

Address:	Land Bounded by 50-57 High Holborn, (including Brownlow House High Holborn House & Caroline House) 18-25 Hand Court , 45-51 Bedford Row & Brownlow Street, London WC1V 6RL	
Application Number:	2009/0675/P	Officer: Alex Bushell
Ward:	Holborn & Covent Garden	
Date Received:	12/02/2009	
Proposal: Mixed use redevelopment of the site involving the demolition of Caroline House, 18-22 Hand Court and parts of High Holborn House, retention of façade and rebuild of part of High Holborn House facing High Holborn and the façade of 23 Hand Court and rear of High Holborn House (49-51 Bedford Row), Brownlow House and 45-48 Bedford Row. The erection of a new eight storey (plus two level basement and roof plant floor) building to accommodate A1 (Retail) floorspace and flexible A3/A4 (Restaurant/Drinking Establishment) at ground floor level together with new B1 (Office) space. Conversion of 46-48 Bedford Row to create 3x single family dwellings, change of use and extension of existing B1 (office) space to form 15x residential units within, 45 Bedford Row and 49-51 Bedford Row; conversion and extension of Brownlow House to provide 10x residential units (affordable housing); Redevelopment of 23 Hand Court to provide 22 student units in place of 6x existing residential units; new servicing access from Brownlow Street, and various public realm works to Brownlow Street, Bedford Row and Hand Court.		
Drawing Numbers: 00_101 rev02, 20_101 rev02, 20_102 rev02, 20_103 rev02, 20_104 rev02, 20_105 rev02, 20_106 rev02, 20_107 rev02, 20_108 rev02, 20_109 rev03, 20_110 rev02, 20_201 rev10, 20_202 rev11, 20_203 rev11, 20_204 rev11, 20_205 rev11, 20_206 rev11, 20_211 rev06, 20_212 rev05, 20_221 rev10, 20_222 rev10, 20_301 rev04, 20_302 rev03, 20_311 rev04, 20_312 rev03, 20_321 rev04, 20_322 rev04, 20_331 rev05, 20_332 rev04, 20_341 rev02, 20_351 rev02, 20_352 rev04, 20_353 rev04, 20_354 rev04, 20_355 rev04, 20_356 rev04, 20_357 rev04, 20_358 rev04, 20_359 rev04, 20_360 rev04, 20_362 rev04, 20_363 rev04, 20_371 rev05, 20_372 rev05, 20_373 rev06, 20_374 rev06, 20_375 rev05, 20_376 rev02, 20_377 rev03, 20_378 rev04, 20_379 rev04, 20_380 rev04, 20_381 rev04, 20_382 rev03, 20_383 rev07, 20_390 rev02, 20_391 rev03, 20_392 rev02, 20_393 rev03, 20_394 rev02, 21_401 rev05, 21_402 rev03, 21_403 rev05, 21_404 rev05, 21_405 rev05, 21_406 rev03, 21_407 rev02, 21_410 rev-, 90_201 rev03, 90_301 rev03 and 90_302 rev03.		
Additional supporting information: Sheppard Robson 'Planning Design Report', dated 11/02/09; Indigo 'Planning Statement' dated Feb 2009, Indigo 'Conservation Area Statement' dated Feb 2009 and Donald Insall Associates 'Historic Buildings Architect's Report for Blackfriars Property Group' dated Feb 2009.		
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions and a Section 106 Planning Obligation		

Related Application Date of Application:	12/02/2009
Application Number:	2009/0677/C
Proposal: Demolition of 19-22 Hand Court and parts of High Holborn House and demolition behind retained facade of 23 Hand Court. See above for list of drawing numbers.	
RECOMMENDATION SUMMARY: Grant consent subject to conditions	
Applicant:	Agent:
Bedell Corporate Trustees Ltd & Atrium Trustees Ltd c/o Blackfriars property Group c/o Agent	Indigo Planning Swan Court Worple Road LONDON SW19 4JS

ANALYSIS INFORMATION

Land Use Details:				
	Use Class	Use Description	Gross External Floor Area (m²) including proposed change	
Existing	A1	<i>Shops</i>	763	
	A2	<i>Financial and Professional Services</i>	263	
	A4	<i>Drinking Establishments</i>	565	
	B1	<i>Office</i>	17,848	
	C3	<i>Residential</i>	554	
	Total		19,993	
Proposed	A1	<i>Shops</i>	514	(+249)
	A2	<i>Financial and Professional Services</i>	0	(-263)
	A1/A3	<i>Retail/Restaurants and cafes</i>	85	(+85)
	A4/A3	<i>Drinking Establishments/Restaurants</i>	245	(-320)
	B1	<i>Office</i>	23,387	(+5,052)
	C3	<i>Residential</i>	3,767	(+3,213)
	C1	<i>Student Halls of Residence</i>	710	(+710)
Total			28,780	(+8,715)

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat</i>		6							
Proposed	<i>Flat/House</i>	5	18	5						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Proposed	-	2

OFFICERS' REPORT

Reason for Referral to Committee: The scheme is a major development exceeding 10 residential units and 1000m² of non-residential floorspace (clause i). Members are advised this application should be determined within a 13-week period from the date it was formally registered, which expires on 27/05/2009. The application is also of a sufficient scale to be referable to the Greater London Authority – a 14 day period of consultation is required following the Committee resolution, all of which must also occur within the 13-week period.

Overview: The application follows the dismissal of two appeal schemes for similar redevelopment proposals. The Inspector's report gives encouragement to the submission of a further scheme based on the second smaller scheme subject to changes to the extent of the building to be retained on the High Holborn frontage. Consequently, the report below sets out the appeal Inspector's views in detail, which forms a significant material consideration in the determination of the application. It is the opinion of officers that the development addresses the Inspector's decision notice and is now acceptable.

1. SITE

- 1.1 The application site occupies a complete block of buildings in the mid city area along High Holborn. The majority of the site is currently used as office space, with ground floor retail units and six residential units.
- 1.2 The site is located on the north side of High Holborn approximately half way between Holborn and Chancery Lane underground stations. The site is bounded by High Holborn to the south, Hand Court to the east, Brownlow Street to the west and Bedford Row to the north. The proposed building is sited at a transition point between the busy High Holborn road to the south, which is dominated by retail and office space and the quieter, smaller scale Bedford Row to the north.
- 1.3 Apart from Caroline House (55-57 High Holborn) and No 18 Hand Court, the entire site is located within the Bloomsbury Conservation Area and is made up of a number of individual plots of varying sizes and heights. At its tallest point the current plot includes a seven storey 1960's office element facing onto High Holborn, with a row of four-storey 18th Century buildings sited along Bedford Row, which includes three Grade II listed buildings. The boundary of the Conservation Area is tapered to incorporate the majority of buildings of the site, and does not include the adjacent High Holborn frontage buildings to the west (Mid City Place), or to the east (First Avenue House). The site is within an Archaeological Priority Area and the north east quarter is also within the background consultation area of a strategic view. In addition to the heritage designations the ground floor High Holborn frontage of the site is included in the UDP as Central London Frontage, so designated to protect its retail function and use character.
- 1.4 The buildings main street frontages are onto High Holborn and Bedford Row. The nearest Transport for London Road Network road is the A201 Farringdon Street, approximately 700-metres east of the site. High Holborn forms part of the Strategic Road Network. The public transport accessibility level of the site is six. There are eight regular bus routes and one night bus that run within five-minute walking

distance of the site. The nearest London Underground stations are Chancery Lane approximately 240-metres east, and Holborn approximately 360-metres west. These stations are served by the Central line and Piccadilly lines. There is also a City Thameslink station approximately 830-metres east.

2. THE PROPOSAL

Demolition

- 2.1 The development proposed includes demolition or partial demolition of buildings both within and outside the designated Conservation Area. The buildings to be completely demolished comprise Caroline House and 45 Hand Court, located on the corner of High Holborn and Hand Court. As both are outside the conservation area, neither requires permission for demolition *per se* although this matter is considered as part of the redevelopment proposals. The buildings within the Conservation Area to be substantially demolished comprise: the front and central section of High Holborn House – the façade and a section of the building facing High Holborn would be retained as part of the redevelopment, the central section facing Brownlow Street would be completely demolished and the rear section on the corner of Brownlow Street and Bedford Row would be retained and converted; and Montague House facing Hand Court is also to be substantially demolished with new development proposed behind a retained façade. Finally 19-22 Hand Court would be completely demolished to facilitate the proposed new-build. Both High Holborn House and Montague House are considered to make a positive contribution to the character and appearance of the Conservation Area and 19-22 Hand Court is considered to make a neutral contribution. Recommendation 2 covers matters relating to the demolition of the buildings within the Conservation Area.

Listed Buildings

- 2.2 The three Grade II listed buildings facing Bedford Row (nos. 46, 47 and 48) are to be converted as part of the scheme and listed building consent has now been granted for the works of conversion – see history below.

Redevelopment

- 2.3 The substantial component of the scheme is the major redevelopment of the site with an eight storey building (with a double storey basement) for use as office space. It essentially occupies the footprint of Caroline House, 19-22 Hand Court, 18 Hand Court and a substantial part of High Holborn House. The space that forms the footprint of Caroline House and part of Hand Court to the rear would form the new entrance to the office component and the servicing access would be off Brownlow Street at the rear of the site. The bulk of this component is broken into a series of forms stepping down from the height of Mid City place to the west and set away from the listed buildings to the Bedford Row frontage. The redevelopment of Montague House behind the retained façade includes an additional floor to the existing building.

Extensions

- 2.4 The application also includes roof extensions to Brownlow House on the corner of High Holborn and Brownlow Street and 45 Bedford Row on the corner of Bedford Row/Sandland Street and Hand Court. Both extensions would take the form of a

double height 'mansard' type roof in place of the existing roof structure. In addition the retained section of High Holborn House would be modified by way of the rebuilding of the flank wall and chimney stack.

Use

- 2.5 In addition to the main office use proposed and referred to above, the application proposes residential use in the Bedford Row buildings to be privately marketed, including three single family dwellings in the existing listed buildings. Also proposed are residential flats in Brownlow House, which are offered as affordable housing. The ground floor uses comprise: office accommodation in 49-51 Bedford Row; retail use in Brownlow House, High Holborn House (facing High Holborn) and the rear of 45 Bedford Row (facing Hand Court); a restaurant/café to the rear of the main office entrance and a drinking establishment in Montague House. The upper floors of Montague House are proposed to be used as student accommodation with shared facilities.

3. RELEVANT HISTORY

- 3.1 The applications follow refusal of planning permission for two different but similar schemes for redevelopment as references 2008/2956/P (dated 18/09/2008) and previously 2007/5412/P (dated 04/03/2008). Both were the subject of a public inquiry in November 2008 and each was dismissed by notice dated 23/12/2008. The application the subject of this report has been submitted in response to the Inspector's views, which now forms a significant material consideration and is dealt with in detail in the assessment below.
- 3.2 The same appeal referred to above also included accompanying applications for conservation area consent, both of which were also dismissed (reference 2007/5415/C and 2008/2958/C). The second recommendation is for a revised application for conservation area consent that has also been submitted in response to the appeal decision notice.
- 3.3 The scheme includes works to the listed buildings on the Bedford Row side of the site (see para 2.2 above) and each of the two appeal schemes included applications for listed building consent (references 2007/5414/L and 2008/ 2961/L) that were both dismissed. The decision was made having regard to the fact that the matter had been the subject of separate negotiations and a third application for listed building consent (ref 2008/4964/L, dated 25/11/2008) which was granted. The same drawings have been submitted in support of the current application; however, as the works are approved, it is a planning application only for the use change from office to three single family residential units.
- 3.4 Prior to the current redevelopment proposals, the only case of any particular relevance is a planning permission granted in 1999 for the change of use and extension of Montague House from non-residential institution to food and drink on the ground and basement floors and 6x residential units above. The permission includes a 'mansard' roof extension. There are various other historic planning decisions relating to individual buildings within the block; however, they tend to relate to mechanical plant and other matters not directly relevant to the scheme current before members.

4. CONSULTATIONS

Statutory Consultees

4.1 The **Greater London Authority** has yet to make formal comment, although recent discussions suggest that the Mayor is likely to support the scheme subject to a financial contribution for Cross Rail. There are ongoing negotiations taking place directly with the applicant that have yet to be resolved. The formal views of the GLA will be included in the supplementary papers or reported verbally at the Committee.

4.2 **English Heritage** authorises the Council to determine the application as it sees fit and notes the outcome of the recent appeal decision.

4.3 **English Heritage (Greater London Archaeological Advisory Service)** recommends a condition for archaeological evaluation prior to any development taking place.

Conservation Area Advisory Committee

4.4 The **Bloomsbury CAAC** objects pointing out that it gave evidence in support of the Council's refusal at the recent appeal inquiry and considers the development to be a truly damaging proposal. The advisory committee takes the view that *"it would be seriously harmful to the character and appearance of the conservation area and the setting of numerous listed buildings both in Bedford Row and Great James Street due to its prominent location at the end of the southern view, its overbearing height, bulk and mass and strident, unsympathetic design. Accordingly, BCAAC strongly urges LBC to refuse this new application which runs entirely counter to the advice contained in PPG15, which is still the MOST authoritative policy guidance regarding a site of this nature. The Committee found that the Inspector's report to be somewhat contradictory, notwithstanding the fact that he refused both. In any event, one inspector cannot bind a future decision by another inspector. It trusts LBC will stick to its guns on this important application"*

Other Consultees

4.5 **Thames Water** raises no objections with regard to the existing water infrastructure and points out the developer's responsibility for the provision of suitable surface water drainage with a device to avoid the risk of backflow during storm conditions and that no building work within 3m of a public sewer can take place without Thames Water approval.

4.6 Adjoining Occupiers

<i>Number of letters sent</i>	57
<i>Total number of responses received</i>	1
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	1

4.7 In addition to the letters sent to adjoining occupiers, site notices were displayed and the application was advertised in the local press.

- 4.8 An objection has been received from a business occupier in Great James Street objecting to the development on grounds that it will alter the skyline at the end of Bedford Row which is otherwise clearly visible. It would block out much of the sky above the height of the existing buildings and in addition the design would not be in keeping with the existing area – in particular historic buildings and the conservation area generally. The objector hopes that the application be rejected and a smaller building of more traditional design be proposed in its place.

5. POLICIES

5.1 Replacement Unitary Development Plan 2006

SD1	Quality of life
SD2	Planning obligations
SD3	Mixed-use development
SD6	Amenity for occupiers and neighbours
SD9	Resources and energy
H1	New housing
H2	Affordable housing
H7	Lifetime homes and wheelchair housing
H8	Mix of units
B1	General design principles
B2	Design and layout of development large enough to change their context
B3	Alterations and extensions
B6	Listed Buildings
B7	Conservation Areas
N4	Providing public open space
N5	Biodiversity
T1	Sustainable transport space
T2	Capacity of transport provision
T3	Pedestrian and cycling
T7	Off-street parking, city car clubs and city bike schemes
T8	Car free housing and car capped housing
T9	Impact of parking
T12	Works affecting highways
R1	Location of new retail and entertainment uses
R2	General impact of retail and entertainment uses
R3	Assessment of food and drink uses and licensed entertainment
R7	Protection of shopping frontages
R8	Upper floors and shopfronts
C3	New leisure uses

5.2 Camden Planning Guidance 2006

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1	Access for all
8	Affordable housing and housing in mixed use development
30	Biodiversity
39	Car free and car capped housing
45	Clear zone region
47	Conservation areas
51	Construction and demolition
61	Daylight and sunlight
65	Design
69	Designing safer environments
74	Energy and on-site renewable facilities
91	Facilities for children and young people
105	Lifetime homes and wheelchair housing
114	Listed buildings
117	Materials and resources
120	Noise and vibration
131	Pedestrian movement
136	Planning obligations – General guidance relating to all developments
145	Planning obligations – Area regeneration
151	Planning obligations – Community facilities, local infrastructure and open space
159	Planning obligations – Environmental impacts
167	Planning obligations – Public realm, highways works and public art
177	Public open space
198	Roofs and terraces
216	Sustainable design and construction
232	Transport assessment
237	Travel plans
251	Waste and recyclables – onsite storage
257	Water

6. ASSESSMENT

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

- Appeal decision/Urban design/heritage;
- Land use policy;
- Residential development standards/mix of units;
- Listed buildings;
- Sustainability – resources and energy;
- Amenity
- Transport, access, parking and streetscape works

Appeal Decision/Urban Design/Heritage

- 6.2 As described in the relevant history section above, the application has been submitted in response to the Inspectors decision notice following a public inquiry into two schemes, one refused under delegated powers and the other refused by members in 2008. The two appeal schemes were similar in concept but scheme B differed in terms of height of the new build component (described in para 2.3 above), which was a storey smaller (approx 4m) than the larger scheme A. There were also differences in the building width, design changes to the north elevation and other small changes to the roof extension of Brownlow House.
- 6.3 The Council's substantive reasons for refusal related to the bulk and massing of the new building and the negative effect it would have on the setting of listed buildings and the conservation area, particularly the termination of the formal townscape to the rear in Bedford Row. Other refusals related to the excessive scale and inappropriate design of the proposed roof extensions to Brownlow House, 45 Bedford Row and 23 Hand Court. The Council also objected to the quality of light in the proposed student accommodation in 23 Hand Court and the single family dwellings proposed for the listed buildings on Bedford Row. In terms of the applications for conservation area consent, refusals related to the failure to justify the extent of demolition under the proscribed tests in PPG15. All other reasons for refusal related to matters that would have otherwise been the subject of a Section 106 Planning Obligation or were of a sufficiently small in scale to agree changes to the drawings, all of which were the subject of negotiation and resolution as part of the inquiry process. The latter issues are dealt with in greater detail below.

Summary of Inspector's Decision and Analysis of Revisions

- 6.4 Whilst all six appeals (2x planning, listed building, and conservation area applications) were dismissed, the inspector gave encouragement to further revised applications, which are the subject of this report. The appeal inspector's views therefore become a significant material consideration in the determination of this application and are set out in detail below:
- a) Demolition – failure to justify in terms of PPG15*
- 6.5 The demolition of **23 Hand Court (Montague House)** behind a retained façade, was supported by the inspector. In his decision notice he points out that there was no disagreement between parties as to the importance of the façade and goes onto state in para 15 that *"There is, in my opinion, no important or inseparable relationship between the building's elevational treatment and its interior which might be said to contribute to the character and appearance of the conservation area."* and *"That allows considerable latitude in remodelling the building's internal structure and layout and allows it to be used for a purpose other than which it was designed"*.
- 6.6 Significantly, he also took the view that the PPG15 test for demolition should be more flexibly applied than in the case of a listed building. Para 47 of PPG15 requires that 'the same broad criteria' as those that apply to the demolition of listed buildings should be applied to proposals for the demolition of non-listed buildings in conservation areas. Whilst acknowledging that para 47 of PPG15 is capable of other interpretations, he states in Para 17 *"...that the reference to 'broad' in relation to the criteria set out in paras 3.16-3.19 (of PPG15 – the criteria for assessing*

applications for demolition of listed building) *indicates a more flexible approach than in circumstances involving the demolition of a listed building. To take a different view would, in my opinion, elevate the status of non-listed buildings above that which I believe was intended by the Secretary of State.*” However, he goes on to qualify the judgement *“The approach to be taken in individual cases will, however, be determined by the nature and extent of the works proposed and the value of the contribution made by a particular building to the conservation area.”*

- 6.7 In the case of 23 Hand Court he states *“I am not persuaded that a detailed examination of options, as suggested by PPG15, is essential or even practical in this case. On the evidence available I conclude that the tests set out in PPG15 are met and that the demolition of 23 Hand Court behind its façade would not seriously detract from the contribution made by this building to the Bloomsbury Conservation Area.”* Consequently having regard to the Inspector’s views, the proposed demolition behind a retained façade is now considered to be acceptable and the replacement building proposed for student accommodation would preserve the character and appearance of the conservation area. The proposed roof extension is dealt with in para 6.22 below.
- 6.8 The extent of demolition of **High Holborn House** is described in para 2.1 above. The appeal schemes were different in that they included a larger amount of demolition to the building’s frontage on High Holborn, retaining only the façade. Whilst demolition is also proposed behind the façade in the current scheme, it is proposed to rebuild using a similar design and the same materials (see para 6.12 below). In addition to the front part of the building the appeal schemes and the current scheme also includes the demolition of a section of the building along the Brownlow Street frontage, with a higher section to be retained on the north east part of the site on the corner of Brownlow Street and Bedford Row (49-51 Bedford Row).
- 6.9 In terms of the Brownlow Street section of the building, the Inspector noted that *“Although it has characteristics in common with 49-51 Bedford Row, that part of High Holborn House which lies between 49-51 Bedford Row and Brownlow House is not considered by the Council or by English Heritage to make a positive contribution to the conservation area. English Heritage describe its façade as mundane. Architecturally, it conveys little of the building’s internal arrangement. Drawing mainly upon the evidence of my site inspections, I conclude that this part of High Holborn House makes no more than a neutral contribution to the character and appearance of the Bloomsbury Conservation Area. It follows that the case for consenting to demolition will, as advised by PPG15, depend on the quality of the replacement development proposed.”*
- 6.10 Consequently, in terms of the conservation area application, the appeal inspector gave support for the demolition of 23 Hand Court behind a retained façade and the Brownlow Street Section of High Holborn House and stated that the applicant had made a sufficient case for demolition subject to considerations of the contribution the new design makes to the character and appearance of the Conservation Area, which is dealt with below. Having regard to the weight that should be given to the Inspector’s views, the conservation area consent application before members therefore now acceptable in this regard.

6.11 A significant basis for the dismissal of both appeals relates to the extent of demolition of High Holborn House on the High Holborn frontage. He takes the view that *“High Holborn House, when seen from High Holborn, makes a positive contribution to the Bloomsbury Conservation Area. It is an architecturally well-mannered building that makes a fits well (sic) into the street scene. In terms of architectural style, it records a particular phase in the history of the development of High Holborn.”* He goes on to state that it *“...possesses depth and substance – qualities I consider important to the character and appearance of the Bloomsbury Conservation Area.”* and that *“...I see no reason why an arrangement could not be devised that would allow a substantial proportion the building’s High Holborn frontage to be retained – enabling its contribution to the conservation area to be preserved.”* More specifically he concludes that *“Removal of part of the first floor to create a retail mezzanine would, in my opinion, have only a limited effect on the building’s outward appearance.”* and *“The pantile roof of High Holborn House adds to its distinctiveness within the wider setting of High Holborn. It is part of the building’s identity and its loss would, in my opinion, detract from the building’s appearance and diminish the contribution it presently makes to the conservation area. In forming this view I have taken into account different opinions concerning the appropriateness of the roof’s design and detail. However, I consider it to be an element of sufficient importance to be retained in substantially its present form.”*

6.12 The applicants have taken account of the Inspector’s views in revising the scheme for the main office redevelopment for the High Holborn frontage, and whilst it is still proposed to rebuild behind a retained façade, it is now designed, in part, to replicate the form and reuse the existing materials. The rebuilt component would extend some 10m behind the frontage and would involve the reconstruction of the existing roof to a similar pitch but 600mm higher, reinstating the clay pantile covering and chimney stacks, and wrapping a stone clad finish around the flank elevation. Having regard to the fact that the original materials and design will be used in the new roof and the building will be read with its original plot width and urban grain, it can be concluded therefore that the building as it faces High Holborn would be retained ‘substantially’ in its present form and is acceptable. The proposal also retains the party wall of High Holborn House so that this will be read from the street in oblique views through the fully glazed elevation of 50-57 High Holborn. The extent of demolition proposed is now considered acceptable and compliant with B7, in that the parts of the building that make a positive contribution to the CA are to be rebuilding and improved or retained

b) Main office new-build – impact on setting of listed buildings and preservation of the character and appearance of the conservation area

6.13 The Council’s main objection to the appeal schemes relates to the relationship of the proposed new office development to the Georgian townscape and the various listed buildings in the street – including the three terraced buildings on the north side of the site that terminate the view – having regard to the defined desirability of preserving the character of the conservation area and the setting of listed buildings. Appeal scheme A proposed a development rising 9 storeys from a point 28.5m from the fronts of the listed buildings (46-48 Bedford Row), with shallow set-back for a plant room and Appeal scheme B would have risen 8 storeys with the same set-back and the higher plant room set a further 9m back.

- 6.14 In respect of scheme A, the Inspector addresses the issue of views from Bedford Row and states “*Distant views southwards along Bedford Row from both footways include trees, parked vehicles and other foreground features. While these might serve to distract from the relationship between 46-48 Bedford Row and the development proposed, as one moves closer to the southern end of Bedford Row the presence and bulk of the new building would become increasingly apparent, to a point where it would, by reason of contrasting height and scale, dominate the listed buildings.*” He also points out that the building would not be seen when one is closer on the part of Bedford Row immediately adjacent to the application site. In arriving at his conclusion, he notes the elevational treatment has been designed to create a ‘neutral’ background “*However, in many local views the height of the new building and its considerable mass would, in my opinion, be seen to contrast disturbingly with the modest scale of listed buildings that terminate southward views along Bedford Row.*” When assessing the same scheme having regard to the impact on the wider conservation area, the Inspector states: “*I believe the response of most people to Scheme A, viewed from the north, would be that it is too high and too bulky in relation to buildings that presently terminate views along Bedford Row.*” Consequently, the Inspector entirely supports the decision of the Council in respect of Scheme A on this issue.
- 6.15 Conversely, when considering the merits of scheme B, he argues that the lower overall height and reduced prominence makes it acceptable. He expresses this view as an ‘on balance’ consideration, stating “*Although the difference in height between Schemes A and B is no more than a single commercial storey, that and other design differences are sufficient, in my opinion, to ensure that the development proposed would preserve an appropriate setting for the listed buildings. My conclusion takes full account of the height and massing of the development proposed and its proximity to the listed buildings. Although I have reservations about the effectiveness of the proposed ‘green wall’ as a feature of the design, these do not greatly affect my opinion of the overall merit of Scheme B.*” and in respect of the conservation area “*nor do I consider that it would in any other respect conflict with conservation area objectives.*”
- 6.16 This view now constrains the Council’s ability to object to the scale, massing and dominance of scheme B and any Council decision to refuse a similar scale of development on the basis of its impact on the listed buildings or the conservation area. Consequently Officers must now pay significant regard to the appeal Inspectors views to accept the scheme size. In terms of the elevational finish and whilst the detailed design of the elevation concerned did not form a basis for objecting to the appeal schemes, it was considered that the more neutral external finish of scheme A – scheme B included a more complex arrangement of finishes, including a metal screen and strong diagonal lines formed by a visible stair behind – would be a preferable option if superimposed on the smaller of the two proposals, which formed the basis of pre-application negotiations to revise the design. Such an approach would provide a better backdrop to the existing formal townscape. The green wall, proposed up to level 3 on the wall facing the backs of Bedford Row houses is unlikely to be significantly visible in views along Bedford Row, and will have limited impact on the appearance of the conservation area, rather it will

enhance the outlook from the listed buildings and improve the biodiversity of the scheme.

- 6.17 In addition to the impact of the development on Bedford Row, the Inquiry also included evidence relating to the design of the elevations of the new build facing both Hand Court and Brownlow Street on the east and west sides of the site. Whilst the Inspector remained silent on the discussion and presents no views on the subject, Officers have continued to seek improvements to both elevations.
- 6.18 In the case of Hand Court, the lower levels of this elevation have been developed so as to emphasise the street level and human scale of the street, and to relate more coherently with the scale and elevational detailing of the adjacent 23 Hand Court, a positive contributor. In view of the positive comments made by the Inspector for the new development, it is now considered that the applicants have done what they can within the general design approach of the existing scheme to improve its relationship with the retained historic buildings so as to make this elevation more contextual and thus compliant with B1. On Brownlow Street, the design has been developed through the use of masonry fins to provide texture and interest that draws on the parapet lines and lower floor treatment of the 'bookend' buildings to be retained (49-51 Bedford Row and Brownlow House), also defined as positive contributors. This elevation is now considered to be of sufficient design quality to satisfy the final test relating to the demolition of the existing building (see para 6.9 above). Further large scale details of the exact treatment of the ground and first floor elements of this elevation are required, which is recommended for inclusion in a condition.

c) Roof extensions

- 6.19 In all three schemes (Appeal schemes A and B and the current scheme) roof extensions are proposed to 24-25 Hand Court, 23 Hand Court and Brownlow House. Each would have a double height mansard style steep-pitch design with a flat roof and rooflights. The Council objected to each on the basis that the design would appear top heavy and dominate the respective host building. In the case of the 24-25 Hand Court extension, concern was expressed about the loss of the varied roof height and party walls and the fact that the roof extension would appear as a single entity over two distinct building types. Members should also be aware that the applicants amended the design of the Brownlow House roof extension to match scheme B (pitch that matches the existing single storey mansard and better positioned rooflights) and asked that both schemes be considered on that basis, subject to the imposition of a condition.
- 6.20 The Inspector agreed with the Council in its assessment that each of the buildings to be extended makes positive contribution to the character and appearance of the conservation area. His views for each extension are set out below:
- 6.21 45 Bedford Row and 24-25 Hand Court – *"While I understand the basis of the Council's objection to the raising of the roof by an additional storey, these buildings make by far their greatest contribution to the public realm below parapet level. Their overall contribution to the conservation area would, in my opinion, be unaffected by increasing the height of the roof by a single, domestic storey behind the existing parapet. My conclusion take (sic) into account limits on public views imposed by the*

narrow width of Hand Court. They also take into account oblique views obtainable from Sandland Street in which existing chimney stacks, rising from the face of the building, assume particular prominence.”

- 6.22 23 Hand Court – *“In assessing the effect of the proposed increase in the height and volume of the roof, I have made the reasonable assumption that a party wall parapet between 23 and 24-25 Hand Court would remain a feature of the design. The front parapet of 23 Hand Court, beyond which the main roof is presently set, would be preserved. It would conceal the lower parts of the enlarged roof from most public viewpoints. I am also satisfied that the proposed arrangement of windows and roof lights, and the use of copper as a cladding material, would be compatible with the building’s character and appearance. Accordingly, I conclude that the contribution made by 23 Hand Court to the character and appearance of the Bloomsbury Conservation Area would be preserved by the development proposed.”*
- 6.23 Brownlow House – *“In my opinion the contribution made by Brownlow House to the conservation area lies principally in the composition and architectural detail of its lower storeys. The hierarchy of elements that make up its main façade would continue to culminate in the central dormer feature, which would be retained. The enlarged roof with its double row of windows would, on both elevations, continue to reflect the extent and massing of the building without, in the case of Scheme B, serious harm to its proportions or appearance.”* The Inspector agreed that the scheme A roof extension proposal for Brownlow House was harmful but only in as much as a rooflight was proposed too close to the roof hip.
- 6.24 Having regard to the foregoing, officers have now withdrawn objections to the proposed roof extensions on design and heritage reasons and recommend that permission be granted.
- 6.25 High Holborn House – paragraph 6.11 above addresses the issue of the extent of demolition of High Holborn House at the point it fronts High Holborn and includes analysis of the development now proposed. As part of the appeal, the Council took the view that the new build office proposed behind the retained façade should be treated as a roof extension and the Inspector agreed with the Council in respect of the loss of the roof and the proposed contemporary roof design and the fact that the new office architectural style would detract from the building’s integrity. The revisions now remove this component of the scheme and the impact on High Holborn House is considered to be acceptable.

Conclusion – design and heritage

- 6.26 The revised scheme now proposed has been modified to take account of the Inspector’s views and officers have sought revisions in respect of matters that were not addressed in his report. Whilst the views of officers (and the Committee in making the decision) remain strongly opposed, it would be inappropriate to disregard the written opinion of the Planning Inspectorate. Consequently, officers now recommend that the scheme is acceptable on design and heritage grounds.

Other Matters addressed by appeal

- 6.27 The Inspector also assessed the benefits of the development proposed to the area and the Council’s objection to daylight standards in the proposed student

accommodation of the single family dwellinghouses. Each matter is addressed in the relevant section below.

Land Use

- 6.28 *Residential Use* - The application is office-led with an attendant requirement to provide 50% of the commercial uplift as residential floorspace (SD3) and that 50% of that be affordable housing (H2). The Council has already resolved to not raise objection to either the proportion of residential space proposed or the proportion of that space as affordable housing. Indeed, the S106 now recommended has already been concluded on a without prejudice basis as part of the appeal process to secure both the residential use and the affordable tenure. Members may recall that the proportion of residential use and the amount of affordable accommodation was justified for the last scheme on the basis of independent analysis of a financial statement and the Committee on 9th October 2008 resolved not to refuse the scheme on either basis. For purposes of comparison, the use figures for the appeal schemes and the current scheme are set out in tabular form below:

Use	Existing	Proposed Appeal Scheme A	+/- Change	Proposed Appeal Scheme B	+/- change	Current Scheme	+/- change
Office	18362	23765	+5403	22659	+4333	23387	+5052
Other Commercial	1075	1055	-20	1144	+69	844	-213
Student Accommodation	0	710	+710	710	+710	710	+710
Residential (private)	554	2802	+3243	2802	+3213	2802	+3213
Residential (Affordable)	0	995		965		965	
Total	19991	29327	+9336	28280	+8289	28780	+8717

All figures are expressed as Gross External Area (GEA) in metres squared and are as provided by the applicant.

- 6.29 The proportion of the commercial uplift (excluding student accommodation) that is proposed as residential would be 60% for appeal scheme A, 72% for appeal scheme B and 66% for the current scheme. Policy SD3 states that the Council will seek to negotiate 50% residential space and all three schemes exceed that requirement and the development would therefore be fully compliant with policy SD3.
- 6.30 The proportion of the additional residential space that is offered as affordable housing would be 31% for Appeal scheme A and 30% for Appeal scheme B and the current scheme. As the GEA figure is a crude analysis of the useable internal residential floorspace including circulation space and access cores, Members should also consider the proportion expressed as numbers of units, of the 28 residential units proposed (minus 6 existing units), 10 would be affordable amounting to a 45% provision. Policy H2 relates to affordable housing and states that the Council will seek to negotiate 50% of residential use as affordable housing. This proportion of affordable housing was previously justified on the basis of independent analysis of a financial statement and was considered acceptable and the objection to the amount of affordable housing was withdrawn from the appeal

considerations. As there is no change in this regard and the recent economic downturn is likely to further reduce the viability of the scheme, the proportion of affordable housing is considered to be acceptable.

- 6.31 *Student residential* - Members should also consider the residential character of the student accommodation, which, by virtue of its lawful use class is not included as either defined affordable accommodation or residential use itself. The scale of the proposed student accommodation is not considered to be so significant a development as to raise concerns relating to the use character of the area and result in 'studentification'. The use is laid out as 'cluster flats' with shared kitchen accommodation. The S106 includes a clause requiring that the building be used for student accommodation only.
- 6.32 *Office use* – The proposed increase in office accommodation is consistent with UDP policies E1, E2 and Strategic Policy S14, the latter of which, seeks to retain existing businesses and encourage expansion of business development in appropriate locations in order to maintain and expand the economic role of Central London. The site is also within the 'Central Activities Zone' and is also an 'Area for Intensification' as outlined within the London Plan as well as a growth area in the emerging Core Strategy of the LDF. The increase in office accommodation is supported by such policies. The appeal Inspector also took the view that the existing office accommodation is of relatively poor quality, stating *"Much of the commercial floorspace provided by buildings within the appeal site is poorly arranged internally and unsuited to modern business needs. It is unlikely, in my opinion, to prove attractive to an employer wishing to locate, or relocate, in this part of London. Notwithstanding fluctuations in the national economy, I see little prospect of a revival of interest in the type of floorspace presently provided by High Holborn House or Brownlow House. Without this interest, the quality of the accommodation is likely to decline further, with possible consequences for the commercial character of this part of High Holborn."*
- 6.33 *New A1/A3/4/5 Uses* – The site lies within the Holborn Central London Frontage and therefore the proposal requires assessment under policy R7A which resists the net loss of ground floor shopping floorspace. Office entrances and professional services appear to dominate at present on High Holborn (namely a recruitment office and a building society). There is also a pub (A4), a photo processing shop (A1), a betting shop, an electronics shop (A1) and a print shop (A1).
- 6.34 In the Central London Guidance, the Central London Frontage continues west along Mid City Place, and along the frontage as a whole, the A1 proportion is expected to remain above 50%. That part of the frontage currently comprises 2 x A1 retailers, 2 x A2 services, a restaurant, and the office lobby. Across the whole frontage, and within the application site frontage, the proportion of A1 uses is already below 50%.
- 6.35 The proposals show a retail unit, a restaurant/ cafe and a restaurant/ pub in Hand Court and subject to residential amenity including hours of use, ventilation/extraction equipment etc, the introduction of activity in the area is welcome allowing for a degree of activity along this frontage. On High Holborn, only

2 retail units are illustrated on the drawings, amounting to approx 65% of the street frontage

- 6.36 The reconfiguration of the internal floorspace to retain a section of High Holborn House would result in a decrease in retail floorspace on the High Holborn frontage. On balance, this is reasonable to achieve a visible office lobby, but equally, it would be appropriate to ensure that the two High Holborn retail units are used for A1 and not exchanged with the A3/ A4 use indicated on Hand Court. Such an issue could be controlled via planning condition as recommended.

Residential Development Standards/Unit size and mix

- 6.37 *Mix of unit sizes* – Policy H8 expects an appropriate mix of unit sizes, including large and small units, taking into account the mix best suited to site conditions and the locality. In summary the scheme proposes:

- 49-51 Bedford Row - 10x 2 bed units (Market)
- 45 Bedford Row – 5x 2 beds (Market)
- 46-48 Bedford Row – 3x 3 bed family houses (Market)
- Brownlow House – 4x 1 Beds, 4x 2 Beds, 2x 3-bed (Affordable)
- 23 Hand Court – 23 Rooms (Student)

Although the proposed market mix doesn't include 1-bed dwellings or modest family dwellings, given the inclusion of small student units and small affordable units, this is on-balance considered acceptable.

- 6.38 For the affordable provision, the CPG seeks at least 50% social rent units with 3 or more bedrooms, and 30% with 2 bedrooms. With regard to the affordable housing provision, the proposals involve the provision of 20% 3-bed units, 40% 2-bed units and 40% 1-beds. Whilst this falls short of the requirements outlined in the CPG, the non-provision of further family units are considered justified in this central location, especially given the tight fit of units in an existing building that the Council is seeking to retain for heritage reasons. Consequently the mix of unit sizes is considered to be acceptable.

Lifetime Homes and Wheelchair Housing.

- 6.39 Planning policy H7 requires all new dwellings to be designed to Lifetime Homes standards and 10% (across all tenures including student housing) to be suitable for wheelchair users. One 2-bed wheelchair accessible unit is to be provided in Brownlow House (affordable), 2x 2-bed units in 49-51 Bedford Row and 3x student rooms. Consequently, the scheme is fully policy compliant in this regard. H7 also requires that the development meet Lifetime Homes standards. The applicants have submitted a detailed lifetime homes statement which shows full compliance.

Listed Buildings

- 6.40 The listed buildings within the site (46-48 Bedford Row) are proposed to be converted from the existing office use to its original residential use. Three large single family dwellings are proposed. The works of conversion have already been consented as part of a third application for listed building consent following two refusals. The consent is reference 2008/4964/L, dated 25/11/2008; however, this relates to the physical changes to the buildings only and the current planning

application includes the use change to residential. The Council considers the reinstatement of the original use of these historic buildings to be a benefit in heritage terms and the residential use makes a valuable contribution to the mix of uses now proposed.

Sustainability – Resources and Energy

Renewable Energy

- 6.41 The submitted energy statement clearly considers requirements of all elements of the scheme. It proceeds in the accepted form from baseline to energy efficiency to CHP potential to renewable potential.
- 6.42 It logically discounts some renewable options, and shows clearly that a focus on CHP will produce better CO2 reduction than a concentration on exceeding 10% from renewable sources (which would also have greater impacts in terms of demand for biomass fuel and space). The overall reduction against the baseline is 30.2%, with an 8.2% reduction from gas-fired CHP and 5.3% from biomass boilers - collectively 13.1% from CHP and renewables.
- 6.43 This is acceptable against the 2006 UDP. If this scheme was tested against the London Plan (Consolidated With Alts Since 2004), it would not meet the 20% target - but given its history and the length of time since its original submission, it would be unreasonable to apply that test in this circumstance, particularly as the GLA have only requested additional information in this regard and does not object to it not meeting London Plan policy in this regard.

BREEAM office

- 6.44 On the basis of very likely credits, very good would be awarded. Including other probable credits a rating of excellent would be awarded.
- Energy - CPG target is 60% credits (72% credits are highly likely)
 - Water - CPG target is 60% credits (83% credits are *highly likely*)
 - Materials - CPG target is 40% credits (*only 16.7% credits are highly likely, but 41.7% are probable*)
- 6.45 The run-off (pollution P7) - no attenuation is anticipated; however the option of a green/brown roof could be explored and potentially reserved via planning condition. In terms of ecology (LE5), enhanced ecology is 'probable' and again could be achieved via planning condition through using an ecologist in design of green roofs/ roof gardens.

Code for Sustainable Homes

- 6.46 On the basis of likely credits, a pass would be awarded. Including other possible credits a rating of very good would be awarded
- Energy - CPG target is 60% credits (Only 45.9% credits are likely, but 54.2% are possible, however it should be noted that this may be the best achievable given the re-use of building fabric)
 - Water - CPG target is 60% credits (66.7% credits are likely)
 - Materials - CPG target is 40% credits (41.8% credits are likely)
- 6.47 The run-off (pollution Pol3) - attenuation by green roofs is 'possible' - although the configuration suggests this is a better prospect for the offices, and unlikely to be

practical for housing in refurbished/ facade retained buildings. For ecology (Eco2, Eco4), the use of an ecologist is considered 'possible' - although again the potential for the offices is greater.

- 6.48 The applicant should be aware that Code for Sustainable Homes level 3 is needed for Housing Corporation funding of affordable housing
- 6.49 Overall, there is a good prospect of a sustainable development provided that:
- the energy efficiency, CHP and renewable generation mechanisms indicated by the Energy Statement are secured via S106
 - CPG BREEAM/ EcoHomes targets (or Code for Sustainable Homes successors - level 3 overall and 50% on energy, on water and on materials) are secured by S106
 - Measures for run-off attenuation and ecological enhancement should also be sought for the office element (policies SD9B and NE5) by either condition/ S106
- 6.50 These measures would have already been secured via S106 agreement, as now recommended to the Committee.

Impact on Amenity

Overlooking

- 6.51 The adjacent buildings to the west (Mid City Place), to the east (First Avenue House), and to the south on the opposite side of High Holborn do not possess any facing residential component. Furthermore, the buildings to the north and northwest in Bedford Row are also not within residential occupation. Due to the uses of the adjacent buildings no significant overlooking would occur as a result of the development. The orientation of the windows associated with the new dwellings or the student accommodation on site, would also not lead to any adverse overlooking.

Sunlight/Daylight

- 6.52 The Council objected to both Appeal scheme A and scheme B on the basis that the development did not meet the BRE average daylight factor test for the rear rooms in the listed buildings – proposed as residential use – and the rear rooms in the student accommodation. In each case the resulting low levels of light would be caused by the larger bulk of building and the applicant's own figures have demonstrated that the minimum average daylight factor would not be achieved for a number of rooms in the scheme. The matter was looked at in detail as part of the inquiry and the Inspector makes the following observations: *I have considered evidence concerning the adequacy of daylight to the residential accommodation proposed, particularly the student accommodation. It seems to me that objections raised by the Council rely on such small margins of difference as to be capable of being discounted. I am mindful that, if revised proposals were to come forward, adjustments might be made to window sizes or internal layouts to improve daylighting conditions. I have also taken into account that the appeal site forms part of an urban area where discretion might be exercised to allow effective and efficient use of existing buildings. I find no sustainable objection to the appeal proposals on these grounds.*

- 6.53 The revised scheme includes modifications to the rear window sizes in the proposed student accommodation rear elevation such that more light will be allowed in. In the case of the three single family dwellings, larger window opening have been proposed and the more significant habitable rooms are to be located on the other side of the building. Whilst a number of rooms still fail the BRE standard for average daylight factor, the margins remain small and the objection has now been withdrawn.

Noise

- 6.54 The applicants have undertaken an acoustic assessment to (i) establish noise exposure categories (NEC) as defined by PPG24 (ii) assess the proposed uses against requirements of Appendix 1 of the UDP, and (iii) set noise limits for plant/machinery. The assessment states that the proposed residential units to the rear of the site would fall into NEC B, whereas Brownlow House falls into category NEC C for daytime and NEC D for night time. PPG24 states that for units within category NEC D, should not normally be granted planning permission, however the PPG does acknowledge that where there is a clear need for new residential development in an already noisy area that some or all NEC's might be increased by up to 3db (A) above the recommended levels (Para 9).
- 6.55 As the site is already noisy, and there is a clear and identified need for new residential development, the Council considers it reasonable to increase the NEC ranges by 3db (A), and as a result Brownlow House would fall into NEC C for daytime and night time. In the event of a revised application or appeal, conditions would be recommended to ensure a satisfactory protection against noise.
- 6.56 The noise report has also been submitted in respect of noise from plant/machinery, defined as being electrical sub stations, switch rooms and biomass, CHP plant and tank rooms in the basement of the new-build. In addition, at roof level 3x cooling towers/heat rejection unit, a life-safety generator, 3x air handling units and smoke/toilet/kitchen extract fans are proposed behind a 3m high imperforate glass and metal screen. The roof plant area also has space for tenants' generator and chillers. The report demonstrates that the identified plant would be capable of operation within the Council's noise standards subject to the imposition of a condition limiting noise to such defined levels.

Transport, Access, Parking and Streetscape

Transport Assessment

- 6.57 A full Transport Assessment (TA) is required for a development of this size as it would generate significant travel demand as described in the guidance in Appendix 2 of Camden's Unitary Development Plan (Adopted June 2006). A TA has been submitted and it is of an acceptable detail and standard for a development of this scale and kind in this location.

Travel Plans

- 6.58 The Council's Transport Planning Officer considers that the submission of a business travel plan is necessary in accordance with policy T1C, given the significant uplift in office accommodation on the site and the anticipated increase in travel demand/impact on the transport system. This is a measure that is included in the recommended S106 agreement.

Cycle Parking

- 6.59 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, plus an additional 1 per 10 or part thereof for visitors. (Note: As there is no standard for student accommodation the ratio adopted is the same as for the residential component.) Including the student accommodation, the proposal is for 50 units; therefore 55 cycle storage/parking spaces are required for this element.
- 6.60 Camden's Parking Standards states that 1 space per 250sqm or part thereof is required for the staff for B1 uses. A minimum of 2 spaces are also required if any visitors are likely plus any additional spaces needed to bring the total number up to 10% of the visitors likely to be present at any time. No detail is given on the likely number of visitors; however visitors are likely therefore the addition 2 stands should be provided.
- 6.61 The proposal include 23,387sqm of B1 (office - GIA), therefore 94 cycle storage/parking spaces are required for this element. The application material (page 40 of the planning statement) states that 110 will be provided for the office element. This is an overprovision, which is welcomed; however the assessment is based on the use of stacking systems that have yet to be discussed – this is a matter that can be reserved by condition.
- 6.62 Including other uses in the scheme a total of 155, cycle parking spaces are required. The application drawings and supporting TIS detail the provision of 163 cycle parking spaces adequately allocated for the different uses. The lifts to the basement store associated with the residential uses are below standard; however as the residential flats proposed are in buildings the Council wishes to see retained and there is limited space, a more flexible stance can be taken. The lifts would be useable with a bike raised on one wheel or with use of a foldable bike.

Impact of Parking

- 6.63 The site has a Public Transport Accessibility Level of (PTAL) of 6b (excellent) and is within a Controlled Parking Zone. The site is also within the "Clear Zone Region". Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. Kings Cross (CA-D) CPZ operates Mon-Fri 08:30-18:30, Sat 08:30-13.30, and has a ratio of parking permits to available parking bays of 1.17. This means that more parking permits have been issued than spaces available. This is a measure that is secured via the recommended S106 agreement.

Works affecting highways - Construction Management Plan (CMP)

- 6.64 The site is in a central London location, which is particularly sensitive to increases in traffic levels. The development is also large in scale. The Councils Transport Planning Officer considers a construction management plan is necessary to minimise the highways impact during the construction (the term construction includes demolition). This application for the proposed development has not provided adequate information regarding how this development will be constructed or serviced during construction; however, the precise approach is reserved and the

applicant has given a legal undertaking to submit and agree a construction management plan in the S106 agreement.

Works affecting highways - Servicing Management Plan (SMP)

- 6.65 The scale of development necessitates the submission of a servicing management plan to minimise the highways impact associated with new development. As there is inadequate information has been submitted to demonstrate how this development will be serviced after construction it is included as a head of term in the recommended S106.

Work in highway

- 6.66 The proposals include pedestrianisation of the southern half of Brownlow Street. This will enable the development to be serviced off-street by widening the northern half and removing the footway on the west side and installing a new 1.8metre wide footway on the east side. Vehicular access to the pedestrianised part of Brownlow would need to be prevented with bollards or similar, that still permit emergency access. The proposals for Brownlow Street also include a turning stub south of the service yard entrance. A drawing of proposals is shown in the Transport Assessment submitted as part of application material (see Appendix 3 of the planning design report). The highway works indicated, including various re-paving and any work to the highways reservation is a measure that is included in the recommended S106, including the required financial contribution.

Camden's Legible London Initiative

- 6.67 The development will generate a significant amount of additional pedestrian trips in the local area, particularly two and from transport interchanges. A contribution of £20,000 is considered necessary towards Camden's Legible London initiative, which is about providing pedestrian signage and way-finding throughout London, and in this case, local to the site. Providing high quality signage and information increases modal shift to walking from other, less sustainable modes. This is in line with UDP policies T1 - Sustainable Transport, T2 - Capacity of transport provision, T3 - Pedestrians and Cycling, PPG13 and Circular 2005/05.

Lincoln's Inn Field Project

- 6.68 As described in the application submission, the large increase in office workers at this development will lead to increase in people using Lincoln's Inn Field at lunch times etc (which is around 100metres from the site). A contribution of £20,000 towards the Lincoln's Inn Field Project (a project to improve Lincoln's Inn Field) is considered reasonable and relative to the development. Both financial contributions have been agreed and are included in the recommended S106.

Crossrail

- 6.69 Since the previous schemes were determined the GLA has introduced new SPD requiring a contribution to the Crossrail project for all new office development in the Central Activities Zone as designated in the London Plan. The SPD sets a required amount calculated on the basis of floorspace of net uplift. Whilst the SPD and the formula utilised for calculating the financial requirement is at an early stage of preparation and the GLA has yet to complete a formal public consultation, the negotiations rely on adopted London Plan Policies. The GLA and TfL are negotiating directly on the case and it has been indicated informally that it may be

mindful to direct refusal if no contribution is forthcoming. It is anticipated that the applicant may agree a contribution; however, negotiations are ongoing. Consequently, the precise amount will be reported verbally to the Committee and included in the S106 (see para 9.2 of the recommendation below).

- 6.70 Officers are mindful that the financial justification submitted in support of the application demonstrates that the scheme is on the margins of viability and would not wish to see this contribution offset or undermine other planning gain negotiated as part of the scheme, particularly the affordable housing that is in great need in this part of the Borough. The GLA has addressed this issue by agreeing a trigger based on 50% and 100% occupation of the office space, which changes the economics of provision by ensuring an income stream prior to payment.

Other Matters

Designing Out Crime

- 6.71 The Crime Prevention Design Officer has raised concern with the number of proposed recessed doorways in earlier schemes having regard to problems with rough sleepers and people using doorways as toilets. The applicants have now revised the proposal to reduce opportunities for antisocial behaviour and have redesigned new entrances to remove the recessed area.

Education Contributions

- 6.72 All residential (Class C3) proposals where there is a net increase of five or more dwellings are required to provide a contribution towards education provision for the children that may be housed in these new dwellings. 1 bedroom units are exempt, as are not considered to generate child yield, whilst no contribution is required for the affordable element or the student accommodation. The required contribution is included as a clause in the recommended S106.

Open Space

- 6.73 UDP policies N4 and C3B seek 9sqm of open space per person to be provided to meet the requirements of new occupiers. This is generally calculated by considering the number of residential units/bedspaces and the number of workers generated by a commercial use. For residential use only the three listed buildings (46-48 Bedford Row) have any degree of open space, in the form of rear yards. The proposed office space does include extensive roof space for use as planting/amenity areas at first, fifth, sixth and seventh floor levels. As general use open space cannot be delivered on the scheme, a financial contribution would be required and pooled to create new open space or improve existing ones. The calculation of the required contribution has been applied flexibly, having regard to the amenity space provided, the fact that there is to be a relatively low level of uplift over existing office space and the fact that other monies have been secured for the Lincoln's Inn Fields project. The amount agreed has been included as a clause in the recommended S106.

Biodiversity/Landscaping

- 6.74 The application proposes a roof garden partially to the front at fifth floor level, and on the Brownlow Street side of the redevelopment part of the site at sixth and seventh floors and the non-plant areas of the main roof. Such areas will make a good contribution to local biodiversity and the recommended condition ensures a

suitable degree of control. In addition, a second condition is recommended requiring the installation of bird and bat boxes, which will also enhance the biodiversity contribution of the scheme.

Training and Employment

- 6.75 Due to the nature and scale of the development, there is a requirement for the development to assist with training and employment initiatives via S106 agreement. The applicants have agreed to the inclusion of a S106 clause that to undertake to use reasonable endeavours to put in place measures to seek to recruit widely from Camden's resident population and encourage their contractors and occupiers to recognise the benefits of sourcing locally and giving local businesses the chance to offer their supplies and services during and after construction through a form of local procurement agreement.
- 6.76 Concern has also been expressed in respect of the loss of small business occupiers in the existing office space. To address this matter, the applicant has submitted drawings to show how smaller occupiers may be accommodated and how the space could be subdivided.

7. LEGAL COMMENTS

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

8. CONCLUSION

- 8.1 The applications before Members are resubmissions following the refusal of two schemes in 2008 and a public inquiry held in November 2008. Whilst the appeal Inspector dismissed both schemes, he gave encouragement in his decision notice to further revised applications. The Inspector agreed with the Council in respect of the substantive objection to the bulk, scale and massing of the larger of the two appeal schemes and the negative impact it would have on the setting of listed buildings and the character and appearance of the conservation areas, but only dismissed the second smaller scheme on the basis of the loss of the part of High Holborn House on the High Holborn frontage. The current scheme follows the bulk of the smaller appeal scheme and revises the approach to demolition of High Holborn House. Whilst it still proposes demolition behind a retained façade, it now includes the rebuild and improvement of the existing building to a depth of about 10m behind the frontage.
- 8.2 Having regard to the fact that the appeal decision becomes a significant material consideration in the determination of the application, it leads officers to now accept a bulk, scale and massing similar to appeal scheme B contrary to the position previously taken. All other matters that go beyond the extent of comment in the appeal decision notice have been the subject of negotiation and it is considered that they represent an improvement to the scheme that would preserve the character and appearance of the conservation area and the setting of listed buildings.
- 8.3 All other points at issue were resolved as part of the inquiry process by way of either the submission of revised drawings (wheelchair housing, community safety),

by conclusion of a section 106 (provision of residential space, affordable housing and other heads of terms – see recommendation below) or by submission of a separate application for works to the listed buildings. The Section 106 is now presented to Members in a manner substantially the same as that agreed as part of the appeal process with an additional clause relating to the emerging requirement for a TfL Crossrail contribution.

8.4 The final matter that was assessed as part of the appeal relates to the light quality of the student accommodation and the proposed houses in the listed buildings. The Inspector did not support the Council in this regard and the objection is accordingly withdrawn.

8.5 Having regard to the planning history of this site and the fact that the Council's objections have been properly analysed through the appeal process and the view of the Planning Inspectorate is clear, the current scheme has been designed to address this and all outstanding Council concerns and is consequently recommended for approval.

9. RECOMMENDATION

9.1 That **Planning Permission reference 2009/0675/P** be granted subject conditions to a S106 Legal Agreement covering the following heads of terms:

- The flats in Brownlow House be affordable housing (100% social rented);
- Control over occupation of the student accommodation;
- Financial contribution to highways works;
- Financial contribution to the Lincoln's Inn Field project
- Financial contribution to the Legible London Initiative;
- A public open space contribution;
- An Education contribution;
- A clause requiring the developer to seek to recruit widely from Camden's resident population and encourage their contractors and occupiers to recognise the benefits of sourcing locally and giving local businesses the chance to offer their supplies and services during and after construction through a form of local procurement agreement;
- The residential space to be car free;
- The submission of a sustainable travel plan;
- The submission of a service management plan;
- The submission of a sustainability plan; and
- The submission of a construction management plan.

9.2 Whilst the Council is keen to ensure that the TfL requirement for a Crossrail contribution does not compromise the delivery of the heads of terms set out above, Officers have nonetheless agreed to include a separate clause in the S106 to assist the GLA and to ensure that the application be determined in the 13-week period. It is important to stress that the Council does not necessarily support the requirement for the Crossrail contribution for reason of competing strategic objectives, particularly affordable housing provision, and accordingly, failure to conclude the section 106 on this basis would not form a reason for refusal of the application. The requirement to refer the application to the GLA prior to making a decision

would give opportunity for it to direct refusal on this basis if it becomes necessary and the responsibility to defend any subsequent appeal would be transferred to the GLA.

9.3 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:

- 1 The proposed development, in the absence of a legal agreement to secure an education contribution, would be likely to contribute unacceptably to pressure on the Borough's education provision, contrary to policy SD2 (Planning obligations) of the London Borough of Camden Unitary Development Plan 2006 and guidance contained within Camden Planning Guidance 2006.
- 2 The proposed development, in the absence of a legal agreement securing public open space contributions, would be likely to contribute unacceptably to pressure on the Borough's open space facilities, contrary to policies SD2 (Planning obligations), N4 (Providing public open space) and C3B (Play facilities) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- 3 The proposed development, in the absence of a legal agreement securing renewable energy, EcoHomes/Code for Sustainable Homes and biodiversity measures, would fail to provide a sustainable development that produces an adequate contribution to meeting its energy needs from the site and employment of sustainable construction and operation methods to reduce the demand for energy, plus make an adequate contribution to protecting/enhancing local ecology, contrary to policies SD1 (Quality of life), SD9 (Resources and energy), B1 (General design principles) and N5 (Biodiversity) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- 4 The proposed development, in the absence of a legal agreement for car-free housing, would be likely to result in increased parking stress and congestion in the surrounding area, to the detriment of highway and pedestrian safety, contrary to policies T1 (Sustainable transport), T7 (Off street parking), T8 (Car free housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- 5 The proposed development, in the absence of a legal agreement for the submission of a business travel plan and construction and servicing management plans, would be likely to contribute unacceptably to traffic disruption and general highway and pedestrian safety, contrary to policies T1c (Travel plans) T12 (Works affecting highways) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.

- 6 The proposed development, in the absence of a legal agreement securing highway/public realm improvements, would be detrimental to highway and pedestrian safety, contrary to policies SD2 (Planning obligations) and T12 (Works affecting highways) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- 7 The proposed development, in the absence of a legal agreement securing contributions to the Lincoln's Inn Fields Project and Camden's Legible London Initiative, would be detrimental to highway and pedestrian safety, contrary to policies SD2 (Planning obligations) T1 (Sustainable transport), T2 (Capacity of transport provision) and T3 (Pedestrians and cycling) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- 8 The proposed development, in the absence of a legal agreement securing employment and training initiatives, would be likely to contribute unacceptably to community quality of life and the sustainability of the local economy, contrary to policies SD1A (Quality of Life), and SD2 (Planning Obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- 9 The proposed development, in the absence of a legal agreement securing the socially rented tenure for a proportion of the residential use, would fail to provide an appropriate contribution to affordable housing, contrary to policy H2 (Affordable housing) of the London Borough of Camden Replacement Unitary Development Plan 2006.

9.4 That **conservation area consent application reference 2009/0677/C** be granted subject to conditions.