

Delegated Report		Analysis sheet		Expiry Date:		06/03/2015							
		N/A		Consultation Expiry Date:		21/3/2015							
Officer				Application Number(s)									
Nanayaa Ampoma				2014/7877/P									
Application Address				Drawing Numbers									
74 Charlotte Street London W1T 4QH				See Draft Decision									
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature							
Proposal(s)													
Demolition of existing building behind retained front facade and erection of new building comprising restaurant (Class A3) at ground floor and basement level 5 x residential units (Class C3) comprising 1 x 1 bed, 2 x 2 bed & 2 x 3 bed on the upper floors together with creation of new residential entrance from Charlotte Mews.													
Recommendation(s):		Refuse planning permission											
Application Type:		Full Planning Permission											
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice											
Informatives:													
Consultations													
Adjoining Occupiers:		No. notified		202		No. of responses		04		No. of objections		04	
						No. electronic		00					

The application was publicised in the Ham and High newspaper between 22/01/2015 to the 12/02/2015 and a Site Notice was displayed at the site for a period of 21 days between 16/01/2015 to 06/02/2015.

Neighbouring properties were also notified via direct letters. Neighbour objections have been received from:

- 7 Clifton Hill NW8 0QE
- 4 Charlotte Mews S1T 4EA
- 7-10 Charlotte Mews W1T
- 72 Charlotte Street
- 74 Charlotte Street

These comments can be summarised as follows:

- Strongly object to overall development
- Given the cumulative impact from other developments in the area such as at the Saatchi building and the condenser application on 70, 73 and 75 Charlotte Street, there is significant noise disruption in the area already.
- Development would lead to demolition noise and disruption
- Site is being grossly over developed
- English Heritage need to be advised as they may wish to join in the objections to Camden Planning - as they particularly wanted the rear of No.72 kept open and visible as an example of a listed building – hence the glazed (only) rear extension.
- Development is not in keeping with area.
- Developers have damaged the property at 72 Charlotte Street and not paid the cost or implemented a Party Wall Agreement.
- No.7-10 were not notified of the application.
- Noise from works would disrupt the ability of the offices at No.7-10 to conduct business.
- The massing on the revised planning application is considerably more than the previous planning application and will impact adversely on the light availability at 72 Charlotte Street and yet no light assessment has been provided.
- The Construction Management plan (3.9) states that "Work is not envisaged" on underground earthworks. This is clearly incorrect as a basement is to be dug and this is a fundamental part of what should be in the Construction Management Plan.
- No traffic plan has been submitted.
- The noise impact assessment states that readings after 1am were corrupted and that a revised report would be presented once these readings had been retaken. However no such report seems to be on the site.
- The bulk, mass and scale to the rear of the proposed development is out of keeping with the character and appearance of the surrounding Charlotte Street Conservation Area; and as a consequence the proposal unacceptably impacts on the amenities of neighbouring occupiers.
- The changes proposed to the extant consent unequivocally disregard previous concerns held by officers in terms of bulk and mass to the rear of the building.
- The changes proposed to the rear of the building line of the second,

Summary of consultation responses:

	<p>third and fourth floors to make provision for additional floor space is unacceptable and will have an adverse impact on both the amenity of surrounding properties as well as an unacceptable impact upon the Charlotte Street Conservation Area.</p> <ul style="list-style-type: none"> • Prior engagement with local residence has not been undertaken. • The development would unduly impact upon the character and appearance of the area. <p>Officer response:</p> <ul style="list-style-type: none"> • Council records show that 7-10 were notified on both the current and the 2012 applications. • Permission for demolition has already been given under the 2012 application (2012/2133/P). • Historic England (English Heritage) only require consultation on Grade II* and Grade I listed buildings. • A Daylight Sunlight Report has been submitted with the application, however it does not consider 72 Charlotte Street.
--	--

<p>CAAC/Local groups* comments:</p>	<p>The local CAAC was consulted and have objected to the application on the following grounds:</p> <ul style="list-style-type: none"> • We strongly object to the proposed much larger rear extension. • Development overwhelms the setting of the listed building at 72 Charlotte Street and is therefore contrary to policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies Document. In addition, paragraph 59 of the NPPF states that policies should 'avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscaping, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.' • Development also fails CS14, DP26 and paragraphs 58 and 126 of NPPF. • Development would lead to loss of light to existing office space at 74a. • The situation of the existing party wall chimney stack being "absorbed" into the increased height/4th Floor of No. 74. It should be an extended, free standing stack as at present. • Front handrail needs to be set well back from the front elevation • Drawing no. 1(03)-X-001 states that the roof is to be confirmed. • All planning conditions attached to the previous 2012 application should be reapplied again. <p>Office response:</p> <ul style="list-style-type: none"> • All previous conditions would be applied in the event of an approval. • See below for discussion on policy
--	--

Internal/ Other consultation

Thames Water: No objection subject to informatives.

London Underground: No objection

MET police: No objection

Access Officer: No objection

Environment Agency: No comment

English Heritage: Given the extent of internal loss and external alteration we do not wish to comment in detail but would request that in determining the application that the Council give particular consideration to NPPF policies 131 and 134, which state the desirability of sustaining and enhancing the significance of heritage assets and the need for harm to be outweighed by the public benefits of the proposal. If the Council is minded to grant consent we request that the opportunity to reinstate the appearance of No. 74 Charlotte Street in a manner which enhances the character and appearance of the conservation area is taken, particularly in respect of joinery, external finish, and new shopfront. We would also stress the need for any new mews building to reflect the scale of the historic mews and special care be taken to ensure that materials of appropriate quality are employed.

Conservation: Application not supported as the development would compete with the existing terrace and adversely affect the setting of the listed building.

Transport Officer: No objection, same heads of terms as previous 2012 application should be applied.

Sustainability Officer: No objection subject to the submitted details being secured via condition.

Environmental Health: No objection, subject to informative on contamination and conditions on noise.

Site Description

The site comprises a mid-terrace four storey, Georgian town house located on the east side of Charlotte Street between Chitty Street and Tottenham Street. The property has an associated two storey mews building located to the rear with its frontage onto Charlotte Mews. The site lies within Charlotte Street Conservation Area. The main building is consistent in age and design with the terraced townhouses (first generation) from the 19th Century predominantly found within the Conservation Area. In this regard, it is considered to make a positive contribution to the character and appearance of the Conservation Area.

The whole site has been identified as making a positive contribution to the conservation area by the local conservation area statement. However, the rear mews itself is considered to be of lesser significance than the main building because it has limited streetscape merit other than its age and scale.

74 Charlotte Street is located within a 'Commercial Frontage' as defined in Camden Supplementary Guidance 'Revised Planning Guidance for Central London –Food, Drink, and Entertainment Specialist and Retail Uses' - 2007.

Relevant History

2012/2133/P: 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 4 x residential flats on upper floors to be communally accessed from Charlotte Mews. – **Grant on appeal 20th September 2013**

Relevant policies

National Planning Policy Framework (2012)

London Plan 2015 consolidated with alterations

LDF Core Strategy and Development Policies (2010)

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

CS9 Achieving a successful central London

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.

CS18 Dealing with our waste and encouraging recycling

CS19 Delivering and monitoring the Core Strategy

DP1 Mixed use development

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

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

Supplementary Planning Policies

CPG1 (Design) 2014
CPG2 (Housing) 2013
CPG3 (Sustainability) 2013
CPG4 (Basement and Lightwell) 2013
CPG5 (Town Centre, Retail and Employment) 2013
CPG6 (Amenity) 2011
CPG7 (Transport) 2011
CPG8 (Planning Obligations) 2011

Charlotte Street Conservation Area Statement (2008)

Fitzrovia Area Action plan (2014)

Revised Planning Guidance for Central London –Food, Drink, and Entertainment Specialist and Retail Uses’ (2007)

Assessment

Proposal

The application proposes to demolish the current property and rebuild a large mixed use building with A3 restaurant use at basement and ground floor levels and residential units above. The proposed restaurant would have an internal floor space of 364sq metres (425Sq overall). The residential units would amount to 5 flats and would comprise of 1x one bed (63sq metres), 2x two bed (84sq metres at first floor and 88sq metres at fourth floor), 2x three bed (second floor and third floor both 102sq metres) – *please note that all residential space is quoted as the internal floor space and not the overall space given to the residential use. The overall space given over to residential use amounts to 743sq metres.*

The application follows a previously approved scheme (under appeal) for very similar works under reference 2012/2133/P. That application was originally almost identical to the current scheme before it was amended in order to better relate to policy, the conservation area and the nearby listed buildings. The current application is a second attempt to gain permission for the originally larger scheme which included a larger rear wing built over floors two to four. This was significantly amended to remove the upper floors and to bring the development in line with the building line of the terraces.

Therefore the main differences between the already approved scheme and the current scheme is that the rear upper floors would be extended over three floors, an additional fifth flat would be added at fourth floor and there would be elevational changes to the rear ground floor to remove the previously approved three windows. In total the new additional floor space would amount to 99sq metres at the rear.

As the principal of developing a restaurant at ground and basement and residential units above has already been considered and deemed acceptable, the majority of the proposal has also already been considered. What remains is the assessment of the new rear element and the increase in residential units by one.

As such, the main areas for consideration are:

- Design (impact on conservation area of new rear element)
- Space Standards and Standards of Proposed Accommodation
- Amenity
- Sustainability
- Transport

- Community Infrastructure Levy (CIL)

Design

Policies CS14 of the Core Strategy and DP24 of the Development Policies states that the Council will require all developments to be of the highest design standards in terms of the character, sitting, context, form and scale to the existing building and the general area. Policies CS14 (Core Strategy) and DP25 (Development Policies) states that the Council will only give permission to developments in Conservation Areas if they preserve or enhance the character and appearance of the area. In this particular case it is also important to consider whether the development would adversely affect the appearance of the architectural or historic interest in relation to the neighbouring listed building and historic mews in compliance with CS14, DP24 and DP25.

The main property façade has not changed from the previously approved scheme and is therefore acceptable. In relation to the rear, as stated above, the previous submission was amended in order to protect the terrace building line and mews character.

The Charlotte Street frontage is characterised with high buildings with four or five floors. However this is in clear contrast with the Charlotte Mews which is characterised with buildings of deliberately lower stature. Even no.74A has been developed and built with respect for the character of the mews and terrace line in that its furthest rear element is much lower than the overall building and it falls within the footprint of the terrace. The proposed rear addition would add a height of around 5 metres and a depth of around 4 metres (at its deepest). This is a significant increase in the buildings bulk. Whilst the site does not form part of a 'group' in terms of its style it is part of a terrace and shares a boundary with the listed building. The proposed rear addition over the three floors simply ignores the terrace building line and proposes an additional protrusion that is considered harmful to the mews and the terraces at this elevation. The addition of the protrusion over the terrace building line on the upper floors is objected to in principle because it would harm the consistency of the building line in the area.

This is considered particularly harmful to the listed building because it would compete and disrupt its setting by presenting an incongruous addition and over bulky building that detracts from views through the mews to the listed building.

Officers consider that while the demolition of the host property together with the mews building at the rear is on balance acceptable, the replacement building should be of a similar size in order to protect the existing mews feel, terrace and listed building setting. Otherwise future large scale developments may seek to encroach upon the space and character of the area and the terraces. Officers are concerned that should the development gain permission it would set a harmful precedent and future schemes would use this precedent to ignore the building line in the area on the upper floors. This opinion is echoed by Historic England who have highlighted the importance of any new building being of a similar size and scale to the existing in order to protect the listed building.

It is considered that the rear additions unduly impacts upon the terraces and character and appearance of the area and therefore fails to comply with the above stated policies.

Space Standards and Standards of Proposed Accommodation

Policy DP5 (Homes of different sizes) seeks to provide a range of unit sizes to meet demand across the borough. In order to define what kind of mix should be provided within residential schemes, Policy DP5 includes a Dwelling Size Priority Table. The Council will seek to ensure that all residential development contributes to meeting the priorities set out in the dwelling size priorities tables and expect a mix of large and small homes in all residential developments.

Two bedroom properties are considered very high priority at present as there is greater demand for these forms of units. Guidance states that 40% of market homes should be 2 bedroom dwellings. family size units of three or more bedrooms are also of considerable demand. The proposal includes

a 2x two bedroom units and 2x three bed family units. These units are welcomed and respond to the aims of mixed use development and the demands of the housing market as highlighted by Policy DP5.

In line with policies CS5, CS6, CS14 of the Core Strategy and policies DP6 and DP26 of the Development Plans, supplementary guidance CPG2 (section 4) provides details on the required residential development standards as highlighted in the London Plan for all new residential units. In relation to the current development, the breakdown of minimum floor space is as follows:

- all 1 bed 2 person flats (*first floor apartment 2*) = 50sq metres (*as a minimum*)
- all 2 bed four person flats (*first floor apartment 1*) = 70sq metres
- all 2 bed three person flats (*fourth floor apartment 5*) = 61sq metres
- all 3 bed five person flats (*second and third floor apartments 3 and 4*) = 86sq metres

Any new residential unit at roof level should have a roof height of at least 2.3metres covering at least 50% of the space. Any ceiling height of less than 1.5 metres will not be included in the overall floor space count. As detailed in the above section titled 'Proposal', plans submitted with the application demonstrate that all five units would exceed the London Plan Space standards and Camden Council guidance and therefore meet the minimum requirements.

The standard of accommodation in terms of outlook and light to the property is also an important factor. When assessing applications of this kind policy DP26 requires the consideration of the following:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures.
- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;
- i) facilities for the storage, recycling and disposal of waste;
- j) facilities for bicycle storage (see Highways section); and
- k) outdoor space for private or communal amenity space, wherever practical.

It is considered that the proposed design and layout of the units would receive sufficient levels of natural daylight. All flats would have dual aspects and natural ventilation with apartment two having its own terrace area. All units are considered to be of a high quality standard.

Plant and restaurant noise, odour and waste have already been considered under the previous application. Any relevant conditions will be attached to the decision where required. However it should be noted that refuse for the residential use is being provided at the ground rear of the site. This position is considered acceptable for the five flats.

Amenity

Under planning guidance CPG 6, all developments are required to have some regard for the amenity of existing and future occupants. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life of existing and future occupiers and neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.

The nearest residential units are 4 Charlotte Mews and 81-87 Charlotte Street. There are no

residential units in either of the adjoining properties or the properties immediately to the rear of the site.

A Sunlight and Daylight Assessment has been received dated January 2012. This was also submitted as part of the previous submission. It should be noted that whilst the assessment is dated 2012, it was for the consideration of 5 units plus the additions over floors 2-4 and therefore relates to the current scheme. The assessment considered the developments impact on nearby residential properties as well as the proposed units themselves. However there is no consideration given to the nearby office buildings in terms of their loss of light, overshadowing or impact. As such it does not consider no.72 Charlotte Street. Additionally, the report does not consider outlook

Objections have been received from those using the nearby offices at 72 Charlotte Street on the grounds that the development would lead to loss of light. The previous assessment concluded that as no.72 is in office use there would be no considerable harm. The status of amenity to office properties are also lesser than residential.

The proposed addition would not have any real impact on no.4 as no.4 is much lower. Owing to the angle of this property and distance officers are of the view that there would be no real change in the amenity experienced by this neighbour.

In general, officers are of the view that all properties across from the site are at an acceptable distance away. However the additional rear bulk would impact on the outlook of those using the offices at 74A Charlotte Street. Nevertheless as these are offices the impact on outlook is not considered enough to refuse the overall application.

In light of the above, the proposal is considered compliant with policies governing amenity.

Sustainability

Policy DP6 requires all new housing developments comply with Lifetime Homes requirements as far as is reasonable.

Policy DP22 (Promoting sustainable design and construction) states that the Council will require developments to incorporate sustainable design and construction measures. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean and be green) to reduce energy consumption. All developments are to target at least a 20% reduction in carbon dioxide emissions through the installation of on-site renewable energy technologies.

The applicant has also submitted an Energy Statement Report, Pre SAP Worksheet, Code for Sustainable Homes Pre Assessment (CfSH) and a BREEAM pre-assessment. All documents demonstrate that the development would be adequately sustainable.

Owing to the recent withdrawal by the Government of The Code for Sustainable Homes, the London Plan standard of under policy 5.2 which requires developments to meet a 35% reduction in carbon is being sought. The Planning Statement states that the development would have an overall intended 30% reduction in CO2 emissions compared to the baseline demand. A 30% reduction is considered a good level and given that this is very recent development the proposed reduction is acceptable. In addition, the Access Officer has confirmed compliance with Lifetime Homes Standards.

Under the previous application concerns were raised by the Charlotte Street Association regarding the position of the proposed solar panels which should be hidden from public views. The precise location, height and design of the solar panels would be secured by condition as with the previous application.

Transport

The Council's Highways Authority has recognised that there are significant pressures on the current

parking and road network facilities throughout the borough, especially in dense residential and commercial areas close to Town Centres. The application site is close to both Tottenham Court Road and Oxford Street shopping areas.

In the interest of sustainable transport practices, the Council has established highways policies that strongly discourage the use of private motor vehicles and aim to control any future unnecessary increase in off street parking (CS11 – Core Strategy, also DP16, DP17, DP18, DP19, DP22 – Development Policies). Policy DP18 states that the Council expects new developments in areas of high on-street parking stress to be either car free or car-capped in the event that they would add greater pressure to the highways. The reasons for this are to facilitate sustainability, help promote alternative, more sustainable methods of transport and stop the development from creating additional parking stress and congestion. This is also in accordance with policies CS11, CS19, DP18 and DP19.

The site is located within the Bloomsbury and Fitzrovia Controlled Parking Zone (CA-E) and the Clear Zone. All CPZ's and Clear Zone Regions have been identified as suffering from a high level of parking stress with more than 100 permits issued for every 100 parking bays and overnight demand exceeding 90%. The application site has a Public Transport Accessibility Level of (PTAL) of 6b (Excellent), which indicates that it is highly accessible by public transport. Due to the high PTAL rating and the area being identified as suffering parking stress it is recommended that the applicant enters into a S106 agreement for the development to be car free as with the previous permission. No off-street parking is currently provided and none is proposed.

Under policy CS11, cycle storage that is covered and secure should be provided at a ratio of 1 space per unit and one space for the non-residential. This is contrary to the London Plan standards, which require 1x space per one bedroom residential unit and 2x spaces per two or more bedroom residential unit, whilst for restaurant uses it requires the provision of 1 space per 40 sqm for short stay (visitors) and 1 space per 175 sqm for long stay (staff). This gives a requirement for 9 cycle parking spaces for the residential use and 13 cycle parking spaces for the restaurant use. However the Highways Officer has noted that there is limited space on site to provide these standards and as such the Camden Parking Standards will instead be applied. Therefore, in accordance with Camden's Parking Standards at least 6 cycle parking spaces should be provided. Plans submitted with the application show that six cycle spaces will be provided at ground floor. However, the layout and designs does not comply with that specified in CPG7 – Transport. Therefore, details of the proposed cycle storage would be secured via condition.

The proposals for servicing remain as previous. The service entrance for the restaurant is located on Charlotte Mews elevation and loading and unloading will take place from the mews. Given that the motorcycle bay will be relocated there is considered to be sufficient space to allow for this to take place. In order to ensure that the servicing of the restaurant does not cause noise disturbance to the occupiers of residential units within the development and elsewhere in the mews and to ensure it would not impact on local traffic movement servicing would be restricted to between the hours of 8am and 6pm Monday to Friday, 9am until 1pm on Saturdays and not all on Sundays. This would be secured by condition.

The Highways Officer has determined that the development would have the same impact on the road network as the previous scheme and should therefore be treated in the same way with the same S106 requirements i.e. Construction Management Plan (CMP) and highways contributions. Therefore, as under the previous application contributions to mitigate the highways impact of the development would be as follows:

- £16,015: repaving of Charlotte Street footway/carriageway in accordance with policy DP16 and DP21. This would be secured through a S106 agreement.
- £4,985: relocation of existing solo-motorcycle bay to rear of the site.
- £15,000: additional pedestrian, cycle and environmental improvements in the wider area.

CIL

As the development would create a new internal floor space of over 100Sq metres, this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as well as the Camden Council CIL which came into force on 1st of April 2015. The Mayor's CIL would be £58,400 (£50 x 1168sqm) and the Camden CIL will be £382,125 in total (£500 x 743sqm = 371,500 for residential; and 25X 425 = £10,625 restaurant use.). Therefore the total CIL charged for the development including the Mayor's and Camden's would be £440,525. This will be due after the scheme is implemented and could be subject to surcharges if not paid or if there is a failure to submit a commencement notice.

Conclusion

The proposed development is not supported due to the proposed protrusion at the rear of the site. This element is considered too large and would dominate that part of the elevation. As such, this element is objected to in principle as it would disturb the consistency of the terrace properties and negatively impact on views through the mews towards the listed building.