

**BRAMBLEWELL LTD**

**CHARLOTTE HOUSE, 11-14 WINDMILL STREET,  
LONDON**

**HERITAGE ASSESSMENT**

**DECEMBER 2012**

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## 1. Introduction

- 1.1 This Heritage Assessment has been prepared by Turley Associates' Heritage Team on behalf of Bramblewell Ltd to support application proposals for alterations and roof extension to Charlotte House, Windmill Street, London. The site is not listed but is within the Charlotte Street Conservation Area.
- 1.2 It is a requirement of the National Planning Policy Framework (NPPF) for applicants to describe the significance of any heritage assets affected (paragraph 128). The level of detail should be proportionate to the assets' importance and be no more than is sufficient to understand the potential impact of the proposal on their significance.
- 1.3 This assessment is undertaken in light of the statutory duties of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, national policy in the NPPF and regional and local planning policy for the historic environment (set out in detail in Appendix 1).
- 1.4 Section 2 of this assessment identifies the relevant heritage assets within the application site and its vicinity that may be affected by the proposed development.
- 1.5 Section 3 then provides a summary statement of significance for the heritage asset, in terms of its architectural or historic interest. The contribution that the building – Charlotte House – makes to the significance of the heritage asset is considered against the checklist from English Heritage's *Understanding Place: Conservation Area Designation, Appraisal and Management*.
- 1.6 Section 4 assess the impact of the development proposals on the character and appearance of the Charlotte Street Conservation Area.

## **2. Heritage Assets**

### **Heritage Assets**

- 2.1 The NPPF defines a heritage asset as:

*“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.”<sup>1</sup>*

### **Designated Heritage Assets**

- 2.2 Designated heritage assets are those which possess a level of interest that justifies designation and are then subject to particular procedures in planning decisions that involve them.

### **Charlotte Street Conservation Area**

- 2.3 Charlotte House, 11-14 Windmill Street is located within the Charlotte Street Conservation Area, which was designated in March 1974. There were subsequent extensions in 1981, 1985 and 1999.
- 2.4 A plan showing the boundary of the conservation area is included at appendix 1.

### **Listed Buildings**

- 2.5 No. 7 and 8 Windmill Street are Grade II listed, but it is assessed that the proposals, due to their nature and extent, will not impact on its significance or setting.

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<sup>1</sup> DCLG. National Planning Policy Framework (NPPF) 2012, paragraph 128

### 3. Assessment of Significance

- 3.1 The NPPF defines the significance of a heritage asset as:

*'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage assets' physical presence, but also from its setting.'*<sup>2</sup>

- 3.2 Generally, conservation areas are designated if they are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. It is important to note that in terms of heritage planning policy, the conservation areas are the designated heritage assets and the building – Charlotte House – is one element that may contribute to its significance.
- 3.3 English Heritage has revised and republished its guidance in respect of conservation areas<sup>3</sup> and this provides a framework for the appraisal and assessment of the special interest and significance of a conservation area.
- 3.4 The following assessments have been based on existing published information, archival research and on-site visual survey.

#### Assessment

- 3.5 In accordance with the *NPPF*, the following assessment is proportionate to the importance of the heritage asset and sufficient to understand the potential impact of future development proposals. They have been based on existing published information, archival research and on-site visual survey.

#### Designated Heritage Assets – Conservation Areas

##### **Charlotte Street Conservation Area**

- 3.6 The following assessment of the significance of the Charlotte Street Conservation Area has been undertaken with specific reference to the site and its surrounding townscape. This assessment is based on guidelines set out in English Heritage's Guidance *Understanding Place: Conservation Area Designation, Appraisal and*

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<sup>2</sup> DCLG, National Planning Policy Framework (NPPF) 2012 – Annex 2: Glossary

<sup>3</sup> DCMS Principles of Selection for Listing Buildings (March 2010); DCMS Scheduled Monuments (March 2010).

*Management 2011, and informed by the adopted Charlotte Street Conservation Area Appraisal and Management Plan, 2008.*

### **Historical Development**

- 3.7 In the 15<sup>th</sup> Century, the land within the Charlotte Street Conservation Area was largely agricultural land within the demesnes of the Manor of Tottenham. Following the Restoration, it was seized by the Crown and leased to the Earl of Arlington (1667), who passed it to his daughter and her husband, Henry Fitzroy (Earl of Euston and Duke of Grafton).
- 3.8 John Rocque's 1746 map of London shows the line of Tottenham Court Road, with land to the west being open, although Windmill Street is shown as leading to the 'Middlesex County Hospital', which is circa 100 metres to the west of the line of Tottenham Court Road.
- 3.9 The 1792-9 map of London prepared by Horwood shows the significant expansion of London, and the building of terraces along the northern and southern sides of Windmill Street. This includes terraces on the site of Charlotte House.
- 3.10 By the turn of the 19<sup>th</sup> Century, the area had become less fashionable with many of the wealthy occupiers moving to the west. The large grand houses within the area were sub-divided and let out, with their large rooms making good studio spaces.
- 3.11 During the 19<sup>th</sup> Century, shops began to be inserted into the ground floors of former residential townhouses, and Goadge Street became established as a weekend fruit and vegetable market.
- 3.12 From 1900 onwards, Tottenham Court Road became a focus for the development of larger purpose built shops for furniture and other goods being made in the local area.
- 3.13 There were areas of bomb damage in the late 1940s which led to a number of redevelopment opportunities with buildings of a coarse grain replacing the fine grained terraces. In the later 20<sup>th</sup> Century, there has been the amalgamation of plots which have been redeveloped to provide large office blocks.

### **Character and appearance**

- 3.14 Rather than identifying particular character 'areas', the conservation area appraisal identifies three types of streets, each with their own individual characteristics. Windmill Street is considered to be within the 'Mixed Use Streets' area, which are

characterised by a mix of residential, shopping and commercial uses which have ground floor retail frontage.

- 3.15 Such streets are described in the conservation area appraisal as:

*'The frontages are generally comprised of three or four storey townhouses, many with shop frontages that retain interesting features such as corbels, stallrisers, decorative timber and pilasters and have fascias that maintain the overall proportions of the property. The townhouse form generates a strong parapet line along these streets. The predominant material is yellow stock brick with areas of stucco introduced into the frontages during the 19<sup>th</sup> century, particularly along Charlotte Street'.*

- 3.16 The conservation area appraisal also comments on the character and appearance of Windmill Street:

*'Windmill Street, named after the windmill that once stood at its western end, comprises predominantly four storey townhouses with ground floor shopfronts. None of the former railings to frontages remain. The predominant materials are yellow brick with red brick and stucco decoration. The more decorative facades of the public houses at either end differ. The north side of the street has been much redeveloped, with some re-creation of the Georgian pattern.'*

- 3.17 The conservation area appraisal includes a map which identifies listed buildings and those buildings that make a negative contribution to the character or appearance of the area. Charlotte House is neither of these. It can only be concluded that it is a 'neutral' building.

- 3.18 The contribution of the building to the character or appearance of the conservation area is considered in more detail below against English Heritage's *Understanding Place: Conservation Area Designation, Appraisal and Management* (2011).

## 4. Assessment of Contribution

- 4.1 The following section outlines the history and development of Charlotte House, 11-14 Windmill Street and evaluate the contribution the building makes to the Charlotte Street Conservation Area

### History and Development of Charlotte House, 11-14 Windmill Street

- 4.2 The existing Charlotte House was redeveloped in the 1980s through the amalgamation of several building plots. The 1872-5 Ordnance Survey plan (below) shows Windmill Street being lined on both sides by terraced properties. These have a uniform width and consistent appearance to the street.



Figure 4.1. 1872-5 Ordnance Survey Plan.

- 4.3 The 1895 Ordnance Survey plan shows limited change to the Windmill Street area, with the fine grain of development still evident.





Figure 4.2. 1895 Ordnance Survey Plan.

- 4.4 By 1953-4, the Ordnance Survey plan shows the fine grain of development largely intact, but also a number of cleared sites, as a result of WWII bomb damage. This includes the site to the east of the existing Charlotte House. Terraced townhouses are still evident on the site of Charlotte House.



Figure 4.3. 1953-4 Ordnance Survey Plan.

- 4.5 Charlotte House was redeveloped in the 1980s, and the new layout of the site is shown on the Ordnance Survey plan of 2012. This also shows the development of a large office block to the east.

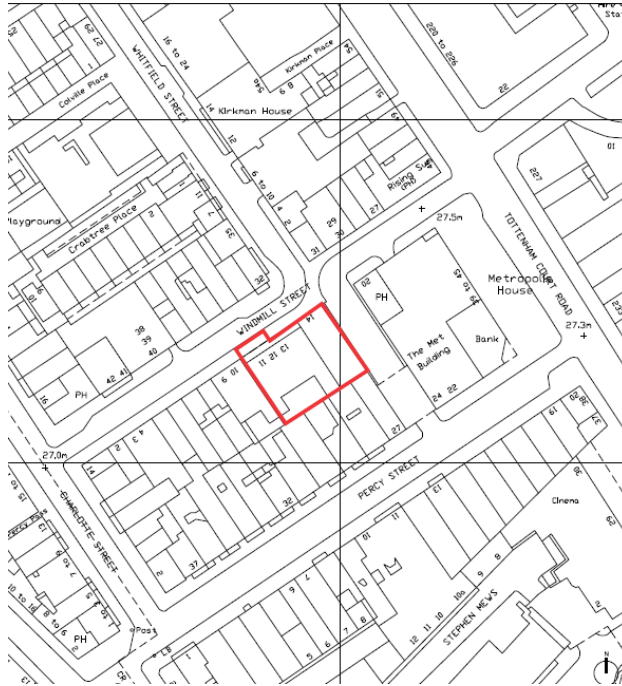


Figure 4.4. 2012 Ordnance Survey Plan.

### **Contribution of Charlotte House, 11-14 Windmill Street to the Significance of Charlotte Street Conservation Area**

- 4.6 The following assessment of the contribution of Charlotte House, 11-14 Windmill Street to the Charlotte Street Conservation Area is undertaken using English Heritage's *Understanding Place: Conservation Area Designation, Appraisal and Management* (2011) as a basis. This document provides a checklist for assessing the contribution of non listed buildings to the character and appearance (significance) of a Conservation Area. The following paragraphs assess the contribution of Charlotte House, 11-14 Windmill Street to the Charlotte Street Conservation Area against this checklist.

#### **1. Is it the work of particular architect or designer of regional or local note?**

Charlotte House was designed by Andrews Downie and Partners and constructed in 1989. Whilst the architects have won several civic awards for buildings, they are not of any significant regional or local note.

#### **2. Does it have landmark quality?**

The building provides a terminating feature to views along Whitfield Street, but it does not have any landmark quality. It does not mark a transport or townscape node.

**3. Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?**

The Charlotte Street conservation area is characterised by a fine grain of development reflecting the historic development of the area. There are instances where larger buildings have been developed on plots amalgamated through bomb damage.

Whilst the street elevation has been divided into townhouse bays, the existing building appears squat and lacks any architectural coherence. The ground floor plinth does not relate to the surrounding area and the building lacks the detailing and quality of finish of classic terraced properties. The building is poorly detailed.

The lightwell to the front of No. 11 disconnects the building from the street and the heavy steel railings, combined with the faux stone cladding create a poor elevation to the street. The ground floor lacks active frontages and lacks a coherent base and top to the building.

Charlotte House does not relate to other elements in the conservation area.

**4. Does it relate to adjacent designated heritage assets?**

There is a listed building at no. 7 and 8 Windmill Street, but Charlotte House does not relate to this.

**5. Does it contribute to the quality of recognisable spaces, including exteriors or open spaces with a complex of public building?**

No, there are no recognisable spaces within the site or in the surrounding area.

**6. Does it individually or part of a group, illustrate the development of the settlement as it stands?**

Charlotte House does relate to the development of the area during the 1980's, but this cannot be said to be of any historic interest.

**7. Does it have significant historic associations with features such as a historic road layout, burgage plots, a town park or landscape feature?**

It has no associations with any such features.

**8. Does it have historic associations with local people and past events?**

Charlotte House has no historic association with local people and past events.

**9. Does it reflect the traditional functional character or former uses in the area?**

The traditional functional character or former uses in the area are residential townhouses, many of which have been converted into office or retail use. Charlotte House is in office use, and was redeveloped in the 1980s through the amalgamation of several building plots. It cannot be said to reflect the traditional functional character or former uses of the area.

**10. Does it contribute to the special character or appearance of the area?**

Charlotte House does not contribute to the character or appearance of the area. The external appearance of the building is based on the fenestration of a Georgian townhouse, albeit applied on a larger scale.

The building lacks any active frontages at ground floor level, with the entrance lacking street presence.

- 4.7 In coming to a judgement on the contribution that Charlotte House makes to the character or appearance of the conservation area, regard has been had to the Council's comments on the earlier refused scheme which are set out at paragraph 6.57 and 6.60 of the Committee Report dated 23rd February 2012, which is included at appendix 2;

*'6.57 b) The detailing and finish are poor resulting in it detracting from the character and appearance of the area;*

*6.60 The existing neo-classical building benefits from being divided vertically to give the impression of townhouses. However, the facades lack the architectural composition, finesse, detailing and quality of finish of classical terrace properties. The detailed, architectural treatment of the elevations including proportions, character, craftsmanship and roof form is missing. The scale of the ground floor is ill-proportioned, unduly squat and unwelcoming and creates a dead street frontage. The building has equal floor to ceiling heights and window sizes per floor and comprises poor quality detailing and materials. This along with the lack of party walls dividing the interior betrays the fact that the building was designed in the 1980's as an office building'.*

## **Summary**

- 4.8 Charlotte House makes a negative contribution to the significance of the Charlotte Street Conservation Area. It lacks any active frontages to animate Windmill Street. The lightwell to the front of No. 11 disconnects the building from the street and the heavy steel railings, combined with the faux stone cladding create a poor elevation to the street. The existing building lacks a strong base, middle and top to the building, which is in contrast to the formal Georgian terraces elsewhere along the street.

## 5. Impact Assessment

- 5.1 This assessment considers the effect of the proposed development on the significance of the heritage asset, as set out in section 3.
- 5.2 The Heritage Planning Policy Context is set out in appendix 2. This includes the statutory duty in respect of conservation areas as well as the relevant parts of the NPPF and the development plan.

### Previous proposals

- 5.3 An application for the extension and alterations to the existing office building were refused by the London Borough of Camden in February 2012 due to the loss of employment floorspace (Application Reference: 2011/1726/P). This application proposed the erection of a new 4<sup>th</sup> and 5<sup>th</sup> floor following the removal of the existing mansard. The roof top alterations were considered acceptable, with the committee report commenting on it at paragraph 6.57:

*'Officers acknowledge the principle of a two storey roof extension (following removal of existing mansard) to Nos. 11-13 would not normally be considered acceptable on the Georgian properties in this area from which the architectural style of the existing building is clearly influenced. However, this site is considered to encompass a particular set of circumstances which makes it an exception to the general rule and would not therefore set a precedent for future development in the area; the circumstances include:*

- a) The building was built in the early 1990's as a pastiche Georgian style and is not and does not form part of the original or late significant phases of development in the area;*
- b) The detailing and finished are poor resulting in it detracting from the character and appearance of the area;*
- c) The roof extension would not be visible from a public advantage point;*
- d) The proposed enhancements to the main facades would significantly improve the character and appearance of the building and enable assimilation of the additional height as a subordinate element without harm to the appearance as a whole;*



*e) There is a variety of different roof extensions and roof forms on existing adjoining buildings of different age on the west side of Windmill Street.'*

- 5.4 The application also proposed a roof extension to No. 14 Windmill Street as well as changes to the ground floor facade to address the poor quality of the existing composition of the building. These elements were considered to be acceptable, and improve the contribution that the building makes to the character and appearance of the conservation area.
- 5.5 This earlier scheme established a set of broad parameters and has informed the design development of these application proposals.

### **The Application Proposals**

- 5.6 The application proposals seek to resolve the shortcomings of the existing building and improve the contribution that it makes to the significance of the Charlotte Street Conservation Area.
- 5.7 The proposed alterations to Charlotte House include:
- Remodelling of the ground floor facade to accentuate bays, maximise daylight and provide active frontages;
  - Provide a new entrance to No. 14 Windmill Street;
  - New windows on the side elevations;
  - Additional 5<sup>th</sup> floor to provide additional office accommodation to no. 14 and extension of roof to provide additional accommodation at nos. 11 to 13 Windmill Street.
- 5.8 The main consideration of the application proposals are the effect on the character and appearance of the Charlotte Street Conservation Area.

### **Effect on the character or appearance of the Charlotte Street Conservation Area**

- 5.9 As set out above, Charlotte House makes a negative contribution to the significance of the Charlotte Street Conservation Area. It is poorly resolved, with limited active frontages, and poorly detailed with poor quality materials. These application proposals seek to resolve some of these shortcomings, significantly improving the contribution that the building makes to the conservation area and,

consequently, enhancing the character and appearance of the Charlotte Street Conservation Area.

- 5.10 Seen as a whole, the roof extension and ground floor changes are a significant benefit to the conservation area which will lead to its enhancement. The application proposals are well considered and based on a thorough understanding of the sites' context.
- 5.11 The application proposals will improve the architectural vocabulary and proportions of the building, improving the contribution that the building makes to the character and appearance of the conservation area, leading to its enhancement.

### ***Roof extension***

- 5.12 Charlotte House was constructed in the 1980's in a pastiche Georgian style and does not form part of the original or late significant phases of the development of Charlotte Street. Whilst its design draws on the local Georgian character, the building is not successfully resolved and lacks any architectural character. The proposed roof extension rectifies this and enhances the appearance of the building and the contribution that it makes to the character and appearance of the conservation area.
- 5.13 The changes to the roof profile are in two parts, firstly is the replacement of the existing plant room to no. 14 and, secondly, the extension of the roof to no. 11 to 13 to provide additional office accommodation. The Met Building to the east is 13 storeys which establishes increased heights along Tottenham Court Road. The roof extension relates positively to this, mediating between the Georgian townhouses and the Met Building.
- 5.14 The roof of no. 14 Windmill Street is currently occupied by lift overruns and flues which give an untidy profile to the roof. The extension to no. 14 Windmill Street will replace the existing plant room, enhancing its appearance in oblique views, providing a consistent and coherent roofscape. The proposed roof extension extends above the parapet level with a glass 'lantern' which will accentuate the building as a bookend to Charlotte House and also in views along Whitfield Street. This will be an improvement to these views along Whitfield Street which will be a significant enhancement to the appearance of the conservation area.
- 5.15 The roof extension also relates to the changes proposed at ground floor, with the proportions of the glazed entrance being carried through to the roof extension. The proposed roof extension provides a strong 'top' to the building which, combined



with the changes to the ground floor of the building, will complete the composition of the building enhancing its architectural integrity.

- 5.16 The extension to no. 11 to 13 reinforces the subdivision of the facade, with glass slots splitting the roof into three parts. This will provide an appropriately designed top to the building which enhances the overall composition of the building. The fenestration pattern of the existing building will be carried on up to the roof extension, enhancing the architectural integrity of the building.
- 5.17 Windmill Street is a narrow street, with buildings at the back edge of the footpath. The roof extension will not be readily discernible from street level which will limit any effects on the conservation area.

### ***Other changes to exterior***

- 5.18 At ground floor, the existing building is divorced from the street by a lightwell and heavy faux stone cladding which creates a hostile environment. A new entrance to the building will create an inviting entrance which is proportionate to the importance of the building. The new ground floor entrance ties in with the roof top changes which will enhance the contribution that the building makes to the character and appearance of the conservation area.
- 5.19 The proposed changes will create active frontages to the street and will be a significant improvement on the existing situation. Bridges over the lightwells will connect the building with the street, and the central bay will be brought forward to enhance the streetscene. The revised entrance will enhance activity and the legibility of the existing building.
- 5.20 The proposals introduce a strong vertical cornice above ground floor to which define the base of the building and further improving the overall composition of the building. This, combined with the improvements to the remainder of the building, will be a very significant improvement to the conservation area.
- 5.21 It is also proposed to carry out a soot wash of the exterior of the building. This will add a historic patina to the exterior of the building, tying it in with the surrounding buildings in Charlotte Street. This will be a significant improvement to both the character and appearance of the conservation area.

### ***Summary***

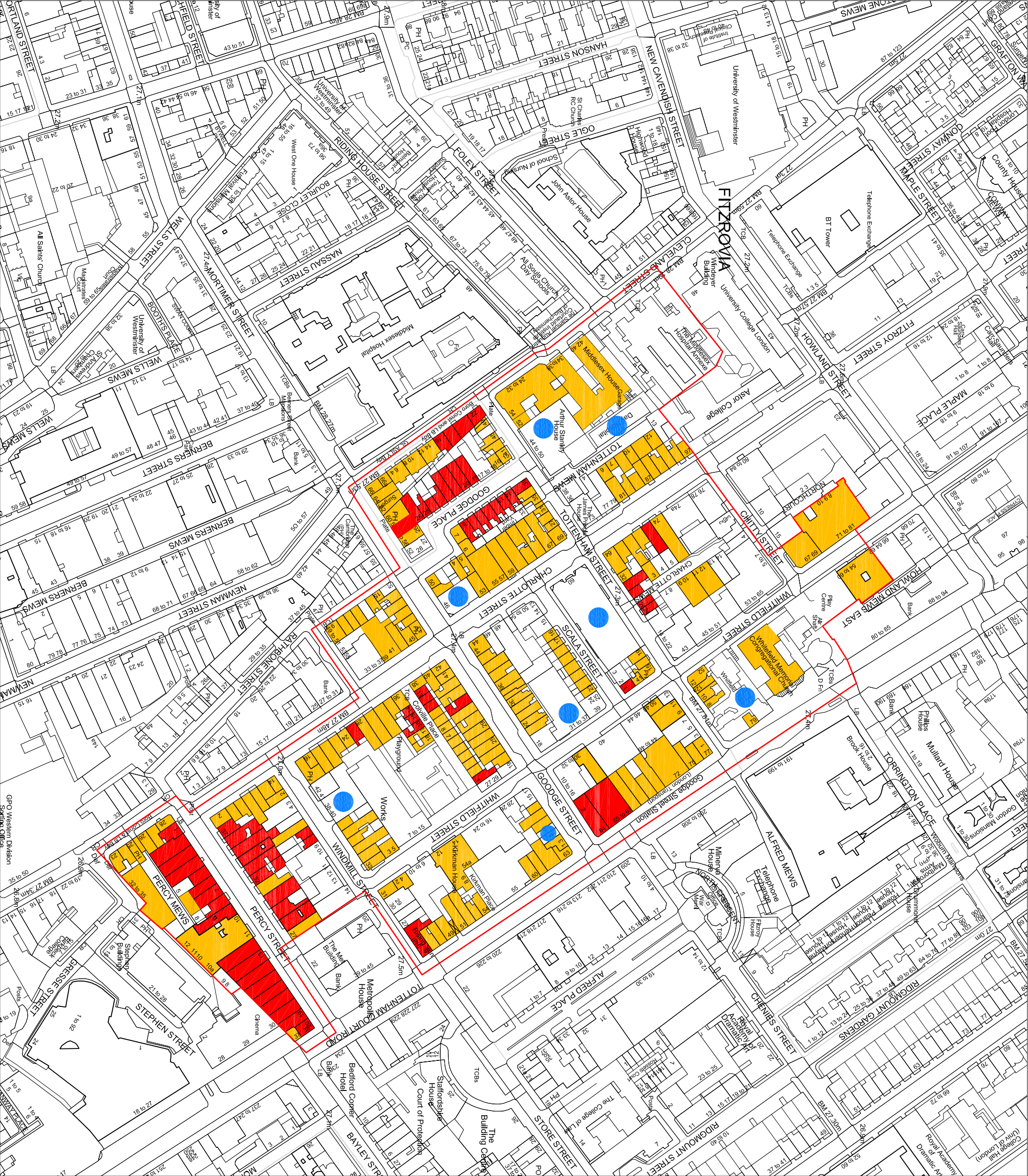
- 5.22 The application proposals seek to resolve the shortcomings of the existing building through its sensitive re-working. The roof extension reflects the bays of the existing

building, and the other external changes will provide active frontages to street level and will be an enhancement to the Charlotte Street Conservation Area.

## **6. Conclusions**

- 6.1 Charlotte House, Windmill Street is within the Charlotte Street Conservation Area. It is not listed, nor is it identified in the Council's conservation area appraisal as making a negative or positive contribution to the character or appearance of the area.
- 6.2 Charlotte House was constructed in the 1980's in a pastiche Georgian style. It is of 4/5 storeys with mansard and basement. An earlier application for change of use and a roof extension was refused (February 2012) due to the loss of employment floorspace. This application accepted the principle of a roof extension given its recent age. In the determination of this application, the Officers report to Committee stated that it was considered that the existing building made a negative contribution to the significance of the conservation area, but that the refurbishment works provided an opportunity to resolve some of these shortcomings.
- 6.3 This application follows on from that earlier refusal and seeks to resolve the shortcomings of the existing building. The proposals seek to establish a strong base and upper to the building, providing active frontages to street level and significantly improving its appearance. The proposals are considered to enhance the significance of the Charlotte Street Conservation Area.
- 6.4 In conclusion, the proposals will enhance the significance of the identified heritage asset – the Charlotte Street Conservation Area. The proposals will meet the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF as well as the policies of the development plan.

## **Appendix 1. Charlotte Street Conservation Area Boundary**



KEY

- Listed Buildings
- Positive Contributors
- Detractors



Project  
Charlotte Street Conservation Area

Title  
Built Heritage Audit Plan

Client  
LB Camden

Date  
March 2008

Scale  
NTS @ A3

Drawn by  
MG

Dwg.No  
CL10969/007



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## **Appendix 2. Committee Report**



<b>Address:</b>	Charlotte House 14 Windmill Street London W1T 2JG		<b>3</b>
<b>Application Number:</b>	2011/1726/P	<b>Officer:</b> Neil McDonald	
<b>Ward:</b>	Bloomsbury		
<b>Date Received:</b>	05/04/2011		
<p><b>Proposal:</b> Extension and alterations to existing office building (Class B1) including change of use of upper floors to 16 residential flats (3 x 1-bedroom, 8 x 2-bedroom and 5 x 3-bedroom), flexible use of basement and ground floor as either offices (Class B1a) or offices (Class B1a) and retail (Class A1); erection of new 4th and 5th floor (following removal of existing mansard) on Nos. 11-13 and 6th floor on No. 14; rear extension at 2nd and 3rd floor level; extension into and over part of front lightwell at basement and ground floor level; remodelling of elevations; and creation of roof terraces on upper floor levels.</p>			
<p><b>Drawing Numbers:</b> Site location plan; 1016-0100 rev B; 101 rev B; 0102 rev B; 0103 rev B; 0104 rev B; 0105 rev B; 0106 rev B; 0300 rev A; 0303; 0304; 0201; 0203; 1030 rev A; 1120 rev A; 1121 rev A; 1122 rev A; 1123 rev A; 1124 rev A; 1125 rev A; 1126 rev A; 1127 rev A; 1128 rev A; 1131 rev A; 1220; 1221; 1222; 1223; 1230; 1303 rev A; 1321 rev A; 1322; 1323; Sustainability and energy statement from Sustainable Building Services Solutions dated 31<sup>st</sup> March 2011; Environmental Noise Survey and PPG24 Assessment from Hann Tucker Associates dated 24 March 2011; Environmental Noise Survey and Plant Assessment from Hann Tucker Associates dated 24 March 2011; Servicing Note from Motion Transport Planning dated 18 March 2011 and Lifetime Homes Assessment rev A dated Sept 2011.</p>			
<p><b>RECOMMENDATION SUMMARY:</b> Grant conditional permission subject to S106 legal agreement</p>			
<b>Applicant:</b>		<b>Agent:</b>	
Charlotte House (Windmill Street) C/O Agent		The London Planning Practice 61 Chandos Place London WC2N 4HG	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1a Business - Office		3330m <sup>2</sup> (GEA)

Proposed	B1a Business - Office Shared access and circulation C3 Dwelling House	832m <sup>2</sup> (GIA) 404m <sup>2</sup> 2474m <sup>2</sup> (GEA)
	<b>Or</b>  B1a Business – Office A1 – Shop Shared access and circulation C3 Dwelling House	<b>Or</b>  450m <sup>2</sup> (GIA) 345m <sup>2</sup> (GIA) 442 m <sup>2</sup> 2474m <sup>2</sup> (GEA)

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

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	0



## **OFFICERS' REPORT**

**Reason for Referral to Committee:** The application is a major application and is required to be reported to the Development Control Committee for determination under [clause 3(i)]

### **1.0 SITE**

- 1.1 The site is situated on the southwest side of Windmill Street opposite the junction with Whitfield Street to the north and in close proximity to the junction with Charlotte Street to the west. The site comprises a single block designed with neo-Georgian style facades by Andrew Downie and Partners Architects in 1989. No. 14 is ground plus four storeys with basement and a pediment roof storey that screens existing air conditioning plant. The building forms the entrance to Windmill Street and terminates the vista south from Whitfield Street. Nos. 11-13 is ground plus three storeys with mansard roof and basement. The ground floor level of this part of the building is set back from the street by 2m and includes a lightwell that provides external access to the basement. The lawful use of the building is as offices. It is partially occupied at basement and ground floor levels with the remainder of the building currently being vacant.
- 1.2 To the east of the site is the Met building which is over 14 storeys in height. To the west lie buildings that form a terrace of four storeys with ground floor shopfronts. To the north side of the street are a greater variety of building styles, most with varied roof extensions and forms. The predominant materials are yellow brick with red brick and stucco decoration.
- 1.3 Windmill Street is characterised by its mix of residential, shopping and commercial uses. The central part of the street comprises four storey Georgian town houses with commercial uses at ground floor level and residential use above, with more modern buildings to the north, and a pair of 19<sup>th</sup> Century public houses at either end of the street. The site lies within the Charlotte Street Conservation Area and is referred to in the Conservation Area Character Appraisal and Management Plan as detracting from the appearance of the conservation area.
- 1.4 The site is within the Central London Area but is not located within a Central London frontage. The site however falls within a protected retail frontage as identified within the Supplementary Planning Guidance for Central London. The Windmill Street frontage is defined in the SPG as 2-14 Windmill Street on the south side and 32 to 42 (consecutively) on the north side.

### **2.0 THE PROPOSAL**

#### **Original**

- 2.1 Planning permission is sought for extensions and alterations to the existing office building (Class B1) and change of use of the upper floors to 16 residential flats (3 x 1-bedroom, 8 x 2-bedroom and 5 x 3-bedroom), flexible use of the basement and

ground floor as either offices (Class B1a) or retail (Class A1) and offices (Class B1). The extensions and alterations include the following:

- Removal of the existing fourth floor mansard roof on the main part of the building (Nos. 11-13) and replacement with a new fourth and fifth floor extension. This would comprise three double height pavilion structures that would be set in 1.6m at fourth floor level and 2m at fifth floor level behind the existing façade and retained front parapet line at fourth floor level.
- Removal of the pediment on the eastern element of the building (no. 14) above the existing fourth floor level and the addition of new fifth and sixth floor levels that would culminate in a gable feature.
- Erection of an extension at second and third floor levels to the rear of the building that would measure 5.4m x 3.8m and installation of plant room on the roof. The extension would extend up to the boundary with the Met Building to the rear.
- Extension of the ground floor front elevation of the building by 2m to create a uniform building line. A centrally located lightwell would be retained to the front of the building in order to ensure access to the existing EDF substation at basement level.
- Installation of new glass shopfronts within Nos. 11-13.
- Creation of new residential entrance within No. 14 and replacement of two windows with doors providing access to residential bin store and internal residential staircase.
- Alterations to the front facade of the building including introduction of double height columns at ground and first floor level at No. 14, alterations to size of windows at No. 14, introduction of stone banding at first, second and fifth floors of No. 14, installation of Juliette balconies on the windows at second floor level along the front façade.
- Alterations to the rear façade of the building including installation of new angled windows at first, second and third floor levels and enlarged windows at fourth floor level
- Installation of translucent privacy screens at first and second floor levels.
- Installation of glass balustrade at first and second floor levels.
- New private terraces would be created to the front (fourth floor level) and rear (all levels) of the building for some of the flats.

2.2 The existing brickwork on the front façade of No. 11-13 would be stained and would include stone banding details. The eastern side elevation (facing the Met Building) would be a rendered finish as existing. The proposed 6<sup>th</sup> floor extension to No. 14 would also be rendered to match the existing. The roof material of the new pavilions would be a zinc finish, either a standing seam detail or a 'scalloped' tile pattern. The windows would be a mix of painted timber within the front elevation and powder coated aluminium to the rear.

## **Revisions**

2.3 During the course of the application the following revisions have been received:

- A revised drawing has been submitted showing a change to the layout of the basement and ground floors. As part of the proposal, the basement and ground floors would either be retained entirely as office use (771.22 sq. m GIA) (Class B1) or would be vertically separated into two separate commercial elements providing one duplex retail unit (Class A1) (306.48 sq. m GIA) and one duplex office unit (464.74 sq. m GIA) (Class B1).
- Arched fanlights on the ground floor front elevation of no. 14 squared off.
- Reduction in the width of the frame of the fourth floor French doors with head and cheeks similar in size to window above.
- Alterations to the internal layouts of 2 x 3 bedroom flats at first and second floor levels to provide 2 no. wheelchair accessible flats.
- Increase in cycle parking spaces from 16 to 22 spaces for the residential units.

### 3.0 RELEVANT HISTORY

#### 9-14 Windmill Street

- 3.1 Planning permission was **granted** on 19/05/1989 for the redevelopment of the site at 9-14 Windmill Street by the erection of a five storey and basement building comprising office (2958 sq. m), retail (187 sq. m) and 10 residential flats including the provision of underground parking (ref no: 8800356/R3).

#### 9-10 Windmill Street

- 3.2 Planning permission was **granted** for change of use of the ground floor retail unit (Class A1) to professional and financial services (Class A2) (ref no: 9501099).

#### 4 Windmill Street

- 3.3 Planning permission was **refused** on 19/12/2008 for the retention of the change of use of the ground floor from retail (Class A1) to office (Class B1) in connection with the existing office use of the upper floors (2008/4464/P).

#### 38-40 Windmill Street

- 3.4 Planning permission was **granted** on 05/05/2011 for the change of use of third floor offices (class B1a) and vacant first and second floors (Class B8) to create 6x two-bedroom flats (class C3), including rear extensions at first, second, third and fourth floors and associated external alterations.

### 4.0 CONSULTATIONS

#### 4.1 Charlotte Street CAAC

No reply to date.

#### 4.2 Charlotte Street Residents Association - Objection

The elimination of the setback from the street frontage at ground and basement levels is welcomed. However, the following objections are raised to the proposal.

- Premises are suitable for continued business use and contribute to the range of office accommodation needed in Fitzrovia as it is not the case that there is a surplus of offices in Fitzrovia. Vacancy rates at the end of Q4 2010 were 2.9% compared with a 10 year average of 5.6% and represents the lowest level in 10 years (Market Report – Jones Lang Lasalle)

- The premises are of a type which can be sub-divided to provide a variety of size of units to meet different needs
- Proposal represents gross overdevelopment of the site. The existing building is already a floor higher than the generality of the street and any increase in height would damage the scale and character of the street (the prior planning permission granted in 1990 required the applicants to reduce their original proposal by a floor).
- Assertive treatment of the double mansard is totally out of character with the street and would be detrimental to the setting of the listed buildings in Percy Street
- Quality of the proposed flats is also poor providing as it does seven single aspect north facing units.
- Proposed terraces to the flats, particularly those on floors 4 to 6 would cause serious problems of overlooking and potential noise nuisance to the detriment of the residential amenity of those opposite in Windmill and Percy Street
- If the ground and basement are to be retail they should be conditioned to be two separate units to reflect and preserve the specialist retail character of the street identified in the central London SPG.
- No objection to provision of affordable housing being provided off-site provided it is in an identified location in the vicinity. As the developers own properties in Goodge Street and Tottenham Court Road this should not be difficult to achieve. Strongly oppose a payment in lieu.

#### 4.3 **Councillor Adam Harrison** – objection.

#### 4.4 **Adjoining Occupiers**

A site notice was displayed outside the site from 07/07/2011 to 28/07/2011. The application was advertised in the Ham & High on 01/07/2011. Letters of notification were sent to the occupiers of the neighbouring properties.

<b>Original</b>	
Number of letters sent	37
Total number of responses received	7
Number of electronic responses	0
Number in support	0
Number of objections	7

Letters of objection have been received from residents at 8 Windmill Street, 29 Percy Street, 30 Percy Street, owner/occupiers of Flat 5, Flat 7, and Flat 8, 10 Windmill Street. The key points are:

##### **Affordable housing**

- Affordable housing should be provided on site or in the near vicinity rather than replaced by a payment.

##### **Loss of employment floor space**

- Change of use appears to be against policy DP13. Clear evidence should be shown of evidence of marketing over an appropriate period of time that would

justify the change of use. Under occupation of office space is not be most appropriate way of measuring need, since having areas of small start-up spaces is important as they contribute to each others success and the local economy as a whole. This would be very in keeping with Fitzrovia as an area.

### **Amenity**

- Loss of light to garden of No. 29 Percy Street
- Loss of daylight and sunlight and privacy to neighbouring properties along Percy Street
- Proposal would detract from view from windows in rear elevation of No. 29 Percy Street
- Erection of new 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floors would block sunlight to residential floors on north side of Windmill Street and ground floor including art gallery which currently benefits from good light
- Noise levels both in the short term (during construction works) and long term (partition walls may not be sufficiently sound insulated between the new flats and existing flats at No. 10 Windmill Street)
- Creation of roof terraces on upper floors would affect the current layout of the adjoining properties along Percy Street

### **Safety and security**

- Existing fire escape exit on the ground floor that uses No. 10 Windmill Street as an exit should be removed as it provides direct access into the residential hallway of No. 10. If the proposal would result in new shops it may be possible for tenants to access the communal areas of the residential flats. A more direct exit route should be planned as part of any conversion works.

## **5.0 POLICIES**

### **5.1 The London Plan 2011**

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

- CS1 Distribution of growth
- CS3 Other highly accessible areas
- CS5 Managing impact of growth
- CS6 Providing quality homes
- CS7 Promoting Camden's centres and shops
- CS8 Promoting a successful and inclusive Camden economy
- CS9 Achieving a successful Central London
- CS10 Community facilities and services
- CS11 Sustainable travel
- CS13 Tackling climate change
- CS14 High quality places and conserving heritage
- CS15 Parks, open spaces and biodiversity
- CS17 Safer places
- CS18 Waste and recycling
- CS19 Delivering and monitoring the Core Strategy
- DP1 Mixed use development
- DP2 Making full use of housing capacity

- DP3 Affordable housing
- DP5 Homes of different sizes
- DP6 Lifetime homes and wheelchair housing
- DP10 Helping and promoting small and independent shops
- DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
- DP13 Employment sites and premises
- DP15 Community and leisure uses
- DP16 Transport implications of development
- DP17 Walking, cycling and public transport
- DP18 Parking standards
- DP20 Movement of goods and materials
- DP21 Highway network
- DP22 Promoting sustainable design and construction
- DP23 Water
- DP24 High quality design
- DP25 Conserving Camden's heritage
- DP26 Impact on occupiers and neighbours
- DP27 Basement and lightwells
- DP28 Noise and vibration
- DP29 Improving access
- DP30 Shopfronts
- DP31 Open space and outdoor recreation
- DP32 Air quality and clear zone

**5.3 Camden Planning Guidance 2011**  
**Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses (2007)**  
**Bloomsbury Conservation Area Appraisal and Management Strategy 2011**

**6.0 ASSESSMENT**

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

- Land use
- Housing
- Provision of retail unit
- Quality of commercial accommodation
- Quality of residential accommodation
- Design
- Neighbouring amenity
- Transport
- Sustainability
- Open space/education
- Air quality
- Communities facilities
- Local labour and procurement

## Land use

### Retention of business use/mixed use development

- 6.2 The first consideration in the determination of an application of this nature are land use matters, in order to establish whether the principle of development can be supported. In this case the proposal would involve the loss of the majority of the floor space from the established office use (Class B1) to residential (Class C3) use.
- 6.3 Considering the loss of employment space first, the main objective of the LDF employment policies (policies CS8 and DP13) is to retain viable employment space where this exists. Where premises are no longer considered to provide viable employment space, policies CS8 and DP13 will encourage change of use to residential in particular, given that this is the over-riding priority attached to this use by the LDF read as a whole.
- 6.4 In considering employment premises for protection, policy CS8 indicates the Council will safeguard premises that meet the needs of modern industry/ employers and seek provision of facilities for SMEs in particular, such as managed affordable workspaces. DP13 indicates circumstances under which the Council will not resist a change to non-business use. The policy indicates that where premises are not suitable for any purpose other than B1(a) offices, change to residential or community uses may be allowed.
- 6.5 Camden Planning Guidance (CPG5) adds clarification as to the circumstances where a change of use from offices would be acceptable. This states that a change of use may be allowed in the case of older office premises since it is expected that new office accommodation coming on stream during the plan period will meet projected demand. The guidance (para 6.4) goes on to list various criteria to be taken into account when assessing applications for a change of use from B1 to a non-business use. These include factors such as the age and condition of premises; whether there are existing tenants in the building; location and whether there is evidence of demand. In addition, marketing information may be requested if it is considered difficult to make an assessment based on the above criteria alone.
- 6.6 The building is currently vacant save for a short term, informal let in a part of the basement at a sub-market rent. The building was however occupied up until the time of expiry of the leases on the constituent parts of the building. The last occupiers were:

Basement: An advertising company 'Primesight' vacated on 1<sup>st</sup> September 2010 to alternative office accommodation after choosing not to extend their lease. They relocated to the immediately adjacent Met Building which offers higher quality accommodation fronting Tottenham Court Road.

Ground: Occupied by 'Club Costa', a company selling time share apartments, until September 2011 when they found alternative accommodation and chose not to extend their lease. They used the premises as a sales office for showing customers potential properties for time share. The premises were not used at all times during the working week and it is understood that the company have changed their business practices not now running a sales office at all.

1<sup>st</sup> to 4<sup>th</sup> Floors: Occupied by an American research company 'Forrester Research' specialising in IT, Marketing and Telecoms industry. The tenant gave up the 4<sup>th</sup> floor in September 2010 and the remaining floors in November 2010 as they found alternative accommodation at 265 Strand which is a more modern and better appointed building.

6.7 From inspection it is evident that the building has various physical constraints which would preclude the majority of B1 uses other than B1a offices; namely:

- It has a single access point which is a narrow door entrance. All persons, employees, visitors, goods and deliveries must enter through this single narrow entrance door.
- There are no goods lifts within the building and the passenger lifts are not suitable for equipment or bulky goods / products.
- There is a single staircase which is not suitable or practical for the movement of goods or equipment through the building.
- The existing floorplates have a number of columns within them and lack basic floor to ceiling heights and service/ducting routes now required for modern communication/data services.
- The building would be considered dated in terms of technical / data servicing routes.
- The open plan nature of the floor plates and the depth of the floor plates front to back makes the subdivision of the space more difficult.
- The existing space is not considered to have the features (physical or design) which make it suitable for other commercial uses, such as having no on-site servicing, not being located in or near an Industry Area or close to other industry and warehousing, noise/vibration generating uses.

6.8 At the time the application was submitted it was not explicit that LDF policy would require any further justification for a change to residential or community use where the age and physical constraints of premises was such as to make it suitable only for B1a office use. The new CPG5 now clarifies this, but was only adopted on 1<sup>st</sup> September 2011, around two months after the application had been submitted. The applicant was therefore asked by officers to submit additional information during the course of the application so that the points in para 6.4 of the newly adopted guidance could be addressed.

6.9 The information seeks to address CPG5 by setting out a descriptive analysis of the existing floorspace and rationalises the chosen development approach in the light of the current office and residential markets. An appraisal of the premises for office use has also been included from the London property consultant H2SO.

6.10 The current building was built in 1990 being designed to 1980s standards and expectations. Whilst not considered to be "older offices" in a comparative sense to other office stock in Camden, in many cases converted from historic buildings, does not offer the finishes, design, services and style which office occupiers over the last 20 years have come to expect. The accommodation would fall clearly within the 'Grade B' category as opposed to the Grade A floorspace for which there is a strong bias in the office market.



- 6.11 Bringing the premises up to lettable standard would require significant investment, requiring more than just cosmetic refurbishment and even then, there would be inherent limitations on its attractiveness to the market. For example, the presence of columns and floor duct routes limit layout and flexibility within the premises for the building technologies and ways of working which occupiers are seeking. To bring the offices up to a more acceptable standard would require substantial intervention in terms of structural alterations, services, layout and appearance. However, even then, the appearance of the building in terms of fenestration pattern and its neo-Georgian exterior will always limit the desirability of the offices to a market that favours a more modern and fresh image, or alternatively the character and period features of a converted historic building. In short, styles and tastes have shifted, especially so in this area where fashion-conscious media and IT companies make up a significant sector of the market.
- 6.12 Furthermore, the offices would not be suited to small businesses due to the single floorplates which do not readily allow for an easy and defined subdivision. The floorplate sizes range from 553sqm to 412sqm which is too large for most small, or start-up businesses, yet too constrained in terms of columns, service runs and quality generally to appeal to more established businesses looking to upgrade in the area.
- 6.13 The applicant has not submitted marketing information as the premises have not been actively marketed in the last 2 years. However, the LDF policies and CPG5 would only require such information if officers had reason to consider there was a likelihood that the premises could be successfully re-let for business use at realistic rents. At the request of officers, further information has been provided in respect to the market for Grade B office floorspace based on research undertaken by Savills Research who are an established authority on the Central London office and residential markets. This estimates that there is approximately 100,000sqm of office space available in the Central London area north of Oxford Street/High Holborn (excluding development in the pipeline at Kings Cross). Of this total, 33% is of Grade A quality, with the remainder being categorised as Grade B. The analysis also shows that on average Grade A space has been vacant for 1.2 years whilst Grade B space on average is available for 1.8 years. Since there is more Grade B floorspace in the market, it is therefore to be expected that it takes longer to let and it can be inferred that there are far higher vacancy rates for Grade B floorspace than Grade A.
- 6.14 Finally, there are locational considerations to be taken into account. The above appraisal of the premises in relation to market expectations for potential occupiers looking to locate (or relocate) in Fitzrovia is reflective of an expectation of quality in return for the higher rental levels which the area commands. In this respect, the views expressed by the commercial property agents with local knowledge of the area are broadly in tune with the views of officers in Camden's own officers in the Regeneration and Partnerships Team. Their view is that this type of building might well let to commercial tenants looking for affordable office space in Camden Town or Kentish Town but would struggle to find a tenant in an area like Fitzrovia where rent levels are higher.

- 6.15 In view of the market evidence that has been submitted, officers are of the opinion that it would be unreasonable to insist upon the premises being marketed, when in all likelihood it would appear that this would only serve to confirm that the premises are unsuited for business occupation in their current state.
- 6.16 An important aspect of this application is that it does not propose the loss of all the office floorspace. It instead offers improved replacement accommodation as part of a mixed use scheme bringing forward residential. This is to be welcomed in terms of mixed use policy DP1 and the overall emphasis placed on increasing residential floorspace by the LDF. At present the ground floor and basement offers low quality floorspace, but the ground floor is often the most prominent and desirable location within a building for commercial use.
- 6.17 The present overhang above the lightwell of the upper floors is a factor which adds to the unattractiveness of the offices as a whole giving the entrance little street presence. It also limits light penetration to the basement again providing lower quality floorspace. However the application proposes to infill the overhang and give the ground floor space a direct and private entrance from the street. At basement the creation of an open lightwell courtyard and 3 new glazed walls will greatly add to the attractiveness and increase amenity levels for any prospective occupier.
- 6.18 The enabling aspect for these improvements is the residential accommodation above. However it would be a different matter for this level of intervention to be repeated across the whole building as there would be no guarantee that a sufficient return would be generated from these neo-Georgian offices to make this viable given the high expectations of office occupiers as discussed above.
- 6.19 By securing the refurbishment of the lower two floors, this mixed use scheme would succeed in bringing back 37% of the existing level of office floorspace within the building. This will further the prospects of these premises being occupied by SME's and media based companies as part of a genuine mixed use community.
- 6.20 Given that the proposal would involve a net loss of employment floorspace equating to 2510.08 sq. m (GEA) (should the permission be implemented with creation of retail and office), it is considered appropriate that a financial contribution is sought in line with policies CS8 and DP13 to mitigate the loss of employment opportunity to Camden residents. Such a financial contribution is calculated to be £63,000 in line with the formula and assumptions set out in CPG8. The applicant has agreed to the payment of such a contribution, to be secured via S106, which would be used by the Council's Economic Development and Regeneration team to assist in providing a new programme of employment advice, short term vocational training and support with job search to Camden residents looking for skilled office-based work in IT, finance and administration.

### **Affordable housing**

- 6.21 Housing is regarded as the priority land-use of the LDF, as outlined by policies CS6 and DP2, which seek to maximise the supply of additional homes in the Borough. Policy DP3 provides a clear rationale for seeking affordable housing in schemes for 10 or more additional dwellings or 1000m<sup>2</sup> of floorspace (gross external area). Given that 16 units are proposed and taking account the Council's sliding scale for

affordable housing, a 16% target is sought. This equates to 299m<sup>2</sup> of floorspace – or the equivalent of around 3 average sized family 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.

- 6.22 The applicant is not proposing any affordable housing on-site, or off-site provision. Owing to the financial viability of the scheme a payment-in-lieu towards affordable housing has been put forward, in the form of a financial payment of £650,000 upon implementation. The paragraphs below detail the context and reasoning for this.
- 6.23 As already noted, the first expectation is for affordable housing to be provided on site. The applicant has submitted a letter from the housing association A2Dominion that confirms that there would not be any interest in this type of development due to the small number of on-site units (up to 3 units) as it would not provide the scope to efficiently manage the affordable housing units and would result in disproportionately high running costs. Policy DP3 (para. 3.26) accepts that there may be considerable constraints in providing affordable housing on-site in smaller schemes such as this and states that a flexible approach to off-site affordable contributions will be taken for schemes close to the affordable housing threshold, considered to be those of less than 3,500sqm housing (gross).
- 6.24 In terms of off-site provision of affordable housing the applicant has stated in writing that the owners of the site do not own any other land in the local area which could be suited to conversion for residential.
- 6.25 Policy DP3 specifically refers to financial viability as one factor which would be taken into account when considering whether an affordable housing contribution should be sought. As submitted the scheme proposes no affordable housing on site, nor off-site, for reasons of viability. In order to demonstrate the viability argument against the provision of affordable housing, the applicant submitted a detailed economic appraisal of the site prepared by Affordable Housing Solutions (AHS) together with a supporting residential sales valuation report from EA Shaw outlining anticipated recommended prices for the residential units and comparable evidence of other properties within WC1 and WC2. A supporting retail valuation report from Montagu Evans has been included outlining anticipated asking prices for the retail unit and comparable evidence including details of a scheme at 227-233 Tottenham Court Road. An elemental cost plan and feasibility estimate has also been submitted by Jackson Coles Construction Consultants.
- 6.26 More specifically in relation to the viability assessment, two options have been appraised using the GLA Development Control Toolkit which is considered an appropriate means of assessment. The schemes are essentially the same with one key difference; one appraisal considers an all market 16 unit scheme with retail whereas the other considers a 13 unit scheme, retail unit and 3 social rented units as an affordable housing component. A feature of such appraisals is to agree on an appropriate baseline which, after allowing for development costs will have to leave a reasonable developer profit in order to provide an incentive for development. The actual price paid for the land will not always have been informed by rational decision paying full regard to policy requirements such as the need to provide

affordable housing. The accepted alternative in this case is to agree on an alternative, or in this case 'existing use value' (EUV) which is to be taken into account in arriving at a residual value for the development representing 'developer profit'.

- 6.27 All of the financial viability information submitted has been subject to independent assessment by BPS Chartered Surveyors. The EUV in particular has been subject to a series of exchanges between BPS and the applicant's consultants AHS. This process has resulted in AHS conceding during the course of the application an increase in the scheme's ability to meet an affordable housing contribution of £100,000 initially to £305,000 in light of the revised EUV. Nevertheless the applicant has agreed to increase this further to £650,000 which must be assumed to eat into the accepted 20% margin for developer's profit which the toolkit expects to be necessary for a fair incentive.
- 6.28 BPS has concluded that they accept the findings of AHS regarding the scheme viability. Moreover, BPS are satisfied with the two appraisals put forward, including the 3 social rented units scheme, which would show a deficit of approximately £3.0 million. The independent verification of the viability information submitted therefore demonstrates why the applicant is not proposing any on-site, or off-site provision of affordable housing. The independently verified conclusions of the study also confirm that the offer of £650,000 is in excess of the amount payable as calculated by the standard Toolkit model and as such is considered to be as much as can reasonably be expected in the current circumstances.
- 6.29 It is to be noted that the £650,000 offer would go a substantial way towards offsetting the full financial equivalent of the DP3 'sliding scale' affordable housing requirement generated by the scheme. The full amount to be sought as an off-site financial contribution would be £792,350 as set out in the calculation below:
- GEA = 1867m<sup>2</sup>
  - Affordable Housing target = 16% (based on 16 residential units proposed)
  - Affordable Housing target on site = 299m<sup>2</sup> (1867 X 0.16)
  - Payment-in-lieu per m<sup>2</sup> of non on-site provision = £2,650 (as per CPG8)
  - Deferred Contribution up to a maximum amount of £792,350 (£2650 x 299m<sup>2</sup>)
- 6.30 The applicant has agreed to the principle of a deferred contribution being paid with the above amount being set as the upper limit. This would work in similar fashion to other Agreements agreed by the Committee, with a post construction viability assessment being submitted in the 3-dragons format or similar, the timing of which will either be at practical completion or at any time after sales of no less than 12 of the residential units but prior to the sale of more than 15 of the units. This allows the actual build costs and the majority of sold prices to be ascertained for the scheme, which provides for more definite financial information than is possible at this point in time. The further viability assessment would again be subject to independent verification.
- 6.31 Such an approach is considered, on balance, to be appropriate in this instance. It will allow the provision of private housing to come forward and secure a significant

proportion of the full affordable housing contribution due under policy DP3 to be paid as an up-front sum. If when the scheme is completed and the units are being sold-off to the private market, the viability has improved unforeseeably, the full contribution will then be secured as a top-up to that already paid. A balanced approach has therefore been applied in this instance, by not preventing the delivery of housing at the present time whilst also not foregoing affordable housing targets in the longer term. Deferred contributions to affordable housing are considered to be lawful (within the wording of Section 106 (1) (d)) and supported by policy in both the London Plan and the LDF (within CPG) and thus in this instance is considered an appropriate means of applying a flexible method to achieve the maximum contribution to affordable housing.

- 6.32 In addition to the deferred contribution towards affordable housing being secured via the S106 Legal Agreement, two associated elements are also added via S106. The first relates to the applicant paying the fees associated with the Council's independent assessment by BPS Chartered Surveyors of the viability information submitted and future costs of the further viability assessment to be submitted. This is in line with DP3 paragraph 3.27 and CPG2 paragraph 2.61.
- 6.33 The second is to secure the provision of an additional affordable housing requirement if the scheme is extended or converted above and beyond the 16 residential units currently proposed in the future. This will cover possible scenarios such as: 1) the basement and ground floor maintained in commercial use in the current scheme being 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 16 units proposed to be reconfigured to provide a larger number of residential units. In practice this will secure an appropriate percentage of the residential units permitted by the subsequent planning permission as affordable housing, with this percentage being applied to the aggregate total of the residential units permitted by both the current and the subsequent planning permission.

#### **Provision of retail unit**

- 6.34 The site lies within a protected retail frontage (includes No. 2 to No. 14 (consecutively)) within Fitzrovia. Within protected retail frontage existing A1 retail uses would be protected and the creation of additional small shops is supported.
- 6.35 The main concentration of specialist retail uses in Fitzrovia are the independent art galleries / dealers, bookshops, model makers and designer clothing shops in the Percy Street / Windmill Street area. However there are also a number of other specialist retail uses interspersed throughout the Fitzrovia area.
- 6.36 Policy CS7 seeks to protect shops and enhance Camden's centres by protecting and promoting small and independent shops, and resisting the loss of shops where this would cause harm to the character and function of a centre; supporting and protecting Camden's markets and areas of specialist shopping. The supporting text indicates that the Council will support and encourage specialist shops by restricting changes from shops to other uses in order to maintain stock of suitable premises.

- 6.37 The original scheme included an option for either one large retail unit or another unit set over the ground and basement levels. The proposal would have resulted in the creation of retail floorspace of 408 sq. m at ground floor level. A retail unit of this size was not considered appropriate to the character of the area as it would have been more appropriate to Town Centre location like Tottenham Court Road. Due to the design of the existing frontage of the building the maximum number of entrances that could be incorporated within the proposed layout would be two. The retail option was therefore revised during the course of the application to separate the basement and ground floor levels vertically with one retail unit and one office use at ground and basement levels. This would create a smaller retail unit with floor space at ground floor level of approximately 163.8 sq. m (including the basement it would create 306 sq. m). Due to the physical constraints relating to the entrances to the building and taking into consideration the fact that the proposal would be creating new retail floorspace, this size of unit at ground floor level would be considered more appropriate to the character of the street and would be considered acceptable in this instance.

#### **Quality of the commercial accommodation**

- 6.38 The proposal would include either office accommodation at basement and ground floor or a mixed retail and office use at basement and ground floor levels. It would provide an improved standard of accommodation for future commercial occupiers than is currently the case. A front lightwell area would be retained at basement level that would provide natural daylight and ventilation into the basement areas of the new commercial units. The ground floor area would include two separate entrances with modern shopfronts that would front directly onto the street. The internal layout would be reconfigured to provide more open space with the removal of suspended ceilings and internal partitions. This would help to create a better standard of commercial floorspace and would be considered acceptable.

#### **Quality of residential accommodation**

- 6.39 Policy DP26 of the LDF Development Policies requires development to provide an acceptable standard of accommodation in terms of their internal arrangement, dwelling sizes and amenity space. Camden's CPG on Housing sets out the Council's standards for new residential development. In general the quality of amenity for residents would be high in terms of size of units, accessibility and quality of finish.
- 6.40 The flats are all accessible via a main lobby entrance from Windmill Street or via lift/stairs from the basement for those arriving by bicycle.
- 6.41 The proposal would include the creation of 16 self-contained residential units, comprising a mix of 3 x 1-bedroom, 8 x 2-bedroom and 5 x 3-bedroom flats. This mix is considered suitable, providing a mix of small and large units which are likely to attract a range of household types and sizes. In relation to the dwelling size priorities table outlines as part of policy DP5, 50% of the proposed market units would be 2-bed that would exceed the 40% target. In terms of the mix of units the proposed scheme is considered to satisfactorily contribute to the creation of mixed and inclusive communities.

- 6.42 Each of the 16 units proposed would be fully self-contained and considered to provide a good standard of accommodation for future occupiers. In terms of bedroom sizes and overall flat sizes, the quality of the accommodation would meet the minimum floor areas and room size standards to accord with both Camden CPG and the Mayor's minimum standards in the London Plan Interim Housing SPG dated April 2010.
- 6.43 In terms of outdoor amenity space, 11 of the 16 units would have access to private outdoor amenity space in the form of terraces. This would be created to the front and rear of the building and would include provision for all of the 3 bedroom flats. This would be considered acceptable.
- 6.44 Due to the orientation and plan-form of the existing building the units on the first-fourth floor levels would be predominantly either north or south facing in their outlook, however the scheme has been carefully designed so that of the 16 residential units in total, only four would have completely single aspect. These comprise a 2-bed flat facing south and 3 x 1-bed flats which face north. The plan-form of the building is such that a balanced mix could not be achieved without at least some units being single aspect. These four units are in all other respects perfectly adequate in the standard of accommodation offered and it would be unreasonable for the scheme to be refused on this ground alone.
- 6.45 For the remaining units, the design has utilised building projections, balconies and the east-facing elevation overlooking the Met Building service yard to ensure that these all have at least a secondary window providing an alternative aspect for light and outlook. Three of the 2 bed units and one 3 bed unit on floors 1-4 would be fully dual aspect with living room/dining rooms facing Windmill Street and the bedrooms located to the rear of the building. The first to third floor windows in the rear elevation of the building have an angled design with a solid element, translucent glass and clear glass. The extent of clear glass together with the translucent glass would provide a sufficient level of daylight and sunlight to the bedrooms of these residential units. The bedrooms and living/dining room windows of the residential units that front onto Windmill Street would receive adequate daylight and sunlight as each room would be served by two/three generously sized windows. It is considered that the proposed residential units would provide future occupiers with a good standard of accommodation and would be considered acceptable.
- 6.46 The Council's Crime Prevention Design Advisor has been formally consulted on the proposals and confirms that the proposals have been considered with Secure by Design guidance in mind. As such, no elements are considered to raise concern from this perspective. With regard to waste and recyclables, a dedicated space at basement and ground floor levels would provide sufficient space for the commercial and residential elements of the proposals. Thus in overall terms the quality of residential accommodation proposed is considered to be of a sufficient standard for all future occupiers.

#### **Occupier outlook and privacy**

- 6.47 In general all of the new flats would have good quality outlook from all aspects. However due to the physical constraints of the site and close proximity of

neighbouring properties along Percy Street some of the rooms at the rear of the development between the first to third floors would have limited outlook due to the angled design of the windows with partially obscured glazed windows. The outlook from the bedrooms in the units that face south (units 1.1, 1.2, 2.1, 2.2, 3.1 and 3.2) would be restricted to one window panel that would directly look south. The living/dining rooms of these flats would have a good quality of outlook. Overall the reduced outlook from the limited number of affected bedrooms in flats that would enjoy good outlook in other respects would not be sufficiently harmful to the amenity of those occupants to justify refusal of the proposals and therefore considered acceptable overall.

### **Lifetime homes and wheelchair housing**

- 6.48 Policy CS6 of the LDF Core Strategy states that the Council should aim to minimise social polarisation and create mixed and inclusive communities by seeking a variety of housing types suitable for different groups including families and people with mobility difficulties. Policy DP6 of the LDF Development Policies seeks to deliver this and states that 10% of all new housing should either meet wheelchair housing standards, or be easily adaptable to meet them. Paragraph 6.9 of the policy states that affordable wheelchair units should be fitted out as such from the outset. Policy DP6 also requires that all new dwellings be designed in accordance with lifetime homes standards to support the changing needs of a family's lifecycle.
- 6.49 The submission documents identify that the units would be expected to meet all of the Lifetime Homes Standards. Furthermore revised plans have been submitted indicating how 2 of the units (10%) would be wheelchair compatible (the 2 x 3 bed units at first and second floor levels). The Council's access officer considers that the proposal is acceptable. The provision of all units to be constructed to lifetime homes standards and 10% wheelchair housing would be secured by condition.

### **Design**

- 6.50 **Design overview:** The existing building is noted in the Charlotte Street Conservation Area Character Appraisal and Management Strategy as making a negative contribution to the conservation area. Through sensitive reworking of the façades the proposal has sought to address the 'squat' proportions of the existing ground floor 'plinth' and redefine the architectural vocabulary and proportions of the upper floors as a more scholarly response to the classical composition that characterises much of the surrounding conservation area. In doing so, the design and appearance of the building as a whole would be improved and would enable additional height to be achieved at 5<sup>th</sup> and 6<sup>th</sup> floor levels in a remodelling of the upper storeys following removal of the existing mansard. It is considered that through the improvements to the design and proportions of the building as a whole, and given most people would experience the main elevations rather than the additional roof storeys from the adjacent public realm, any potential increase in bulk perceived at roof level would be readily mitigated and result in an enhancement to the existing building and its contribution made to the character and appearance of the conservation area.
- 6.51 The individual design components making up the proposal are considered in more detail below:



#### Roof extension (Nos. 10-11 Windmill Street)

- 6.52 Three two-storey pavilions would replace the existing mansard roof. The main part of the roof would rise just 1000mm above the height of the existing roof, whilst the pinnacle of the pavilions would be 1700mm at the highest points. The proposed fourth floor is set back from the front parapet by 1500mm and the fifth floor back further being over 4000mm at the ridge. This would significantly reduce the prominence of the new roof form and ensure the roof structure is subordinate to the main façade. Moreover the 'pavilions' are given definition by setting the accommodation between them back by 800mm (4th floor) to 2250mm (5th floor) ensuring the roof is composed of individual pavilions and not a single mass. The pavilion to the west has been gabled to avoid the need for a two storey shear brick party wall. This reduces the dominance of the additional accommodation and allows for a sympathetic change in scale experienced in views travelling west from Charlotte Street.
- 6.53 The combination of set back form, position of the new roof and articulation of the accommodation would relate to the respective 'townhouse' bays and not overly dominate the principal façade, particularly when viewed from the public realm where it would have little impact due to the narrowness of the street. The longer range view would be limited to oblique views of the fifth floor. There would be views from the upper floors of neighbouring buildings however the roofscape along Charlotte Street is extremely varied and contains numerous styles and sizes of roof accommodation. This is confirmed by the appraisal of roofs in the Conservation Area Statement which states; *"Later developments of the late 19th and early 20th Centuries are more detailed with a greater use of ornamentation and also gothic and Italianate detailing. Forms such as gables, turrets, oriels and bays were introduced to create interest in the elevations and at eaves level."*<sup>1</sup>
- 6.54 The proposed roof extension to 10-13 Windmill Street is reminiscent of the Queen Anne-Dutch style which first appeared in London at the time of the joint monarchy of William III and Mary II in 1689. Architects of the time such as May, Wren and Hawksmoor were heavily influenced by Dutch architects and this in turn was reflected in some of the styles seen in the development of Georgian Bloomsbury shortly after. The roof profile is an interesting and fitting response to the site which enhances the existing building to assume an Anglo-Dutch style row of townhouses. The picturesque gabled forms would add interest to the roof line of the street without being oppressive or dominating. (Examples of Dutch Classical and Queen-Anne style can be seen in the committee inserts.)
- 6.55 In this regard it is considered that both the scale and the built form of the proposed roof extension to Nos. 11-13 would sit comfortably within the area of built development of which it forms a part.
- 6.56 Officers acknowledge the principle of a two storey roof extension (following removal of existing mansard) to Nos 10-13 would not normally be considered acceptable on the Georgian properties in this area from which the architectural style of the existing building is clearly influenced. However this site is considered to encompass a

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<sup>1</sup> Par 3.14 page 10 - Charlotte Street Appraisal and Management Plan July 2008

particular set of circumstances which makes it an exception to the general rule and would not therefore set a precedent for future development in the area; the circumstances includes;

- a) The building was built in the early 1990's as a pastiche Georgian style and is *not* and does not form part of the original or late significant phases of development in the area
- b) The detailing and finish are poor resulting in it *detracting* from the character and appearance of the area
- c) The roof extension would not be visible from a public vantage point
- d) The proposed enhancements to the main façades would significantly improve the character and appearance of the building and enable assimilation of the additional height as a subordinate element without harm to the appearance as a whole
- e) There is a variety of different roof extensions and roof forms on existing adjoining buildings of differing age on the west side of Windmill Street

#### Roof extension (No. 14 Windmill Street)

- 6.57 The roof storey would be removed with two storeys of accommodation added. One shear façade and a storey of attic accommodation. The existing roof storey comprises a mock pediment which partially screens the roof plant. The proposed scheme enhances the roofscape by introducing a proper attic storey (the plant is relocated to the rear of the building at lower level) which reinforces the character and style of the building. The increased height addresses No. 14 as a 'bookend' and reinforces the building as a landmark which terminates the view from Whitfield Street. The additional height is also seen in context with the 13+ storey Met building which adjoins the site to the east. The perpendicular theme of the alterations to the façade and Dutch-style pavilions of Nos. 11-13 is continued with the extension to 14 Windmill Street resulting in a narrow tall and elegant feature rising from the pavement edge in views from Whitfield Street.

#### Rear extension

- 6.58 The site is land locked by buildings to the sides and rear and the views of the rear of the building are limited to mainly private views from windows in the rear elevations of properties along Percy Street. In this regard the works to the rear including the additional rear extension and change to the elevation is not considered to harm the character and appearance of the building or area. The rear extension would be subordinate to the host building and the change in fenestration pattern and rendered façade would provide an updated contemporary response of suitable quality to the development and to the area.

#### Façade changes

- 6.59 The existing neo-classical building benefits from being divided vertically to give the impression of townhouses. However the facades lack the architectural composition finesse, detailing and quality of finish of classical terrace properties. The detailed architectural treatment of the elevations including proportions, character, craftsmanship and roof form is missing. The scale of the ground floor is ill-proportioned, unduly squat and unwelcoming and creates a dead street frontage. The building has equal floor to ceiling heights and window sizes per floor and comprises poor quality detailing and materials. This along with the lack of party

walls dividing the interior betrays the fact the building was designed in the late 1980's as an office building.

- 6.60 The shortcomings of the existing composition has sought to be rectified through sensitive reworking of the façades. The basic principles established in the original design of a base, middle and top, with the strong vertical emphasis have been reinforced in the new design. This includes providing new internal walls to subdivide the offices for flats along the party wall line which reinforces the site as individual townhouses
- 6.61 At the base of the building the proposed revisions are a welcomed architectural approach to increase the scale of the existing 'plinth'. The shopfronts have been brought forward to strengthen the base and enliven the street. The second floor has become the Piano Nobile especially obvious from the exterior by virtue of its larger windows, balconies and architraves around the windows. Above this floor windows reduce in height introducing much needed hierarchy to the front façade.
- 6.62 The façade changes are considered to be of significant public benefit to the area by improving the architectural vocabulary and proportions of the building. This includes the new roof forms, which along with the changes to the fenestration, have been based on established principles in ancient and modern architecture to establish proportions comfortable to the human eye. (Refer to report attachments relating to "The Golden Section"). It is important these improvements to the public facing facades are considered holistically as part of the overall scheme. The overall result is considered to be a better composition which sits more comfortably in the street scene.

#### Detailing and materials

- 6.63 The development would use a limited high quality palette of natural materials appropriate for the setting of the development.
- 6.64 The roof form would be clad in a zinc traditional roofing material which has a dull gray finish. The pavilions would be finished with a shingle textured patination with standing seam to the remainder. All new windows would be painted timber. Stone would be used for architectural detailing such as banding and window architraves and shopfront. The existing brick facades will be soot washed to ensure an even colour and patina.
- 6.65 It will be necessary to condition all the external facing details and materials, to ensure the most appropriate outcome including zinc roof windows, glazing, balconies, balustrades, doors, and facing materials.
- 6.66 To summarise the above, the existing office building represents a poor quality pastiche. The proposed scheme seeks to optimise the use of the site by enhancing the architectural composition and language of the building and successfully provides additional accommodation in a unique and interesting manner which articulates and relates to the architectural composition and character and appearance of the roofscape in the area. For these reasons it is considered that the proposed scheme is appropriate to its context and as such is considered acceptable in design terms.

## **Amenity – impacts on adjoining occupiers daylight/sunlight and outlook**

- 6.67 The development is land locked and is surrounded by a mix of residential and commercial occupiers. The nearest residential occupiers include 28 and 29 Percy Street that lie to the south of the site c. 1.2m and 13.2m respectively. The residents of 32, 33, 34, 35 Windmill Street lie to the north of the site c. 14m from the front elevation of the building. Local residents have objected to the application on the basis of the loss of daylight, sunlight, overlooking, impact of construction noise and nuisance and impact on local parking and traffic conditions. The latter point would be dealt with in the section on Transport.

### **Neighbour amenity – sunlight and daylight**

- 6.68 The applicant has submitted a daylight and sunlight report to assess the impact on the nearest dwellings (32, 33, 34, 36 Windmill Street and 28, 29, 30, 31, 32 Percy Street). Being to the north of the closest residential properties at Percy Street the development would not have an impact on the sunlight to those properties. Affects on annual probable sunlight reaching windows to residential properties on Windmill Street would be negligible and all windows would continue to receive at least the guideline minimum annual probable winter sunlight hours of 5% where they previously did so apart from one window in 32 Windmill Street which would reduce from 5% to 4%. The proposal is therefore considered to have minimal overall impact on sunlight.

### **Daylight to Windmill Street**

- 6.69 The buildings opposite the site fronting onto Windmill Street are four storey terrace buildings divided into flats from first to third floor levels. None of the windows in these properties would experience a reduction of greater than 20% in Vertical Sky Component (VSC) which would result in no perceptible difference in daylight.

### **Daylight to Percy Street**

- 6.70 The buildings to the rear of the site are three storey plus basement and roof accommodation. Two of the north facing windows at first and second floor levels in the rear extension at no. 28 Percy Street would see a reduction of greater than 20% in VSC. However the extensions are fully glazed and would receive daylight and sunlight from full height windows on the western side elevation. The windows to the north would be considered as secondary windows and therefore the impact is likely to be only marginally perceptible to these rooms.

- 6.71 Overall it is considered that there would be some impact on daylight to no. 28 Percy Street however overall the affected rooms are expected to retain a good quality of daylight and the impact would not be sufficiently harmful to justify refusal of the proposal on the grounds of loss of neighbouring daylight amenity.

### **Neighbour and occupier amenity (Noise)**

- 6.72 Noise can have a major effect on amenity and health and therefore quality of life. Policy DP26 and DP28 of the LDF Development Policies seek to ensure that new development does not cause noise disturbance to the occupiers of neighbouring properties. It states that permission will not be granted for plant or machinery

which exceeds Camden's noise thresholds. It also states that the Council will seek to minimise the impact of noise from demolition and construction.

- 6.73 A plant area is proposed to be relocated from the roof of no. 14 to the fourth floor roof of the two storey rear extension. The plant would be incorporated within a louvred enclosure and would not extend beyond the western side elevation of the Met Building that bounds no. 28 Percy Street. It would be set in from the eastern side of the building by 0.6m and would be mainly screened from views from Windmill Street. An acoustic report demonstrating how the proposed plant would meet the Council's minimum noise standards has been submitted as part of the application. The applicants have confirmed that the plant serving the residential units would operate 24 hours a day. However the plant serving the commercial units on the ground floor would operate during the day only. The noise report demonstrates that the plant would meet the Council's minimum noise standards in terms of nearest noise sensitive receptors and would be considered acceptable. A condition would be attached to any permission to ensure that this is achieved.

#### **Overlooking of neighbouring properties**

- 6.74 Policy DP26 of the LDF Development Policies requires that new development does not cause unreasonable overlooking to neighbouring properties to the detriment of their occupiers. Camden Planning Guidance recommends that a distance of 18m be maintained between facing habitable windows to ensure that privacy is maintained. The windows on the rear elevation of the building are within 16.5m of the windows in the main rear elevations of properties fronting Percy Street. The windows in the rear façade on first to third floor levels would be designed to be angled with a mix of solid panels, transparent panels and clear glass. The clear glass panels would allow views to the southwest of the site with no direct overlooking to the adjoining properties along Percy Street.
- 6.75 The new windows within the roof extensions at fourth, and fifth floor levels on 11-13 would be set back from the front façade of the building by 2m. The parapet wall to the front of the building would measure 1m in height. This set back together with the height of the parapet wall would ensure that there would not be any direct views into the windows of the adjoining properties along Windmill Street.
- 6.76 New outdoor terrace areas would be provided for the flats on the southern rear elevation at first, second, third and fourth floor levels. In order to prevent any overlooking to the adjoining properties along Percy Street especially no. 28 and 29 Percy Street obscure glazed privacy screens and visual baffles would be installed. This would screen views out of the terrace areas and prevent any direct overlooking into the rear courtyards and windows of the adjoining properties along Percy Street.
- 6.77 The terraces created at fifth and sixth floor level would be set back approximately 8m from the rear elevation of the closest residential property (28 Percy Street). Given the location of these terraces (5<sup>th</sup> and 6<sup>th</sup> floor levels) within the building in relation to the adjoining 4 storey properties along Percy Street and the angle of view, there would no direct overlooking from the terraces into these properties.

- 6.78 New terrace areas would also be provided within the front of the building at fourth floor level. There would be a separation distance of 14m between the front of the building and the adjoining buildings at nos. 32, 33, 34 and 35 Windmill Street. Views into and out of the terraces would be screened by the raised parapet wall on the front elevation. Overall the proposal would not result in any significant perception of additional overlooking and would be considered acceptable.

## **Transport**

- 6.79 The site is located within the Central London transport 'Clear Zone' on Windmill Street close to Tottenham Court Road. There is no vehicular access to the site and none is proposed. The site has a Public Transport Accessibility Level (PTAL) rating of 6b (excellent).

### Cycle parking

- 6.80 Camden's Parking Standards for cycles states that 1 storage or parking space is required per residential unit. The proposal is for 16 residential units; therefore 16 cycle storage/parking spaces are required. However, using Transport for London's (TfL) cycle parking standards for new developments there is a requirement for 1 storage or parking space per 1 and 2 bedroom unit and 2 storage or parking spaces per 3 or more bedroom units. In addition, Camden's LDF provides cycle parking standards for shops and business developments. Using the standards for shops, 1 space per 250 sq. m would be required for staff and 1 space per 250 sq. m would be required for visitors. Therefore 8 cycle storage or parking spaces would be required for the shops and/or business units and 21 cycle storage or parking spaces would be required for the residential units. The applicant has submitted a revised drawing to show 29 cycle parking spaces in a communal store at basement level opposite the lift access. These details are acceptable and would be secured by condition.

### On-street parking

- 6.81 The site has a Public Transport Accessibility Level of (PTAL) of 6b (excellent) and is within a Controlled Parking Zone. The site is within the "Clear Zone Region", for which the whole area is considered to suffer from parking stress. Bloomsbury (CA-E) Controlled Parking Zone (CPZ) operates Mon-Sat 08:30-18:30 hours and 108 parking permits have been issued for every 100 estimated parking bays within the zone which means that the CPZ is highly stressed.
- 6.82 Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone the site is within. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%. Therefore the new flats would be required to be made car free through a Section 106 legal agreement.

### Servicing

- 6.83 The application documents include a servicing note by Motion Transport Consultancy. This confirms that trips to the site would be substantially reduced from the existing due to the reduction in commercial floor space. The servicing for the retained offices and single retail unit would take place from Windmill Street to the west of the site where there are parking / waiting arrangements that are used

by the existing commercial occupiers. The servicing note suggests that there would be capacity for three servicing vehicles to park on the northern side of Windmill Street. In order to ensure that the proposal would not have an adverse impact on the existing transport network a servicing management plan would be required that would include servicing details for both options of the commercial development at basement and ground floor levels. This would be secured by s106 legal agreement.

#### Construction Management Plan

- 6.84 Due to the extent of the works proposed, the potential frequency of construction vehicles to and from the site, and the constraints of the street network, a construction management plan would be required to be submitted. This would be secured through s106 agreement.

#### Highway works

- 6.85 Given the scale and location of the development it is considered appropriate to secure a contribution towards environmental works only in the immediate area adjacent the site. Highway officers consider a figure of £10,000 would be sufficient to resurfacing and reinstatement around the site following the development. This would be secured by S106 legal agreement.

#### **Sustainability**

- 6.86 The applicant has submitted a BREEAM EcoHomes pre-assessment report in support of the application. This is considered to be appropriate in principle securing the required 'very good' score. It is recommended that to ensure that a 'very good' rating is achieved in practice, the assessment would be secured by S106 legal agreement. This means that the application will provide further assessments at the design and post-construction stages to ensure that the minimum standards for energy (60%), water (60%) and materials (40%) are met as well as the overall rating of 'very good'.
- 6.87 A sustainability and energy statement report has also been submitted siting details of the baseline energy consumption of the building and the various measures that would be introduced in order to significantly reduce this. The energy hierarchy has been followed in the report submitted, with 'be lean', 'be clean' and 'be green' measures all outlined. The 'be lean' measures include draught proofing, the use of an automatic control system, provision of energy efficient lighting and high efficiency ventilation systems. No on-site CHP is included due to the size of the scheme, however the 'be clean' measures would include use of a community heating system by use of a centralised heat pump system providing both heating and cooling. With regard to 'be green' measures, each of the renewable technologies have been considered and assessed. A number of the technologies have been discounted as not appropriate for the site and reasoned justification has been provided in support of this. The inclusion of 43 sq. m of photovoltaics on the flat roof areas of the building would result in a carbon emission saving of 8% for the residential element. However it equates to only 1.4% site-wide reduction due to the significant load imposed by the commercial element of the scheme. However when taken collectively the proposal would bring the total energy reduction to 33% below Part L 2010 compliant baseline building regulations. This would meet the Council's

target of 20% and is considered acceptable in the context of the development. These measures would be secured by S106 legal agreement to ensure they are fully implemented.

### **Education/Open space contributions**

#### Education

- 6.88 The proposed development provides 16 private self-contained residential units and therefore a financial contribution would be required towards the provision of educational facilities within the local area on accordance with policy CS10 and CS19 of the LDF Core Strategy. Based on the formula contained in the Camden Planning Guidance (CPG8) £49,314 would be sought towards the provision of educational infrastructure. This would be secured by S106 legal agreement.

#### Open space

- 6.89 Policy CS15 of the LDF Core Strategy and DP31 of the LDF Development Policies require that the existing public open space deficiency within the Borough is not created or made worse by development. If development is likely to lead to increased use of public open space then an appropriate contribution should be made to the supply of open space. Camden's CPG6 outlines a sequential approach in terms of provision, it states that it should be delivered within a scheme, but if this is not possible then a financial contribution could be provided and pooled to create new open spaces off-site or to improve existing ones. The proposal includes large terraced spaces for the 2 x 3 bed duplex flats on the fourth and fifth floors which would be discounted from the need for provision. The CPG6 formula for calculating open space contributions would therefore need to take into account the 3 x 1-bed; 5 x 2-bed; and 5 x 3-bed units.
- 6.90 The required contributions for open space would equate to £11,100 capital cost, £8,123 maintenance and £1,333 design and admin totalling at £20,556 overall. This would be secured by S106 agreement.

### **Air quality assessment**

- 6.91 The proposal would not incorporate any measures that would have implications for local air quality. Control of dust and construction air pollution would be secured through the detailed Construction Management Plan that would be secured by s106 legal agreement.

### **Community facilities**

- 6.92 The development site is located in Fitzrovia which is a neighbourhood in Camden that is lacking in community facilities. Pressure on existing facilities is likely to increase as new developments increase resident numbers. Policy DP15 of the LDF Development Policy states that the Council will expect developments that result in any additional need for community or leisure facilities to contribute towards supporting existing facilities or providing for new facilities. In line with DP15 it would be reasonable to expect the development to make a contribution towards community facilities in the vicinity. The payment calculated in line with CPG8 would be £33,320 (number of bedrooms 34 x £980 per bedroom). This would be secured by section 106 legal agreement.



### **Local labour and procurement**

- 6.93 The proposed development is a major development which will involve a significant construction contract. In accordance with Policy CS19 of the LDF Core Strategy and Camden Planning Guidance (2006) it is recommended that the developer provide construction training opportunities for local residents related to the development through a recognised local initiative. The developer should also use reasonable endeavours to ensure that supplies and services are sourced locally. The creation of local employment and business opportunities will reinforce neighbourhood renewal objectives and improve the sustainability of the local economy. Such measures would be secured by legal agreement.

## **7.0 CONCLUSION**

- 7.1 Due to the physical constraints of the upper floors of the building, the loss of employment floorspace is considered acceptable. In overall terms it is considered that the proposed scheme would contribute to the provision of housing within the borough, which is regarded as the priority land use of the LDF. It is acknowledged that no on or off-site provision of affordable housing is proposed. This is due to site constraints and financial viability, which has been subject to independent assessment and subsequent verification. However a financial contribution having regard to viability considerations in line with policy DP3 would be secured to be spent on affordable housing in the area. A further deferred contribution has also been agreed with the applicant should the viability of the scheme improve between now and delivery representative of the balance of the full amount expected by policy DP3.
- 7.2 In addition, the proposed scheme would provide a suitable mix of units to contribute to the creation of mixed and inclusive communities and accommodation of a quality to meet the future amenity of occupiers, whilst also protecting the quality of life of neighbours. Moreover, an appropriately high standard of design having regard to local context and the provision of environmentally sustainable development measures would also be secured.
- 7.3 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:
- Payment of fees of the Council's independent assessor (from BPS) in relation to affordable housing matters;
  - Payment in lieu contribution to affordable housing of £650,000, plus deferred contribution of the balance up to a total maximum of £792,350;
  - Provision of additional affordable housing if the scheme is extended or converted above and beyond the 16 residential units currently proposed;
  - Loss of employment floorspace contribution of £63,000
  - Communities contribution £33,320
  - Employment and training
  - Local procurement
  - Education contribution £49,314
  - Open space contribution £20,556
  - Submission of Construction Management Plan

- Submission of Servicing Management Plan
- Highway works contribution £10,000
- Car free development
- BREEAM EcoHomes design stage and post-construction review
- Energy and Sustainability measures

## 8.0 **LEGAL COMMENTS**

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the Council.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Detailed drawings, and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.

b) Plan, elevation and section drawings, including fascia, cornice pilasters and capitals of the new shopfront at a scale of 1:10

c) Typical details of new balustrade, stone banding and cornices and columns at a scale of 1:10 with finials at 1:1, including method of fixing.

d)) Samples and manufacturer's details of new facing materials including render, glazing, natural stone, cast iron rain pipe and, metal cladding.

e) A sample of the soot washing and associated method statement for soot washing the masonry front façade of No.11-13.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the character and appearance of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Automatic time clocks to the plant serving the commercial unit(s) shall be fitted to the equipment/machinery hereby approved, prior to commencement of the use of the units, to ensure that the plant/equipment does not operate outside of the required hours. The timer equipment shall be properly maintained and retained permanently thereafter.

Reason:- To safeguard the amenities of the adjoining premises in accordance with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The development shall be implemented in accordance with the Lifetime Homes Assessment hereby approved.

Reason: To ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Prior to first occupation of the building hereby approved the proposed cycle storage area at basement level as shown on the drawings hereby approved shall be provided in its entirety and permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policies CS11 of the London Borough of Camden Local Development Framework Core Strategy and DP17 and DP18 of the London Borough of Camden Local Development Policies.

- 8 The use of the terraces and balconies to the residential units hereby approved shall not commence until the privacy screens and visual baffles, as shown on the approved drawings, are fully erected to a height of 1.7 metres above the immediately adjoining floor level. The screening and visual baffles shall be permanently retained and maintained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan; 1016-0100 rev B; 101 rev B; 0102 rev B; 0103 rev B; 0104 rev B; 0105 rev B; 0106 rev B; 0300 rev A; 0303; 0304; 0201; 0203; 1030 rev A; 1120 rev A; 1121 rev A; 1122 rev A; 1123 rev A; 1124 rev A; 1125 rev A; 1126 rev A; 1127 rev A; 1128 rev A; 1131 rev A; 1220; 1221; 1222; 1223; 1230; 1303 rev A; 1321 rev A; 1322; and 1323.

Reason:

For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email [env.health@camden.gov.uk](mailto:env.health@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or

Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ
- 6 Reasons for granting planning permission:

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy with particular regard to CS1 Distribution of growth, CS3 Other highly accessible areas, CS5 Managing impact of growth, CS6 Providing quality homes, CS7 Promoting Camden's centres and shops, CS8 Promoting a successful and inclusive Camden economy, CS9 Achieving a successful Central London, CS10 Community facilities and services, CS11 Sustainable travel, CS13 Tackling climate change, CS14 High quality places and conserving heritage, CS15 Parks, open spaces and biodiversity, CS17 Safer places, CS18 Waste and recycling, CS19 Delivering and monitoring the Core Strategy; and with the London Borough of Camden Local Development Framework Development Policies with particular regard to DP1 Mixed use development, DP2 Making full use of housing capacity, DP3 Affordable housing, DP5 Homes of different sizes, DP6 Lifetime homes and wheelchair housing, DP10 Helping and promoting small and independent shops, DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses, DP13 Employment sites and premises, DP15 Community and leisure uses, DP16 Transport implications of development, DP17 Walking, cycling and public transport, DP18 Parking standards, DP20 Movement of goods and materials, DP21 Highway network, DP22 Promoting sustainable design and construction, DP23 Water, DP24 High quality design, DP25 Conserving Camden's heritage, DP26 Impact on occupiers and neighbours, DP27 Basement and lightwells, DP28 Noise and vibration, DP29 Improving access, DP30 Shopfronts, DP31 Open space and outdoor recreation, and DP32 Air quality and clear zone.

Furthermore the proposal accords with the specific policy requirements in respect of the following principle considerations:

- The proposal would contribute to the provision of housing within the borough including a financial contribution to be spent on affordable housing in the area
- The proposed work ensures the continued use of an existing building with a mix of residential and commercial uses that would complement the area
- The works are of a high standard enhancing the appearance of the building and the contribution it makes to the character and appearance of the conservation area
- The proposal is provided with appropriate servicing and refuse arrangements; and
- The proposal incorporates environmentally sustainable development measures.

