC1N 7SQ - £3,788.80 plus building insurance.
- 6.18 Of the £7,690 - £8,690 total annual service charge anticipated, £3,000 of this is accounted for by the concierge, £1,000 for building insurance, £500 for heating and £190 for water. The remaining £3-4,000 would be for all other property management services such as cleaning, maintenance, security services, refuse management and reserves for future building costs such as the renewal of the building and redecoration.
- 6.19 It is important to note at this juncture that paragraph 3.14 of the supporting text to policy DP3 does indicate that a consideration in whether an off-site contribution is appropriate (i.e. an on-site contribution is not appropriate) are whether the service charges would be too costly for affordable housing providers to meet.
- 6.20 Furthermore the applicant also submitted commentary reaffirming previous reasons put forward as to why it is not possible to provide on-site affordable housing. Moreover, further information has been submitted in respect of the un-affordability of any intermediate unit at the site, with it concluded that the income level required would be significantly in excess of the maximum income thresholds stipulated within the London Plan.
- 6.21 In response to the additional information provided by the applicant officers contacted the two registered providers who had previously indicated an interest in on-site affordable housing provision at the site. This was to ascertain whether they remained attracted to the site on a social rent or intermediate basis, bearing in mind the additional information provided by the applicant. The replies were as follows:

- A2 Dominion replied stating that the affordability calculation with the proposed service charges show that the units are not affordable.
- Origin replied stating that if the service charges are as anticipated by the applicant then the units become extremely unaffordable.

- 6.22 The guidance amount which registered providers are generally able to contribute to service charges is £25 per week (as outlined in the emerging draft amendments to CPG2), which amounts to £1,300 per annum. On the basis of the negative responses from registered providers who had previously shown an interest in affordable housing units at the site, it is considered evident that the service charge arrangements were a key factor in ascertaining whether affordable housing could / should be provided on site in this instance. Consequently officers have sought for the anticipated service charges to be subject to independent verification, as funded by the applicant. The applicant agreed to this approach.
- 6.23 HML Hawksworth, a property and estate management company in Central London, were commissioned by the Council in negotiation with the applicant to provide an independent verification of the information submitted by the applicant in respect of service charges. More specifically it was sought to establish whether the anticipated service charges were a fair and accurate reflection given the context of the site and the comparable schemes provided by the applicant. It was also sought to establish whether there were any specific elements of the anticipated service charges which should also be added or removed from Hurford Salvi Carr's assessment.
- 6.24 A surveyor associated with HML Hawkesworth (Shaw and Company Chartered Surveyors) has subsequently provided an independent report to officers on this matter. The report details the likely services that would be provided as part of any development of this nature. Given the concierge constitutes a large proportion of the total service charges a with and a without the provision of a concierge has been calculated. The independent assessment apportions the service charge on a floorspace basis (rather than the more generalised version provided by the applicant which considers the service charge would be shared equally among the eight residential units irrespective of the size of the unit) and considers both the commercial and residential elements of the building. The figures are also broken down into those charges applicable to both the commercial and residential units and those specific to the residential units.
- 6.25 The results provided by the independent assessor are detailed on the tables below. It is shown that when a concierge is included the service charges are anticipated to range from £3,898 per annum for the one-bed unit to £9,942 per annum for the three-bed unit. The average service charge for purely the eight residential units is calculated to be £7,271. Although this is lower than the £7,690 - £8,690 calculated by the applicant, it is not considered to be significantly lower. Moreover the service charge associated with the smallest unit is three times the normal amount a registered provider is able to contribute (£3,898 compared with £1,300 per annum).
- 6.26 When a concierge is excluded from the calculations the total charges do fall, but not to a fundamental extent. The charges are estimated to range from £2,611 per annum for the one-bed unit and £6,661 per annum for the three bed unit. The

average service charge for purely the eight residential units is calculated to be £4,872. This is comparable with the £4,690 - £5,690 calculated by the applicant. Moreover the more sophisticated calculations of the independent assessor shows that even without a concierge the smallest unit in the scheme would be likely to have a service charge which is double (£2,611 compared with £1,300) the amount registered providers are able to contribute to service charges.

21 John Street, London, WC1N 2BF		Schedule 1 Building	Schedule 2 Flats	Total With Concierge
Floor				
Ground	Commercial	£8,617		£8,617
First	Commercial	£12,611		£12,611
Second	Two Bed Flat	£4,361	£1,122	£5,483
	Three Bed Flat	£7,908	£2,034	£9,942
Third	One Bed	£3,100	£797	£3,898
	Two Bed Flat	£4,571	£1,176	£5,747
Fourth	Two Bed Flat	£6,673	£1,716	£8,390
Fifth	Two Bed Flat	£6,673	£1,716	£8,390
Sixth	Two Bed Flat	£6,673	£1,716	£8,390
Seventh	Two Bed Flat	£6,305	£1,622	£7,927
Total		£67,494	£11,900	£79,394

21 John Street, London, WC1N 2BF		Schedule 1 Building	Schedule 2 Flats	Total No Concierge
Floor				
Ground	Commercial	£5,042		£5,042
First	Commercial	£7,379		£7,379
Second	Two Bed Flat	£2,552	£1,122	£3,674
	Three Bed Flat	£4,627	£2,034	£6,661
Third	One Bed	£1,814	£797	£2,611
	Two Bed Flat	£2,675	£1,176	£3,851
Fourth	Two Bed Flat	£3,905	£1,716	£5,621
Fifth	Two Bed Flat	£3,905	£1,716	£5,621
Sixth	Two Bed Flat	£3,905	£1,716	£5,621
Seventh	Two Bed Flat	£3,690	£1,622	£5,311
Total		£39,494	£11,900	£51,394

- 6.27 The independent assessment also confirms that the charges outlined in the table above are reasonable and within market parameters when compared with similar buildings of this type and location. It is thus been independently verified that although the service charges anticipated by the applicant may have been slightly overestimated, they have not been significantly overestimated and, moreover, with and without a concierge the service charges would be at least double that registered providers are able to contribute.

- 6.28 In overall terms the significant gap between the service charges registered providers are able to contribute and those anticipated at the site, as independently verified, means that it is considered that registered providers would not be in a position to take on any affordable units at the site if they were provided. Registered providers confirmed this to officers prior to the independent verification taking place. The independent verification clarifies that although the applicant may have marginally overestimated the anticipated charges, they would nevertheless be significantly above the capacity of registered providers. In such circumstances it is considered that on site provision cannot practically be achieved.
- 6.29 Finally, during the negotiations with the applicant officers also explored whether the applicant would be willing to pay an initial capital sum into a service charge reserve fund. This would then be used to top up the shortfall in the amount registered providers could contribute to service charges. This is in line with emerging advice within the Draft Amendments to CPG, which is currently out for consultation. At the time of these negotiations (August 2012) the applicant was not willing to pursue this option. Owing to the guidance at this point in time only being in a draft format and consultation has not yet expired it is not considered reasonable, on balance, to insist on the applicant to follow this approach.
- 6.30 To conclude with respect to on site matters, although on site affordable housing is preferred the policies do provide scope for instances where this is acknowledged not to be possible. In this instance, owing to the specific site constraints identified at the outset by the applicant, the anticipated service charges as verified independently, and the lack of interest from registered providers, it is considered, on balance that on site provision cannot be practically achieved in this instance.
- 6.31 As already mentioned, where on-site provision is not practicable DP3 denotes that off-site affordable housing may be accepted, or exceptionally a payment-in-lieu. The applicant has confirmed that they do not own or control any alternative sites in the borough where off-site provision could be explored. Therefore it is advised that the exceptional circumstances of considering a payment-in-lieu have been met. As outlined above the applicant is willing to make a financial contribution which fully complies with the methodology outlined in CPG2 and CPG8. This is detailed below:
- GEA = 1177.2m<sup>2</sup>;
  - Percentage target for on-site affordable housing = 12%;
  - 12% of 1177.2 = 141m<sup>2</sup> requirement for on-site affordable housing;
  - 141 x £2,650 (financial payment per sqm not provided on/off site) = £373,650.
- 6.32 A financial contribution of £373,650, as a payment-in-lieu to on-site provision, is therefore considered to be a suitable contribution to the supply of affordable housing in this instance. This financial contribution will be secured via S106 Legal Agreement.
- 6.33 An associated element also to be secured via S106 Legal Agreement is for the provision of an additional affordable housing requirement if the application site is extended or converted above and beyond the 8 residential units / 1177.2m<sup>2</sup> scheme currently proposed in the future. This will cover possible scenarios such as:



1) the remaining office floors being sought to be converted into residential accommodation; 2) the site being extended (either at roof level or basement excavation for example) to provide additional units or 3) the internal layout of the 8 units proposed to be created being reconfigured to provide more than 12 residential units (thus equating to more than the current 12% on-site requirement). In practice this will secure an appropriate percentage of the residential units permitted by subsequent planning permission(s) being allocated as affordable housing, with this percentage being applied to the aggregate total of the residential units permitted by both the current planning permission and future planning permission(s). The contribution to affordable housing in any future scheme would take into account the 141m<sup>2</sup> already secured as part of this scheme as a payment-in-lieu.

### **Quality of accommodation**

- 6.34 The overall flat and bedroom sizes associated with the eight residential units proposed are all significantly above the minimum standards within CPG and the London Plan. Two flats are proposed at both second and third floor level, with a single unit on each of the fourth, fifth, sixth and seventh floor levels. The units would provide expansive accommodation, with all bedrooms being suitably sized double rooms and many including en-suite bathroom facilities. The applicant has indicated that only a single unit per floor is achieved on the fourth to seventh floors owing to the layout of the existing building. However internal alterations have been made to create suitably shaped rooms which are considered to provide high quality accommodation for future occupiers. In addition all rooms provide access to natural light and ventilation and wherever practicable bedroom and living spaces are located above one another to minimise disturbance between flats.
- 6.35 It is acknowledged that no outdoor amenity space is provided in seven of the eight residential units proposed. This is owing to the existing physical site constraints and the listed nature of the building precluding the creation of external terraces for example. In addition, the need to maintain the amenity of nearby occupiers means it is not feasible to create terraces on existing flat roof spaces. Consequently it is not considered possible to provide dedicated outdoor amenity space to the majority of the units in this instance. However this does not substantially impinge on the overall quality of accommodation proposed.
- 6.36 With regard to the amenity of future residential occupiers from existing neighbours around the application site, it is not considered that any significant overlooking, sense of enclosure, sunlight/daylight or noise or disturbance issues would arise as a result of the proposed layout of the units.
- 6.37 Some concerns have been raised in third party representations in respect of the compatibility of the proposed residential use with a Class A4 Drinking Establishment in close proximity and/or the Class B1 office uses sought to be maintained on the lower floors of Haines House. The representations suggest that future residential occupiers may take issue with a pub nearby and have difficulties co-existing with office occupiers at ground and first floor level. It is considered that there is significant separation between the residential units proposed and the existing pub, given that the residential element is confined to the second to seventh floors and the primary entrance is on John Street. The application site is located

within a Central London location with a range of uses surrounding the site. As such future occupiers can anticipate a degree of noise and disturbance associated with existing and long established nearby uses, but in this instance this is not envisaged to be of a level which would negatively impact on the quality of accommodation for future occupiers. It is also considered that it is possible with careful management (such as the concierge proposed by the applicant) office and residential uses can operate from the same building without significant adverse amenity impacts.

- 6.38 In addition it is considered that the quality of accommodation at ground and first floor level for present and/or future office occupiers will be maintained or arguably improved with the general works of upgrade proposed as part of the development. The replacement of windows and provision of a concierge, as indicated by the applicant, will assist in maintaining the building and hence make it suitably attractive for current/future occupiers.
- 6.39 In respect of lifetime homes matters the applicant has submitted commentary and detailed plans to demonstrate where lifetime homes standards are achieved. It is acknowledged that there are inherent difficulties converting a listed building and complying with all lifetime homes standards, but the applicant has fully and satisfactorily demonstrated the areas where standards can be complied with. In this context the proposals are considered appropriate in this regard. In addition it is considered necessary to add a condition to any permission specifying that the measures indicated will be met when the scheme is implemented to ensure compliance with the information provided at application stage.
- 6.40 In terms of waste and recycling storage facilities, a dedicated externally located enclosed storage space is proposed within the enclosed courtyard at the rear of the building. There would be step free access from the bins to John's Mews and a new door would be introduced to provide access from the ground floor level of the main building. This would provide suitable space for both residential occupiers and the remaining office floorpace. A condition will specify that the waste and recycling facility will be retained in the future. Moreover there is also considered to be ample space for internal storage within each flat prior to anticipated weekly collections.

### **Design / listed building**

- 6.41 It is first noted that there are numerous internal alterations proposed within Haines House to facilitate the conversion of the second to seventh floors of the building to residential use. On the basis of officer inspections of Haines House it is concluded that within the commercial element of the building there are no features or fabric of interest and as such the physical works required to convert the commercial floors to residential would not harm the building significance.
- 6.42 As detailed at paragraphs 2.2 and 2.3 of this report the proposals also involve the replacement of the majority of the windows and some doors at the entire application site (Haines House, 21 John Street; upper floors of the Duke of York Public House, 7 Roger Street; and Nos. 1-4 Mytre Court, John's Mews). The existing windows, except for the top floor right hand flat in the Mytre Court residential block, are original and are considered to be in relatively good condition.

- 6.43 Notwithstanding this it is also considered that the value of the windows to the significance of the listed building does not prevent them from being replaced. More specifically with regard to the condition of the windows, although they are considered to be in a relatively good condition at present, they will deteriorate in time. In the future the property is likely to be divided into multiple ownership given the nature of this proposal. It is considered that it would be more difficult to secure a wholesale replacement of windows with high quality double glazed units when in multiple ownership. In this regard there is considered to be merit in replacing all of the windows to match at this point in time, as part of the significant phase of development occurring from the conversion.
- 6.44 In consideration of the rarity of the windows, although they are original, they date from 1937. Barring the windows belonging to the ground floor of the public house, which are considered to be particularly unusual (as outlined at paragraph 1.3 above – none of the ground floor windows are sought to be altered by this application), there are considered to be numerous other examples of steel windows of this type from this period. Therefore it is considered that great weight does not need to be given to retaining the windows themselves, providing the character of the building is maintained. Another consideration is the wider benefits of replacing the windows through improving the thermal and energy efficiency of the building.
- 6.45 Notwithstanding this, it is also considered imperative that to retain the integrity, character and feel of the building any replacement windows need to match the size, position, design and profile of the existing units, thereby maintaining the aesthetic appeal the windows contribute to the listed building. Therefore, during the course of the application the applicant has provided further detailed drawings of the four main types of window units on the building (both existing and proposed).
- 6.46 The proposed windows would comprise bespoke double glazed metal window frames with painted finishes, based on Crittal Coporate W20 Range. The existing fenestration pattern including opening height, cill and window reveal depths of each type of the windows would remain the same. In all cases the overall depth of the windows would increase owing to the double glazed nature, but the increases would be only 12mm or 15mm. There are similarly small changes in the width of the vertical mid, horizontal, bottom and outer rails; all of these changes are considered to be imperceptible both inside and outside of the building when the scale and size of the building is considered. In terms of the ironmongery the applicant has demonstrated that it is possible to reuse the existing ironmongery. Thus it is considered that the applicant has satisfactorily demonstrated that the proposed windows can be replaced with suitably matching double glazing metal windows which will reuse the original ironmongery and retain the special character and appearance of the 1920's windows and building as a whole.
- 6.47 A number of relatively minor other external works are proposed, namely the provision of bicycle and waste and recycling storage areas within the rear courtyard, the replacement of a window with a door on the rear south-west courtyard elevation at ground floor level to facilitate access to the courtyard and the replacement of windows on the rear south-west courtyard elevation at third, fifth and seventh floor level to match those existing at second, fourth and sixth floor level on this elevation. None of these proposed works would be visible from the

public realm and individually and cumulatively are considered appropriate, causing no harm to the character of the listed building at this point. The supporting information submitted by the applicant details that additional works will repair and upgrade the façade of the application site buildings (as outlined at paragraph 2.4 above). Such works are welcomed and details will be secured via condition as they are not indicated on the proposed plans.

- 6.48 In overall terms the proposed alterations, following the submission of additional information during the course of the application, are considered to preserve the character and appearance of the building, street scene and wider conservation area.

### **Amenity**

- 6.49 In terms of overlooking / loss of privacy matters, the proposed scheme does not propose any additional built form. This reduces the opportunity for creating new instances of overlooking. It is acknowledged that a change of use is taking place and a residential use (in comparison with an office use) could be more sensitive in terms of such matters. However the context of the proposals, with the residential units being from second floor upwards, and the mixed nature of the surrounding area (predominantly commercial) means that instances of overlooking will be limited. The greatest potential impact is on existing occupiers of Flats 1-4, Mytre Court on John's Mews. Nevertheless the 11m distance of the courtyard at this point (which separates the rears of both buildings), the orientation of the windows (predominantly at an angle to those associated with Mytre Court) and the proposed residential units largely being at a higher level to Mytre Court results in the loss of amenity to existing occupiers, within this densely built up Central London location, being on balance of a level which is not significant enough to warrant the refusal of the application on this basis.
- 6.50 Turning to outlook and sunlight/daylight considerations, given that no additional built form is proposed as part of the scheme there is not considered to be any significant adverse impacts in these regards to neighbouring occupiers.
- 6.51 Finally, in terms of noise and disturbance matters one existing terrace area will be utilised for future occupiers of the proposed seventh floor flat. This is a small area 5.5m in length and 1m in depth fronting onto John Street. Owing to the limited size of the terrace and its location at seventh floor level it is not envisaged to have the potential to create unacceptable levels of noise or disturbance to neighbouring occupiers. Owing to the configuration of the building there are existing areas of flat roof at third, fourth and roof level. The area at third floor is proposed to be altered to be largely covered by a green roof. The flat roof areas at fourth and roof level remain unaltered as part of the proposals. Owing to the relatively open nature of these spaces it is considered necessary to denote a condition specifying these areas of flat roof will not be permitted to be used as roof terraces and any access to these areas shall be for maintenance purposes only. This is order to prevent any possible detrimental impacts of overlooking and/or noise and disturbance of the neighbouring / nearby premises.

### **Sustainability and energy proposals**

- 6.52 The applicant has submitted an EcoHomes Pre-Assessment, consistent with the requirements of policies CS13, DP22 and guidance in CPG3. The pre-assessment specifies that the proposed scheme is anticipated in overall terms to achieve a 'very good' rating, with a score of 60.72 (above the 58 point threshold). This aligns with the requirements stipulated within CPG3. Considering the specific energy, water and materials categories (where there is a target to achieve 60% of the credits for energy and water and 40% in materials) the proposed scheme exceeds all the required targets (energy = 62.5%; water = 66.67% and materials = 71%). The S106 Legal Agreement will seek to ensure that the 'very good' rating at pre-assessment stage is realised at design stage and within a post-construction review. It is also acknowledged that EcoHomes is in the process of being phased out, with BREEAM Refurbishment being introduced as of earlier in 2012. However, in this instance it is accepted that for the purposes of the pre-assessment that EcoHomes is satisfactory as the project dates from when the EcoHomes assessment was still in operation.
- 6.53 Linked to sustainability matters, policy DP22b also details that schemes must incorporate green or brown roofs and green walls wherever suitable. In this instance it is not considered appropriate to introduce a green wall to highly prominent listed buildings, but a green roof is proposed. This is sought to be introduced in the area of flat roof at the junction of Roger Street / John's Mews. It would thus be located directly above the living / dining / kitchen of the three-bed flat proposed at second floor level. The introduction of a green roof at this point is supported and considered necessary to align with this adopted policy. At this point in time no details of the exact nature of the green roof have been provided and hence such matters will be secured via an appropriately worded planning condition.
- 6.54 The applicant has also submitted a fully comprehensive Energy Statement, which follows the required approach of considering the three steps of the energy hierarchy, namely 'be lean', 'be clean' and 'be green'. In overall terms it is concluded that carbon dioxide emissions are predicted to be reduced by 32.8%, with this being achieved through the various energy efficiency measures proposed (to reduce energy use and amount of energy lost), such as the replacement of windows, individual gas condensing boilers and energy efficient fixtures and fittings. In this instance combined heat and power is concluded by the report submitted not to be suitable.
- 6.55 In terms of renewables each of the technologies have been considered, but discounted owing to various factors, primarily the listed nature of the building or infeasibility with the location of the site. It has been considered by officers that solar photovoltaic or solar thermal panels could have been introduced at roof level; however this has been discounted by the applicant owing to the prominent location of the site, the listed nature of the building and the somewhat limited space available (only at roof level of Haines House given a green roof is proposed on the Roger Street / John's Mews juncture). On balance, given that such panels are acknowledged to require being orientated at an angle to ensure effectiveness and that the building is highly prominent in long views (for example looking south from the east side of Mecklenburgh Square to the north of the site or looking west from Gray's Inn Road at the junction with Roger Street to the east of the site), the non-

provision of such panels is considered to be adequate in this instance. Hence, while acknowledging that the proposals will not adhere to the target of reducing emissions by 20% through renewables, this is primarily owing to site constraints. Moreover, the overall reduction in comparison with the baseline, at a predicted 32.8%, is considered on balance to mitigate the renewable shortfalls and result in a suitable proposal in this regard.

## **Transport**

- 6.56 It is considered appropriate for the residential units being created by the development to be made car-free, as secured via a S106 Legal Agreement. In practice future occupiers would not normally be able to apply for on-street parking permits. Policy DP18 specifies that the Council will expect development to be car free in the Central London Area, of which the application site forms a part. This site has a PTAL score of 6a (excellent) and is located within a Controlled Parking Zone specified as suffering from parking stress (King's Cross CPZ has 1.07 parking permits issued per 1 space available). Thus in this highly accessible location which currently suffers from on-street parking stress the residential units will be secured as car-free.
- 6.57 In terms of cycle parking 16 covered spaces (8 Sheffield stands) are proposed within the rear courtyard area. Such a facility would have level access to the street. Although cycle parking should ideally be located internally, given the provision is covered and within a secure off-street courtyard area, it is considered appropriate in this instance. Moreover the provision far exceeds the 9 spaces required by TfL cycle parking standards. Hence the cycle parking is welcomed and will be secured via condition.
- 6.58 Given the limited extent of external alterations proposed it is not considered that a construction management plan is necessary for the proposed development. Notwithstanding this, an informative is recommended to be added to any decision notice specifying the need for the applicant to liaise with the Council's Highways Management team in order to secure licences required for any occupation of the highway (for example for when the windows are replaced).
- 6.59 In terms of highway works, it is not anticipated that the proposed works would cause any significant damage to the public highway. Therefore it is not considered that any highway works (which would have been secured via S106 Legal Agreement) is necessary in this instance.
- 6.60 Finally, in terms of servicing, it is not considered that the proposed change of use will require the need for a servicing management plan (which would have been secured via S106 Legal Agreement) to be sought.

## **Other matters - further S106 contributions and CIL**

- 6.61 Owing to the nature of the proposed development it is considered appropriate, in line with CS8, to seek for the applicant to make financial contributions towards education, open space and community facilities, as secured via the S106 Legal Agreement.

- 6.62 In terms of educational infrastructure, the proposed mix of units equates to a financial contribution of £19,600, as specified within Chapter 4 of CPG4 (which stems from LDF policies CS10 and DP15). Turning to public open space matters, in this instance it is not feasible for on-site public open space provision to be made owing to the change of use nature of the proposals. In such circumstances a financial contribution is considered appropriate, aligning with policies CS15, DP31 and guidance within CPG6 Chapter 11 and CPG8 Chapter 11. In this instance a financial contribution of £10,958 (comprising a capital cost of £5,689, maintenance cost of £4,584 and design and administration cost of £685) will be expected based on the number and size of residential units being created. A community facilities financial contribution is also sought in this instance in line with policies CS10 and DP15 and guidance within CPG8 Chapter 4. Owing to the development proposing over 1000m<sup>2</sup> of residential accommodation it is considered reasonable and appropriate to seek a contribution, which at £980 per bedroom equates to £15,680.
- 6.63 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the scheme seeks to create residential units. The CIL 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 is recommended to be added to the decision notice reminding the applicant of the CIL requirement, whilst acknowledging that a completed CIL form was submitted at the outset of the application by the applicant.

## **7. CONCLUSION**

- 7.1 In overall terms it is considered that the applicant has sufficiently demonstrated that the existing office floorspace at second to seventh floor level is no longer suitable for such purposes and this has been fully explored. In addition part of the building, the more suitable lower floors, would be retained for office use, maintaining part of the planning interest which was one of the principal reasons for the recent listing of the building. The scheme will also contribute to the provision of housing within the borough, which is the priority land use of the LDF.
- 7.2 Although no on or off-site contribution to affordable housing is being made, it is considered on balance that the applicant has justified this owing to the particular practical difficulties of the site. Moreover a full financial contribution, secured as a payment-in-lieu, will be made to affordable housing. Such an approach is considered, when all factors are duly deliberated, appropriate in this instance owing to the particular context and characteristics of the site. In addition the scheme proposes a suitable mix of units and would provide a high quality of accommodation whilst simultaneously protecting the amenity of neighbouring and nearby occupiers. The external alterations, primarily the replacement of the majority of the windows, would protect the integrity, character and feel of the building. Suitable environmentally sustainable measures are also provided as part of the development.

7.3 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Car-free development;
- Affordable housing payment-in-lieu financial contribution of £373,650;
- Provision of additional affordable housing if the building is extended or converted above and beyond the 8 residential units / 1177.2m<sup>2</sup> scheme currently proposed;
- Community facilities contribution of £15,680;
- Education contribution of £19,600;
- Open space contribution of £10,958;
- Ecohomes design stage and post-construction review;
- Energy statement measures.

7.4 Listed building consent is recommended subject to conditions.

## 8. **LEGAL COMMENTS**

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.