

Delegated Report		Analysis sheet		Expiry Date:		20/08/2013	
		N/A		Consultation Expiry Date:		01/08/2013	
Officer				Application Number(s)			
Christopher Heather				2013/3903/P 2013/3939/L			
Application Address				Drawing Numbers			
67 Guilford Street London WC1N 1DF				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from nurses hostel (sui generis) to 1x 3 bedroom, 1 x 2 bedroom and 2x 1 bedroom self contained residential units (Class C3) and associated works including the erection of a 2 storey part width rear extension and rear dormer.							
Erection of a 2 storey part width rear extension, following demolition of existing, erection of a full-width rear dormer, and internal alterations and associated works in connection with change of use from nurses hostel (sui generis) to 1x 3 bedroom, 1 x 2 bedroom and 2x 1 bedroom self contained residential units (Class C3).							
Recommendation(s):		Grant conditional planning permission subject to Section 106 legal agreement					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	54	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		N/A					
CAAC		Bloomsbury • No response received.					

Site Description

The site is a traditional Georgian townhouse constructed between 1793 and 1799 by James Burton, a key figure in the area's development. It has a lower ground floor, ground floor, and three storeys above. It forms part of a wider terrace of similar buildings, and sits within the Bloomsbury Conservation Area, which is of international significance. The area was primarily residential but over time the introduction of significant institutional uses has made it more mixed use, as has the introduction of office and hotel uses, some of which are in the original residential properties. The site forms part of a wider terrace, all of which is listed, which ends at the junction with Grenville Street. The houses were constructed on a grander scale than others in the area, and the terrace once formed the northern part of Queen Square. To the north is Colonnade, a mews development dating from the 19th century which was built to serve the larger houses to the south, and the buildings are listed as positive contributors to the conservation area.

The site is on English Heritage's *Buildings at Risk* register, alongside 67, 70-72, and 77-82 Guilford Street. Their condition is described as poor (on a scale of good, fair, poor and very bad), and they are classified as 'C' ('Slow decay; no solution agreed', with A being the most at risk, and F being the least). Planning permission and listed building consent has been granted for developments at 78-82 which have yet to be implemented.

The building has been used as 19 non-self contained units for nurses and 2 small self-contained studios, but more recently has been run as a hostel, which is the subject of an enforcement notice to require the use to cease. The site is currently vacant.

Relevant History

August 2001: listed building consent (Ref: LSX0104579) withdrawn for "Investigation of and repair of timber decay caused by water damage" at **66-67 & 70-82 Guilford Street**.

August 2001: listed building consent (Ref: LSX0104702) granted for "Remedial works to roof for a temporary period of three years" at **66-67, 70-72 & 74-82 Guilford Street**.

February 2004: Planning application (Ref: PSX0104393) and listed building consent (Ref: LSX0104394) withdrawn for "The change of use and works of alteration of non self-contained hospital residential use to self-contained hospital residential use to provide 8 studio flats, 2 x 2 bedroom flats, 2 x 3 bedroom flats and 2 x 4 bedroom flats, together with the demolition of an extension to the rear of 67 Guilford Street" at **66-67 Guilford Street**.

September 2004: Planning application (Ref: PSX0204022), listed building consent (Ref: LSX0204023) and listed building consent (Ref: LSX0104938) withdrawn for "Change of use and refurbishment of nos. **66-67, 70-72 & 75-82 Guilford Street** to residential flats (Class C3); demolition of **74 Guilford Street** and rebuilding of **73-74 Guilford Street** for use as offices associated with Great Ormond Street Hospital (Class C2); demolition of 11-23 (odd) Colonnade and replacement with new buildings for use as residential for use as residential flats (Class C3)".

September 2005: Planning application (Ref: PSX0104937) withdrawn for "The refurbishment and change of use of **66-67, 70-72, 75-82 Guilford Street** from a mix use of nurses accommodation and offices associated with a hospital use to self-contained residential accommodation for hospital staff (Class C3 or shared accommodation in large cluster units) and together with physical alteration involving the demolition of ad-hoc existing rear extensions and their replacement with modern 2 storey extensions. The conversion of the roof of no. **66 Guilford Street** to include additional habitable accommodation for hospital staff. Plus the redevelopment of nos. 11-17 The Colonnade and façade retention of nos. 19-23 Colonnade to provide basement and 3 storey buildings for use as self contained residential flats (class C3) for key workers and nurses".

March 2008: Planning application (Ref: 2007/4171/P) and listed building consent (2007/4175/P) withdrawn for "Change of use from nurses accommodation and offices associated with hospital use, to house in multiple occupation (28 rooms)" and "Internal works in association with change of use from nurses accommodation and offices associated with hospital use, to house in multiple occupation (28 rooms)" at **66-67 Guilford Street**.

There is relevant planning history elsewhere in the terrace:

September 1981: Planning permission (Ref: CTP/M14/22/H/32853) granted for "Use of the premises as building and decorating contractor's light industrial workshops with ancillary offices and storage".

September 2004: Planning application (Ref: PSX0204022) and listed building consent application (Ref: LSX0204023) withdrawn for "Change of use and refurbishment of nos. **66-67, 70-72 & 75-82 Guilford Street** to residential flats (Class C3); demolition of **74 Guilford Street** and rebuilding of **73-74 Guilford Street** for use as offices associated with Great Ormond Street Hospital (Class C2); demolition of **11-23 (odd) Colonnade** and replacement with new buildings for use as residential for use as residential flats (Class C3)".

September 2005: Planning application (Ref: PSX0104937) withdrawn for "The refurbishment and change of use of **66-67, 70-72, 75-82 Guilford Street** from a mix use of nurses accommodation and offices associated with a hospital use to self-contained residential accommodation for hospital staff (Class C3 or shared accommodation in large cluster units) and together with physical alteration involving the demolition of ad-hoc existing rear extensions and their replacement with modern 2 storey extensions. The conversion of the roof of no. 66 Guilford Street to include additional habitable accommodation for hospital staff. Plus the redevelopment of nos. **11-17 The Colonnade** and façade retention of nos. **19-23 Colonnade** to provide basement and 3 storey buildings for use as self contained residential flats (class C3) for key workers and nurses".

March 2008: Planning application (Ref: 2007/4153/P) and listed building consent (2007/4166/L) withdrawn for "Internal works associated with change of use from nurses accommodation and offices associated with hospital use, to house in multiple occupation (32 rooms)" at **80, 81, and 82 Guilford Street**.

March 2008: Planning application (Ref: 2007/4164/P) and listed building consent (2007/4166/L) withdrawn for "Internal works in association with change of use from nurses accommodation and offices associated with hospital use, to house in multiple occupation (35 rooms)" at **77, 78, and 79 Guilford Street**.

April 2010: Planning permission (ref: 2010/0395/P) refused for "Retention of change of use from vacant nurses hostel (Sui Generis) to backpackers hostel (Sui generis)" at **70-72 Guilford Street**.

May 2010: Enforcement case (Ref: EN10/0486) opened into "The unauthorised use as a backpackers hostel" at **70-72 Guilford Street**. The notice was appealed but the appeal was dismissed in **June 2011**.

June 2010: Planning permission (Ref: 2010/0885/P) and listed building consent (Ref: 2010/0910/L) granted for "Additions and alterations in association with change of use from nurses accommodation to student accommodation (sui generis)" at **74-76 Guilford Street**.

March 2011: Enforcement cases (Refs: EN11/0231, EN11/0232, EN11/0233, EN11/0234, EN11/0236, EN11/0237, EN11/0238, EN11/0239,) opened into alleged "Change of use from nurses accommodation and offices associated with hospital use, to house in multiple occupation and self contained flats" at **66, 67, 77, 78, 79, 80, 81, and 82 Guilford Street**. A notice was subsequently served on each property to require the cessation of the use.

February 2012: Planning permission (Ref: 2011/6130/P) and listed building consent (2011/6131/L) granted for "Erection of a lower ground floor rear extension and internal and external alterations in connection with the change of use from nurses accommodation (sui generis) and office (Class B1) to use as a House of Multiple Occupation (HMO) and one self contained 2 bedroom flat (Class C3)".

July 2012: Planning permission (Ref: 2011/6464/P) granted for "Change of use of 71 and 72 Guilford Street from nurses hostel (sui generis) and office use (Class B1) to a backpacker hostel (sui generis) with reinstatement of the front door and railings to 72 Guilford Street to match 71 Guilford Street. Change of use of 70 Guilford Street from a nurses' hostel (sui generis) and office use (Class B1) to 5 x 1-bedroom flats, 1 x 2-bedroom flat and 2 x 3-bedroom flats, external alterations including installation of balustrades and replacement of existing windows with doors for the provision of roof terraces to the rear at first and second floor level, alterations to fenestration at the front, side and rear elevation. Alterations at roof level to properties including installation of rooflights and lift overrun" at **70-72 Guilford Street**.

December 2012: Planning application (Ref: 2012/6171/P) and listed building consent application (Ref: 2012/6200/L) submitted for “Internal alterations in connection with change of use from nurses hostel (Sui Generis) to residential flats (Class C3) (1 x 2 bedroom maisonette and 3 x 1 bedroom flats)” at **77 Guilford Street**. This has yet to be formally issued as the section 106 has not been signed.

May 2013: Planning application (Ref: 2012/6168/P) and listed building consent application (Ref: 2012/6203/L) granted subject to a section 106 legal agreement for “Removal of basement front door, installation of ground floor entrance door and internal alterations all in connection with change of use of existing nurses' hostel (Sui Generis) to residential flats (Class C3) (1 x 3-bedroom maisonette, 3 x 1-bedroom flats)” at **78 Guilford Street**.

May 2013: Planning application (Ref: 2012/6170/P) and listed building consent application (Ref: 2012/6198/L) granted subject to a section 106 legal agreement for “Internal alterations in connection with change of use from nurses hostel (Sui Generis) to single- family dwellinghouse (Class C3)” at **79 Guilford Street**.

May 2013: Planning application (Ref: 2012/6167/P) and listed building consent application (Ref: 2012/6219/L) granted subject to a section 106 legal agreement for “Internal alterations in connection with change of use from nurses hostel (Sui Generis) to 4 residential flats (1 x 3 bedroom maisonette, and 3 x1 bedroom flat)” at **80 Guilford Street**.

May 2013: Planning application (Ref: 2012/6166/P) and listed building consent application (Ref: 2012/6197/L) granted subject to a section 106 legal agreement for “Internal alterations in connection with change of use from nurses hostel (Sui Generis) to residential flats (Class C3) (1 x 3-bedroom maisonette, and 3 x 1-bedroom flats)” at **81 Guilford Street**.

May 2013: Planning application (Ref: 2012/6165/P) and listed building consent application (Ref: 2012/6190/L) granted subject to a section 106 legal agreement for “Internal alterations in connection with change of use from nurses hostel (Sui Generis) to a single-family dwelling (Class C3)” at **82 Guilford Street**.

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)
CS3 (Other highly accessible areas)
CS5 (Managing the impact of growth and development)
CS6 (Providing quality homes)
CS9 (Achieving a successful Central London)
CS10 (Supporting community facilities and services)
CS11 (Promoting sustainable and efficient travel)
CS13 (Tackling climate change through promoting higher environmental standards)
CS14 (Promoting high quality places and conserving our heritage)
CS15 (Protecting and improving our parks and open spaces and encouraging Biodiversity)
CS18 (Dealing with our waste and encouraging recycling)

DP1 (Mixed use development)
DP2 (Making full use of Camden's capacity for housing)
DP3 (Contributions to the supply of affordable housing)
DP4 (Minimising the loss of affordable housing)
DP5 (Homes of different sizes)
DP6 (Lifetime homes and wheelchair homes)
DP9 (Student housing, bedsits and other housing with shared facilities)
DP16 (The transport implications of development)
DP17 (Walking, cycling and public transport)
DP18 (Parking standards and limiting the availability of car parking)
DP19 (Managing the impact of parking)
DP22 (Promoting sustainable design and construction)
DP23 (Water)
DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP28 (Noise and vibration)
DP29 (Improving access)

Camden Planning Guidance

CPG 1 Design
CPG 2 Housing
CPG 3 Sustainability
CPG 6 Amenity
CPG 7 Transport
CPG 8 Planning obligations

London Plan

3.3 (Increasing housing supply)
3.4 (Optimising housing potential)
3.5 (Quality and design of housing developments)
3.8 (Housing choice)
3.9 (Mixed and balanced communities)
3.11 (Affordable housing targets)
7.4 (Local character)
7.6 (Architecture)
7.8 (Heritage assets and archaeology)

NPPF (2012)

Assessment

Proposal

The proposal is for the change of use of the property to self-contained units. A 2 storey part width rear extension would be constructed following the demolition of the existing rear extension, and a roof extension would enlarge the existing fourth floor. There would be a 4 bedroom unit accessed from the lower ground floor and ground floor, which would have access to the rear garden. This is put forward as a 3 bedroom unit, but there is a study which could be a fourth bedroom. The main entrance at ground floor would be used to access the floors above. There would be a 1 bedroom unit at first floor with a communal store within the re-built rear closet wing extension. A further 1 bedroom unit is at second floor, and a 2 bedroom unit is at third and fourth floors. Internal alterations would be required in connection with this, and there are other alterations proposed to windows and doors.

Background

The planning application and parallel listed building consent for this site are submitted alongside similar schemes at 66 Guilford Street. These follow on from similar schemes at 77, 78, 79, 80, 81 and 82 Guilford Street, all of which have been granted except for 77 for which there is a resolution to grant although the section 106 has not been granted. Reference has been made to these recent applications.

The ownership of the sites appears to have changed. In addition to a useful summary provided within the officer's report for the refusal of the planning application at 70-72 Guilford Street (Ref: 2010/0395/P) research has provided detail: 66-67, 70-82 Guilford Street, and 11-23 Colonnade were sold by UCLH to Great Ormond Street Hospital in 1996. There were some attempts to redevelop all of the properties as one, but the schemes were either not acceptable or, where acceptable, the section 106 agreement was never formally signed and the permission not issued (such as PSX0204022 in 2004). The properties were transferred to Safeland Plc in November 2006, and further unsuccessful attempts to redevelop the site were made. Since then the various sites have been sold off to different parties, and this process seems to have continued as evident by the recent discussions on 77-82. Both 66 and 67 appear to be in the same ownership.

This issue was explored in some detail previously due to the potential implications, most significantly for affordable housing. Although the proposal is for only two sites it is reiterated again given that the sites form part of the wider terrace. Advice from the Legal Department at that time confirmed that despite there being concurrent applications for six properties that they are all separate planning units, and as such they should be considered separately. The two sites would provide for 4 units each, totalling 857sqm across the two sites. This is below the threshold of 10 units, both individually and cumulatively. The advice highlighted specific High Court judgements that have referred to this issue, although it is acknowledged that it is ultimately for the decision maker to judge based on fact and degree. One specific case, *R (on the Application of the City of Westminster) v Secretary of State for Transport, Local Government and the Regions [2002]*, is considered particularly relevant and has parallels with these applications. Applying the logic to this particular case in order to demonstrate that they are a single planning unit it would have to be shown that all the houses were run as a single nurses hostel (under the same management and ownership), that they were used in this manner for a decent period of time; and that they shared common features. Although there was historically a logical connection when they had the same use and were in the same ownership the question is whether or not this meant that they were one hostel as opposed to a number. It is not clear exactly when the use(s) commenced and ceased (was it all at once or at various points), and there does not appear to have been a sharing of facilities which would imply one unit. It is also worth noting that the specific judgement in the Westminster case implies that the situation could change at the point that the previous occupier left. Therefore, it is considered difficult to conclusively demonstrate that they were in one use. Whilst it seems clear cut when considering the two units together, it is important to explore this in the event that, for example, 70 Guilford Street was to come forward. In such an event, and based on the legal advice, the conclusion reached is the same as was the case when the 6 properties came forward together in 2012.

Land Use

This proposal would result in the loss of non-self contained accommodation in favour of self-contained accommodation. The land use of the site needs to be considered with reference to the other property for which applications have been submitted, but also other properties in the terrace.

The policy position in CS6 is that the Council will maximise the supply of additional self-contained and non self-contained housing, as long as the latter does not prejudice the former. Policy DP2 reflects this and seeks to

minimise the loss of housing, including hostels and other housing with shared facilities. Policy DP4 seeks to ensure that there is no net loss of affordable homes, including where this is in the form of housing with shared facilities. Policy DP9 is specific to student housing, bedsits and other housing with shared facilities, and resists the net loss of such accommodation, unless certain criteria are met.

This is an issue which has been considered for other properties in the terrace, and planning permission has been granted in June 2010 at 74-76 Guilford Street for a change of use *from* nurses accommodation, albeit to student accommodation. At 70-72 Guilford Street a change of use from nurses' accommodation to a backpacker hostel was refused in April 2010 (Ref: 2010/0395/P) and an enforcement case opened in May 2010 (Ref: EN10/0486). An enforcement notice was served seeking the use to cease and the applicant appealed it. The inspector provided some interpretation of the use. One of two reasons for refusal was the loss of residential accommodation. The position of the Council was that the nurses' accommodation was the last lawful use on the site, and that it allowed for relatively long-stay by the occupants. It was also considered to fall into the category of student housing, rather than key worker housing, such that policy DP4 was not applied. Therefore, returning to policy DP9 the criteria for loss of student housing is that firstly there is adequate replacement elsewhere in a location accessible to the higher education institution the use serves, or that secondly the accommodation is demonstrably not required. When dealing with the issue of re-provision the inspector noted that the nurses' accommodation had been re-provided elsewhere. Although there were concerns expressed by the Council that there was a gap of several years between the loss of the original accommodation and the provision of the new, and that there was no direct relationship between the two, the inspector did not consider this sufficient to be contrary to policy DP2. Although not specifically mentioned the first criteria of policy DP9 must also be satisfied, and so the second criteria on whether the accommodation is required for that purpose then falls away. A planning application was granted in July 2012 to change the uses at 70-72 following this decision. The more recent planning permissions at 77-82 have endorsed this approach.

This is significant to the land use issues at this site. This appeal decision was only in June 2011, and given that the whole terrace was at one time operated by the same institution it is considered difficult to now argue that a different approach to protecting the land use on this site should be taken, even if there is no further information on re-provision. Policy DP9 concludes that if the loss of the hostel space is justified then the Council will expect an equivalent amount of residential floorspace for permanent housing. This is proposed, and so policy DP9 is considered satisfied.

It is also important to refer to the later section detailing the impacts on the listed building.

Listed building, conservation and design

Policies CS14, DP24 and DP25 are of relevance. As with others in the terrace, the building has been vacant for some years and this lack of care and investment has been to the detriment of its historic character, hence why it is now designated as a building at risk.

The special interest of the building has been reduced over the years through inappropriate alterations. Along the terrace there has been some lateral conversion between the properties which has reduced the ability to read and appreciate the building as an individual townhouse. Rooms have been sub-divided from the original plan form to create smaller bedrooms, and many of the architectural features of the buildings have been lost. The need to install steel members throughout the properties has also compromised the original structural integrity.

Therefore, the special interest of the buildings now largely resides in the external character and appearance, in particular the value that the facades make to the architectural composition of the terrace as a whole. This then impacts on the internal, and emphasises the importance of ensuring that the proportions of the front rooms, the staircase compartments, and the remaining detailing, are appropriate such that what people see when they walk past the properties is as far as possible what they would expect to see. This means that there is scope for alterations to the less significant parts of the building with a view to creating a successful conversion which will refurbish the buildings for the long-term whilst retaining the key features.

The proposal is considered to achieve this. The proposal would restore the front and rear facades by removing incongruous additions to the ground and first floor and reinstating the rear façade. A rear extension would be constructed in place of what is there now, and extend to the rear of the site where it adjoins the Colonnade. Although substantial the existing extension already extends to this point and the proposed replacement would

not dominate the rear in the way the existing extension does. In addition, other rear extensions have been approved elsewhere in the terrace reflecting the number of alterations that have taken place over time. There is also limited visibility of the rear which is restricted to private views. The roof extension would also match what exists at 68-69. The end result would have the appearance of an individual townhouse, even if it would be in four flats. The alterations to the layout would preserve and improve the historic layout, with the front and rear rooms largely reinstated with the staircase being reinstated and restored.

Overall, the proposal is considered to improve the historic characteristics of a site which has suffered from insensitive alterations to the site, and this is achieved whilst preserving and enhancing the conservation area.

Quality of the resulting residential accommodation (including Lifetime Homes and housing mix)

Policy CS6 requires that homes are of a sufficiently high standard. The proposal would provide for one 4 bedroom unit, and two 1 bedroom units and a 2 bedroom unit. They would all be generously sized with the 4 bedroom unit being 183sqm, well in excess of the 84sqm recommended in CPG2. The one bedroom units would occupy the first, and second floors would be 58sqm and 63sqm respectively, with the guidance suggesting 48sqm for a two-person unit. The two bedroom unit which spans third and fourth floors would be 108sqm, well in excess of the 75sqm guide: this mitigates one of the bedrooms having slightly lower ceiling height. They would be logically laid out with no living/dining areas above bedrooms and all but two of the bedrooms to the rear where it is quieter. The environmental health officer requested for the applications at numbers 77-82 that a condition be imposed to require noise mitigation measures to ensure that the amenity of future residents is acceptable. However, there is a balance between this and the impact on the building's character, and so it is not expected that the suggested internal noise environment will be quite possible to achieve.

The outlook for future residents would be good with all four units being dual aspect, and adequate daylight would be received. Only the 4 bedroom unit would have access to outdoor amenity space, but given the difficulties of providing access to the other flats, and that it is the 4 bedroom unit which would have greater need for the space this is considered acceptable. It would not be large and quite shady but would allow for some amenity space. There are opening windows to the rear on Colonnade which sit on the boundary with this site, and they do overlook the amenity space. This is not ideal but is not considered to be sufficient to warrant a refusal: this sort of arrangement is not unheard of in such a dense, urban environment.

There would be a dedicated refuse store in the basement area underneath the pavement, and a separate cycle store. There is some concern that accessing it would require residents of the upper flats to enter the basement area and pass in front of the bedroom at basement level. This is one of four bedrooms for the unit, and so is not considered sufficient to warrant a refusal.

The proposals do not fully accord with the principles of Lifetime Homes. They do not have level access, and internally it is not possible to achieve improvements without significant intervention into the building. Therefore, there is considered to be a justification for not meeting the requirements of policy DP6.

The table following policy DP5 considers 2 bedroom properties to be the highest priority for market housing, with 3 and 4 bedroom properties being medium priority, 1 bedroom properties being lower priority. However, there are specific listed building reasons why to provide a different mix would be harmful to the internal plan form. Therefore, the mix is considered acceptable in this instance.

Neighbouring amenity

Policies CS5 and DP28 are of relevance. The site backs onto the rear of 29 Colonnade Mews, with the rear wall (and opening windows) forming the boundary between the two sites. The rear is quite utilitarian in appearance, and the only planning history is for planning permission being granted in 1981 for use of the premises as light industrial workshops. It does appear more like a B1(a) space now. It is not ideal to have such a relationship with the site, especially as the rear garden area would be the amenity space for a family sized unit. However, it is considered that the residential usage proposed would not prejudice the commercial uses, and would probably be less intensive than the current use (albeit vacant) has the potential to be.

There is a concurrent proposal to change the use of 66 Guilford Street to self-contained residential. Regardless of whether the change ever takes place at these neighbouring sites there is considered to be no harm caused to these properties by this property becoming self-contained residential, as the uses are broadly compatible.

The replacement extension would be similar in height and length to what is there now.

There was some concern when dealing with the planning applications for 77, 78, 79, 80, 81, and 82 Guilford Street that were they to be developed at the same time that there could be a negative impact on amenity, hence why a Construction Management Plan was secured through a legal agreement. Although they are further along Guilford Street this could potentially be another two properties which are being developed. Therefore, for consistency and to ensure that the cumulative impact on the street does not prejudice amenity the same approach is taken in this instance and the property next door.

Affordable housing

The Core Strategy, Development Policies and London Plan contain clear policies on when affordable housing is required, and that is when there are 10 residential units created, or 1000sqm of residential floorspace. Policy DP3 does advise that "The Council will seek to ensure that where two-or-more development sites are adjacent and related, the appropriate affordable housing contribution is comprehensively assessed for all the sites together".

Referring back to the section entitled *Background* the legal advice given previously for a comparable situation is that it is not possible to require a contribution in this instance because the property *itself* would not reach either threshold, and as they are in different ownerships to others in the terrace they would not be considered "adjacent and related". Therefore, there is not considered to be a conflict with policies CS6 and DP3, or with policy 3.11 of the London Plan.

Highways and transportation

The site is in a very sustainable location, being only a short walk to Russell Square underground station. Being so central it is possible that future residents could walk to their place of work. Cycling provision is shown at basement level to serve the accommodation. It is unfortunate that someone would have to negotiate the steps down with a bicycle, and this could affect how much it is used. However, there is no alternative that would be an improvement and so this is accepted as being the most practical solution. Therefore, the proposal is considered to accord with policy DP17. Given how sustainable the location is a car free development is sought, and the applicant has agreed to enter into a section 106 agreement to secure this, so according with policies DP16 and DP18. Concerns were raised that were all six applications to be approved and developed at the same time that the construction impacts could be significant. Therefore, it is proposed that a CMP be submitted to address this, in accordance with policy DP26.

Trees and landscaping

There is an existing area to the rear but it is in a poor state and the proposal would reduce this in size. A condition is proposed to require further details of how they will landscape the space. It is unusual to require a private area to be landscaped but given that it is an important listed building there is considered to be a justification for requesting some broad information (not down to the detail of species) to ensure that a suitable residential garden is created.

Sustainability

The site falls below the threshold of 5 units (or 500sqm) at which point there is a requirement for accordance with BREEAM Refurbishment (which supersedes EcoHomes) via policy DP22. As detailed above it is not considered possible to apply the policy to all six sites currently being considered, and so invoke the requirement. Notwithstanding this the nature of the building is such that any interventions into it to introduce sustainable measures would impact on the historic fabric and be detrimental to it. Therefore, aside from the general comments about sustainability in the *Highways and transportation* section there are no additional measures proposed, but this is not considered to be a reason for refusal in this instance.

Planning obligations / Section 106

As discussed above the applicant has agreed to enter into a section 106 agreement to ensure that the units created would not be able to apply for parking permits, and to secure a CMP. Regarding other potential contributions the approach is governed by the planning applications being treated as individual sites, and so no other obligations are sought given the size of the development having had reference to CPG8.

CIL

The proposal would not result in 100sqm of additional floorspace making it exempt from a contribution towards

the Mayor's CIL.

Conclusion

The assessment is heavily influenced by the building being a grade II listed building on English Heritage's *Buildings At Risk* register, and the desire for it to be brought back into use after a period of vacancy. The land use change is considered acceptable. This is partly as a result of the appeal decision at 70-72, the planning permissions granted at 74-76 and 77-82, but also that a self-contained residential use, albeit flats, better reflects its original use. The alterations to the building are considered acceptable, and involve both the removal of many unsympathetic alterations which were made over a number of years, and their replacement with more appropriate features and detailing. The proposed rear extension is acknowledged to be large but it is similar in extent to what is there now and visibility is limited. There are a number of rear extensions already existing or having planning permission. The quality of the accommodation would be generally high, with some compromise on the internal noise environment a consequence of its status as a listed building. The use would be compatible with those nearby. Sustainability measures are limited, but the development would be car free. Overall, it is concluded that bringing the building back into use would be incredibly positive. The granting of planning permission and listed building consent would change the classification of the building on the *Buildings At Risk* register from 'C' ('Slow decay; no solution agreed') to 'D' ('Slow decay; solution agreed but not yet implemented') with a view to it reaching 'E' and 'F' as the scheme progressed to the point where it would no longer be considered at risk.

Recommendation: Grant planning permission with conditions and subject to a section 106 legal agreement. Grant listed building consent with conditions.