

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>13/07/2016</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>16/06/2016</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Robert Lester			2016/2027/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
51 - 52 Tottenham Court Road London W1T 2EH			See Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
<p>Demolition of existing rear extensions and erection of 4 storey rear extension, basement extension, roof extensions comprising an additional storey with mansard level above to no. 51 and set back roof extension no. 52 and external alterations including new shop-fronts all to provide a mixed use retail, office and residential development involving the refurbishment and amalgamation of the existing ground floor retail units, refurbishment/reconfiguration of existing uses on the upper floors including the provision of additional office space at first - third floor levels and a new 3 bed residential flat at fourth floor level.</p>				
<b>Recommendation(s):</b>		Refuse planning permission		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	81	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	N/A – No responses received					
CAAC/Local groups* comments:	<p>Bloomsbury CAAC.</p> <p>From the neo-Gothic pub at the southern end up to and including these 3 (50-52) buildings – this is a good, varied run of buildings. Different styles with a varying roof line, all closely modulated. The Art Deco number 49 in particular is very nicely set off by its two lower, almost symmetrical, neighbours. The proposal would ruin this balance. The Art Deco would be lost up against its bigger 50-51. 52 would be the tallest building in the elevation, looking inelegantly tall and thin.</p> <p>The cycle store in the basement is ‘greenwash’ unless a lift is provided. The site currently has some cycle parking on the ground floor in the vehicle entrance area. Just leave it there, or further back.</p>					

## Site Description

The site comprises both 51 and 52 Tottenham Court Road which are two separate mixed-use self-contained buildings situated on the western side of Tottenham Court Road. The site is located to the north of the junction of Tottenham Court Road and Windmill Street and to the south of Goodge Street station.

No. 51 is four bays wide, three storeys in height and is topped by a mansard roof and is the earlier of the two buildings and appears to date from the Georgian period and is therefore one of the earlier buildings in the conservation area. There is a vehicular access through the building to a small courtyard to the rear. The ground and basement is in retail use (A1) with the upper floors in residential use as 1 x 1 bed and 3 x 2 bedroom flats.

No. 52 is two bays wide and four storeys in height and dates from later on in the nineteenth century. The ground floor and basement has a retail use (A1). The first to third floors are in use as offices (Class B1a).

The site contains 312 sq. m of retail (A1) floorspace and 185 sq. m of office (B1a) floorspace at present.

The site lies within the Charlotte Street conservation area and both buildings are identified as making a positive contribution to the character and appearance of the conservation area. They are located within the Central London Area and the ground floor retail units are designated as primary frontages.

## Relevant History

**2011/2286/P – Planning permission refused on 17/10/2011 and dismissed at appeal on 15/12/2011 for the erection of roof extension to 4th floor and alterations to front elevation in connection with provision of additional 2-bed self-contained flat (Class C3).**

Reasons for refusal (summarised):

- The proposed development, by reason of unsympathetic alterations which fail to respect the proportions, hierarchy, height and massing characteristic of the historic streetscape, would detract from the character and appearance of the building and the wider consideration area, contrary to CS14, DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.
- Absence of a section 106 legal agreement for car free housing and a construction management plan.

Reasons for appeal dismissal:

- Inspector agreed that a s106 would be required to overcome reasons for refusal relating to the s106.
- The proposal would substantially alter the form of the original building and its relationship with those either side.
- The proposal would adversely affect the character and appearance of the building and would fail to preserve or enhance the character or appearance of the Charlotte Street Conservation Area contrary policies CS14, DP24 and DP25.

**2009/5669/P and 2009/5947/C – Planning permission and conservation area consent refused on 24/08/2010 and dismissed at appeal for erection of six storey building and excavation of basement to**

create retail space (Use Class A1) at ground and basement levels, and 3 x 2 bedroom flats, 2 studio flats (Use Class A3) and 20 bedrooms for student accommodation with shared facilities (Sui Generis) on the floors above, following demolition of the existing buildings.

The reasons for refusal are summarized below:

- Demolition of a positive contributor would have a detrimental impact on the character and appearance of the Charlotte Street conservation area
- Scale, height, bulk, materials and design of the replacement building would cause significant harm to the character and appearance of the conservation area
- Unacceptable size of proposed flats
- No on site cycle storage
- Lack of information on air quality
- Absence of s106 legal agreement for the following:
  - secure the new units as car free
  - secure local work force
  - compliance with BREEAM
  - financial contributions to highways, public space,
  - construction management plan,
  - restrict accommodation to students of an agreed name HEFCE-funded institution
  - restrict use of student accommodation as permanent C3.

**8800172** - Works of alteration to the side and rear elevations - Granted - 12/07/1988.

**PS9804744R1** - Change of use and conversion of the first, second and third floors from offices (use class B1) to use as four self-contained flats together with alterations to fenestration on the front elevation and the installation of a new shopfront – Granted subject to s.106 agreement 08/04/1999.

## **Relevant policies**

**National and London wide policies and guidance**  
**Planning (listed building and conservation area) Act 1990 as amended**  
**Enterprise and Regulatory Reform Act (ERR) 2013.**  
**National Planning Policy Guidance 2014**

**National Planning Policy Framework 2012**

**London Plan 2016**

**London Plan Supplementary Planning Guidance (SPG)**

Housing

The control of dust and emissions during construction and demolition

Character and Context

Sustainable Design and Construction

**LDF Core Strategy and Development Policies**

**Core strategy:**

**CS1** (Distribution and growth)

**CS3** (Other highly accessible areas)

**CS5** (Managing the impact of growth and development)

**CS6** (Providing quality homes)

**CS7** (Promoting Camden's centres and shops)

**CS8** (Promoting a successful and inclusive Camden economy)  
**CS9** (Achieving a successful Central London)  
**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 & encouraging biodiversity)  
**CS17** (Making Camden a safer place)  
**CS18** (Dealing with waste and encouraging recycling)

#### **Development Policies:**

**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)  
**DP10** (Helping and promoting small and independent shops)  
**DP12** (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)  
**DP13** (Employment sites and premises)  
**DP16** (The transport implications of development)  
**DP17** (Walking, cycling and public transport)  
**DP18** (Parking standards and limiting 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)  
**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** (Shop fronts)

#### **Camden's Planning Guidance 2011/2013**

**CPG1** (Design)  
**CPG2** (Housing)  
**CPG3** (Sustainability)  
**CPG4** (Basements and lightwells)  
**CPG5** (Town Centres, Retail and Employment)  
**CPG6** (Amenity)  
**CPG7** (Transport)  
**CPG8** (Planning obligations)

**Charlotte Street Conservation Area Appraisal and Management Plan 2008**  
**Fitzrovia Area Action Plan 2014**

## Assessment

### 1. Proposal

1.1 The existing site contains a mix of uses including two separate retail units (A1 use) at ground floor level (total floorspace 312 sq.m) with ancillary floorspace at basement level, 3 x 2 bed and 1 x 1 bed flats at first, second and third floor levels within no. 51 and 185 sq. m of office floorspace at first, second and third floor levels within no. 52.

1.2 The proposed development includes extensive demolition including: the rear part of the building at ground floor level and the first and second floor level rear extensions above, the mansard roof to no. 51, the internal party wall between no's 51 and 52 at ground floor level, the upper floor stair cores and internal wall partitions, the original rear wall of no 52 and part of the original rear wall of no. 51. The internal floor levels would also appear to be demolished, although this is not shown on the submitted demolition plans.

1.3 Following the demolition, the development proposes various extensions and alterations including an additional floor with mansard above to no. 51, an L-shaped set back roof extension to no. 52, a 4 storey rear extension (plus basement), a basement extension and replacement shopfronts.

1.4 The development would provide a mix of uses including one large retail unit (A1) at ground floor and basement levels (312 sq. m of retail floorspace), 5 residential flats on the upper floor levels comprising: the refurbishment/ reconfiguration of the existing 2 bedroom flats on the upper floors; the change of use of existing office floorspace within no. 52 at first-second floor levels to provide a new 1 bed duplex unit and the provision of a new 3 bed flat within the new extension at top floor level (318 sq. m of residential floorspace) and the provision of office use (B1a) at first, second and third floor levels within the new extension (289 sq. m of office floorspace).

### 2. Main planning considerations

2.1 The principle planning considerations are:-

- Land use
- Mixed use development
- Design
- Standard of accommodation
- Transport
- Amenity
- Sustainability
- S106 Legal Agreement and financial contributions

### 3. Land use

3.1 The development would provide replacement retail floorspace at ground floor level and within the extended basement. This would comprise a single large retail unit across no's 51 and 52 with a floorspace of 312sq. m. The site is located on a primary Central London Frontage where in accordance with policies CS6 and CPG5 the Council seeks to protect existing retail use. The development would not result in an overall loss of retail floorspace in accordance with these policies and an amalgamated retail unit is considered to be acceptable.

3.2 The development would provide office floorspace in the new rear extension with a floorspace of 474 sq. m. This would replace the existing office floorspace in the main building (185 sq. m) which would be changed to residential use. The development would therefore provide an increase in 289 sq. m of office floorspace on the site overall. This is considered to be acceptable in accordance with

policies CS8 and DP13, which seek to safeguard existing employment sites and retain existing employment floorspace as a part of mixed use schemes.

3.3 The proposed scheme would retain and refurbish the existing 3 x 2 bed flats at upper floor level within no. No. 51, provide a 1 bed flat at first-second floor level within no. 52 to replace the 1 bed unit lost in the rear part of no. 51 and provide a 3 bed flat at the new fourth floor level. The scheme would therefore provide a net addition of 1 x 3 bed residential unit. This is a small constrained site and the small net gain in housing on the site is considered to be acceptable in accordance with policies CS6 and DP2 which seek to maximise the supply of additional homes within the borough.

#### **4. Mixed use development**

4.1 Policy DP1 seeks to provide a mix of uses within developments in order to facilitate sustainable development and reduce the need to travel between homes, services and jobs. In a central London location such as this, developments that increase the total gross floorspace by more than 200sqm will be expected to provide up to 50% of the additional floorspace as housing. This policy also states that the Council's priority for secondary use is permanent housing within the C3 use class.

4.2 As the proposals involve an increase of commercial floorspace in a Central London location in excess of 200sqm, Policy DP1 is applicable. In line with the requirements of the policy, the Council would seek up to 50% of the increase in floorspace for residential use. The proposal would result in an uplift of 608 sq. m of commercial floorspace, 319 (53%) of which would comprise residential development in accordance with the requirements of policy DP1.

#### **5. Design and conservation**

*Impact on the Heritage Assets - Legislative background*

*Planning (Listed Buildings and Conservation Areas) Act 1990*

*Conservation Area*

5.1 In considering developments affecting a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

5.2 In this case the site forms part of the Charlotte Street Conservation Area. In line with the above statutory duties and recent case law, considerable importance and weight has to be attached the impact of the heritage assets and their setting. It should also be noted that the duties imposed by section 66 and 72 of the Act are in addition to the duty imposed by section 3(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise

5.3 The site is identified as making a positive contribution in the conservation area along with the other buildings in the block (nos. 47-54). This stretch of Tottenham Court Road (46-54) is characterised by three or four storey properties situated on narrow plot widths with only a subtle variation in height between buildings. This reflects the gradual evolution of the street and exhibits buildings from the 18th century through to the 1930s. At the same time a degree of harmony is introduced by the overall roofline in this stretch of the street.

*Listed buildings*

5.4 In considering developments that affect a listed building or its setting, Section 16(2) and 66(1) of

the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case, the issue relates to preserving the setting of The Rising Sun Public House which is grade II listed.

5.5 There are other listed buildings in the wider area but none are considered to be affected the proposal

#### *Roof Extensions*

5.6 No.51 features in John Tallis's London Street Views (1838-1840), where it can be identified in an illustration as a three storey plus mansard double fronted building with an access way on the ground floor on the left hand side. It is evident therefore that the façade, scale and form of the building are largely unaltered since this time and perhaps since the building was constructed.

5.7 In 2012, permission was refused and dismissed at appeal for the erection of a roof extension at no. 51 comprising the demolition of the existing mansard and the addition of a new third floor with a mansard above. In this appeal decision, the Inspector noted that the appeal property has retained the essential elements of its original form and design; is noticeably lower than the buildings immediately to either side and its height and in particular the relationship to the neighbouring buildings is a key element of the character of the building and the block as a whole. The Inspector went on to state:

*'In adding an additional full storey, the proposal would increase the height of the appeal property above that of the buildings either side. Despite the use of matching details and materials, and the appellant's willingness to restore the brickwork on the front elevation, the proposal would substantially alter the form of the original building and its relationship with those either side'.*

5.8 As with the previously refused scheme, the proposal seeks to add an additional floor with mansard above to no. 51 together with a new L-shaped set back roof extension to no. 52. The parapet height and mansard height of the proposal would now be slightly lower than in the refused scheme, which is achieved by altering the proposed internal floor to ceiling heights at upper floor level. Although the extension to no. 51 would now terminate at a similar height to the parapet at no 49, the addition of a sheer third floor to no. 51 with a mansard above would still substantially alter the form and proportions of the original building and remove all trace of the role this building plays in the pattern of the historic streetscape. It would still also substantially alter the relationship it has with no. 49 which stands out within the row as a higher, more modern, Art-Deco style building, with a more monumental character. Whilst the design provides a better understanding of the existing architectural language and hierarchy of the host building. No justification has been given on the historic and architectural impact of the proposals on the host building in particular and there is no reason for the Council come to a different conclusion from the appeal decision.

5.9 The proposed set-back roof extension at no. 52 is not considered to address the concerns raised by the Planning Inspector regarding No.51. It would result in a property which is significantly higher than the neighbouring buildings (no. 53 and 54), increasing the bulk and scale of this group of three buildings. This is considered to have an overbearing and dominant affect, particularly as a strong existing parapet line exists across nos. 52-54. This is contrary to the Council's guidance set out in CPG1 which states that roof extensions or an additional storey would be unacceptable where groups of buildings have a roof line that is largely unimpaired by alterations or extensions. The proposed roof extensions to no's 51 & 52 would also be contrary to CPG 1 as the scale and proportions of the existing buildings would be overwhelmed by the additional extensions.

5.10 Whilst it is acknowledged that there are some taller buildings within the row, namely no's. 46 and 49, these properties do not set a precedent for building heights within this block of buildings. The applicants consider the variation in height of buildings and thus the varied roofscape to allow for



further variation in the form of the roof extensions proposed. However the Art-Deco building at no 49 which has a more vertical and monumental appearance, does not act as a precedent for further taller buildings. Similarly, the Grade II Listed corner building at the southern end of the row, the Rising Sun Public House, is a landmark building with a strong architectural treatment. The proposed development fails to take into account the historic and architectural role of these buildings; as a result the proposed height is considered to harm the prominence and therefore setting of the listed building in the terrace as well as the character and appearance of the conservation area.

### *Rear extensions*

5.11 The Council's planning guidance in CPG1 states that rear extensions should be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing; should respect and preserve the original design and proportions of the building, including its architectural period and style and should respect and preserve the historic pattern and established townscape of the surrounding area. CPG 1 guidance also states that rear extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.

5.12 The proposed rear extension would extend out to the full footprint of both properties up to the rear boundary and would have a basement underneath the entire footprint. The extension would be four storeys in height. The third and fourth floor levels would step back on the rear elevation and on the front elevation at fourth floor. The top floor extension would be L-shaped, across both no's. 51 and 52.

5.13 These proposed rear extensions are not considered to be subordinate to the host properties and would alter the historic pattern and established townscape of the block which can currently be read from the rear. The extension does not compliment or reflect the rhythm and grain of this part of the street and the proposed bulk and massing is considered to be unacceptable. It is acknowledged that the proposed extension is unlikely to be visible from the public realm; however the extension would be visible from private views, including other backland buildings. Therefore it is not considered to preserve and enhance the character and appearance of the conservation area.

5.14 It is acknowledged that there are larger scale buildings in the immediate vicinity, most notably the building at 6-10 Whitfield Street to the rear, however these are not considered to form any sort of precedent in this case as the properties on the eastern side of Whitfield Street have a much larger urban grain with large plot widths. In addition, the larger properties on the eastern side of Tottenham Court Road fall within the Bloomsbury Conservation Area which has a different character and appearance to the Charlotte Street Conservation Area.

5.15 The proposed roof and rear extensions are considered to result in harm which is less than substantial to the significance of the heritage assets. This harm is given great weight and important.

5.16 The NPPF requires less than substantial harm to be weighed against the public benefit of any proposal. However, the proposal will provide an increase in commercial accommodation as well as a new three bed residential unit. This would represent a limited public benefit which would not outweigh the harm caused by the rear and roof extensions as set out above.

### *Shopfront/entrances*

5.17 The proposal seeks to combine the existing two retail units on the ground floor into one larger retail unit. A new shopfront is proposed which is considered to be acceptable and would be an improvement on the current situation.

### *Demolition*

5.18 The proposed development includes the demolition of the rear part of the building at ground floor level and the first and second floor level rear extensions above, the mansard roof to no. 51, the internal party wall between no's 51 and 52 at ground floor level, the upper floor stair cores and internal wall partitions, the original rear wall of no 52 and part of the original rear wall of no. 51 and the internal floor levels.

5.19 In accordance with policy DP25 the Council will prevent substantial demolition of an unlisted building that makes a positive contribution to the character of the conservation area where this harms the character and appearance of the conservation area. The level of demolition has been considered and although it is extensive, it would not constitute substantial demolition. The level of demolition itself would also not harm the character of the conservation area.

5.20 However, the demolition plans show a high level of demolition and no information has been submitted with the application to demonstrate that this level of demolition/retention of the building fabric is possible, without resulting in the unexpected loss of building fabric identified as being retained. As set out above, the existing buildings make a positive contribution to the character of the conservation area. It is therefore considered that insufficient information has been submitted with this application, to demonstrate that the parts of the existing buildings shown to be retained can be retained on the site. Therefore, had the development been otherwise acceptable, a planning condition would have been added requiring the submission of a demolition/building retention method statement.

## 6. Standard of Accommodation

### *Residential*

6.1 It is proposed to retain and refurbish the existing 3 x 2 bed residential units in No.51 (front) and create two additional residential units: 1 x 1 bed duplex unit at first and second floor in no. 52, and a 3 bed unit in the roof extension. The existing 1 bed residential unit to the rear would be demolished giving a total net gain of 1 residential flat in this scheme.

Unit	1	2	3	4	5
Proposed Bedrooms	2	1	2	2	3
Existing Floorspace (sq. m).	60	74	60	60	-
Proposed Floorspace (sq. m).	67	54	67	105	183
Policy Guidance (sq. m)	61	50	61	61	95

6.2 As set out in the above table all of the proposed flats would provide adequate internal floorspace in accordance with the national minimum space standards. The internal layout of the development for 4 of the 5 units would comply with the guidance in CPG 2 with adequate sized rooms, access, and floor to ceiling heights, outlook and light. The new duplex unit in no. 52 would be a single aspect unit facing a classified road and may result in substandard living conditions for that unit due to high noise levels. However, had the development been otherwise acceptable mitigation could have been provided through secondary glazing and mechanical ventilation.

6.3 The development would provide external amenity space in the form of a rear terrace for the top floor unit only. However, this is a constrained site and in accordance with CPG2 it is accepted that existing buildings may sometimes not be able to provide balconies or roof terraces.

6.4 The development would provide refuse storage in the basement which would be accessed via the lift core. This refuse provision would comply with policy CS18 and CPG1 guidance.

6.5 The development would provide a new lift/stair access to all of the proposed flats which would comply with the lifetime homes standards in accordance with policy DP6.

#### *Office*

6.6 The proposed office accommodation would be set across the first, second and third floor levels (474 sq. m). The space internally appears to be open plan in nature and dual aspect and is considered to provide a high standard of accommodation for future occupiers. Refuse and cycle facilities would be provided in the basement and staff toilets would be provided at the first and second floor levels.

6.7 The residential and office uses would share an entrance and Building Control has advised that the fire safety issues would need to be managed. This arrangement would also require enhanced security measures.

#### *Retail*

6.8 The retail unit would be on the ground floor and in the extended basement of No. 51 and 52 (312 sq. m). The retail unit is open plan with a glazed shopfront and is considered to provide suitable accommodation for future occupiers.

### **7. Transport**

#### *Car free housing*

7.1 The site is located within a Controlled Parking Zone (CPZ) which is a highly accessible part of the Central London area (PTAL rating of 6b - excellent). In accordance with policy DP18, the Council will expect development to be car free in the Central London Area, in order to encourage car free lifestyles, promote sustainable ways of travelling, help to reduce the impact of traffic and not result in an increase the demand for on-street parking in the CPZ. As the development would be refused on other grounds and therefore no legal agreement would be in place, this would form a reason for refusal on the scheme.

#### *Cycle parking*

7.2 The Council is presently applying the cycle parking standards in the London Plan (2016) [Table 6.3]. In accordance with these standards 9 cycle parking space are required for the residential flats, 6 spaces for the office use and 2 for the retail use.

7.3 The development would provide a secure and covered cycle storage areas in the extended basement accessed via the main lift/stair core. The development would provide 5 spaces for the residential, 6 spaces for the office and 2 spaces for the retail elements respectively. The development would therefore fail to provide sufficient cycle parking for the residential element contrary to the London Plan (2016) [Table 6.3]. The design and layout of the cycle parking also does not provide the required spacing between the cycle parking bays contrary to the Council's guidance in CPG7.

7.4 In accordance with these policies, this development would also normally require 8 short-stay cycle

parking spaces. However, there is no space for these either on the site, or nearby on the public highway.

#### *Construction Management Plan (CMP)*

7.5 Tottenham Court Road has very high traffic flows and so is very sensitive to impacts on transport. The proposals would include extensive demolition, a basement and extensions of the existing buildings on the site, which would involve the transportation of a significant amount of materials to and from the site. It is unlikely that large construction vehicles would be able to use the site access and will have to stop on Tottenham Court Road. In accordance with the requirements of policies DP20, DP21, DP26 and CPG 6 these construction impacts need to be mitigated through a Construction Management Plan (CMP).

7.6 A Construction Management Plan (CMP) has been submitted with this application. However, this would need to be secured by a S106 agreement, as many of the associated construction impacts would be generated by the movement of materials to and from the site and any associated temporary closure of the adjacent highway which relate to off-site matters. As the development would be refused on other grounds and therefore no legal agreement would be in place, this would form a reason for refusal on the scheme.

#### *Highways Contribution*

7.7 The construction of the development would impact on the public highway on Tottenham Court Road. Policy DP21 and CPG 7 require works affecting highways to repair any construction damage to transport infrastructure. In accordance with policy DP21 and CPG 7 the Council normally secure a section 106 financial contribution to repair damage to highways caused by a development.

7.8 In the absence of a legal agreement to secure the necessary financial contributions to undertake public highway works, the development would harm the Borough's transport infrastructure, all contrary to policies CS11, CS19 of the Camden Core Strategy 2010-2025, policies DP16, DP17 and DP21 of the Camden Development Policies 2010-2026, The London Plan (2016) and the National Planning Policy Framework (2012).

### **8. Amenity**

8.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook, noise and disturbance and implications on daylight and sunlight.

8.2 The development proposes a 4 storey rear extension and roof extensions which would add a considerable bulk and mass to the site. A daylight and sunlight study has been submitted with the application which assesses the impact on all neighbouring properties. It concludes that the development would not have a material impact on neighbouring properties in terms of daylight and sunlight in accordance with BRE guidelines. This assessment would not have a material impact on the majority of neighbouring properties. It would result in a material impact on 2 windows at no. 53 Tottenham Court Road which is in residential use, but the study concludes that the affected windows are not habitable rooms. The development would have some quite substantial daylight and sunlight impacts on the buildings to the rear at 6-10 Whitfield Street and Kirkman Place; however this impact is not material as these buildings are in office use.

8.3 CPG 6 states that development should not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. The proposed 4

storey rear extension with roof extension above, due to its bulk and mass, the proposed extension is considered to result in to an increased sense of enclosure and loss of outlook to the surrounding properties, particularly to the residential units in 53 Tottenham Court Road. This would have a detrimental impact on the occupiers of the neighbouring residential units, contrary to policy DP26.

8.4 Given the relationship between the existing and adjoining buildings, it is not considered that the roof extension itself and front roof terrace would result in any impact in terms of overlooking. The rear terrace would be relatively small and it's unlikely that any harmful overlooking would occur from it into neighbouring properties. However, the development would have a close relationship with the office building to the rear at 6-10 Whitfield Street and mutual overlooking may occur.

#### *Basement impact*

8.5 The development includes a basement extension which would extend the existing small basement out below the footprint of the building. The site is located in an area designated for underground groundwater flow and slope stability constraints. In accordance with policy DP27 The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. In particular the Council requires developers to demonstrate that the basement development would, 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 and avoid cumulative impacts upon structural stability or the water environment in the local area. A Basement Impact Assessment (BIA) was submitted with this application in accordance with the requirements of policy DP27 and CPG 4. In accordance with the Council's procedures this was independently assessed by external engineers.

8.6 The proposed basement consists of a single storey construction formed by lowering the existing basement at the front of the development site by approximately 1.10 metres and excavating the rear of portion of the site to the same level by approximately 3.50 metres. An existing party/dividing wall between 51-52 Tottenham Road will be demolished (and removed where necessary) to facilitate for new open plan areas. The building's existing footprint will be extended horizontally and to the rear.

8.7 The independent basement impact assessment audit concludes that the development would be unlikely to encounter groundwater and would not result in an increase in water entering the sewer system. The site is not located in a flood zone and will not impact on the wider hydrogeology of the area.

8.8 The independent basement impact assessment audit concludes that the surrounding slopes to the development site are stable, however the engineers have requested further information including a site specific ground movement analysis to report/assess on the potential damage to the adjoining properties, indicative construction and temporary works sequence and structural calculations, investigation of neighbouring foundations, confirmation of impacts relating to unexploded ordinance and nearby underground station, and evidence that the site is not affected by any lost rivers. This additional information was requested from the developer but they declined to provide this information at this stage and wanted the application to be determined on the basis of the information submitted.

8.9 It is therefore considered that insufficient information has been submitted in relation to the impacts of the proposed basement to allow the Local Planning Authority to ascertain whether the basement development would, maintain the structural stability of the building and neighbouring properties and avoid adversely affecting drainage and run-off or causing other damage to the water environment, contrary to policy DP27 and CPG4.

## **9. Sustainability**

9.1 In accordance with policy DP22 development is required to incorporate sustainable design and construction measures including a target of excellent BREEAM from 2016.

9.2 The application has been submitted with an Energy & BREEAM assessment which demonstrates that the scheme would achieve a BREEAM 'very good' rating with a 36% carbon reduction. This is below the current policy requirement in policy DP22 of a BREEAM 'excellent' rating.

9.3 Therefore, had the development been otherwise acceptable a planning condition would have been applied requirement a revised Energy & BREEAM assessment. This would need to demonstrate that unreasonably high costs (e.g. >10% of project costs as is judged reasonable under CPG3) are prohibiting BREEAM 'excellent', or alternatively, propose revised energy efficiency and renewable energy measures to meet BREEAM 'excellent'.

## **11. Conclusion**

11.1 The roof extension to no. 51 would detrimentally alter the form and proportions of the building, the historic role it plays in the streetscape and the relationship it has with the neighbouring properties on either side. The roof extension to no. 52 would result in a building which is significantly higher than the neighbouring buildings at 53 & 54 and would visually harm the roofline of this group which presently have a strong unimpaired parapet line. The extensions would also overwhelm the scale and proportions of the existing buildings and would appear over-dominant on the terrace. Overall, it is considered that the roof extensions by reason of their scale, visual prominence and effect on the established townscape and neighbouring properties would detrimentally harm the character and appearance of the subject buildings, street scene and would fail to preserve or enhance the conservation area, all contrary to policy CS14 of the Camden Core Strategy 2010-2025 and policies DP25 and DP26 of the Camden Development Policies 2010-2025, The London Plan (2016) and the National Planning Policy Framework (2012).

11.2 The rear extensions by reason of their height, scale, bulk and massing would fail to respect the scale and proportions of the existing building, would be over-dominant additions which would fail to be adequately subordinate to the existing buildings, would alter the historic pattern and established townscape of the block and would not compliment or reflect the rhythm and grain of this part of the street, all contrary to policy CS14 of the Camden Core Strategy 2010-2025 and policies DP25 and DP26 of the Camden Development Policies 2010-2025, The London Plan (2016) and the National Planning Policy Framework (2012).

11.3 In the absence of a legal agreement to secure car free housing in this highly accessible Central London location, the development would fail to encourage car free lifestyles, promote sustainable ways of travelling, help to reduce the impact of traffic and would increase the demand for on-street parking in the CPZ, all contrary to policy CS11 of the Camden Core Strategy 2010-2025, policy DP18 of the Camden Development Policies 2010-2026, The London Plan (2016) and the National Planning Policy Framework (2012).

11.4 In the absence of a legal agreement to secure the implementation of the Construction Management Plan, the development would contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users and be detrimental to the amenities of the area generally, all contrary to policy CS11 of the Camden Core Strategy 2010-2025, policies DP20, DP26, DP28 and DP32 of the Camden Development Policies 2010-2026, The London Plan (2016) and the National Planning Policy Framework (2012).

11.5 In the absence of a legal agreement to secure the necessary financial contributions to undertake public highway works, the development would harm the Borough's transport infrastructure, all contrary to policies CS11, CS19 of the Camden Core Strategy 2010-2025, policies DP16, DP17 and DP21 of the Camden Development Policies 2010-2026, The London Plan (2016) and the National Planning

Policy Framework (2012).

11.6 The rear extensions by reason of their height, scale, bulk and massing would have an overbearing and/or dominating effect which would result in to an increased sense of enclosure and loss of outlook to the surrounding properties, particularly to the residential units in 53 Tottenham Court Road and would therefore have a detrimental amenity impact on the occupiers of the neighbouring residential units, contrary to policy DP26 of the Camden Development Policies 2010-2026, The London Plan (2016) and the National Planning Policy Framework (2012).

11.7 Insufficient information has been submitted in relation to the impacts of the proposed basement to allow the Local Planning Authority to ascertain whether the basement development would maintain the structural stability of the building and neighbouring properties and avoid adversely affecting drainage and run-off or causing other damage to the water environment, contrary to policy DP27 of the Camden Development Policies 2010-2026.

11.8 The development would fail to provide adequate cycle parking facilities for the residential element of the scheme and would therefore provide substandard housing development, and would fail to promote cycling as a healthy and sustainable way of travelling in this highly accessible Central London location, contrary to policies CS6 and CS11 of the Camden Core Strategy 2010-2025, policies DP17 and DP18 of the Camden Development Policies 2010-2026, The London Plan (2016) and the National Planning Policy Framework (2012).