

Address:	61 - 62 Lincoln's Inn Fields (Incorporating 36 - 38 Kingsway & 40 - 42 Kingsway) London WC2A 3PX	
Application Number:	2010/3759/P	Officer: Charles Thuaire
Ward:	Holborn & Covent Garden	
Date Received:	07/07/2010	
Proposal: Change of use from office and erection of extensions at 61 - 62 Lincolns Inn Fields, 36 - 38 Kingsway and 40 - 42 Kingsway to form a hotel, residential, conference facilities, restaurant, bar and retail uses; roof alterations and extensions with roof plant to 5th -9th floors of 36 - 38 Kingsway; rear extensions and facade alterations at all levels within internal lightwell between Kingsway and Lincoln Inn Fields blocks; roof extension, terraces and plant to 40 - 42 Kingsway; alterations to forecourt of 61 - 62 Lincolns Inn Fields.		
Drawing Numbers: Access Statement; Schedule of Listed Building Works; Sunlight Daylight Assessment; Employment Statement; Marketing research; Energy Strategy; BREEAM Report; Transport Statement; Acoustic Report General; Acoustic Report Residential; Mechanical and Electrical Plant Specifications; Crime Prevention Statement; PL/001; PL/002; PL/003; PL/004; PL/005; PL/006; PL/007; PL/023A; PL/024; PL/026; PL/027; PL/031B; PL/032B; PL/033B; GA/097A; GA/098A; GA/099A; GA/100G; GA/101B; GA/102C; GA/103C; GA/104C; GA/105C; GA/106C; GA/107C; GA/108C; GA/109C; GA/110A; GA/200B; GA/201C; GA/300B; GA/301A; GA/302C; GA/305B; GA/306B; GA/307A; GA/310A; GA/313;		
RECOMMENDATION SUMMARY: grant permission subject to S106		
Related Application		
Date of Application:	07/07/2010	
Application Number:	2010/3760/L	
Proposal: Internal and external alterations plus erection of roof extension, terraces and plant to 40 - 42 Kingsway, in association with change of use of 1st-5th floors to residential use		
Drawing numbers – Schedule of Listed Building Works; PL/001; PL/002; PL/003; PL/004; PL/005; PL/006; PL/007; PL/023A; PL/024; PL/026; PL/027; PL/031B; PL/032B; PL/033B; GA/097A; GA/098A; GA/099A; GA/100G; GA/101B; GA/102C; GA/103C; GA/104C; GA/105C; GA/106C; GA/107C; GA/108C; GA/109C; GA/110A; GA/200B; GA/201C; GA/300B; GA/301A; GA/302C; GA/305B; GA/306B; GA/307A; GA/310A; GA/313;		
RECOMMENDATION SUMMARY: grant listed building consent		
Applicant:	Agent:	
Mr Christopher Colbourne 61 Lincoln's Inn Fields London WC2A 3PX	Mr David Sparrow Robert Hutson Architects Limited 94 Leonard Street London EC2A 4RH	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A1 Shop A3 Restaurants and cafes A4 Drinking Establishments B1a Business - Office		100 104.25 597 6194.75 Total=6996m ²
Proposed	A1 Shop A3 Restaurants and Cafes A4 Drinking Establishments C1 Hotel C3 residential D1 non-residential institution		405m ² 855 567 4725 930 272 Total= 7754m ² = increase of 758 m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>None</i>									
Proposed	<i>Flat</i>		5							

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	<i>Approx 6?</i>	<i>?</i>
Proposed	<i>0</i>	<i>0</i>

OFFICERS' REPORT

This application is being reported to the Committee as it entails a major development comprising over 1000 sqm commercial floorspace (Clause 3i), 5 new flats (Clause 3iii) and new restaurant space (Clause 3iv) and it requires a S106 legal agreement (Clause 3vi).

1. SITE

- 1.1 The site is an L-shaped one comprising 3 different properties spanning between the 2 roads of Lincolns Inns Fields and Kingsway, but interlinked and with the main entrance off Kingsway. The entire site (apart from three Kingsway commercial units) is occupied as offices by Cancer Research UK who are due to move out to better accommodation elsewhere. 40-42 Kingsway has a Class A4 bar (Pitcher and Piano) on basement, ground and mezzanine floors, and offices on 1st-5th floors above. 36-38 Kingsway has 2 basement levels with ancillary plant, storage etc; 2 ground floor Class A1/A3 units (newsagents and sushi bar), and offices on 1st – 7th floors above, plus an 8th floor enclosing roof plant. 61-62 Lincolns Inn Fields (LIF) has 2 basement levels as before and offices on ground to 5th floors.
- 1.2 The properties are split between 2 conservation areas: Kingsway buildings are in located in the Kingsway CA whereby nos 36-38 are considered to make a positive contribution to its character; 61-62 LIF is within Bloomsbury CA and again is listed as a positive contributor.
- 1.3 40-42 is a Grade 2 listed building designed by Edwin Lutyens in an Edwardian neo-classical style. 36-38 Kingsway has a more ornate facade with Dutch gable and cupola features at 5th-6th floor levels and a 3 storey high steep mansard. The top floor is an enclosure screening roof plant. This and the upper floors step out at the rear in a L-shaped projection. A lightwell separates part of this property from the rear property at LIF.
- 1.4 61-62 LIF has a modern building façade dating from the 1980's as part of redevelopment scheme behind the retained facade of the 36-38 Kingsway frontage. It comprises a relatively plain neo-classical facade of 4 storeys with a shallow pitched slope above with rooflights. The rear upper floor levels including roof plant enclosure of the Kingsway frontage building are clearly visible in long views across Lincolns Inn Fields square (which is a park of special historic interest) and forms a cluttered and unattractive appearance. It has a large paved forecourt used for carparking plus 2 lightwells.
- 1.5 The surrounding area is primarily commercial- offices in Lincolns Inn Fields and offices on upper floors in Kingsway above ground floor A1, A3, A4 and B1 commercial units; the exception is residential flats on upper floors of 44-46. The Kingsway units lie within the Holborn Central London frontage.

2. THE PROPOSAL

Original

- 2.1 Change of use of 61 - 62 Lincolns Inn Fields, 36 - 38 Kingsway and 40 - 42 Kingsway to form a hotel, residential, conference facilities, restaurant, bar and retail

uses; roof alterations and extensions to 5th - 9th floors of 36 - 38 Kingsway; rear extensions and facade alterations at all levels within internal lightwell between Kingsway and Lincoln Inn Fields blocks; roof extension and various internal listed building alterations to 40 - 42 Kingsway; alterations to forecourt of 61 - 62 Lincolns Inn Fields.

Revision

- 2.2 Removal of external lift shaft from forecourt on LIF and insertion within building, removal of bicycle canopy and rearrangement of cycle stands.

3. RELEVANT HISTORY

40-42 Kingsway

- 3.1 21.2.97- pp granted for change of use from B1 offices to A3 restaurant
- 3.2 15.4.02- pp granted for variation of condition of above to allow opening 8am-1am Mondays to Saturdays and 8am-12am Sundays.
- 3.3 5.5.99- pp granted for change of use from office to 5 flats on upper floors (not implemented)
- 3.4 Mar 2009- pp refused, appeal dismissed for change of use of upper floors to 8 flats, due to subdivision being harmful to internal layout and quality of listed building
- 3.5 20.3.10- pp granted for a/c units on rear flat roof
- 3.6 2.1.0.01- lbc granted for secondary glazing to front façade on 1st-5th floors
- 3.7 13.1.02- lbc granted for demountable internal partitions at 1st-5th floors

36-38 Kingsway, 61-62 Lincolns Inn Fields

- 3.8 1.4.87- pp granted for redevelopment behind retained Kingsway façade on basement, ground and 5- 7 storeys above for offices, shop and restaurant.
- 3.9 Oct 2009 (2009/4867/P and 4877/L)- application submitted for Change of use, alterations and extensions at 61 - 62 Lincolns Inn Fields, 36 - 38 Kingsway and 40 - 42 Kingsway to form a hotel, residential, restaurant bar and retail uses. Proposed works include alterations and extensions of floors 2 to 8 of 61 - 62 Lincolns Fields incorporating 36 - 38 Kingsway and roof extension to 40 - 42 Kingsway. Applications withdrawn following officers' concerns, primarily at the extensions to 61 Lincolns Inn Fields and alterations to 42 Kingsway and their impact on the conservation area and listed building respectively.

4. CONSULTATIONS

Statutory Consultees

- 4.1 English Heritage- make general comments on planning application: welcome many changes to scheme in line with their previous comments. However they are concerned that proposals for 36-38 Kingsway remain unchanged in respect to

proposed architectural treatment at upper levels. Existing building is considered to be a positive contributor to character of conservation area and to setting of adjoining listed building. Proposal for upper floors will dilute architectural presence of Dutch gable and tower elements, which are proposed to be raised upwards, and the insertion of a sheer storey appears as poor relation against the finesse and detailing of other sheer storeys here; they conclude that overall composition harms character and building and CA and setting of LB.

- 4.2 Limited excavation may affect some archaeological deposits thus position needs to be reserved by attaching condition to secure implementation of archaeological work.

Conservation Area Advisory Committee

- 4.3 Bloomsbury and Kingsway CAAC- no response yet

Local Groups

- 4.4 Covent Garden Community Association object- roof design is asymmetric and not in keeping with surrounding skyline; pleased to see that new lift design is now contained within framework of building.

Adjoining Occupiers

	Original	Revision
<i>Number of Letters Sent</i>	54	00
<i>Number of responses Received</i>	01	
<i>Number of electronic responses</i>	00	
<i>Number in Support</i>	00	
<i>Number of Objections</i>	01	

- 4.1 Objection from operator of Pitcher and Piano bar at 40-42 Kingsway – this bar has recently had licence extended to 1.30am weekdays and 2.30am on Saturdays; the use of the bar will entail loud amplified music and large private parties; the front forecourt in Kingsway can be used for dining/drinking and as well as smoking. The operators are concerned that the proposed use for residential above may impact on the unfettered operation of this bar and produce conflicts between the 2 uses as well as generate complaints of statutory noise nuisance from future occupiers; specifically problems of noise, vibration and fumes from kitchen etc plant at rear, noise from bar through floor/ceiling, noise from patrons using forecourt outside and leaving bar in early hours. Suggest that a condition be placed to ensure soundproofing measures be introduced to mitigate such noise impacts

5. POLICIES

Set out below are the UDP policies that the proposals have primarily been assessed against. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Camden Replacement Unitary Development Plan 2006

- 5.1
- SD1 - Quality of life
 - SD2 - Planning obligations
 - SD3 - mixed use
 - SD6 - Amenity for occupiers & neighbours
 - SD7 - pollution
 - SD8 - disturbance
 - SD9 - resources and energy
 - B1 - General design principles
 - B3 - Alterations and additions
 - B6 - listed buildings
 - B7 - Conservation Areas
 - N4 - public open space
 - N5 - biodiversity
 - H1- new housing
 - H3 - existing housing
 - H7 - Lifetime Homes
 - H8 - Housing mix
 - E2 - Retention of existing business uses
 - C5 - tourism uses
 - R1 - location of new retail etc uses
 - R2 - impact of retail etc uses
 - R3 - assessment of food and drink uses
 - T3 - Pedestrians and cycles
 - T4 - public transport
 - T8 - Car-free housing and car capped housing
 - T9 - Impact of parking
 - T12 - works affecting highways

Supplementary Planning Policies

- 5.2
- Camden Planning Guidance
 - Bloomsbury draft Conservation Area Statement (CAS)
 - Kingsway Conservation Area Statement
 - Revised Planning Guidance for Central London- Food drink and entertainment uses

5.3 LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations particularly where they directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft LDF policies and members should always seek specific officer advice before considering voting for refusals on this basis.

- 5.4
- CS1 - Distribution of growth
 - CS5 - Managing the impact of growth and development
 - CS6 - Providing quality homes
 - CS7 - Promoting Camden's centres and shops
 - CS8 - Promoting a successful and inclusive Camden economy
 - CS11 - Promoting sustainable and efficient travel
 - CS13 - Tackling climate change
 - CS14 - Promoting high quality places and conserving our heritage
 - CS15 - Protecting and improving our parks and open spaces & encouraging biodiversity
 - CS16 - Improving Camden's health and well-being
 - CS17 - Making Camden a safer place

CS19 - Delivering and monitoring the Core Strategy

DP1 - Mixed use development
DP2 - Making full use of Camden's capacity for housing
DP5 - Housing size mix
DP6 - Lifetime homes and wheelchair homes
DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
DP13 - Employment sites and premises
DP14 - Tourism development and visitor accommodation
DP17 - Walking, cycling and public transport
DP18 - Parking standards and the availability of car parking
DP19 - Managing the impact of parking
DP21 - Development connecting to highway network
DP22 - Sustainable 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

6. ASSESSMENT

- 6.1 The principal considerations material to the determination of this application are summarised as follows: landuse policy on loss of business use, new hotels and new residential; bulk, height and design of alterations and extensions to buildings; impact on 2 conservation areas and listed building; impact on neighbour amenities and traffic/parking conditions.

Proposal

- 6.2 The scheme follows on from an earlier proposal submitted but later withdrawn due to officer concerns (see history above). The key differences from this earlier scheme are as follows- additional and larger residential units with no hotel accommodation at 42 Kingsway; retention of staircase at rear of 42 Kingsway; reduced size of roof extension at 42; reduction of hotel rooms from 169 to 151; reconfiguration of hotel, conference and restaurant facilities at lower levels; no changes or extensions to elevation of 61 LIF.
- 6.3 The scheme is predominantly a Class C1 hotel use replacing the offices vacated by Cancer Research, but incorporating additional retail and restaurant uses as well as retaining the existing A4 bar, plus introducing some new residential. The scheme involves various extensions at lightwell and roof levels to the main block spanning 61 LIF and 36 Kingsway to create the required number of hotel rooms to make the new hotel use viable. The requirement to retain the open plan interiors of the listed building of 42 Kingsway at upper floors has meant that this building is now retained solely for residential use unconnected to the hotel.
- 6.4 40-42 Kingsway will retain the existing bar at basement, ground and mezzanine floors; the upper floors will be converted to 5 x 2 bedroom 3 person flats with open plan lounges at front and bedrooms at rear facing the 2 lightwells. The roof will have a new extension at the rear to provide additional living space for the top floor

flat, plus 2 roof terraces at front (1 private and 1 communal) for all flats and an array of condenser units at rear. Various associated internal alterations are proposed for the upper floors to provide partitions for the bedrooms and bathrooms at rear. The residential entrance will be via the staircase and a dedicated entrance off Kingsway.

- 6.5 36-38 Kingsway and 61 LIF behind will be substantially reconfigured internally and the intervening lightwell reduced in size by extensions at all levels to both blocks (to match the extent of the adjoining lightwell between 42 Kingsway and 63 LIF). Effectively the Kingsway block merges with the LIF block around a central lightwell, but the former becomes a distinctly separate L-shaped block at 6-9th floors. A new shopfront will be provided on Kingsway for the retail uses.
- 6.6 The upper floors of the Kingsway facade will be extensively remodelled and extended, to accommodate 4 habitable floors at 6-9th floors instead of the existing 2 floors plus plant enclosure- the 5th floor level (currently gable and mansard) will be redesigned as a continuation of the stone facade below, the gable and cupola will be jacked up by one floor to 6th-7th floors, the triple array of mansard dormers will be squeezed to take account of the lower floor to ceiling heights of the new hotel, the 9th floor roof plant enclosure will be replaced by additional hotel accommodation in a setback mansard with rooflights.
- 6.7 The rear facade of the 6th- 9th floors, visible from Lincolns Inn Fields above the LIF block, will be remodelled (and extended back by 4m within the lightwell as already explained) and redesigned with additional windows and rooflights to reflect the new hotel floor levels. However the overall existing roof height of this entire block will not increase.
- 6.8 61-62 LIF will be retained as existing (in contrast to the previous scheme) with no changes to its sloping roofline, but plant will be inserted on the roof, partly within a sunken well and partly behind the existing parapet. The forecourt will be altered and one existing lightwell infilled while the other remains; as revised, the lift shaft, originally proposed within this lightwell, is now provided internally. The forecourt will contain stands for 32 cycles and a patio seating area for the new hotel use.
- 6.9 The reconfigured and extended block at Kingsway and LIF will provide the following uses:
- 2 retail units at sub-basement and ground floors on the Kingsway side;
 - 1 restaurant unit at basement spanning the whole length of the site and with entrance off Kingsway;
 - 2 conference suites at basement levels facing and accessed from LIF;
 - hotel reception, clubroom etc on ground floor facing and accessed from LIF, plus 4 guest rooms surrounding internal lightwell;
 - hotel rooms on all sides at 1st- 9th floors;
 - roofplant in open enclosures at 6th floor facing LIF and 10th floor of Kingsway L-shaped block.
- 6.10 The hotel will have 151 rooms and will be run as a "Club Quarters" business hotel. The applicant already runs a similar hotel operation at Northumberland Avenue near Trafalgar Square. The proposed hotel will likewise be directed towards business clients with rooms often block-booked to corporations, global companies

as well as not-for-profit organisations, whose employees are required to visit London frequently for business. As such the guest rooms, club lounge and meeting rooms are all fitted out with office/computer facilities as many guests will be working from their hotel base. The hotel will thus not be directed at casual leisure visitors and tourists. The restaurant and conference facilities will be available for use by hotel guests (for instance, no separate breakfast room is provided in the hotel itself); however they will be run by a separate company from the hotel operators and will thus be open for public use as well.

Landuse

loss of office

- 6.11 These proposals involve the loss of approx 6000sqm existing office floorspace. Policy E2 has a general presumption against the loss of business uses where there is potential for that use to continue. Where it is considered that a site does not have potential to continue the existing business use, consideration needs to be given to maintaining on site an alternative business use, with priority given to flexible space for B8 or B1c light industry.
- 6.12 In relation to this site, Cancer Research UK no longer requires the site and is looking to dispose of it. The applicants have indicated that, despite marketing of the premises since 2007, very little interest has been attracted from other office occupiers so that the building was withdrawn from the market in late 2008. Indeed the only serious and viable offer made has been by the current applicants. On the basis of the information submitted it would appear that the premises are currently not viable as an ongoing office use. This may be due to a number of constraints, particularly as the site is a Grade II listed building, therefore any potential alterations to bring the property up to standard with regard to modern office accommodation will be severely constrained.
- 6.13 The policy also requires an assessment of alternative employment uses, particularly where this involves sites larger than 1000sqm floor space. It should be acknowledged that this site is centrally located on the eastern side of Kingsway. Therefore, in terms of access, it is unlikely that a large B8 user (for example) will seek to occupy such premises due to access issues alone. As outlined above these facilities have become dated. In addition to the significant refurbishment that would be required to bring the premises up to modern use (to provide adequate lift cores and air-conditioning), the layout of the floor areas as dedicated office space would provide barriers to provide flexible B1c/B8 floor space.
- 6.14 Camden has identified a shortfall in adequate space for small and medium enterprises, hence the policy requirements in Policy E3. If it was considered that this site could adequately serve small and medium enterprises, its retention as employment floor space should be retained. However, given that the design and layout of the building lends itself to office premises for a single designated user, it would seem unlikely that the premises could be sub-let and used for small and medium enterprises, particularly in the context of the current market situation as outlined by the applicants.

- 6.15 Finally, there should also be an acknowledgment that the proposed use is likely to provide different employment opportunities in itself and that a large hotel use in this location, although somewhat smaller than the office it replaces, is likely to have a beneficial knock-on impact on support businesses such as cleaning and catering companies, in addition to supplementing the night-time economy in the wider area. However concerns have been made at the quantity and quality of employment opportunities in the replacement hotel use compared to the existing office use, and this is further discussed below under the *regeneration* subheading. It should also be noted, as indicated in para 6.10 above, that the hotel is a user-specific one, whereby business clients will often be using this hotel as their office base and working from their bedrooms or club lounge, and thus, unlike tourists, these guests will informally contribute towards the hotel employment function.
- 6.16 It is concluded that the loss of office floorspace is acceptable here. Paragraph 7.22 of the supporting text to E2 states that the Council's preference would be conversion to residential or community uses, as these are identified as being priority uses within the Plan. Clearly, in this case, the site is providing for elements of permanent residential floorspace. Whilst the Council's preference would be for the provision of residential accommodation across the site, the supporting text is clear in that this exception will not be applied universally across the Borough, and the merits of each individual case will be taken into account.

new tourism uses

- 6.17 On the above issue, an important point to note is the support that is given to hotel accommodation within the development plan, both in the UDP and the London Plan. The encouragement given to new hotel accommodation, particularly in the London Plan at 3D.7 (and 4.5 of the Draft replacement London Plan) is a material consideration in the determination of this application. This site would be extremely well suited to new hotel accommodation.
- 6.18 Policy C5b states that the Council will grant planning permission for development of hotels provided that the proposal provides any necessary off-highway pick up and set down points for taxis and coaches, and is located in the Central London Area, a Town Centre or another area that would not harm residential amenity, transport or the environment. The site is highly accessible to various public transport modes, especially near Holborn tube station, and this central London location is particularly suited to new and extended hotel uses.
- 6.19 The new hotel provides 8 wheelchair-accessible bedrooms in accordance with Building Regulations; in addition 8 ambulant accessible rooms are also proposed elsewhere to give greater choice and standard of room.
- 6.20 Conference & meeting rooms are provided which would be classified as Class D2. Although technically not part of the hotel as they will be separately managed by another operator, these facilities are traditionally found in hotels and used by both hotel guests and visitors, and their provision here is acceptable given the hotel-related context and the location accessible by public transport.

regeneration issues

- 6.21 Officers from the Council's Economic Development and Regeneration service are concerned at the loss of employment use and job opportunities, given that the hotel is likely to have fewer jobs with poorer pay and conditions than other job sectors. This is a very large employment site (6000 sqm B1 space) in a commercial centre which could be expected to support the employment of approximately 300 fulltime employees. This is in addition to up to 59 potential fulltime jobs in the A1 retail and A4 bar/restaurant space in the existing site. In comparison, it is estimated that the development as proposed, including the hotel use, would generate 173 fulltime jobs, compared with an estimate of 359 potential fulltime jobs in the existing building. On this basis, the development will result in a very substantial loss of employment opportunity for Camden residents.
- 6.22 The developer has thus been requested to provide a financial contribution to local training and employment initiatives, secured as part of the S106 agreement, to be paid to the Council to provide a programme of vocational training, employment advice and guidance and job brokerage to local unemployed residents. The figure calculated on the basis of the potential loss of jobs to Camden residents is £77,500. It should be borne in mind that Camden has approved two more developments subject to S106 agreements which include financial contributions to mitigate the loss of employment space, the most recent and relevant example being Clifton House in Euston Road (B1a office to hotel use) which was granted permission on 28.6.10.
- 6.23 In addition, the scheme should be subject to the standard local employment and local procurement obligations, which apply to all developments including 1000 sqm or more commercial space. As this development includes over 5,000 hotel, restaurant and retail space, the following heads of terms in the S106 are recommended:
- a) an agreement to liaise with the Kings Cross Construction Skills Centre to ensure that 15% of employees working in the construction of the development are recruited from Camden's resident population and with Camden Working, the Council's local employment initiative, to facilitate the recruitment of Camden residents to jobs created in the hotel, restaurants and bars in the development.
 - b) an agreement to liaise with ICAM supply, Camden's Local Procurement team, to enable local businesses to tender for the supply of goods and services during the construction of the development.
- 6.24 The applicant has confirmed his agreement to these S106 requirements.

residential use

- 6.25 Mixed use policy SD3 seeks to provide a mix of uses within developments in order to facilitate sustainable development and reduce the need to travel between homes, services and jobs. In the Central London Area, where a proposal would result in an increase in floorspace of more than 200sqm, a contribution to the supply of housing is expected. Where appropriate, up to 50% of the additional floorspace should be provided for housing. Hotel developments fall into this category, and as such the necessary residential contribution will be sought.
- 6.26 The additional floorspace proposed here is approx 758sqm. The application proposes a total of 930sqm of residential accommodation within the listed building,

which actually exceeds the uplift and would comply with the requirements of Policy SD3. This floorspace is less than 1000 sqm which would otherwise trigger the requirement for affordable housing.

- 6.27 Policy H8 of the UDP seeks to secure a range of unit sizes within developments, including large and small units. The current scheme proposes 5 x 2-bedroom 4 person flats which have been designed around the internal layout and constraints of the listed building, whereby the open nature of the front rooms with their decorative features needs to be retained. The large lounge/diner/kitchen areas are at the front receiving most daylight whereby the bedrooms are at the rear facing lightwells. The provision of new housing here is welcome.
- 6.28 There is a predominance of two-bed units within the proposed unit mix. The most up to date housing needs surveys, including the Camden Housing Needs Survey Update and the London Strategic Housing Market Assessment, suggest that the largest demand in the private sector is for two-bed units. In light of this, the proposed mix is considered broadly acceptable. Whilst provision of family sized units would be preferable alongside two-bed units, the Council acknowledges the location of the site, constraints of the layout of the listed building in providing more bedrooms and the potential implications for a large family sized unit in this area. As such the lack of provision for a large family sized unit is acceptable here; however it is noted that the penthouse room to the top floor flat could be used as a 3rd bedroom if necessary thus making this a family sized unit.
- 6.29 It should be noted that the principle of residential accommodation has already been agreed before by virtue of the planning permission granted in 1999 (which was also for 5 flats). The size and layout of the flats are acceptable and amply comply with CPG space standards. The listed building constraints make it difficult to achieve many of the lifetime home standards, but where possible, they will be met, including wheelchair accessible toilets in all flats and access via lift to all floors.
- 6.30 The provision of 5 or more flats triggers the requirements for public open space and education contributions, on the basis that the additional residents and their children will have demands on local services and facilities. According to the CPG methodology for calculating such contributions based on bedroom numbers, the amounts required are £7515 for open space and £18,780 for education, which should be secured by a S106.

retail/restaurant use

- 6.31 The existing commercial frontage on Kingsway has a small retail shop and small A3 café/restaurant, each approx 100sqm in area. The existing retail floorspace will be quadrupled in size to create 2 large units, one at ground across the whole Kingsway unit's width and one at basement level. The restaurant floorspace will also be substantially increased to over 800sqm and relocated to basement level. The existing bar (Pitcher and Piano) will remain as existing; the slight loss of floorspace reflects the conversion of a disused basement room to storage space for the new flats.
- 6.32 Provision of food and drink uses in this location, particularly at basement level, is acceptable and accords with policy R1 on location of such uses: it lies within a

Holborn Central London frontage (where the supplementary guidance specifies as an appropriate location for food, drink and entertainment uses), it does not result in loss of a ground floor retail frontage, it is highly accessible to public transport modes including late night buses, and its context and location of associated plant (on main roof) should not harm residential amenity (the nearest existing flats being further north at 44 Kingsway). A condition will be imposed to restrict opening hours to 6am - midnight daily. The late night opening is comparable to other A3/4 uses in this stretch of Kingsway (noting that many open much later and do not have any restrictions on their opening hours) and will ensure that its use by visitors does not disturb local amenity; the early morning opening is designed to meet the requirement for hotel guests having breakfasts here. Details of disabled access and facilities to both new retail and restaurant uses will be resolved at Building Regulation stage.

BREEAM

- 6.33 All schemes are required to meet a minimum 'very good' rating using the BREEAM assessment. Camden's CPG also goes beyond the minimum very good score in requiring a minimum 60% score in the energy and water categories, and a minimum 40% score in the materials category. The applicants have submitted a BREEAM appraisal which indicates that a 'Very Good' score can be achieved. In addition, the minimum targets in the relevant sub-categories can be secured. These should be subject of a S106 legal agreement to secure these findings through implementation.
- 6.34 There is no scope for brown or green roofs on this building, given that the existing/proposed flat roofs will be covered by external roofplant. However the proposed roof terraces for the flats will have the potential of enhancing biodiversity through their planters.

Renewable Energy

- 6.35 Developments over 1,000sqm must include provision renewable energy on site. The provision of 10% of energy requirements of any new development to be provided through renewable energy sources, as specified in the CPG, has been superseded by further amendments to the London Plan in February 2008. This has specified that new developments should aspire to meet a 20% target.
- 6.36 The applicants' energy assessment follows the Mayors energy hierarchy and states that it can achieve a 28.2% reduction in the overall carbon emissions of the building, and provide 10% of the buildings energy demand from renewable energy technology. A number of renewable energy technologies have been assessed to meet this requirement, and the conclusion from the submitted report is that CHP and air source heat pumps are most suited to the site to meet the necessary requirements. The use of CHP is particularly welcomed as it is ideally suited to a hotel, which has consistent demands on heating in terms of laundry and other support services. The shortfall in the target for renewable energy is considered acceptable in this instance, given that this proposals involve the reuse of an existing building, the reduction in the overall baseline carbon emissions of the building, and the likely constraints that alternative technologies (such as photovoltaics and wind turbines) would face within a Grade II listed building.

Bulk/design

listed building internal alterations

- 6.37 The proposed internal works to 40-42 Kingsway would entail the conversion of the upper floors to residential flats with the ground floor staying in use as a separate pub. Access to the flats would be via the ground floor entrance on Kingsway.
- 6.38 Whilst the façade of the building was designed by Edwin Lutyens, it appears that much of the interior was designed by the architects practice Pilditch & Company. An inspection of the interior reveals that there are many surviving original features and the H-plan lay out with two lightwells is still clearly evident. This view has also been upheld at appeal (March 2009- see history) where the inspector determined that subdivision of the first, third and fourth floors was harmful to the special interest of the listed building and that the original layout of the building is an important element of the building's special interest.
- 6.39 The proposed scheme is generally respectful of the surviving historic fabric and plan form. The full width rooms at the front of the building are retained. The narrow middle section and rear section is partitioned up to form bedrooms which is in character with the original layout of the building. The grander rooms were at the front whilst the service and ancillary spaces were at the rear where there was less of an outlook. Such an approach is considered acceptable.
- 6.40 The existing lift which runs within the central well of the stair compartment is to be replaced. This is a modern structure and this proposed is considered acceptable.
- 6.41 *First Floor:* This level has a relatively low ceiling height than one would expect to find at this level of the building and the front area features fine cornices and detailing around the tripartite windows. It is clear that the original intention was that the front of the building was one space. The proposed works to this level respect this arrangement, as in the rear the only partitions that are lost are modern, and the new arrangement allows the fireplace to be read as the centrepiece of the master bedroom.
- 6.42 *Second Floor:* This is the grandest level of the original office space and this is reflected by the generous head height and ornamental detailing. The location of the bathroom seems appropriate and alterations to partitions at rear do not result in any loss of important internal features.
- 6.43 *Third floor:* At the rear of the building there have been numerous alterations to the building so the proposed alterations to the floorplan are considered acceptable. The removal of the lateral link with 36-38 Kingsway is welcomed as an improvement and restores it back to an independent building.
- 6.44 *Fourth floor:* At the rear of the building there have been numerous alterations to the building so the proposed alterations to the floorplan are considered acceptable.
- 6.45 *Fifth Floor:* This level has a more modest character as it appears it was originally used for ancillary residential use. The works are generally respectful of the original

plan form with the works confined to the more altered rear part.

*External alterations-
Lincoln's Inn Fields*

- 6.46 In comparison with the previous withdrawn scheme, the Lincoln's Inn Fields façade itself is now unaltered. Although new hotel flags and signage are proposed to emphasise the new hotel entrance, this does not look excessive and is acceptable in principle, and the details can be reserved by condition.
- 6.47 As noted in the site description, the rear of 36/38 Kingsway is visible in long views westwards across Lincoln's Inn Fields square, although it is read as the backdrop to the Lincoln's Inn Fields building rather than part of it. This elevation is re-ordered and redesigned due the incorporation of additional floors (within the existing roof structure), and thus has additional windows and rooflights. The rear elevation is also partly set back into the lightwell by 2m, but there will be no increase in overall roof height. This marginal increase in bulk will not be visually apparent from Lincolns Inn. The appearance of this rear elevation with new slate cladding is considered acceptable and will only be visible at a great distance from the centre of Lincoln's Inn Fields square where its impact will be similar to the existing arrangement. The alterations will preserve the character and appearance of the Bloomsbury conservation area. Indeed it could be argued that this elevation's more rational appearance without a top heavy roof would enhance the conservation area.
- 6.48 External roof plant will be increased beyond the current amount of visible plant at this level but it will be largely screened behind new parapets; views of it will only be possible in very long views and be similar to other rooftop installations on neighbouring buildings. Roof top alterations to the listed 40 Kingsway will be largely invisible in views from Lincolns Inn Fields due to the taller building at 63 Lincoln's Inn Fields.
- 6.49 A glazed lift enclosure to gain access to the basement and a cycle canopy enclosure were originally proposed in the front lightwell and forecourt of 61-62. The frontages of buildings along this side of Lincoln's Inn Fields are uncluttered by such structures and these were considered unacceptable. The plans have been revised to omit them and place the lift internally. The alterations to the lightwells and use of the forecourt for patio seating are considered acceptable, subject to a condition reserving details of any permanent structures and furniture here. Publicity for the hotel here will be subject to separate consents.

Kingsway

- 6.50 In terms of roof additions to 36-42 Kingsway, it should be noted that the Kingsway conservation area statement advises in K24 that "roof extensions that fundamentally alter the roof form of buildings will not normally be permitted, although each proposal will be considered on its own merits".
- 6.51 It is proposed to erect a small living room extension (serving the 5th floor flat below) on top of the rear section of the roof. Presently the flat roof is covered in asphalt and contains services, railings and housing (including the lift over-run). The extension would not be visible from the surrounding area (except from the upper

floor of the building immediately opposite on Kingsway) and as such would have a minimal visual impact on the building and any views of it would be seen in the context of the other roof top structures on the building and its surroundings. Due to the modern finishes on the roof, there would be little loss of historic fabric and therefore it is considered acceptable.

- 6.52 Extensive remodelling is proposed at roof level to the 5-8th floors of 36-38 Kingsway. The building already has a triple mansard plus an additional roofspace enclosing plant, which has a top heavy relationship with the building below. Additional storeys are proposed by replacing the existing plant enclosure with accommodation and creating an extra level within the existing mansard roof. The parapet, gable and cupola of the main façade would also be raised by a single storey.
- 6.53 The raising of the parapet has undergone extensive pre-application discussions and is now considered acceptable. By raising the gable and cupola, it maintains the primacy of these elements (in contrast with the previous application where officers were concerned that these elements would be consumed by the raised parapet which diluted their impact on the elevation). The detailing of the re-facing of the fifth floor is considered sufficiently modest and well detailed to respect the overall character, appearance and hierarchy of the façade, although it needs further refinement of its design such as window proportions. Contextually it sits comfortably with both of the neighbouring buildings. A condition is recommended to ensure submission of appropriate revised details.
- 6.54 This re-facing of the fifth floor has the benefit of reducing the top-heavy appearance of the mansard roof and creates a more balanced and better proportioned façade (presently there is almost as much bulk above the parapet as below it). New smaller dormers are proposed in the mansard, which have a more subordinate appearance.
- 6.55 The extra storey created by the conversion of the plant room to accommodation has a minimal impact on the appearance of the building. The existing plant will be rationalised and section drawings show there would be no overall increase in height. Discreet rooflights would be installed into the front façade which would give this element a subordinate feel. Compared with the existing arrangement, it is considered to preserve the appearance of the building.
- 6.56 The extensions are considered to preserve the character and appearance of the Kingsway conservation area.
- 6.57 An uninspiring shop front is proposed for 36-38 Kingsway which is largely glazed and features a large area of louvres. This is not particularly appropriate, but at this stage may only be indicative rather than a final design. This could be dealt with by condition so that an appropriate design is secured.

Amenity

- 6.58 The extensions, on both the listed building and on the rear of the proposed hotel, will not affect daylight or privacy to neighbouring residents at 44 Kingsway due their setback nature in relation to the residential rear windows. Similarly the proposed

roof terraces on the roof of 42 Kingsway will not result in overlooking to rear windows due to their layout and location. Existing condenser units on this roof will be relocated and rearranged behind a screen enclosure; it is assumed that these will be able to comply with the Council's noise standards as at present.

- 6.59 New plant for the hotel and restaurant will be located on the roofs of the new extensions at 6th and 9th floors. Residents are not directly affected, the closest properties being in office use. At this stage it is not possible to provide details of plant, but a background noise survey has been provided which measures a 50dBA daytime level and a condition will be imposed to ensure that all such plant meets the standard of being 5 decibels below background levels.
- 6.60 In terms of amenity of the proposed flats, it is recognised that Kingsway suffers from high road traffic noise levels and indeed the acoustic report shows that site falls within Noise Category C which means that the site is only suitable for residential use with appropriate noise mitigation measures. Secondary glazing is proposed to achieve the required internal noise levels of 30 and 35dBA for night and day respectively, and it is recommended that a condition is proposed to require details of this. Soundproofing is also recommended within the floor void of the 1st floor flat, to ensure that it is not disturbed by noise from the existing bar below. It is noted that the double glazing proposed will also help to ensure that the future occupants here are not disturbed by any noise nuisance emanating from outside this bar.
- 6.61 The daylight report submitted demonstrates that the quality of light within the proposed new flats will be very poor with most rooms in the 1st-3rd floors not meeting minimum Average Daylight Factor (ADF) standards as recommended by the BRE daylight guide. However it is acknowledged that this is a difficult site constrained by the listed building interior which results in a conversion with very large rooms and high ceilings thus giving distorted ADF results. No account also has been taken of the contribution to light levels made by the existing interior lightwells. Moreover the lounge areas at the front nearest the windows in Kingsway will receive good levels of light whereas the bedrooms, where need for light is less, are positioned at the rear- this is a sensible arrangement given the constrained context of the site.
- 6.62 It should be noted that the conversion of this property to residential use was accepted by planning permission in 1999, which had no conditions attached on acoustic measures and which considered daylight levels sufficient for residential use.

Transport

- 6.63 The applicant has undertaken a transport assessment (TA) which confirms the site is easily accessible by numerous public transport modes. The hotel will result in an increase in trips compared to the office development if fully occupied; it should be noted that it is very unlikely that any trips should occur by coach given the business occupancy of the hotel. Moreover the trips will be spread throughout the day and not concentrated at peak hours, unlike a normal office. However, contrary to the applicant's TA conclusions, transport officers estimate that the overall development will significantly increase the amount of daily trips, not just at peak levels, primarily

on account of the enlarged retail and restaurant floorspace. The servicing levels to the commercial uses will be similar to existing and the new flats will be designated car-free. The overall impact of the development on the surrounding road network will be minimal.

- 6.64 The flats will be car-free as the local area is suffering from parking stress. A total of 31 cycle spaces is required for the overall development (5 for flats, 4 for retail and 22 for hotel). The plans have been revised to show 32 spaces on 16 racks located on the perimeter of the forecourt facing LIF, which is acceptable.
- 6.65 Policy T12 seeks to protect the safety and operation of the highway network. For some developments, this may require control over how a site is serviced through a Servicing Management Plan (SMP), secured via S106. The proposed development will require a SMP to ensure that the proposed uses all undertake servicing in such a way that any impact on the local highway network is minimised.
- 6.66 For some developments, this may also require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP), secured via S106. The scale and nature of the development proposed is such that implementation of any permission would necessitate occupation of the public highway for a significant proportion of the duration of the works in order to build the development. The construction activities will involve loading and unloading on the public highway as well the generation of traffic to and from the site. If the work is not properly managed, it could be unacceptably detrimental to road safety, particularly pedestrian safety, as well as leading to an avoidable detriment to the amenity of local residents.
- 6.67 Given the scale and kind of the scheme, it is considered that the applicant should pay for additional pedestrian and environmental improvements in the wider area, in order to help mitigate the impact of the increased trips on public transport to and from this site as a result of the development, as noted above.
- 6.68 The rationale behind this request is that in recent years there has been a vast amount of development in inner London, which cumulatively has led to an over-strained transport network. The Council has various initiatives and programmes to deal with these cumulative impacts: Legible London is a central London wide pedestrian signage and way-finding initiative, which involves inner and central London boroughs and Transport for London (TfL) working together to install pedestrian signage and way-finding information signs throughout central London. The signs will conform to the agreed "Legible London" standard produced by TfL. This pedestrian signage plays a vital role in encouraging people to walk, where it is possible, instead of using already strained public transport network. The Legible London initiative requires contributions from developers to help fund it. With regard to this development, a contribution to Legible London is necessary to help mitigate its contribution towards cumulative impacts. Given the scale and kind of development proposed here, a contribution of £20,000 is considered appropriate to be secured by S106. Any agreed highways works would be implemented by the Council at the cost of the developer.

Other issues

- 6.69 Refuse storage will be provided in accordance with Council requirements for all landuses. The Crime Prevention Officer is satisfied with the proposal and its impact on community safety. There will be no risk from contaminated land to the proposed uses. English Heritage request the imposition of a condition to protect possible archaeological remains on the site due to the limited excavations and lift pits proposed.

7. CONCLUSION

- 7.1 The loss of office and creation of a new hotel is acceptable here in landuse and transport policy terms, subject to contributions for employment opportunities and pedestrian improvements. The provision of new housing is welcomed and acceptable in terms of mixed use policies. The expanded retail and restaurant uses are acceptable in this central London frontage. The alterations to the listed building are respectful of its interior; the extensions and remodelling of the elevations of the Kingsway block are acceptable in bulk and design and preserve the character of the conservation area. The new uses and associated plant will not harm neighbour amenity. The new housing is acceptable in terms of amenity standards subject to conditions.
- 7.2 Planning permission is recommended subject to a S106 Legal Agreement covering the following heads of terms, which have been agreed by the applicant-
- a) car-free housing for 5 new flats
 - b) Construction Management Plan
 - c) Servicing Management Plan
 - d) contribution to Legible London Initiative of £20,000
 - e) BREEAM post-construction review
 - f) onsite renewable energy facilities provision
 - g) public open space contribution of £7515
 - h) educational contribution of £18,780
 - i) local employment contribution of £77,500
 - j) local employment and services procurement
- 7.3 In the event that the S106 Legal Agreement referred to above has not been completed within 13 weeks of the date of the registration of the application, the Development Control Service Manager be given authority to refuse planning permission for the following reasons: lack of legal agreement to cover the above clauses and resulting impact on local environment, traffic conditions, employment, and services.
- ## **7.3 LEGAL COMMENTS**
- 7.4 Members are referred to the note from the Legal Division at the start of the Agenda