

| | | | | |
|---|----------------------------|---|-------------------------------------|------------|
| Delegated Report | | Analysis sheet | Expiry Date: | 27/01/2010 |
| | | N/A / attached | Consultation Expiry Date: | 25.12.09 |
| Officer | | | Application Number(s) | |
| Charles Thuaire | | | 2009/4991/P, 2009/5074/C | |
| Application Address | | | Drawing Numbers | |
| 7 Northington Street and 14-17 Kings Mews London WC1N 2JF | | | See decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| <p>P- Erection of part 3, part 4 storey building with roof terraces to provide 6 residential units (Class C3) comprising 3 x 1-bed, 2 x 2-bed and 1 x 3-bed flats (following total demolition of existing building).</p> <p>C- Total demolition of existing buildings</p> | | | | |
| Recommendation(s): | | Refuse planning permission and CA consent | | |
| Application Type: | | Full Planning Permission | | |
| Conditions or Reasons for Refusal: | | Refer to Draft Decision Notice | | |
| Informatives: | | | | |

Consultations

| | | | | | | |
|---|---|-----------|------------------|-----------|-------------------|-----------|
| Adjoining Occupiers: | No. notified | 23 | No. of responses | 03 | No. of objections | 02 |
| | | | No. electronic | 00 | | |
| Summary of consultation responses: | 2 objections from owners at 12-13 next door and 20-21 opposite: object to demolition of building which is typical mews-style building of great character and charm; has historical associations due to being owned and lived in by Diana Dors and thus should be listed; any replacement building should be in keeping with locality; concern at construction noise, dust and disruption. Comment from another neighbouring business concerned at noise & dust in working hours. | | | | | |
| CAAC/Local groups* comments: <small>*Please Specify</small> | <p><u>Bloomsbury CAAC</u>- object – “existing mews house is externally relatively unspoilt and could be restored to be very nice. It should be protected not demolished. Also the height of the proposed building is excessive”.</p> <p><u>English Heritage</u> comment on application for CA consent- although current Bloomsbury CAS 1998 does not specifically refer to these buildings, a new draft appraisal document for Bloomsbury conservation area (currently out for consultation) identifies these buildings as making a positive contribution to the CA; existing buildings retain scale and appearance of their original role as mews buildings and provide pleasing reminder of these historic subsidiary buildings and uses in smaller yards and streets. As such, EH consider that they cannot support applicant’s conclusion that existing buildings do not make any positive contribution and that no clear justification for demolition has been made.</p> | | | | | |

Site Description

2 storey mews type buildings at corner of Northington Street and Kings Mews, now vacant but formerly in residential use as a single dwelling. It comprises on the mews frontage a garage with utility room and music studio facing the mews, plus an entrance hall facing Northington Street connecting these rooms and the 1st floor 3 bedroom flat. The properties are typical white rendered mews buildings with garage doors at ground level and sash windows at 1st floor plus concrete tiled pitched roofs. The mews has similar 2 storey pre- or inter-war mews type buildings in commercial use; some of them adjoining the application site have since been demolished and replaced by open car parking yards. Opposite at no. 5 on the corner is a recently built house in a very contemporary style with glazing and brick and with a part clear/part obscure glazed “box” on the roof containing a bedroom. On another corner opposite the site is an Art Deco style commercial building, 4-5 storeys high. John Street behind the application site has a terrace of 3-4 storey Georgian properties in mixed residential and office use with rear gardens adjoining the site (plus a large coniferous tree obscuring views to the rear). Next to 7 Northington Street is a 3 storey plus semi-basement office building.

The site is located in Bloomsbury Conservation Area and is not listed. The properties at rear in John Street are Grade II Listed.

Relevant History

No.5 Northington St-

21.6.04- appeal allowed for erection of new 3 bedroom house

No.7-

6.3.03- pp refused for roof extension and terrace on grounds of inappropriate design and materials

4.7.03- pp refused for roof extension and terrace on grounds of inappropriate design and materials of new extension (mansard style addition with unusual curved appearance); no objections raised to roof terrace at rear

2.1.04- appeal allowed for above.

Nos.14-17 Kings Mews-

4.9.80- pp refused for redevt for 4 storey office block and 1 flat

7 Northington St and 14-17 Kings Mews-

15.1.09- 2007/5975/P - pp granted subject to S106 (on 3 traffic-related issues) for alterations and extensions to provide 3 new self-contained dwellinghouses, including creation of new basement floors under whole building, erection of 2 new mansard roof extensions on Kings Mews elevation and replacement of garage door openings by new windows and doors, replacement of part of building fronting Northington Street by a new basement and 4 storey building with roof terrace over.

14.10.09 – 2009/3416/new- pre-app advice given for total redevelopment of site by a new 3-4 storey building comprising 6 s/c flats with roof terraces.

Relevant policies

London Borough of Camden Replacement UDP 2006

SD1, SD2, SD4, SD6, SD9, SD12;

H1, H7, H8;

B1, B7;

T3, T7, T8, T9, T12

Camden Planning Guidance 2006

Bloomsbury Conservation Area Statement 1998

revised draft Bloomsbury Conservation Area Appraisal and Management Strategy 2009

Assessment

Background

This scheme follows on from a draft proposal by the same clients who gained pre-application advice for it in 2009 (ref 2009/3416/new). They do not wish to implement the earlier permitted scheme, ref 2007/5975/P, which was merely for conversion and extension of the existing mews buildings to provide 3 new houses.

The current scheme now involves total demolition of the existing buildings and erection of a part 3 part 4 storey block comprising 6 flats, plus roof terraces at 3rd and 4th floor levels, a front balcony at 2nd floor, and communal internal refuse and cycle storage.

The scheme has been slightly revised following the pre-application advice given in October 2009 and again following comments from the Council's access and transport officers as part of the current consultation process- notably the scheme has been improved internally to comply fully with lifetime homes standards and the refuse store has been amended to show a sliding roller shutter door rather than doors opening out onto the highway. Otherwise the scheme is essentially the same as that considered and commented on by officers in their pre-application advice note referred to above.

Concern was expressed in that advice at the principle of demolition of unlisted buildings which contribute positively to the character of the conservation area and which are a rare remnant of the original form and character of these mews within this part of the CA and the streetscene. With respect to the replacement buildings, the design, although emulating the new buildings opposite, was considered not appropriate in detail while the height and bulk especially at the corner was excessive. The mix and size of units was acceptable; however the cycle parking proposals did not meet standards. In terms of amenity, it was considered that loss of privacy could occur to the house at no.5 opposite as a result of new roof terraces and front balcony. All these issues, except that relating to cycle parking, remain to be the case with this application.

Issues involved are: principle of demolition of unlisted building within conservation area; design and bulk of new building; mix and standards of new flats; refuse and cycle storage; amenity to new flats and to adjoining neighbours in terms of daylight and privacy; sustainable design; financial contributions required; transport issues.

Conservation and design issues

The site comprises two historic mews buildings within the Bloomsbury conservation area. The

northernmost building sits on a corner plot at the junction of King's Mews and Northington Street.

King's Mews has been subject to post-war rebuilding but broadly retains its historic two storey scale and functional character. The northern end of the mews retains a cluster of five historic mews buildings, three on the west side, and two on the east (which are within the Hatton Garden conservation area), which contribute to the historic character and heritage value of the area and provide a suitable setting and backdrop to the formal streets and squares of the wider Bloomsbury conservation area.

The proposal raises two main conservation and design concerns:

- demolition of the existing buildings on site,
- design and acceptability of the replacement buildings.

Demolition of existing buildings

The buildings under consideration form part of a consistent group of three two-storey mews. Mews buildings appear on these plots on historic maps from the late 18thC. onwards, suggesting that they are broadly commensurate with the development of John Street in the mid 18th century.

Their scale, form, detail, age value and relationship to the listed buildings on John Street reflect their original function and therefore contribute positively to the character and appearance of the mews and the wider conservation area, and to the setting of the listed terrace.

It has been put forward that the buildings have been subject to alterations which have "compromised their originality and completeness." Whilst the buildings have been altered, with the application of render and the replacement of lower floor garage doors, these alterations do not diminish or devalue the overall contribution that is made by the buildings.

Demolition of the buildings will therefore have to be assessed under PPG 15 parts 4.27 and 3.19 i – iii. Justification for their demolition under these tests has not been explored in the application submission, but it has been put forward that the buildings are not positive contributors. For the reasons given above, officers do not agree with the assertion that the buildings are 'neutral' in heritage value.

At the site visit, officers were informed that the buildings were part occupied, and as such a full interior inspection was not possible. From an external visual inspection and part interior ground floor, the buildings did not look to be in a poor state of repair.

It should be noted that, when re-assessed in 2007/8 for the revised Bloomsbury Conservation Area Appraisal and Management Strategy, the buildings were identified in the draft statement as making a positive contribution to the character and appearance of the area.

No justification has been given for the demolition of the buildings and it is not considered that this element of the proposal accords with guidance given in PPG 15, nor within UDP policy B7, which states that conservation area consent will not be granted for *"the total or substantial demolition of an unlisted building that makes a positive contribution to the character and appearance of a conservation area, unless exceptional circumstances are shown that outweigh the case for retention."*

Design/bulk of replacement buildings

The southernmost building proposed at 14-15 Kings Mews broadly conforms to the scale and height of the adjacent retained mews, and incorporates large openings at ground level which reflect the character of the mews to an extent; however, the sheer second floor addition with parapet appears out of scale in terms of its height combined with form, compared to the previous approved scheme which had a traditionally sloped mansard roof form here; moreover the roof terrace with associated balustrading on top of this will further unacceptably add to the building's height and will result in it appearing out of scale and rather top-heavy. Additional screening that is needed to deal with privacy issues (discussed below) will further exacerbate this height and add to visual clutter at roof level.

The corner building is proposed to be four storeys in height, with the 4th floor only marginally set back behind the 2nd floor; this is considered to be out of scale in relation to the established character of King's Mews and will have a detrimental effect on the consistency of the existing group and the relationship of this building to others in King's Mews, where the general height is two storeys. The higher 4 storey building at 7 Northington Street where it adjoins no.9 is acceptable in bulk and design as the principle of this form and height has been established by the previous permission on 15.1.09.

The two northern corners of the junction between Northington Street and King's Mews and North Mews support taller buildings and this has been put forward as a justification for a taller building on this site; however, the scale of building on North Mews to the north of Northington Street is rather taller than King's Mews, so the context is rather different and does not present a suitable precedent. The modern building at no. 5 Northington Street replaced a three-storey building.

Despite these examples of variation in building heights in the wider area, the height and scale of the existing corner building works well as an entrance to the mews, and reinforces the contribution made by the remaining group of historic buildings in the mews and the relationship of the mews to the principal buildings on John Street. The building's relationship to the varied building heights and styles on Northington Street is of lesser significance in terms of its contribution to the character and appearance of the conservation area, and the variation in this street frontage does not alone justify two additional storeys on the corner plot. Additional height here would significantly weaken the contribution made by the historic group in King's Mews.

The arrangement of window openings and the "solid to void ratio" on the proposed corner building bears no relationship to the traditional mews pattern and, combined with the unnecessary additional height of this building, it is considered that this part of the proposal would not preserve or enhance the character or appearance of the conservation area. Whilst the Inspector concluded at the recent appeal decision at no. 5 Northington Street that the *"modern concept, rather than an attempt to replicate the style or character of the existing building is, in my view, an entirely valid approach in this context, bearing in mind the mixture of styles that exists in the conservation area generally and in the vicinity of the appeal site,"* it is considered that the cumulative impact of another building in this immediate area which seeks to move away from the more traditional approach for a mews building (in terms of arrangement of openings, materials etc.) will serve to diminish the appearance and character of the area, and therefore is not considered to preserve this character or appearance.

In summary, officers do not agree with the assertion that the existing buildings are "lacklustre" and of no interest. PPG15 advises that, in the designation of conservation areas, the "quality of townscape in its broadest sense as well as the protection of individual buildings" is recognised. These buildings' scale, form and age value form a part of a rich tapestry of historic townscape in Bloomsbury, and provide a complementary setting to the adjacent listed terraces, for which Bloomsbury is noted. To this end they are considered to contribute positively to the special architectural and historic interest of the conservation area, and their demolition is resisted as their loss would harm the character and appearance of the conservation area.

The inappropriate form, scale, height, massing and detailed design of the proposed buildings does not suitably respond to the context and the proposal is therefore not considered to preserve the character and appearance of the conservation area, and does not outweigh the contribution made by the existing buildings.

There would be no impact on the mature tree in the adjoining rear garden of John Street due to its distance and the existing building foundations.

Landuse

The site is not capable of supporting 10 or more units, nor have the applicants artificially laid out the development to avoid crossing the relevant thresholds. The layout of the units also appear to broadly correlate with the requirements of the Density Matrix as outlined in the London Plan (Policy 3A.3 and Tables 3A.2) for an accessible location such as this (PTAL 6a). Therefore an affordable housing

contribution is not considered appropriate in this instance in line with Policy H2.

The mix of units comprises – 2 x 1person studio, 1 x 1p 1 bedroom, 1 x 3p 2 bedroom, 1 x 3/4p 2 bedroom, 1 x 5p 3 bedroom. 2 units are directly accessible from Northington Street while the others are accessed via a communal entrance in Kings Mews. The mix is now acceptable, providing a range of different sized units including a family- sized one. Although the unit mix does lean towards one-bed units, given the relatively small number of units proposed for the site and its central location, this is considered broadly acceptable under Policy H8. All units meet CPG space standards, on the basis of the area schedule shown on the plans; however it should be noted that it is impossible to verify this by directly scaling off the submitted plans. The applicants have submitted a Lifetime Homes assessment which indicates that the scheme can comply with the 16 criteria where applicable. Plans have been further revised to ensure they fully comply with these criteria; an entrance canopy has not been provided but this omission is justified here as it would overhang the highway and create a potential safety hazard. All flats will receive adequate daylight. Ample amenity space has been provided for the family sized unit on upper floors.

Refuse storage in a dedicated communal refuse store is now acceptable on the basis that its size meets Street Environment Services requirements. Plans have been revised so that the doors do not overhang the highway.

With regard to sustainable design and construction in the context of policy SD9, reports have been submitted to show that the scheme will be able to meet the minimum Level 3 score of the Code for Sustainable Homes Assessment. This is welcomed, and complies with the minimum requirements of our policies and guidance in CPG. The pre-assessment suggests that the development can secure the Level 3 score, and also meets the minimum 50% score in each of the Energy, Water and Materials sections. A S106 will be required to secure the full assessment as well as provision of renewable energy technologies as outlined in the submitted Energy Statement.

In accordance with UDP policy, schemes involving more than 5 units will be required to contribute financially to the provision of public open space and education facilities on the basis that the additional pressure will be made on these resources by the new residents. The amounts are calculated according to formulae in the CPG and on the basis that the site already has a 3 bedroom unit.

Educational contributions- the uplift in the new scheme would be 2 x 2 bedroom units- this equates to $2 \times £3148 = £6296$.

Open space contributions- the uplift of the new scheme would be 5 bedrooms- this equates to $7 \times 9m^2 = 63m^2$ open space required; discounting the $55m^2$ open space provided by proposed terraces and balcony, this leaves $8m^2 \times £55$ for provision plus $8m^2 \times £28.50$ for maintenance= £668.

Amenity

Daylight-

In comparison to the previously approved scheme, the corner building with its 3rd floor no longer maintains the recommended 25 degree daylight angle to the property opposite (5 Northington St); however it is considered that this additional bulk would not harm the level of daylight received by this property, given its offset corner location which does not directly face the 4 storey element but rather the setback 3 storey element of the proposal. Daylight levels would continue to be respected to properties at rear as a result of the additional storey on Kings Mews, especially bearing in mind the previously approved mansard storey here.

Privacy-

Concerns have been previously expressed at potential increased overlooking to the corner house at no.5 Northington Street opposite, compared to the previous permitted scheme. The existing building has a roof terrace at the corner of both roads which has the potential of resulting in overlooking already to the 2nd and 3rd floors of the corner house, although it is not known to what extent this is actually used and thus causes overlooking.

The proposed scheme has a small balcony at 2nd floor level front at 14-15 Kings Mews which would

allow views into the 2nd and 3rd floor bedrooms of the house at no.5; given that this is not entirely dissimilar in position to the existing roof terrace and its relationship with no 5 opposite and given that it is similar in context to another frontage balcony at a modern house further south in Kings Mews, this terrace is considered acceptable. The proposed 3rd floor balcony of the adjoining corner block will not be accessible except for maintenance purposes- this is welcomed as this would create new views at an upper level to the 3rd floor bedroom opposite.

The roof terrace at upper roof level of the 4 storey block behind facing Northington St is acceptable on the basis that this matches the layout and setback of the terrace on the approved scheme; as before, a privacy screen is provided on the edge to prevent long views into the 3rd floor bedroom of no.5 which is only 15m away- this is acceptable subject to details of location and design to ensure it does not add to visual clutter.

The new 3rd floor double roof terrace positioned at 2 levels on the 3 storey block in Kings Mews however could create additional overlooking into the 2nd and 3rd floor bedrooms at no.5 as it is only set back 3.5m from the front and thus 12m away from the façade of no.5 opposite. A 1m high obscured glazed screen is provided which minimises its visual impact but is insufficiently high to prevent overlooking. The size of the combined terrace is substantially larger than that at 2nd floor level below and thus capable of being more intensively used and potentially creating greater nuisance in terms of noise and privacy; despite requests at pre-application stage for mitigating measures to prevent this, such as setbacks or screens, none have been provided. Although the previously proposed planting bed at front has been omitted, which is welcomed, there is a concern that any additional 1.8m high screens/balustrades to prevent these views across the street would introduce additional visual clutter and bulk at this level which would be inappropriate in long views down Kings Mews; it has already been noted in the design section above that the 2nd floor and roof parapet with balustrade above will create additional bulk to this property, compared to the previously approved mansard, which is considered unacceptable in overall design and bulk terms. Consequently any additional screening structures above the roof level would exacerbate this.

With regard to the properties at rear in John Street, it is considered that minimal overlooking should occur from the roof terraces on the basis that these properties are in non-residential use and approx 17m away; furthermore the principle of a 2nd floor roof terrace on the rear section of Kings Mews was established by the appeal decision in 2004, on the basis that the terrace had a privacy screen at the rear and that a conifer tree in the garden would obscure most views anyway. It should be noted that, in this regard and with reference to the applicant's statement, this terrace was only at the rear part of the building, not on its frontage.

Transport

The site is located on Northington Street, a one-way west bound street, within the Clear Zone Region. There is vehicular access to 3 off street garages and it is proposed to remove this. The site has a Public Transport Accessibility Level (PTAL) of 6b (excellent). The existing site consists of a single residential unit and it is proposed to demolish this and to construct a block of 6 residential units.

The previous application (2007/5975/P) was subject to a S106 Legal Agreement for 3 traffic related issues. This included car-free housing for 2 units, Construction Management Plan and payment of costs removing a crossover and reinstating the pavement. These are still required for this application.

Cycle Parking

UDP policy T3 requires developments to sufficiently provide for the needs of cyclists, which includes cycle parking and UDP policy T7 states development must comply with Camden Parking standards. Camden's Parking Standards for cycles (*Appendix 6 of the Unitary Development Plan*), states that 1 storage or parking space is required per residential unit. The proposal is for 6 residential units; therefore 6 cycle storage/parking spaces are required. The scheme now shows provision for the required amount of cycle storage within the communal entrance lobby and this is considered acceptable.

Car-free and Car-capped Development

Given that The London Plan Consolidated with Alterations since 2004 (February 2008) should be taken into consideration (policies 3C.1, 3C.17 and 3C.23) as well as the UDP (policies T8 and T9) and to some extent Camden's Draft LDF Development Policies (draft policy DP18), car-free should not only be sought for housing but also for developments in general and should be ensured by Boroughs in areas of high public transport accessibility. Therefore, the additional housing units here, ie. 5 flats (owing to the existence of one unit here), should be made car-free through a Section 106 planning obligation for the following reasons:

- The site has a Public Transport Accessibility Level of (PTAL) of 6b (excellent) and is within a Controlled Parking Zone.
- The site is within the "Clear Zone Region", for which the whole area is considered to suffer from parking stress.
- Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%. Kings Cross (CA-D) CPZ operates Mon-Fri 08:30-18:30, Sat 08:30-13:30 and 117 parking permits have been issued for every 100 estimated parking bays within the zone. This means that this CPZ is highly stressed.

Construction Management Plan (CMP)

It is proposed to construct a 3 storey building with 6 residential units. Given the scale of the development and the location of the development (in the Clear Zone region), there will be a large number of construction vehicle movements to and from the site. Therefore, a CMP is required to manage the impacts of construction on the local transport network. This will need to be secured through a S106 agreement.

Highways Works

In order to mitigate the impact of the increase in trips this development will generate, and to tie the development into the surrounding urban environment, a financial contribution of £5,500 is required to repave the footway adjacent to the site and remove the existing vehicular crossover to the existing 3 garages on Kings Mews.

An added benefit of the highways works is that damage caused to the highway in the area of the proposed highways works during construction can be repaired.

This S106 obligation should also require plans demonstrating interface levels between development thresholds and the Public Highway to be submitted to and approved by the Highway Authority prior to implementation. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels it considers appropriate.

Conclusions

The proposals are acceptable in transport terms subject to:

- A Section 106 agreement securing the development as car free
- A Section 106 agreement for a Construction Management Plan. The Section 106 agreement shall state that the Construction Management Plan shall be approved prior to any works starting on site and the approved plan shall be followed, unless otherwise agreed with the Highway Authority concerned.
- A financial contribution of £5,500 is required to repave the footway adjacent to the site and remove the existing vehicular crossover to the existing 3 garages on Kings Mews. This will need to be secured through a Section 106 (Town and Country Planning Act 1990) Agreement with the Council. This s106 obligation should also require plans demonstrating interface levels between development thresholds and the Public Highway to be submitted to and approved by the Highway Authority prior to implementation. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels

it considers appropriate. An informative should also be placed on the planning permit, which states that planning permission does not guarantee that highways works will be implemented as it is always subject to further detailed design, consultation and approval by the Highway Authority.

Conclusion-

It is considered that the scheme continues to be unacceptable for the same reasons as the draft scheme submitted for pre-application advice. It involves the loss of buildings considered to positively contribute to the character of the conservation area; the replacement buildings do not preserve this character of the CA or streetscape by reason of their bulk, height, form and design; the roof terraces at 3rd floor level result in overlooking without any mitigating measures which would both maintain privacy and be acceptable in bulk terms. The scheme is refused for these fundamental reasons. Additional reasons for refusal are needed due to the absence of a legal agreement to ensure the scheme is acceptable in terms of sustainability, car-free housing, highway works, CMP, and financial contributions to educational and open space facilities.

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613