

Address:	74 Charlotte Street London W1T 4QH		
Application Number:	2012/2133/P	Officer: Jenna Litherland	
Ward:	Bloomsbury		
Date Received:	05/04/2012		
<p>Proposal: Demolition of building behind retained four storey front façade and redevelopment for a 5 storey building that includes a new mansard roof level with rear terrace, a rear terrace at second floor level, plus excavation to form a basement level with front lightwell, to accommodate restaurant (Class A3) at basement and ground floors and 4 x residential flats on upper floors to be communally accessed from Charlotte Mews.</p>			
<p>Drawing Numbers: Site location plan; (PL)002; (PL)003-A; (PL)004-A; (PL)005-A; (PL)006-A; (PL)007; (PL)008; (PL)009-A; (PL)010-A; (PL)011-A; (PL)12-A; (PL)13-B; (PL)014-B; (PL)15-B; (PL)016-C; (PL)017-B; (PL)018-B; (PL)019-B; (PL)20-B; (PL)021-B; (PL)022; (PL)023-A; Daylight/Sunlight report by GVA dated 17th February 2012; Lifetime Homes Statement by Darling Associates; Heritage Statement by Montagu Evans dated March 2012; Environmental Noise Study by GPC dated February 2012; Structural Engineer's Report by Michael Barclay Partnership dated 16 February 2012; Statement of Community Involvement by Grayling; Planning Statement by CBRE dated February 2012; Energy Statement Report by GPC dated 16/02/12; Design and Access Statement by Darling Associates dated February 2012 Rev. 2; and Construction Management Plan by Roxylight London Ltd dated 10/02/12.</p>			
RECOMMENDATION SUMMARY: Grant conditional planning permission subject to S106 agreement			
Related Application:	Conservation Area Consent		
Date of Application:	05/04/2012		
Application Number:	2012/2187/P		
<p>Proposal: Demolition of existing building with full façade retention to the front elevation.</p>			
<p>Drawing Numbers: As listed above.</p>			
RECOMMENDATION SUMMARY: Grant conservation area consent			
Applicant:		Agent:	
KCB Geotechnics SND BHD C/O Agent		CBRE Henrietta House Henrietta Place London W1H 0NB	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	Sui Generis (Nightclub with ancillary residential and office space)		937m ² (GEA)
Proposed	A3 Restaurants		456m ² (GIA)
	C3 Residential		452m ² (GIA)
Total proposed	A3 Restaurant and C3 Residential		1069m ² (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	1	2	1	-	-	-	-	-	-

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

OFFICERS' REPORT

Reason for Referral to Committee: The proposed development involves substantial demolition of a building within a conservation area [Clause 3(v)].

1.0 SITE

- 1.1 The site comprises a mid terrace four storey Georgian town house located on the east side of Charlotte Street between Chitty Street and Tottenham Street and the associated two storey mews building located on Charlotte Mews. The site lies within Charlotte Street Conservation Area. The main building is consistent in age and design with the terraced townhouses (first generation) from the 19th Century predominantly found within the Conservation Area. In this regard it is considered to make a positive contribution to the character and appearance of the Conservation Area and is identified as such in the Charlotte Street Conservation Area Appraisal and Management Strategy (CSCAAMS).
- 1.2 The mews building is included in the whole site inclusion on the list of buildings which make a positive contribution to the conservation area in the CSCAAMS. However, the building itself is considered to be of lesser significance than the main building because it has limited streetscape merit other than its age and scale.
- 1.3 74 Charlotte Street is located within a 'Commercial Frontage' as defined in Camden Supplementary Guidance 'Revised Planning Guidance for Central London –Food, Drink, and Entertainment Specialist and Retail Uses' - 2007.

2.0 THE PROPOSAL

Original

- 2.1 Planning permission and conservation area consent are sought for demolition of the building behind the retained four storey front façade and party walls of the main house. It is proposed to redevelop the cleared site to provide a 5-storey building to the front of the site which includes a new mansard roof level with rear terrace and a 3-storey building to the rear onto the mews with a terrace at second floor level. There is an existing basement on the site, but the proposal is to excavate to create a deeper basement level with front lightwell. The proposed building is to provide a restaurant (Class A3) at basement and ground floor level and 4 x residential flats on the upper floors. The proposed restaurant would be accessed from Charlotte Street and the residential properties would be accessed through Charlotte Mews.

Revisions

- 2.2 During the course of the application the proposal has been amended significantly in order to reduce the size of the rear wing of the building. This has resulted in the reduction on the site of the residential units from 2 x 2 bed, 2 x 3 bed, and 1 x 1 bed to 1 x 1 bed, 2 x 2 bed and 1 x 3 bed.
- 2.3 The detailed design of the front elevation at ground and basement level has also been amended. It was previously proposed to have a glazed opening with no solid break between ground and basement level. This has been revised with the addition of a stallriser between ground floor and basement level. The revisions are discussed in greater detail the design section of the report.

3.0 RELEVANT HISTORY

- 3.1 PS9704244R2: Alterations to the doors on the front elevation at ground floor level. Granted 02/07/1997
- 3.2 CTP/N12/25/4/18292: Redevelopment of 74 Charlotte Street by the erection of a building comprising basement, ground, first, second and third floors for warehouse and fourth, fifth and sixth floors residential flats. Refused 04/04/1974

4.0 CONSULTATIONS

- 4.1 **English Heritage:** Given the extent of internal loss and external alteration we do not wish to comment in detail but would request that in determining the application that the Council give particular consideration to NPPF policies 131 and 134, which state the desirability of sustaining and enhancing the significance of heritage assets and the need for harm to be outweighed by the public benefits of the proposal. If the Council is minded to grant consent we request that the opportunity to reinstate the appearance of No. 74 Charlotte Street in a manner which enhances the character and appearance of the conservation area is taken, particularly in respect of joinery, external finish, and new shopfront. We would also stress the need for any new mews building to reflect the scale of the historic mews and special care be taken to ensure that materials of appropriate quality are employed.
- 4.2 **Thames Water:** No objection
- 4.3 **Metropolitan Police:** No objection
- 4.4 **Transport for London:** 7 cycle parking spaces should be provided for the residential part of the proposal and one cycle parking space should be provided for the restaurant use. All

residential units should be car free.

4.5 **Crossrail:** No comment

4.6 **Environment Agency:** No comments.

4.7 **Charlotte Street Conservation Area Advisory Committee:** Object. The introduction of the sunken front area and the glassy double height opening is quite inappropriate for the Georgian façade above and involves demolition of the largely original frontage at street level. The proposal to demolish the fine staircase at the front of the plan, much of which is original, is also unacceptable.

4.8 **Charlotte Street Association:** Object. Strong objection to the proposed demolition of this Georgian building at No. 74 (behind the front façade, which is being retained) in the Conservation Area; and which is not justified for the following reasons:

- No. 74 forms part of a Georgian terrace, including a Listed Building next door at No. 72 Charlotte Street. The building (as are the other unlisted buildings in this terrace), is a Positive Contributor, in Camden's Charlotte Street Conservation Area Appraisal & Management Plan;
- English Heritage's "Understanding Place: Conservation Area Designation, Appraisal and Management" sets out criteria concerning Heritage Assets that should be retained. Being a Positive Contributor, and forming part of a Georgian terrace, the existing building at No. 74 is a Heritage Asset. 6 (out of the 12) criteria in the Table 2 Checklist of para. 2.2.21 for "Positive Contributors" applies to No. 74;
- With reference to the National Planning Policy Framework: Section 12 "Conserving and Enhancing the Historic Environment", an unlisted building in a Conservation Area is regarded as a Heritage Asset especially if a positive contributor. Under para. 133, where a proposed development will lead to a total loss (as in this case) of such a heritage asset, then consent should not be granted, unless the substantial harm or loss outweighs substantial public benefits. In this instance, there does not appear to be substantial public benefits (only "private" benefit);
- The residential is to be welcomed. But, all over London including Fitzrovia, similar Georgian terraced properties/houses are satisfactorily converted into flats.

Also object to the design of the new building on the following grounds:

- Despite the amendments, the rear extension (large staircase) is still too bulky in scale related to the main terrace, both in terms of width and height;
- The proposed new rear elevation wall of No. 74 does not align with the adjoining building of No. 72 which forms the Georgian terrace. The proposed rear elevation (together with the staircase extension) is out of scale with its neighbour No. 72 (a Listed Building) and the Georgian terrace, because of its sheer vertical height for all storeys, without any acknowledgement of a pitched roof. Thus, it very much overwhelms and affects the setting of the listed building at No. 72;
- There is strong objection to the proposed roof/mansard extension on No. 74. There are no other roof extensions to this Georgian terrace (nos. 74 to 64). Thus, in this context, it is inappropriate as it will interrupt the consistency of the uniformity, and simplicity of skyline of this existing terrace. In any case, the proposed roof extension is far too bulky, which is exacerbated by the proposed (unnecessarily) high ceiling height of 2.7 metres for this roof extension storey, as well as a similar high ceiling of 2.7 metre for the 3rd Floor below. Such high ceiling heights are not necessary for residential throughout;
- Visually, the height is further added to by the proposed metal guarding rail on the roof. Although only shown in pale outline on the Elevation drawing, (and not shown on the

Section drawing), in reality it will appear visually much more prominently when viewed from the street. Also, it is not clear if the proposed photovoltaic panels (shown on Roof plan, but not shown on Sections or Elevations) will be lying flat on the roof, or standing elevated/vertical and thus be seen; and

- There is objection to the main residential entrance being in the Mews for the flats overlooking Charlotte Street. The entrance should be in the main street of Charlotte Street, to which the flats and their main rooms relate and overlook.

- 4.9 **Howard House & Cleveland Street (North) Neighbourhood Watch:** Object. The building is a positive contributor and is located in a terrace adjacent to a listed building. Rather than destroy the inside of a period property it would not be as culturally damaging and less architecturally perverse if the owner chose a modern building and applied a replica imitation period exterior, if it is only the outside particular visual which is appreciated. There are any number of modern houses to be chosen in Fitzrovia or the neighbouring areas.

Adjoining Occupiers

	Original
Number of letters sent	171
Total number of responses received	3
Number of electronic responses	1
Number in support	0
Number of objections	2

- 4.10 A site notice was displayed from 09/05/2012 until 30/05/2012. The application was also advertised in the Ham and High on 17/05/2012.

- 4.11 Objections and comments have been received from 72, 74A and 76-78 Charlotte Street. The main concerns raised can be summarised as follows:

4.11.1 Amenity

- The proposed windows in the lightwell on the south east elevation of the building would overlook no. 72 Charlotte Street
- The proposal would result in a loss of daylight to the windows on the rear elevation of no. 72 Charlotte Street and Unit 4, Charlotte Mews.
- The proposed works would result in unacceptable levels of noise during construction. A post-production recording facility operates at nos. 76-78 Charlotte Street and the proposed construction noise would have a harmful impact on that businesses.

4.11.2 Restaurant Use

- The proposed restaurant use would result in unacceptable noise and fumes and will change the character of the area

4.11.3 Other Matters

- The proposed redevelopment should in no way prejudice the right of the owner of no. 72 Charlotte Street to develop their property.

5.0 **POLICIES**

5.1 **National Planning Policy Framework 2012**

5.2 **London Plan 2011**

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

CS1 – Distribution of growth
CS3 – Other highly accessible areas
CS5 – Managing the impact of growth and development
CS6 – Providing quality homes
CS7 – Promoting Camden's centres and shops
CS9 – Achieving a successful central London
CS11 – Promoting sustainable and efficient travel
CS13 – Tackling climate change through providing higher environmental standards
CS14 – Promoting high quality places and conserving our heritage
CS15 – Protecting and improving our parks and open spaces and encouraging biodiversity.
CS18 – Dealing with our waste and encouraging recycling
CS19 – Delivering and monitoring the Core Strategy
DP1 – Mixed use development
DP2 – Making full use of Camden's capacity for housing
DP5 – Homes of different sizes
DP6 – Lifetime homes and wheelchair homes
DP12 - Supporting strong centres and managing the impact of food, drink and entertainment and other town centre uses
DP16 – The transport implications of development
DP17 – Walking, cycling and public transport
DP18 – Parking standards and the availability of parking
DP19 - Managing the impact of parking
DP20 – Movement of goods and materials
DP21 – Development connecting to the highway network
DP22 – Promoting sustainable design and construction.
DP23 – Water
DP24 – Securing high quality design
DP25 - Conserving Camden's heritage
DP26 – Managing the impact of development on occupiers and neighbours
DP27 – Basements and lightwells
DP28 – Noise and Vibration
DP29 – Improving access
DP30 – Shopfronts
DP31 – Provision of, and improvements to, public open space and outdoor sport and recreation facilities.

5.4 **Supplementary Planning Policies**

Camden Planning Guidance 2011

CPG1 (Design)
CPG2 (Housing)
CPG3 (Sustainability)
CPG4 (Basement and Lightwell)
CPG5 (Town Centre, Retail and Employment)
CPG6 (Amenity)
CPG7 (Transport)
CPG8 (Planning Obligations)

Revised Planning Guidance for Central London –Food, Drink, and Entertainment Specialist and Retail Uses’ - 2007

6.0 **ASSESSMENT**

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

- Land Use Principles (loss of nightclub use, acceptability of the proposed restaurant and retain use);
- Design (demolition of existing buildings, proposed replacement buildings);
- Basement;
- Quality of residential accommodation and Lifetime Homes;
- Amenity;
- Sustainability;
- Transport;
- Educational and Open Space Contributions;
- CIL

6.2 Land Use Principles

Loss of the nightclub use

6.2.1 The loss of the existing night club is acceptable in principle as there are no policy requirements to retain this type of use.

Principle of the proposed restaurant use

6.2.2 The site is designated as a 'Commercial Frontage' in Camden Supplementary Guidance 'Revised Planning Guidance for Central London –Food, Drink, and Entertainment Specialist and Retail Uses' - 2007. This guidance states that in the Commercial frontages, food, drink and entertainment uses should not exceed 25% of the units in the specific frontage. In this case the frontage would be 64 Charlotte Street to 76/78 Charlotte Street. One other premises along this frontage is within food, drink and entertainment use – no. 74a which operates as a restaurant (A3). The lawful use of the application property (nightclub) is also a food, drink and entertainment use. This results in 25% of the frontage currently being in food, drink and entertainment use. The current proposal is to change the ground and lower ground floor from a nightclub (sui generis) to a restaurant use (A3). The proposed change in use would not increase the amount of food, drink and entertainment use in the frontage which would remain as 25%. The proposed restraint is therefore considered to be acceptable in principle and would comply with the guidance in the Revised Planning Guidance for Central London, Policy CS7 and DP12.

6.2.3 A number of the properties on Charlotte Street and the surrounding area have residential premises above and the proposal also include residential on the upper floors of the application site. Therefore, it is necessary to ensure that the proposed restaurant use does not harm the amenity of occupiers of near by residential uses. This will be assessed separately in the amenity section of the report.

6.2.4 Camden Planning Guidance states that the 1m³ of storage is required for every 300m² to 500m² of commercial space. A refuse area is proposed to the rear of the building which exceeds the required minimum size. This is considered appropriate.

Principle of the proposed residential use

6.2.5 Housing is a priority land-use within the LDF. Policy DP2 states that the Council will seek to maximise the supply of additional homes in the Borough, in this regard the proposal to provide 4 new residential flats is welcomed. The quality of the residential accommodation is discussed later in the report.

6.3 Design

6.3.1 The key considerations in relation to design are:

- the acceptability of substantial demolition of the existing building;
- whether the proposal would preserve and enhance the character and proportions of the existing building, including features of special architectural or historic interest it possesses, in-compliance with CS14, DP24, DP25 and DP30 and;
- whether the proposal would preserve or enhance the character or appearance of the Conservation Area in compliance with CS14, DP24, DP25 and DP30.

The applicant has submitted a Heritage Statement in support of their proposal which considers the loss of the existing building as well as the proposed replacement building.

Demolition of the existing buildings on site

- 6.3.2 74 Charlotte Street - The site is identified as making a positive contribution to the character and appearance of the Conservation Area and therefore its substantial demolition must be subject to detailed scrutiny in order to ensure that the works enhance as well as preserve the character and appearance of the building and area. The rear wall and floors would be removed and replaced. The roof would be replaced with a new traditional style mansard roof extension and replacement of the existing windows with appropriate 6 over 6 double hung timber sash windows. The front façade and party walls would be retained and refurbished.
- 6.3.3 It is considered that removal of the remaining parts of the building other than the retention of the front façade and party walls would have a harmful impact on the significance of the building however this would be less than substantial harm. This is because the significance of the building derives almost entirely from the front façade which would not be affected by the works. While the building clearly makes a contribution to the Conservation Area, little survives of the original building and what does survive is fragmentary. The rear has been removed in its entirety at lower ground and ground level and the first floor is concealed behind the roof of the large rear extension. The 2nd floor rear windows have been replaced with unsympathetic casements. Importantly the contribution the rear façade makes to the Conservation Area is significantly reducing because it is not seen from any public perspective, due to the height of the building and narrowness of Charlotte Mews. The existing roof has also been altered to include oversized dormers and numerous projecting rooflights and clunky handrail (please see aerial photographs).
- 6.3.4 The internal arrangement of the building is not statutorily protected because the building is not listed. Furthermore, it is important to note that the internal arrangement has also either been removed entirely (lower floors) or partitioned multiple times to create a warren of space and rooms (upper floors). In this regard the interior is of no interest historically or architecturally. The CAAC raised concern in relation to the loss of the original staircase. The staircase is in its original location but does not appear to be original as the balustrade and handrail do not match the early 19th Century age and style of the building.
- 6.3.5 Mews building - The whole site is identified as making a positive contribution to the area however the contribution the existing mews building makes to this part of the Charlotte Street Conservation Area is marginal. Its low scale, brick façade and timber sash windows relate to the traditional appearance of the 19th Century building but it contains no features of particular merit. It does not possess any of the elements expected in a traditional 'mews' development including winch door, large coach doors or entablature. Moreover the awkward levels result in the ground level being 1m higher than street level. Officers' views are that the building does not reflect the traditional functional character or appearance of the mews or illustrate the development of the Conservation Area. In this regard although there would be a loss of *some significance* caused by its removal, this would be minimal.

NPPF Assessment for demolition

- 6.3.6 The proposal should be assessed against the *less than substantial harm test* set out in paragraph 134 of the NPPF which states that, “Where a development proposal will lead to *less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*”
- 6.3.7 It is considered that the positive contribution the building makes largely resides in the value the front facade make to its architectural and historic interest as a surviving example of an early 19th Century retail/residential property. The front façade largely incorporates this aesthetic, evidential, historical and communal value. The other parts of the building add little additional value in terms of understanding and appreciating the building or local building traditions. In this regard the harm caused to the character and appearance of the designated heritage assets is limited. This is consistent with ensuing paragraph 138 which states “*Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*”
- 6.3.8 The NPPF does not give a definition of *public benefit* or *optimum viable use* but the ability to pursue sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The merits of the proposed development are considered to accord with the sustainable development principles set in the NPPF. The proposal would bring economic growth through the creation of a new restaurant; restoration of the principle façade and optimise the remainder of the site which has suffered from a lack of maintenance and unsuitable occupation for many years. The provision of four residential units is welcomed in the area and would result in the optimum viable use of the upper floors of a property a building of this style.
- 6.3.9 It is considered that the proposed demolition would result in limited harm and the benefits resulting from the new development are considered to outweigh this harm and when considered as a whole the substantial demolition, along with an appropriate replacement building (considered below), would preserve and enhance the character and appearance of the Conservation Area as a whole in compliance with CS14, DP24, DP25 and the NPPF. As such it is recommended that Conservation Area Consent is granted subject to a suitable replacement scheme.

Proposed development

- 6.3.10 The rear façade of the existing building projects beyond the building line of the adjoining terrace (*please refer to existing plans and aerial photograph*). The new rear building line has been pulled back and would bring the rear building line more in line with the adjoining terrace. This is of benefit to the setting of the terrace and adjoining listed building particularly. The new development does include a part width full height projecting wing which would enclose the communal staircase. This has been significantly reduced in size during the application. The bulk is set away from the adjoining terrace and is not considered to unduly impact upon the setting of the rear of the adjoining terrace. The bulk is not considered to unduly impact upon the character and appearance of the area and appears in keeping and consistent with the new development in compliance with DP24 and DP25.
- 6.3.11 Importantly the rear façade of the development would not appear in public views and thus would not impact upon the character and appearance of the Conservation Area. It would be

seen from the upper floors of buildings on the opposite site of the mews but would be seen together with the vastly over scaled adjoining building at 74a which abuts the wing. Given its context the proposal is considered appropriate.

6.3.12 Mansard roof - The application property is a 19th Century traditional terraced property on four storeys plus basement, forming part of a terrace of five similar houses (Nos. 72-64 evens). 72 Charlotte Street is Grade II listed. However unlike its neighbours, (72-64) all of which share a common parapet height, common fenestration pattern and plot width, No 74 is of wider and taller proportions with windows positioned higher than its neighbours and a higher parapet line.

6.3.13 Camden Planning Guidance on roof extension (CPG1 section 5) states that:

“A roof alteration or addition is likely to be unacceptable if [amongst other matters] it forms part of a] complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a co-ordinated design.”

Although the building forms part of a terrace, for the reasons outlined in paragraph 6.4.12, it is not considered to form part of the group of buildings with a co-ordinated design. In this regard the application site is considered to be different enough to be seen as individual building for which a traditional mansard roof extension would not feel out of place. Moreover the extended height, resulting from the inclusion of a mansard roof, may go some way to screen and mitigate the scale of the commercial building at 74a Charlotte Street. The Charlotte Street Association have expressed concern about the safety railings location over the mansard and the additional height and prominence they would give the building. The railings are required for access but are set back 4.8m from the front façade. This is considered to be sufficiently set back to ensure they would not be visible from the street and would not appear prominent or out of keeping from the upper floors of neighbouring buildings.

6.3.14 Shopfront - The existing ground floor has been altered in the past. It includes an incongruous awning and under sized opening. The lightwell has been blocked and the tiled cover forecourt and railings do not match the age and style of the building. In this regard there is substantial room for improvement to the façade which is experienced by most people as they walk down the street.

6.3.15 The better proportioned openings at ground level and reopening the lightwell are welcomed. During the course of the application the design of the shop front has been revised. It was originally proposed that the shopfront would have double height glazing which extended down to lower ground floor level. It was also proposed to have a glazed balustrade surrounding the front lightwell. However, this was not considered to respect the traditional façade. As such, the proposal has been amended. It is now proposed to have a solid spandrel panel and stallriser between ground and lower ground floor levels retaining elements of a traditional shopfront in a contemporary fashion. Traditional black painted metal railings are now also proposed around the front lightwell which would preserve the streetscape setting of the adjoining listed building.

6.3.16 Proposed Mews building - The scale and design of the replacement mews building is considered to enhance the character and appearance of the mews. The subordinate scale responds to the character of the mews and preserves the relationship with the principal building on the site.

- 6.3.17 The large opening timber doors at ground level and detailed brick work positively respond to the character and appearance of a traditional 19th Century mews in a contemporary way that signifies the 21st Century phase of development without creating a pastiche.
- 6.3.18 Materials: A simple palette of brick, timber and slate would provide a high quality neutral response to the surrounding area. The new rear extension and mews building would be constructed in brickwork to match/compliment neighbouring buildings. The mansard roof would be slate clad and new windows and doors timber. Details of the proposed materials and detailed design would be secured by condition. This would include details of the windows, glazing, balconies, balustrades, doors, facing materials. The use of high quality materials would ensure that the proposed building makes a positive contribution to the Conservation Area.
- 6.3.19 It is considered that on the whole the proposed scheme retains the important features of the building and redevelops behind the façade which would have no impact on the character and appearance of the Charlotte Street Conservation Area. The development at the rear is considered to be a high quality, well designed and thoroughly considered replacement building which understands and subtly integrates into the character of the mews environment.

6.4 **Basement**

- 6.4.1 Policy DP27 states that the Council will consider whether schemes will lead to the loss of open space or trees of townscape or amenity value; provide satisfactory landscaping, including adequate soil depth; harm the appearance or setting of the surrounding area. The proposed basement in this case would be entirely below the footprint of the building therefore it will not impact on the visual amenity of the area. Planting is proposed in the front lightwell. This is welcomed.
- 6.4.2 Policy DP27 states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impacts upon structural stability or the water environment in the local area.
- 6.4.3 The application is accompanied by a Basement Impact Assessment (BIA) which has been prepared in accordance with policy DP27 and planning guidance CPG4 – Basements and lightwells. The BIA has been prepared and checked by suitability qualified engineers. Site investigations have been carried out which confirm that the ground comprises a layer of made ground over London Clay. The report goes through the screening exercise recommended in CPG4 in respect of groundwater flow, land stability and surface flooding.
- 6.4.4 Groundwater flow – The geology of the site is a deep layer of made ground over London Clay. The made ground is predominantly composed of Terrace Gravels. Groundwater was encountered between 0.8 metres and 1.4 metres below the existing basement level. The water is considered to be the perched water table. Given that the London Clay is 5.6 metres below the existing basement level and the shallow increase in the depth of the basement of just 0.5 metres it is unlikely that the proposed excavation would impact on groundwater or groundwater flow and there is sufficient room for water to flow around the proposed structure. In order to avoid any adverse impact the general excavation level is above the water level identified in site investigations.
- 6.4.5 Land stability – The proposal seeks to lower the existing basement to approximately the same level as the basement at no. 74a. The building at no. 74a has a basement to the front of the property only. The extension to the rear of no. 74a is piled. It is considered that there

is sufficient room for excavation to take place adjacent to the extension at no. 74a without undermining the buildings footings. The party wall between the front parts of no. 74 and 74a would be demolished and the new slab would be constructed adjacent to the existing basement of no. 74a. No. 72 has a basement of approximately the same depth as no. 74. The proposed basement would be deeper than the existing foundations of the party wall. In order to ensure continued stability of the party wall it would be underpinned. The new basement slab would be piled and the edges of the slab would be cantilevered over the piles to support the party wall. Providing the requirement and construction methodology contained within the BIA are complied with the proposal would maintain the structural stability of neighbouring properties.

6.4.5 Surface flooding – The site is not located in an area highlighted as being at risk of surface water flooding and the proposed basement would not alter present surface water conditions as no additional hardstanding or paved surfaces would be created.

6.4.6 Based on the information provided and providing the recommendations of BIA are complied with the proposal will maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area. It is considered that a condition should be imposed to ensure that the basement construction is overseen by qualified engineers.

6.5 **Quality of residential development and Lifetime Homes**

6.5.1 Mix of units - Policy DP5 (Homes of different sizes) seeks to provide a range of unit sizes to meet demand across the borough. In order to define what kind of mix should be provided within residential schemes, Policy DP5 includes a Dwelling Size Priority Table. The Council will seek to ensure that all residential development contributes to meeting the priorities set out in the dwelling size priorities tables and expect a mix of large and small homes in all residential developments.

6.5.2 The proposal would provide 1 x 3 bed, 2 x 2 bed units and 1 x 1 bed units. Two bedroom properties are considered to be of very high priority and guidance states that 40% of market homes should be 2 bedroom dwellings. The proposal includes a 3 bed family unit for which there is also medium demand. The inclusion of a family sized unit is welcomed. There is lower demand for 1 bedroom flats. The proposal would contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes. The proposed mix of units is considered acceptable and compliant with Policy DP5.

6.5.3 Residential development standards - The Council's residential development standards (set out in CPG2- Housing 2011) give general guidance on the floorspace and internal arrangements for all housing tenures. In addition, homes of all tenures should meet lifetime standards in accordance with Development Policy DP6 and the CPG2. Development should provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. With regard to daylight all habitable rooms should have access to natural daylight.

6.5.4 All of the proposed residential units meet the overall internal space standards including ceiling height, room size, storage and utility space standards. Sufficient space would also be provided for the storage of refuse within the development in accordance with Camden Planning Guidance 2011. The applicant has submitted a Lifetime Homes Statement which confirms that the proposed would meet all relevant criteria. The proposal design and layout is considered to ensure that all habitable rooms would receive sufficient levels of natural daylight. 3 of the 4 units would be dual aspects and all would have natural ventilation. Apartment 2, the only single aspect unit however, it would have access a private roof

terrace. The 3 bed unit would also have a private roof terrace. The other units would share a communal terrace at 2nd floor level. All units are considered to be of a high quality standard.

6.6 Amenity

- 6.6.1 In accordance with policy DP26 development should protect neighbouring amenity with particular regard to privacy and overlooking, overshadowing and bulk, sunlight and daylight and noise and vibrations.
- 6.6.2 The nearest residential units are 4 Charlotte Mews and 81-87 Charlotte Street. There are no residential units in either of the adjoining properties or the properties immediately to the rear of the site.

Overlooking, daylight and sunlight

- 6.6.3 4 Charlotte Mews - The windows at first floor level on the rear elevation of 4 Charlotte Mews facing the application site serve a stairwell and a bathroom which are classified as non-habitable rooms, as such any loss of daylight to these rooms would not have a detrimental impact on amenity. There is a window serving a bedroom which indirectly faces the application site on second floor level of No 4. Owing to the distance between this window and windows at the proposed building of approximately 20 metres and the angle between the windows the proposal would not result in overlooking. The distance between the two properties is considered sufficient to ensure no loss of daylight.
- 6.6.4 81-87 Charlotte Street - 81-87 Charlotte Street is located over 18 metres from the application property. This is considered to be sufficient distance to ensure the proposal would not result in overlooking. The applicant has submitted a Daylight and Sunlight Assessment which assesses both the vertical sky component (VSC) and the average daylight factor (ADF). The report confirms that there would be no noticeable loss in daylight to any of the habitable windows at nos. 81-87 as a result of this proposal.
- 6.6.5 It is not considered that the proposed terraces would impact on the amenity of nearby residential properties. This is owing to the distance between the terraces and the other residential properties.
- 6.6.6 A representation was received objecting to the application on the grounds that the proposal would overlook and result in a loss of daylight at no. 72. However, as no 72 is in office use and not residential there is considered to be no harm which would justify refusal of the application.

Noise and odour

- 6.6.7 Plant - A plant enclosure would be provided adjacent to the terrace at second floor level. Whilst the precise specification of the plant to be included in this area has yet to be confirmed, a noise survey accompanying the application indicates that there should not be any issue with the plant meeting Camden's noise criteria. Standard conditions for noise, including one requiring the submission of further details of the proposed plant, would be attached to the permission. Details of the mechanical extract and flue for the restaurant have not been provided as part of this application. Any permission would require the submission of details of any mechanical extraction equipment and flue outlet to demonstrate the noise levels and odour attenuation capabilities to ensure that no odour nuisance would occur from cooking. This would be conditioned and the condition should clearly state that unless these details are approved no primary cooking can take place in the A3 unit.

- 6.6.8 Noise generated by the restaurant use – As well as noise arising from plant disturbance, noise can also result from activities within restaurants and from customers and staff entering and leaving the premises. The applicant has not requested particular opening hours. Local licensing records show the following trading hours for the nearest licensed premises on Charlotte Street.

Location	Mon-Thurs	Fri	Sat	Sun
74 (application site)	10:00 to 00:00	10:00 to 01:00	10:00 to 01:30	10:00 to 23:30
93	10:00 to 00:30	10:00 to 00:30	10:00 to 00:30	12:00 to 00:00
95	10:00 to 00:30	10:00 to 00:30	10:00 to 00:30	12:00 to 00:00
69	12:00 to 00:00	12:00 to 00:00	12:00 to 00:00	12:00 to 00:00
67	10:00 to 00:30	10:00 to 00:30	10:00 to 00:30	10:00 to 00:30

- 6.6.9 With the exception of the longer hours for the existing nightclub use at the application site, the hours indicate a general consistency in the area which would be applied to this application in the form of a condition. Given the creation of residential units immediately above the proposed restaurant use it is not considered appropriate to maintain the existing opening hours of the premises. The condition should stipulate the following operation hours 10:00 to 00:30 Mon to Sat, 12:00 to 00:00 Sundays and Bank Holidays). An informative is also recommended stating that this condition means that no customers shall be on the premises and no activities associated with the use (such as preparation and clearing up) are permitted outside these hours. It is also recommended that a condition is imposed limiting the playing of music so that it would not be audible from the highway or adjoining premises.
- 6.6.10 The proposed restaurant would have 54 covers at basement level and 56 covers at ground floor level and the kitchen would be located to the rear of the building at basement level. There would be no space for tables or chairs outside the premises at either level. The internal stairway to the basement would mean that there is unlikely to be significant noise breakout from the basement via the front lightwell.
- 6.6.11 Construction noise - Noise and disturbance during construction would be partly regulated by the Construction Management Plan. In summary, the proposal is considered to comply with policy DP26.

6.7 Sustainability

- 6.7.1 Policy DP22 (Promoting sustainable design and construction) states that the Council will require development to incorporate sustainable design and construction measures. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean and be green) to reduce energy consumption. All developments are to target at least a 20% reduction in carbon dioxide emissions through the installation of on-site renewable energy technologies.
- 6.7.2 The applicant has submitted an Energy Statement and Code for Sustainable Homes Assessment (CfSH) and BREEAM pre-assessment.
- 6.7.3 The Energy Statement confirms that the proposal can achieve a 20% reduction in carbon dioxide emissions through the installation of on-site renewable energy generation and a 25% improvement in CO² emissions on the current 2010 Building regulations. On-site renewable energy would be either through photovoltaics or a combination of photovoltaics, solar water heating and air source heat pumps. The combination of technologies and the

total reduction in CO² emissions would be secured by S106. The Code for Sustainable Homes pre-assessment demonstrates that the proposal would achieve a Level 4 (excellent) rating under the Code, with minimum scores of 50% achieved in the energy and water categories and 40% in the materials categories as required by CPG3- Sustainability. A BREEAM assessment for the restaurant floorspace indicates that this would achieve a 'very good' score, with potential to obtain minimum scores of 40% in the materials category and 60% in the water category as required by CPG3 – Sustainability. In accordance with policy 60% of the credits should also be achieved in the energy category. This is not demonstrated by the BREEAM assessment. However, as it is considered that it is possible for the development to achieve further credit in this field through a commitment to provide renewable energy technologies achieving 60% of the credits in the energy section would be required by S106.

- 6.7.4 The proposal also benefits in sustainability terms from being a car free development in close proximity to excellent public transport links and by the inclusion of an area of green roof on the main roof of the building. It would therefore comply with policies DP22 and CS15 of the LDF. The Charlotte Street Association raised concern about the design on the solar panels proposed on the roof and would want to ensure they are not visible in public views. The precise location, height and design of the solar panels would be secured by condition.

6.8 Transport

- 6.8.1 Car-free development: The site has a PTAL score of 6b, which indicates that it is highly accessible by public transport and the site is located within a Controlled Parking Zone and the Clear Zone Region which is considered to suffer from parking stress.
- 6.8.2 No off-street parking is currently provided and none is proposed. In line with Policy DP18, all of the residential units should be designated as car free, i.e. the occupants will be unable to obtain parking permits from the Council. This will be secured by means of a Section 106 Agreement.
- 6.8.3 Cycle Parking: In accordance with Camden's Parking Standards and the London Plan, there is a requirement for at least 5 cycle parking spaces to serve the residential component of the development. This differs from the comments from TfL's which ask for a minimum of 7 spaces. This was based on the initial proposal to provide 1 x 1 bed, 2 x 2 bed and 2 x 3 bed. It is now proposed to provide 1 x 1 bed, 2 x 2 bed and 1 x 3 bed. The submitted plans show details of 6 cycle parking spaces for the residential units. However, the layout and designs does not comply with that specified in CPG7 – Transport. Therefore, details of the proposed cycle storage would be secured by condition.
- 6.8.4 Impact on highway network: In order to mitigate the impact of the increase in trips this development will generate, and to tie the development into the surrounding urban environment, a financial contribution of £16,015 should be required to repave the footway adjacent to the site on Charlotte Street and the carriageway on Charlotte Mews in accordance with policy DP16 and DP21. This would be secured through a S106 agreement.
- 6.8.5 The proposal would also result in the necessity to relocate the existing solo-motorcycle bay to the rear of the site which is current immediately to the rear of the building. The applicant has suggested an alternative site for the bay on Tottenham Street opposite the entrance to Charlotte Mews. This was considered an unsuitable position by the Transport Planner, however it is considered that there is a number of suitable alternative locations for the bay. A contribution of £4,985 would be required by S106 to relocate the bay.

- 6.8.6 A financial contribution of £15,000 is also required for additional pedestrian, cycle and environmental improvements in the wider area in order to help mitigate the impact of the increased trips to and from this site as a result of the development. This would be secured through a S106 agreement. This could be used towards Legible London, cycle improvement schemes or other public realm improvements in the local area.
- 6.8.7 Construction Management Plan: DP20 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106. The proposal involves a significant amount of demolition, excavation and construction work. This will result in a large number of construction vehicle movements to and from the site, which will doubtlessly have significant impact on the local transport network. A draft CMP has been submitted which creates a basis for the full CMP which would be required by a S106.
- 6.8.8 Servicing: The service entrance for the restaurant is located on Charlotte Mews elevation and loading and unloading will take place from the mews. Given that the motorcycle bay will be relocated there is considered to be sufficient space to allow for this to take place. In order to ensure that the servicing of the restaurant does not cause noise disturbance to the occupiers of residential units within the development and elsewhere in the mews and to ensure it would not impact on local traffic movement servicing would be restricted to between the hours of 8am and 6pm Monday to Friday, 9am until 1pm on Saturdays and not all on Sundays. This would be secured by condition.

6.9 Educational and Open Space Contributions

- 6.9.1 As the scheme provides less than 5 additional residential units educational and open space contributions would not be sought.

6.10 CIL

- 6.10.1 This proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme is likely to be £53,450 (£50 x 1069sqm). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

7.0 CONCLUSION

- 7.1 It is recommended that Planning Permission and Conservation Area consent are granted subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:-

- Car Free
- Highways contribution - £16,015
- Relocation of motorcycle bay contribution - £4,985
- Environmental Improvements contribution - £15,000
- Sustainability Plan (CfSH and BREEAM)
- Energy Statement
- Construction Management Plan

8.0 LEGAL COMMENTS

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