

Delegated Report		Analysis sheet	Expiry Date:	05/08/2015
		N/A / attached	Consultation Expiry Date:	27/08/2015
Officer			Application Number(s)	
Elaine Quigley			2015/3281/P	
Application Address			Drawing Numbers	
28-30 Hanway Street London W1T 1UL			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a mixed-use six storey building (including basement and roof level accommodation) comprising offices (Class B1) at basement, ground and first floors, and 3 no. residential units (C3) at second, third and fourth floors to provide 1 x 1-bed flat, 1 x 2-bed flat, and 1 x 3-bed flat and associated inset roof terrace creating private and communal amenity space following demolition of the existing 4 storey (including basement level) office building with ancillary ground floor showroom (Class B1).				
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	16	No. of responses	02	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed on 05/08/2015 which expired on 26/08/2015 and a press notice was published on 06/08/2015 which expired on 27/08/2015.</p> <p>Two letters of objection received from 1 local resident who resides at Flat 6, 2 Hanway Place but is also a joint owner of freehold of 2 and 3 Hanway Place</p> <ul style="list-style-type: none"> • Replacement building is significantly higher than both the buildings either side of the site and adjacent buildings across Hanway Place significantly changing the character of Hanway Place • Roof terrace at 6th floor with solid balustrades make the building's bulk even higher • Loss of light on Hanway Place which is already relatively dark street • No mention of 2-3 Hanway Place in the sunlight report • No assessment of impact on sunlight on the flat on the top floor of 2 Hanway Place • Loss of clear view of the south facing sky clearly reducing light and sunlight very significantly • Loss of privacy due to change of use from office to residential due to intensification of the use of the upper floors in the evenings and weekends • More direct overlooking into flat 6, 2 Hanway Place due to increased number of windows (4 currently increased to 7 proposed), 5th storey of accommodation and roof terraces looking into the flats below • Disruption and disturbance from the demolition and extended build period in an area that has seen near continuous and very disruptive development over many years • Risk of damage to the historic buildings along Hanway Place from excavation of the foundations and basement so close to Hanway Place • How will excavation be managed, how is liable for any damage to the fabric of no. 2 and no.3 • Will the demolition be inside a completely sealed fabric structure to minimise dust • What duties will the contractor have to clean adjacent windows and buildings including no. 2 and no. 3 Hanway Place on a regular basis • Can the construction period be shortened • What penalties will the contractor face for delays in completion 					
CAAC/Local groups* comments: *Please Specify	<p>Bloomsbury CAAC – Objects</p> <p>We oppose this proposal for a generic building with no individual character replacing an existing building that fits the small scale commercial grain that is essential to this conservation area and must be conserved at all costs. The proposal would neither preserve nor enhance so it fails the tests.</p> <p>Fitzrovia Neighbourhood Association - Objects:</p> <ul style="list-style-type: none"> • Loss of existing positive contributor • Replacement building is of inferior design and bulkier • Impact on amenity of buildings opposite in Hanway Place due to decrease in the width across the roadway 					

Bloomsbury Association - Objects

This is not a careful refurbishment of an early 19th century building of architectural merit, nor is it sensitive infill. It is blatant over development of the site. We are concerned at the excessive bulk of this proposal due to the redevelopment of the existing 3-storey building for a 5 storey replacement and at the loss of a building that makes a positive contribution to the conservation area. That number 32 has been extended by an additional floor is no justification for increasing the height of this building by two floors – it impacts severely on the scale of the street and particularly on the residential buildings on the opposite side of Hanway Place.

There are many aspects of the proposed replacement building that lead us to question its viability, particularly its mix of uses. The inclusion of residential use on the upper floors, sharing the same single, spiral staircase as the office building seems unlikely to be acceptable to Building Control as would limited storey heights and the lack of any internal environmental control be unacceptable to commercial tenants. We are sceptical that the proposal could be commercially viable. We would much rather see either business or residential use on the upper floors – not both – with retail (or wholesale retail) at ground floor and basement levels to animate the street frontage.

City of Westminster – Objects

The loss of the existing, positively contributing building on the site and its replacement with a more substantial structure would be harmful to the character and appearance of the Hanway Street Conservation area. The proposed new building would fail to preserve or enhance the character by reason of the reduced storey heights, increased parapet height and party walls at mansard level.

Transport for London – no objections

If the Council is minded to grant planning permission, conditions and informative should be attached requiring design and construction method statement (temporary and permanent).

Site Description

The application site comprises a three storey plus basement property situated on the northern site of Hanway Street, close to its junction with Oxford Street. The property is located within Hanway Street Conservation Area and has been identified in the Conservation Area Appraisal as making a positive contributor to the Conservation Area. The site falls just outside the Tottenham Court Road Growth Area but is located within the Central London Area.

In terms of accessibility, the site is centrally located and has a Public Transport Accessibility Level (PTAL) of 6b (excellent), being close to Oxford Street and Tottenham Court Road tube stations, and also being in close proximity to numerous bus routes.

The surrounding area is a mix of uses including residential, commercial and retail. The area opposite the application site is within Westminster borough and is currently being developed as part of the Crossrail project.

Relevant History

Pre-application advice was sought on 18/09/2014 (ref 2014/5754/PRE) for demolition of the existing building and construction of new mixed use building comprising B1/A1 and C3.

Adjoining sites

18 Hanway Street

Planning permission was granted at appeal on 12/06/2014 (ref 2013/5825/P) for erection of mansard roof extension and change of use of the first, second and third floors from offices (Class B1) to residential (Class C3) to provide 5x1 bedroom flats and 1x3 bed flat.

32 Hanway Street

Planning permission was granted on 11/12/2013 (ref 2013/2950/P) for change of use from offices (Class B1) to single family dwelling house (Class C3) including alterations to Hanway Street elevation involving replacement of entrance door and windows, roof addition and roof terrace with balustrading.

26-48 Oxford Street

Adjacent site at 26-48 Oxford Street (including Hanway Street) falls within the City of Westminster. Planning permission was granted on 05th March 2013 (12/09915/FULL) for complete demolition of nos. 26-32, 38, 44 and 46 Oxford Street, partial demolition of nos. 34-36, 40-42, and 48 Oxford Street. Erection of new building raising to seven storey's around retained parts of the existing building to provide retail (Class A1) use at basement, ground and first floor level, and residential use (Class C3) above, including new buildings on part of Hanway Street frontage. Screened plant at roof level on Oxford Street and on second floor flat roof on Hanway Street. Associated external work.

Relevant policies

National Policy Planning Framework (NPPF) 2012

National Planning Policy Guidance 2014

London Plan 2015, consolidated with alterations 2011

LDF Core Strategy and Development Policies

Core Strategy Policies

CS1 Distribution of growth

CS3 Other highly accessible area

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS8 Promoting a successful and inclusive Camden economy

CS10 Supporting community facilities and services

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

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

CS16 Improving Camden's health and well-being
CS17 Making Camden a safer place
CS18 Dealing with waste and encouraging recycling
CS19 Delivering and monitoring the Core Strategy

Development Plan Policies

DP1 Mixed use development
DP2 Making full use of Camden's capacity for housing
DP15 Community and leisure uses
DP16 Transport implications of development
DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of car 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
DP31 Provision of, and improvements to, public open space and outdoor sport and recreation facilities.
DP32 Air quality and Camden's clear zone

Supplementary Planning Policies

(i) Camden Planning Guidance (CPG)

Camden Planning Guidance (CPG) 2011

CPG6 (Amenity)

CPG7 (Transport)

Camden Planning Guidance (CPG) 2013

CPG5 (Town Centres, Retails and Employment)

Camden Planning Guidance (CPG) 2015

CPG1 (Design)

CPG2 (Housing)

CPG3 (Sustainability)

CPG4 (Basements and Lightwells)

(ii) Supplementary Guidance

Hanway Street Conservation Area Appraisal and Management Strategy (2011) (CAAMS).

Pages 8-11; 13-15; 25; 27; and 37.

(iii) Fitzrovia Area Action Plan (March 2014)

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Assessment

Proposal

Planning permission is sought for the erection of a mixed-use six storey building (including basement and roof level accommodation) comprising offices (Class B1) at basement, ground and first floors, and 3 no. residential units (C3) at second, third and fourth floors to provide 1 x 1-bed flat, 1 x 2-bed flat, and 1 x 3-bed flat and associated inset roof terrace creating private and communal amenity space following demolition of the existing 4 storey (including basement level) office building with ancillary ground floor showroom (Class B1).

Amendments/additional information

During the course of the application the basement, ground and first floor plans were revised to show the main passenger lift extending down to the basement and the first floor lift lobby door hinged the opposite way. The description of development was also amended to accurately reflect the number of storeys of the new building and the clarification of the existing uses. A revised daylight and sunlight assessment was also submitted.

Assessment

The following matters are considered to be material considerations:

- Demolition of the existing building
- Design of the replacement building
- Land use issues (replacement office floor space)
- Housing standards (mix, unit size and quality of accommodation)
- Impact of the basement works
- Amenity
- Transport and highway impacts
- Sustainability and energy efficiency
- CIL

Demolition of the existing building

The proposal is for the demolition and the redevelopment of the site. The existing building is identified in the Hanway Street Conservation Area Statement (2011) as making a positive contribution to its character and appearance. The building appears to date from the mid-19th century. The upper floors facing Hanway Street are a simple but attractive composition in brickwork with regularly spaced fenestration, a stucco band above the 1st floor window heads and a strong projecting cornice at parapet level. It is acknowledged that the fenestration has been replaced with inappropriate PVCu units and that the ground floor has been altered in an unsympathetic manner that does not relate well to the upper floors of the building. The rear elevation is also undistinguished, with a render finish and PVCu window units. Nonetheless, the building has an overall positive front façade and shares similarities of age, scale, materials and proportion with other positive contributors within the conservation area, forming an integral part of the established historic townscape of the street. The building is considered to contribute positively to the distinct character of this small enclave of historic buildings, laid out on its meandering street pattern, the survival of which is of particular value given the scale of change in the wider Tottenham Court Road and Oxford Street area. Furthermore, the building is visible in long distance views along Great Russell Street from where it clearly sits amidst a wider group of historic buildings which are of significant charm and interest.

Paragraph 134 of the NPPF states that 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. The heritage statement submitted with the application concludes that the existing building is of limited merit rather than making a positive contribution, and doesn't address the public benefits or exceptional circumstances required by the NPPF or the Council's policy DP25.

It is acknowledged that some of the elements of the building - such as the render, plastic windows, and the modern ground floor treatment to Hanway Street - do not contribute to the building's character and appearance. It can be argued that sympathetic alteration and reinstatement works could be undertaken which would address these deficiencies, and would significantly enhance the appearance of the building. However the applicant has stated that this is not possible as the replacement of the ground floor frontage would require the upper floors of the façade to be underpinned, which would not be viable. The applicants have not submitted sufficient information to support their claim that the restoration of the existing building would not be straightforward. They also do not justify their statement where they question the rationale of restoring the building's architectural

interest – which implies their aim is not to restore but to demolish and rebuild. In the absence of a scheme illustrating the feasibility of a conversion and restoration project for the building, it is not possible for officers to assess or rule out alternative options.

The difference in opinion between the applicant and Council officers is the degree of harm that the alterations have made to the positive contributor. It is the view of the Council that a sensitive conservation-led approach to the restoration and upgrading of the building, including reinstatement of traditional features and a sensitive approach to changes at ground-floor level could successfully preserve and enhance the character and appearance of the conservation area. The Council's assessment of the building's contribution does not include the value of the interior and any changes to the interior which could assist in improving the external appearance would be welcomed (such as lowering the ground-floor level and associated structural works). To say that parts of the building have been 'badly disfigured, so its intrinsic value as a historic building has been clearly diminished' is in our view an exaggeration. The conservation area appraisal certainly highlights some of the changes as detracting from the character and appearance of the Conservation Area, but also highlights that they offer opportunities for enhancement (interpreted to mean through works of alteration rather than total demolition).

The applicants state that the existing building, which is a positive contributor, has a partially attractive front elevation. Officers consider the upper floors of the building to be of historic and architectural interest, and accept that the ground floor frontages could be enhanced through sensitive remodelling. The plastic uPVC windows on the upper floors occupy original openings and could easily be replaced by authentic timber sliding sash windows to match the originals. As such, existing changes to the building are largely of a reversible nature, allowing the building to be enhanced quite straightforwardly.

Furthermore, Hanway Street Conservation Area is one of Camden's smallest conservation areas and has only 12 buildings which are considered to be positive contributors by way of their historic interest and role in the area. It therefore follows that the demolition of one of these buildings will be a notable loss in the conservation area.

The building plays an important role in the conservation area because of its historic interest. This historic interest is evident because of the overall form of the building, its scale and proportions, plus its detail, use of materials, and a number of historic features such as brick detailing and external plaster mouldings. Where alterations have been made, they are of a reversible nature, and through a sympathetic scheme of reinstatement sympathetic features could be put back which will enhance the building and the surrounding conservation area. Such works would remove what the applicant describes as, 'Non-active, unattractive, spoiled building frontage.' Officers therefore do not agree that the building makes no contribution to the public realm.

The other claims the applicants make about the building do not relate to the contribution the building makes to the conservation area. They include:-

- Inefficient building in single use.
- Non-compliant, non-inclusive building. Impracticable; partially obsolete. Unusable basement. Some floor area unusable. Limited economic contribution.
- Poor quality building throughout.
- Building suited to one user only.

During the site visit to the property the building was still occupied by fabric wholesalers 'Rogoff'. Although the shortcomings of the building have been highlighted by the applicant it is considered that the use of the building as an office building is still viable if restoration works are undertaken. It is considered that the optimum use of the building is the one likely to cause the least harm to the significance of the asset. In this instance this would be the continued use of the building as an office use.

Following discussions the applicant submitted further information Washbourne Field's Public Benefit Summary. This includes a list of possible benefits provided by the currently proposed replacement building. They include that the design is by an award-winning architectural practice. However the merits of the design are based on judgement and it is officers' view that the starting point with this scheme, in accordance with NPPF paragraph 134, is whether the replacement scheme provides public benefits which outweigh the harm caused by the loss of the existing building.

The applicant lists what may be conceived as public benefits including:-

- Introduction of active frontages and improved public realm on Hanway Street and Hanway Place, in particular a new shopfront on Hanway Street.

However, officers consider that active frontage and an improved public realm could simply be provided by sensitively altering the ground floor frontages on both sides of the existing building, by removing the insensitive and reversible 20th century additions. Enhancements to the conservation area could therefore be achieved without the loss of the existing building.

- The commissioning of a public artwork to be installed on the neighbouring property at No 32 Hanway Street.

Although such an installation could be a positive gesture (subject to design and planning considerations), any potential benefits would be unlikely to outweigh the loss of an historic building which makes a positive contribution to the conservation area. It is understood the building in question also belongs to the applicant.

Although not a heritage issue, reference is also made to the sustainability sections of the NPPF, where the applicants state that the proposed scheme, 'Replaces poor design with better design'. For the reasons stated above, officers disagree with this statement.

The applicants also make the following points (*in italics*):-

'The proposed scheme design has been approached with care and consideration to the character, appearance and views within the Hanway Street Conservation Area.' Although the applicant claims care has been taken in the design of the replacement building, there is insufficient evidence that the potential benefits of the scheme are sufficient to outweigh the harm resulting from the loss of the existing positive contributor.

'The scheme will contribute more to enhancing the Hanway Street Conservation Area than the existing building.' Officers do not consider the proposed replacement building in its own right to be of sufficient architectural or townscape merit to enhance the character and appearance of the conservation area over the existing historic building. As outlined above, there is sufficient scope to improve the existing building by removing reversible alterations, thereby enhancing the conservation area.

The quality of the design of the replacement building

Setting aside the in-principle issues arising from the demolition of the existing building, the replacement building is considered to be acceptable in terms of its height and scale, projecting marginally higher than the existing adjacent building at no. 32. The front elevation is a restrained composition with simple fenestration detail that incorporates a diminishing hierarchy of scale which reflects the traditional proportions of the surrounding historic context. The subdivision of bays on the front elevation into a three and a two reflects and demarcates the historic plot widths. The parapet level is defined, which provides adequate termination to the façade.

At roof level, the top storey takes the form of a traditional two planed mansard in elevation, incorporating a recessed flat section to form roof terraces in the centre of the building. It is considered that the building would sit comfortably within its context amidst the varied roofline of the group of historic buildings on Hanway Street. The incorporation of a raised party wall and chimney pots at the western end of the site will provide visual interest and complement the historic roofscape of the conservation area in views from Oxford Street.

The rear elevation to Hanway Place is more contemporary, with simpler fenestration. The rear building line projects beyond the existing, rising up on the line of the ground floor projection, setting back at 3rd floor level. This would sit comfortably with the adjoining buildings.

The proposed materials include zinc roof cladding and integrated PVs on the top of the roof slope (not visible); stock brick elevations; a rendered band at parapet levels; bronze anodised aluminium framed windows & door with patterned screens, and a rendered and tiled shopfront. The materials palette is considered to be appropriate to the context but, if the scheme was acceptable in all other respects, a condition requiring a sample panel would be added to any consent.

Design - Conclusion

It is considered in this instance that the total demolition of the positive contributor will have an adverse impact on the character and appearance of the conservation area. The potential public benefits outlined by the applicant are not considered to be sufficient to outweigh this harm. Although the proposed replacement scheme is considered to be of an acceptable standard, the demolition of the existing building is not justified.

It should be noted that due to the constrained nature of the site and the surrounding conservation area, and the limited scope of redevelopment the site offers, it is unlikely in any circumstances under paragraphs 132-136 of the NPPF that a level of public benefit can be provided which will outweigh the loss of the heritage contribution of the existing building. It should also be noted that the applicants have not demonstrated in their application that they have fully explored options of restoration, reinstatement and adaptation of the existing building. When coming to this decision special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990.

Land use issues

Replacement office floorspace

Policy CS8 (Promoting a Successful and Inclusive Camden Economy) seeks to ensure that the borough retains a strong economy. It seeks to do this by, amongst other things, safeguarding existing employment sites that meet the needs of modern industry and employers and provide facilities for small and medium sized enterprises.

Policy DP13 provides more detailed information as to how these aims will be implemented. It states that the Council will retain land and buildings that are suitable for continued business use and resist a change to non-business use unless it can be demonstrated that the site or building is no longer suitable for its existing business use and that there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

The existing building consists of a floor area of approximately 375sqm of B1 office space. It must be noted that the basement floor level of the building is used as a storage area as there is insufficient floor to ceiling height levels (1.7m) to use the space as office space. This area would therefore be excluded from the calculations for useable floor space. The overall useable space at ground, first and second floor levels is approximately 243 sq. m. The space is used by fabric wholesalers 'Rogoff' who occupy the entire building. When visiting the site it was noted that the offices were occupied and the business was still operating from there. The company have decided to relocate their premises outside of the congestion zone to a more suitable site that offers better access and would be easier to service. The proposal would include the provision of 258 sq. m of usable B1 office floor space. There will therefore be a net increase of 15 sq. m of office floor space provision which would be considered acceptable. Notwithstanding this, the applicant has submitted 2 years of marketing evidence relating to the quality of the existing office floorspace and its inadequacies. This would include:

- The existing stepped entrance to the building is not DDA compliant and restricts inclusive access
- No lift access within the building
- The existing staircase is narrow (some parts measure less than 700mm in width)
- No modern office facilities including communal shower facilities and cycle storage areas
- Internal floor areas are unattractive, inefficient and have a poor quality layout

Policy DP13 also states that where premises or sites are suitable for continued business use, the Council will consider redevelopment proposals for mixed use schemes provided the level of employment floorspace is maintained or increased and premises suitable for new SME's are provided. The proposal would ensure that there is no overall loss of office space and is considered acceptable.

RESIDENTIAL STANDARDS

Creation of residential units

Had the demolition of the building been considered acceptable, the principle of providing residential accommodation at the site would be supported by policies CS6 and DP2. Three new residential units would be created and this would be considered acceptable within the site.

Mix

Policy DP5 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 mix proposed as part of this scheme is 1 x 1 bedroom, 1 x 2 bedroom and 1 x 3 bedroom unit). One two-bedroom dwelling which is very high in demand according to the Dwelling Size Priorities Table is included within the mix and is welcomed. The proposed family sized unit is also welcome.

Standard of accommodation

The proposal would include 3 new residential units that are dual aspect and would receive a sufficient level of daylight to each of the habitable rooms. Each unit would measure between 72 sq. m (1 bed), 100 sq. m (2 bed), and 86 sq. m (3 bed). All the flats would meet and exceed the minimum floorspace requirements according to London Plan standards for a 1 bedroom 2 person flat (50 sq. m), 2 bedroom 4 person flat (70 sq. m), 3 bedroom 4 person flat (74 sq. m) and would be considered acceptable.

From 1st October 2015 the planning authority are no longer able to apply Lifetime Homes conditions, housing designed in line with our wheelchair design guide, and our space standards for dwellings in CPG2. New build residential developments now must comply with the access standards in Part M of the Building Regulations. This includes parts 1 (Visitable dwellings), part 2 (Accessible and adaptable dwellings) and M4 (3) wheelchair user dwellings. We will expect all new building housing developments to meet Building Regulations M4 (1) and (2). The Council's Access Officer has confirmed that the proposal is acceptable. If the scheme was acceptable in all other respects these measure would be secured by condition.

Private amenity space

With regards to outdoor / communal amenity space, a separate roof terrace area would be accessible to the penthouse measuring approximately 17 sq. m and an adjacent communal roof terrace measuring 11.9 sq. m. This private amenity space for the new residential units is welcomed.

BASEMENT WORKS

Policy DP27 states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and runoff or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

The proposal includes the excavation of the existing basement to lower the existing floor level by approximately 1m. A basement impact screening assessment (BIA) has been submitted as part of the application. This screening stage has shown that there are two issues to be brought forward for further study. The issues are that the site is located above a minor secondary aquifer and the site is within 5m of a highway or pedestrian right of way. Given that the proposed works constitute a minor change of level of an existing basement, that would not interrupt any groundwater flows, and the new structure will be designed to maintain the stability of the neighbouring properties.

However the document has not been independently assessed during the course of the application. The site sits within an area of hydrological constraints which includes slope stability. The BIA would appear comprehensive. However in the absence of an independent BIA review it is not possible to verify whether the proposed basement has been designed to ensure it would not cause harm to the structural stability and water environment. In order to overcome this reason for refusal the BIA would be required to be reviewed by the Council's independent auditor, at the expense of the applicant, and any suggested conditions arising from the audit, agreed by the applicant.

AMENITY

Policy DP26 states that the Council will only grant permission for development that does not cause harm to amenity. It states that the Council should consider the impact on daylight, sunlight, outlook, privacy, noise and odour/cooking fumes. This policy also requires acceptable standards of accommodation in terms of internal arrangements and facilities such as refuse storage and recycling.

Overlooking and loss of privacy

Hanway Street

The development site opposite the application site at 47-55 Hanway Street falls within the City of Westminster. Permission has been granted for the redevelopment of this site. Construction work has commenced on site with demolition of all relevant buildings. The new buildings opposite the application site would comprise retail uses on the ground, first floor with residential duplex apartments at second and third floor levels. The proposed relationship between the buildings would be largely retained along this part of Hanway Street and would not raise concerns in relation to overlooking and loss of privacy.

Hanway Place

CPG6 advises that it is good practice to locate directly facing habitable rooms 18 metres apart to ensure that privacy between properties is of an acceptable level. The existing facades of the buildings along this section of Hanway Street are located approximately 6.7m away from other properties on the opposite side of Hanway Street and 4.8m from other properties on the opposite side of Hanway Place. They fall significantly short of the recommended 18m separation distance. The existing separation distance between the application site and adjacent properties of 6.7m along this part of Hanway Street and 4.8m along this part of Hanway Place represents an established pattern of street widths within the local built environment. The proposal would result in the first floor (office windows) and second floor (residential windows) of the building projecting closer towards properties fronting Hanway Place than the existing building. From residential flats within no. 2 Hanway Place this would result in a reduction in the separation distance between the habitable windows of their flats and the new residential flats by between 1.1m and 1.7m. The separation distance between the first and second floor windows of the new building and the adjacent flats in no. 2 Hanway Street would be approximately 4.75m. There would also be an increase in the number of windows on this elevation at second floor level from 3 windows (4th window is high level and serves toilets) to 5 windows (2 windows would serve an ensuite bathroom to flat 1). Concern has been raised by the owner of flat 6, 2 Hanway Place about increased overlooking from these windows. It would not be possible to obtain direct views from the windows in the rear elevation of the building at first and second floor level. Although the separation distance between the no. 2 Hanway Place and the application building is reduced the level of overlooking would not be increased above the relationship with the existing building and is therefore considered acceptable. The new windows on the rear elevation at 3rd floor level would not gain direct views into the adjacent flats at no. 2 and no. 3 Hanway Place and would be considered acceptable.

A new roof terrace would be created on the rear elevation at 3rd floor level. Views may be possible from the new roof terrace into the second floor windows of the adjacent property at no 2 and no. 3 Hanway Place. In order to protect the amenity of the neighbouring occupiers it would be necessary to restrict the use of the terrace as an area of external amenity space. If the scheme had been acceptable in all other respects a condition would have been attached restricting the use of the terrace in order to ensure that there would be no overlooking from an external terrace area into the windows of the adjacent properties.

Daylight

A daylight and sunlight report has been submitted in prepared by Aurora Daylight Consulting in support of the application. The report identifies the adjacent properties at nos. 47-55 Hanway Street, no. 34 Hanway Street, and nos. 1-3 (inclusive) Hanway Place as the properties most affected by the proposal.

On inspection of the original daylight and sunlight report further information was requested in relation the methodology and findings within the report. This was due to the fact that it was unclear where the VSC daylight figures were taken from as they did not appear to relate to specific windows but points along the façade of the buildings that had been identified as being affected by the proposal. There appeared to be some discrepancies with the existing and proposed daylight percentage figures at some of the windows identified within the properties affected by the proposal. There was also no information in relation to sunlight figures for no. 2 and no. 3 Hanway Place.

The daylight and sunlight consultants submitted a revised report in order to clarify these points and address the outstanding concerns raised by the original report. In appendix B (daylight assessment) of the revised report street photos have been inserted to compare the location of the figures in the models with the window locations of the properties along the street. The consultants confirmed that the figures displayed relate to a range of VSC results across the façade rather than specific windows due to limitations with the computer technology. The VSC figures confirm that the proposal would not result in a reduction in daylight levels above 20% between the existing and proposed situations and would comply with the BRE guidance.

Sunlight

Information relating to the annual probable sunlight hours for neighbouring properties at nos. 47-55 Hanway Street, the ground floor of no. 34 Hanway Street, the ground floor of no.1 Hanway Place have been provided. Following discussions with the daylight and sunlight consultant additional information has been provided in the revised report to include nos. 2 Hanway Place. The tabulated figures demonstrate that the proposal would have no impact on the percentage of annual probable sunlight hours to these properties. The proposed replacement building would not harm the amenity of the neighbouring properties in terms of loss of sunlight.

Noise

Noise can have a major effect on amenity and health and therefore quality of life. Policy DP26 and DP28 seek to ensure that new development does not cause noise disturbance to future occupiers or neighbouring properties. It states that development will not be granted for development that is likely to generate noise pollution or development that is sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided. It also states that the Council will seek to minimise the impact of noise from demolition and construction.

The Councils standard requirement is that that noise from operational plant is at least 5dB below the background noise level. Where it is anticipated that plant will have a noise that has a distinguishable, discrete continuous note and/or if there are distinct impulses then that plant should operate at least 10dB below the background noise level. Five new air conditioning units would be installed on the roof of the building. A Noise and Vibration report has been provided in support of the application which has been reviewed and is considered to be acceptable subject to standard noise conditions.

Transport and Highways impacts

The site has a PTAL value of 6b meaning that access to public transport is considered to be excellent – access to Tottenham Court Road (and Goadge St) tube stations are within walking distance.

Car Parking

Policy DP18 and CS11 seeks to minimise the level of car parking provision in new developments and expects all development to be car free in the Central London area. No parking is proposed. The development would be secured as car free via a S106 legal agreement. Although the applicant has agreed a willingness to enter into a s106 agreement to secure this, the agreement has not been signed. In the absence of such a legal agreement this forms a further reason for the refusal of the application. An informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Cycling

Cycle parking at new developments should be provided in accordance with the standards set out in the London Plan of March 2015. For residential uses this requires the provision of 1 space per 1 bedroom unit and 2 spaces per 2+ bedroom unit, which gives a requirement for 5 spaces. For B1 office uses within Central London, the requirement is for 1 space per 90sqm for long stay plus 1 space per 500sqm (for the first 5,000sqm) for short stay, which based on a floor area of 352sqm GIA gives a requirement for 5 spaces. Overall this gives a requirement for 10 spaces. The submitted ground floor plan shows a shared cycle store at the rear of the building, accessed from Hanway Place, which appears to be capable of accommodating 10 cycles in hanging racks. However, we do not normally accept this type of cycle rack as it can be difficult for people to use and is not as secure as other types of cycle racks, such as Sheffield or Josta Two Tier. However, it is clear that the space within this site is very limited and it is difficult to see how a larger cycle store could be provided to accommodate alternate cycle stands without impinging on the usable office space or the stair and lift core. If the scheme had been acceptable in all other respects the provision (but not design) of cycle parking would have been secured by condition.

The proposed building will be serviced in the same manner as the existing that is from the street from Hanway Street. There are single yellow lines in front of the building which enable servicing to take place. However, given the narrowness of the street any vehicles which are servicing the building are likely to block the street whilst servicing takes place, which would limit the amount of time available for servicing to the minimum required.

Construction management plan (CMP)

DP21 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106. The site is very confined in nature and the proposed demolition, excavation and construction is likely to lead to considerable disruption in the surrounding narrow streets and so the works will require very careful management and implementation. Due to the nature and scale of the development a CMP would be required. If the scheme was acceptable in all other respects a construction management plan which includes a section on construction traffic management would be secured via a S106. Although the applicant has agreed a willingness to enter into a s106 agreement to secure this, the agreement has not been signed. In the absence of such a legal agreement this forms a further reason for the refusal of the application although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Highways works

In order to cover the costs of any damage caused to the public highways during the construction phase of this development, and to ensure that the footway ties the development into the surrounding urban environment, a financial contribution is considered to be required to repave the footway adjacent to the site on Hanway Street and Hanway Place. Given the extensive works likely to be associated with the proposal, a highways contribution is considered to be necessary in line with policies CS5, CS11, CS19, DP21 and DP26 of the LDF. An estimate cost for the works would be calculated by Highway Engineering to be agreed with the applicant, which would have been secured via S106 had the scheme been acceptable. Given the context of the application it is thus a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Sustainability

Policy DP22 (Promoting sustainable design and construction) states that the Council will require development 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. Policy 5.2 (Minimising carbon dioxide emissions) of The London Plan 2015 introduces a carbon dioxide reduction target for new development to make a 35% improvement on the 2013 building regulations. It recommends that the energy hierarchy be followed: energy efficiency, decentralised energy, renewable energy technologies.

The applicants have submitted energy statement in support of the application which details the energy efficiency measures. These include improved fabric insulation, improved air tightness, high efficiency fans, heat recovery on ventilation systems and daylight control of the lighting in the commercial unit. The total site wide carbon savings through energy efficient design and renewable technologies would achieve 30.1% which falls short of the 35% target set by Policy 5.2 of the London Plan. Given the energy efficient measures that have been included and taking into consideration the restricted areas where further renewable energy technologies could be accommodated, the modest shortfall in carbon savings of 4.9% is considered acceptable.

In line with CPG3, the amount of floorspace involved falls below the threshold of 500sqm or 5 units, therefore a BREEAM pre-assessment is not required. The Code for Sustainable Homes has now been withdrawn by the government through a Ministerial Statement in March 2015. Therefore, it is no longer necessary for a Code level post-assessment to be secured through a Section 106 Legal Agreement. Nevertheless, the applicant submitted a Code for Sustainable Homes achieving level 4. This has been the requirement of policy DP22 which expects new build housing to meet Level 4. If the scheme was acceptable in all other respects a condition would be attached to secure the measures and renewable facilities proposed in the submitted Code report.

The new units must achieve water efficiency of 110 litres per day. If the scheme was acceptable in all other respects this element would be secured by condition.

Other issues

It is proposed to commission and install a piece of artwork above ground floor level on the corner of the neighbouring building at no. 32 Hanway Street which falls within the applicant's ownership. The applicant

suggests that the artwork would further outweigh the limited harm caused and secure the optimum viable use of the site. Sketch details of the art work have been included in the verified CGI views (appendix 3). A new piece of art work is welcomed. However further information would be required to understand the concept behind the piece of art work, its relevance to the application building, and its impact on this part of the conservation area.

Community Infrastructure Levy

The development would be subject to the Mayor of London's Crossrail CIL and Camden CIL based on the uplift of new floorspace at £50 per sqm (Mayor) and £500 per sqm (Camden).

Conclusion

The proposal would result in the loss of a positive contributor in the Hanway Place conservation area. The total demolition of the positive contributor will have an adverse impact on the character and appearance of the conservation area and would not be considered acceptable. The potential benefits outlined by the applicant are not considered to be sufficient to outweigh this harm. Although the proposed replacement scheme is considered to be of an acceptable standard, combined with the lack of public benefits it provides, it is not considered to be of sufficient merit to gain planning permission.

Recommendation

Refuse planning permission