

Address:	Saatchi Block 80 Charlotte Street, 65 Whitfield Street and 14 Charlotte Mews, London W1T 4QP	
Application Number:	2010/6873/P	Officer: Max Smith
Ward:	Bloomsbury	
Date Received:	17/12/2010	
<p>Proposal: Creation of additional floorspace through the infilling of the existing courtyard, the extension of the existing basement, seven storey extension to the Chitty Street elevation and the construction of two additional storeys (creating a nine storey building in total, with existing buildings to be partially demolished) in association with the existing office use (Use Class B1); the creation of new public open space, change of use from office (B1) to create flexible units at ground and lower ground floor levels (Class B1, A1 or A3 use); and the change of use and extensions to 67-69 Whitfield Street to create 19 residential units (Use Class C3) all to the site bounded by Chitty Street Charlotte Street, Howland Street and Whitfield Street; erection of two additional floors and the partial change of use from office (Class B1) to residential (Class C3) to create 36 residential units; demolition of existing building and erection of a 3 storey residential (Class C3) building at 14 Charlotte Mews and other works incidental to the application.</p>		
<p>Drawing Numbers: Plans- P0001; P1000; P1099; P1100; P1101; P1102; 1103; 1104; 1105; P1200; P1300; P1301; P1302; 2099 01; 2100 01; 2101 01; 2202 01; 2203 01; 2104 01; 2105 01; 2106 01; 2107 01; 2108 01; 2109 01; 2200 01; 2201 01; 2202 01; 2203 01; 2204 01; 2205 01; 2206 01; 2207 01; 2300 01; 2301 01; 2302 01; 2303 01; 2304 01; 2305 01; 2400; 2401; 2403; 2404 01; 2405 01; 2406 01; 2407; 2408.</p>		
<p>Flood Risk Statement December 2010; Energy Statement December 2010; Arboricultural Report 10292/A1 December 2010; Ecological Appraisal December 2010; Sustainability Statement Issue 3 December 2010; Air Quality Assessment Issue 1 December 2010; Contamination Risk Assessment Issue 5 December 2010; Construction Method Statement by Buro 4; Noise, Vibration and External Fabric Assessment 6th Dec 2010; Daylight and Sunlight report 20th Oct 2010; Historic Environment Assessment (Buried Heritage Assets December 2010; Retail Assessment December 2010; Façade Retention and Basement Proposal December 2010.</p>		
<p>RECOMMENDATION SUMMARY: Grant planning permission subject to a S.106 agreement</p>		
<u>Related Application</u>	Conservation Area Consent	
Date of Application:	17/12/2010	
Application Number:	2010/6879/C	
<p>Proposal: Demolition of 8-11 North Court, 14 Charlotte Mews, substantial demolition of 71-81 Whitfield Street (façade retention), and partial demolition of 67-69 Whitfield Street</p>		
<p>As shown on drawing numbers: P0001; P1000; P1099; P1100; P1101; P1102; 1103; 1104; 1105; P1200; P1300; P1301; P1302.</p>		

RECOMMENDATION SUMMARY: Grant conditional conservation area consent**Applicant:**

DP9
100 Pall Mall
London
SW1Y 5NQ

Agent:

West London & Suburban Property
Investments Ltd
c/o agent

ANALYSIS INFORMATION**Land Use Details:**

	Use Class	Use Description	Floorspace
Existing	<i>B1 Business</i>		<i>27,156m²</i>
Proposed	<i>C3 Residential</i>		<i>5,780m²</i>
	<i>B1 Business</i>		<i>35,567m²</i>
	<i>A1 Shop</i>		<i>235 m²</i>
	<i>A1/B1 flexible floorspace</i>		<i>3299 m²</i>
	<i>A1/A3/B1 flexible floorspace</i>		<i>953m²</i>

Residential Use Details:

	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>	0	0	0	0	0	0	0	0	0
Proposed	<i>Flat/Maisonette</i>	21	28	6	0	0	0	0	0	0

Parking Details:

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	<i>80 (approx)</i>	<i>0</i>
Proposed	<i>0</i>	<i>2</i>

OFFICERS' REPORT

Reason for Referral to Committee: The proposal is a major development involving the construction of more than 1000sq m of non-residential floorspace and more than 9 residential units [clause 3(i)].

1. SITE

- 1.1. The development site comprises of two parcels of land, referred to as 80 Charlotte Street and 65 Whitfield Street, which are located on opposite sides of Chitty Street.
- 1.2. 80 Charlotte Street is the whole of the city block defined by Charlotte Street, Howland Street, Whitfield Street and Chitty Street. The block is all in B1 use and is occupied by a single tenant; the Saatchi and Saatchi advertising agency.

- 1.3. The block can be broken down into several component buildings, which would previously have been occupied independently but are now linked either internally or via a central courtyard. 80-84 Charlotte Street, 23 Howland Street and 89 Whitfield Street occupy the south-western and north-western sides of the site. These are 1960s purpose built office buildings, up to 8 storeys in height and designed by the same architect. 71-81 Whitfield Street and 67-69 Whitfield Street are five storey 1930s buildings, originally built as film laboratories taking up most of the north-eastern frontage and eastern corner of the site. These two buildings are within the Charlotte Street Conservation Area, to which they make a positive contribution. 10-15 Chitty Street is a four storey building on the south-eastern side of the site. There are also several other buildings within the courtyard, including a building remaining from the mews that formerly formed part of this site; 8-11 North Court. The courtyard is neither accessible to the public, nor visible from the public realm.
- 1.4. There are two vehicular accesses to the site, an entrance on Howland Street and an exit on Chitty Street. Within the site's courtyard is the office's servicing area as well as space for approximately 80 vehicles to park.
- 1.5. 65 Whitfield Street is a four storey plus basement 1950s office building, in B1 use although only the ground floor is currently occupied. This part of the site also includes 14 Charlotte Mews, a much altered three-storey Victorian building. This part of the site is also in the Charlotte Street Conservation Area.
- 1.6. The site falls within a strategic viewing corridor (Parliament Hill to the Palace of Westminster) and is in a zone between, and in the setting of, Bloomsbury (Fitzroy Sq) Conservation Area and Charlotte St Conservation Area. The entire site is within the Central London Area.

2. THE PROPOSAL

Original

- 2.1. Overview: The development would see the creation of 8411sqm of B1 office floorspace in addition to the existing 27156sqm of B1 office space, 4487sqm of A1/B1 flexible floorspace, 55 residential flats including 15 affordable units and a new area of public open space. The additional floorspace would principally be created through the infilling of the existing courtyard of the 80 Charlotte Street block, following the demolition or partial demolition of some of the existing buildings, and the construction of two additional storeys across the whole site. The implications for each component part of the site are as follows:
- 2.2. Central courtyard and basement: The existing buildings in this area would be demolished to make way for a nine storey structure that would serve as the central core, providing lifts, stairwells and servicing, unifying the B1 office floorspace in each of the retained and proposed buildings. Four projecting atria would provide natural light and ventilation. Vehicular servicing for the offices would be displaced to a new servicing area at basement level, with ramped access from the existing vehicular crossover and doors on Howland Street. The second vehicular access to the site onto Chitty Street would be removed, along with the parking spaces

formerly occupying the courtyard. Also at basement level would be two disabled parking spaces, cycle parking, A1/A3/B1 flexible floorspace associated with ground floor units and plant, including a re-located EDF electricity substation.

- 2.3. 80-84 Charlotte Street, 23 Howland Street and 89 Whitfield Street: These 1960s office buildings would be retained in the new development. However, the existing façades and cladding would be removed and replaced with a mix of materials and finishes in order to break up the elevations and give the impression that the block is composed of discrete units. The proposed additional storeys would be finished in the same materials. At ground floor and basement level,
- 2.4. 71-81 Whitfield Street: This building would be demolished apart from a retained façade, behind which new floorplates would be constructed. These new floorplates would not align with the retained window openings, requiring a series of atria behind the retained façade. The façade would be topped by a new lattice brick parapet, behind which the additional storeys would be well set back.
- 2.5. 67-69 Whitfield Street: This 1930s positive contributor would be retained and converted to A1 retail use at ground floor level and residential on the upper storeys, providing 19 flats. As well as the two additional storeys, this building would be extended to the west over part of the area formerly occupied by 10-15 Chitty Street.
- 2.6. 10-15 Chitty Street would be demolished to make way for an area of publicly accessible open space 10m deep and 23m in length. The open space would be backed by a brick framed façade topped by a brise soleil.
- 2.7. 65 Whitfield Street would be converted to residential use apart from the ground and basement floors, which would be retained in B1 office use. Two additional storeys would be added, which would match the volume and massing of the extant permission granted on 28/10/2009 (ref: 2009/2964/P). 36 residential flats would be created, including 10 social rented and 4 (as revised) 'intermediate' units. The 10 social rented units would be accessed via a separate core.
- 2.8. 14 Charlotte Mews would be demolished and replaced by a four storey building, effectively serving as an extension to 65 Whitfield Street. The roof of this building would be finished with a roof terrace containing play equipment available to the occupants of the social rented units.

Revisions

- 2.9. The following amendments have been made to the scheme:
 1. The 4 projecting atria to the 80 Charlotte Street site have been reduced in scale.
 2. The elevations to the floors above 67-69 Whitfield Street has been refined, and would now have a symmetrical, chamfered appearance matching that of the floors below.
 3. The scheme now achieves level 4 (Excellent) of BREEAM offices rather than level 3 (Very Good).
 4. Additional cycle parking would be provided, and Josta two-tier cycle racks have replaced the vertical stands originally proposed.

5. Roof plant would be consolidated and set back further from the building's edge.
6. An intermediate residential unit has been replaced by a private (market) unit.
7. The unit on the corner of Chitty Street and Charlotte Street.
8. Formerly an additional 884sqm of flexible B1/A1/A3 was proposed in the unit at the south-west corner of the site. However, this would now be flexible B1/A1 floorspace only.

3. RELEVANT HISTORY

3.1. 65 Whitfield Street

3.2. Proposed two-storey office extension (Class B1) and associated works, related to the provision of off-site residential accommodation at Suffolk House, Whitfield Place instead of at Asta House, Whitfield Street associated with the redevelopment of Howland House, Fitzroy Street as office headquarters under planning references 2005/4097/P and 2005/4099/P. Granted 28/10/2009. (This scheme was approved in association with 2010/5185/P, see para. 3.6 below).

3.3. 2007/2280/P: Erection of two additional floors and the partial change of use from office (Class B1) to form 13 self-contained flats for residential use (Class C3). Granted 20/08/2007.

3.4. 2005/4099/P: The erection of two additional floors and the partial change of use from office (Class B1) to form 13 self-contained flats for residential use (Class C3). Granted 22/12/2005.

3.5. 80 Charlotte Street and 14 Charlotte Mews: No relevant history.

3.6. Also relevant is 2010/5185/P: Change of use from office (Class B1) to 13 residential units (Class C3) involving partial demolition, refurbishment and construction of a new fourth floor extension (revision to planning consent 2009/2966/P granted on 16/10/2009) at Suffolk House, 1-8 Whitfield Place & 114-116 Whitfield Street. Granted 23/12/2010.

4. CONSULTATIONS

4.1. Statutory Consultees

4.2. Greater London Authority GLA (Stage 1): London Plan policies on the Central Activities Zones (CAZ), housing, design, inclusive design, climate change and transport are relevant to this application. In general, the application complies with these policies, for the following reasons:

- CAZ: The proposal for an office, housing and retail development within the CAZ complies with London Plan policies 3B.2, 3B.3, 4B.1, 5G.3, 5G.4 and draft replacement London Plan policies 2.11, 4.2, and 7.6.

- **Housing:** It is not yet possible to determine whether the applicant is providing the maximum reasonable amount of affordable housing. As part of this discussion, further consideration needs to be given regarding grant availability, and the recent changes to the definitions and funding of affordable housing, and the potential impacts on the quantum of affordable housing currently proposed. Furthermore, the final level of affordable housing needs to be balanced against the priority for a Crossrail contribution. In addition, the proposal does not include sufficient family affordable accommodation. Consequently, the proposals do not comply with London Plan policies 3A.10 and 3A.5, and draft replacement London Plan policies 3.13 and 3.12.
- **Children's play space:** The proposal includes the provision of adequate play and amenity space, and identifies existing facilities in close proximity of the site for additional play opportunities. Therefore, the application complies with London Plan Policy 3D.13 in providing sufficient play provision as part of the development.
- **Design:** Whilst the proposal is broadly acceptable, further design amendments are required to the corner of 67-69 Whitfield Street, as well as further landscaping details regarding the park, to ensure the application complies with London Plan policies relating to design. In addition, the applicant has not yet submitted an accurate visual representation with regard to the strategic view the site sits in. As such, it is not yet possible to determine whether the application complies with London Plan policies 4B.16 and 4B.18 and draft replacement plan policies 7.11 and 7.12.
- **Inclusive design:** The applicant has demonstrated that the development will be accessible to all and that the housing units comply with Lifetime Homes and wheelchair housing requirements. The application therefore complies with London Plan policies 3A.5 and 4B.5 and draft replacement London Plan policies 3.8 and 7.2.
- **Climate change:** Whilst the proposed energy strategy is broadly acceptable, further detailed information is required to ensure compliance with London Plan policies relating to climate change.
- **Transport:** A Crossrail contribution is required in accordance with the Mayor's Supplementary Planning Guidance '*Use of planning obligations in the funding of Crossrail*', in addition to further technical work to allow a full assessment of any additional mitigation measures that may be required.
- **On balance,** the application does not comply with the London Plan. The following changes might remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:
 1. **Housing:** Further discussions are required with the applicant and the Council regarding the financial viability assessment submitted by the applicant, the grant assumptions and the impact on the delivery of affordable housing of no grant, and the implications of recent changes to the definitions of affordable housing. In addition, further justification is required regarding the proportion of family affordable accommodation.
 2. **Design:** Further design amendments are required to the building at 67-69 Whitfield Street, in addition to additional landscaping concepts for the public park, and an

accurate visual representation is required of the London Panorama from Parliament Hill to the Palace of Westminster.

3. Climate change: the applicant should submit further modelling work, as well as details regarding the renewable energy strategy, and commit to ensuring possible future connection to a district heating scheme.
 4. Transport: A Crossrail contribution is required, calculated as £1,374,411, in addition to a contribution towards Legible London, an audit of the pedestrian environment and local bus stops, along with safeguarding of disabled bays and a full travel plan.
- 4.3. GLA subsequent comments on revisions: The Council's independent assessment of the scheme's viability confirms that the maximum reasonable amount of affordable housing has been provided. Further details submitted confirm that the scheme does not raise concern with regard to strategic views.
 - 4.4. Transport for London: The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) *Use of planning obligations in the funding of Crossrail* (July 2010) and the London Plan policy alteration. The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). The site is within the Central London 'charging area'. Therefore, contributions of £137 per additional sqm of office floorspace and £88 per sqm of A1/A3 floorspace are expected. TfL's outstanding transport issues are a Legible London contribution and bus stop upgrades to be DDA compliant. In light of a possible forthcoming 100% Crossrail contribution we will no longer be seeking these contributions ourselves. However, it is understood there will be a remaining pot of S.106 money that will be allocated towards transport improvements in the area.
 - 4.5. English Heritage: The application should be decided in accordance with national and local policy guidance, and on the basis of Camden's specialist conservation advice.
 - 4.6. The Commission for Architecture and the Built Environment (CABE) comment as follows:
 - 4.7. *"We support this proposal to part retain and part rebuild an existing city block, which has the potential to be a quality benchmark for this kind of redevelopment. We welcome the retention of the existing structural frame, existing buildings and an existing façade. Together with the lack of parking provision and the inbuilt flexibility to have a single user or a number of users, this adds up to an inherently sustainable approach to redeveloping the block. The introduction of retail units will help to activate the building's edge to the street. We also support the inclusion of a new pocket park on Chitty Street."*
 - 4.8. *"The use of materials, the design of the set back roof extensions and generation of a family of façade treatments in response to orientation, building geometry, townscape views and the relationship to the Charlotte Street Conservation Area are*

well handled. This approach has produced inbuilt architectural variety that does not feel contrived. The treatment of the level change between street and ground level in the entrance is successful. Ultimately the success of the scheme will depend on the quality of materials and detailing which the Local Planning Authority should condition as appropriate. In particular, the detailing of the pavilion roof extensions should be conditioned to ensure that the proposed crisp and elegant roofline is realised.”

- 4.9. Metropolitan Police Crime Prevention Design Advisor: No objection. Various recommendations are made as to crime prevention measures to be incorporated into the detailed design of the scheme.
- 4.10. City of Westminster: Does not wish to comment on the proposals.
- 4.11. Thames Water: No objections subject to standard conditions.
- 4.12. Camden Primary Care Trust: No response received to date.
- 4.13. Environment Agency: No objections and no conditions to recommend.
- 4.14. London Underground Limited: No objection.
- 4.15. **Local Groups**
- 4.16. The Charlotte Street Association object on the following grounds:
 1. Overdevelopment: The proposals represent gross overdevelopment increasing the existing floorspace on an already fully developed site by 69%. It increases the plot ratio from the existing 4.78:1 to 8.10:1 giving a higher density than Central St Giles and inappropriate for Fitzrovia.
 2. Conservation: This overdevelopment would be seriously damaging to the quality of the conservation area particularly in relation to Chitty Street and Whitfield Street. 71-81 Whitfield Street is identified as a positive contributor. The proposal involves its demolition with only an unsympathetically altered facade retained, yet there is no heritage assessment to justify its loss. The submission does not show the existing former mews, now closed to the public but part of the historic fabric of the area. This should be retained and reopened.
 3. Public Open Space (POS): No Public Open Space is offered. An area of 231sqm of publicly accessible open space is proposed in Chitty Street representing 4.5% of the site area and derisory in an area deficient in POS. It is also backed by a cliff-like 8 storey building. The total increase in commercial floorspace produces an additional 910 workers (based on the London Plan) and the residential proposed provides 184 bed spaces. This produces a requirement for the provision of 3285sqm POS yet only 231sqm of publicly accessible open space is provided. In addition it is claimed that 1180sqm of private amenity space is provided of which 640sqm relates to the commercial element. Planning Guidance says private amenity space will be taken into account and may reduce the need for POS. However it does not override need to provide POS, which will meet play and recreational needs and can provide for community activities or opportunities for social interaction. Nor does the proposed provision

meet the requirements of PPG17. So far from ameliorating the existing identified shortage it will exacerbate the shortage by increasing demand.

4. Residential: Planning policy requires increases in commercial floorspace to be matched by an equivalent area of residential floorspace of which 50% should be affordable. In the present case only half (53%) of the required residential floorspace is provided. The level of provision of affordable is even worse; only just over a quarter (27.5%) of the required provision is offered.
5. Ground floor uses: This is a quiet part of Fitzrovia and it is not desirable to bring the frenetic activity of the perimeter main roads or even the southern part of the area into this part of Fitzrovia. Part of the character of a city is derived from the contrasts between active and quiet areas. The tranquil character of this part of Fitzrovia would be undermined by extensive A1/A3 ground floor uses. In the current proposal such uses should be limited to the Howland Street frontage.
6. Pre-application consultation: The developers refused a request to hold a Development Control Forum. It is hard to see how the Council's acceptance of this refusal can be reconciled with its Statement of Community Involvement. The only pre-application consultation consisted of two stage managed exhibitions at which only limited selected information was available.
7. Existing use: It should be noted that the buildings presently on site are not derelict or under occupied, but fully operational and let to a company of international repute and there is no practical reason why they should not continue to be so used.

4.17. The Fitzrovia Neighbourhood Association object on the following grounds:

1. Overdevelopment and damage to the quality of the conservation area.
2. Inadequate provision of open space.
3. Inadequate provision of residential, both market and affordable.
4. The site is not suitable for any A1 or A3 usage on Charlotte Street, Whitfield Street, Chitty Street and Howland Street as this would detract from the current subdued feeling of the street frontage.

4.18. The Maxclif House and Thirteen Tottenham Street Joint Residents' Association supports the application, making the following points:

1. The submitted scheme will result in a real improvement over the present undistinguished building.
2. The design is sympathetic, without being a 'trophy' building or a pastiche.
3. Disruption, noise, dirt and general inconvenience would be reduced as the plan does not require total demolition of the existing building.
4. The inclusion of the small park is commended. It should be open at weekends.

4.19. The Charlotte Street Conservation Area Advisory Committee, The Bloomsbury Conservation Area Advisory Committee and the Bloomsbury Association were consulted on the 26th January 2011. However, no formal comments on the scheme have been forthcoming from any of these organisations.

4.20. **Local Representatives**

4.21. Frank Dobson MP objects of the following grounds:

1. The main concern is that the Committee should stick to the Council's policy that the housing element in any such development should equal the increase in the commercial element, of which 50 percent should be affordable.
2. The proposal also seems to represent a grotesque overdevelopment of the site, where the existing buildings are very bulky in comparison with the general scale of development in the area.

4.21. **Adjoining Occupiers**

	Original
<i>Number of letters sent</i>	138
<i>Total number of responses received</i>	20
<i>Number of electronic responses</i>	14
<i>Number in support</i>	15
<i>Number of objections</i>	4

- 4.22. Neighbours to the site were notified by letter, site notices displayed (two on each of Howland Street, Chitty Street, Charlotte Street and Whitfield Street) from 26th January and a press notice published on the 3rd February.
- 4.23. Four letters objecting to the scheme were received, from residents of the flats at 2-4 Chitty Street and The Fitzrovia Trust. The following points were raised:
1. The height of the development would result in loss of light.
 2. Increased noise from traffic will alter the nature of the neighbourhood, Chitty Street in particular.
 3. The increased height and bulk to the property would significantly reduce the feeling of openness in the children's playground at 54 Whitfield Street.
 4. An increase in the working population could result in people using the 54 Whitfield Street playground, which is not policed.
 5. Overlooking from the roof terrace at Charlotte Mews
 6. Disruption from building works.
 7. Loss of property value.
 8. If the park were unsecured, it could be a magnet for drug users and the homeless and young people hanging out at night.
 9. The residential density is too high.
- 4.23. 15 letters of support have been received, mainly from businesses located in proximity to the site. The following points are raised.
1. The on-going investment in the Fitzrovia area is welcomed.
 2. The development brings employment and much needed homes.
 3. The new park will be a tremendous benefit, providing a small oasis.
 4. The new buildings are in keeping with the area and are of high quality.
 5. The developer's commitment to maintaining their buildings in excellent condition and their use of high quality materials is applauded.
 6. The existing buildings are tired and past their sell by date.
 7. The fact that the scheme does not require complete demolition is to be commended as it minimises disruption in the neighbourhood.
 8. The reduction in congestion is welcomed.

9. The development brings together the aspirations and character of Fitzrovia.
- 4.24. One letter commenting on the scheme has been received from a resident of Goodge Place. They note that the existing buildings are tired and the proposed solution, conceived by a local architect, will be a major improvement. The decision to include housing and a park is welcomed; however it would be wonderful if the green space were more substantial and actually 'green'. In all other areas the scheme is supported.
- 4.25. Development Control Forum: The developers were offered the chance to take part in a Development Control Forum in accordance with the Council's consultation protocol. They did not do so. Whilst the Council would have preferred a Development Control Forum to take place, there has still been adequate consultation with both individuals and groups able to express detailed views about the proposals.

5. **POLICIES**

5.1. **LDF Core Strategy and Development Policies**

Core Strategy Policies

CS1 – Distribution of growth

CS3 – Other highly accessible areas

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS7 - Promoting Camden's centres and shops

CS8 – Promoting a successful and inclusive Camden economy

CS9 – Achieving a successful Central London

CS10 – Supporting community facilities and services

CS11 – Promoting sustainable and efficient travel

CS13 – Tackling climate change through providing higher environmental standards

CS14 – Promoting high quality places and conserving our heritage

CS15 – Protecting and improving our parks and open spaces and encouraging biodiversity.

CS17 – Making Camden a safer place.

CS18 – Dealing with waste and encouraging recycling.

CS19 – Delivering and monitoring the Core Strategy

Development Policies

DP1 – Mixed use development

DP2 – Making full use of Camden's capacity for housing

DP3 – Contributions to the supply of affordable housing

DP5 – Homes of different sizes

DP6 – Lifetime homes and wheelchair homes

DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses.

DP13 – Employment sites and premises

DP15 – Community and leisure uses

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport
DP18 – Parking standards and the availability of parking
DP19 – Managing the impact of parking
DP20 – Movement of goods and materials
DP21 – Development connecting to the highway network
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
DP27 – Basements and lightwells
DP28 – Noise and vibration
DP29 – Improving access
DP30 – Shopfronts
DP31 – Provision of, and improvements to, public open space and outdoor sport and recreation facilities.
DP32 – Air quality and Camden’s Clear Zone

5.2. **Supplementary planning guidance**

5.3. Camden Planning Guidance 2006 and 2011.

5.4. Charlotte Street Conservation Area Statement 2008.

5.5. Revised Planning Guidance for Central London; Food, Drink and Entertainment, Specialist and Retail Uses 2007.

5.6. **Strategic and Government Policy**

5.7. London Plan (Consolidated with alterations since 2004) February 2008 and the draft London Plan.

5.8. London View Management Framework 2010.

5.9. London Plan Crossrail Alterations April 2010 Mayor of London SPG on use of planning obligations in the funding of Crossrail adopted July 2010.

5.10. PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPS4 (Planning for Sustainable Economic Growth, PPG13 (Transport), PPS5 (Planning for the Historic Environment), PPS22 (Renewable Energy).

6. **ASSESSMENT**

6.1 **Main Issues**

The main issues are as follows:

- The principle of a mixed use re-development
- Proportion of residential floorspace

- Affordable housing and Crossrail contribution
- Principle of demolition
- Design of new and refurbished buildings
- Provision of open space
- Provision of retail
- Transport
- Neighbourhood Amenity
- Mix of Units
- Standard of accommodation
- Sustainability
- Contributions to education and community infrastructure
- Employment and Local Procurement
- Contaminated Land
- Basement and structural issues

6.2 The principle of a mixed use re-development

6.2.1. The proposal would see additional land uses being introduced to a site which is currently solely used for B1 Office purposes, as well as an intensification of the use of the site. The site is located in the Central Activities Zone (CAZ), as set out in the London Plan, which is viewed as an important strategic office location. The London Plan encourages an increase in office stock through the renovation and renewal of existing sites. Policies CS3 and CS8 of Camden's Core Strategy also promote additional office development in highly accessible areas, provided they are of a suitable scale and provide appropriate community and environmental benefits. The creation of additional floorspace at this site is therefore considered acceptable in principle.

6.2.2. Policy DP1 requires a mix of uses in developments within the Central London Area, with secondary uses expected to be provided on site. The proposal is creating substantial areas of retail and residential floorspace as secondary uses on a site and as such is in general accordance with the aims of this policy. However, policy DP1 seeks to secure 50 percent of the uplift in floorspace as residential. At 31 percent, the quantum of residential floorspace would fall short of that sought under the policy. It should be noted that just under 2000sqm of the proposed office floorspace already has the benefit of planning permission granted on 28/10/2009, but not implemented, under 2009/2964/P. A legal agreement forming part of that permission required the creation of residential units at Suffolk House. If this floorspace were to be discounted, the quantum of residential floorspace would be 35 percent and the extent to which this figure addresses policy is considered in the following section.

6.3 Proportion of residential floorspace

6.3.1. Policy CS6 indicates that the Council regards housing as the priority land use in the Local Development Framework. However, it also acknowledges that there are other objectives of the LDF that are not necessarily overridden by the emphasis on

housing, which includes the importance of Central London for businesses and shopping as set out in policy CS8. This is a very relevant consideration in this case, as the proposal seeks to expand an existing B1 office, with the majority of the existing floorspace retained. This places constraints on the flexibility of the site to accommodate secondary uses.

- 6.3.2. Policy DP1 allows for development with a lesser proportion of residential floorspace where the applicant can demonstrate that the economics and financial viability of the site preclude it. To this end, the applicant has prepared a substantial Financial Assessment of the proposal, indicating the financial and technical limitations on the site. The main limiting factor on the introduction of more residential units to the site is the value of the existing office space. It has to be recognised that 80 Charlotte Street is wholly occupied by a prestigious company and commands a high rent. The limited availability of office floorplates of this scale in the West End further drives up the value of the site as existing whilst the length of time that the site would be unoccupied during construction works is also a factor. Any proposed re-development must result in a higher value end product than existing for it to be worthwhile to be undertaken.
- 6.3.3. The Financial Assessment includes a 'counterfactual' scenario, detailing a scheme that be compliant with policy DP1 and provide 50% of the uplift in floorspace as residential units. The conclusion of this exercise is that an entirely policy compliant scheme would not return a profit for the developer. Indeed, any scheme which would incorporate residential units into the main body of the site would compromise viability, given the attraction of large, flexible office floorplates. The division of the site horizontally, with residential units occupying one or two of the top floors, would also not be a viable alternative due to the higher rents commanded by the upper storeys of offices. The Assessment concludes that the provision of 35% of the uplift in floorspace as residential, with 19 flats occupying a corner of the main site and a further 36 on the opposite side of Chitty Street, represents the maximum that could be provided on the site whilst retaining a financially viable scheme.
- 6.3.4. The Financial Assessment has been independently assessed by BPS on behalf of the Council. BPS looked at detailed examination of the viability of the development and the limits to the provision of housing and they were found to be accurate. The Assessment identifies a reasonable target rate of return based on an Internal Rate of Return (IRR) should be of the order of 17.5%. This figure is marginally in excess of the default profit level assumed by the Three Dragons toolkit of 17%. The Council's experience of many recent appraisals suggests that profit levels of nearer 20% are often considered the minimum return acceptable to schemes which are heavily reliant on bank funding. The projected return on this development is markedly short of the target rate of return of 17.5% and the default Three Dragons profit level of 17%. It is therefore not considered reasonable to require any additional residential floorspace and the proposal complies with policy DP1. A condition would ensure the completion of the residential units prior to the occupation of the B1 floorspace.

6.4. **Affordable housing and Crossrail contributions**

- 6.4.1. Supplementary Planning Guidance to the London Plan, published in 2010, states that the provision of S.106 contributions to the construction of Crossrail will take priority over any other consideration.
- 6.4.2. The GLA have stated in their comments on the scheme that 100% of the necessary Crossrail contribution is required; a figure quoted as £1,374,411. On account of the scale of the development the application is referable to the GLA, who have the power to direct refusal of planning permission or call in the application for their own determination. In subsequent correspondence between the GLA and the Council, the GLA has indicated that were the application to be approved by the Council with any amount less than 100% of the Crossrail contribution, they would be prompted to direct its refusal. In this they have drawn a distinction with a previous planning permission within the Borough at 65 Hampstead Road where less than the full contribution was agreed on the basis that the current application site is much closer to one of the prospective Crossrail stations at Tottenham Court Road. The Council has no means of contesting this given that the GLA has the ultimate authority to direct refusal, and therefore must agree to the provision of a Crossrail levy amounting to £1,374,411.
- 6.4.3. The Viability Assessment detailed in the previous section sets aside funding towards Crossrail, affordable housing and other S.106 contributions. There is inevitably a price to be paid for the GLA's requirement for a full Crossrail contribution. As the Viability Assessment indicates that the scheme is already below a rate of return that would constitute a reasonable profit for the developer, the level of affordable housing and other contributions is affected.
- 6.4.4. As originally conceived, 15 of the 55 residential units would be affordable, with 10 'social rented' and 5 'intermediate' units. This would have represented 27.27% of the units and 23.69% of the residential floorspace of the development. To accommodate the Crossrail contribution, one of the two-bedroom intermediate units has been converted into a private one. However, the developer has offered to provide an additional two-bedroom intermediate unit off-site at Suffolk House. The developer has also offered to fully finance the provision of the social rented units should grant funding not be forthcoming. Given the changes to the availability of grant funding for affordable housing, an absence of funding is a likely scenario. The Viability Assessment indicates that in the absence of grant funding, the IRR of the scheme would drop further by a small but significant degree.
- 6.4.5. In summary, the level of affordable housing proposed is acceptable given the marginal viability of the scheme and the required level of contribution towards Crossrail.

6.5. Principle of demolition

- 6.5.1. 10-15 Chitty Street and the buildings within the courtyard, apart from 11 North Court, lie outside the conservation area and their demolition therefore could not be resisted. 14 Charlotte Mews is considered to make only a neutral contribution to the Charlotte Street Conservation Area (CA) and its loss of also considered acceptable.

The development would see the substantial demolition of two buildings identified as positive contributors, 7-11 Whitfield Street and 11 North Court.

- 6.5.2. 71-81 Whitfield Street: This building was developed incrementally behind a consistent façade. Its floor plates are compromised with inefficient structure and the proposal will demolish all elements of the building behind the façade. PPS5 advises that different approaches are taken in the assessment of demolition within a conservation area depending on whether the application will lead to substantial harm, harm or no harm to the significance of the conservation area. Only substantial harm would require assessment against the detailed PPS5 HE9.2 test. Due to the retention of the front facade, the most important and prominent element of the building in terms of contribution to the CA, it is considered that the level of harm to the conservation area is not substantial and the PPS5 test is not required. Similarly, if the impact on the significance of the building itself is considered, this significance rests on the external faces of the building and principally on the street frontage, which is to be retained. Consequently, as directed by PPS5 HE9.4 the assessment for demolition is based on a proportionate consideration of weighing public benefit against the harm while matching the level of harm against the level of justification.
- 6.5.3. The internal demolition will not have a harmful impact on the character and appearance of the CA. The level of justification required is therefore relatively minimal and in consideration of the difficulties of incorporating the building with its current floor plate limitation, the type of building and its contribution to the CA as a whole, and the overall benefits of this regeneration scheme the level of harm to the CA caused by demolition are acceptable.
- 6.5.4. The façade of 71-81 will be tidied up with a complete upper frieze introduced to unite the composition (currently a frieze only occupies 2/3rds of the façade). Again, roof extensions are proposed which are set back and in character with the building below. The proposed roof extension reads as an integrated part of the building, which builds on the existing language and form to result in a united whole, with an equal architectural and material quality to the existing. The extension is sufficiently set back to allow it to read as subordinate and in consideration of views into and from within the CA.
- 6.5.5. 11 North Court: This building would be entirely demolished. Although not specifically listed as a positive contributor in the conservation area's Character Appraisal, it is a late 19th Century building. Its location on the edge of the conservation area in a private courtyard where it is visually detached and does not readily contribute to the character and appearance of the CA means that demolition would not result in substantial harm to the CA. Consequently, a proportionate assessment is required as directed by PPS5 HE9.4.
- 6.5.6. The building is on a plot originally occupied by a Georgian mews building. It is in poor physical condition and its façade has been compromised by unsympathetic intervention at the lower levels. Its mews context has been severely compromised by 20th Century change, with the land occupied by the former mews street falling outside of the CA. As a result there is no tangible group value or setting which would add to the buildings significance. The building's compromised setting in an

inconspicuous location on the edge of the CA coupled with low levels of significance resulting from age, architectural quality and condition would mean that demolition would only result in very limited harm to the character and appearance of the conservation area. The level of justification required is therefore relatively minimal and on balance, including the overall benefits of this scheme, the level of harm to the CA caused by demolition is considered acceptable.

6.6. Design of new and refurbished buildings

- 6.6.1. The proposal places new façades onto the retained structure of the 1960s elements. As noted above, for the positive contributors 67-69 would be retained, whilst 71-81 would have new build floors placed behind a retained façade. 11 North Court along with the other courtyard buildings are to be demolished. The retained buildings would be expanded to occupy the courtyard space and extended upwards.
- 6.6.2. The 1960's block (80-84 Charlotte Street, 23 Howland Street and 89 Whitfield Street): The approach to retaining and reusing much existing structure and fabric is welcomed and considered environmentally preferable to an entirely new build. The proposals involve placing high quality new facades onto 1960s elements, which are somewhat tired. This 1960s block has low floor heights by contemporary office standards, which keep the overall height of the building down and helps to reinforce a domestic scale and proportions in the area. Currently the repetitive modernist façade expresses a single monolithic building the width of a city grid. The proposed re-facing breaks the façade down into four distinct elements, reading as smaller plot form buildings. The southern corner onto Charlotte Street, with its critical relationship with the CA, is faced in brick. To the north and on Howland street variation in fenestration, parapet heights and detailing along suggested party wall lines define 'individual' building frontages. Activity at ground floor is increased through entrances and ground floor units.
- 6.6.3. The extensions at roof level are positioned, modulated and detailed to respond to the 'individual' buildings below and in consideration of the setting of the CA. In doing so the upper floorplates add to the impression of a group of buildings rather than a consolidated block.
- 6.6.4. 65 Whitfield Street and 14 Charlotte Mews: The extension to 65 Whitfield Street adding two storeys is substantially the same as that granted under planning permission 2009/2964/P and does not raise any concerns. The new infill, replacing 14 Charlotte Mews, would function as an extension to no.65 and would maintain the traditional plot size. This small structure would be faced in a lattice of stock bricks which responds to the robust and functional character of mews buildings. The lattice provides depth and interest in the façade. These changes are thoughtful, high quality and in character.
- 6.6.5. Setting of the Charlotte Street Conservation Area: All new development along Chitty Street and the southern third of Charlotte Street, in the immediate setting of the CA, will be faced in contextual brickwork. The block on the corner of Charlotte and Chitty has traditionally portioned vertical fenestration, responding to the

Georgian character to the south, and retains its principal parapet at the existing six storey height, responding to the neighbouring building south of Chitty Street. The roof top extensions are all set back, where their presence is limited in long street views from within the CA, while the new brick facades improve and extend the setting of the CA. The northern two-thirds of the Charlotte Street frontage increases by one storey on the main façade line, with set backs above. This element is considered to be far enough away from the CA not to have a negative impact as a result of the increased height.

- 6.6.6. On Whitfield Street, again all increases in height are set back and composed of matching materials. In long views from the CA their presence will be limited. Fitzroy Square in the Bloomsbury Conservation Area is far enough away not to be impacted upon by the proposal.
- 6.6.7. The positive contribution at 67-69 Whitfield Street would be entirely retained and converted to residential. Its corner location with good aspect onto an existing play space and the proposed pocket park is ideal. The two storey roof extension, as amended, is subordinately set back and thoughtfully detailed and articulated to respond to the architectural character below.
- 6.6.8. Setting generally: The increased massing of the proposal steps back towards the centre of the site where its impact is managed in views from surrounding streets. The corners due to their visibility have been treated sensitively with retained parapet heights on the main façade line of three corners, and only the northwest corner, increased by a storey, is a result of its immediate context. On Howland Street, the new façade has been broken down into three distinct ‘buildings’, reducing significantly the monotonous monolithic bulk of the existing building. There is greater depth in the façade, adding interest, and the ground floor is more active and detailed to be more inviting. Overall the quality of detailed design and proposed materials is of a very high standard.
- 6.6.9. Amendments: The lowering of the atrium chimneys significantly reduced the visual prominence of the proposal is welcomed. The reworking of the roof extension to 67-69 is also a significant improvement. The relocation of the plant is also an improvement.
- 6.6.10 Summary of design issues: This is an excellent regeneration scheme resulting in a significantly enhance townscape and high quality architecture. The submission includes an impressive level of design detail and commitment. The extensions are sympathetically detailed and modulated to respond to the character and key views from surrounding heritage areas. The recognisable poor quality environment along Howland Street will be enhanced.

6.7. **Provision of open space**

- 6.7.1. The proposals include the formation of a new pocket park along Chitty St in a cut out area within the built form. The size of the park, at 231sqm, is similar in size to that of a popular pocket park in inner city New York, Paley Park, which has inspired its design. The aim is to create a secluded, quiet space in this densely built up

area. This character is created by an evergreen hedge (maintained at 1.5m height to allow glimpses into and out of the space) along the pavement edge with openings into the space. There is a further opening to the park on the east side adjacent to the residential block at 67-69 Whitfield Street. An evergreen hedge is also shown along the building wall to create a green wall along this edge. Tree planting throughout the space would provide scale and enclosure, shade in the summer and contribute to the street scene. Ground cover planting and planting in bespoke planters provide additional visual interest. It is proposed to supplement the tree planting within the pocket park with tree planting in the pavement to add to the character of the space. Nine trees are indicated on the drawings.

- 6.7.2. The park would remain in the ownership of the applicant and would not be transferred to the Council. For security purposes the park will be closed from dusk to dawn by sliding gates positioned behind the hedge, with the applicant responsible for ensuring access and maintenance. During the daytime, there is the potential for the ground floor units at each end of the park to be opened up to provide outdoor seating for an A1 café use. The open space has been designed to be a public park accessed from the street and with no office entrance opening onto it. Its position facing south on a quiet street would ensure it would have a pleasant aspect and overlooking from existing and proposed residential units, as well as the sliding gates, would help to deter crime and anti-social behaviour within. The S.106 agreement would ensure that public access to the park would be maintained, including at weekends.
- 6.7.3. Whilst it could be argued that given Fitzrovia's deficiency in open space, a larger pocket park should be secured on the site, it should be acknowledged that any increase in its depth would be at the expense of office floorspace. This would have attendant implications for the level of affordable housing and other community benefits that could be provided by the scheme. It is considered that the park has been well designed and laid out in a way to optimise its usability and function as an open space. In summary the park is likely to become a much valued open space.
- 6.7.4. Attention would need to be given to securing details of the construction of the park as well as a management plan to ensure it would remain publicly accessible and in a good condition. As it would be located above a plant room, regard would need to be given to the design of the deck to ensure that there is sufficient substrate for the planting the flourish.
- 6.7.5. Camden Planning Guidance allows for private amenity space to go some way towards the policy requirement for open space. As well as the pocket park, the development would see the creation of a number of roof terraces serving both the offices and residential units. There would be two more substantial communal terraces associated with the residential units at 1st and 3rd floor levels measuring 129sqm and 82sqm respectively. The latter would include children's play equipment. In addition, 13 of the units would have access to reasonably sized private roof terraces. The roof terraces associated with the B1 office would mainly be at a high level on the building, occupying strips along the edges of the upper storeys. These terraces would provide high quality amenity space, with some having green roof associated with them, whilst others would be sheltered by brise soleils.

6.7.6. The proposed development creates a calculated requirement for 2397sqm of open space, of which 1704sqm would be provided in the form of the publicly accessible pocket park and various roof terraces. Although this would represent a shortfall on the level of provision sought by the planning guidance, given the quality of design of the pocket park, the improvements to the environment of Chitty Street and the fact that the upkeep of the park would be the responsibility of the developer, it is not considered necessary to require an additional contribution towards off-site open space.

6.8. Ground floor uses

6.8.1. It is envisaged that smaller commercial units would be created on the ground and basement levels around the perimeter of the 80 Charlotte Street site. The majority of this would be in flexible B1/A1 use, with the option reserved for use of up to a maximum of 2499sqm as A1 floorspace. One of the units on the corner of Howland Street and Whitfield Street is identified as flexible B1/A1/A3 floorspace.

6.8.2. At present, there is limited interaction between the site and the adjacent streets as activity is limited one or two main entrance points. This aspect of the scheme would serve to open up the site and enliven the street scene, providing more activity throughout the day and a key objective of planning policies promoting mixed use developments. As there are no commercial frontages on the site at present, a Retail Assessment has been submitted to assess the impact of additional retail floorspace on the nearby centres on Charlotte Street and Tottenham Court Road. The report concludes that, given the high occupancy rates of the units in these centres, there would not be a significant adverse effect on their vitality and viability and the area could accommodate the additional retail units in accordance with the tests set out in Planning Policy Statement 4.

6.8.3. The Charlotte Street Association has commented that additional retail uses would be undesirable other than on the Howland Street frontage on the basis that the tranquil character of the area would be undermined. However, the number of residential units that would be disturbed by this aspect of the scheme are limited. The units on the Charlotte Street frontage, which already experiences the most activity at present as it is the main pedestrian entrance to the site, would read as a natural extension to the existing commercial frontage. There are no residents on the affected part of Whitfield Street whilst retail units on Chitty Street would support the newly created park in this location.

6.8.4. The prospective A3 use at the northeast corner of the site would be surrounded by offices and well away from any residential unit that could conceivably be affected by noise or disturbance arising from its operation. Although not part of a commercial frontage, the SPG on food, drink and entertainment uses in Central London specifically encourages the creation of A3 units in this part of Howland Street in order to bring activity to a street dominated by office blocks and with limited evening activity. Subject to standard conditions limiting hours of opening of any A3 use to no later than midnight and securing details of plant and extraction equipment, the prospective A3 use would be in accordance with the SPG and

policy DP12 of the LDF (for consideration of the effects on residential amenity of those outside the site please see paragraph 6.9.1 below).

6.9. Transport

- 6.9.1. The site is located in the Clear Zone Region. There is vehicular access to the site and it has a Public Transport Accessibility Level (PTAL) of 6b (excellent).
- 6.9.2. Off-street parking: There are approximately 80 off-street parking spaces within 80 Charlotte Street, and a site visit confirms that these are used to capacity. The development proposes to reduce this to 2 disabled parking spaces within a basement servicing area. As the site is in the Central London Area, this major reduction in off-street parking, encouraged by policy DP18, is very welcome. It would result in a reduction in traffic on the highway close to the site, in particular Chitty Street, which currently all vehicles exiting the site must use. A condition would ensure that the two spaces would only be used by blue badge holders.
- 6.9.3. Disabled parking: The two disabled parking spaces in the servicing area of 80 Charlotte Street are sufficient for the requirements of the office floorspace. No disabled parking is proposed for the residential units and an occupancy survey has been completed to justify the use of on street bays if required. Given its location and existing constraints on the residential area, it is acceptable for any disabled residents to utilise the existing on street parking bays.
- 6.9.4. Cycle Parking: A total of 223 cycle parking spaces are required for the development, including the office, retail and residential components. Separate cycle storage areas for the residential and commercial components of the 80 Charlotte Street development are located at basement level under 67-69 Whitfield Street and accessed via a ramp from Chitty Street. The commercial cycle storage would also include showers and changing areas, which is welcomed as it would facilitate longer distance cycle commuting. Two cycle parking areas would be provided at 65 Whitfield Street serving the entrances to the private/intermediate and social rented units. The cycle parking would be secure, undercover and have level access. As amended, 224 cycle parking spaces would be provided, using the Josta two-tier system. This is considered to be sufficient to comply with Camden's parking standards. A condition would ensure the submission of the details of the cycle parking, its provision and its long term retention.
- 6.9.5. Construction Management Plan (CMP): Policy DP20 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106. A construction methodology statement has been provided with the application. A full CMP is required to be submitted and approved, which ideally would see some co-ordination with works to adjacent sites. This will be secured via S.106 Agreement.
- 6.9.6. Servicing Management Plan (SMP): The applicant has provided an off street servicing bay for the commercial element which is acceptable. It is proposed to

service the residential units on-street. There is existing capacity for loading to occur around the site and therefore this is acceptable. A detailed SMP should be submitted to the Council prior to occupation, this will be secured via the S.106 agreement.

- .6.9.7 Travel Plan: Draft Travel Plans have been provided for both the residential and commercial elements of the scheme. The fact that the development would be car-free and have comprehensive cycle parking provision on a site with excellent public transport links will ensure the successful implementation of the travel plans, which would be secured via the S.106 agreement.
- 6.9.8. Highways contributions: In order to tie the development into the surrounding area, to ensure that damage to the footway during construction work is rectified and to remove the redundant crossover onto Chitty Street, a contribution of £20,424.96 is required towards highways works, to be secured via a S.106 agreement.
- 6.9.9. Pedestrian and Environmental Improvements: Given the increased pedestrian footfall in the streets surrounding the site, the scheme should contribute towards streetscape and pedestrian improvements in the area by way of a one-off payment of £130,000. This would be secured via a S.106 agreement.

6.10. **Neighbourhood Amenity**

- 6.10.1 Despite the size of the site and the scale of the existing buildings it accommodates, there are only a limited number of residential units in its immediate proximity as this part of Fitzrovia is mostly dominated by offices and commercial premises. Opposite the site on its northern and eastern sides are exclusively commercial premises. On the opposite side of Charlotte Street to the west are student halls of residence at Astor College. In this direction, the relationship between the site and Astor College would remain as existing; with the applicant's Daylight/Sunlight report demonstrating that light to this building's windows would be affected by a negligible amount by the extra storeys.
- 6.10.2 Of greater relevance are the flats on the opposite side of the much narrower Chitty Street to the southern side of the site, of which a number look out towards the site at 1 Chitty Street and 2-4 Chitty Street. The development would be set back from the existing building line at this point to provide for the pocket park. This reduces the impact of the development in terms of loss of light and arguably improves the outlook from the flats by providing an area of greenery opposite where previously there was a four storey building up to the edge of the footway. Nevertheless, and despite a marginal improvement resulting from amendments to the proposed atria, the applicant's Daylight/Sunlight report indicates that there would be a noticeable loss of light to the windows of flats facing onto the site at 2-4 Chitty Street. This would be in the order of 25%-35% when calculated using the BRE's Vertical Sky Component. However, the Average Daylight Factor (ADF) calculations in the Daylight/Sunlight report indicate that the affected windows would still receive a good level of daylight and well above the minimum standards recommended for ADF by the BRE and set out in Camden Planning Guidance. As well as the pocket park, it should also be noted that the existing vehicular egress from the site onto

Chitty Street would be deleted. This would result in a significant reduction of vehicular traffic on Chitty Street, including servicing vehicles, and an attendant reduction in noise and pollution. The overall impact of the development on the residents of Chitty Street is mixed with the benefits weighing against the disadvantages and considered acceptable in the round.

6.10.3 As the proposed structures would occupy the same positions as existing buildings, with windows in similar locations, there are no significant implications for loss of privacy. However, privacy screening would be required to the two terraces to the sides of residential roof terraces fronting onto Charlotte Mews, as there is potential for overlooking over a short distance into windows at the rear of 2-4 Chitty Street. In general, the introduction of residential units onto the 14 Charlotte Mews site would improve the amenities of that part of the street as it would improve natural surveillance to the adjacent vehicular undercroft and refuse storage areas.

6.10.4 All items of external plant on the 80 Charlotte Street site would be located on the roof of the proposed building at 9th floor level within bespoke acoustic enclosures. This is likely to improve the noise environment in the locality as at present the site features unscreened air conditioning units installed in an ad hoc fashion within lightwells and on the sides of buildings. Full details of plant including a final acoustic report would be secured by condition. Camden's standard noise condition would also be imposed. As a number of high level terraces would be created serving the offices it is considered appropriate to limit hours of access to these by condition to prevent unreasonable noise disturbance from events taking place there late in the evening.

6.10.5 The comments of the Fitzrovia Trust regarding the impact of the proposal on the existing children's playground on Whitfield Street in terms of loss of light and the impact of additional people using the area are noted. However, it is not considered that the additional height at 67-69 Whitfield Street would result in significant overshadowing of the playground whilst the increase in activity on this lightly frequented part of Whitfield Street would not be likely to have an adverse effect on the play area. In addition, overlooking from the proposed residential units would improve surveillance of the space when it is not in use. In summary, it is considered that the proposal would not significantly harm the amenities of local residents in accordance with policy CS5 and DP26 of the LDF.

6.11. Mix of Units

6.11.1 The proposed residential mix is as follows:

	Private	Affordable social rented	Affordable Intermediate	Total
1 bed	18	0	3	21
2 bed	18	9	1	28
3 bed	5	1	0	6
Total	40	10	5	55

6.11.2 Policy DP5 of Camden’s LDF seeks 2 bedroom units as a very high priority, with 3 bedroom units of medium priority and 1 bed ones of lesser importance on developments for private housing. Whilst recognising that the majority of the private units would have 2 and 3 bedrooms, a higher proportion of larger units at the expense of 1 bed units has been sought. However, the developer has declined to amend the unit mix, arguing that the difficulties of converting the existing buildings places limitations on the layout that can be achieved, with 1 bedroom units being the only practical option for some sections. The physical constraints of the site in terms of adapting existing buildings are acknowledged and whilst the unit mix for private housing falls short of what would be expected under policy DP5, this is considered acceptable in the wider context of the scheme.

6.11.3 The provision of a mix of 1 and 2 bedroom intermediate units and 2 and 3 bedroom social rented ones would be of medium and high priority, as set out in policy DP5. Whilst more 3 bedroom social rented units would be preferable, again the existing buildings’ floorplans reduce flexibility in this regard. It should also be noted that four of the social rented and two of the intermediate units would be wheelchair accessible, which caters for a much needed sub-section of affordable housing demand. The proposal is therefore considered to comply with policy DP5 in terms of the dwelling sizes proposed.

6.12. Standard of Accommodation

6.12.1 Camden Planning Guidance (CPG) 2006 requires that the floorspace of new residential units are of a minimum size as follows:

No. of persons	1	2	3	4	5	6
Minimum floor space (m ²)	32	48	61	75	84	93

6.12.2 The 10 social rented units would exceed the unit size required for a three person unit, with the larger three-bedroom unit exceeding the requirement for a 5 person unit at 86sqm. The majority of the social rented units would have a dual aspect, two would have access to private roof terraces and all would have use of an 82sqm communal terrace, which would also include children’s play equipment. The bedrooms of all the units would also be of ample size and in accordance with Camden Planning Guidance.

6.12.3 The market housing and intermediate units would likewise comply with the required space standards. The majority of these units would enjoy either a south facing aspect or a dual aspect, with the units at 67-69 Whitfield Street being in a particularly appealing situation. Care will need to be taken with the laying out of the communal roof terrace at 1st floor level at 65 Whitfield Street to ensure that the amenities of flats with windows overlooking this space would not be compromised. It is recommended that a condition be used to secure details of these measures.

6.12.4 A noise assessment has demonstrated that all the units would be in Noise Exposure Category B, being located some distance from major traffic

thoroughfares. This has been assessed by Camden's environmental health officer and found to be acceptable.

6.12.5 The applicants have demonstrated that the residential units meet the necessary Lifetime Homes criteria, and as such the proposals are acceptable in the context of this policy. Nine of the units would be wheelchair accessible, including four of the ten social rented units and all units would have level access via lifts. This complies with Camden Planning Guidance which aims for 10% of units in residential developments to be wheelchair accessible.

6.13. Sustainability

6.13.1 The development would involve the intensification of use of a brownfield site in a highly accessible location, with the majority of existing buildings to be retained. Furthermore, the site's existing car-centric layout would be eliminated and an area of publicly accessible green space would be created. The concept of the scheme therefore has impressive environmental credentials. It would address specific sustainability policy requirements as follows:

6.13.2 BREEAM and Ecohomes: The office and commercial parts of the scheme are required to meet a minimum level 3 rating (Very Good) under the Building Research Establishment Environmental Assessment Method (BREEAM), with the minimum score of 50% in each of the Energy, Water and Materials sub-sections. As amended, the scheme would target BREEAM level 4 (Excellent), with a pre-assessment indicating an overall BREEAM score of 76.48% and target credits achieved in each of the sub categories. A 'Very Good' level under Ecohomes would also be achieved, with the 67.5% of credits achieved falling slightly short of that required for an 'Excellent' rating (70%).

6.13.3 In addition to the features of the development detailed in 6.12.1 above, these scores would be achieved through the sustainable sourcing of materials, high insulation standards, a sustainable drainage strategy as well as through the energy saving and renewable measures detailed below. A full assessment and post-construction review to ensure that these initial scores are carried through into the construction phase would be secured through a S.106 agreement.

6.13.4 Renewable Energy: Developments over 1,000sqm must include the provision of renewable energy on site. The London Plan, which supersedes Camden's guidance, specifies that new developments should aspire to meet a 20% target. The emphasis in the proposed design is through reducing carbon emissions through passive design and energy efficiency measures. A key part of this system is the function of the four atria, designed to ventilate the building naturally and recycle waste heat. This element would also incorporate air source heat pumps and is expected to reduce emissions by approximately 39.6% of the office floorspace and 19% for the retail floorspace. Solar water heating would provide an additional 1.8% reduction in emissions for the office floorspace. The residential component of the scheme would see a reduction in emissions of 36% from through passive design and efficiency, with a further 9% reduction from solar hot water heating. The applicant has also confirmed that the development would be constructed so as to

allow for its connection to a district wide heating system should such a facility be developed in the future. This would satisfy one of the concerns of the GLA.

6.13.5 It is recognised that the development is constrained in terms of the level of energy efficiency and on-site generation that can be achieved since the majority of the buildings currently on the site would be retained. Nevertheless, a high performing system is proposed that would represent a marked improvement to the energy consumption of the site at present. Implementation of the Energy Strategy would be secured through the S.106 agreement, with the developer being required to use their 'best endeavours' to raise the renewables contribution further towards the 20% target.

6.13.6 Biodiversity: In general the proposals for biodiversity within the development are welcomed. Within approximately 115m of the proposed development lies a small open space, Whitfield Gardens, (also known or referred to as Crabtree Fields); which has long been a site for House Sparrows in Camden; listed as a priority species in the UK, London and Camden Biodiversity Action Plans. The ecological appraisal has made provision for this species, including house sparrow terraced nest boxes. Details of the location of these will be secured by condition.

6.13.7 The provision of green and brown roofs is also welcomed. Species selection and depth of substrate should be agreed prior to implementation. Any green roof will need a long-term maintenance plan to ensure that the biodiversity interest is maintained. Details of the green and brown roofs would be secured by condition, with an area to be put aside as a wildflower green roof as an alternative.

6.14. **Education Contributions**

6.14.1 There is no requirement for educational contributions to be provided on schemes for affordable housing. For the proposed private units, which would consist of 18 one-bedroom units, 17 two-bedroom units and 5 three-bedroom units, the total contribution would be £112,783 in accordance with Camden Planning Guidance. This figure would be secured through the S.106 agreement.

6.15. **Trees and landscaping**

6.15.1 There are 7 existing street trees which border the site which could be damaged during the construction process (with for example the erection of scaffolding). An arboricultural assessment has been submitted with the application demonstrating how these trees would be protected during construction, and these details are considered satisfactory. A condition would ensure the implementation of these measures.

6.16. **Community Facilities**

6.16.1 This development includes a relatively large number of residential units. There is no on-site indoor community space provision, so it's likely to increase pressure on community facilities in the Fitzrovia neighbourhood.

6.16.2 LDF development policy DP15 (Community and Leisure Uses) states that the Council will expect "developments that result in any additional need for community or leisure facilities to contribute towards supporting existing facilities or providing for new facilities". In line with DP15, if this application is approved, it would be reasonable to expect the development to make a contribution towards community facilities in the vicinity and for this to be secured as part of the section 106 agreement.

6.16.3 In this case we would require a contribution of £110,000, calculated as £2,000 for each residential unit, reflecting contributions secured in Camden through recent section 106 agreements for developments which include a mixture of commercial and market and affordable housing units. An appropriate project might be to provide equipment and support the development of new services at the new Fitzrovia Community Centre opening in spring 2011.

6.17. Employment and Local Procurement

6.17.1 LDF core strategy CS8 (promoting a successful economy) para. 8.25 states that large schemes which will have a significant job creation potential will be expected to provide local employment and procurement opportunities. This development is qualifies as a large scheme as it includes significant additional floorspace, demolition of existing buildings, and extensive refurbishment work, so the s106 heads of terms should include employment and local procurement obligations.

6.17.2 In particular these should include 1) an agreement to work with the Kings Cross Construction Skills Centre, the Council's construction skills centre in York Way, to support the recruitment of Camden residents to jobs created during the construction of the development and to work towards a target that 15% of jobs are filled by Camden residents; 2) an agreement to provide five construction industry apprenticeships to Camden residents recruited via the Kings Cross Construction Skills Centre, each apprentice to be employed for at least 52 weeks and paid at the National Minimum Wage or above and 3) an agreement to work with the Council's local procurement team to provide opportunities for Camden-based businesses to tender for the supply of goods and services during construction.

6.18. Contaminated land

6.18.1 As residential units are being introduced onto a site that has previously been occupied by some small scale commercial or light industrial activities, a contamination risk assessment has been submitted to support the application. This document has been assessed by the Council's contaminated land officer and found to be acceptable, subject to a standard condition requiring further investigations as the development progresses

6.19. Basement issues

- 6.19.1 The application includes limited alterations at basement level as the existing buildings around the perimeter of the site have lower ground floors and these would be utilised in the proposal. The existing floor level would be lowered by up to 0.6m to ensure a consistent basement level across the site. In line with the requirements of policy DP27, the application includes a Flood Risk Statement and structural details of how 67-69 Whitfield Street and the façade of 71-81 Whitfield Street would be retained during construction.
- 6.19.2 The Flood Risk Statement notes that the site is in an area identified as having a low risk of flooding and that the positioning of all the residential units above ground floor level would further reduce risk. Considering also that a sustainable drainage scheme, including rain water harvesting, forms part of the development, there would not be any additional flood risk as a result of the scheme. The structural details for the retention of the positive contributors are also considered acceptable and the scheme therefore complies with policy DP27.

7. CONCLUSION

- 7.1 The proposed development would provide a significant upgrade to an existing office complex in a highly sustainable development of excellent design quality. The scheme would see public benefits from a reduction in vehicular traffic, the provision of housing including 15 affordable units, a likely increase in employment on the site of between 510 and 620 jobs, the creation of a well conceived publicly accessible pocket park, the open up of 'dead' frontages to create retail units around the site and substantial financial contributions towards Crossrail, community and educational facilities and the public realm. This would be achieved whilst maintaining a reasonable standard of amenity for existing neighbours.
- 7.2. It is acknowledged that the development falls short of the Council's aspirations in that less than 50 percent of the uplift in floorspace would be residential and that less than 50 percent of this would be affordable. However, policies DP1 and DP3 of the LDF allow for lower proportions of residential where the economic and financial circumstances of a particular site place practical constraints. In this case the financial viability of the development has been scrutinised in close detail and the amount of residential floorspace provided represents the upper limit of what can be provided on this site. This has been verified by an independent expert. It is also noted that the GLA's requirement for a full Crossrail contribution places further limits on the level of affordable housing that can be achieved.
- 7.3. The shortfall in the provision of open space as set against the requirement calculated in accordance with planning guidance is a point to be taken into account against the proposed development. However given the other factors considered in this report which are in favour it is not considered that it would lead to a refusal of planning permission on this ground alone.

7.4 Planning Permission is therefore recommended subject to a S106 Legal Agreement covering the following Heads of Terms:

- Pedestrian signage and street improvements £130,000.
- Highway works contribution £20,425.
- Community facilities contribution £110,000.
- Education £112,783.
- Crossrail contribution £1,374,411.
- Affordable housing.
- Implementation of Energy Strategy and sustainability measures.
- Residential and business travel plans.
- Car-free residential/commercial.
- Service management plan.
- Construction management plan.
- Local employment and procurement.

7.3. In the event that the S106 Legal Agreement referred to above has not been completed within the timescale set out in the Planning Performance Agreement for 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 for affordable housing, would fail to ensure the provision of the required amount of affordable housing for the scheme contrary policy DP3 (affordable housing) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed development, in the absence of a legal agreement securing the implementation of the Energy Strategy and sustainability measures, would fail to assist in the overall reduction in carbon emissions contrary to policy CS13 (tackling climate change) of the London Borough of Camden Local Development Framework Core Strategy and DP22 (sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.
3. The proposed development, in the absence of a legal agreement securing a contribution towards Crossrail would fail to provide for necessary public transport infrastructure provision as required by policy 6A.4 of the London Plan Crossrail Alterations April 2010 and be contrary to policy CS5 (Managing impact of growth) of the London Borough of Camden Local Development Framework Core Strategy and DP16 (transport implications of development) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a Travel Plan, would be likely to give rise to significantly increased car-borne trips contrary policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP16 (transport implications of development) of the London Borough of Camden Local Development Framework Development Policies.
5. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policy CS11 (sustainable travel) of

the London Borough of Camden Local Development Framework Core Strategy and DP18 (parking standards) of the London Borough of Camden Local Development Framework Development Policies.

6. The proposed development, in the absence of a service management plan, would be likely to give rise to conflicts with other road users and pedestrians especially at peak times contrary to DP20 (movement of goods and materials) of the London Borough of Camden Local Development Framework Development Policies.

7. The proposed development, in the absence of a construction management plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to DP20 (movement of goods and materials) and DP26 (impact on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

8. The proposed development, in the absence of a local labour and procurement agreement would fail to contribute towards the economic renewal of the area contrary to policies CS5 (Managing impact of growth) and CS8 (promoting a successful and inclusive economy) of the London Borough of Camden Local Development Framework Core Strategy.

9. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians and cyclists contrary to policy CS19 (delivering the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.

10. The proposed development, in the absence of a legal agreement securing necessary contributions towards pedestrian signage and way-finding improvements in the area would fail to make sufficient provision in a sustainable manner for the increased trips generated by the development contrary to policies policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.

11. The proposed development, in the absence of a legal agreement for securing public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to DP31 (open space and outdoor recreation) of the London Borough of Camden Local Development Framework Development Policies.

12. The proposed development, in the absence of a legal agreement securing a contribution towards community facilities, would fail to provide for the needs of the future residents of the development contrary to policies CS5 (Managing impact of growth) and CS10 (Community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy.

13. The proposed development, in the absence of a legal agreement securing educational contributions, would be likely to contribute to pressure and demand on the Borough's education provision contrary to policy CS10 (Community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy.

8. **LEGAL COMMENTS**

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