

74 CHARLOTTE STREET, LONDON

PLANNING STATEMENT

Prepared by Pegasus Planning | Kahuna Ltd | December 2014 | LON.0204



PLANNING STATEMENT
FOR KAHUNA LTD.

74 CHARLOTTE STREET
LONDON
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1. INTRODUCTION

1.1 This Planning Statement has been prepared on behalf of Kahuna Ltd ('the applicant') in support of a planning application at 74 Charlotte Street and 6 Charlotte Mews ('the site') for the following proposed development:

"Demolition of the existing building behind retained façade to 74 Charlotte Street and erection of a replacement building comprising Class A3 (restaurant) at ground and basement levels and 5no. residential dwellings on the upper floors."

1.2 This application follows planning permission being granted at planning appeal on 20 September 2014 for a similar form of redevelopment comprising the demolition of the building behind retained four storey façade and redevelopment for a five storey building to comprise of Class A3 (restaurant) at ground and basement level and 4no. residential dwellings on the upper floors - Appeal Ref. APP/X5210/A/13/2193888. Associated to this, Conservation Area Consent was also granted at appeal under Ref. APP/X5210/E/13/2193893. As described later in this Statement, this application submission provides a similar form of development, albeit with a larger building envelope (but with no extra height), to that previously approved.

1.3 In addition to providing a description of the proposed development, this Statement principally sets out the background to the site including the planning history and planning policy framework. The main justification section then explores whether the proposal is compliant with the policies in national and local planning policy.

1.4 This Statement should be read in conjunction with the following documents submitted in support of this application:

- Architectural drawings (prepared by Darling Associates);
- Design and Access Statement (prepared by Darling Associates);
- Daylight / Sunlight Assessment (prepared by GVA);
- Heritage Assessment (prepared by Montagu Evans);
- Environmental Noise Survey (prepared by Graham Powell Consultants);
- Energy Statement (prepared by Graham Powell Consultants);

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- Outline Construction Methodology and Basement Impact Assessment (prepared by Michael Barclay Partnership and verified for the purpose of this application by Heyne / Tillett / Steel)
 - Construction Management Plan (prepared by Bennett).

1.5 The proposed development will create a mixed use development of the utmost quality to provide highly desirable new residential apartments in a prime location, as well as a new restaurant occupying the ground and basement floors, creating an attractive and active frontage to Charlotte Street.

2. SITE DESCRIPTION

- 2.1 The application site is located on the eastern side of Charlotte Street between Tottenham Street and Chitty Street. It is situated west of Tottenham Court Road, and is well served by public transport being 250m away from Goodge Street Underground Station. Warren Street and Tottenham Court Road Underground stations are also in close proximity together with regular bus services providing links to elsewhere in the West End and surrounding area. As such, the site is considered to have 'excellent' access to public transport, with a PTAL rating of 6b.
- 2.2 The application site is a four storey late 18th Century former townhouse, fronting Charlotte Street. The building runs through to Charlotte Mews where it reduces to two storeys in height. The subject property was last in use as a jazz bar/restaurant until May 2011. Prior to this, the property has been in a long established Class A3/ A4 use including Jamie's restaurant/bar since 1997. The planning history for the property indicates that the property has been in use as a restaurant for over 30 years.
- 2.3 The site is located in the Charlotte Street Conservation Area; but it is not a statutory listed building. It is adjacent to a modern 7 storey office development (Class B1) on the north side (74a Charlotte Street) and abuts a Grade II listed building to the south (72 Charlotte Street). A detailed assessment of the heritage and conservation issues associated with the property is set out in the accompanying Heritage Assessment.
- 2.4 Charlotte Street area is characterised by a mix of residential, shopping and commercial uses. The northern end of Charlotte Street has a concentration of cafes, bars and restaurants, but it is generally quieter than the main thoroughfares, such as Tottenham Court Road. The southern end of Charlotte Street is more commercial in character, with some buildings in a state of disrepair.
- 2.5 The wider Conservation Area is characterised by a mix of traditional Georgian and modern buildings. The north end of Charlotte Street includes a number of modern buildings which are considered by the Conservation Area Appraisal for the Charlotte Street area to detract from its character. In particular, No. 74a is much larger than the adjacent terrace of period properties nos. 64-74 (inclusive of the application site) and consequently appears overbearing in form and scale. It is a six storey office building with a seventh floor setback at Charlotte Street and

auxiliary roof accommodation. The building reduces in height to 3 storeys at Charlotte Mews with setbacks.

- 2.6 Charlotte Mews contains a mix of uses and building types. Many of the traditional mews buildings have been substantially altered or replaced whilst a few remain resulting in a varied character in terms of design and appearance of buildings within the mews. The mews includes a number of office/commercial uses.
- 2.7 According to the Environment Agency Flood Maps, the site is located within Flood Zone 1 which has the lowest probability of flooding.
- 2.8 Photographs of the site and surroundings are included at **Appendix 1**.

APPENDIX 1 –PHOTOGRAPHS OF THE SITE AND SURROUNDINGS

3. PLANNING HISTORY

- 3.1 Of particular relevance, planning permission and conservation area consent were granted at planning appeal for the following redevelopment of the site (Appeal Ref. APP/X5210/A/13/2193888 and APP/X5210/E/13/2193893):

"Demolition of building behind retained four storey front façade and redevelopment for a 5 storey building that includes a new mansard roof level with rear terrace, a rear terrace at second floor level, plus excavation to form a basement level with front lightwell, to accommodate restaurant (Class A3) at basement and ground floors and 4no. residential flats on upper floors to be communally accessed from Charlotte Mews."

- 3.2 During the course of the application submission, the development scheme was reduced in massing following comments received from the Planning Officer. Despite this, Camden Council originally refused planning permission for the following reason (LPA Ref. 2012/2133/P):

"The proposed re-development scheme by reason of its height, bulk, mass and detailed design would fail to enhance the character and appearance of the Charlotte Street Conservation Area to an appreciably greater extent than the existing building..."

- 3.3 Conservation Area Consent for the following reason (LPA Ref. 2012/2187/C):

"The proposed demolition would result in the substantial loss of an undesignated heritage asset, to the detriment of the character and appearance of the Charlotte Street Conservation Area..."

- 3.4 The Planning Inspector discounted these reasons for refusal and concluded that *"the proposed redevelopment would provide substantial public benefits that outweigh the limited harm"*. This current application submission should therefore be considered in the context of the Planning Inspector's decision, which is enclosed at Appendix 2 for reference.

APPENDIX 2 – PLANNING APPEAL DECISION

- 3.5 A review of Camden Council's planning register also identifies the following planning history of relevance:

- Ref. PL/8601501/R1 – Planning permission was refused in January 1987 for alterations to the roof of the building at the rear of Charlotte Mews and

erection of an extension between this building and the main building at first floor level for restaurant use. The stated reason for refusal was that *"the proposed extension involves an increase in restaurant floorspace resulting in an intensification of restaurant use at the premises which is considered would adversely affect the amenity of adjoining occupiers of adjoining buildings"*.

- Appeal Ref. T/APP/X510/A/87/064757/P4 - Planning permission was granted at appeal in August 1987, which establishes that the lawful use of the property at the time of the appeal is Class A3 restaurant use. The Inspector concluded that *"given the existing use of the premises as a restaurant with no planning restrictions on its hours of operation, and the presence of other restaurants in close proximity, I do not consider that local residents would notice a change in the size of the premises"*. The Inspector concluded that it would be unreasonable to attach a condition restricting hours of operation since there were none in place at the time of appeal.
- Appeal Ref. T/APP/C/91/X5210/608229/P6 - An enforcement notice was served to the premises relating to material change in use of the second and third floor from residential to offices/restaurant/ancillary use. An appeal in 1992 against this was allowed. The Inspector deemed the third floor only to be for residential use, however accepted that due to no separate access this accommodation was connected to the restaurant operation of the premises.
- Ref. PS9704244R2 - Planning permission for changes to the "shopfront" of the premises was granted in 1997. The plans submitted as part of this application indicate that the property comprised a restaurant/bar at basement, ground and first floor level and a residential use on the third floor.

3.6 It is demonstrated from the above planning history, that the site has a long history of providing a mix of uses, including restaurant / bar, with an active frontage onto Charlotte Street, and residential accommodation above (albeit historically ancillary to the restaurant / bar operation).

4. DEVELOPMENT PROPOSAL

- 4.1 The planning application proposes to demolish the existing building while retaining the front facade to Charlotte Street. The replacement building will deliver high quality new restaurant space at ground floor and basement level and 5no. residential units on the upper floors.
- 4.2 This application forms a resubmission of that originally considered by Camden Council under Ref. 2012/2133/P. This scheme was reduced in scale during determination of the application, however in light of the recent Planning Inspector's comments and decision to grant planning permission for the redevelopment of this building, the applicant now wishes to return to the scheme originally submitted.
- 4.3 When compared to the scheme recently approved, there are minor internal changes at basement, ground and first floor level, whilst the rear building line of the second, third and fourth floor is extended to make provision for additional floorspace and a reconfigured 5 dwelling layout. Consequently, there is no change to the appearance of the building from the principal elevation fronting Charlotte Street.
- 4.4 In accordance with the previously approved planning permission at this site, a new frontage to the restaurant will be created on Charlotte Street at street level that is fully accessible. The original lightwell to the basement on Charlotte Street will be reinstated. A new glass frontage is proposed to provide a high quality street presence to the proposed new restaurant; this respects the proportions of the existing window apertures at ground floor level. The glazed frontage will continue to basement level to provide natural daylight to the restaurant level below. The lightwell area will be landscaped to provide and improve visual amenity. A new door aperture to Charlotte Street will complement the new 'shopfront' to the restaurant.
- 4.5 The replacement building structure behind the retained Charlotte Street facade will allow for a secure separate entrance to the residential element from Charlotte Mews. This will provide access via a new access core located centrally within the building and a secure bicycle store. Service access to the restaurant and the refuse storage area will be from Charlotte Mews.
- 4.6 The replacement building will rise to a height of two storeys on Charlotte Mews with a third storey set back floor. A new replacement mansard roof to the

Charlotte Street frontage will be created that is sympathetic to the character of the Georgian building in terms of style and materials proposed. The mansard roof will enable the inclusion of an additional floor of residential accommodation within the property, thereby optimising on the potential of a previously developed site.

Restaurant Accommodation

- 4.7 Principally accessed from Charlotte Street, the restaurant (Class A3) accommodation measures 425sqm (GEA) at ground floor level and basement level. A disabled toilet is provided at ground floor level, with male and female toilets provided at basement level. The kitchen and back of house area is also provided at ground floor level.

Residential Accommodation

- 4.8 Accessed from Charlotte Mews, a mix of unit sizes will be provided as follows:
- First floor level – 1 x 2 bed and 1 x 1 bed apartment;
 - Second floor level – 1 x 3 bed apartment;
 - Third floor levels – 1 x 3 bed apartment;
 - Fourth floor level – 1 x 2 bed apartment.
- 4.9 Private amenity space will be provided for the one bed apartment at first floor level and the three bed apartment at second floor level.
- 4.10 All units provide a high level of residential amenity internally, exceeding London Plan minimum residential space standards. All units will be built to lifetime homes standards.

Urban Design and Conservation

- 4.11 The Charlotte Street facade, which is considered to provide the most significant contribution to the character of the Charlotte Street Conservation Area is to be retained. The replacement mansard roof is of a style similar to other Georgian style roof facades in the Charlotte Street area and will be of traditional slate materials in keeping with the character of the Conservation Area.
- 4.12 The replacement building to the rear will be of stock brick of a traditional, light brown multi-blend in keeping with the character of the area. A feature panel of brick patterning will be included at ground floor and upper floor levels which will

provide a contemporary feel to this traditional material and add visual interest to the facade treatment.

- 4.13 The Charlotte Mews frontage will include two window openings which will be finished with timber screening. The service access to the restaurant will be covered by timber cladding.
- 4.14 In terms of height and massing, the building has been designed to respect the proportions of the original building with two storeys at the mews end and a third storey set back. Development at the Charlotte Street side will respect the proportions of the existing property and retained facade incorporating an additional level of accommodation behind a new mansard roof.
- 4.15 The replacement building structure will include additional massing to the rear beyond the envelope of the existing building; however, this extension will house the lift and stair access core for the new residential units. A light well will be incorporated at first floor level to respect the proportions of the traditional form.

Access and Accessibility

- 4.16 The building has been designed to be fully accessible in accordance with Equality Act 2010 requirements. Restaurant customers will enter the restaurant via the bridge feature spanning the lightwell providing level access. A lift and stairs will provide access to the lower ground (basement) floor level of the restaurant. The non-residential element will be fully compliant with Part M of the building regulations.
- 4.17 Access into the residential part of the building, from Charlotte Mews, is via a double width staircase; however, this incorporates a concealed 'Sesame' platform lift system. This will be activated via a discrete control panel at the foot of the stairs.

Transport and Parking

- 4.18 Being located in central London, the proposed development is 'car free'. In line with Camden's guidance, 6no. secure cycle parking bays for use by the residential units are provided. Within the constrained site footprint it is not possible to provide cycle parking for the restaurant element within the building.
- 4.19 The existing lawful use of the property is as a restaurant/bar which was used more intensively as a blues club. The proposals are expected to result in a net decrease in total person trips to and from the site, in addition to a reduction in

the level of service vehicles generated. Given that only 5no. residential units in total are proposed, the proposals are not considered to necessitate a full transport statement or travel plan as the proposals will not have a material impact on transport conditions locally.

- 4.20 Access and servicing will be as per the existing arrangements from Charlotte Mews.

Sustainability and Energy

- 4.21 The proposals have been designed to meet the highest standards of sustainable design and construction. BREEAM 'Very Good' for the restaurant element and Code for Sustainable Homes Level 4 for the residential will be targeted. The Energy Statement submitted as part of this application sets out that a range of on-site renewable and low carbon energy sources will be incorporated to provide for the development's energy needs including air source heat pumps, green roof, solar and PV panels.
- 4.22 The building and its fittings will be designed to be energy efficient. Overall it is intended that the range of measures to be included in the proposed development will result in a 30% reduction in CO2 emissions compared to the baseline demand.

Amenity Considerations

- 4.23 The Daylight and Sunlight report submitted as part of the application demonstrate that the proposals will not have any adverse impact on surrounding properties.
- 4.24 The Acoustic Report, also forming part of the planning application, establishes the ambient noise levels in the vicinity of the site and recommends specific noise levels within which the proposed plant and machinery will need to operate. This demonstrates that there will not be any issues in meeting Camden's noise criteria.

5. PLANNING POLICY AND GUIDANCE

5.1 The following planning policy is considered of relevance.

National Planning Policy

National Planning Policy Framework (March 2012)

5.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaces Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).

5.3 **Paragraph 6** of the NPPF states that the purpose of the planning system is to contribute to sustainable development. In terms of what is meant by 'sustainable development', the NPPF states at **Paragraph 7** that there are three dimensions to sustainable development (economic, social and environmental) and three roles that the planning system needs to perform.

- *"An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *A social role – supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing; and*
- *An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use that natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

5.4 In respect of implementation, **Paragraph 14** advises that at the heart of the NPPF is a presumption in favour of sustainable development that should be seen

as a golden thread running through both plan making and decision taking. It advises that for decision taking, this means:

- *“approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
or
 - *specific policies in this Framework indicate development should be restricted.”*

5.5 Furthermore, **Paragraph 47** of the NPPF states:

“To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements with an additional buffer of 5% (moved forward from late in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under-delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from late in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*

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- *identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15.*"

5.6 Importantly, **Paragraph 49** states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if a local planning authority cannot demonstrate a five year supply of deliverable housing sites."

5.7 If a Council cannot demonstrate a five year supply of deliverable housing sites, then Paragraph 14 is engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

5.8 **Paragraph 50** confirms that local planning authorities should create inclusive and mixed communities by planning for a mix of housing needs based on current and future demographic trends, market trends and the needs of different groups in the community (such as families with children).

5.9 The Framework recognises that Town Centres are integral to communities and as such their viability, vitality and competitiveness should be supported. Local Authorities should define the extent of town centres and their primary shopping areas and set policies which define the uses considered acceptable in such locations. As such, the Government continues to support the 'town centre first' principle. The Framework recognises that residential development can play an important role in ensuring the vitality of town centres and where centres are in decline, local authorities should plan positively to encourage economic activity (**Paragraph 23**).

5.10 In respect of national planning policy relating to heritage and conservation, the NPPF states that planning authorities should set out a positive strategy for the conservation of the historic environment. According to the NPPF, development plans should require applicants to describe the significance of any heritage assets affected by prospective development in a level of detail "*proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*" (**Paragraph 128**).

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- 5.11 When determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness (**Paragraph 131**).
- 5.12 The NPPF goes onto state that where proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPA's should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (**Paragraph 133**).

Local Planning Policy

- 5.13 The Development Plan for Camden Council primarily consists of the Adopted Core Strategy (Nov 2010) and Development Policies (Nov 2010) and relevant Supplementary Planning Guidance.
- Core Strategy (Nov 2010)
- 5.14 **Policy CS6: Providing Quality Homes** - stipulates that housing is a priority land-use of the Camden LDF. Camden will seek to maximise the supply of additional housing to meet or exceed Camden's target of 5,950 homes from 2007 – 2017, including 4,370 additional self-contained homes, whilst minimising the net loss of existing homes and affordable housing.
- 5.15 As set out in dwelling size priority table, there is a requirement for a variety of unit size in new developments, whilst 50% of additional housing floorspace should be the provision of affordable housing (with guidelines of 60% social rented and 40% intermediate housing).
- 5.16 **Policy CS8: Promoting a successful and inclusive Camden economy** – seeks to secure a strong economy in Camden, including recognising the

importance of employment generating uses including retail, markets, leisure, education, tourism and health.

- 5.17 This policy acknowledges that the future supply of offices in the borough will meet the current demand and therefore the Council will consider proposals for other uses of older office premises if they include the provision of permanent housing.
- 5.18 **Policy CS9: Achieving a successful Central London** – supports and promotes the Central London area of Camden as a successful and vibrant part of the capital through, inter alia, supporting Central London as a focus for growth in homes, offices, hotels shops and other uses, preserving and enhancing the area’s historic environment and managing the location and concentration of food, drink and entertainment uses and their impact.
- 5.19 **Policy CS14: Promoting high quality places and conserving our heritage** – requires development to:
- Be of the highest design standards that respects local context and character;
 - To preserve and enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;
 - To promote high quality landscaping and works to streets and public spaces;
 - To seek the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;

Development Policies Document (Nov 2010)

- 5.20 **Policy DP1: Mixed use development** – stipulates that the Council will require a mix of uses in development where appropriate, including a contribution to the supply of housing.
- 5.21 **Policy DP2: Making full use of Camden’s capacity for housing** - seeks to maximise the supply of additional homes in the Borough by expecting the maximum appropriate contribution to supply of housing on sites that underused or vacant, taking into account any other uses that are needed at the site.

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- 5.22 **Policy DP3: Contributions to the supply of affordable housing** – expects all residential developments with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing.
- 5.23 **Policy DP6: Lifetime homes and wheelchair housing** – requires all housing development to meet lifetime homes standards. 10% of homes developed should either meet wheelchair housing standards, or be easily adapted to meet them.
- 5.24 **Policy DP12: Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses** – states that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. The council will consider, inter alia:
- The cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;
 - The impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
 - Parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
 - Noise and vibration generated either inside or outside of the site;
 - Fumes likely to be generated and the potential for effective and unobtrusive ventilation;
 - The potential for crime and anti-social behaviour, including littering.
- 5.25 Where a change of use has been justified to the Council's satisfaction, they will seek to maintain some business use on site, with a higher priority for retaining flexible space that is suitable for a variety of business uses.
- 5.26 Where premises or sites are suitable for continued business use, the Council will consider redevelopment proposals for mixed use schemes provided that, inter alia, the level of employment floorspace is maintained or increased and they include other priority uses such as housing and affordable housing.

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- 5.27 **Policy DP15: Community and Leisure uses** - expects developments that result in any additional need for community or leisure facilities to contribute towards supporting existing facilities or providing for new facilities.
- 5.28 **Policy DP16: The transport implications of development** – seeks to ensure that development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links.
- 5.29 **Policy DP18: Parking standards and limiting the availability of car parking** – seeks to ensure that developments provide the minimum necessary car parking provision. The Council will expect development to be car free in the Central London Area.
- 5.30 **Policy DP22: Promoting sustainable design and construction** – requires development to incorporate sustainable design and construction measures, such as green or brown roofs and green walls, and including demonstrating how sustainable development principles have been incorporated.
- 5.31 **Policy DP24: Securing high quality design** – requires all developments to be of the highest standard of design and will expect developments to consider, inter alia, character, setting, context, form and scale of neighbouring buildings, the character and proportions of the existing building and the provision of visually interesting frontages at street level.
- 5.32 **Policy DP25: Conserving Camden’s Heritage** – states that the Council will:
- Take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
 - Only permit development within conservation areas that preserves and enhances the character and appearance of the area;
 - Prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention.
- 5.33 **Policy DP26: Managing the impact of development on occupiers and neighbours** – seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.

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- 5.34 **Policy DP27: Basements and lightwells** – stipulates that the Council will require an assessment of the scheme’s impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. Basements will only be permitted when they do not cause harm to the built and natural environment and local amenity and do not result in flooding or ground instability.
- 5.35 Developers will be required to demonstrate by methodologies appropriate to the site that schemes:
- Maintain the structural stability of the building and neighbouring properties;
 - Avoid adversely affecting drainage and run-off or causing other damage to the water environment;
 - Avoid cumulative impacts upon structural stability or the water environment in the local area.
- 5.36 The Council will consider whether schemes:
- Harm the amenity of neighbours;
 - Lead to the loss of open space or trees of townscape or amenity value;
 - Provide satisfactory landscaping, including adequate soil depth;
 - Harm the appearance or setting of the property or the established character of the surrounding area; and
 - Protect important archaeological remains.
- 5.37 **Policy DP28: Noise and Vibration** – seeks to ensure that noise and vibration is controlled and managed.
- 5.38 **Policy DP30: Shopfronts** – expects a high standard of design in new and altered shopfronts, canopies, blinds, security measures and other features. The Council will resist the removal of shop windows without a suitable replacement and will ensure that in appropriate cases where shop, service, food, drink and entertainment uses are lost, a shop window and visual display is maintained. When considering proposals for shopfront development, the Council will consider:
- The design of the shopfront or feature;
 - The existing character, architectural and historic merit and design of the building and its shopfront;

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- The relationship between the shopfront and the upper floors of the building and surrounding properties, including the relationship between the shopfront and any forecourt or lightwell;
 - The general characteristics of shopfronts in the area; and
 - Community safety and the contribution made by shopfronts to natural surveillance.

Supplementary Planning Guidance

CPG1: Design

- 5.39 CPG1 seeks to ensure high standards of design throughout Camden. The guidance sets out a range of design related issues for both residential and commercial property and the spaces around them.

CPG2: Housing

- 5.40 CPG2 seeks to ensure high quality housing is provided throughout Camden. The guidance provides information on all types of housing development, including affordable housing, student housing, residential space standards and *inter alia* lifetime homes and wheelchair housing.

CPG3: Sustainability

- 5.41 CPG3 provides information on ways to achieve carbon reductions and more sustainable developments in order to help tackle climate change.

CPG4: Basements and Lightwells

- 5.42 CPG4 sets out the information the Council will require when assessing development proposals for basements and lightwells.

CPG5: Town Centres, Retail and Employment

- 5.43 CPG5 provides guidance on how to achieve balanced centres, including controlling the impact of food, drink and entertainment uses.

CPG6: Amenity

- 5.44 CPG6 provides guidance on how to sustainably manage growth so that it avoids harmful effects on the amenity of existing and future occupiers and nearby properties.

CPG7: Transport

- 5.45 CPG7 provides guidance to ensure development proposals meet the sustainable transport objectives of the Borough.

CPG8: Planning Obligations

- 5.46 CPG8 sets out what form of development requires a legal agreement to provide planning obligations to mitigate the negative impacts of a development.

Fitzrovia Area Action Plan (Fitzrovia AAP)

- 5.47 The Fitzrovia Area Action Plan (FAAP) was formally adopted in March 2014 and sets out a vision for the area, ensuring that growth takes place in a way that balances the need for residential, institutional and commercial uses, whilst minimises the harm to residential amenity. Furthermore, the Fitzrovia AAP seeks to coordinate development proposals across a number of significant sites and ensure that sustainable growth delivers the maximum benefits to the area.

6. PLANNING ASSESSMENT

6.1 Having reviewed the relevant planning policy at both national and local level, the key issues in the determination of this application will be given consideration below:

- i. Land Use and Principle of Development
- ii. Differences from Extant Permission
- iii. Residential Amenity
- iv. Design, Conservation and Heritage
- v. Noise and Nuisance
- vi. Basement
- vii. Transport
- viii. Sustainability

i) **Land Use and Principle of Development**

6.2 The existing lawful use of the premises, as demonstrated by the planning history for the site, is as a restaurant and bar. A Class A3 use has been long established with the property in use as Jamie's restaurant/bar from the late 90's until the late 00's. Following this, the premises was in use as the Charlotte Street Blues Bar prior to its closure in 2011. As can be seen from the existing layout plans for the property, the kitchen area occupies a significant proportion of the basement level, therefore further demonstrating that the established use was as a restaurant.

6.3 The use of the ground floor and basement level as a restaurant is in line with the existing lawful use of the premises and is considered acceptable. Furthermore, the proposals will bring back into use a currently vacant unit. The condition of the property and the quality of the restaurant offer and vibrancy of the area will be significantly improved.

6.4 National and local planning policy is supportive of the principle of development which enables a mix of uses to co-exist on sites, with residential development supported within sustainable locations such as this. The proposed 5no. dwellings to be provided on the upper floors of the property are to be provided on 'previously developed land' and will contribute to meeting the Council's housing

requirements. Consequently, the delivery of Class A3 floorspace at ground and basement level, with 5no. new residential units on the upper floors meets with the overarching objectives of Camden's LDF policies CS6, DP1 and DP2, the Fitzrovia AAP and the NPPF which seek to deliver new homes.

6.5 Consequently, it is contended that the mixed use development of this brownfield site for residential / restaurant use is entirely acceptable in land use terms and accords with national and local planning policy.

ii) Differences from Extant Permission

6.6 The scheme for which planning permission is now sought is a resubmission of planning application Ref. 2012/2133/P, as originally submitted. Following comments from third parties and in response to a request from the Planning Officer, during the course of determination, the rear elevation of the development scheme was reduced in scale (to that which has subsequently been approved at planning appeal). The changes resulted in the reduction in the massing of the second, third and fourth floor and also alterations to the internal configuration of the building resulting in a reduction in the number of dwellings proposed (from 5no. to 4no. dwellings).

6.7 In light of the appeal decision, planning permission is now sought for the mixed use redevelopment of this site to provide 5no. dwellings on the upper floors, which results in a slightly larger building envelope than that currently permitted. In total, this revised application seeks to provide 99sqm (GEA) of additional floorspace compared with that previously approved.

6.8 The additional massing in question, relates to the rear access wing that would contain the staircase and one of the bedrooms at second, third and fourth floor levels. This rear wing would be positioned alongside the flank elevation of the adjoining 7-storey office building to the north, namely 74a Charlotte Street. Although extending beyond the rear elevation of this property by approximately 4.6m, the development proposal would effectively mask this overbearing structure from certain viewpoints within the Conservation Area. Furthermore, when viewed in context, the Mews has a varied streetscape with no uniform pattern of building projection. Consequently the development proposal is considered entirely acceptable when viewed within context.

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- 6.9 There would be no loss to amenity of No. 74a Charlotte Street, considering the property is within non-residential use and the closest 2no. windows to the application site service the rear staircase, rather than occupied office floorspace.
- 6.10 There is no change to the appearance of the building from the principal elevation fronting Charlotte Street and there is no alteration to the side elevation or interface with the Grade II listed building of No. 72 Charlotte Street.
- 6.11 Consequently, when considering the difference between the scheme which was recently been granted planning permission at appeal, and the development proposal subject to this application submission, there is not considered to be a significant material impact which would warrant the refusal of planning permission. Therefore, the development proposal is considered entirely acceptable and in accordance with local and national planning policy.

iii) Residential Amenity

- 6.12 The proposed development has specifically been designed to ensure future occupants have a high standard of amenity, whilst the amenity of neighbouring properties is protected.
- 6.13 The proposed development will deliver a mix of unit sizes (1 x 1 bed, 2 x 2 bed and 2 x 3 bed) in accordance with Camden's adopted policies DP5 which prioritises 2 and 3 bedroom units.
- 6.14 The development proposes a high quality of residential accommodation with all units exceeding London Plan minimum unit size standards and achieving lifetime homes standards. Each dwelling is therefore considered of acceptable size so that future occupants enjoy a high standard of amenity. The proposals are therefore in accordance with Camden's adopted policies CS6 and DP6 and London Plan policy 3.5.
- 6.15 All units will achieve the required standards of daylight and sunlight.
- 6.16 In terms of residential amenity, roof terraces will be provided for two of the units. Due to the constraints of the site, it is not possible to incorporate private amenity space for all of the apartments.
- 6.17 In respect of neighbouring amenity, the proposed development will not result in any direct overlooking of surrounding residential dwellings. There is approximately 18m separation between the application site and properties located

on the west side of Charlotte Street. This establishes a typical street frontage of mutual overlooking across a road and therefore is considered entirely acceptable.

- 6.18 In respect of Charlotte Mews, there is a separation distance of approximately 8m at ground level, however this increases to approximately 10.5m at first floor level where residential accommodation is provided and 17m at second, third and fourth floor level. The properties located within Charlotte Mews, opposite the application site, are in non-residential uses and therefore the proposal will not result in any loss of privacy to surrounding properties. Overlooking was not considered an issue in the determination of previous application at this site and given the scale of the proposal is largely similar to that previously approved, the development is not expected to impact upon the amenity of surrounding residential dwellings.
- 6.19 The Sunlight and Daylight report submitted as part of the application demonstrates that the proposals will not have any adverse impact upon the amenity of surrounding properties in terms of daylight and sunlight.
- 6.20 Consequently, it is contended that the proposed residential development will provide a high standard of amenity for future occupiers, whilst not impacting upon the amenity enjoyed by existing residential properties within the immediate vicinity.

iv) Design, Conservation and Heritage

- 6.21 Due regard has been had to the heritage context of the application site in respect of the site's location within the Charlotte Street Conservation Area and adjacent to a Grade II listed building. The proposals have been informed by the advice of an historic building's expert at an early stage.
- 6.22 The property is identified as a positive contributor to the character of the Conservation Area and as such it is considered an "undesigned heritage asset". This is largely based on the historic late 18th century facade. The proposals comprise retention of the front facade to Charlotte Street and redevelopment behind this to provide a replacement building.

Demolition

- 6.23 The key issue in terms of conservation is the impact that demolition of the structure, with the exception of the facade, will have on the significance of the designated and undesigned heritage assets.

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- 6.24 The Heritage Statement submitted as part of this planning application assesses the significance of No. 74 Charlotte Street and 6 Charlotte Mews as a heritage asset. It identifies that the inherent value lies within the front facade at first, second and third floor levels. The ground floor and roof of the property have been significantly altered.
- 6.25 The report also concludes that the listed building at 72 Charlotte Street would be enhanced through the restoration of the facade.
- 6.26 The proposals include the introduction of a replacement mansard roof of a traditional slate construction sympathetic to the character and the style of the conservation area. The Heritage Statement identifies that the existing roof to No.74 does not form part of a continuous roof line, and the structure has been significantly altered through additions of dormers and velux windows. The roof is also concealed from view at street level. The replacement of the roof in conservation and planning terms will have a less than harmful impact on the character of the conservation area but also allow a heritage asset to be brought back into valuable use.
- 6.27 The ground floor of the property has been altered so significantly, that the introduction of a new shopfront at ground floor and basement level is considered acceptable. The proposed design provides a modern response sympathetic to the proportions of the existing windows and door apertures and will complement the existing facade.
- 6.28 In order to provide fully separately accessible residential units that meet lifetime homes and Equality Act requirements it is necessary to extend the existing building to accommodate a lift and stair access core.
- 6.29 In conclusion, the only sensible option in order to secure a sustainable re-use of the building whilst retaining the significance of the heritage asset, is to pursue demolition behind a retained facade. This will enable optimisation of the site's development potential to deliver a mix of residential units and a new high quality restaurant space at ground floor level. The proposals are therefore considered acceptable in terms of Camden's policies DP24, DP25 and CS14.
- 6.30 It is important to note that when assessing the extant permission, the Planning Inspector concludes:

"It is therefore considered essential that the front elevation to Charlotte Street be retained, in order to preserve the character and appearance of the Conservation Area... there would be harm in the removal of parts of the remainder of the building, but by no mean all of it, as the modern additions and alterations do not contribute to its significance. However, the harm to the designated heritage asset of the listed building would be minimal and having regard to the size and quality of the Conservation Area, the harm to that designated heritage asset would be real but limited."

Quality of Replacement Scheme

- 6.31 The proposed replacement building has been designed to complement and enhance the character of the Conservation Area. A modern design response, sympathetic to the characteristics of surrounding buildings is considered to be more appropriate than pastiche or replica facade treatments.
- 6.32 The planning application drawings and Design and Access Statement illustrate that a high quality design for the replacement building has been achieved through the use of appropriate materials such as light brown brick and timber treatments to the doors and windows. The replacement mansard roof will be a traditional slate material in keeping with the traditional style within the area. The existing facade will be restored and enhanced. The brick relief design will add visual interest to the rear facade of the building.
- 6.33 The bulk and massing to the rear has been designed to respect the proportions of the adjacent buildings. The extension to the rear of the property beyond the existing building envelope mirrors a transition from the larger building at 74a Charlotte Street to the terrace of adjacent period properties to the west.
- 6.34 The design response at the mews end of the building is also considered appropriate in terms of height and scale. The two storey extension will not exceed two storeys but will include a third storey set back beyond a mansard roof. This is considered to respect the proportions of adjacent buildings.
- 6.35 The proposals provide a high quality of design, appropriate to the context. The proposals are therefore in accordance with Camden's LDF policies CS14, DP24 and DP25.

v) Noise and Nuisance

- 6.36 The Noise Assessment submitted as part of the application assesses the ambient noise levels in the surrounding area and sets out robust noise standards that any plant machinery will need to meet. The plant/extraction machinery to be incorporated within the proposed development has not yet been specified however, it is intended that it will meet the prescriptive noise standards set by the Acoustic Report. Further details can be submitted to Camden for approval – this can be dealt with as a condition to the permission.
- 6.37 The separation between the residential and restaurant uses will also need to meet stringent Building Regulations standards for noise insulation. As above, these details can be provided to the Council at an appropriate stage and dealt with by condition.
- 6.38 The potential for noise and disturbance from the construction process will be regulated through a Construction Management Plan. The contractors will also partake in the ‘considerate constructors scheme’.
- 6.39 Given the existing lawful use of the site and the well-established use of the premises as a restaurant, the proposals will not create any noise and disturbance for local residents. The existing premises do not have any restrictions on hours of operation through planning condition – the applicant wishes that the hours of operation continue to be managed through the licensing process.

vi) Basement Development

- 6.40 As part of the proposals it is proposed to excavate a further 200mm below existing basement level. In line with Camden’s adopted guidance contained within CPG4, a Basement Impact Assessment forms part of the planning application submission. This identifies that the area is not at risk of flooding and the excavations will take place above water table level, therefore the proposals will not have any impact in terms of groundwater or floodrisk.
- 6.41 The Assessment also sets out that the proposals will not have any adverse implications on the structural stability of the adjacent buildings and identifies preliminary proposals for structural support of the proposed building.
- 6.42 The proposals are considered fully compliant with CPG4 requirements.

vii) Transport

- 6.43 The site has a PTAL rating of 6b, which indicates the site has 'excellent' access to public transport. Goodge Street station is located a short walking distance from the site, whilst Warren Street and Tottenham Court Road stations are a further walking distance to the east and west of the site. Bus services are available from Tottenham Court Road and Goodge Street.
- 6.44 No off street car parking is currently provided and none is proposed.
- 6.45 In accordance with Camden's adopted cycle parking standards secure facilities for 6no. bicycles will be provided for the residential element with access at ground floor level from the residential entrance from Charlotte Mews.
- 6.46 A framework Construction Management Plan submitted as part of the planning application provides an overview of the anticipated methods through which the construction process will be managed such as hours of construction; delivery hours etc. As the management of construction will be largely dependent upon the contractor further details may be provided and secured by condition.

viii) Sustainability

- 6.47 The application site is considered to be in a sustainable location with convenient access to shops and services, local buses and train services. Consequently, in the context of the NPPF and the 'presumption in favour of sustainable development' the site has capacity to accommodate an intensified form of development.
- 6.48 A Code for Sustainable Homes Assessment and BREEAM assessment submitted as part of the application set out how it is intended to achieve Code Level 4 for the residential and a BREEAM Very Good for the restaurant element.
- 6.49 The proposed development sets out to achieve the highest standards of sustainable design and construction for the site. The Energy Statement submitted as part of this application identifies that the proposals will result in a 30% reduction in CO2 emissions compared to baseline demand.

7. CONCLUSIONS

- 7.1 This Statement has been prepared by Pegasus Group on behalf of Kahuna Ltd. in support for the demolition of the existing property at 74 Charlotte Street and 6 Charlotte Mews and erection of a replacement building to provide 425sqm of Class A3 restaurant floorspace at ground floor and basement levels with 5no. residential units on the upper floors (1 x 1 bed, 2 x 2 bed and 2 x 3 bed). A new entrance to the residential units from Charlotte Mews will also be created.
- 7.2 This application follows a similar redevelopment proposal at this site being granted at planning appeal (Appeal Ref. APP/X5210/A/13/2193888 and APP/X5210/E/13/2193893). Consequently, the principle of redevelopment to provide Class A3 restaurant use with residential use above is considered acceptable – the proposals will result in the creation of a sustainable mixed use development on previously developed land and optimising on development potential in a highly accessible location in line with national, London Plan and Camden’s local policies.
- 7.3 The proposed difference in building envelope between that previously approved and proposed as part of this application submission will not have a material impact upon existing properties within the locality and therefore is considered entirely acceptable.
- 7.4 The significance of the property as an undesignated heritage asset has been assessed in line with the NPPF. It has been demonstrated that retention of the facade and removal of the remaining parts of the building would have a harmful impact on the significance of the building and the Conservation Area but this would be less than substantial harm given that much of the significance lies within the front facade of the property at first to third floors. The proposals are therefore considered compliant with Camden’s conservation policies.
- 7.5 The proposed replacement building will achieve a high quality of design, with a modern replacement building using traditional and sympathetic materials. The proposals are therefore in accordance with Camden’s policies on design.
- 7.6 The proposals will achieve the highest standards of sustainable design and construction through a series of building design and energy efficiency measures. This includes Code for Sustainable Homes Level 4 for the residential and BREEAM Very Good for the restaurant.

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- 7.7 The proposals have been sensitively designed to bring back into use a vacant building, thereby providing high quality residential accommodation and employment opportunities in the restaurant below, in line with Camden's policy and the overarching objectives of national policy.
- 7.8 As such, the proposal is compliant with planning policy there are not reasons why the planning application should not be permitted.

APPENDIX 1

Photographs of Site and Surrounding Area



PHOTO 1
74 CHARLOTTE STREET
(APPLICATION SITE)



PHOTO 2
72 CHARLOTTE STREET
(GRADE II LISTED)



PHOTO 3 74A CHARLOTTE STREET



PHOTO 4 REAR OF 74 CHARLOTTE STREET



PHOTO 5 REAR OF 74 CHARLOTTE STREET



PHOTO 6 REAR OF 74 / 74A CHARLOTTE STREET



PHOTO 7 ROOF PROFILE OF 74 CHARLOTTE STREET



PHOTO 8 CHARLOTTE MEWS

APPENDIX 2

Planning Appeal Decision

Appeal Decisions

Hearing held on 21 August 2013

Site visit made on 21 August 2013

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2013

Appeal A: APP/X5210/A/13/2193888

Appeal B: APP/X5210/E/13/2193893

74 Charlotte Street, London W1T 4QH

- The appeals are made by KCB Geotechnics SND BHD against the decisions of the Council of the London Borough of Camden.
 - Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. The application Ref 2012/2133/P, dated 1 March 2012, was refused by the Council by notice dated 30 August 2012 and the development proposed is demolition of building behind retained four storey façade and redevelopment for a five storey building that includes a new mansard roof level with rear terrace, a rear terrace at second floor level, plus excavation to form a basement level with front lightwell, to accommodate restaurant (Class A3) at basement and ground floors and 4x residential flats on upper floors to be communally accessed from Charlotte Mews.
 - Appeal B is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent. The application Ref 2012/2187/C, dated 1 March 2012, was refused by the Council by notice dated 30 August 2012 and the demolition proposed is of the existing building with full façade retention to the front elevation.
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Decision Appeal A

1. I allow the appeal and grant planning permission for demolition of building behind retained four storey façade and redevelopment for a five storey building that includes a new mansard roof level with rear terrace, a rear terrace at second floor level, plus excavation to form abasement level with front lightwell, to accommodate restaurant (Class A3) at basement and ground floors and 4x residential flats on upper floors to be communally accessed from Charlotte Mews at 74 Charlotte Street, London W1T 4QH in accordance with the terms of the application, Ref 2012/2133/P, dated 1 March 2012, subject to conditions 1) to 18) on the attached schedule.

Decision Appeal B

2. I allow the appeal and grant conservation area consent for demolition of the existing building with full façade retention to the front elevation at 74 Charlotte Street, London W1T 4QH in accordance with the terms of the application Ref 2012/2187/C, dated 1 March 2012 and the plans submitted subject to conditions 1) to 3) on the attached schedule.

Application for Costs

3. At the Hearing an application for costs was made by KCB Geotechnics SND BHD against the Council of the London Borough of Camden. This application is the subject of a separate Decision.

Main Issues

4. These are;
 - The effect of the demolition on the character and appearance of the Charlotte Street Conservation Area.
 - The effect of the proposed redevelopment on the character and appearance of the Charlotte Street Conservation Area and the setting of a listed building.

Reasons

Demolition

5. Core Strategy Policy CS14 states that Camden's rich and diverse heritage assets and their settings will be preserved and enhanced, and Development Policy DP25 seeks to maintain the character of conservation areas by preventing the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area unless exceptional circumstances are shown that outweigh the case for retention.
6. The National Planning Policy Framework sets out in Section 12 the approach to be adopted, stating that Council's should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. From this it can be seen that it is important to determine the status of the assets being considered in each case. In this appeal, the building at 74 should be considered a heritage asset, but not a designated one, and not necessarily all of it is such an asset. Its neighbour at 72 is a listed building and is hence a designated heritage asset, as too is the Charlotte Street Conservation Area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. The Council has published The Charlotte Street Conservation Area Appraisal and Management Plan which identifies the appeal building as making a positive contribution and this notation covers the entire building from the front elevation on Charlotte Street to the rear elevation on Charlotte Mews. In fact three phases of development are identifiable; that of the front former house, a

middle section dating from 1987 and a small amount to the rear of an intermediate date and including the rear elevation.

9. Of these, the front elevation and those features that are left within the original house are of significance, but having mind to the changes that have occurred it is the front elevation that is of the greatest significance. The visible rear elevation, and then only seen from private upper floor viewpoints, appears rebuilt, and the parts within the former nightclub have been subject to change and do not contribute to the visible appearance of the conservation area although any loss to this undesignated heritage asset should be regarded as harm. The central section is of no significance and the rear section does perform a role in delineating the Mews but is not of much significance, although its loss would cause harm.
10. It is therefore considered essential that the front elevation to Charlotte Street be retained, in order to preserve the character and appearance of the conservation area, thereby satisfying the test in Section 72(1) of the 1990 Act and the aims of both the local and national policies. In addition it is the front elevation that provides a historic and architectural setting for the adjacent listed building and its retention would accord with the aims of Section 66(1) of the Act and policies which seek the preservation of the setting of designated heritage assets.
11. As stated, there would be harm in the removal of parts of the remainder of the building, but by no means all of it, as the modern additions and alterations do not contribute to its significance. However, the harm to the designated heritage asset of the listed building would be minimal and having regard to the size and quality of the conservation area, the harm to that designated heritage asset would be real but limited. Paragraphs 133 and 134 of the Framework require the level of harm to be determined, and in this case that is considered to be 'less than substantial' and hence the latter paragraph applies which states that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy DP25 requires a similar balancing exercise. In order to carry out this exercise the redevelopment scheme will be considered next and the conclusions will be reached in the planning balance which follows that consideration.

Redevelopment

12. The Council cites an additional Development Policy, DP24, which seeks high quality design that, among other things, considers the character, setting context, form and scale of neighbouring buildings, and the provision of visually interesting frontages at street level. Planning Guidance has been published; CPG1 on Design, including roofs, shop-fronts and other features, CPG2 on Housing, and CPG3 on Sustainability. The national planning guidance and statutory provisions on conservation areas and listed buildings apply as in the last main issue.
13. The Council's reasons for refusal referred to the effect of the proposal's height, bulk, mass and detailed design. It is the fact that the neighbouring modern building to the north, 74a, is a high, somewhat bulky building, having a robust massing and displaying contemporary, rather than historical, detailing. Of particular note and effect is the expanse of brickwork along the flank wall facing the appeal site. The effect of the history of development is that there is a degree of consistency to the south of the appeal site terminating in number

- 72, with number 74 being taller, wider and deeper. The rest of its original terrace is long gone, with the very much taller number 74a replacing it and the church that followed it.
14. As regards the retained front elevation and the visible parts above it, there would be two main interventions, at the bottom and top of the building. The lightwell would be reinstated with railings placed around, which would be a major benefit, and the present unattractive ground floor frontage would be replaced by a modern shop-front. The replacement of the rounded arch would not be a detrimental step and there is evidence of flat arches being in place originally. The shop-front would not be a reinstatement of the original house windows, but that is not a necessity in this commercial use and area. Neither would in be a conjectural or pastiche approach, but would be of its time. Shop-fronts do tend to be changed over time and there is no reason here to seek a particular style, as the building is robust enough in its plain detailing and upper floor window arrangements to maintain its historic and architectural presence.
 15. At the top of the building the present roof would be replaced with a front mansard which would cover a greater proportion of the adjoining flank wall, and do away with a present dormer window in the roof, both of which would be visual benefits but would also have an effect on the chimneys shared between 72 and 74. Those chimneys should be regarded as being, at least in part, listed along with number 72. The arrangements in this area were discussed at the site inspection and it was agreed that a condition was required to overcome some lack of detail on the drawings and to be certain of the treatment of the chimneys, as well as the south facing flank and dormer cheeks. Similarly, whilst handrails are shown protecting the drop at the edge of the flat top of the mansard, it was considered that less obtrusive fall-restraint systems should be investigated, secured by condition. With these provisions the proposals for the Charlotte Street side of the building would be acceptable.
 16. To the rear would be wholly new work, providing the residential accommodation in line with local and national aims to increase the supply of housing in sustainable locations, and the restaurant use on the ground and basement floors is an appropriate use in this commercial frontage. There have been some changes to reduce the size of the central part, resulting in the loss of accommodation, but the general arrangement is of access to the residential accommodation being wholly from the rear and public access to the restaurant being wholly from the front. The treatment of the central parts would be an improvement over that which is in place at present, albeit the unattractive arrangement of roofs and flat areas is only seen from private property across the mews, and the placing of the major part of the built form to the north has the effect of covering more of the flank elevation to number 74a whilst giving more light to the adjoining number 72.
 17. To the mews elevation the building is already between two more modern buildings and the proposed treatment of openings, walls and joinery, would, subject to conditions to ensure the quality of the design, be a fitting addition to the street scene, seen through the archway and by passes-by in this through route. Whilst it may be considered a back-entrance, the through-route nature of the mews, and the life and activity that the residential entrance would bring, would mean that this does not appear secondary or a disadvantage of the scheme.

18. In conclusion, and without pre-empting the necessary planning balance over the loss of parts of the heritage asset, the replacement building would at the least preserve the character and appearance of the Charlotte Street Conservation Area and the setting of the listed building, and would as a result satisfy the tests in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the aims of Development Plan Policies CS14, DP24 and DP25, as well as the requirements of both the Framework and Camden Planning Guidance on design.

Planning Balance

19. As stated, the level of harm to the designated heritage assets, at 'less than substantial' has to be justified by public benefits. These have been set out by the appellant and are commented on as follows;
- *The proposal brings the building back into use.* The Council are of the view that there is nothing stopping occupation and that the need does not justify the harm. Nevertheless, some work would be needed to fit the building for a new use and the present arrangements may not suit modern requirements and expectations. Some of the rooms on the upper floors are of poor quality and there is a continuing security risk of the building remaining unused.
 - *The proposals preserve those elements that make a positive contribution to the conservation area.* Whilst this is disputed by the Council and this is the essence of their reasons for refusal, this Decision finds the demolition and redevelopment acceptable and to preserve features of significance.
 - *It secures the long term future use.* Again, whilst the building could be used now, the new building and fitting out would bring it up-to-date for a longer term viable future.
 - *It provides much needed residential accommodation with housing being a priority use in Camden.* The Framework contains the aim of boosting significantly the supply of housing and the site is in a sustainable location with access to transport, services and employment.
 - *Redevelopment would foster economic growth.* The three dimensions to sustainable development set out in the Framework include an economic role, with sufficient land of the right type being available in the right place and at the right time, as here, to support growth.
 - *Mixed unit sizes would be provided with full accessibility that is not possible now.* The upper and lower floors of the present building are not accessible other than by stairs, whilst the new building would provide access by lifts to these areas, with the residential units being built to lifetime homes standards. A social role is the second dimension of sustainable development and these provisions would further that aim.
 - *The environmental role.* This is the third dimension of sustainable development which would be achieved through improvements to the presentation of the building. To the front the reinstatement of the basement area and railings is a benefit and to the rear the replacement of unattractive central area roofs would improve the outlook from other properties in the mews. The setting of the listed number 72 would be enhanced and the stark flank wall of number 74a would be partly covered.

- *It would be built to a high standard, level 4 of the Code of Sustainable Homes and BREEAM 'very good'.* The building does not appear to be well insulated and has considerable areas of roof, although the night-club use may not have required much heating. It would be difficult to up-grade the existing building thermally and there would remain inefficiencies.
 - *The S106 contributions would improve the public realm.* Although the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 require the contributions to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development, the improvements would be available to be appreciated by the general public and as such count as a public benefit of the scheme.
20. In the balance, the harm to the significance of the designated heritage assets is limited and the public benefits of the scheme are considerable so that they outweigh the harm to a substantial degree. The requirements of the National Planning Policy Framework and particularly paragraph 134 are met and both the demolition and the redevelopment should be permitted.

Conditions and Undertaking

21. A Statement of Common Ground had been produced which contained the agreed draft conditions. It is reasonable and necessary to attach planning conditions controlling materials and details of external joinery and the shop-front; the placing of meter boxes, telecommunications equipment and the like; the green roof; and noise levels heard outside the site from servicing plant together with the nature of the plant including the photovoltaic panels. The provision and retention of cycle storage, refuse storage, and the lifetime homes arrangements should be secured by condition.
22. That leaves a few conditions that were the subject of more detailed discussion and clarification. There is a need for specialist involvement with the below ground works to ensure the stability of other properties and this should include the retained façade. But, requiring a suitable qualified chartered engineer ensures membership of an appropriate professional body, so the latter term is not needed. The use referred to in draft condition 12 is the restaurant and this is as the published Planning Inspectorate model condition Option 3 which means that no operations connected with the use can take place outside those hours, including staff washing up or clearing tables. With the residential development so close this is the correct level of control. The condition on music being audible outside is imprecise and best left to other legislation. In draft condition 16 primary cooking was stated to be the restaurant cooking, anything less being acceptable as with an A1 use, without the plant being installed. Condition 18 should be amended to make clear that it is servicing from Charlotte Mews that is to be controlled. The condition listing the drawings, draft number 2, was confirmed to be up-to-date as far as amendment letters is concerned and is required for the avoidance of doubt and in the interests of proper planning.
23. As stated, two further conditions are required to control, and if at all possible, avoid, handrails on the skyline, and to be more certain of the proposals regarding the chimneys and the edge condition for the mansard roof, in the absence of a drawing showing the arrangement. The preference of the

- Charlotte Street Association is for a traditional upstand fire wall and retention of the full width and depth of the stacks, and that view is concurred with now.
24. With regard to the conservation area consent, a condition is required to ensure that demolition only takes place with the certainty of the redevelopment proceeding, in order to safeguard the character and appearance of the area, and another requiring a structural method statement is necessary to ensure no detriment to surrounding structures.
25. A section 106 agreement contains provision for a construction management plan with specific air quality, carbon reduction, and highway measures; the provision for the development to be 'car free'; the provision of a highway and environmental improvements contributions; and the submission of details of the sustainability plan. The Code for Sustainable Homes Level 4 and BREEAM 'very good' ratings would be secured through this agreement. Further details of the scope of the highway and environmental works have been provided and due weight has been attached to the wider public benefit these bring. The agreement accords with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and full weight can be given to the provisions. The contents of the construction management plan should take account of the comments and concerns of the residents and businesses along the street, and as expressed in person at the Hearing, and not just the immediate neighbours.

Conclusions

26. The appeal building is a heritage asset and its significance is to the front elevation and to a lesser extent internally and to the rear onto Charlotte Mews. With regard to the designated heritage assets of the conservation area and the listed building next door, the interest is almost entirely the front elevation and removal of the remainder of the building with enhancements to the front elevation would not undermine the significance of designated heritage assets. The proposed redevelopment would provide substantial public benefits that would outweigh the limited harm so that the requirements of the National Planning Policy Framework and Development Plan policies, along with Camden Planning Guidance and statutory requirements with regard to listed buildings and conservation areas would be satisfied. For the reasons given above it is concluded that both appeals should be allowed.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Nick Baxter	Conservation Officer London Borough of Camden
Eimear Heavey	Planning Officer London Borough of Camden

FOR THE APPELLANT:

Stuart Robinson	Executive Director and Head of Planning CBRE Limited
Nick Belsten	Director CBRE Limited
Andrew Dick	Partner Montague Evans LLP

INTERESTED PERSONS

Clive Henderson	Charlotte Street Association
Matthew Jones	Coda Post Production

DOCUMENTS

Document	1	Complete and up-to-date drawing pack submitted by the appellant
Document	2	S106 Agreement dated 5 September 2013
Document	3	Costs application submitted by the appellant

Conditions

Appeal A, Planning Permission

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; (PL)002; (PL)003-A; (PL)004-A; (PL)005-A; (PL)006-A; (PL)007; (PL)008; (PL)009-A; (PL)010-A; (PL)011-A; (PL)12-A; (PL)13-B; (PL)014-B; (PL)15-B; (PL)016-C; (PL)017-B; (PL)018-B; (PL)019-B; (PL)20-B; (PL)021-B; (PL)022; and (PL)023-A.
- 3) No development shall commence until detailed drawings, and/or samples of materials as appropriate, in respect of the following, have been submitted or made available to and approved in writing by the Local Planning Authority:
 - 1) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door at a scale of 1:10 with typical glazing bar details at 1:1.
 - 2) Typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.
 - 3) Samples and manufacturer's details of new facing materials including windows and door frames, glazing, balconies, balustrades, with a full scale sample panel of all brick facing finishes of no less than 1m by 1m including junction with window opening demonstrating the proposed colour, texture, face-bond and pointing. The sample panel should be erected on-site and retained in situ until the development is complete.

The relevant part of the works shall be carried out in accordance with the details and samples thus approved.
- 4) No development shall commence until details of the access arrangements to flat roofs for maintenance and repair, and any fall restraint or similar system have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved details have been implemented and these works shall be retained thereafter.
- 5) No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior written approval of the Local Planning Authority.
- 6) No works to form the shop-front shall commence until detailed drawings (plans, elevations and sections) of the new shop-front at a scale of 1:20 with typical glazing details at 1:1, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thus approved.
- 7) No development shall commence until such time as a suitably qualified chartered engineer has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works, and works to the retained façade,

throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

- 8) No development shall commence until details of the green roof in the area indicated on the approved roof plan have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved details have been implemented and these works shall be retained and the green roof maintained thereafter.
- 9) Noise levels at a point 1m external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive facade shall be at least 10dB(A) below the LA90, expressed in dB(A).
- 10) Prior to the commencement of the relevant part of the development, details of any plant equipment and extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority. Such details to include an acoustic report which shall demonstrate how the acoustic and vibration impact of the equipment would meet the relevant standards (condition 9) and identifying any acoustic isolation and sound attenuation which is required in order to achieve this standard. Furthermore it shall include details of all odour control and filtration mechanisms to be used. The acoustic isolation and odour control shall thereafter be maintained in effective order in accordance with the manufacturers' specifications.
- 11) No development shall commence until details of the cycle storage area for 6 cycles have been submitted to and approved in writing by the Local Planning Authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the residential units, and shall be retained thereafter.
- 12) The Class A3 use hereby permitted shall not take place other than between the following hours: Mondays to Saturdays 1000 to 0030 the following morning, and on Sundays, Bank and Public Holidays, 1200 to midnight (being in addition to the period between midnight and 0030 that may fall within Sundays, Bank and Public Holidays, as provided for in general Mondays to Saturdays).
- 13) No development shall commence until details of the proposed photovoltaic panels on the roof of the building (including plans, elevations and sections) have been submitted to and approved in writing by the Local Planning Authority. The photovoltaic panels shall be erected prior to the first occupation of the residential use in

accordance with the details thus approved and maintained and retained thereafter.

- 14) No development shall commence until details of the mansard roof edge and works to chimneys have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thus approved.
- 15) The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units and shall be permanently maintained and retained thereafter.
- 16) In the event that details of a ventilation/extraction system have not been approved by the local planning authority under condition 10), no primary cooking shall take place on the premises.
- 17) The refuse and recycling facilities as shown on the approved drawings shall be provided prior to the first occupation of the development and permanently retained thereafter.
- 18) Servicing from Charlotte Mews shall not take place outside the hours of 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturdays and shall not take place on Sundays, Bank and Public Holidays.

Appeal B, Conservation Area Consent

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.
- 3) Prior to commencement of demolition a structural method statement for the works of demolition shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the method of securing the retention and protection of all walls, the joint chimney with number 72, and such other features shown to be retained on the demolition drawings hereby approved, or agreed to be retained subsequent to the submission of further details in pursuance of conditions attached to this consent or to the planning permission. No works of demolition shall be carried out other than in accordance with the approved method statement.

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