

Address:	60 - 70 Shorts Gardens & 14 - 16 Betterton Street London WC2H		3
Application Number(s):	2017/2204/P	Officer: John Diver	
Ward:	Holborn & Covent Garden		
Date Received:	18/04/2017		
Proposal:			
<p><i>The refurbishment, extension and alteration of 60-70 Short Gardens and 14-16 Betterton Street including two storey roof extension to both properties and the installation of new mezzanine floors, refurbishment of vacant basements and the demolition and replacement of the redundant 'vent shaft' building to Shorts Gardens. Provision of mix of uses to 14-16 Betterton St including flexible retail and non-residential institution (A1/D1) at ground and ground floor mezzanine and no.4 self-contained residential flats (3x 2bed 4person, 1x 3bed 6person – C3). Provision of mix of uses to 60-72 Shorts Gardens including flexible restricted D1/D2 and flexible A3/A4 at basement level, flexible restricted D1/D2 at basement mezzanine, flexible B1 and restricted D1/D2 at ground and ground floor mezzanine and office (B1) at 1st – 4th floors. Associated refuse, cycle, plant and substation provision.</i></p>			
<p>Background Papers, Supporting Documents and Drawing Numbers: (Prefix: 498_PL_) 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037 Rev1, 038 Rev1, 039 Rev2, 040 Rev1, 041 Rev1, 042 Rev1, 043 Rev1, 044 Rev2, 045 Rev2, 046, 047, 048 Rev1, 049, 050, 051, 052, 053 Rev1, 054, 055, 056 Rev1, 057 Rev2, 058 Rev1, 059 Rev1.</p> <p>Supporting documents: Draft Construction Management Plan (plus appendices) prepared by Hush Pmc (dated Apr17), Covering Letter prepared by NLP (dated Apr17), Daylight and Sunlight Assessment (plus appendices) prepared by GIA (ref.3070), Venue Management Plan prepared by Span Group (dated 11/04/2017), Waste Management Plan prepared by Watermans (ref. WIE10452-100-R-2-2-3-WMP), Service Management Strategy prepared by Watermans (ref. WIE10452-100-R-4-2-3-SMP), Transport Statement prepared by Watermans (ref. WIE10452-100-R-1-2-3-TS), Framework Travel Plan prepared by Watermans (ref. WIE10452-100-R-3-2-3-FTP), Energy and Sustainability Statement prepared by Cundall (ref. 1014196-RPT-SU002 rev B), External Air Quality Monitoring Survey Report prepared by Green Air Monitoring (dated Feb 17), Heritage Impact Assessment (plus appendices) prepared by NLP (dated Apr17), Planning Statement prepared by NLP (dated Apr17), Plant Impact Assessment prepared by RBA Acoustics (ref. 7431/PNA rev 1), Acoustic Assessment Report prepared by RBA Acoustics (ref. 7431/AAR rev 1), Statement of Community Involvement prepared by Quatro (dated Apr17), Basement Impact Assessment (plus appendices) prepared by Fluid Structures (ref. 24509 rev P3), Response letter to initial BIA audit prepared by Fluid Structures (dated 07/09/17), BIA Preliminary Investigation</p>			

Report prepared by Soiltechnics (ref. STM1234T-P01), BIA Screening Report prepared by Soiltechnics (ref. STP3953A-BIA Rev 2), Viability Report prepared by James.R.Brown Ltd (dated Aug 17), Independent Viability Review prepared by BPS (dated 21.09.17).

RECOMMENDATION SUMMARY:

Grant Conditional Planning Permission Subject to a Section 106 Legal Agreement

Applicant:

Shorts Gardens LLP
C/O Agent

Agent:

Lichfields
14 Regents Wharf
All Saints Street
London
N1 9RL

ANALYSIS INFORMATION

Land Use Details:

	Use Class	Use Description	Floorspace (GIA sqm)
Existing	<i>B1 Business</i>	- 1582 (Shorts Garden) - 618 (Betterton St)	2,200
	<i>D2 Assembly and Leisure</i>	(Betterton St)	184
	<i>Vacant basement / Commercial plant</i>	- 583 (Shorts Gardens) - 144 (Betterton St)	727
	TOTAL		3,111sqm
Proposed	<i>B1 Business</i>		1943
	<i>Flexible B1 / D1 / D2</i>	<i>(Business / Restricted Non-Residential Institution and Assembly and Leisure)</i>	588
	<i>Flexible D1 / D2</i>	<i>(Restricted Non-Residential Institution and Assembly and Leisure)</i>	642
	<i>Flexible A1 / D1</i>	<i>(Retail / Restricted Non-Residential Institution)</i>	90
	<i>Flexible A3 / A4</i>	<i>(Food and Drink / Drinking establishment)</i>	100
	<i>C3 Dwelling Houses</i>		680
	<i>Ancillary spaces / commercial plant including GF lobby and route across the site</i>		452

	TOTAL	4,495sqm
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Residential Use Details:						
	Residential Type	No. of Bedrooms per Unit				
		1	2	3	4	Total
Market	Flat		3	1		4
TOTAL - All			3	1		4

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	1	0
Proposed	0	0

OFFICERS' REPORT

Reason for Referral to Committee:

Major development involving the construction of more than 1000 sq. metres of non-residential floorspace [clause 3(i)]; and which is subject to the completion of a Section 106 legal agreement for matters which the Director of Regeneration and Planning does not have delegated authority [clause 3(vi)].

1 SITE

- 1.1 The application site relates to two abutting properties with the overall site featuring an T shaped plot with parallel frontages onto both Betterton Street and Shorts Gardens. The site lies within the Covent Garden ward of the Borough. The adjoining three (60-72 Shorts Gardens) and four storey (Betterton Street) properties are both reflective of the area, retaining an architectural vernacular linked with their 19th /20th century industrial/warehouse uses. The properties are currently used for a mixture of office (B1a) as well as small unit used for Assembly and Leisure (D2) purposes, however, both are underutilised and feature large amounts of internal vacant spaces. The site has a combined area of approximately 0.08 hectares.



Figure 1: Application site outlined in red and immediate surroundings

- 1.2 Neither of the application properties are listed; however the entire site is located within the Seven Dials Conservation Area. The Conservation Area Statement (adopted 1998) classifies the Shorts Gardens building as making a positive contribution to the Conservation Area (it is silent regarding the Betterton St address). The site is not immediately adjacent to any listed

buildings or structures, however, further down Betterton Street nos.24 (GII*) and 33 (GII) as well as 22 Endell Street (The Hospital Club – GII) are listed.

- 1.3 The site abuts a larger building to the North-East, currently occupied and in use by EDF energy. This property houses a number of large transformers and is fairly visually obtrusive along its Betterton Street elevation. The Conservation Area Statement regards this adjacent block as being an 'opportunity site'. The area between Endell Street and Drury Lane comprises a mix of uses including residential, offices and leisure uses. Opposite the site on Shorts Gardens is a large Travelodge hotel and slightly to the West is Dudley Court, a large residential block of flats.
- 1.4 The site also lies within the Central Activities Zone, an Archaeological Priority Area and within the Crossrail contribution area. The site has a Public Transport Accessibility Level (PTAL) rating of 6b (highest possible) and is located in close proximity to Covent Garden, Holborn and Tottenham Court Road underground stations.

2 THE PROPOSAL

2.1 This application seeks planning permission for the following works:

- Two storey roof extensions to both properties including roof terraces
- Refurbishment of vacant basement spaces to both properties (including opening up and enlargements/rationalisation)
- Installation of suspended half width mezzanine floors at basement and GF levels within the Shorts Gardens property
- Demolition and replacement of redundant 'vent shaft' adjoining Shorts Gardens including basement excavation below.
- Ground floor elevational alterations to both properties including the opening up of brick arches along Shorts Gardens and the creation of new entrances
- Replacement or repair to fenestrations to both buildings
- Creation of a link through the site between Shorts Gardens and Betterton Street at ground floor level
- Change of use of enlarged Shorts Gardens property to provide a mixture of flexible B1/D1/D2 and B1 use from GF to 4th floor levels and flexible D1/D2 and A3/A4 at basement levels
- Change of use of enlarged Betterton St property to provide a mixture of C3 and A1/D1 uses (plus basement ancillary spaces)

2.2 The proposed floor areas and uses are outlined at the start of the report. The development would include the provision of no.4 self contained residential units (3x 2bed 4person, 1x 3bed 6person).

2.3 The flexible D1 and D2 uses proposed would be limited to: Non-residential institutions (D1): art galleries, museums or libraries; Assembly and leisure (D2): viewing cinema, seated concert venue or a members social club. This would

therefore exclude uses such as schools, places of worship or training centres from within class D1 and nightclubs, swimming baths, gymnasiums or indoor sports uses within class D2.

2.4 **Revisions**

2.5 The scheme hereby proposed was informed by numerous meetings prior to formal submission and was presented to Camden's Design Review Panel (DRP) for a chairs review (refer to paragraphs 4.11 - 4.13).

2.6 Minor revisions were made to the submitted scheme following submission however, which can be summarised as follows:

- Quantum of proposed flexible uses including food and drink uses (A3/A4) reduced to 100sqm, restricted to basement levels only (resulting in an uplift to proposed flexible D1/D2 quantum)
- Removal of proposed loading bays along Shorts Gardens
- Revised cycle parking provision/access at basement level in light of comments from Highways department
- Revision to detailing of metal arches to Shorts Garden frontage to reduce visual impact in light of DRP comments
- Additional glazing to Shorts Gardens roof extension in light of DRP comments
- Revised window detailing to Betterton St in light of noise/vibration mitigation requirements

3 **RELEVANT HISTORY**

The application site

3.1 **2008/1401/P:** Following an appeal on the grounds of Non-determination, permission was Appeal Allowed subject to a s106 Legal Agreement / conditions on the 21/04/2009 for the *'Alterations, extension (including roof extensions) and refurbishment of existing commercial/office use (Class B1), partial change of use to create small units (Class A1/A2 and D1), and change of use of basement to either B1/D1 or D2 use'* (PINS ref. APP/X5210/A/08/2089789).

This appeal decision allowed inter alia. roof extensions to both properties (part 1, part 2 storey), the demolition and replacement of the vent shaft structure as well as established the introduction of restricted D1/D2 uses at ground and basement levels. At the time of the appeal, the Council's only point of contention was the unacceptability of certain uses within an unrestricted D2 Use Class (specifically a potential nightclub use).

The permission was allowed subject to a restricted D2 Class to preclude certain uses, specifically cinemas, music and concert halls, bingo hall or casino and dance halls or nightclubs (a-d).

3.2 **2011/1031/P:** Permission was Granted Subject to a s106 Legal Agreement / conditions on the 07/10/2013 for *'Alterations including installation of a*

mezzanine level for use as a studio (Class D2) and installation of a new shop front on to Betterton Street at ground floor level'

- 3.3 **2012/1533/P:** Permission was Granted Subject to a s106 Legal Agreement / conditions on the 25/02/2013 for an '*Application to extend the time limits for implementation of planning permission ref: 2008/1401/P*'
- 3.4 The scheme as allowed at appeal was approved/renewed subject to the same restriction to the D2 Use Class following maintained concerns relating to a potential late night music venue. The permitted D2 use was restricted to a '*swimming bath, skating rink, gymnasium or area for other indoor sports or recreations, not involving motorised vehicles or firearms*'.
- 3.5 Although neither of the permitted roof extensions were built out on site, the above permission was partially implemented following the discharge of outstanding conditions and legal agreement requirements via the change of use at ground floor level (to convert the former car parks into office spaces) as well as the installation of a partial GF mezzanine as permitted. It is therefore considered that this permission remains extant.
- 3.6 It should also be noted that amendments made to the Town and Country Planning (Use Classes) Order 1987 following the 2013 decision have since removed night club uses from within Class D2 (now considered Sui Generis).

4 CONSULTATIONS

Statutory Consultees

- 4.1 Transport for London (TfL) on 19/05/2017 – No objection to proposals although it was noted that the site lays within close proximity to the Crossrail (Elizabeth line) tunnel.
- 4.2 Crossrail: No objection to proposed works subject to the application of conditions relating to foundation design, noise, vibration and settlement and concurrent working
- 4.3 Greater London Archaeological Advisory Service (Historic England): No objection to proposals. GLAAS had responded to confirm that the rationalisation of the basement spaces was not considered to have an affect on any significant archaeological remains and that any requirement for pre- or post-determination archaeological assessment/evaluation of this site in respect to the previous application could be waived.
- 4.4 Thames Water – No response to date.

Adjoining Occupiers

<i>Total number of responses received</i>	1
<i>Number in support</i>	0
<i>Number of objections</i>	1

- 4.5 Six site notices were displayed near to the site on the 03/05/2017 (consultation end date 24/05/2017). An advert was placed in the local newspaper on the 04/05/2017 (consultation end date 25/05/2017).
- 4.6 One objection was received from the owner/occupier of 68A Neal Street, WC2H 9PA. Their raised comments can be summarised as follows:
- Generally supportive of proposal except for two aspects of the proposal to which objection is raised:
 - (1) The demolition of the vent shaft structure and replacement with brickwork, fenestration and louvres plant screen that are out of keeping with, and would detract from, the conservation area by virtue of the loss of historic brickwork and the proposed design.
 - (2) The set back of the roof extension to Shorts Gardens should be increased to prevent over massing at street level or a canyon effect.
- 4.7 *Officers' response:*
(1) *Please see paras. 12.18 – 12.21 and 12.37 of the main report below*
(2) *Please see paras. 12.7 – 12.13 and 12.32 - 12.34 of the main report below*

Local groups/stakeholders

4.8 Covent Garden CAAC

No comments received (consultation letter sent 28/04/2017).

4.9 Seven Dials Trust

No comments received (consultation letter sent 28/04/2017).

4.10 Covent Garden Community Association

A letter of objection was received on behalf of the CGCA. Their raised comments can be summarised as follows:

- (1) Objection to increase in height above permitted scheme and associated harm to the character of the CA
- (2) Concerned with lack of detail regarding proposed entertainment uses and associated potential impact to residential amenities
- (3) Request for further details regarding future occupiers / end users
- (4) Concern over extent and percentage of food, drink or entertainment uses within frontage to protect residential amenity and prevent over saturation of A3 uses
- (5) Concern over servicing arrangements
- (6) Request for any permission to be subject to conditions relating to:
 - Restricted hours for servicing and deliveries (08:00 - 20:00 suggested)

- The use of quiet and low-pollution vehicles and carts with rubber tires fitted
- Noise requirements for plant equipment
- Requirement for annual checks for plant equipment to ensure efficient running
- Restricted hours for plant equipment
- Requirement to fit automatic clocks to plant equipment to ensure adherence to restricted hours

4.11 Officers' response:

- (1) Please see paras. 12.7 – 12.13 and 12.32 - 12.34 of the main report below
 (2-3) Please see paras. 13.23 – 13.31 of the main report below
 (4) Please see paras. 9.21 – 9.25 and 13.23- 13.33 of the main report below
 (5) Please see paras. 13.37 and 15.9 – 15.12 of the main report below
 (6) Officers generally agree with the majority of recommended conditions which are in line with the recommendations outlined below. Officers do not however feel that conditions requiring rubber tyres or annual checks to plant equipment would be necessary considering the internal nature of refurbishment works (where carts are likely to be needed) as well as the wording of the plant condition requiring upkeep in line with manufacturers specifications. Please see the end of the report for a full list of suggested conditions.

Camden Design Review Panel (DRP)

4.12 The scheme was taken to the DRP for a formal Chair's review meeting on the 20th of January 2017. Overall, the panel was highly complimentary towards the proposal and made few suggestions. The summary from the formal report is copied below:

'Summary

The panel feels that the proposed design responds well to the attractive existing buildings, and has potential to enhance both the site and the surrounding area. There are some aspects of the scheme that would benefit from further refinement. Where demolition of an existing ventilation shaft building is proposed on Shorts Gardens, the panel would encourage the team to consider retaining and adapting this. They recommend further work on the form and boldness of the proposed roof on the Betterton Street building. Considering opportunities to achieve passive ventilation could also enhance its environmental sustainability. The panel urged against using materials and finishes that were too smooth and tidy as this would undermine the buildings' current rawness, which is one of their key strengths.'

4.13 The panel did not request to see the scheme for a second time following further revisions. Further discussion of the DRP's comments will be covered in the main report.

Councillors

4.14 No comments received

5 STATUTORY PROVISIONS

- 5.1 The statutory provisions principally relevant to the determination of these applications are Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”).
- 5.2 Section 66 is relevant given that a number of properties along Betterton Street (nos.24 and 33) are listed buildings and Section 72 as the application site is located within the Seven Dials Conservation Area.
- 5.3 Section 66 of the Act requires that in considering whether to grant planning permission for development which affects the setting of a listed building the local planning authority shall have special regard to the desirability of preserving the building’s setting.
- 5.4 Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 5.5 The effect of S.72 provides the statutory basis for a presumption in favour of preserving or enhancing the character and appearance of Conservation Areas. Considerable importance and weight should be attached to this presumption. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations to outweigh the harm. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified.

6 POLICIES & Guidance

6.1 National Planning Policy Framework 2012

6.2 The London Plan 2016

6.3 Camden Local Plan 2017

- G1 Delivery and location of growth
- H1 Maximising housing supply
- H2 Maximising the supply of self-contained housing from mixed-use schemes
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- C2 Community facilities
- C3 Cultural and leisure facilities
- C5 Safety and Security
- C6 Access for all
- E1 Economic development

- E2 Employment premises and sites
- A1 Managing the impact of development
- A3 Biodiversity
- A4 Noise and vibration
- A5 Basements and Lightwells
- D1 Design
- D2 Heritage
- D3 Shopfronts
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- CC4 Air quality
- CC5 Waste
- TC1 Quantity and location of retail development
- TC2 Camden's centres and other shopping areas
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development
- T4 Sustainable movement of goods and materials

6.4 Supplementary Planning Policies

Camden Planning Guidance

- CPG1 Design 2015
- CPG2 Housing 2015
- CPG3 Sustainability 2015
- CPG4 Basements 2015
- CPG5 Town centres, retail and employment 2013
- CPG6 Amenity 2011
- CPG7 Transport 2011
- CPG8 Planning obligations 2015

Seven Dials Conservation Area Statement (1998)

7 **ASSESSMENT**

7.1 The principal considerations material to the determination of the application are considered in the following sections of this report:

9	Land use
10	Affordable Housing
11	Housing Mix, Unit Size and Quality of Accommodation
12	Design and conservation
13	Neighbouring Amenity
14	Basement construction
15	Transport considerations
16	Sustainable Design and construction
17	Safety and security

18	Waste
19	Air Quality
20	Land contamination
21	Employment and Training Opportunities
22	CIL

8 Background

- 8.1 As outlined in section 3 of the report, planning permission was previously granted for works of a similar nature to both properties, including the introduction of roof extensions and D1 and restricted D2 uses. The permissions allowed a two storey roof extension to Betterton St as well as a single storey roof extension to Shorts Gardens (plus plant enclosure). The scheme also permitted the demolition and replacement of the 'vent shaft' building to Shorts Gardens. This permission included a D2 use restricted to indoor sports and recreation uses. As discussed in para.3.5 works to implement this permission have commenced on site. This permission remains extant and a 'fall-back' option for the applicants. This former permission is thus a significant material consideration in the assessment of the application.
- 8.2 Within this previous scheme, residential provision was not sought by the Council despite its mixed use policy of the time due to the proximity of the site to an active electrical sub-station within the adjacent building. The resulting 'hum' perceivable throughout the building was felt to undermine amenity standards for prospective occupants to a level where residential provision was not felt appropriate. The Council did therefore not secure any housing as part of the now extant scheme. Following the completion of a viability review exercise, no payment in lieu of either housing or affordable housing was secured. As will be detailed within the report, the potential for residential provision has been readdressed throughout pre-application stages and re-introduced into the proposal.
- 8.3 This proposed development essentially constitutes an amalgamation of previous permissions for the site, with an increase to the size and variation to the form of the roof extensions proposed to both properties (as will be discussed further in the main report). The new scheme would also include the introduction of limited areas of additional land uses (100sqm A3/A4) at lower basement level to Shorts Gardens as well as an amendment to the D2 uses permitted.

9 Land Use

- 9.1 Currently the buildings are predominantly in office use (B1), although a small unit is retained within Betterton Street as a yoga studio (D2). Both properties feature large areas of underutilised spaces including large basements to both properties which are vacant and not currently accessible. As well as extensions, the proposed works would introduce a number of new uses into the

application site including flexible permission for a number of floors/areas. An overview of the uses proposed by floor area is outlined in the figure below:

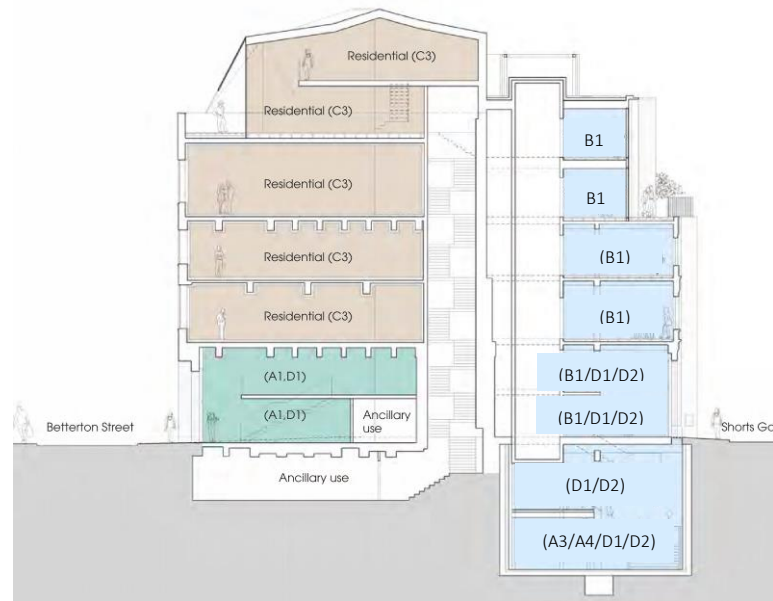


Figure 2: Site section annotated with proposed land uses

Mixed use development / Housing provision (C3)

- 9.2 Policy G1 of the Local Plan states that the Council will seek growth throughout the Borough, with the most significant developments directed to growth areas or other highly accessible areas, in particular Central London. Policy G1 also provides an expectation for developments to include a mix of uses, particularly in the most accessible parts of the borough, including an element of self-contained housing where possible.
- 9.3 Policy H2 of the Local Plan requires a mixture of uses in all parts of the Borough, including a contribution to housing. For development located within the Central London Area with more than 200m² (GIA) additional floorspace, policy H2 requires 50% of all additional floorspace to be self-contained housing. This requirement is subject to further considerations, including the character of the site and area, site constraints, compatibility of housing with other uses and planning objectives considered to be a priority for the site.
- 9.4 Through a combination of the proposed roof extensions as well as the introduction of mezzanine floors, the overall gross internal area of the site would be increased by 1384sqm as a result of the development. A provision of 692sqm would therefore be expected to meet this policy target.
- 9.5 As outlined in section 8, previous consents for the site had not stipulated a need for the provision of housing despite policy requirements due to the proximity of the site to the adjacent EDF transformer site and the associated noise and vibration risks to future occupiers. During pre-application negotiations this matter was readdressed and, as will be discussed in later sections, appropriate solutions were found to mitigate against external sources

of noise and vibration. As a result, the introduction of housing into the scheme is welcomed in line with strategic requirements.

- 9.6 The proposed development would result in an uplift of 680sqm of residential floor area, which is equivalent to 49% of the total uplift. Although this figure is 12sqm short of the policy target (50%), considering the spatial limitations of the existing buildings as well as the requirement for adequate mitigation measures to be installed so as to allow for residential accommodation to be provided, this minor shortfall is not considered objectionable and this policy requirement is thought to have been substantially met.

Employment space (B1)

- 9.7 Adopted policy E1 sets a general presumption for the promotion and retention of employment spaces across the Borough, with an express aim to direct new office development within growth areas or within Central London. This is supported by policy E2 which states the Council will promote and protect premises that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment for Camden residents and those that support the functioning of the Central Activities Zone (CAZ) or the local economy. Policy E2 allows for higher intensity redevelopment of premises or sites that are suitable for continued business provided that: employment levels on site are maintained or increased; the scheme would include other priority uses; existing businesses that support the functioning of the CAZ are retained wherever possible; the scheme would increase employment opportunities for local residents; and that the premises would be suitable for small or medium enterprises (SME's).
- 9.8 The majority of occupied areas of the site are currently used for office (B1) purposes and as outlined above, there is a general desire for the retention and potential increase in capacity for land and buildings suitable for business use.
- 9.9 The proposal seeks to enhance the quality of the employment space and increase its quantum to create high quality floorspace of modern standard throughout. Whilst the quantum of floorspace permitted solely for B1 space would be reduced under the proposal (by 257sqm), overall the proposal would result in an uplift of 331sqm (GIA) of office space if the flexible floorplates are included (total 2531sqm B1 – uplift of 331sqm above existing). It is noted that the applicants have stated that it would be their intention to market flexible spaces for office purposes as primary uses, although the flexible permission would allow variability to ensure uptake. In order to ensure that there would be no overall loss of B1a floorspace via the flexible permission, a condition is recommended that the flexible permissions at ground floor levels be restricted to maintain the overall existing area of office accommodation (2200sqm) across the site at a minimum. In practice this would mean that as well as provision of purely office accommodation at floors 1 - 4 of Shorts Gardens, a proportion of either the GF or GF mezzanine (proposed B1/restrictedD1/D2 flexible floorplates) would also need to be retained as office space so as to avoid any potential shortfall. This would equate to the need to maintain an area of

257sqm across either the GF or GF mezzanine levels (out of total area of 588sqm) as office.

9.10 Each floorplate has been designed to be flexible and to suit either a single tenant or multi-tenants. The proposed floor plates would accommodate flexible use of the premises for a range of business purposes, including SME's through the potential for subdivision, adequate levels of light and floor to ceiling heights and a range of unit sizes. At fourth floor level, an external terrace would be provided for the users of the office space (see Figure below, which shows the proposed amenity spaces for the employment use). As will be detailed in the transport section of the report, the proposed office accommodation would feature improved facilities in terms of cycle storage and changing/shower facilities.

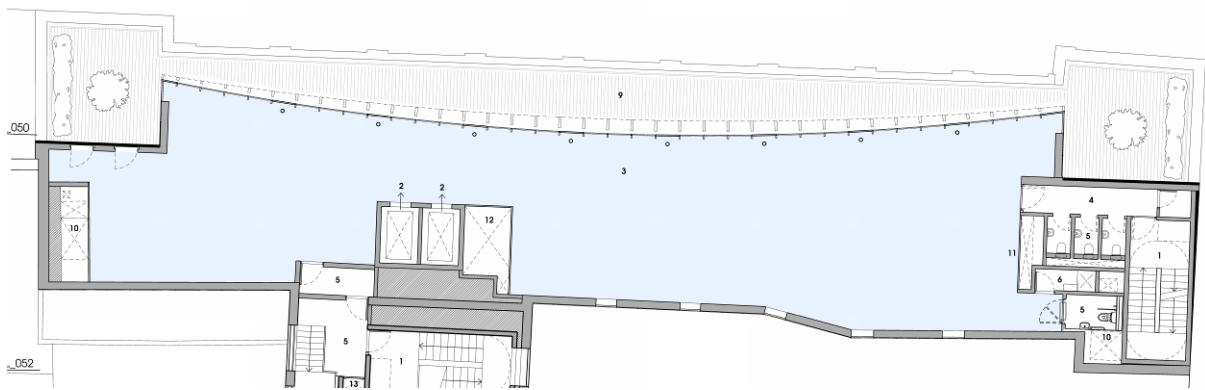


Figure 3: The proposed office floorplate and terrace to Shorts Gardens (4th floor)

9.11 The Council's Economic Development team has provided comments to state that the proposed design of the office accommodation would be conducive to a high quality of office amenity as well as confirming the adaptability of the floorplates as discussed above. The improvements to the quality and potential uplift in quantum was welcomed by Economic Development officers. The development would therefore provide significant increases to the quality of office accommodation and would therefore be more likely to be fully occupied after completion. These proposals, along within the significant upgrade to the internal and external fabric and facilities within the building, would greatly enhance the existing outdated office space. The proposal would deliver efficient, flexible office floorspace suitable for multiple businesses of varying sizes and uses, allowing for a greater diversity of enterprises to occupy this development within the Central London Area.

9.12 Overall the significant improvements to the resulting quality and types of office spaces provided, as well as the maintained or potentially increased employment floorspace provided is in accordance with policies E1 and E2.

Community facilities (Non-residential Institutions D1) and Cultural and leisure facilities (Assembly and leisure (D2)

- 9.13 Within the Local Plan, “community facilities” are defined as a wide range of social infrastructure that provides services to the community. These facilities form a vital part of town centres and neighbourhoods and address the local community’s needs or, for larger facilities, can potentially serve a large catchment area (para.4.21). Policy C2 sets out how the Council will ensure that there is provision of community facilities to meet the needs of a growing population. Policy C2 also expects developments involving new community uses to ensure that facilities are fully accessible and that future maintenance is ensured.
- 9.14 The Local Plan considers cultural and leisure facilities, such as theatres, galleries and museums; music, comedy and dance venues; and provision for sports and exercise, to “*contribute enormously to Camden’s attractiveness as a place to live, work or study. These facilities support opportunities for people from all walks of life to meet and interact and promote a sense of belonging and connection*” (para.4.49). Policy C3 states that the Council will seek opportunities for new cultural and leisure facilities in mixed use developments. Policy C3 also sets the expectation that the siting of new facilities take into account its associated impacts and for large-scale facilities to be located where as many people as possible can enjoy their benefits and make use of public transport to get there (Central London will, therefore, be the most appropriate location).
- 9.15 The scheme seeks flexible permission for uses including D1 and D2 between basement and ground floor levels (inc. mezzanines) at the Shorts Gardens property as well as A1/D1 at ground and mezzanine floors to Betterton Street. Following the recommended condition to retain a minimum quantum of office floorspace equal to existing via a restriction to the flexible use at GF level (see para.9.9), the scheme could potentially provide between 619sqm and 921sqm of D1/D2 uses under a flexible permission within Shorts Gardens (depending of level of office provision). A further maximum of 90sqm of D1 use could be provided within Betterton Street under the flexible permission proposed.
- 9.16 The larger of the two facilities (Shorts Gardens) would be accessed via the main entrance from Shorts Gardens with a dedicated lobby leading to the proposed sculptural helical stair, which provides stepped access to basement level (step free access is provided via adjacent lift). The existing basement to this property is of striking scale and character and works to form this into usable space for publicly accessible activities are welcomed.
- 9.17 As outlined in the proposals section of the report, submitted reporting has confirmed that the application seeks permission for *restricted* uses under the D1/D2 classes to include art galleries, museums, libraries, viewing cinema, seated music venue or a member’s club. This restriction would thus preclude uses such as schools, places of worship, training centres, swimming baths, gymnasiums and indoor sports. Nightclubs no longer fall within any Class (Sui Generis) and would therefore be automatically excluded.

9.18 Amongst other elements, the 2008 appeal and subsequent 2013 permission consented uses including D1 at ground floor as well as restricted D2 uses at basement level. The use of the ground and basement floors of the site for limited D2 and D1 restricted purposes was therefore established under the appeal and subsequent renewal of permissions and as such is not objectionable in principle. Notwithstanding this, the facility would be situated within the Central London area, would be highly accessible by public transport and would provide fully step-free space which would add interest to and support the mix of activities in the Covent Garden area. As will be discussed in section 13 of the report a venue management plan has been submitted and this, along with recommended conditions, would address matters of associated impacts arising from the proposed use. The proposed variation and increase to permitted D1/D2 floorspace onsite is therefore considered to remain in accordance with policies C2 and C3.

Retail (A1)

9.19 The scheme would include the provision of a retail (A1) unit over ground and mezzanine floors (max. 90sqm GIA) permitted under a flexible (A1/D1) permission to the Betterton St property. Policy TC1 of the Local Plan states that the Council will seek to focus new shopping within designated growth areas or existing centres, having regard to the level of capacity available in these locations. Policy TC2 states that the Council will seek to promote and protect existing Centres and other shopping areas to serve the needs of residents, workers and visitors.

9.20 Although 14-16 Betterton St is not situated within a designated retail frontage in the Central London area, the adjacent Drury Lane and Endell Street are both designated in part as 'secondary frontages'. Due to the scale and layout of the ground floor unit, this element would be of a modest scale and would not introduce a retail unit which might compete or detract from the nearby secondary frontages. The submitted venue management plan indicated an intention for this space to be used as a Class A1 coffee shop/café (excluding hot food) or gallery space. Considering the scale of the unit and the other similar ground floor uses to GF units along Betterton St it is considered that the proposed retail use would not jeopardise the character or function of nearby designated frontages. The proposed use would also be considered to promote variety, vibrancy and choice for the Covent Garden area and to improve the adjacent public realm to Betterton St by forming a form active street frontage with increased natural surveillance and activity.

Restaurant / drinking establishment (A3/A4)

9.21 Further to the above, the scheme would also include a dedicated area at basement level within the Shorts Garden property for use as either a restaurant (A3) or drinking establishment (A4) to support the principal use(s) at this level (D1/D2). Following negotiations and input from the Council's licencing team, this area would be restricted to a maximum of 100sqm in light of the licencing requirements. The submitted draft venue management plan states that this area would allow for between 35-50 covers and that any A3/A4 use would

complement the principle D1/D2 use at basement level (e.g. gallery space, members social club or seated concert venue).

- 9.22 Policy TC2 states that within Camden's centres and Central London, the council will seek to promote a range of uses including shops, but also services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice. This policy does however, state that development should ensure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents. This requirement is supported by policy TC4 which additionally requires consideration for the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses and non-implemented planning permissions and any record of harm caused by such uses.
- 9.23 As aforementioned although the site is very centrally located, it is not located within a designated frontage and the proposed food and drink use would be located at basement level only. The proposed introduction would consequently not result in any loss of retail provision within a designated frontage. The introduction of these uses would therefore not cause harm to the retail role of Covent Garden or alter the character or function of nearby secondary frontages. Notwithstanding this, CPG5 states that within the Covent Garden area, in order to avoid clusters of food, drink or entertainment uses that cause harm to the amenity of the area and to the residential population food and drink uses greater than 100sqm will be resisted. As the A3/A4 use would be limited to a maximum of 100sqm, these element of the proposed scheme would accord with the requirements of CPG4 and policy TC2.
- 9.24 Camden's Statement of Licensing Policy (CSLP) 2017-2022 designated the application site as being within its Seven Dials cumulative impact policy area. As such any subsequent licencing applications for a new food/drink premises would undergo scrutiny in line with the requirements of the CSLP. Through this process the applicants will be required to demonstrate how the policy affects their application and identify the measures they will take to mitigate any negative impact on any of the licensing objectives.
- 9.25 A full discussion of the measures proposed to avoid harm to residential amenity via the operation of such uses will be discussed in the residential amenity section of the report. Subject to the conditions and obligations outlined in later sections to mitigate issues of noise and disturbance, the introduction of A3/A4 uses at basement level is considered acceptable in principle.

Land use conclusion

- 9.26 The proposed development would result in the comprehensive redevelopment of the site to provide a mixture of office (B1), residential (C3), community facilities (D1/D2), retail (A1) as well as either a small restaurant or bar (A3/A4).
- 9.27 The development would ensure that the existing quantum of employment floorspace is maintained at a minimum, although under the flexible permission this quantum may be increased by up to an additional 484sqm (total maximum

office floorspace 2,684sqm). The resulting office accommodation would be of very high standard, far exceeding the existing standards, and would introduce step-free access and new facilities to all floors. The scheme therefore accords with policies E1 and E2.

- 9.28 The development would introduce four self-contained residential units (C3) into the Betterton St property. The amount of residential floorspace provided (680sqm) would represent 49% of the total uplift in floor area across the site which is deemed in accordance with the requirements of policy H2 considering the site's limitations.
- 9.29 The scheme would also involve the creation of high quality community uses (D1/D2) which could provide a range of facilities including art galleries, museums, libraries, viewing cinemas, a seated concert venue or a members social club. These facilities (between 619 - 921sqm in total across the site) would be located within an area highly accessible by public transport, would provide step-free access throughout and would add to and support the range of activities provided within the Covent Garden centre. This provision is thus considered acceptable in principle in accordance with policies C2 and C3 subject to the mitigation and management measures outline in later sections of the report.
- 9.30 To the ground floor unit within Betterton Street a retail unit (90sqm) would be permitted under the flexible permission proposed. This provision would add interest to the local streetscene and would not compete with, or cause harm to the designated retail frontages of Drury Lane or Endell Street by virtue of its scale. This provision would thus comply with policies TC2.
- 9.31 To the lower basement level, permission is also sought for a limited area (100sqm) to be used as either a restaurant (A3) or a wine bar (A4). A unit of this scale would be able to serve between 35-50 covers and would complement the D1/D2 use at this level. This provision would not result in any loss of retail space or cause a concentration of food or drink uses. Subject to the limitation in area (secured as part of the permission) and mitigation and management measures outline in later sections of the report, this provision remain in accordance with the requirements of policy TC2 and GPG5 and is acceptable in principle.
- 9.32 Overall the proposed mixed use development would provide a range of uses which would remain in accordance with the Council's land use requirements and would add interest to the range of activities in the Covent Garden Area. The development would also ensure that all ground floor units contain uses which would enliven the adjacent streets by adding activity and interest and thus forming more active frontages.

10 Affordable Housing;

- 10.1 Policy H4 (Maximising the supply of affordable housing) of the Local Plan seeks to maximise the supply of affordable housing, in line with aiming to

exceed the Borough wide strategic target. Policy H4 has a sliding scale target that requires an additional 2% affordable housing per capacity for each additional home. Capacity for one additional home is defined within the Local Plan as the creation of 100m² of additional residential floorspace (GIA). In assessing capacity, additional residential floorspace is rounded to the nearest 100m² (GIA).

- 10.2 Policy H4(d) includes stipulations regarding requirements for affordable housing contributions of schemes providing a capacity for less than 10 units (or 1000sqm). Where this is the case, the Council will still expect a contribution, calculated as a sliding target as described above.
- 10.3 In this case, the proposed development would include the creation of 680sqm (GIA) of residential floorspace, which complies with the Council's mixed use policy and also triggers an affordable contribution. The sliding target in this instance would require a provision equal to 14% of the total C3 uplift (expressed in GEA). Policy H4 accepts that a payment-in-lieu is often to most appropriate means to secure this provision in scheme of under 10 units and no longer requires offsite provision to be explored for schemes of such scale.
- 10.4 At present, the Council's adopted multiplier for calculating a payment-in-lieu within Market residential schemes is £2,650 per sqm. This provides an overall requirement of £301,994 based upon an uplift of 814sqm (GEA).

Viability Assessment

- 10.5 The application is supported by a 'Financial Viability Report' prepared by James R. Brown Ltd. The report examines the economics of the proposal. Following the calculation of the Site Value Benchmark (SVB), it concludes that the proposed scheme falls short of being viable. On this basis it concludes that the scheme could not viably support an affordable housing contribution and that such a contribution would effectively remove the deliverability of the development.
- 10.6 In light of this submission, BPS was instructed by the Council to undertake an independent audit of the viability report by James R. Brown Ltd at the applicant's expense. They assessed the cost and value inputs within the financial appraisal in order to determine whether the scheme can viably make any additional affordable housing contributions. Furthermore, BPS instructed Geoffrey Barnett Associates (GBA - Cost Consultants) to re-examine their appraisal of the applicants' construction costs after a disagreement regarding build-costs. Following discussions between James R. Brown Ltd and BPS, an agreed benchmark land value was reached. Following a site visit undertaken by GBA, an agreed build cost was reached.
- 10.7 GBA subsequently revised their costing figures based on the additional information received and a report addendum was subsequently produced by BPS. In this addendum, BPS state that following the updated information on build costs, the appraisal now shows a deficit. They conclude by noting "*It can therefore be concluded that the scheme cannot offer any affordable housing*

contribution while remaining viable". A redacted copy of their addendum to the viability review is included as Appendix 1.

- 10.8 Although they confirm that scheme would not have the potential to provide the expected affordable contribution at this stage, BPS recommend that given the potentially higher yields that could be gained from the commercial element of the development, a post-construction review of viability should take place. A post-construction review would use actual costs and values to give a clearer idea of the scheme's ability to make further affordable housing contributions. Any further surplus generated would be paid to the Council.

Review mechanism

- 10.9 As stated in paragraphs 3.65 (policy H2) and 3.124 (policy H4) of the Local Plan, the Council expects reappraisal of viability when a development is substantially completed in instances such as this. This is to capture an accurate estimate of the value of the development using current values and costs at the time of implementing the scheme rather than forecasted ones. A subsequent viability review determines the extent of any top-up payments that can be secured towards the shortfall in provision against the Council's affordable housing target. As such a deferred contribution review mechanism would be secured via section 106 legal agreement.

Affordable Housing conclusion

- 10.10 Due to the level of uplift of residential floorspace proposed, a provision of affordable housing is expected under the requirements of policy H4. As the scheme includes the creation of only four units, this would be expected to be secured as a payment in-lieu of onsite affordable provision. The expected payment in-lieu was calculated at £301,994.
- 10.11 As the application was accompanied by the submission of a Viability Assessment, the Council instructed BPS to undertake an independent audit of this viability report at the applicant's expense.

11 Housing Mix, Unit Size and Quality of Accommodation;

Housing mix

- 11.1 The proposed development would include the provision of no.4 self contained, market residential units (3x 2bed 4person, 1x 3bed, 6person) within the converted/extended Betterton St property. Policy H7 seeks to ensure that all housing development, including conversions, contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT) and includes a mix of large and small homes wherever practical. For market units the DSPT considers 1-beds/studios to have a lower priority, 2 bedroom units to be of high priority, 3-bed units high priority and 4-beds (or more) a lower priority.

- 11.2 As the scheme has capacity for only four units, the provision of 3x 2 bedroom and 1x 3 bedroom units is considered to align with the requirements of the DSPT and policy H7.

Unit sizes

- 11.3 The Department of Communities and Local Government nationally prescribed space standards published in 2015 are now incorporated in the Local Plan and policy H6 now requires all new residential developments to meet DCLG minimum standards. The minimum gross internal floor areas are set by the number of bedrooms and bed spaces/occupiers in each dwelling. The development consists of 2 bed 4 person (all 1 storey) units and a 3 bed 6 person (duplex) unit which require a minimum of 70sqm and 102sqm respectively. As the proposed 2bedroom flats range between 102 and 106sqm and the duplex flat would have an internal area of 156sqm, all of the units comfortably exceed the national standards and feature adequate levels of internal storage to meet this minimum requirement.

Standard of accommodation

- 11.4 Further to the above, policies H6 and D1 require that new residential accommodation is designed to be functional, adaptable and accessible spaces and to provide a high standard of accommodation. Policy A2(o) seeks for developments to seek opportunities to provide private amenity spaces where possible.

Noise and Vibration

- 11.5 As aforementioned, previous consents for the site had discounted residential provision due to the proximity to the adjacent EDF site and the resulting structure-bore vibrations that can be perceived within adjoining buildings. Of particular concern was the low frequency (100Hz) 'hum' produced by the large transformers situated within the adjacent property. Although the introduction of residential provision under this scheme was welcomed in principle, officers had outlined that the resulting standard of accommodation was a significant concern during pre-application discussions.
- 11.6 In order to address these concerns, multiple meetings were held involving the Council's Environmental Health (Noise) officers and the applicants' Noise and Vibration consultants (RBA Acoustics) specifically to discuss mitigation techniques. This included a site visit involving both parties where methodologies for the monitoring of the existing situation were agreed as well as a follow-up meeting where viable options for attenuation were discussed.
- 11.7 An 'Acoustic Assessment' report produced by RBA Acoustics has been submitted alongside the application which assesses the existing situation and proposes mitigation measures to attenuate levels of noise and vibrations for prospective occupiers. The report recommends that each unit is independently isolated via a 'box-within-a-box' solution, where all internal walls, floors and ceilings are made fully independent of the existing supporting structure. The

'floating' floors and ceilings would be supported on spring isolation hangers as well as a build-up of insulation materials. Other measures such as secondary glazing to the Eastern bedroom windows (facing the transformer yard), acoustically rated glazing and ventilators to habitable rooms as well as configurations for entrance doors are also presented. The report also includes full specifications for materials to be implemented. These details have been incorporated into proposed drawings to give a true reflection of resulting internal measurements.

- 11.8 With the recommended measures given, noise and vibration levels within habitable rooms would comply with acceptable internal levels. The Council's Environment Health Officers, who have been heavily involving in the formulation of the proposed measures, confirmed that the attended site meetings and suggested design criteria set out in report ref 7431/AAR, have satisfied their concerns over noise and vibrations. Environmental Health officers are therefore support the proposal, however, given the level of sound attenuation needed for the development they request that conditions are secured for a post-completion a noise assessment to be submitted to demonstrate that the details outlined in the submitted acoustic report (ref 7431/AAR) are implemented in full prior to occupation.

Layout and heights

- 11.9 The general layout of the proposed units provides functional and practical spaces which are fit for purpose in all cases. Due to the building's industrial heritage, all floors within the Betterton Street property enjoy generous floor to ceiling heights (f-c). The f-c heights of the residential spaces comply with the 2.3m minimum standards within CPG2 (Housing) throughout. Including required build-ups for mitigation (discussed above), the minimum f-c clearance would remain at 2.4m and the majority of habitable rooms would benefit from an average f-c height of 3m. At fifth floor level, the mezzanine floor would retain a minimum separation distance of 2.4m to roof level at all points.

Natural light, aspect, outlook and amenity space

- 11.10 All proposed residential units would be South facing and would feature dual aspects. Between 1st and 3rd floor levels, this Southern aspect as well as the large front fenestration would mean that the main habitable spaces (living room and master bedrooms) would benefit from good levels of natural light. Side windows to the East and Western elevations at upper levels would supplement this primary source whilst also providing outlook to the secondary bedrooms to the 2bedroom units. At 5th floor level, the bedrooms to the duplex unit would be served via punched 'hit-and-miss' brick windows as well as rooflights to each room. All units are considered to feature adequate standards in this regard.
- 11.11 Only one out of four proposed units would feature private outdoor amenity space via a private terrace provided at 4th floor level for sole use of the duplex, 3bedroom unit. This outdoor provision would mean that this unit would feature a very high standard of accommodation. The lack of private outdoor amenity space to the 2bedroom units is not objectionable in this instance considering

the fact that these units are comfortably above the minimum floor area requirements and are located within Central London and would benefit from access to a wide range of leisure and amenity facilities in the local area. It is also noted that the application of external terraces to the converted building would be undesirable from a conservation and design perspective and that the conversion would not otherwise allow for private amenity spaces. This would remain in accordance with the requirements of policy A2(o).

Accessibility

11.12 Policy H6 expects all new build housing development to go above the minimum mandatory Building Regulations with a requirement to meet Building Regulations part M4 (2) wherever practical. Although the residential units would be predominately conversions rather than new build, this requirement has informed the design through the negotiation process and as such all four residential units would be step-free and designed in accordance with Building Regulations part M4 (2). The plans were reviewed by the Council's Accessibility officers who raised no objections to the design of accommodation in this regard. In order to ensure that appropriate internal furnishing are implemented to adhere to this standard, a condition is recommended requiring as such.

11.13 Overall, subject to the full implementation of details as required by the conditions above, the four proposed residential units are considered to offer a good standard of accommodation and accessibility in line with policies H6 and D1.

12 Design, Character and Conservation

12.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance

12.2 The application site is situated within the Seven Dials Conservation Area as well as in the vicinity of a number of listed buildings. The Council therefore has a statutory duty outlined in Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character, appearance and significance of these heritage assets. Although neither host building is listed, 60-68 Shorts Gardens is recognised within the Seven Dials Conservation Area Statement as making a positive contribution to the character of the area (the statement is silent regarding 14-16 Betterton St).

Context

- 12.3 Along Shorts Gardens, the site's main frontage is set back slightly from the building line of the rest of the South side of the street and is visually framed by two 'book-end' buildings (no.70 and a redundant vent shaft situated between nos.60 and 58) which add to its interest. Both of these book-end properties are included within the development site. The site abuts a more bulk three storey building to the North (no.72), currently occupied and in use by EDF energy. This property is fairly visually obtrusive along its Betterton Street elevation and the CA Statement regards this adjacent block as being an 'opportunity site'. Further South along Shorts Gardens, nos.54-58 continues the frontage along the street and feature fine detailing. At the end of the frontage is the side elevation of no.24 Endell Street which is two storeys higher than the rest of the frontage. The northern side of Shorts Gardens is situated outside of the conservation area and comprises the larger grain, 20th century developments of a 5-9 storey Travelodge hotel (opposite development site) and Dudley Court, a large, 5 storey residential block of flats.
- 12.4 14-16 Betterton Street marks the end of a row of retained historic buildings of architectural merit (nos.16-24) including the GII* listed shop/dwelling at no.24. Beyond either end of this row of historic buildings, the character of the frontage is punctuated by modern developments which extend between no.24 and the corner property of 22 Endell Street. To the north of the site, the aforementioned EDF building presents a blank brick elevation for the rest of the frontage up to its corner with Duruy Lane. Building heights within this frontage range from 4-5 storeys. The opposite (southern) side of Betterton Street is also interspersed with more modern developments, although a number of handsome buildings are retained including the well maintained 'Betterton House' as well as the GII listed dwelling at no.33. Buildings on this side of the street also range from 4-5 storeys in height.
- 12.5 The application properties are both characteristic for their ages and original function, containing interesting detailing and reflecting the original character of the conservation area. The Seven Dials (Covent Garden) Conservation Area Statement recognises this by listing the Shorts Gardens property as providing a positive contribution to the character of the area. Whilst this does not include the Betterton Street property, it is the view of conservation, design and planning officers that this property is important within the Betterton Street streetscene, particularly when read in conjunction with the listed buildings further along the street. The character of this area (particularly Betterton Street) has been eroded by sequential development and maintaining or enhancing those surviving properties is now considered essential. Stanton Williams (project architects) have included this requirement within their design brief and the design development process has involved several meetings between SW and the Council's planning and design officers to refine proposals.

Roof extensions

- 12.6 Two storey roof extensions are proposed to both buildings, but would be of very different appearance to suit their respective host buildings.

Shorts Gardens

12.7 To Shorts Gardens, a two storey, curved extension is proposed above the central frontage element, with recessed elements to either book-end buildings allowing for an external terrace amenity space for the office tenants.

12.8 The form of the extension has been designed to harmoniously contrast with the robust main red-bricked arched façade below and incorporates a gentle curved profile. The setback curved massing acknowledges the hotel complex opposite on Shorts Gardens and is centred symmetrically on the recessed main façade. Although the height of the extension is greater than the extant permission, the curved form proposed would act to reduce its visual impact upon Shorts Gardens, both in long and short views as well as adding to its interest.

12.9 The height and massing as well as the curved form proposed has been worked up through multiple design meetings to balance the requirements for additional floor area with the visual prominence of the extension and its impacts upon the host building. Although the extension would be taller than either adjoining neighbouring building, its height would be lower than the opposite Travel Lodge and would relate to nos.24-28 Endell Street further along the frontage (see figures below).

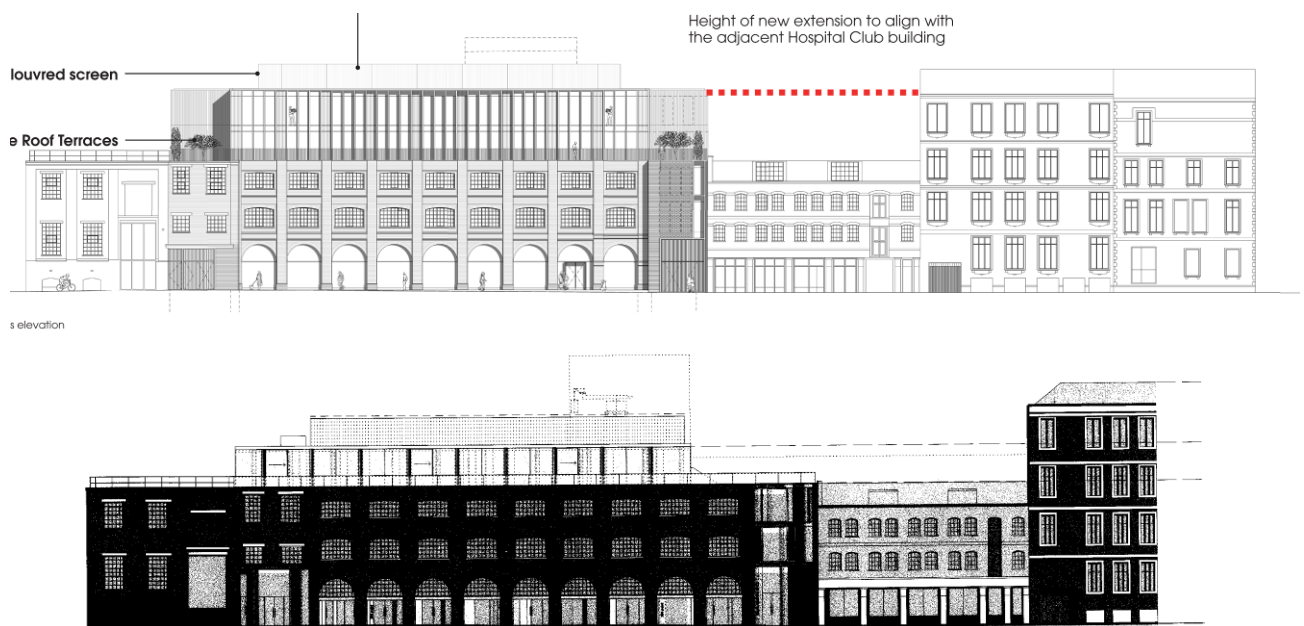


Figure 4: The proposed Shorts Gardens streetscape (top) vs. extant permission (bottom)

12.10 When considering the proposed form and massing to the proposed extension, the DRP stated that: “The panel feels that the set back and curve of the roof extension to the Shorts Gardens building is successful. Suggestion for glazing to roof extension to be continued around its corners to improve its appearance in oblique views from the street”. This advice was followed and the submitted scheme would include glazed elements that wrap around the corners to either end of the extension to present a more coherent appearance in long views. The proposed metal fins/louvres to the front elevation have also been further refined through pre-application to have sufficient depth (0.55m) and a vertical rhythm

that actively responds to the main façade below. When read in long views, these fins would ensure that the recessed glazing and internal lighting in winter months are partially obscured so as to reduce the prominence of the additional storeys in these views.

- 12.11 The extension's height is also informed by the shoulder height of the main frontage below (being approximately half the height of the host) and, when combined with the central symmetry tied to this frontage and the additional plinth formed by either book-end property, it considered to respect and complement the existing building. The host property is of fine grain with a high level of detailing and the proposed extension has been designed to be read as an integral but subservient addition to this host building. Although the design to this element, including its materiality, is considered appropriate for its setting and the host building, details will be secured via condition to ensure that the final detailed design of this element is fully appropriate.
- 12.12 To meet the mechanical and environmental requirements a low set back metal louvered acoustic screen is proposed to conceal external plant equipment. Due to the height of this element and its set back from the front and side edges of the roof extension, this element would not be visible from street level and would only become visible in private views from upper floor windows (i.e. to the top floors of the Travelodge opposite). The main roof to the roof extension incorporates a green roof to encourage wildlife and biodiversity and improve surface water discharge rates.
- 12.13 It is considered by planning, design and conservation officers as well as the DRP that the proposed extensions to Shorts Gardens would preserve the character and appearance of the host building and would represent a significant improvement beyond the extant permission in terms of design.

Betterton Street

- 12.14 To Betterton St a new sculptural brick and metal two storey extension is proposed. The overall form is a contemporary take on a traditional mansard type roof, set back from the front parapet in order to minimal visual impact from street level. Constructed of brick with a perforated metal roof screen, the extension has been designed as an extruded form to the host building below. All new bricks will be therefore be matched in tone and texture to the existing yellow/brown bricks to be in keeping with the existing fabric of the Betterton Street building. To either side elevation, semi recessed brickwork and hit and miss brickwork is proposed to add visual interest to the form.
- 12.15 Similar to the extension at the Shorts Gardens property, the extension to Betterton St has been subject to an iterative design process prior to submission with comments raised by the DRP integral to this development. Within their report, the DRP had stated that: *"For the Betterton Street building, the panel support the idea of extending the roof with extruded brickwork, but feel that the design could be pushed further, and made more sculptural and sharper. A carefully designed roof extension, visible from the street, could add to the roof-*

scape of the area". These comments led to the creation of a further angled and sculptural form as currently proposed.

12.16 Similarly to Shorts Gardens, the height of the extension has taken reference from the heights at nos.22-24 Endell St. Because of the recessed form and bulk of the extension, this form would not appear overly prominent or dominant the Betterton streetscene, despite its comparable height to immediately adjoining properties. Due to the height of the existing building compared to the width of Betterton St, the vast majority of this structure would not actually be read except in glimpse from street level and it would only be in particular long views, or the private view from upper floor windows that the full form could be read.

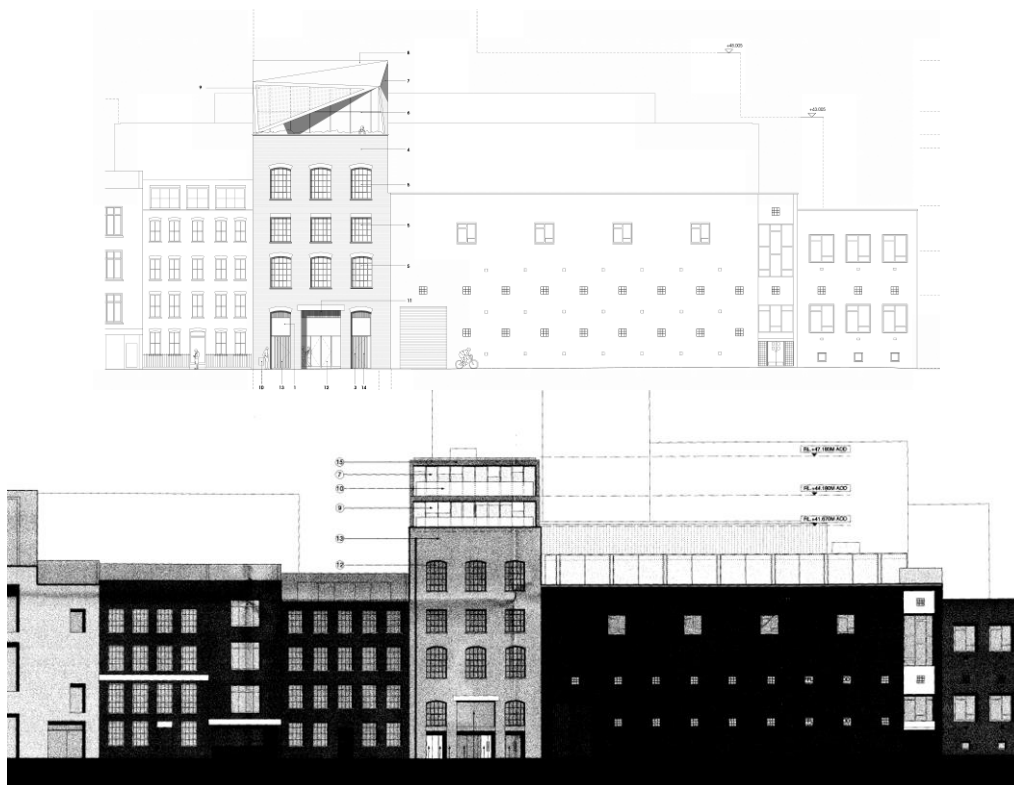


Figure 5: *The proposed Betterton streetscape (top)
vs. extant permission (bottom)*

12.17 When comparing the allowed/approved extension to that proposed on the Betterton Street property, it is considered that the latest scheme would be a significant improvement in terms of the way it relates to the property below and due to its interesting form and use of traditional brick. The combination of the materiality and form proposed would create a striking and interesting addition to the host building which would preserve and enhance its original character. In order to ensure the suitability of the chosen brick and bond, as well as the detailing of the metal roof wrap, full details will be secured by condition.

Replacement of redundant 'vent shaft'

12.18 As outlined at the beginning of the report, permission for the demolition and replacement of the redundant brick 'vent shaft' situated between nos.60 and 58 Shorts Gardens remains extant. Notwithstanding this and despite the structure not being listed and of no architectural merit in its own right, during pre-application the applicants were required to explore the potential to reuse this structure within the scheme due to the attractive patina that it exhibits.

12.19 During negotiations structural statements were submitted which demonstrated that the existing structure is of very poor structural condition (having received no maintenance and remaining open to the elements for many decades). Combined with the proposed works below to facilitate the use of the main basement space, it was subsequently accepted that the retention of this structure was not viable in the context of the overall proposed scheme.

12.20 The proposed new replacement design however retains the existing massing and alignment with the neighbouring building on Shorts Gardens and provides new office space and related ancillary space. The new façade incorporates a solid corner section of brick with adjacent integrated hit and miss brickwork with glazing behind. Full height recessed windows complete the façade and provide a clear interface between the new façade and the neighbouring brick building.

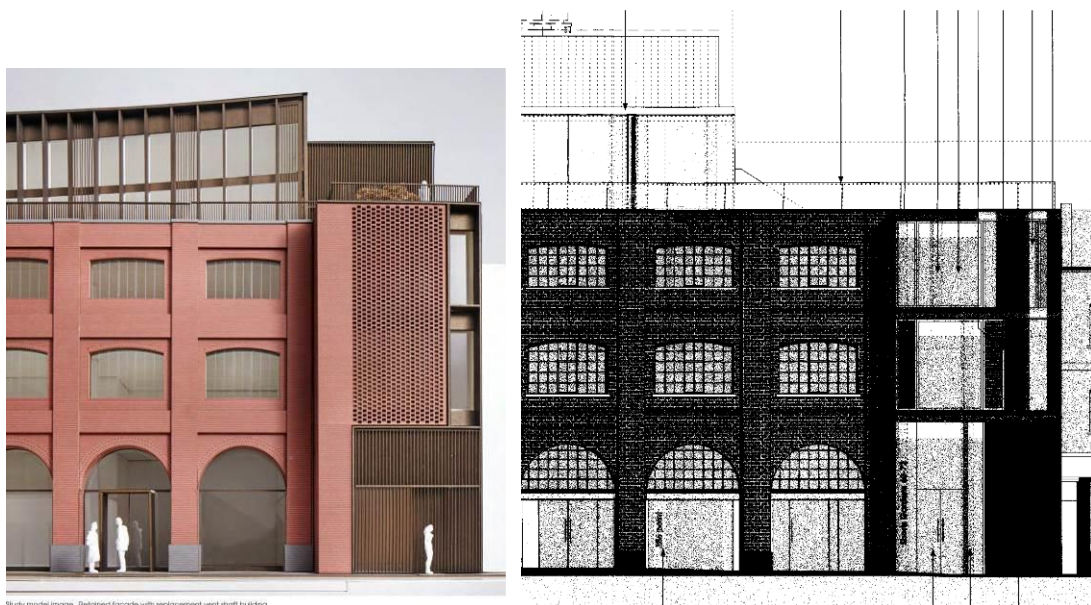


Figure 6: The proposed replacement vent shaft (left) vs. extant permission (right)

12.21 Although members of the DRP had expressed a desire to retain this structure if feasible, within their report they note that “*If the constraints [technical/cost] cannot be overcome and the existing building has to be removed, the panel feel that the proposed replacement would be successful. In particular they commend the perforated brickwork over the glazing. However, they urge against exact matching of the brickwork to that of the existing building, in the interests of maintaining an asymmetry that adds interest to the street.*” In line with these comments a condition for the submission of a brick sample panel is recommended so that officers can ensure the replacement structure maintains its character in terms of a varied patina.

Elevational alterations

12.22 Further to the above, other operational developments proposed including the opening up of the brick arches to Shorts Gardens and the installation of glazing with metal frames; the creation of new entrances; amendments to the Betterton Street shopfront; as well as the replacement / refurbished of fenestration windows.

Brick arch openings (Shorts Gardens)

12.23 The proposed opening up of the brick arches and installation of glazed panels set within metal frames at ground floor level would retain the original apertures and would not disturb the elevational composition to this frontage. The glazing panels are designed to maintain a horizontal band of frame running across the frontage meeting at the base of each arch, ensuring that overall horizontal emphasis of the frontage is maintained. The existing recessed and blank elevation at this level appears defensive within the streetscene and detracts from the public realm qualities of Shorts Gardens. At present the frontage lacks natural surveillance or activity and creates a recessed, dark space in the evenings which reduces the feeling of safety along the street.

12.24 It is considered that the proposed opening up would not only respect the host building but would significantly enliven the streetscene to this section of Shorts Gardens, adding interest and visible activity as well as increasing levels of natural surveillance. At the first glazed openings, views would be afforded from the street towards the sculptural helical stair to basement level, while further along the frontage the activity at ground floors would enliven this section of the street and improve the sense of safety. Conditions are recommended for the submission of details drawings of the arch glazing to ensure that these elements are fully sympathetic to these architectural features. Subject to these details it is considered that this element would result in significant public realm improvements and are therefore welcomed.

New entrance (Shorts Gardens)

12.25 At the North Eastern end of the Shorts Gardens frontage (no.70), the scheme would include the increase to the existing apertures to form a single louvered opening below the refurbished lintel above. The existing building features large areas of glazed openings in this position which does not relate well to the host building above and undermine the solidity of the building where it meets the ground. As previously discussed, no.70 is considered to represent a visual 'book-end' to the main, recessed frontage and as such the mirroring of the louvered doors to the replacement vent shaft building would act to enhance its function in this regard. The introduction of additional solid elements at ground floor level is considered to better 'ground' this section of the building and form a more robust appearance. This would be more reflective of the original design intent for a building of this kind and, when contrasted with the additional glazing to be added to the adjacent recessed frontage (discussed above), would help to improve the buildings character at this location. In light of the above, the

replacement with more solid elements it not objectionable, although full details are recommended to be secure via condition.

Altered frontage (Betterton St)

12.26 To Betterton Street, the existing frontage contains a mixture of timber framed glazed openings, louvered panels and metal framed windows which currently detract from the streetscene due to their incoherent appearance and poor condition. The proposal would include the rationalisation of this frontage including the formation of a new door opening and full replacement of doors, glazing and louvres within the apertures. Similarly the recessed shopfront would be replaced with a more coherent, metal framed glazed façade/doors.

12.27 These proposed alterations would restore symmetry to the ground floor frontage, responding to the vertical hierarchy of the above façade by bring all openings to ground as well as maintaining a pleasing horizontal emphasis across each opening via the positioning of panels. By maintaining the brick arches and beam to the former vehicular entrance, the buildings heritage would be preserved, ensuring that these details of interest are maintained. Similarly to the above, the glazing to the GF unit would ensure that activity within from the retail space or gallery enlivens to the street as well as improving levels of surveillance. Overall this increase to the visual coherency would result in a significant improvement, not only to the adjacent streetscene but also to the design integrity of the overall host building. The proposed alterations at this level are therefore welcomed, although full detail of the replacement doors, glazing and louvres would be secured by condition to ensure their acceptability.

Replacement / refurbished windows

12.28 Due to the varied condition of the existing metal framed, crittall-style windows across the site, the scheme would include a combination of refurbishments or replacements. To the Betterton st property, most windows would require replacement due to the increased specification requirements to mitigate against noise and vibration.

12.29 Neither application property is listed and as such the replacement of these windows is not objectionable in principle. Notwithstanding this, the existing metal framed, crittall-like windows across both properties significantly contribute to their character. As such any replacement would need to be appropriately detailed to maintain the visual coherency across whole elevations currently enjoyed. Conditions for the submission of details drawing for windows where proposed for replacement are consequently recommended.

Effect on Conservation Area and setting of nearby Listed Building

12.30 As outlined above, the proposed alterations are considered to remain sympathetic to either host building and to be acceptable in this regard. In line with the Council's statutory requirements, further consideration is also required as to the potential impacts upon designated heritage assets.

Conservation area

- 12.31 The Betterton Street roof extension would be partially visible in long views from further along Betterton Street, however due to its mansard like form, would not be overly prominent. Due to the relative height and the width of the street, this extension would be predominately obscured from short views. Although the extension would be visible, at least in part, from certain vantage points. Despite this, as well as the fact that the existing building is taller than either neighbouring property, due to its sculptural form and interesting materiality, this extension would enhance the roof-scape of the street where views are afforded.
- 12.32 To Shorts Gardens, the proposed roof extension would be more visible, both in short and long views. It should be noted that Shorts Gardens marks the northern extent of the CA (excluding properties to its Northern side). Those views from within the CA most effected are therefore from the corners of Drury Lane and Endell Street as well as short views.
- 12.33 As previously discussed, the height of the extension to Shorts Gardens has been informed by the height to the side return of no.24 Endell St at the end of the row. In views from this corner, because of the curved roof form, this additional massing would appropriately blend into the existing roofscape and would not appear overly dominant. From Drury Lane, views to both the curved ridgeline as well as partial views to the side return of the extension would be afforded, although due to the height of the existing adjacent EDF building (no.72) and the narrow width of this road, views to the recessed element of the extension would be predominately obscured. When viewed from Drury Lane, the height and massing of the proposed extension has been designed to act as a transition between the Travel Lodge to the North (5-9 storeys), and the Conservation Area to the South (predominately 4-5 storeys). As glimpses of the side return to this element may be afforded, the fenestration has been amended to wrap around on the side return so that it would also directly address these views. Considering the interesting curved form and appropriate architecture, to this extension, it is not considered that the extension would result in harm to these long views.
- 12.34 In terms of shorts views, as previously discussed it is considered that the proposed extensions are considered to remain suitably sympathetic to the host buildings in form, materiality and detailed design. Although the extension would increase the height of the building, this massing is designed to be centred and relate to the main façade below. Combined with the gentle curved roofscape formed, this is not considered to result in a detrimental impact to the shorter views afforded from Shorts Gardens or to lead to a 'canyoning' effect.
- 12.35 As previously discussed, the proposed ground floor elevational alterations to both properties are considered to result in significant improvements to the public realm qualities of either street. These alterations would similarly be considered to enhance the character of the conservation.

- 12.36 Although the loss of this building is discussed in paras.12.18 -12.21, further consideration must be paid to the demolition this building in relation to the impact upon the character of the Conservation Area. Although this building is not listed, it performs an important role in the Shorts Gardens streetscene by presenting a simple masonry elevation with a shoulder height consistent with the row beyond. This acts to create a visual break between the main frontage of no.62-68 and no.58 – 24 Endell St and thus helps to frame both frontages.
- 12.37 Considering the structural condition of this structure, and the extant permission for its demolition, the replacement of this structure is not objectionable. In order to ensure that its replacement is appropriate however the design has been negotiated to respond to and maintain the roles that this building currently serves in the streetscene. As such the replacement building would predominately feature a blank masonry elevation (with punched windows set behind 'hit-and-miss' bricks) and would maintain the same shoulder height as existing. In order to ensure that the brick used to this building is appropriate, not appearing too uniform and retaining a sense of the existing patina, a condition is recommended tot eh submission of a sample panel for this masonry.

Listed buildings

- 12.38 The only listed buildings within the local area are found further along Betterton Street from the development site at nos.24 (GII*) and 33 (GII). The only element of the scheme with the potential to impact upon the setting of these buildings would be the proposed roof extension to Betterton Street.
- 12.39 The existing building at 14-16 Betterton Street is already of strikingly different character to the rest of the properties further along this side of the street, exhibiting a more industrial vernacular and much taller. At present, the nearby listed building at no.24 is read as a terrace property within the row of nos. 18-24 and the flank elevation to nos.14-16 forms a back-drop in select oblique long views only due to the narrow width of this road. The proposed roof extension to this property is not considered to result in harm to the setting of this listed building by virtue of this existing variation in character and height along the street as well as the limited number of opportunists to read the roofscape of the application site alongside this listed property.
- 12.40 The proposed works are therefore not considered to cause harm to the setting of any listed building and to preserve the character of the Conservation Area.

Project Architects

- 12.41 Stanton Williams were instructed as project architects and have led the design development along with the Council's Design, Planning and Conservation officers throughout the application process. Throughout this process, Stanton Williams have demonstrated an ability to respond to the heritage sensitives of the site as well as the technical capabilities to provide the expected high quality in design.

12.42 Due to the scale of intervention, unique roof forms and use of bespoke façade treatments proposed, officers recognise that ensuring that the construction stage is managed by experienced architects who are recognised as having exceptional ability in delivering the high quality design in a heritage context would be a requirement for the scheme's success.

12.43 The DRP recognise this in their report, stating that "*The quality of the completed development will depend on continuing skill and care as construction details are resolved, and the panel trust Stanton Williams will achieve this*". The retention of the project architect will therefore be required as a s106 head of term, whereby Stanton Williams would be retained as project architects. Any alteration to this arrangement would require express consent from the Council, with a requirement that any proposed re-appointment to be demonstrated to be of equal experience and skill in the delivery of comparable schemes. This is to be secured by a S106 legal agreement.

Design and Conservation conclusion

12.44 The proposal scheme would significantly enhance both existing application buildings which currently appear somewhat degraded and detract from the quality of the local area. The scheme would represent a very high standard of design quality, having due regard to and enhancing the particular unique qualities to each building. The scheme contains a rich level of detailing which responds to the unique character of both application buildings as well as the surrounding conservation area. The proposed works would significantly enliven the street scenes to both streets by adding interest, activity and surveillance.

12.45 The extensions have been designed to be comfortably accommodated by their host buildings, this is improved by the forms proposed. These extensions have been designed to sit within and add interest to the streetscene and roofscape to both streets, enhancing the character of this area of the Conservation Area. The extension would not harm the setting of any listed building and would preserve the character of the Conservation Area.

12.46 The proposed scheme is considered to represent a significant improvement beyond the extant permission by virtue of its added interest, detailing and more refined response to each building.

13 Residential Amenity

13.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. This policy 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, outlook, daylight and sunlight. Policy A4 aims to ensure that noise and vibration is controlled and managed and sets out the Council's thresholds for noise and vibration so as not to result in any detrimental impact. The relevant considerations on the impact on the amenity of the occupiers of neighbouring properties are as follows:

- Outlook
- Privacy / Overlooking
- Daylight and sunlight
- Noise and disturbance

13.2 The site illustrating the location of adjoining residential properties is shown in the figure below.

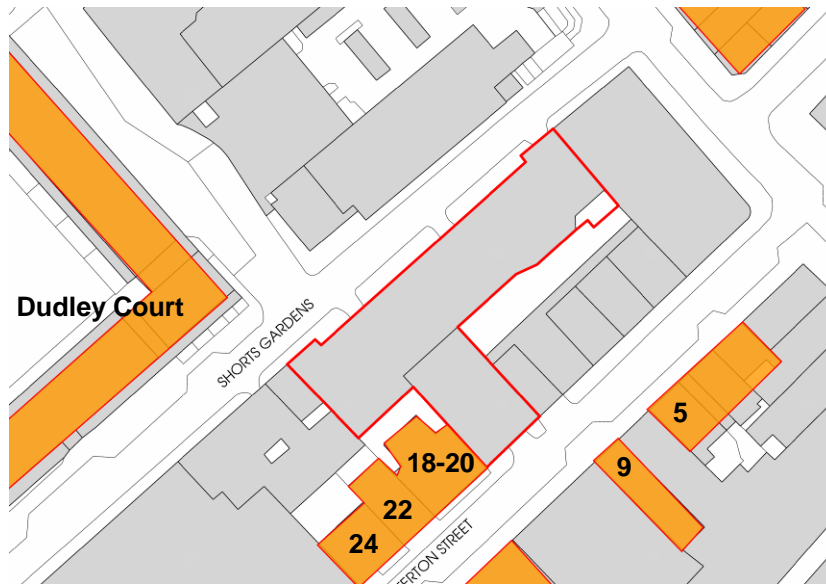


Figure 7: Site plan indicating nearby residential properties (orange)

Outlook

13.3 Of the proposed the scheme, those elements with the potential to cause harm to existing outlooks to nearby adjoining occupiers would be the proposed 2 storey roof extensions. All other extensions to the properties proposed would be within the envelope of the existing site and as such would not result in harm in this regard.

13.4 Shorts Gardens, as illustrated in the site plan above, directly opposes the 5-9 storey Travel Lodge site and the proposed extension to this property would extend in front of this building with a separation distance of between 10-12m at 3rd and 4th floor levels. While the extension would thus project in front of facing windows to the Southern elevation of this property, it is noted that policy A1 does not include provisions for the protection of views from hotel accommodation (Use Class C1) on the basis that these rooms are used for a short period only and thus would not relate to 'living conditions'. To the South West the corner of Dudley Court, a 5 storey of block of residential flats, is opposite the vent shaft building area of the site. Directly opposing this area are a stack of 4 units with facing windows, the top three of which would currently have views towards the existing roofline.

13.5 Due to the recess to the roof extension to either bookend buildings, a separation distance of approx.17m would be retained between facing elevations at 3rd and 4th floor levels of the extensions and the aforementioned

units which is considered to maintain an acceptable outlook from those units effected within Dudley Court in line with the requirements of CPG6. Although a shorted separation distance would be retained in oblique views towards the main bulk of the roof extension (approx.14.5m), this would only effect views from these windows to the North (64° out of 180° afforded). This reduction to Northern oblique views from these four units is not considered to result in harm to a level of detriment to these adjoining occupiers and as such objection is not raised in this regard.



Figure 8: Relationship between Dudley Court and Shorts Gardens extension

13.6 Along Drury Lane, nos. 175-179 also host residential accommodation at upper floors which feature habitable room windows which would look towards the flank elevations of the proposed roof extensions. Considering the retained separation distance between these opposing elevations however (24m), these

properties are not considered to be unduly impacted upon as a result of these works.

- 13.7 To Betterton St, the main properties with the potential to have views impacts upon would be those on the opposing side of the road which feature residential units at upper floor levels. As illustrated in the figure 7 above, the property directly opposite (nos.11-15) is in use for commercial purposes and so, as outlined in para.13.4, the protections to outlook afforded by policy A1 would not apply. Properties do however host residential accommodation either side of this commercial block at nos.5, 9 and Betterton House (1-28) to the South.
- 13.8 Although the closest separation distance between these properties would be 10.5m (to no.9), it should be noted that the proposed roof extensions would be above the level of the top floor fenestration to all opposing properties. Any obstruction to views formed to these properties would thus be at an upwards angle only and would not project in front of any direct view from these windows. Combined with the mansard-like form proposed and the oblique views toward the extension from these properties, it is similarly not considered that the resulting impact to outlook from these neighbouring properties would constitute detrimental harm.

Privacy

- 13.9 Further to the above, CPG6 states that development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree.
- 13.10 To Shorts Gardens, similarly to the above the main potential impacts would be upon the occupiers of four residential units within Dudley Court to the South West. Due to the narrow width of the street in this section, a separation distance between the facing elevation of the replacement vent shaft building and those facing windows would be 11m. As previously discussed, the proposed windows to this replacement building would be set behind a hit-and-miss brick elevation, meaning that the sense of overlooking from these windows would be considerably reduced. Considering this, alongside the fact that all upper floors would be for business (B1) uses only (and would therefore be vacant during the most sensitive hours), it is not considered that this relationship would present undue sense of overlooking to the occupiers of these units. Although the terrace to the proposed office accommodation would be located opposite the Travel Lodge, the hours of use of this terrace compared with the most sensitive hours for guests of the hotel should mean that there is no major conflict in terms of privacy. It should also be reiterated that policy A1 / CPG6 does not afford protections to commercial properties and as such this relationship is not objectionable.
- 13.11 Notwithstanding the above it is noted that the proposed 4th floor terrace to the office accommodation would, where it extends over the replacement vent shaft building, allow users of the terrace views towards habitable room windows to these apartments with a similar separation distance (11m). Whilst this is unlikely to result in undue harm during normal working hours (i.e.08:30-18:00), the use of this section of the terrace would result in the sense of overlooking to

these neighbouring occupiers if completed outside of these hours. As such a condition is recommended restricting the hours of access to this section of the third floor terrace to protect the privacy of these occupiers.

13.12 To Betterton St, between 1st and 3rd floor levels the conversion of the existing floorplates to residential would be effectively no worse in terms of privacy to any of the neighbours on the opposing side of the street considering the separation distances involved and the established relationship between facing windows along the street. At 4th floor level a private terrace is however proposed. Although the street is not characterised by roof terraces, the views afforded from this terrace down towards the opposing properties along Betterton St would be at oblique downwards angles (due to the relative height of this floor level) so that views would not be afforded into habitable rooms of nos.5, 9 or Betterton House. Considering that the terrace would be for the sole use of a single unit and no direct views would be afforded, this is not considered to result in undue harm which might be considered contrary to the requirements of policy A1 / CGP6.

13.13 At 1st – 3rd floor levels the Betterton Street property would include the provision of a number of side windows to its South-Western flank which serve its stair core as well as one window to serve the residential unit at each floor. Due to the proximity of these windows to the rear windows of no.18-20 Betterton Street, a condition is recommended that these side windows are installed with obscure glazing so as to ensure that the privacy of adjoining neighbours is maintained. Windows are also proposed between ground and fifth floor levels to the North-Eastern flank elevation of this property to serve the residential cycle store, retail unit at GF mezzanine level and residential bedrooms at 1st floor and above. These windows would look over what is currently the courtyard to the adjacent EDF building and would therefore not result in any issues of overlooking. Notwithstanding this, these windows are considered 'un-neighbourly' in respect to the adjacent site, particularly when considering that the adjacent building is defined as an 'opportunity site' within the Conservation Area statement and may therefore be subject to future change. In order to ensure that the proposed development does not unduly impinge upon future development rights of the adjacent site, the application would need to agree to ensure that any marketing to these units includes reference to these side windows being un-neighbourly. This would be a secure by s106 legal agreement.

Daylight and Sunlight (BRE)

13.14 In order to assess the potential impact of the proposed extensions to the levels of natural light enjoyed by neighbouring occupiers, a Daylight and Sunlight Report has been submitted produced by 'GIA' (chartered surveyors and technical specialists). This report has tested existing and proposed situations using either the Vertical Sky Component (VSC) or No Sky Line (NSL), as well as the Annual Probable Sunlight Hours (APSH). Properties on the following streets were analysed for the impact of the proposal:

- 1 Betterton Street
- 3 Betterton Street

- 5 Betterton Street
- 9 Betterton Street
- 18-20 Betterton Street
- 24 Betterton Street
- Betterton House
- Dudley Court (36 Endell Street)
- 175 Drury Lane
- 176 Drury Lane
- 177-179 Drury Lane

13.15 The overall results of the daylight/sunlight analysis are below.

VSC – of the 89 windows tested 70% (63) meet BRE guidance levels.

NSL – of the 54 rooms tested 90% (49) meet BRE guidance.

APSH – with regard to sunlight analysis, all habitable rooms tested (12) of meet BRE guidance.

Of those windows that fail the above guideline levels, all but two are located within 18-20 Betterton St (discussed below).

13.16 The report finds that of those properties outlined above, all apart from 18-20 Betterton St would comply with the BRE Guidelines for daylight (VSC and NSL) and sunlight (APSH) following the development proposed. Only the consideration of the impacts to no.18-20 Betterton Street therefore requires further scrutiny.

13.17 18-20 Betterton Street (adjoining 14-16 to the South) is a four storey building, host to two residential flats at each floors (10 in total) arranged in a symmetrical layout. Each unit is arranged front to back, with the main habitable room located at the front of the site (South facing), a galley kitchen to the rear and a rear double bedroom to each unit within a rear-projecting wing. The internal configuration used by GIA in their technical analysis of this building aligns with the Council's planning records as well as floor plans and imagery of units within the building found from online sources.

13.18 Due to the orientation and layout of these adjacent units, the principle South facing habitable (living) rooms to the front of each unit would not be affected by the proposed development. To the rear however, the testing completed by GIA shows that of the 29 windows, all windows would experience a loss of daylight of greater than 80% below existing levels. As aforementioned, these windows serve either a galley kitchen or a bedroom in all cases. The table below summarises the impact upon those affected windows:

Room*	Windows*	Use	Existing VSC	Loss	% Loss
GF Flat A					
1	1	Kitchen	2.8	2.2	78
	2		2.3	0.5	78
	3		2.4	0.2	91
2	4	Bedroom	7.7	5.2	67
	9		0.4	0.2	50
GF Flat B					
3	5	Bedroom	7.8	5.1	65
4	6	Kitchen	2.5	1.0	40
	7		2.0	1.2	60
	8		2.0	1.2	60
1 st floor Flat A					
1	1	Kitchen	4.1	3.1	75
2	2	Bedroom	11.7	8.1	69
	5		0.6	0.4	66
1 st floor Flat B					
3	3	Bedroom	13.1	7.6	58
4	4	Kitchen	7.1	1.7	24
2 nd floor Flat A					
1	1	Kitchen	5.6	4.2	75
2	2	Bedroom	16.1	11.5	71
	5		0.9	0.6	67
2 nd floor Flat B					
3	3	Bedroom	18.7	10.5	56
4	4	Kitchen	12.9	2.1	16
3 rd floor Flat A					
1	1	Kitchen	7.3	4.6	63
2	2	Bedroom	21.2	15	71
	5		1.4	0.9	64
3 rd floor Flat B					
3	3	Bedroom	24.5	13.8	56
4	4	Kitchen	15.8	2.5	16
4 th floor Flat A					
1	1	Kitchen	10.9	5.2	47
2	2	Bedroom	25.4	16	63
	5		2.5	1.7	68
4 th floor Flat B					
3	3	Bedroom	28.9	14.6	50
4	4	Kitchen	19.9	2.6	13

Table 1: Affects upon VSC to rear facing windows to 18-20 Betterton St

13.19 Although the proportional reductions in VSC are high when considering the percentage loss, it should be noted that the majority of these windows feature low existing levels of VSC. This is due to the highly enclosed nature of the rear of 18-20 Betterton St, with the rear elevation being only 3m from the opposing rear of the Shorts Gardens site (enclosed to a height of 14m high) and with a separation distance between the existing side elevation of 14-16 and of the side elevation to the rear wing of less than 2m (enclosed to a height of 18m). It should also be noted that windows numbered 5 to Flats A at all floors are to the side elevation of the property, facing towards no.14-16. This existing windows

are considered un-neighbourly due to their orientation. No objection to the proposed works were received from any of the occupiers of the adjacent property.

13.20 Officers acknowledge that the proposed development is within a dense urban environment, within Zone 1 of Central London, and the design and nature of some of the existing neighbouring buildings is such that there are pre-existing shortfalls in daylighting relative to the normal BRE Standards. It is also noted that due to the aforementioned density of surrounding development, any additional height permitted (particularly to the Betterton St property) would result in a loss in daylight to these rear-facing windows.

13.21 Although that development would impact the daylight levels to the rear facing rooms at the adjacent no.18-20 Betterton Street, the primary habitable rooms to all flats would be unaffected and occupiers would continue to enjoy good levels of sunlight and daylight in these spaces for such an urban setting due to their Southern orientation. Considering that an existing permission remains extant which would add height to either building adjoining no.18-20, the proposed losses to these rear kitchens and bedrooms would not be considered to mean that the amenity values of the flats *as a whole* are reduced to an unacceptable level when the existing levels of daylight are taken into consideration.

Noise and disturbance (Use/management)

13.22 In accordance with the requirements of policies A1 and A4, due consideration must be paid for any potential issues of noise and disturbances to residential occupiers in the local area arising from the proposed uses of the development.

13.23 To no.14-16 Betterton Street, the existing offices and yoga studio would be replaced with a mixture of residential as well as a unit with a flexible retail and non-residential institution (A1/D1) permission. The proposed residential use at upper floors within this property would not result in significant levels of coming and goings and, as the dedicated entrance would be internal (via key fob and camera based intercom system for visitors), would also not result in loitering in the street or other issues of disturbances. Although a private terrace is provided at 4th floor level, this would be for the sole use of the occupiers of this flat and would be situated at a higher level than all surrounding residential units and as such it is not anticipated that significant issues of noise would arise from this space. The submitted Venue Management plan indicates plans for the ground floor A1/D1 unit to be used as either an intimate art gallery or small café (excluding hot food). As the unit would have an internal area of only 90sqm, the use of this unit would also not result in significant coming and goings and the proposed uses are not likely to extend into the later evening or include the sale of alcohol. The use of this unit for A1/D1 purposes is therefore not considered to result in any issues of noise or disturbances to the residential occupiers along Betterton St.

13.24 To Shorts Gardens, the existing office uses would be replaced, however, additional uses would also be introduced at basement/basement mezzanine floors (D1/D2 and A3/A4). The ground floor and ground floor mezzanine would

also have the potential to be used for D1/D2 purposes under the flexible use proposed.

13.25 In order to outline a raft of measures proposed to ensure that the operation of all the demises of the site are conducted in a safe, efficient and sustainable manner and will not cause disturbance to neighbouring residents and people in the area, a venue management plan (VPN) has been submitted alongside the application. The figure below includes a marked up GF plan indicating a number of management arrangements.

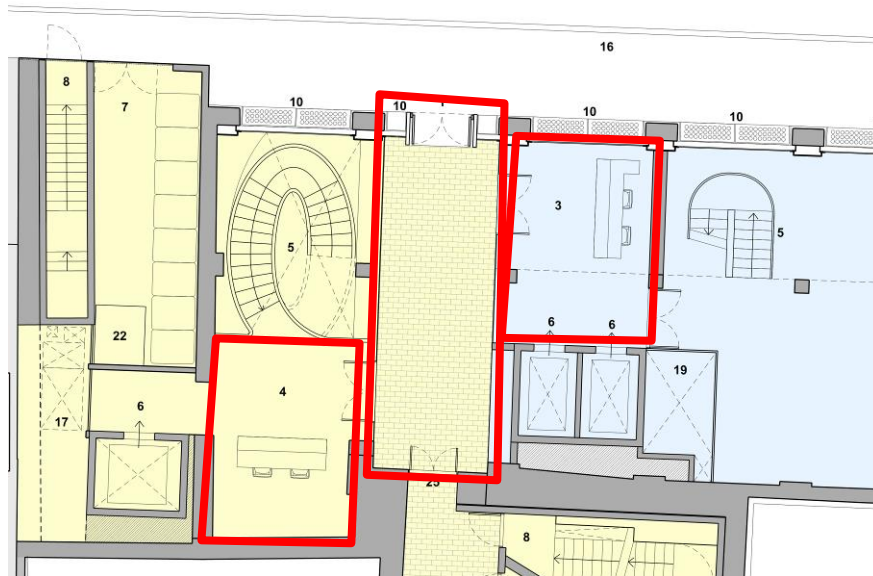


Figure 7: Proposed GF extract marked up to show internal lobbies (red)

13.26 To the Shorts Gardens site, the primary entrance for members of the public as well as office employees would be via the new entrance formed at the second archway along from the vent shaft building. Within the VMP it is noted that due to fire safety restrictions to the maximum capacity of the basement levels would be circa 240 persons, however, due to the likely split of uses across these floors it is not envisaged that levels of occupancy would reach this capacity. It is also noted that due to the restricted area (100sqm) for the proposed basement restaurant/bar, this element would support between 35-50 covers depending on interior furnishings.

13.27 In order to ensure that members of the public arriving at the site do not loiter in front of the building or create issues of noise and disturbance, a spacious internal lobby is provided which is described as a 'buffer' arcade. This space will allow for all persons arriving at the site to directly enter into the building without the need to manage rates of entry externally, as the arriving visitors can be managed internally and directed to the various 'venues' provided via dedicated lobbies. These spaces would be monitored by security staff as well as receptionists/Maitre'd who would manage persons arriving to the site. The use of this internal space would significantly reduce levels of noise and disturbances from persons accessing the building and would contain all activity within the site.

- 13.28 Considering the scale of the publicly accessible areas proposed and inclusion of 100sqm for either a restaurant or bar use (A3/A4), conditions to limit hours of operation would be necessary despite the deep subterranean siting in order to ensure that egress from the property does not occur at unreasonable hours. The following hours of operation are recommended: (08:00-22:00) Mon-Thurs; (08:00-23:30) Fri-Sat; and (08:00-17:00) Sun and bank holidays. The submitted VMP has confirmed the acceptability of these hours. Although this condition would limit the maximum capacity for operational hours, subsequent licencing applications would further scrutinise these hours once specific occupiers/end users have been developed.
- 13.29 As the closest public transport links can be found along High Holborn, it is envisaged that the majority of persons existing the site would head North East along Shorts Gardens and North along Drury Lane (a 2min or 150m walk from proposed entrance). This would mean that the majority of persons existing the Shorts Gardens site would walk around the Travel Lodge complex rather than passing in front of Dudley Court (closest residential use) to the South West. Ensuring that persons follow this route to High Holborn can be managed by onsite staff as well as via internal signage as outlined in the VMP.
- 13.30 The VMP proposes that a modest area (7sqm) is reserved as a smoking area for users of the basement venues. Considering the enclosed located behind the recess formed by the vent shaft building this area is considered the most appropriate. As this area would be clearly visible from within the main lobby, the management of this area would be possible by onsite security staff.
- 13.31 As described above, the submitted VMP outlines a raft of management criteria for appropriate mitigation from issues of noise and disturbance and as such will need to be secured alongside any approval. Further conditions are also recommended to address potential issues of noise and disturbances arising from the proposed uses including
- Restricted uses under the permitted D1/D2 classes as outlined in section
 - No music to be played so that it might be audible on the adjacent highway

Noise and disturbance (Plant equipment)

- 13.32 All plant (other than kitchen extract) for the site would be located within the proposed rooftop plant enclosure above Shorts Gardens. A 'Noise Impact Assessment' produced by RBA Acoustics has been submitted to support the application which considers the resulting noise impacts from plant equipment. The report seeks to ensure that the development avoids noise from giving rise to adverse impacts on health and quality of life as a result of new development. It aims to mitigate and reduce noise to a minimum. External noise from new building services plant is assessed using the guidance of BS: 4142.
- 13.33 The report outlined the specification of the extract fans and condenser units required and has outlined a scheme of mitigation measures to attenuate levels of sound and vibration to within policy compliant levels. These measures

include vibration isolation pads, silencers to all fans as well as a 150mm thick acoustic screen to enclose the plant. The Council's Environmental Health officers who raised no objection to the proposed details or calculations have reviewed this report. They have suggested that a condition restricting maximum noise emissions is secured to increase enforceability but otherwise support the findings of the report.

- 13.34 As aforementioned, the formation of a restaurant at basement level would necessitate the installation of kitchen extract from basement to roof level within Shorts Gardens. Submitted plans indicate that a basement riser, large enough to contain duct work for such a system would be provided however full details have not been provided at this stage. Due to the separation distances between the closest residential unit and the height of the roof, officers are confident that terminating an extract flue in this position would not result in any build-up of odours or smoke which might result in disturbance to nearby occupiers. Notwithstanding this, in order to ensure that adequate extract equipment is installed prior to the commencement of an A3 use, a condition is recommended for the submission of full details.

Noise and disturbance (Servicing)

- 13.35 Although the transport implications of the servicing arrangements will be fully discussed in section 15 (Transport) of the report, it should be noted at this stage that officers recommend that the hours for servicing/deliveries to the site are restricted. As well as the associated transport implications (discussed later), a principal reason for this condition would be to ensure that this servicing does not occur at unsociable hours and consequently avoid disturbances to nearby residential occupiers. In order to ensure that servicing/ deliveries to the site do not occur at unreasonable times, the following hours are recommended: 08:00-20:00 Monday-Saturday, and 09:00-20:00 Sundays and bank holidays.

Noise and disturbance (Demolition and Construction)

- 13.36 Due to the level of works proposed as well as the limited site access concern is raised with regard to the subsequent impacts and disturbances caused to local residents during the construction phase of development if not properly managed. In accordance with policy A1, where development sites have the potential to cause significant disturbance due to their location or the anticipated length of excavation or construction period, measures required to reduce the impacts of construction works must be secured via a Construction Management Plan (CMP). In this instance a CMP would be required in order to identify the potential impacts of the excavation and construction phase and state how the potential negative impacts will be mitigated against. This requirement will be further discussed in section 15 (Transport) of the report.

Residential amenity conclusion

- 13.37 Due to the extent and positioning of the proposed extensions in relation to surrounding residential properties, the development would not result in any detrimental loss of outlook. Subject to securing conditions limiting hours of use

to the 4th floor office terrace to Shorts Gardens, the scheme would similarly not result in any undue loss of privacy for surrounding occupiers.

13.38 The development would not cause a loss of sunlight below BRE standards for habitable rooms to surrounding residential properties. In terms of daylight, the only property to be affected by a loss of daylight below BRE guidelines would be 18-20 Betterton St where a number of windows to the rear would be impacted. The reduction below BRE guidelines to these windows is caused in part by their low existing levels, a result of the highly enclosed rear lightwell. Although that development would impact the daylight levels to rear facing bedrooms and kitchens, the primary habitable rooms to all flats would be unaffected and occupiers would continue to enjoy good levels of sunlight and daylight in these spaces.

13.39 In order to ensure that the proposed uses to Shorts Gardens due not result in issues of noise and disturbances to local residents, a raft of measures to be secured via conditions and s106 legal agreement were outlined. Similarly, noise mitigation measures outlined in submitted reporting will be secured onsite to ensure that all plant and extract equipment are duly attenuated for noise and vibrations.

13.40 In order to ensure that the servicing of the proposed uses does not result in issues of disturbance, conditions restricting hours for servicing and deliveries are recommended. To ensure that the demolition and construction of proposed works are fully considered in relation to the potential impacts upon local residents, a Construction Management Plan will need to be secured under a s106 legal agreement.

14 Basement Construction

14.1 The proposed scheme would include basement excavations below the Shorts Gardens property in order to facilitate the installation of a new access and services core to basement level within the replacement 'vent shaft' building. An existing basement is present across the entire footprint of the Shorts Gardens building with an average depth of between 7.5 - 8m, however, at either end the basement areas are of single storey depth (approx. 4m). In order to facilitate access to the lower basement level, it is therefore proposed to excavate the area below the vent shaft (approx. 67sqm) to the level of the main basement. It is also proposed to install a partial width mezzanine floor level to the main basement.



Figure 8: The extent to proposed excavation below Shorts Gardens (red outline)

- 14.2 The Council's Basement policy (A5) includes a number of stipulations for proposed basement development within the Borough. These include the express requirement for applicants to demonstrate that the excavations/works proposed would not result in harm to:
- a. neighbouring properties;
 - b. the structural, ground, or water conditions of the area;
 - c. the character and amenity of the area;
 - d. the architectural character of the building; and
 - e. the significance of heritage assets
- 14.3 Parts (n) – (u) of this policy continue to expand upon this requirement and together, set the parameters for the assessment of proposed basement developments. These parameters are expanded upon with CPG4 (Basements). The Council will only permit basement development where it has been satisfactorily demonstrated that the works would accord with these criteria.
- 14.4 The proposed excavation would be fully contained within the footprint of the existing buildings. Although the basement excavation would be deeper than single storey, it would act to align the area below the vent shaft to the existing level of the main basement floor. The extent of the works proposed would thus be considered to remain in accordance with the requirements of parts (f-m) of policy A5.
- 14.5 In accordance with the requirements of policy A5, the applicants have submitted Basement Impact Assessment reports which reviews the impacts of the proposed basement works and construction methods in terms of its impact upon drainage, flooding, groundwater conditions and structural stability. A well-known firm of consultants (Fluid Structures) using individuals who possess suitable qualifications in line with CPG requirements produced the submitted BIA. Due to the complexities of development constraints for the site, these documents have undergone a full audit from the Council's third party auditors – Campbell Reith (CR).
- 14.6 Due to the complexities associated with the proposed excavations, additional information was requested during the course of the assessment following an

initial audit of reporting. Over the course of several months of negotiation, further information was provided regarding various aspects of the BIA with particular reference to elements relating to ground movement/stability and groundwater impacts.

- 14.7 Although the submitted BIA has included detailed desktop studies based on information from 6 boreholes located around the local area, site investigations were not possible at this stage due to the difficulties in accessing the effected basement areas without preparation works. In light of the complexities of the proposal CR recommend that a detailed Basement Construction Plan (BCP) is secured in accordance with CPG4 to ensure that the relevant requirements are met onsite after site investigations fully inform the program of works.
- 14.8 In light of the additional information provided, Campbell Reith issued their final audit of the applicants submitted BIA and conclude that *“Subject to the completion and approval of a full basement construction plan, it is accepted that the requirements of CPG4 have been met”*. In order to ensure compliance with policy A5, CR have included within their final audit a detailed list of requirements for the BCP which would be secured via section 106 legal agreement.
- 14.9 Given that the Council’s 3rd party engineers have confirmed the schemes adherence to policy A5 and CPG4 subject to the BCP within their final audit, no objection to these proposed works are raised.

15 Transport considerations

- 15.1 The site is highly accessible by public transport with a public transport accessibility level (PTAL) rating of 6b (best). It is sited close to High Holborn and New Oxford St which are both serviced by a number of bus routes and is within walking distance of a number of underground stations including Holborn, Covent Garden and Tottenham Court road. The site is located within the Holborn and Covent Garden (CA-C) Controlled Parking Zone (CPZ).

Parking

- 15.2 Policy T2 of the Local Plan requires all developments to be car free within the Borough. The proposed development would include the removal of the only onsite parking space (behind the roller shutter to Shorts Gardens) meaning that the resulting development would include no onsite parking spaces. In line with the requirements of policy T2, it is also expected that all new residential units are further secured as ‘car-free’, meaning that any future occupiers would not benefit from rights to street parking permits. As such all four proposed dwellings would be secured as car-free via a s106 legal agreement to ensure adherence to this requirement. Within the local CPZ, all residential bays are controlled 24/7 and as such securing car-free will ensure that the residential development does not contribute to additional stress to on-street parking. The applicants have accepted this requirement. This reduction is welcomed and

would limit opportunities for car parking to help reduce car ownership and use, leading to reductions in air pollution and congestion.

Cycle parking

- 15.3 Local Plan policy T1 requires developments to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and Camden's CPG7 Transport Guidance. Referring to Table 6.3 in the London Plan (which lists the minimum number of cycle parking spaces required for each of the proposed uses), the development must provide:
- 34 Long stay spaces (commercial);
 - 8 Long stay spaces (residential);
 - 34 Short stay spaces (commercial); and
 - 1 Short stay space (residential).
 - Of the long stay spaces required, 1-2 out of the 34 commercial spaces and 1 out of the 8 residential spaces must be accessible for non-standard cycles
- 15.4 As the proposal seeks permission for flexible uses at a number of floors, the most onerous land uses in terms of cycle parking requirements have been used to calculate the requirement. As outlined in para.2.6, the cycle parking provision within the scheme has been subject to revisions in light of comments from Transport officers. The proposal now seeks to introduce two long stay cycle parking stores, both located within the Betterton St property. One would be situated at GF level and would be for residential use and the other would be located within the basement for commercial use. Both spaces would feature step-free access and could be accessed from either Shorts Gardens or Betterton St. In order to provide step-free access to the commercial parking, a dedicated lift would be provided.
- 15.5 For residential provision, plans show a total of 8 cycle (Josta two-tier) parking spaces as well as 1 flexible space for adaptive cycles. For the commercial provision, plans show a total of 28 (Josta two-tier) parking spaces as well as 2 flexible spaces for adaptive cycles. Although full details (elevations, sections etc.) for the parking provision were not forthcoming at this stage, the plans are in accordance with CPG7 in terms of layout, design and 'system' (i.e. Josta) of these spaces.
- 15.6 Although the current commercial long stay provision (28) falls below the 34 space requirement, officers note that if one of the adaptive spaces were removed from the commercial element, an additional 4-6 Josta spaces could be incorporated. As TfL guidance seeks for 5% of spaces to be adaptable for non-standard cycles, a reduction to 1 adaptive space for the commercial provision would remain in accordance with this requirement. A condition is therefore recommended for the provision of full details for these long stay parking spaces (including the aforementioned reduction to adaptable spaces).
- 15.7 In terms of short stay parking provision, the applicants have stated that further internal provision beyond that outlined above would not be feasible within their intended scheme. The applicants have however accepted that this shortfall of

onsite provision will need to be provided off site within the local area via the installation of street cycle parking provision in order to comply with policy T1. As will be detailed in the Pedestrian, Cycling and Environmental Improvements (PC&E) subsection below, transport officers have explored this and conclude that the required short stay parking could be accommodated within local streets. The PC&E contribution has therefore factored in the cost of this provision which will be discussed below. Considering the spatial limitations of the converted parts of the site, provision of short stay in this fashion is not considered objectionable.

- 15.8 Subject to the securing of full details for long stay cycle parking provision via condition as well as a financial contribution for short stay provision within the local area via s106 legal agreement, the cycle parking provision is considered to remain in accordance with policy T1.

Deliveries and servicing

- 15.9 In order to address issues of servicing to the proposed development, a Servicing Management Plan (SMP) was submitted alongside the application. At present, servicing for the existing building is currently conducted from either adjacent street.
- 15.10 The TRIC analysis outlined in the SMP calculates that the total number of daily deliveries to Shorts Gardens (including all commercial uses) would be 5 and would be primarily made by car/vans. The SMP calculates the daily deliveries to Betterton Street to be 3, formed of small vans for the delivery of post to flats and stock to the GF retail unit.
- 15.11 Although loading bays had initially been proposed along Shorts Gardens, following discussions with transport colleagues these elements were removed from the proposal. With respect of the TRICS analysis in the SMP, it can be seen that the existing on street servicing arrangements can facilitate for the number of trips generated at the site and thus dedicated loading bays are not required in this instance. Transport officers reasoned that due the above, as well as the restricted layout of Shorts Gardens and Betterton Street, the introduction of loading bays in these locations would be inappropriate and the existing situation would suffice to meet increased demand.
- 15.12 Transport colleagues reason therefore that a service management plan would not be required for this site, as the development would have little impact over and above the existing sites arrangements and servicing can be carried out safely without the need to remove any area of footway.

Travel planning

- 15.13 Although the site is in existing commercial use, the proposed development would lead to an increase in trips to the site via the proposed increases to internal capacity as well as the introduction of new uses. In line with policy A1 and CPG7, in order to assess the potential impacts of trip generation upon the local area, a Travel Statement (TS) has been submitted.

15.14 The site is currently operational and already generates a total of 1649 two-way trips. The submitted TS shows that from the proposed development would lead to an increase of 823 proposed daily trips when all parts of the site are combined; however, with the removal of the onsite car parking space and upgrading of cycling facilities on-site, this would lead to more sustainable travelling methods. Of the total number of two-way trips predicted (2,472), 1,461 two-way daily trips by public transport (59%), 818 trips on foot (33%) and 117 daily trips by bicycle (5%) are predicted. Given the high PTAL score and subsequent extensive number of services available by buses and underground, the predicted impact on the existing public transport provisions would be considered minimal and the promotion of sustainable methods would be supported. Considering the calculated trip generation associated with the proposed development, it is important to promote and manage sustainable travel methods in line with policy requirements.

15.15 In light of the above, If planning permission is granted a final travel plan would need to be secured via S106, prior to the occupation of the development. The planning obligation would include a requirement for a Travel Plan coordinator to be appointed, to manage sustainable transport promotions. The B1, D1/D2 and A3/A4 spaces would have the most significant number of trips and therefore the travel plan would need to focus on workers and visitors for these spaces. The Council would secure a financial contribution of £6,020 to cover the costs of monitoring and reviewing the travel plan over a 5 year period. This would need to be secured by S106.

Highways Works

15.16 Local Plan Policy A1 seeks that the Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development.

15.17 The proposed works could lead to damage to the footways and carriageway directly adjacent to the site. Camden would need to undertake highway remedial works following completion of the proposed development and as such a financial contribution for highway works would be required as a Section 106 planning obligation. This would include any repair, repaving and tying in works created by the development. Following consultation with Transport Officers, the Council's Engineering Service estimate the following required works:

- Remedial works to the footways directly adjacent to the site;
- Reinstating the footway in place of the 3 redundant vehicular crossovers into site; and
- Relocation of lamp column (Shorts Gardens elevation).

15.18 The highway financial contribution (confirmed by the Council's Engineering Service) required for the above has been calculated at £23,218.66. If planning permission is granted this would need to be secured via S106.

Pedestrian, Cycling and Environmental Improvements

15.19 Further to the above, new developments of a large scale can have wider impacts and may increase the demands on a transport network that at certain times already operate above capacity. CPG8 (Obligations) states that the Council may seek contributions to enhance the existing provision of public transport services and fund area-based network improvements.

15.20 Given the scale of the proposed development, a contribution towards pedestrian, cycle, and environmental improvements has been negotiated. The PCE financial contribution would fund works including:

- Raised table along Drury Lane / Betterton Street;
- Improvements for pedestrians on Shorts Gardens - Widening of the footway / narrowing of the carriageway;
- On street cycle parking to address shortfall of spaces (short stay).

15.21 The PCE financial contribution required for the above is £125,171.53. It should be noted that the within the previous application, s106 financial contributions for much of these works was already paid. A total of £90,000 was secured under the previous permission and was subsequently paid to the Council, although works to build out the agreed improvements are yet to have commenced. If planning permission is granted, it was agreed that the paid balance would be deducted from the overall contribution due to avoid charging for the same works twice. The outstanding balance required by virtue of the larger scheme hereby proposed (£35,171.53) would still need to be secured via S106 if planning permission were to be granted.

Construction management

15.22 The proposal would involve a significant amount of construction works as well as basement excavation; this is likely to generate a significant number of construction vehicle movements during the overall construction period. The Council's primary concern is public safety but we also need to ensure that construction traffic does not create (or add to existing) traffic congestion. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality) if not properly managed. The Council needs to ensure that the development can be implemented without being detrimental to amenity (as discussed in section 13) or the safe and efficient operation of the highway network in the local area. Furthermore, as the WEP will soon be commencing shortly on streets near the site and it would be essential to co-ordinate any works between the two to ensure there is no conflict or impact on the wider transport network. It is noted that the application site features constrained access, particularly in light of the servicing requirements of the nearby Hospital Club along Endell Street and that therefore the redevelopment of the site has the potential to cause severe disruption unless very carefully managed.

15.23 In light of the above and in line with the requirements of policies A1 and T2, a Construction Management Plan (CMP) would therefore need to be secured as a Section 106 planning obligation. The CMP would need to be approved by the Council prior to any works commencing on-site. A satisfactory amount of pre-

commencement consultation on the proposed construction arrangements would need to take place. A CMP Implementation Support Contribution would also be needed to be secured via S106 if planning permission is granted in order to ensure the appropriate monitoring costs are met.

15.24 A draft CMP was submitted alongside the application and was reviewed by Transport officers during the course of the application. Although the draft lacks detail by virtue of the fact that a principal contractor has yet to have been appointed, it has outlined the logical challenges of the site and a package of measures for inclusion in the further development of the plan to respond to these challenges. The draft CMP has included a range of appendices including a logistics plan; initial versions of site access and egress arrangements; draft development programme; draft plan for skip lorries and cement mixers as well as arrangements for a rooftop crane installation. The applicants have demonstrated an acknowledgement for the difficulties involved in the development of the site but also a willingness to undergo due diligence in the preparation and refinement of the CMP as detailed information becomes available (should permission be granted).

Excavation in close proximity to the public highway

15.25 Due to the proximity of the proposed basement excavations to the adjacent public highway, the Council needs to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations.

15.26 As a result, an 'Approval In Principle' (AIP) report would need to be submitted to the Council's Highways Structures & Bridges Team within Engineering Services as a pre-commencement planning obligation. This is a requirement of British Standard BD2/12. The AIP would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any mitigation measures which might be required. The AIP and an associated assessment fee of £1,800 would need to be secured as section 106 planning obligations if planning permission is granted.

Transport Conclusion

15.27 The proposed scheme has incorporated measures which would reduce levels of car ownership and promote sustainable modes of travel in accordance with the Council's policies A1, T1 and T2. The proposal would be acceptable in terms of transport implications subject to various conditions and S106 planning obligations being secured:

- Condition to ensure provision of secure cycle parking prior to first use
- Car free development for all dwellings (s106)
- Construction Management Plan, including monitoring fee (s106)
- Travel Plan, including monitoring fee (s106)
- Highways contribution and levels plan (s106)
- PC&E improvements financial contribution (s106)
- Approval in principle, including monitoring fee (s106)

16 Sustainable Design and construction

- 16.1 The Local Plan requires development to incorporate sustainable design and construction measures. Policy CC1 expects developments 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 CC2 of the emerging Local Plan requires development to be resilient to climate change through increasing permeable surfaces, incorporating bio-diverse roofs/green and blue roofs/green walls where appropriate and including measures to reduce the impact of urban and dwelling overheating. To comply with the London Plan the proposal must secure a minimum 35% reduction in regulated CO₂ emissions below the maximum threshold allowed under Part L of the Building Regulations 2013.
- 16.2 The proposed development would involve a mixture of refurbishments to existing buildings combined with elements of new build. In order to assess the above matters, an Energy and Sustainability Statement produced by Cundall has been submitted alongside the application. Throughout the course of the application, additional information requested by the Council's Sustainability officers was provided by Cundalls to supplement this report.
- 16.3 The proposed development would achieve an overall site wide CO₂ emissions reduction of 48% over the Part L baseline when all recommended measures are combined which is in line with London Plan requirements. This would represent a total reduction of 50.6% for commercial elements and 24% for domestic elements. The measures to reduce energy from the development includes high efficiency thermal insulation for all building elements; high efficiency communal gas fired boilers delivering water heating (low NO_x); high efficiency variable refrigerant flow (VRF) systems for element of the development; heat recovery systems to all mechanical ventilation; glazing specification to avoid excessive solar gains; indoor environments designed in accordance with the GLA's Cooling and Overheating requirement; green roof; and 100% low energy and/or LED internal lighting. The site-wide emissions reduction would need to be secured via S106 within an Energy Efficiency Plan. Details of the green roof would be secured via planning condition in the event planning permission is granted.
- 16.4 A BREEAM pre-assessment has been submitted confirming that the commercial elements would meet minimum credit scores in energy (66.67%), water (75%) and materials (46%) categories. The development as a whole is slightly under the range for excellent, achieving Very Good (55.57%) which falls slightly below policy range. This shortfall was predominantly a result of the lack of onsite renewables which, following discussions with Sustainability and planning officers, was accepted given the sensitivities of the site within the CA and overshadowing effect to the area of flat roof where provision could be possible. The scheme would however include a raft of sustainability measures including all materials to be CFC free; locally sourced materials; timber sourced responsibly; water saving measures throughout; provision of recycling points for all aspects of the development. Considering the restrictive nature of

the conversion elements of the scheme, the missing credits have been justified to a point where officers remain supportive of the development subject to achieving credit scores above. Sustainability measures would need to be secured through a S106 sustainability plan and water efficiency targets would be secured by planning condition

17 Safety and security

- 17.1 Policy C5 requires developments to demonstrate that they have incorporated design principles that contribute to community safety and security.
- 17.2 Crime prevention measures have been outlined within the submitted Design and Access Statement and Planning Statements, which have been reviewed by the Council's Designing Out Crime Officer. The development will incorporate specifically designed doors, windows, post boxes, stores, access control, utility meters, lifts, lighting, CCTV and alarms. The Council's Designing Out Crime Officer confirmed that proposed details would provide the appropriate level of security and would be Secure by Design (ADQ) compliant. The officer raise no objection to the proposed food and drink uses at basement levels of the basis of the area, subterranean siting and the measures outline in the venue management plan. No objection was raised to the proposed development in this regard and, subject to the securing of the VMP it is considered that the requirements of policy C5 have been met.

18 Waste

- 18.1 Policies CC5 and Camden Planning Guidance 1 (Design) are relevant with regards to waste and recycling storage and seek to ensure that all developments include facilities for the storage and collection of waste and recycling.
- 18.2 The scheme include the provision of two dedicated refuse and recycling stores, one at ground floor level to the replacement vent shaft building (for commercial use) and the other at ground floor level within Betterton Street (for residential use). Although CPG1 states that, for residential development of less than 5 units no dedicated refuse store would be required, the scheme incorporates a store to Betterton Street in order to avoid impinging upon the footway. This is welcomed. In order to address the management of waste for the proposed development, a draft Waste Management Strategy was submitted. This confirmed that the refuse storage areas provided would feature sufficient capacity to store waste form the respective uses in line with BS5906:2005 standards and CGP1.
- 18.3 Although the storage areas are deemed sufficient in terms of scale and siting (less than 10m from the highway), a condition is recommended for the submission of full details of the method of waste storage and removal including recycled materials for both the commercial and residential uses. The final details would need to be agreed the Council's Principal Environmental Services Officer.

19 Air Quality

- 19.1 Policy CC4 requires the submission of air quality assessments for developments that could cause harm to air quality. Mitigation measures are expected in developments located in areas of poor air quality. The Council will take into account the impact of air quality when assessing development proposals, through the consideration of both the exposure of occupants to air pollution and the effect of the development on air quality.
- 19.2 In order to assess matters of Air Quality arising from the proposed development, an Air Quality report produced by Green Air Monitoring was submitted alongside the application. This report, informed by onsite testing, has outlined the baseline levels for the site and informs subsequent mitigation measures.
- 19.3 This report, as well as subsequent correspondence between the Council's Air Quality officers and Green Air has established that the development is in a 'background location', away from major roads and is separated from the nearest major road (High Holborn) by existing buildings. Notwithstanding this, background nitrogen dioxide concentrations in the area exceed the annual mean objectives (based on both Defra maps and Bloomsbury AURN monitoring) and as such mitigation measures will be required. Subsequently, measures have been designed into the scheme which minimise its impacts to AQ; for instance no gas-fired energy plant is proposed (hot water and heating will be provided through heat pumps and electric health systems), and the development is car free. As well as the integral AQ mitigation measures, conditions are further recommended to be attached to any approval for the following:
- All non-Road mobile Machinery used on the site shall be required to meet Stage IIIA of EU Directive 97/68/EC and the site shall be registered on the NRMM register for the demolition/construction phase.
 - Submission of full details of the mechanical ventilation system, including air inlet locations and details of NO_x filters
 - Submission of full details of air quality monitoring to take place throughout construction period and for a minimum period of 3 months prior to the commencement of works
- 19.4 In relation to AQ matters from construction, further mitigation measures to control construction related air quality impacts will be secured within the CMP as per the standard CMP requirements. In order to discharge the CMP requirements, the applicant will be required to complete the AQ checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.
- 19.5 Subject to the recommended conditions and the requirements of the CMP (secured under s106 agreement), officers considered that the development would remain in accordance with the requirements of policy CC4.

20 Land Contamination

- 20.1 The application site is located on a former electrical substation and within 50m of an 'Unknown Industrial site' according to the Council's register. Due to the above, the site is considered to be at medium risk of land contamination.
- 20.2 A 'Desk study and site reconnaissance report' by Soiltechnics was submitted as part of the application. The preliminary risk assessment found there did not identify any sources of ground gases and considered the risk of the site being affected by landfill type gases as low. It did however find that risks of potential chemical contamination exceeded the low category and therefore recommends further investigation by laboratory testing of soil / water samples to refine the risk assessment.
- 20.3 The Council's Environmental Health (Land Contamination) officers have reviewed the scheme and, on this basis, recommended that contaminated land conditions be attached to any approval for medium-risk situations. This would include a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas; an investigation in accordance with the approved programme and a written scheme of remediation measures (if necessary).

21 Employment and Training Opportunities

- 21.1 The proposed development is large enough to generate significant local economic benefits. Policy E1 sets an expectation for development to support local enterprise development, employment and training schemes for Camden residents. CPG8 states that in the case of such developments the Council will seek to secure employment and training opportunities for local residents and opportunities for businesses based in the Borough to secure contracts to provide goods and services.
- 21.2 In line with CPG8, a range of training and employment benefits are to be secured in order to provide opportunities during and after the construction phase for local residents and businesses. This package of recruitment, apprenticeship and procurement measures will be secured via S106 / condition and will comprise:
- Requirement to meet CITB benchmarks for local employment when recruiting for construction-related jobs;
 - Requirement to advertise all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre for a period of 1 week before marketing more widely;
 - Provision of 3 construction and/or non-construction work placement opportunities of not less than 2 weeks each, to be undertaken over the course of the development, to be recruited through the Council's King's Cross Construction Skills Centre or our work experience broker;
 - Requirement to recruit 4 construction apprentice or non-construction apprentice and pay the council a support fee of £1,700 per apprentice

- The applicant to sign up to the Camden Local Procurement Code, as per section 8.30 of CPG8.

21.3 The above obligations will require recruitment of construction apprentices through the Council's King's Cross Construction Skills Centre, whilst the recruitment of non-construction apprentices will be conducted through the Council's Economic Development team. The above requirements were informed by discussions with the Council's Economic Development team. Subject to the securing of the above, the proposal remain in accordance with the guidance set out in CPG8 and policy E1.

22 Community Infrastructure Levy (CIL)

22.1 The proposal would be liable for both the Mayor of London's CIL and Camden's CIL due to the significant net increase in floorspace and creation of residential units. During the site visit it was noted that the site was occupied and in use in the majority of areas. For the purposes of this estimation, it has therefore been assumed that CIL will be charged for the proposed uplifts only. Should permission be granted, the applicants will be required to demonstrate that the scheme has been occupied for at least a six months period, over three years prior to the application for this to apply. If this cannot be demonstrated, CIL will be liable for the whole development (not just the uplifts proposed).

22.2 The Mayoral CIL rate in Camden is £50 per sqm. Based upon an overall uplift in internal area of 1384sqm, this would attract a Mayoral CIL contribution of £69,200.

22.3 A breakdown of the Camden tariff (based on the site being in Zone A (central)) would be as follows: £500 per sqm for residential; £45 per sqm for office; £25 per sqm for retail, restaurant and bar uses; and £25 for 'other commercial uses'. An estimation of the liable Camden CIL payment is outlined below. This calculation is based upon the most onerous land uses where flexible uses are proposed (i.e. flexible B1 and restricted D1/D2) and therefore could be subject to change depending upon the final occupancy.

Land use	Uplift (sqm)	Tariff Rate	CIL payment
Residential	680	£500 per sqm	£340,000
Office	331	£45 per sqm	£14,895
Retail, restaurant and bar uses	190	£25 per sqm	£4,750
Other commercial uses (restricted D1/D2 uses)	642	£25 per sqm	£16,050
Total estimated Camden CIL contribution*:			£375,695

Table 2: Estimation of liable Camden CIL based upon uplift

22.4 *It should be noted that the CIL contribution figures would be subject the application of BCIS indexation, which would be calculated by members of Camden's CIL team if permission were granted. By virtue of the complexities of

the case and, in particular the flexible uses applied for, these figures will need to be confirmed by Camden's CIL team if permission were granted in line with Regulation 14 of the CIL Regulations 2010 (as amended).

23 CONCLUSION

- 23.1 Overall the proposed refurbishment and extensions are considered to represent a very high standard of design which would considerably enhance the unique character of each host building by responding to their special qualities. Each extension proposed would remain subservient to either host building and would enhance their character. The forms to either extension have been carefully designed to comfortably sit within their respective streetscene and roofscape and would add interest to both. The design of the replacement 'vent shaft' building has fully considered the positive attributes of the existing structure and reflects these in its materiality and appearance. The important role of the existing structure in the streetscene would thus be preserved. The proposed works would also significantly enliven the street scenes to both streets by adding interest, activity and natural surveillance. This would greatly improve the quality of public realm to either street. The Council's Design Review Panel, who offered full support for the proposals and commended the sensitive design response formulated, have reviewed the proposal. Overall the works are considered to enhance the character of the Conservation Area.
- 23.2 The uses proposed to the extended properties would provide a mix of employment, residential, retail, community and cultural facilities as well as a small restaurant or bar that would accord with the Council's mixed use policy and enrich the Covent Garden area by adding variety and interest. The scheme would include the provision of four self-contained units, which would offer a high living standard for future occupants. The development would maintain, or potentially increase the existing quantum of employment floor space whilst greatly improving its quality, flexibility and facilities beyond the existing provision. The proposal would also involve the creation of a high quality venue for a mixture of publicly accessible uses within the Shorts Gardens property. All of the uses proposed would accord with the Council's policy requirements and would not result in harm to the character or function of the Covent Garden/Seven Dials retail centre.
- 23.3 The proposed development and uses would be controlled via a raft of measures secured via conditions and s106 legal agreement to ensure that they do not result in disturbance to nearby residential occupiers. Subject to controls, the development would not result in any detrimental impact upon standard of residential amenity or any nearby occupant.
- 23.4 In order to ensure that the development does not result in undue disruption or issues of public safety during construction, the applicant will be required to secure a fully detailed Construction Management Plan via legal agreement. Although a draft CMP was submitted and has been reviewed by Transport officers, this will require further refinement through a formal process once further information is available. Due to the sensitivities of the site, this process will

involve officers from various departments and will need to be informed by consultations with local residents. The development would also offer significant contributions towards the provision of local infrastructure and facilities and improvements to nearby highways through s106 financial contributions and Community Infrastructure Levy payments.

23.5 Overall the proposed scheme is considered to represent a sustainable form of development which would remain in accordance with the various requirements of the Council's planning policy framework.

23.6 As has been aforementioned, the site benefits from an extant permission for many elements of a similar nature to the current application. The hereby updated scheme is considered to represent a significant improvement beyond the extant permission, both in terms of its design and impact upon the local area as well as its land use and public benefit offer.

23.7 Planning Permission is recommended subject to a S106 Legal Agreement securing the clauses and planning conditions set out below.

23.8 The following contributions are required to mitigate the impact of the development upon the local area, including on local services. These heads of terms will mitigate any impact of the proposal on the infrastructure of the area and will be secure via s106 legal agreement:

- Affordable housing viability review - deferred payment in lieu of affordable housing contribution (policy target contribution of £301,994) including contribution of £5,000 to cover verification of material submitted
- Approval in principle report – including monitoring fee of £1,800
- Basement Construction Plan
- Car-free - for all uses
- Construction/Demolition Management Plan (CMP) - including monitoring contribution of £7,620
- Energy Efficiency Plan
- Highways contribution - calculated at £23,218.66
- Local employment and training plan – including a support contribution of £1,700 per apprentice (£6,800 total)
- Marketing requirement regarding North-East facing 'un-neighbourly windows' to residential units
- Pedestrian, Cycling, Environmental, and Public Realm improvements - financial contribution - calculated at £35,171.53
- Retention of project architects (Stanton Williams) unless formally agreed by the Council
- Sustainability Plan
- Travel Plan – including monitoring fee of £6,244
- Venue Management Plan

23.9 The calculation of the Pedestrian, Cycling, Environmental, and Public Realm contribution is discussed in para.15.21.

24 LEGAL COMMENTS

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

Conditions and Reasons:

<p>1</p>	<p>Three years from the date of this permission</p> <p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
<p>2</p>	<p>Approved drawings</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans: (Prefix: 498_PL_) 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037 Rev1, 038 Rev1, 039 Rev2, 040 Rev1, 041 Rev1, 042 Rev1, 043 Rev1, 044 Rev2, 045 Rev2, 046, 047, 048 Rev1, 049, 050, 051, 052, 053 Rev1, 054, 055, 056 Rev1, 057 Rev2, 058 Rev1, 059 Rev1.</p> <p>Supporting documents: Draft Construction Management Plan (plus appendices) prepared by Hush Pmc (dated Apr17), Covering Letter prepared by NLP (dated Apr17), Daylight and Sunlight Assessment (plus appendices) prepared by GIA (ref.3070), Venue Management Plan prepared by Span Group (dated 11/04/2017), Waste Management Plan prepared by Watermans (ref. WIE10452-100-R-2-2-3-WMP), Service Management Strategy prepared by Watermans (ref. WIE10452-100-R-4-2-3-SMP), Transport Statement prepared by Watermans (ref. WIE10452-100-R-1-2-3-TS), Framework Travel Plan prepared by Watermans (ref. WIE10452-100-R-3-2-3-FTP), Energy and Sustainability Statement prepared by Cundall (ref. 1014196-RPT-SU002 rev B), External Air Quality Monitoring Survey Report prepared by Green Air Monitoring (dated Feb 17), Heritage Impact Assessment (plus appendices) prepared by NLP (dated Apr17), Planning Statement prepared by NLP (dated Apr17), Plant Impact Assessment prepared by RBA Acoustics (ref. 7431/PNA rev 1), Acoustic Assessment Report prepared by RBA Acoustics (ref. 7431/AAR rev 1), Statement of Community Involvement prepared by Quatro (dated Apr17), Basement Impact Assessment (plus appendices) prepared by Fluid Structures (ref. 24509 rev P3), Response letter to initial BIA audit prepared by Fluid Structures (dated 07/09/17), BIA Preliminary Investigation Report prepared by Soiltechnics (ref. STM1234T-P01), BIA Screening Report prepared by Soiltechnics (ref. STP3953A-BIA Rev 2), Viability Report prepared by James.R.Brown Ltd (dated Aug 17), Independent Viability Review prepared by BPS (dated 21.09.17), Response letter to initial Viability Review audit prepared by James.R.Brown Ltd (dated 02.10.17)</p>

	Reason: For the avoidance of doubt and in the interest of proper planning
	<i>Conditions reserving details to be approved:</i>
3	<p>Detailed drawings/samples</p> <p>Before the relevant part of the work is begun, detailed drawings or samples of materials as appropriate, in respect of the following shall be submitted to and approved in writing by the local planning authority. Submitted details shall include elevations and sections (and where appropriate materials) at 1:10 of the following:</p> <ul style="list-style-type: none"> a) Full details of proposed roof extensions (@1:20) including solid and perforated vertical louvres and window detail to Shorts Gardens roof extension and 'hit-and-miss' brick work and metal screen detailing to Betterton Street; b) Typical windows to infill existing arched brick openings (@1:10); c) Entrance doors, windows and louvres to ground floor openings on Betterton Street and entrance portico to Shorts Gardens (@1:10); d) Louvered doors to replacement vent shaft building (@1:20); e) Typical details of new railings and balustrade to both roof terraces (@1:10); f) Typical replacement windows to upper floors of retained buildings (where original windows are not retained and refurbished) (@1:10); g) Manufacturer's specification details of all proposed facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site). <p>The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.</p>
4	<p>Brick work samples</p> <p>Before the development is commenced, sample panels of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing for facing brick to the following elements shall be provided on site and approved in writing by the local planning authority:</p> <ul style="list-style-type: none"> a) Replacement vent shaft building b) Betterton Street roof extension

	<p>The development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.</p>
<p>5</p>	<p>Basement engineer</p> <p>The basement works hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.</p> <p>Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017</p>
<p>6</p>	<p>Crossrail - foundation design, noise, vibration and settlement</p> <p>No basement construction shall take place until a detailed design and method statement for all foundations and other development proposed below ground level which takes account of the proposed running tunnels of the Cross Rail Project including any ground movements arising from the construction of the Cross Rail tunnels, has been submitted to and approved by the local planning authority in consultation with the relevant rail infrastructure undertaker. The development shall thereafter be carried out in accordance with the approved design and method statements.</p> <p>No basement works to Shorts Gardens hereby permitted shall commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant rail infrastructure undertaker which :-</p> <ul style="list-style-type: none"> (a) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works, (b) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures. (c) Mitigate the effects on Crossrail, of ground movement arising from

	<p>development</p> <p>(d) Mitigate any short or long term effects on Crossrail, from such things as stray current leakage and effects from Electromagnetic Incompatibility, that might be induced by works associated with installation or decommissioning of electrical installations on the site</p> <p>The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by (a) to (d) of this condition shall be completed, in their entirety, before the basement to Shorts Gardens are first occupied</p> <p>Reason: To ensure that the development does not impact on existing/proposed strategic transport infrastructure in accordance with the requirements of Policies A1 and T1 of the London Borough of Camden Local Plan 2017.</p>
7	<p>Crossrail – concurrent working</p> <p>No basement works to Shorts Gardens hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.</p> <p>Reason: To ensure that the development does not impact on existing/proposed strategic transport infrastructure in accordance with the requirements of Policies A1 and T1 of the London Borough of Camden Local Plan 2017.</p>
8	<p>Land contamination</p> <p>At least 28 days before development commences (excluding demolition and site preparation works):</p> <p>(a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and</p> <p>(b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.</p> <p>The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.</p> <p>Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage</p>

	<p>use of the site in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017</p>
9	<p>Air quality monitoring</p> <p>Air quality monitoring should be implemented on site. No development shall take place until full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance and have been in place for 3 months prior to the proposed implementation date. The monitors shall be retained and maintained on site for the duration of the development in accordance with the details thus approved.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Camden Local Plan 2017 policies G1, C1 and A1</p>
10	<p>Mechanical ventilation</p> <p>Prior to commencement of development (excluding demolition and site preparation works), full details of the mechanical ventilation system, including air inlet locations and details of NOx filters, shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and the boiler stack and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Camden Local Plan 2017 policies G1, C1 and A1</p>
11	<p>Green roof</p> <p>Prior to commencement of development (excluding demolition and site preparation works), full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include</p> <ul style="list-style-type: none"> i. a detailed scheme of maintenance ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used and showing a variation of substrate depth with peaks and troughs iii. full details of planting species and density <p>The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.</p> <p>Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, CC4, D1, D2 and A3 of the London Borough of Camden Local</p>

	Plan 2017
12	<p>A3/A4 Occupancy & Use Plan</p> <p>Prior to the commencement of any use at basement levels with Shorts Gardens, a Occupancy and Use Plan detailing how the flexible A3/A4 use will operate together with the flexible restricted D1 and D2 uses shall be submitted to, and approved by the Local Planning Authority in writing. Under no circumstances shall the flexible A3/A4 uses exceed 100sqm in accordance with the approved scheme.</p> <p>Reason: To ensure that the mix of uses proposed at basement levels are designed to successfully operate in tandem and to safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, D1, C2, C3, TC1 and TC2 of the London Borough of Camden Local Plan 2017</p>
13	<p>A3 Kitchen extract</p> <p>Prior to the commencement of any restaurant (A3) use, full details of a scheme for ventilation, including manufacturers specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall be retained and maintained in accordance with the manufacturers' recommendations.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, D1, CC1, TC1 and TC2 of the London Borough of Camden Local Plan 2017</p>
14	<p>Cycle storage:</p> <p>Prior to commencement of development (excluding demolition and site preparation works), full details of the secure long stay cycle storage areas at ground and basement levels within 14-16 Betterton Street shall be submitted to and approved by the local planning authority. The approved facilities shall thereafter be provided in their entirety prior to the first occupation of any part of the development and permanently retained thereafter.</p> <p>Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.</p>
15	<p>Waste Management Strategy</p> <p>Prior to the commencement of development (excluding demolition and site preparation works), details of waste storage and removal shall be submitted to and approved in writing by the local planning authority, and development shall be carried out in accordance with the approved details.</p> <p>Reason: To safeguard the amenities of the neighbouring premises and the area</p>

	generally in accordance with the requirements of policies A1, A4 and CC5 of the London Borough of Camden Local Plan 2017
	<i>Restrictive conditions:</i>
16	<p>Restricted D1/D2 uses permitted</p> <p>Notwithstanding the provisions of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision in any statutory instrument revoking and re-enacting that Order with or without modification, the basement, basement mezzanine, ground floor and ground floor mezzanine areas to the premises at Shorts Gardens shall only be used for uses within classes B1, flexible A3/A4 (to areas shown on approved basement plans only), or as art galleries, museums or libraries (restricted D1), or viewing cinema, seated concert venue or a members social club (restricted D2), and not for any other purpose within classes D1/D2 of that Order</p> <p>Reason: In the interests of the amenity of neighbouring occupiers in accordance with policies G1, A1 and A4 of the London Borough of Camden Local Plan 2017</p>
17	<p>Retention of minimum quantum of office B1</p> <p>A minimum of 45% (265sqm) of the proposed flexible B1/restricted D1/restricted D2 uses at ground and ground floor mezzanine levels within Shorts Gardens shall be retained for office purposes (B1).</p> <p>Reason: To safeguard the existing employment function of the site and ensure that the development does not result in the reduction to existing quantum of office employment space in accordance with the requirements of policies G1, E1 and E2 of the London Borough of Camden Local Plan 2017</p>
18	<p>Restricted hours of operation</p> <p>The class D1, D2, A3 and A4 uses hereby permitted shall only be operated between the following times: Mondays-Thursdays 08.00-22.30 hrs; Fridays and Saturdays 08.00-23.30 hrs; and Sundays and Bank Holidays; 09:00 -22.30 hrs</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4, TC1 and TC2 of the London Borough of Camden Local Plan 2017.</p>
19	<p>Office terrace hours</p> <p>The external terrace at third floor level to Shorts Gardens shall not be used outside of the following hours: 08:00 – 20:00 Monday - Friday and not during weekends or bank holidays.</p> <p>Reason: To safeguard the privacy of the adjoining occupiers at Dudley Court and the area generally in accordance with the requirements of policies G1 and A1 of the London Borough of Camden Local Plan 2017</p>

<p>20</p>	<p>Noise from plant</p> <p>Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017</p>
<p>21</p>	<p>Noise insulation</p> <p>Prior to first occupation of the development:</p> <ul style="list-style-type: none"> a) sound insulation measures outlined in the approved acoustic report (ref 7431/AAR, dated 11th April 2017) shall be implemented and thereafter be permanently retained. b) post installation noise assessment shall be submitted to the Council for approval of internal noise and vibration levels to ensure internal room amenity noise standards remain in accordance with the criteria of BS8233:2014. <p>Reason: To safeguard the amenities of future occupiers of the premises from noise from industrial/commercial sources in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.</p>
<p>22</p>	<p>Noise and vibration measure for plant</p> <p>Prior to use, plant equipment and any associated ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.</p> <p>Reason: To safeguard the amenities of adjoining premises and the area generally in accordance with the requirements of policy G1, A1, A4, D1 and CC1 of the London Borough of Camden Local Plan 2017.</p>
<p>23</p>	<p>Kitchen extract clocks</p> <p>Prior to the commencement of the use of the kitchen extract equipment, automatic time clocks shall be fitted to the equipment/machinery hereby approved, to ensure that the plant/equipment does not operate between 23:00hrs and 07:00 hrs. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations.</p> <p>Reason: To safeguard the amenities of the adjoining]premises and the area generally in accordance with the requirements of policies G1, D1, A1, TC1, TC2 and</p>

	A4 of the London Borough of Camden Local Plan 2017
24	<p>Servicing hours</p> <p>All servicing shall take place in accordance with the approved serving management plan, and shall not take place outside of the following times: 08:00-20:00 Monday-Saturday, and 09:00-20:00 Sundays and bank holidays.</p> <p>Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policies A1 and T4 of the London Borough of Camden Local Plan 2017</p>
25	<p>Amplified music</p> <p>No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4, TC1 and TC2 of the London Borough of Camden Local Plan 2017</p>
26	<p>Building Regulations Part M(4)</p> <p>Prior to occupation, units at 1st – 3rd floor levels within 14-16 Betterton Street (as indicated on plan numbers hereby approved) shall be designed and constructed in accordance with Building Regulations Part M4 (2).</p> <p>Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.</p>
27	<p>Non-road mobile machinery</p> <p>All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle – with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the demolition and construction phase of the development.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Camden Local Plan 2017 policies G1, C1 and A1.</p>
28	<p>Water saving devices</p> <p>The development hereby approved shall achieve a maximum internal water use of</p>

	<p>110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.</p> <p>Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017</p>
29	<p>Obscure glazing</p> <p>Prior to occupation, the glazing to side windows to the South-Western flank elevation of 14-16 Betterton Street at 1st – 3rd floor levels shall be obscured. The obscure glazing shall be permanently retained thereafter.</p> <p>Reason: In order to prevent overlooking of the neighbouring occupiers at 18-20 Betterton Street in accordance with the requirements of policies G1 and A1 of the London Borough of Camden Local Plan 2017.</p>

Suggested informatives:

1	<p>Community Infrastructure Levy:</p> <p>You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the information given on the plans and the Camden Charging Schedule, the charge is likely to be £375,695 (680sqm x £500; 331sqm x £45; 190sqm x £25; 642sqm x £25) using the relevant rate for uplift in that type of floorspace) for the Camden CIL. Based upon an overall uplift in internal area of 1384sqm, the scheme would attract a Mayor's CIL contribution requirement of £69,200 (1384sqm x £50).</p> <p>This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.</p>
2	<p>Party Wall Act:</p> <p>Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.</p>
3	<p>Building Control requirement:</p>

	<p>Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).</p>
4	<p>Environmental Health hours of construction:</p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
5	<p>Legal Agreement:</p> <p>Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.</p>
6	<p>Flexible permission:</p> <p>You are advised that if implemented, the alternative use permission hereby granted gives flexibility of use for 10 years from the date of this permission. After 10 years the lawful use would revert to whichever of the uses is taking place at the time.</p>
7	<p>Postal Address revision:</p> <p>If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.</p>
8	<p>Short term letting for residential premise in London:</p> <p>You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.</p>
9	<p>Advertisement consent:</p>

	<p>This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk).</p>
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APPENDIX 1 - Independent Viability Review (BPS)

60-70 Shorts Gardens & 14-16
Betterton Street WC2H 9AU



Application no. 2017/2204/P

Addendum 19th October 2017

BPS Chartered Surveyors prepared an independent viability review on behalf of London Borough of Camden dated 21st September 2017. We calculated that the scheme generates a surplus of [REDACTED] and that the scheme may be able to contribute towards or provide some affordable housing.

The main area of difference between our appraisal and the appraisal prepared by James Brown (the Applicant's viability consultant) was the build cost total. Having sought advice from our Cost Consultants, Geoffrey Barnett Associates (GBA), we arrived at a total build cost of [REDACTED] compared with the Applicant's total of [REDACTED].

We have received a response from James Brown which was accompanied by a response from Equals, the Quantity Surveyor acting on behalf of the Applicant. We provided the additional information to GBA who have revised their figures on based on the information received. GBA's full response is attached to this report and summarised below:

We had not made enough allowance for the fact that part of the building will be new-build, and that all of the offices will be air conditioned. In addition, we note their (Equals) clarification regarding the additional works in the basement. Taking all of this into account, we have adjusted our figures.

Equals have calculated a rate of [REDACTED] so they are [REDACTED] higher than we think the rate should be. Using the [REDACTED], this represents a total difference of [REDACTED].

Following the change in opinion on build costs we have re-appraised the scheme. The appraisal now shows a residual land value of [REDACTED]. Compared to the agreed Benchmark Land Value of [REDACTED] the scheme now shows a deficit of approximately [REDACTED]. It can therefore be concluded that the scheme cannot offer any affordable housing contribution while remaining viable.

An outturn review will be a useful mechanism to determine any changes in costs or values which serve to improve the viability of the scheme.

BPS Chartered Surveyors

19th October 2017