

18 Hanway Street

Planning Statement and Statement of Community
Involvement

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1.0 Introduction

1.1 This statement is submitted in support of the application proposals for development at this site comprising the change of use of the upper floors from offices to 6 self contained flats (5 x 1 bedroom and 1 x 3 bedroom) including the provision of a part additional floor. Five of the flats would be affordable and one would be market. The lower ground and ground floors would remain in office use but would be refurbished.

1.2 This statement is set out in the following sections:

Section 2 provides a description of the site and surrounding area

Section 3 sets out a description of the proposed development

Section 4 provides an analysis of the main planning considerations;

2.0 Site and Surrounding Area

- 2.1 The site is located on the northern side of Hanway Street which is a short, narrow street which runs parallel to Oxford Street on the northern side. It is located within the Hanway Street Conservation Area, which is a small conservation area comprising only Hanway Street, Hanway Place and the western side of Tottenham Court Road where it backs onto Hanway Place.
- 2.2 The building itself is five storeys including basement although the top floor does not span the full depth of the building as it is set in from the rear elevation. This creates space at third floor level which is used as a roof terrace. There is also an existing brick structure on the main roof which provides stair access to it. The main roof is flat and is currently the location for significant amounts of plant associated with the offices. The building has an attractive shopfront which is designated as a Shopfront of Merit within the Hanway Street Conservation Area Character Appraisal and Management Strategy.
- 2.3 As is typical of all the buildings on Hanway Street, the footprint of the building at no.18 occupies the full site area. Like most of the other buildings in the street (nos. 10-16 being the exception), no. 18 runs through to Hanway Place, the road running parallel to Hanway Street to the rear and has direct access to it.
- 2.4 The lawful use of the building is as offices (541 square metres GIA) and the most recent occupier was Soho Housing (a Housing Association). Soho Housing continue to own the freehold of the building. They occupied the premises for ten years but earlier this year relocated to premises in Charing Cross Road. The building therefore now lies vacant.
- 2.5 The area is very mixed in character with commercial, residential and retail uses juxtaposed, as would be expected in this central London location.
- 2.6 In Hanway Street itself, much of the northern side is in commercial use, with restaurant/retail use on the ground floor and offices above. There is a modern purpose built office building towards the western end of the street.
- 2.7 The south side comprises the rear of the large retail units which front Oxford Street.

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- 2.7 Hanway Place comprises buildings that are generally four storeys in height. A majority of the northern side of the street is in residential use with flats occupying Georgian style buildings.
- 2.8 At the eastern end of the street is an attractive Victorian building which was once the Westminster Jewish School but which was converted into 9 flats (Nos. 5 and 6 Hanway Place) in 2000. This formed part of the wider redevelopment scheme of for nos. 6-17 Tottenham Court Road, 5-12 Hanway Place and 4-8 Hanway Street (ref. No. P9601833R1).
- 2.8 Being located just off Oxford Street, the site is located in the Core Central Activities Zone. The site lies just outside of any Central London frontage and just outside a designated growth area as set out in the Core Strategy and the London Plan. The site has the highest PTAL rating of 6B and therefore is highly accessible by public transport.
- 2.9 The designation of Tottenham Court Road as a growth area (where site opportunities are to be maximised) in both the Camden LDF and the London Plan and the inclusion of nos. 6-17 Tottenham Court Road and 5,6, and 12 Hanway Place in the LDF preferred options Site Allocations (2010) document is recognition of this.
- 2.10 Within the Tottenham Court Growth Area the Council are looking to provide a minimum of 1,000 new homes between 2001 and 2026 and 5,000 new jobs. A new Crossrail station is also currently under construction on the south side of Tottenham Court Road. This area is therefore currently undergoing substantial change and will continue to do so for the foreseeable future.

3.0 Proposals

- 3.1 The proposal is for the change of use of the upper floors (first to third) from offices to residential, including the provision of a part additional floor to make a partial new fourth floor.
- 3.2 The scheme would result in the provision of six new residential units (5 x 1 bedroom and 1 x 3 bedroom). The one bedroom flats would be located on the first and second floors and would all be for affordable housing at discounted rent. The 3 bedroom flat would be located at third and new fourth floor level. This would be a market unit that would fund the development.
- 3.3 The basement and ground floor would remain in office use but the space would be refurbished in order to enhance its appeal. The resultant office floorspace would be 177 square metres.
- 3.4 The existing access at the front of the building would remain and would be used as the office entrance. The existing access at the rear of the building would be the designated residential entrance. Storage space for refuse and recycling would be provided in the basement with left access, and all plant would be located internally on the ground floor.
- 3.5 There would be no external changes to the Hanway Street elevation at ground floor level. At the rear at ground floor level a louvre shutter to the proposed plant room would replace an existing window.
- 3.6 The additional floor at fourth floor level would be in the form of a mansard roof at the front which would be clad in slate and set in from the front parapet.
- 3.7 It would also be set in a substantial distance of 5.3m from the Hanway Place elevation in order to protect light and outlook to neighbouring residents. On this elevation, whilst the roof would be mansarded, no windows are proposed to address concerns from neighbours regarding overlooking. To soften the appearance of the mansard and provide an attractive outlook to neighbouring residents, it is proposed that this roofslope is a green wall and that the flat roof that results from the set-back of the floor is a sedum roof.
- 3.8 At third floor level it is proposed to retain the existing roof terrace for use by the three bedroom flat.

Consultation with Residents

- 3.9 The scheme has evolved following substantial consultation with local residents as follows:
- Meeting with residents of nos. 5 and 6 Hanway Place on 8th September 2011. This was held at Flat 4 no. 6 Hanway Place.
 - Public exhibition held at Soho Housing offices (120 Charing Cross Road) on 13th September 2011.
- 3.10 Appendix 1 set out a list of those that were invited to both the meeting and the exhibition along with those that attended and the plans that were shown are also contained in this appendix.
- 3.11 The local ward councillors were also invited to the exhibition although none attended. The Chairman of the Hanway Place Residents Association attended the exhibition.
- 3.12 The scheme that was consulted on proposed the same number of units as the current scheme and the same mix. The main difference relates to the design of the additional floor. In the consultation scheme, windows were proposed in the rear elevation of the additional floor and a roof terrace was proposed at fourth floor level (as well as the existing at third floor level) in the space provided by the setback.
- 3.13 Neighbouring residents and the Residents Association made the following comments in on this proposal:
- Pleased that the existing building is being retained and that a quality development is planned
 - Glad that the scheme will not include a bar or restaurant
 - Concern about the impact of the additional floor on the Conservation Area – the resultant building would be substantially higher than the rest of the street and this could set a precedent for other buildings in the street to do the same Concerns regarding the impact of the scheme on light - see amenity section of statement for comment
 - Concern regarding privacy and overlooking between existing residential units at nos. 5 & 6 Hanway place and the new residential units at no. 18
 - Concern regarding noise from the residential use of the building

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- Request for the removal of the higher terrace in order to overcome concerns regarding noise and privacy
 - A commitment from Soho Housing in the leases that stipulates the following:
 - 1) that no loud music should be played on the terrace and that it should not be used after 10pm Sunday to Thursday or 11pm Friday and Saturday.
 - 2) That any window coverings are fitted with blinds or curtains
 - 3) No laundry drying on terraces or out of windows
 - 4) That the flats will continue to be private rental to a single household (top floor), and in the case of the five units, young professional start flats (not social housing)

- 3.14 The Chairman of the Residents' Association re-iterated the residents' concerns.
- 3.15 The concerns raised by residents have been carefully considered and we believe that the revised scheme addresses these issues. In particular, the roof terrace at fourth floor level has been removed and the windows in the rear elevation of the mansard facing Hanway Place have been removed and replaced with a sedum roof in order to overcome residents's concerns regarding noise and disturbance and loss of privacy.
- 3.16 With regard to other concerns that they have raised, these are considered in further detail in the Planning Considerations section of the report.

4.0 Planning Considerations

4.1 This section sets out the planning policies against which the development should be considered and an assessment of the scheme against those policies.

4.2 The most relevant policy documents are the Unitary Development Plan adopted in June 2006, the Core Strategy adopted in 2010, the Development Policies DPD and various Supplementary Planning Documents including those most recently adopted comprising Town Centres, Retail and Employment (CPG5) and Amenity (CPG6).

Use

4.3 The site comprises offices although the unit is currently vacant. The acceptability of the loss of some of the office accommodation therefore needs to be considered both against Core Strategy policy DS8 and Development Plan policy DP13 (Employment Premises and Sites) and section 6 of CPG5.

4.4 Policy CS8 stipulates that the Council will support its industries by safeguarding existing employment sites in the borough that meets the needs of modern industry and other employers. However, it is also set out in paragraph 8.8 that:

“the future supply of offices in the borough can meet projected demand. Consequently, the Council will consider proposals for other uses of older office premises if they involve the provision of permanent housing (in particular, affordable housing) and community uses”.

4.5 Policy DP13 provides more detail on the application of this approach to office uses and states that

“Where it can be demonstrated that a site is not suitable for any other business use other than B1(a) offices, the Council may allow a permanent change to residential uses or community uses.”

4.6 Section 6 of the newly adopted Town Centres, Retail and Employment CPG reinforces this policy approach and sets out the considerations that will be taken into account when assessing applications for change of use from office to a non-business use as follows:

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- Whether the site is suitable for any other business use other than B1(a) offices
 - The age of the premises. Some older premises may be more suitable to conversion
 - Whether the premises include features required by tenants seeking modern office accommodation
 - The quality of the premises and whether it is purpose built accommodation. Poor quality premises that require significant investment to bring up to modern day standards may be suitable for conversion
 - Whether there are existing tenants in the building, and whether these tenants intend to re-locate
 - The location of the premises and evidence for demand for office space in this location; and
 - Whether the premises currently provide accommodation for small and medium sized businesses

4.7 The premises are not suitable for any other employment use other than offices. Section 6 of CPG5 categorises sites in light industrial, industrial and storage and distribution uses according to their quality. Whilst the application site is not in any of these uses, the categories provide a useful guide as to the circumstances in which a site does not lend itself to these sorts of uses. According to these categories our site would fall within category 3 as it is heavily compromised.

4.8 Firstly, the site does not have good access which is particularly important for these uses. Hanway Street is a narrow, single carriageway road that is 7.1m in width. Whilst the site backs onto Hanway place, this is narrower in width at 5.6m. This does not make for good access for the level of servicing and deliveries and type of vehicles required for light industrial, industrial and storage uses.

4.9 Access in the building is not of good quality as the front entrance is stepped. Whilst the front access comprises double doors, these are of traditional design and opening mechanism and are not practical if goods are being loaded and unloaded on a regular basis. These would need to be removed and replaced with more appropriate doors of a more appropriate style for a B2 or B8 use

which would undoubtedly harm the appearance of this designated Shopfront of Merit.

- 4.10 There is no goods lift of modern day standards inside the building. There is only one small lift which is not suitable for equipment or for carrying bulky goods. There is a single narrow staircase which again is not suitable or practical for the movement of goods or equipment through the building.
- 4.11 The building does not benefit from any off-street parking, loading bays or doors. There are no facilities for the receipt and dispatch of goods other than directly from the narrow highway.
- 4.12 With particular regard to storage and distribution use (Class B8), the site would not be in an appropriate location. These uses that rely upon storage and distribution are inherently constrained by the nature of the surrounding highway network, including the distance from the national trunk/motorway network.
- 4.13 In terms of Class B1 (c) floorspace, the lack of on site car parking or servicing would make this building unsuitable and undesirable for light industrial use.
- 4.14 The existing building occupies the entire site and as such there is currently no space for servicing and given the size of the site this would be extremely difficult to provide and would result in the loss of much of the use of the ground floor. The existing building is attractive in appearance and any proposal to provide a servicing area would seriously detract from the appearance of the building and the street scene.
- 4.15 Significant alterations would need to be made to the building in order to enable its use for any other employment purposes outside of offices. The types of alterations such as the widening of doors to provide loading bays etc, would have a harmful impact on the character and appearance of the building and the street scene.
- 4.16 Finally, consideration should be given to the surrounding uses. The area comprises a mix of uses which include retail, office and residential. It is generally considered that residential uses can sit alongside both offices and retail. However, industrial and storage uses are not generally encouraged alongside residential given the nature of these uses and the implications for the harm to residential amenity.

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- 4.17 In this particular instance, there are residential units immediately opposite the site on Hanway Place at the rear, 6m from the application building. There are also a number of other residential units on the northern side of this street. It is not considered that either industrial or storage uses would sit well alongside these residential uses.
- 4.18 It has therefore been established that the building is appropriate for no other employment use other than offices Class B1.
- 4.19 Under the criteria set out by the CPG relating to the appropriateness of the building for commercial use, its age is consideration. The building does not lend itself to modern day employment purposes largely because it was never built as such. There is evidence that it was a public house called the King's Arms at the end of the nineteenth century. In addition, between 1924-1958 the ground floor was used as a restaurant.
- 4.20 The Hanway Street Conservation Area appraisal and management strategy is not conclusive. However, when describing the history of the buildings in the conservation area it does state that:
- “its earliest buildings reflect Georgian domesticity, developed piecemeal and re-fronted and enlarged in the 18th century. Buildings were converted into small shops and businesses, retaining some residential on the upper floors”.
- 4.21 The design of the building indicates that, as with other buildings in the street, no. 18 had commercial premises in the ground floor with residential above. Hence, the building lends itself to a residential conversion.
- 4.22 There are no existing tenants in the building as Soho Housing re-located earlier this year and therefore it is not currently providing accommodation for any small businesses. However, the retention of the basement and ground floor in office use means that the building would still be offering accommodation for this type of business.
- 4.23 The application premises are located in an area where there is an acknowledged surplus of office accommodation. Attached as Appendix 2 is a list of available office accommodation within this part of Camden, Soho and Covent Garden. The list demonstrates there is currently 1,865,702 square feet of available office accommodation in this area. This can be broken down into 1,022,795 square feet of Grade A office floorspace and 842,907 square feet of

Grade B office floorspace. Over half of the office accommodation advertised has been on the market for over a year.

4.24 The list also confirms that there is a significant amount of office units available of similar sizes to 18 Hanway Street (between 5 and 6,000 square feet) and demonstrating that supply is outstripping demand.

4.25 This surplus of office accommodation is confirmed in various officers' reports for similar applications proposing loss of employment in this vicinity.

4.26 In the officer's report for change of use of an existing office building of 775 square metres to a single dwelling at no. 2 Tavistock Place (ref. No. 2007/6132/P) the report states that:

"The current supply of office space is thought to be plentiful, and there is no reason to suppose that the loss of this office space would put pressure on other land uses"

4.27 More recently, the officer's report for no. 47 Marchmont St which involved the change of use from office to residential (ref. No. 2010/0847/P) states that:

"It has been acknowledged that this area does have a surplus of office accommodation given the large number of recent developments for purposes built, modern office accommodation.

4.28 Taking all the above factors into account, the loss of 364 square metres of office accommodation and its conversion to residential would not harm the supply of office accommodation in this area where there is demonstrably a significant surplus. As such the proposal entirely accords with DP13, CS8 and CPG5.

Residential use

4.29 The site is located in a mixed use area that includes a number of residential properties, particularly on the northern side of Hanway Place. Residential is the preferred use following the loss of B1 (a) office use in accordance with current policy and therefore the proposed use of the upper floors as residential flats is considered acceptable and appropriate in this location.

Retained office use

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- 4.30 The retention of the office floorspace at ground floor and basement level will ensure that the site can now make a mixed use contribution to the character of the area.
- 4.31 The retained office use at ground floor will provide an active frontage to the street and add to the vitality and viability of the area. Due to its size, it will also serve local small businesses. The retention of office use at ground floor level ensures that no significant alterations are required to the Shopfront of Merit.
- 4.32 The retention of office floorspace at basement and ground floor levels does not require planning permission in its own right.

Affordable Housing

- 4.33 Not only does the provision of residential satisfy one of the Camden's priority uses, but a majority of the residential units proposed would be affordable on a site where none would normally be required.
- 4.34 The proposal would provide for 5 x 1 bedroom affordable housings units for intermediate rent (without grant) at between 40 and 80% of market rental values. A 3 bedroom market unit is also proposed which is required to fund the building works.
- 4.35 Policy DP3 states that
- “The Council will expect all residential developments with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing”.
- 4.36 The subtext of this policy states that a site of 1000 sq metre or more is considered to have capacity for 10 or more dwellings. The application site is significantly under this at 541 sq m. As proposal falls under the threshold set out above there is no policy requirement to provide affordable housing. The fact that five out of the six units proposed would be affordable housing is a substantial planning benefit.
- 4.37 The subtext of Policy DP3 (Contributions to the Supply of Affordable Housing) states that
- “The Council welcomes proposals for development led by affordable housing which will make a major contribution towards our borough-wide 50% affordable housing target”.

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- 4.38 Schemes that are defined as affordable led are those that provide substantially more than 50% affordable housing. The application falls well within this category by providing 83% affordable housing when calculated on the basis of unit numbers.
- 4.39 Where affordable housing is proposed, Core Strategy policy CS6 sets out guidelines of 60% social rented and 40% intermediate to be provided for. However, policy DP3 recognises that where developments are affordable-led, such as this one, they may “exclude social rented or intermediate housing where this is warranted by the considerations set out in Policy DP3, subject to the impact of the proposal on the creation of mixed and inclusive communities”.
- 4.40 This policy goes on to recognise that some forms of affordable housing requires no limited or public subsidy, but are still offered for rent or sale prices that are affordable compared with self-contained flats on the general market. The Council recognises that proposals providing 100% intermediate affordable homes of this type may be financially viable on some sites, and be acceptable in terms of criteria DP3.
- 4.41 This development is being brought forward by a respected housing association with a good track record of providing good quality affordable homes in London. This scheme is the first that has been brought forward by Soho Housing that does not require grant funding and therefore is not reliant on the public purse.
- 4.42 It is proposed that the five affordable units will be available for low-cost market rent range of between 40% and 80% of the market rate. This accords with the Council’s housing SPG and the London Plan, both of which state that for affordable rented housing, rents should not exceed 80% of the market rate.
- 4.43 Whilst no social rented housing is proposed, the Council’s Housing SPG confirms there is flexibility for up to 100% social rented housing or 100% intermediate affordable housing where the overall proportion of affordable housing in the scheme is substantially over 50%. The application scheme provides 83% affordable housing with the market unit required in order to fund the development.
- 4.44 In addition, this size of this site is such that the Council could not insist upon the provision of affordable housing and that, in the hands of a private developer, this site would not bring forward any affordable housing. Therefore, any affordable housing that can be provided is a substantial benefit. The Housing

SPG confirms that Camden's affordable housing target is to achieve 220 additional affordable housing units a year and this proposal assists in meeting this target.

4.45 With regard to the impact of the proposal on mixed and inclusive communities, we are of the view that the proposal would bring benefits. The site lies in the heart of the centre of London where there is a broad range of uses ranging from commercial to residential to retail. Far from harming the mixed or inclusive nature of the community, the proposal is aiding it by providing small scale affordable units to those in the local area who otherwise would be priced out of the market. It should also be noted that the market unit and affordable units will share the same access and common areas and therefore will not be separated from each other.

4.46 Soho Housing also has sites in the vicinity providing a range of tenure type and size of unit. An example of this is at Dufours Place (Marshall Street Baths) where, as part of an upmarket residential development, Soho Housing have provided 11 units for social rent and four units that are shared ownership, some of which comprise family units and some non-family units and some adapted for people with disabilities.

4.47 In 2010 Soho Housing refurbished a property at 24 Windmill Street (previously used by the sex industry) to provide 5 family sized social rented units.

Mix of Units

4.48 Policy DP5 relates to Homes of Difference Sizes and seeks to ensure that a range of unit sizes is provided for in developments. The Council will also "expect a mix of large and small homes in all residential developments".

4.49 All developments should seek to contribute to meeting the priorities set out in the Dwelling Size Priorities table.

4.50 The proposal provides 5 x 1 bedroom units (affordable) and 1 x 3 bedroom unit (market). The Priorities Table confirms that for intermediate affordable housing, the provision of 2, 3 and 4 bedroom units is a high priority and that the provision one bedroom units is a medium priority.

4.51 For market housing, two bedroom units are a high priority and 3 and 5 bedroom units are a medium priority.

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- 4.52 The development scheme does not propose any units which are of low priority. All of the units proposed are of medium priority and as such, they are serving a recognised need in the borough.
- 4.53 As the site comprises the conversion of an existing building rather than a new build we are of the view that the provision of one bedroom units is most appropriate, given that there is limited potential to provide any quality outdoor amenity space for family sized units on the lower floors. The building also lends itself particularly well to the provision of high quality one bedroom units.
- 4.54 It should also be recognised that the proposal will secure income to subsidise further affordable housing schemes. As set out in paragraph 4.46 Soho Housing provides a whole range of units sizes within central London and the income generated from this scheme will contribute to others that will provide units of various sizes.
- 4.55 The size of the site is such that under planning policies, affordable housing cannot be required. Therefore, the provision of any affordable housing units on site, irrespective of their size, should be seen as a substantial planning benefit. It should also be noted that Policy DP5 acknowledges that there is a need/demand for every size of unit shown in the table.
- 4.56 With regard to the three bedroom market unit, this will command a higher value than a two bedroom unit (very high priority). The provision of this three bedroom market unit is required in order to fund the development and thereby it assists in providing the five affordable housing units proposed. Without this market unit the provision of affordable housing on this site would not be possible. It therefore enables a significant planning benefit to be secured.

Quality of Accommodation

- 4.57 The Housing SPG contains overall internal floorspace standards for new dwellings. For one person flats the internal floor area should be a minimum of 32 sq m.
- 4.58 The flats range from between 35.5 and 39.5 square metres. They therefore accord with the space standards set out within the SPG.
- 4.59 With regard to the three bedroom flat, this would be 153 square metres in area and the standards require it to be a minimum of 93 square metres if treated as

a flat for 6 people. Therefore, the proposals comply with the Council's space standards.

- 4.60 The SPG also sets out minimum space sizes for bedrooms at 11 square metres for double bedrooms and 6.5 square metres for a single bedroom and all the bedrooms proposed would exceed these requirements.
- 4.61 Outdoor amenity space is provided for the 3 bedroom unit by utilising the existing roof terrace that is 16.8 square metres in area. As the proposal involves the conversion of an existing building that occupies the full site area, it is not possible to provide amenity space for the five one bedroom units. Given that the site is in a highly central, dense, urban location and the units are not family sized this is not considered to be in issue in this instance.
- 4.62 With regard to daylight and sunlight, the SPG states that each dwelling in a development should have at least one habitable room with a window facing within 30 degrees of south to make the most of solar gain through passive solar energy. The ability to deliver this is restricted by the constraints of the existing building and the drive to secure a sufficient number of affordable homes of acceptable quality. Therefore, there are a number of flats that are solely north facing. These flats would, however, have the benefit of two large windows providing light to the space and as such it is considered that they will receive sufficient light. Other sustainability measures are in place to ensure that the development meets an Ecohomes rating of excellent and pvs are also included on the roof.
- 4.63 The daylight and sunlight report accompanying this statement confirms that all the flats would achieve sufficient daylight, in accordance with the BRE standards.
- 4.64 In accordance with the SPG, the proposal would accord with the Lifetime Homes standards and a schedule of how this will be met is set out in the Design and Access Statement.

Design

- 4.65 The site is located within the Hanway Street Conservation Area. Policy DP24 seeks to ensure that a high standard of design is achieved in all development proposals.

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- 4.66 CPG1 relating to design confirms that the Council “will only permit development within conservation areas, and development affecting the setting of conservation areas, that preserves and enhances the character and appearance of the area” in line with Policy PPS5.
- 4.67 The Council have adopted a Conservation Area and Management Strategy Statement for this Conservation Area in March 2011. The Conservation area is small in size only taking in Hanway Street, Hanway Place and the western side of Tottenham Court Road into its boundaries.
- 4.68 Hanway Street was previously within the Bloomsbury Conservation Area. However, in 2010 it was concluded that “the Hanway Street area is of a very different character to the remainder of the Conservation Area and should be the subject of an Appraisal Management Plan in its own right”.
- 4.69 The description of the Hanway Street Conservation Area is as follows:
- “Originally developed on open marshland around the mid 18th century it retains its original street pattern, although the individual buildings have largely been redeveloped piecemeal fashion during the 19th century. ...The area has a tight grain characterised by narrow lanes (about 4m wide), enclosed by three and four storey development of varied character, occupied by a rich mix of small scale warehouse, office and retail/entertainment uses with residential uses on the upper floors”.
- 4.70 Given the history of the area as set out in the Conservation Area Appraisal it is likely to have been commercial on the ground floor with residential above and there is certainly evidence that at the end of the 19th century the ground floor was in use as a pub and that it was in restaurant use between 1924 and 1958.
- 4.71 Within the CAPS statement, no. 18 Hanway St is recognised as making a positive contribution to the Conservation Area and its shopfront is designated as a Shopfront of Merit.
- 4.72 The new partial mansard would be set back from the front elevation and would have an angled roofslope clad in traditional slate. The windows are designed to match the spacing, frequency and design detail as those below. At the rear, the additional floor would be set well back from the rear elevation.
- 4.73 Due to concerns raised by residents during the consultation process regarding overlooking, it would have no windows in the set back rear elevation but

instead, would have a green wall growing up it in order to soften its appearance.

- 4.74 Overall, the additional floor has been sensitively designed in order to ensure that it does not harm the character, integrity or appearance of the building.
- 4.75 It is not considered to have a harmful impact on the street scene. Due the large set-back of the additional floor at the rear, it would not be visible from any vantage point at street level in Hanway Place.
- 4.76 Whilst it would be visible from in views from Hanway Street, it would not be prominent in these views and would not comprise a significant feature.
- 4.77 The CAPS statement identifies key views and vistas into and out of the Conservation Area. The junction of Hanway Street and Hanway Place at the western extremity of the conservation area is seen as a focal point as “the eye is drawn to the narrow opening that leads to Hanway Place and the lively and colourful shopfronts of Hanway St”.
- 4.78 As shown in the visuals accompanying this application, from this vantage point views of the additional floor get lost against the backdrop of the much taller buildings on Tottenham Court Road.
- 4.79 From the Tottenham Court Road end, the CAPS statement affirms that “views into the conservation area are at first dominated by the large corner feature on the return of the modern building fronting Tottenham Court Road. However, there are clear vistas towards the north side of Hanway Street and beyond”.
- 4.80 The visuals show that in the views from the eastern end of Hanway Street looking westwards, the additional floor is viewed within the context of the lower level mansards of nos. 12-16 Hanway Street and the chimneys of these properties. These chimneys rise above the height of the mansards of these properties. Located in the foreground, they are a feature that rises to the same level as the mansard; once again, the new partial mansard sits comfortably within this view.
- 4.81 The CAPS guidance provides advice on roof alterations and extensions and states that

“Roof alterations or additions are unlikely to be acceptable where a building forms part of a complete terrace or group of buildings which have a roof line that is largely unimpaired by alterations or extensions, or where its architectural style would be undermined by any addition”.

- 4.82 Whilst there are no additional floors at this level along the street, there is a precedent of mansard roofs which can be seen at nos. 12-16. Therefore, the proposed additional floor does not look at odds with the established pattern of development in the street when viewed from the east where mansard roofs are prevalent.
- 4.83 Indeed, the application scheme is of far more sympathetic in design than the existing mansards and relates far better to the building on which it sits as it has a shallower roofslope and more appropriately designed windows. The proposal therefore, does not undermine the architectural style of the building.
- 4.84 It is acknowledged several times within the CAPS statement of Hanway Street, “the individual buildings have largely been redeveloped in a piecemeal fashion during the 19th century.” As such, the street is not a homogenous group of buildings but contains buildings of different styles and age. Some buildings appear to be of similar age, but appear to have been altered in different ways. This is not a street, nor a conservation area which is characterised by groups of properties that are of the same appearance that can be said to be a single entity.
- 4.85 As such, the provision of an additional floor on this building, which is of unique design within the street does not appear incongruous and does not set a precedent for other buildings within the Conservation Area to undertake the same development as each building should be taken on its own merit.
- 4.86 We are therefore of the view that whilst the additional floor would rise above other buildings within the street, it would not cause harm to the views and vistas into and out of the conservation area, would not have a harmful visual impact on the street scene and would be sympathetic to the character and appearance of the existing building.
- 4.87 Private views of development within conservation areas are also often a consideration in determining the acceptability of development within those areas.

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- 4.88 The additional floor would be visible from the upper floors of nos. 5 & 6 Hanway Place. The proposal would not, however, be visually harmful when viewed from these windows as demonstrated by the visual that has been prepared by TF Architects.
- 4.89 There is already an existing structure on the roof which comprises a staircase enclosure providing access to the roof. In addition, there are various pieces of plant equipment on the roof along with railings and an escape stair on the Hanway Place elevation leading up to this roof. The appearance of the roof would therefore be significantly improved as a result of this proposal with all plant located within the building and the removal of the railings and escape stair.
- 4.90 The residents' outlook will be further improved through the provision of a sedum roof and a green wall providing greenery in an area that is currently substantially lacking. We are therefore of the view that the proposal will enhance private views of the conservation area.

Residential Amenity

- 4.91 The proposal has been considered for its impact on daylight, sunlight, outlook and privacy to neighbouring residents. We have had regard to CPG6 entitled Amenity.

Privacy

- 4.92 Camden's SPG states that to ensure privacy it is good practice keep a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other.
- 4.93 As the scheme involves the conversion of an existing building, a distance of 18m window to window cannot be achieved.
- 4.94 However, the existing building has a number of windows in its rear elevation which face onto properties in Hanway Street but no new windows are proposed in the rear elevation. As a result, the proposed development provides no greater opportunity for overlooking than already occurs.
- 4.95 Whilst there is a terrace located at third floor level associated with the three bedroom flat, this roof terrace is existing.

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- 4.96 During the course of the public consultation, residents raised concerns regarding the increased level of overlooking that would result from the building being in residential rather than office use and considered that the use of the terrace would intensify as a result. In particular, it was cited that Soho Housing rarely used the terrace and generally vacated the building by 5 or 6pm.
- 4.97 It should be noted that there is no restriction on the hours of use of this building and that the residents have had the benefit of an office occupier that has used the building less intensely than others might. Any future office occupiers could operate longer hours with people in the building into the evening and could also and use the terrace much more frequently and intensely and possibly for corporate entertaining.
- 4.98 In addition, with an office use, it is far more likely that there would be more people in the building at any one time with the potential to look into neighbouring residents' windows than if the building were in residential use. (see English Partnership Density Standards).
- 4.99 Under the current proposal, the floors are divided up and only four of the six residential units would have windows facing Hanway Place, three of which would be one bedroom one person flats. The potential, therefore, for significant amounts of people to overlook is greatly reduced by this residential scheme.
- 4.100 The arrangement of residential windows facing each other across narrow streets in this highly dense central London location is not unusual. There are numerous examples where this occurs and there is a selection of photographs, contained in Appendix 3, which demonstrates this.

Daylight and sunlight

- 4.101 Section 6 of the CPG on Amenity confirms that proposals should accord with the BRE guidelines so as to ensure that proposals do not result in an unacceptable loss of daylight and sunlight to neighbouring residential properties.
- 4.102 A daylight and sunlight report accompanies this application which demonstrates that no harm would be caused to neighbouring residential properties as a result of this scheme.

Outlook

4.103 Paragraph 7.9 of the amenity CPG states the following:

“When designing your development you should also ensure the proximity, size of cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers”.

4.104 The additional floor has been carefully designed so that it is not overbearing and does not result in a harmful increase in sense of enclosure for neighbouring residents.

4.105 The sections that show the extension in relation to the Hanway place properties, demonstrate that those properties at no. 5 & 6 Hanway Place at first floor level would not perceive the additional floor due to its setback. It is acknowledged that the additional floor would be visible from the upper floors of Hanway Place. However, the development would not infringe an angle of 15 degrees when taken from the centre of these upper floor windows. As such, it is not considered that the proposal would be overbearing or result in a harmful increase in sense of enclosure. A visual has been produced from the most affected neighbouring window; the top floor flat of no. 5 Hanway Place located directly opposite the application site which clearly demonstrates that no harm would result.

Sustainability

4.106 The application is accompanied by an energy and sustainability statement which has assessed the proposals in relation to the CPG3 on Sustainability.

4.107 Much of the existing fabric will be retained, and will be supplemented where possible through good building practice and energy efficient measures. Furthermore, a high efficiency, centralised heating system will be implemented along with mechanical ventilation with heat recovery to deliver an energy and resource efficient building that will meet the requirements of building regulations 2010, BREEAM EcoHomes excellent and local and regional planning policy.

4.108 In addition, a renewable source is provided through the installation of pvs on the roof which is predicted to be capable of off-setting 9.4% of the site wide CO2 emissions

Section 106 contributions

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- 4.109 We have had regard to Camden's Supplementary Planning Guidance on S106 obligations. This document sets out the contributions that are normally required for various developments including residential. We have calculated that the level of contributions that would be required to accord with this document would be in the region of £36,333. These obligations would cover contributions towards education, sustainability and open space.
- 4.110 We are of the view that this scheme brings with it substantial planning benefits by providing affordable housing in a scheme where it is not required by planning policy. This scheme is also being provided without grant funding and is therefore not dependent on the public purse. Not only would this proposal provide 5 new affordable homes on this site but it would also generate a capital receipt or further income stream which will enable Soho Housing to subsidise the purchase of other residential properties which can then be let or sold within the affordable market. The requirement for S106 contributions would diminish this potential.
- 4.111 We are also mindful of the CIL regulations that came into force April 2010. Section 122 of the regulations sets out the provisions whereby S106 contributions can be legally sought, as follows:
- 4.112 A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- 1) Necessary to make the development acceptable in planning terms
 - 2) Directly related to the development, and
 - 3) Fairly and reasonably related in scale and kind to the development
- 4.113 It is against these criteria that we have assessed whether any obligations on this development can be lawfully justified and consider that they cannot.
- 4.114 The contents of this statement demonstrate that the application is entirely acceptable and that it does not raise any planning issues that require mitigation. There is nothing specific contained within the Council's planning obligations guidance that indicates that there is a lack of school places in this particular part of the borough. In addition, contributions towards sustainability and open space are not necessary in order to make the development acceptable, nor do they directly relate to the development. It therefore stands

to reason that they cannot be considered to be either fairly or reasonably related in scale and kind to the development.

- 4.115 Therefore, it would be unlawful for the application to make any financial contribution as it would fail all three tests.

5.0 Conclusions

- 5.1 The proposals represent an excellent opportunity to provide some much needed affordable housing in the borough at no expense to the public purse whilst maintaining an element office floorspace at ground floor and basement level.
- 5.2 The scheme provides 5 one bedroom affordable homes for discount market rent on a site where, under local and regional planning policy, none can be required due to the size of the building. Therefore, the provision of affordable housing here is a substantial planning benefit.
- 5.3 This level of affordable housing can only be achieved with the erection of an additional floor to enable the provision of a three bedroom market unit to assist in funding the development. The images produced by TF Architecture demonstrate that the proposed additional floor would be entirely acceptable in design terms and would not have a harmful impact on the character and appearance of the existing building, the street scene or the conservation area.
- 5.4 As a result of public consultation with residents, the rear elevation has been re-designed to remove the windows that were originally proposed and also the roof terrace at this level. The proposal would not have a harmful impact on neighbouring residential amenity in terms of loss of light, privacy or outlook.
- 5.5 It has been clearly demonstrated that the existing building could not be used for any other commercial use aside from offices and that there is a surplus of office accommodation in the vicinity.
- 5.6 The proposed scheme is therefore entirely in accordance with the Council's policies as set out in the Core Strategy, Development Policies Document and the various Camden Planning Guidance documents and the proposals should be welcomed by the Council by offering substantial planning benefits.