

Delegated Report		Analysis sheet		Expiry Date:	04/10/2017
		N/A / attached		Consultation Expiry Date:	14/09/2017
Officer			Application Number(s)		
Robert Lester			2017/3795/P		
Application Address			Drawing Numbers		
64-66 Charlotte Street and 32 Tottenham Street London W1T 4QE			Refer to Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of existing basement and ground floors at No.64 Charlotte Street from office (Class B1) to restaurant (Class A3) and 32 Tottenham Street from restaurant (Class A3) to office (Class B1) including replacement plant extract equipment (as consented under 2016/3133/P); Alterations to existing ground floor retail unit (Class A1) at No.66 Charlotte Street including installation of front lightwell and new shopfront; Conversion and extension of existing office accommodation (Class B1) on first and second floors of No.66 Charlotte Street and retention of the existing third floor residential use (Class C3) to provide 2 x 2 bed residential units (Class C3) including extension of the rear closet wing; Demolition of courtyard office building to the rear of No.66 Charlotte Street and erection of replacement building across basement, ground and first floor levels to provide additional office space at the site.					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice				
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	0	No. of objections	0
Summary of consultation responses:	A site notice was erected on the 23/08/2017 and a press advert was placed in the local newspaper on the 24/08/2017. The first consultation period expired on the 14/09/2017 No responses were received.				
CAAC/Local groups* comments:	<u>Bloomsbury CAAC – Objection</u> <ul style="list-style-type: none">• The bulk of the rear extensions is too great and would obscure too much of the existing building.• The loss of the traditional M shaped roof from which may be original.• The introduction of a front light well which erodes the retail nature of the street frontage.• The proposed new shopfront would be bland and not in keeping with the CA.• Overall the proposals would neither preserve nor enhance the CA. <p><i>Case Officer's Response: Please see the design and heritage section of the following planning report for a response to these points.</i></p>				

Site Description

The application site is located at the junction of Charlotte Street and Tottenham Street in Fitzrovia. The site includes the 4 storey end of terrace/corner building at 64 Charlotte Street, the adjoining 4 storey mid-terraced building at 66 Charlotte Street and the adjoining 4 storey mid-terraced building at 32 Tottenham Street.

The ground floor/basement at 32 Tottenham Street was previously in restaurant (A3) use and 64 Charlotte Street was previously in office (B1) use. Planning permission has recently been granted (ref 2016/3133/P as amended by 2017/3040/P) for the change of use of 64 Charlotte Street from an office (B1) to a restaurant (A3) and the change of use of 32 Tottenham Street from a restaurant (A3) to an office (B1) use and the reconfiguration of the units involving the loss of 24 sq.m of office floorspace and increase of 23 sq.m of restaurant floorspace. This permission is in the process of being implemented on the site.

The first to third floors at 64 Charlotte Street and 32 Tottenham Street were previously in office (B1) use. Planning permission ref 2012/3537/P (allowed on appeal) granted approval for the change of use of these floors to 6 residential flats. A mansard roof extension to this building was also granted planning permission ref 2015/6701/P (allowed on appeal) to create a new 3-bed residential flat. These permissions have been implemented on the site.

The ground floor of no. 66 is in retail (A1) use and the basement of 66 Charlotte Street is in office use (B1). The existing first and second floor levels of 66 Charlotte Street are in office (B1) use. The existing third floor level of no. 66 is shown as a residential flat on the plans in this application, however the Council have no records of this residential unit and at the site visit for this application this unit was in office (B1) use. The 1st – 3rd floors of no. 66 are also registered for business rates as an office unit and not for Council tax for residential purposes. There is an existing part-single part-two storey rear outbuilding in the rear yard of no. 66 which is in office (B1) use.

The former frontage of 64 Charlotte Street contained a small shopfront and this unit also had covered lightwells with pavement lights to the front and side. Planning permission ref 2016/3133/P (as amended by permission ref 2017/3040/P) granted approval for alterations to the shopfront, the partial opening up of the front/side lightwell and the installation of railings. These permissions have been implemented on the site.

The previous frontage of 32 Tottenham Street contained a small shopfront. Planning permission ref 2015/7183/P granted permission for a replacement shopfront, front lightwell with railings, which is in the process of being implemented on the site.

The existing shopfront at 66 Charlotte Street is obscured by external retail displays.

The yard to the rear of 66 Charlotte Street shares a side boundary with no. 68 Charlotte Street and a rear boundary with no. 30 Tottenham Street. This area is also located close to the mews properties on Charlotte Mews, which backs onto this section of Charlotte Street.

The site is located in the Charlotte Street Conservation Area and Fitzrovia Area Action Plan area. The site is identified as a positive contributor to the conservation area. The adjoining terrace at 24-30 Tottenham Street is a Grade II Listed terrace. The site is also located within the Fitzrovia Central London Retail Area.

Relevant Planning History

32 Tottenham Street

9000540 - The Change of use from retail (A1) to hot food premises (A3) as specified under the Town and Country Planning - **Granted - 28/02/1991.**

9101273 The retention of a new shopfront - **Granted - 27/02/1992.**

2014/7777/P - Use of ground floor as restaurant/cafe (Use Class A3) - **Granted - 14/04/2015.**

2015/7183/P - Introduction of new front lightwell with railings; new shopfront to replace existing (retrospective) and associated works – **Granted - 18/03/2016.**

64 Charlotte Street

PS9904367 - The change of use of the basement and ground floor from use Class B1 (office) to use Class D1 (non-residential institution) - **Granted - 21/06/1999.**

PSX0104990 - The retention of the change of use of ground floor and basement from Use Class D1 (non-residential institution) to use Class B1 (office) - **Granted - 11/12/2001.**

8900594 - Change of use of the ground floor from showroom to Class B1 Business Use – **Granted - 26/06/1990.**

9101263 - Change of use of ground and basement floors from B1 to restaurant - **Refused - 11/02/1992.**

32 Tottenham Street and 64 Charlotte Street

2012/3537/P - Erection of extensions at first to third floor level, raising of cornice by 240mm, alterations to fenestration, shopfront and addition of railings and stairs to open front lightwell all in connection with change of use from offices (Class B1) and retail (A1) to retail (Class A1) at basement and ground floor level and residential on the first to third floors (1 x 3 bed, 2 x 2-bed and 3 x1-bed) (Class C3) – Refused 22/04/2013 – **Appeal Allowed 29/11/2013 (ref: APP/X5210/A/13/2198369).**

2014/3932/P - Details pursuant to condition 2 (detailed design) of planning permission granted on appeal on 29/11/2013 (reference: 2012/3537/P & APP/X5210/A/13/2198369) for erection of extensions at first to third floor level, raising of cornice by 240mm, alterations to fenestration, shopfront and addition of railings and stairs to open front lightwell all in connection with change of use from offices (Class B1) and retail (A1) to retail (Class A1) at basement and ground floor level and residential on the first to third floors (1 x 3 bed, 2 x 2-bed and 3 x1-bed) (Class C3) - **Granted - 15/07/2014.**

2014/5072/P - Replacement of existing butterfly roof with pitched and flat slate roof. Removal and reinstatement of chimney and dormer onto Tottenham Street as part of the works - **Granted -**

23/12/2014.

2015/6701/P - Erection of mansard roof extension to create new 3-bed residential unit – Refused - 10/03/2016. **Appeal Allowed 25/07/2016 (ref: APP/X5210/W/16/3148520).**

2016/3133/P - Change of use at ground and basement floor levels from Class B1 (office) use to Class A3 (restaurant/cafe) use at 64 Charlotte Street and from Class A3 (restaurant/cafe) use to Class B1 (office) use at 32 Tottenham Street, involving internal reconfiguration and resizing of units and installation of a replacement kitchen extract system to the rear - **Granted - 30/12/2016.**

2017/3040/P - Variation of condition 2 (approved plans) of permission ref: 2016/3133/P dated 30/12/2016 for the change of use at ground and basement floor levels from Class B1 (office) use to Class A3 (restaurant/cafe) use at 64 Charlotte Street and from Class A3 (restaurant/cafe) use to Class B1 (office) use at 32 Tottenham Street, involving the internal reconfiguration and resizing of the units and the installation of a replacement kitchen extract system to the rear; namely, changes to the basement access arrangement via the external lightwell, retention of a section of the pavement lights behind railings, installation of a replacement shopfront with sliding door to provide access to outdoor seating, alterations to window/door openings on the front and side elevations at basement level and reconfiguration of the basement level to provide a 19sq.m increase in restaurant (A3) floorspace – **Granted - 13/11/2017.**

2017/3796/P - The change of use and reconfiguration of the existing basement and ground floors at no. 64 Charlotte Street (B1) and 32 Tottenham Street (A3) to locate the A3 use on Charlotte Street and the B1 use on Tottenham Street, including replacement plant extract equipment (as consented under 2016/3133/P); the retention of, and alterations to, the ground floor retail unit (A1) at no. 66, including installation of a front lightwell and new shopfront; Refurbishment and retention of the existing lower ground floor (B1) at no 66; Conversion and extension of existing office accommodation on the first and second floors of no. 66 (B1), and retention of the existing third floor residential use, to provide 2 x 2 bed and 1 x 4 bed residential flats (C3), including extension of the closet wing and erection of a mansard roof extension. Demolition of courtyard office building to the rear of no. 66 and the construction of a new replacement building across a new basement level, ground and first floor levels - to form an extension of office accommodation from no. 64 – **Pending (to be determined concurrently).**

Relevant policies

National Planning Framework (2012)

The London Plan (2016)

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

H3 Protecting existing homes

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

C5 Safety and security

C6 Access for all

E1 Economic development

E2 Employment premises and sites

A1 Managing the impact of development
 A4 Noise and vibration
 A5 Basements
 D1 Design
 D2 Heritage
 D3 Shopfronts
 CC1 Climate change mitigation
 CC2 Adapting to climate change
 CC3 Water and flooding
 CC4 Air quality
 CC5 Waste
 TC2 Camden's centres and other shopping areas
 TC4 Town centres uses
 T1 Prioritising walking, cycling and public transport
 T2 Parking and car-free development
 T3 Transport infrastructure
 T4 Sustainable movement of goods and materials
 DM1 Delivery and monitoring

Camden Planning Guidance

CPG 1 Design
 CPG 2 Housing
 CPG 3 Sustainability
 CPG 4 Basements and lightwells
 CPG 5 Town centres, retail and employment
 CPG 6 Amenity
 CPG 7 Transport
 CPG 8 Planning obligations

Charlotte Street Conservation Area Appraisal and Management Plan (2008)

Fitzrovia Area Action Plan (2014)

Assessment

1.0 Proposed Development.

1.1 The development proposes the change of use/reconfiguration of the existing office and restaurant uses together with the provision of replacement office and restaurant uses and new residential flats.

1.2 The development as proposed in this application can be broken down as follows:

- 66 Charlotte Street:
 - i. The existing office use at basement level would be retained and refurbished. The internal stair core and dividing walls would be removed and access provided via the new external lightwell.
 - ii. The existing retail use at ground floor level would be retained and refurbished and new shopfront installed. The internal stair core and dividing walls would be removed.
 - iii. The existing office use at first and second floor would be converted to 2 x 2 bed residential flats which includes additional space provided in rear extensions.
 - iv. The existing 1 bed residential flat at third floor level would be retained and refurbished.
 - v. The existing two-storey outbuilding in office use to the rear would be demolished and

replaced with a new three storey outbuilding in office use from new basement level. This building would be connected with the proposed office use at 32 Tottenham Street.

- 64 Charlotte Street:
 - i. The existing office use at basement and ground floor levels would be changed to restaurant use involving the internal reconfiguration and resizing of the unit in relation to the adjacent unit at 32 Tottenham Street.
 - ii. The existing first, second and third floor residential flats (7 units) would not be changed, although access would be provided to the upper floor flats at 66 Charlotte Street via the existing stair core.
- 32 Tottenham Street.
 - i. The existing restaurant use at basement and ground floor levels would be changed to office use involving the internal reconfiguration and resizing of the unit in relation to the adjacent unit at 64 Charlotte Street and connection with the proposed office use at 66 Charlotte Street.

Policy Background - Loss and reconfiguration of office use

2.1 In relation to the proposed change of use/reconfiguration and re-provision of office use on the site. This principle of this is assessed in relation to Local Plan Policy E2 (Employment premises and sites), Camden Planning Guidance (CPG) 5 (Employment Premises and Sites) and the Fitzrovia Area Action Plan.

2.2 Policy E2 requires any application for the change of use of business premises to demonstrate that the building is no longer suitable for its existing business use and the possibility of reusing the building for similar or alternative business use has been explored. The supporting text to policy E2 states that when assessing proposals that involve the loss of a business use to a non-business use we will consider whether there is potential for that use to continue. We will take into account various factors including: the suitability of the location for any business use; whether the premises are in a reasonable condition to allow the use to continue; the range of unit sizes it provides, particularly suitability for small businesses; and whether the business use is well related to nearby land uses. In addition to the considerations above, where a change of use to a non-business use is proposed, the applicant must demonstrate to the Council's satisfaction that there is no realistic prospect of demand to use the site for an employment use. The applicant must submit evidence of a thorough marketing exercise, sustained over at least two years. The premises should be marketed at realistic prices, include a consideration of alternative business uses and layouts and marketing strategies, including management of the space by specialist third party providers.

2.3 Policy E2 also states that the redevelopment of sites for business use will be considered provided the level of employment floorspace is increased or maintained; existing businesses are retained on the site; the proposal includes floorspace suitable for small and medium-sized enterprises (SMEs); would increase employment opportunities for local residents and includes other priority uses such as housing.

2.4 The supporting documents submitted with the application state that the development would result in a small net loss of office floorspace (10 sq. m) due to the re-provision of replacement office space on the site at basement level and to the rear. However, this does not reflect the most recently approved application to swap the existing office and restaurant uses at 64 Charlotte Street and 32 Tottenham Street (ref: 2017/3040/P), which has now been implemented on site (the applicant has accepted that this needs to be included in this scheme). That constitutes an additional loss of 19 sq. m of office space at basement level. In addition, the existing unit at third floor level at 66 Charlotte

Street (50 sq. m) is shown as a residential flat on the existing plans in this application, however the Council has no record of this unit ever being in residential use and during the site visit for the current application it was clear that this unit was in office (B1) use. Furthermore, the 1st – 3rd floors of no. 66 are registered for business rates as an office unit and not are not registered as residential units on the Council tax database (the applicant has accepted that this needs to be included as a business unit in this scheme). The net loss of office floorspace proposed as part of the current application would therefore be 79 sq.m.

2.5 The Fitzrovia Area Action Plan (adopted as a part of the development plan in 2014) states that SME's are an important part of the character of Fitzrovia and seeks to retain and add to the range of small and medium-sized premises (particularly those less than 100 sq. m). This plan also notes that there have been significant business floorspace losses in the area in recent years, particularly the conversion to housing. The plan states that unmodernised premises are often the most attractive to small business due to their character, low cost and ease of subdivision, but are often the most vulnerable to residential development. The plan concludes that increasing housing in the area is welcome, however, there is a need to ensure that stock of business premises is not reduced in a way that would harm business growth in general, and particularly the birth and growth of SMEs.

Loss of Office (employment) floorspace

2.6 The supporting documents submitted with the application state that the development would result in a small net loss of office floorspace (10 sq. m) due to the re-provision of replacement office space on the site at basement level and to the rear. However, this does not reflect the most recently approved application to swap the existing office and restaurant uses at 64 Charlotte Street and 32 Tottenham Street (ref: 2017/3040/P), which has now been implemented on site (the applicant has accepted that this needs to be included in this scheme). That constitutes an additional loss of 19 sq. m of office space at basement level. In addition, the existing unit at third floor level at 66 Charlotte Street (50 sq. m) is shown as a residential flat on the existing plans in this application, however the Council has no record of this unit ever being in residential use and during the site visit for the current application it was clear that this unit was in office (B1) use. Furthermore, the 1st – 3rd floors of no. 66 are registered for business rates as an office unit and not are not registered as residential units on the Council tax database (the applicant has accepted that this needs to be included as a business unit in this scheme). The net loss of office floorspace proposed as part of the current application would therefore be 79 sq.m.

2.7 The loss of office space at this site would be contrary to policy E2. The site and premises are considered to be suitable for its existing business use. The premises are located in Fitzrovia which is an important area for offices and creative industries (including advertising and fashion) in the Central London Area and provides a considerable proportion of the jobs in Camden (Fitzrovia Area Action Plan). The premises are also in a reasonable condition to allow the use to continue with no known structural issues or technical problems. The size of the premises is also considered to be suitable for small businesses and the quality of the space is considered to be adequate with a good layout, adequate access, good floor to ceiling heights and good access to natural light and ventilation. The premises also relate to nearby land uses being located in a mixed use area where office uses are common. Part of the premises (3rd floor at No.66) is in operational use by an office associated with the fashion industry which as set out above is an important industry in the local economy of this area. The applicant has also failed to submit two years' worth of marketing evidence, as required by policy E2, to demonstrate to the Council's satisfaction that there is no realistic prospect or demand for the site to continue as a business use/space. Overall, the premises are considered to be suitable for their existing office use and officers would not support the loss of this important employment space.

2.8 The site is located within Fitzrovia where offices and creative industries are an important part of the local economy and where the Fitzrovia Area Action Plan seeks to retain and add to the range of

small and medium-sized premises (particularly those less than 100 sq. m). The action plan notes that there have been significant business floorspace losses in the area in recent years, particularly through the conversion of office space to housing. Unmodernised premises, such as the application site, are often the most attractive to small business due to their character, low cost and ease of subdivision, but are often the most vulnerable to residential development. The plan concludes that increasing housing in the area is welcome, however, there is a need to ensure that stock of business premises is not reduced in a way that would harm business growth in general, and particularly the birth and growth of SMEs. Indeed, it is also noted that this development proposal follows an earlier permission ref: 2012/3537/P (allowed on appeal in 2013) for the change of use of the first to third floors of 64 Charlotte Street and 32 Tottenham Street from offices to residential which has been implemented. The proposed development would therefore result in the loss of offices on this site and would further erode the employment space offering of the wider Fitzrovia area.

Redevelopment/ re-provision of office floorspace

2.9 The proposed redevelopment/re-provision of office space on the site would also fail to comply with policy E2. The level of employment floorspace would not be increased or maintained (as discussed in detail above). The development would also fail to relocate the existing office fashion business on the site. The replacement office provision would mainly be located at basement level in a large open plan space with a lower floor to ceiling height. This area would also comprise a small number of lightwell windows providing substandard levels of natural light and outlook. It is therefore considered that the replacement office floorspace would be of a poor quality when compared with the existing office space at first and second floor levels in 66 Charlotte Street which is good quality office space with high ceilings and large windows providing good levels of light and outlook. Officers consider this type of unmodernised space to be suitable for SMEs, as set out in the Fitzrovia Area Action Plan. The development would therefore result in the unacceptable loss of good quality office accommodation which is suitable for SME's and the provision of low quality replacement floorspace at basement level.

2.10 Given the above, the development is considered to be result in the unacceptable loss of good quality employment space and is contrary to the requirements policy E2 of the Camden Local Plan 2017 and CPG5.

Proposed Residential Development

2.10 It is noted that the development would also include residential flats which is identified as a priority land use in policy H1 (Maximising housing supply). However, the provision of this housing would prejudice the continued operation of businesses on the site contrary to policy E2. Furthermore, as noted in the Fitzrovia Area Action Plan, there has been significant business floorspace losses in the area in recent years (including on the site at upper floor level at 64 Charlotte Street and 32 Tottenham Street) and there is a need to ensure that stock of business premises is not reduced in a way that would harm business growth in general, and particularly the birth and growth of SMEs.

Relocation of Office/Restaurant uses on Retail Frontage

2.11 This site is located at the junction of a primary and secondary frontage within the Fitzrovia Local Area. The proposal to reconfigure and swap the uses around on the site to provide a restaurant (A3) unit at 64 Charlotte Street and office (B1a) unit at 32 Tottenham Street which would involve no loss of retail floorspace on this site. The existing retail use at 66 Charlotte Street would be retained. Therefore the development would result in no harm to local shopping provision in accordance with policy TC4 (Town Centre Uses) and Camden Planning Guidance 5. The relocation of the restaurant unit to 64 Charlotte Street would enhance the character, function, vitality and viability of this important thoroughfare in Fitzrovia in accordance with policy TC4. The development would also swap the

existing units on the site and would not result in an over concentration of food and drink uses in the area. Overall, the relocation of the office and restaurant uses on this retail frontage is acceptable in accordance with policy TC4 of the Camden Local Plan 2017.

3. Housing

Affordable Housing

3.1 The development would be subject to an affordable housing contribution under the requirements of Local Plan Policy H4 (Maximising the supply of affordable housing). This policy requires a contribution to affordable housing from all developments providing one or more additional residential units with an increase in floorspace of 100m² (GIA) or more (including units created from a change of use). The sliding scale target, starting at 2% for one home and increasing by 2% for each home added to capacity, is applied to the additional floorspace proposed. The affordable percentage is calculated on the basis that 100m² (GIA) is sufficient 'capacity' for a single home. Schemes providing between 1-9 units are expected to make a payment in lieu (PIL) of affordable housing, subject to viability.

3.2 The development would provide 178m² GIA (187 m² GEA) of additional residential floorspace and would comprise the proposed residential units at first and second floor levels at no. 66 (128 m²) and the third floor level of no. 66 (50 m²), which is shown as existing residential floorspace on the submitted plans but is in fact an office unit (see discussion above). Therefore, the percentage affordable housing target for this development would be 4%. The existing PIL multiplier in Camden is currently £2,650 per m² (see CPG 8 para 6.11 table 1). The required affordable housing off-site payment in lieu for this development is therefore £19,822 (calculated as 4% x 187 m² = 7.48 m² x £2,650). This would have been secured via a Section 106 legal agreement, had the development otherwise been acceptable. In the absence of a legal agreement to secure the necessary affordable housing contribution, the development would fail to make its required contribution towards the provision of affordable housing in the borough, contrary to Local Plan policy H4 (Maximising the supply of affordable housing).

3.3 Policy H4 states that the Council will seek to ensure that where separate proposals are brought forward on a site, the appropriate affordable housing contribution is comprehensively assessed for all the sites together. The supporting text to this policy states that we will seek to resist schemes that are artificially split into a series of proposals to avoid reaching the affordable housing threshold or the full 50% affordable housing negotiating target. The proposed residential units would also be in addition to the 7 flats already provided on the site through applications 2012/3537/P & 2015/6701/P. The proposed flats in this development would also utilise the same access core as these existing flats. However, the existing flats on the site were granted permission some time ago and have now been constructed on the site, it is accepted that this is not a development which has been artificially split to avoid a combined affordable housing requirement.

Housing Mix

3.4 Local Plan Policy H7 states that the Council will aim to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply. The Council will seek to ensure that all housing development, including the conversion of existing homes and non-residential properties contributes to meeting the priorities set out in the Dwelling Size Priorities Table; and includes a mix of large and small homes, wherever it is practicable to do so. The Dwelling Size Priorities Table is based on the Camden Strategic Housing Market assessment (SHMA) and sets out the priority need for 2 and 3 bed market units in the borough. Large homes are defined in the policy as homes with 3

bedrooms or more; small homes are studio flats, 1-bedroom and 2-bedroom homes.

3.5 The proposed development would provide 2 x 2 bed flats, which would contribute towards meeting priority housing needs in the borough, as set out in the Dwelling Size Priorities Table in policy H7. It is acknowledged that the development would provide no large 3 bed units within the housing mix as required by policy H7. However, as the development would still provide high-priority 2 bed units, the degree of conflict with policy H7 is not considered sufficient to justify a reason for refusal on the grounds of the housing mix.

Housing Quality

3.6 Policy H6 (Housing choice and mix) states that the Council will seek to secure high quality accessible homes and will expect all self-contained homes to meet the Nationally Described Space Standards (2015). The proposed residential accommodation would also need to meet the standards in CPG 2 (Housing) and the London Plan Housing SPG (2016).

3.7 The development proposes 2 x 2 bed flats at first/second floor levels, each with a floorspace of 64 sq.m in accordance with the national minimum floorspace standard of 61 sq. m. The top floor 1 bed flat (which is not existing) would have a floor area of 55 sq. m, also in accordance with the national minimum floorspace standard of 50 sq. m. The proposed flats would have an adequate access, internal layout of rooms and floor to ceiling heights.

3.8 It is acknowledged that it is not practical to provide private outdoor amenity space on this constrained Central London site in accordance with CPG2.

3.9 The rear bedroom to the flat at first floor level would have a restricted outlook onto the rear extension/lightwell. However, this window would still receive some natural light and outlook above the rear extension and at an oblique angle in a north-easterly direction across the site at 68 Charlotte Street. Therefore, this is not considered to constitute a reason for refusal on this application.

3.10 As the development proposes noise sensitive residential units adjacent to commercial use (B1a), the Council would expect the party walls/floors/ceilings to have a performance of 5dB above current Building Regulations. Had the development been otherwise acceptable, details of walls/floors/ceiling insulation would have been required by planning condition.

4.Design and Heritage

4.1 The proposed external alterations include but are not limited to the following:

- 4 storey rear extension.
- 2-3 storey rear extensions into the rear yard.
- Roof alterations
- Front lightwell with railings.
- Replacement shopfront

4.2 Camden Local Plan (2017) Policy D1 requires development to be of the highest standard of design that respects local context and character, and policy D2 requires development to preserve or enhance the character and appearance of a conservation area.

4.3 The Charlotte Street Conservation Area Appraisal and Management Plan identifies 64-66 Charlotte Street and 32 Tottenham Street as making a positive contribution to the conservation area. The predominant building type in the Conservation Area is the townhouse in a terraced form. These are predominantly four storeys in height along the wider streets in the area. Roof forms are commonly defined by a parapet and create a strong and often consistent roof line. The Appraisal and

Management Plan states that alterations and extensions can have a detrimental impact either cumulatively or individually on the character and appearance of the area. Examples include, inappropriate roof level extensions, particularly where these interrupt the consistency of a uniform terrace or the prevailing scale and character of a block and are overly prominent in the street; and, inappropriately replacement shopfront elements, that are unsympathetic to the proportions and scale of the building or street into which they have been added.

4.4 The London Plan (2016) Policies 7.4, 7.6 and 7.8 and the National Planning Policy Framework (2012) are also relevant to the assessment of the application.

Four storey rear extension.

4.5 The building has an existing single storey rear extension which would be demolished. The development proposes a 4 storey rear extension from basement – second floor levels. This extension would have a depth and width of 3.35 m and height of 12.8 m (10.6 m from existing ground level). This type of rear closet wing extension is a traditional type of extension to Victorian properties, but is generally not characteristic of this terrace. However, the main issue with this extension would be its excessive height/scale. It would extend up to existing parapet (eaves) level and would therefore not be subordinate/secondary to the building. It would also extend higher than neighbouring extensions on this terrace, including the large rear extension at no. 70. This would be contrary to the requirements of the CPG1, which states that rear extensions should be designed to be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing; and extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged. The rear elevation of the site is also visible from Charlotte Mews to the rear of the site. It is therefore considered that this 4 storey rear extension, due to its height and scale would be an over-dominant extension, which would fail to be subordinate to the subject property or in keeping with the character of the terrace. As a result it would fail to respect the local context and character, and would fail to preserve or enhance the character and appearance of the conservation area contrary to local plan policies D1 and D2.

Adjoining two/three storey rear extensions.

4.6 The site has an existing 2 storey rear outbuilding with a single storey wing at the rear of the site which would be demolished. The development also proposes a replacement 2-3 storey rear extension from basement level, which would adjoin the 4 storey closet wing extension discussed above. This extension would measure 4.8 m depth (3 storey level), 7.5 m depth (2 storey level), 6 m width (full width of the site), 8.7 m height (3 storey level) (6.8 m from existing ground level) and 6 m height (2 storey level) (4.2 m height from existing ground level). The 3 storey part of the extension would also have a contemporary roof design constructed from angled copper panels. This extension would directly adjoin the proposed 4 storey extension (considered above) and would result in a large stepped rear extension and almost full site coverage to the rear. The contemporary roof design would also increase the bulk of the building and would also fail to harmonise with the traditional design of the existing building and surrounding context.

4.7 This part of the development is therefore considered to be contrary to CPG 1, which states that rear extensions should be designed to be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing; should respect and preserve the original design and proportions of the building, including its architectural period and style; materials used should be sympathetic to and should complement the existing building. It is therefore considered that this 2-3 storey rear extension, due to its height, scale, bulk, site-coverage and roof design in conjunction with the proposed adjoining 4 storey rear extension, would be an incongruous and over-dominant extension, which would fail to be subordinate to the subject property or in keeping with the

character of the building or terrace. As a result it would fail to respect the local context and character, and would fail to preserve or enhance the character and appearance of the conservation area contrary to local plan policies D1 and D2.

Roof Alterations

4.8 The existing building at 66 Charlotte Street has a dual-pitched butterfly roof set behind a parapet. The development proposes to infill the central valley section of this roof to form a crown roof. This extension would raise the roof pitch height by 0.6 m. The site forms part of a group/terrace of buildings at 64-74 Charlotte Street which have largely unaltered butterfly roofs. The property at 64 Charlotte Street is the only property on this terrace with a mansard extension, which was allowed on appeal in 2016 (ref: 2015/6701/P) on the grounds that it was a corner property and it reflected the mansard at 69 Charlotte Street on the south western corner of the junction with Tottenham Street. Apart from this, the remainder of the terrace, at 66-74 Charlotte Street have largely unaltered butterfly roofs.

4.9 The proposed extension of the roof pitch and infilling of the valley to this traditional butterfly roof on a largely unaltered terrace would be contrary to CPG1 which states that a roof alteration or addition is likely to be unacceptable: where there is likely to be an adverse effect on the skyline, the appearance of the building or the surrounding street scene where there is an unbroken run of valley roofs and complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions. It is noted that the roof valley at no. 68 on this terrace has also been infilled, but the Council has no records of granting this alteration planning permission, so we discount this as a consideration. Overall, the proposed roof alterations due to their scale, design and form would be incongruous addition to the roof which would fail to be in keeping with the character of the building or terrace. As a result it would fail to respect the local context and character, and would fail to preserve or enhance the character and appearance of the conservation area contrary to local plan policies D1 and D2.

Replacement Shopfront.

4.10 The application does not include sufficient detail regarding the existing shopfront at 66 Charlotte Street, which was not visible at the site visit due to the external retail displays of the newsagent presently occupying the unit. Any existing (or original) traditional shopfront behind these displays should be retained and refurbished. The proposed replacement shopfront would have a small shopfront window and separate doorway access. The shopfront window would be smaller than the adjacent shopfront window at no. 64 Charlotte Street and the separate doorway would have a non-traditional fully glazed design. This proposed shopfront would be contrary to CPG1 which states that new shopfronts should be designed as part of the whole building and should sensitively relate to the scale, proportions and architectural style of the building and surrounding facades. The shopfront would fail to incorporate traditional shopfront features including defined pilasters and stall riser, fascia and cornice and mullion and transom bars incorporated into the shopfront window as required by CPG1. The proposed plans also do not show the latest approved plans for the proposed replacement shopfront at the adjacent unit at 64 Charlotte Street (ref: 2017/3040/P), which included traditional features including mullions, transom bars and stall riser.

Lightwell, Stairs and Railings

4.11 The development proposes to open up the existing front lightwell to the basement level and install metal access stairs and metal railings. Open lightwells with railings are not generally characteristic features in front of Victorian shops. The Conservation Area Appraisal and Management Plan states that where the introduction of shops has resulted in the infilling of basements and the streetscape is characterised by the pavement extending to the building, the excavation of the

basement would not normally be acceptable. However, it is noted that lightwells with railings have been approved on nearby sites and therefore are characteristic of the immediate area. It is considered that the proposed lightwell, railings and stairs would therefore not be out of character with the building or terrace and would not harm the character of the conservation area. The lightwell and railings would result in some impact on the functionality of the retail unit due to a reduce shopfront display area, but this would not be sufficient to justify the refusal of the proposed lightwell.

4.12 Given the above, the propose roof extension/alterations would fail detract from the original character and proportions of the host building and would fail to preserve or enhance the special character and appearance of the surrounding conservation area, contrary to local plan policies D1 and D2.

5.0 Amenity Impact (Daylight, Sunlight, Outlook, Enclosure, Overlooking)

5.1 Policy A1 (Managing the impact of development) states that the Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. We will seek to ensure that the amenity of communities, occupiers and neighbours is protected. The factors we will consider include: visual privacy, outlook; sunlight, daylight and overshadowing.

5.2 The application has been submitted with a daylight and sunlight assessment, which demonstrates that the development would result in no material impact on adjacent properties in terms of loss of daylight or overshadowing in accordance with the BRE Guidance. The development would also not result in an impact on adjacent properties in terms of loss of sunlight with the exception of a minor impact on the ground floor window (W2) at 3 Charlotte Mews to the rear which is in commercial use. However, the development would not impact on the other windows to this property and it is considered that the impact on this property in terms of loss of sunlight would not be significant overall.

5.3 The proposed rear extensions would be sited close to an existing north facing kitchen window at 64 Charlotte St at first floor level. However, it is not considered that the level of enclosure would materially impact on the amenity of the residents of the relevant first floor flat (flat 1) at 64 Charlotte Street. The rear extensions would also increase the level of enclosure of the adjacent residential flat at first floor level at 68 Charlotte Street and the first floor of the commercial building at 3 Charlotte Mews to the rear. However, again it is not considered that the level of enclosure would materially impact on the amenity of these adjacent properties. The development would also not result in overlooking of neighbouring properties. Had the development been otherwise acceptable a planning condition would have been added requiring screening for the first floor terrace to the rear to prevent overlooking.

6. Transport

Car free development

6.1 The site is located in the Bloomsbury & Fitzrovia controlled parking zone (CA-E) which operates between 0830 and 1830 hours on Monday to Saturday. In addition, the site has a PTAL rating of 6b which means it is highly accessible by public transport.

6.2 In accordance with Policy T2 (Parking and car-free development) the Council will limit the availability of parking and will require all new developments in the borough to be car-free. The Council will not issue on-street parking permits in connection with new developments and will use a s.106 legal agreement to ensure that future occupants are aware that they are not entitled to on-street parking permits. Had the development been acceptable in all other respects the proposed flats would have been secured as a car free by s.106 agreement. As the application is to be refused on other grounds this would be added as a reason for refusal which could be overcome at appeal through a

s.106 agreement.

Construction management

6.3 Policies A1 and T4 state that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). For some developments, this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP). CMPs can be required where developments have poor or limited access on site.

6.4 While the development is not considered to be a major development, due to the sensitive location of the site, a CMP must be secured as a Section 106 planning obligation if planning permission is granted. A CMP (in the councils pro-forma) will need to be submitted once a Principal Contractor has been appointed, and would need to be approved by the Council prior to any works commencing on site. A CMP Implementation Support Contribution of £1,140 will also need to be secured as a Section 106 planning obligation if planning permission is granted. Had the development been acceptable in all other respects a CMP would have been secured by s.106 legal agreement. As the application is to be refused on other grounds this would be added as a reason for refusal which could be overcome at appeal through a s.106 agreement.

Highway works

6.5 Policy A1 of the Camden Local Plan states that the Council will repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces. The Council will need to secure a financial contribution for highway works as a section 106 planning obligation. This would allow the proposal to comply with Policy A1 of the Local Plan.

6.6 The construction of the development would be likely to cause damage to the public highway directly adjacent to the site from construction vehicles, plant and machinery. Had the development been acceptable in other respects a highway contribution would have been secured by s.106 legal agreement. This contribution would be a bond which would be refunded to the developer if no damage is caused to the highway as a result of the development. As the application is to be refused on other grounds this would be added as a reason for refusal which could be overcome at appeal through a s.106 agreement.

Cycle parking

6.7 Policy T1 of the new Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and the design requirements outlined in CPG7. The residential development requires 6 additional cycle parking spaces in accordance with the London Plan. The proposed ground floor plan shows 9 two-tier cycle parking facilities (18 spaces). This meets the minimum number required by the London Plan. It is assumed that the facilities are intended for all of the residential units within the building and that office users are also able to use spaces located here.

7. Energy & Sustainability Issues

7.1 Local Plan Policy CC1 (Climate change mitigation) states that the Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. All new residential development is required to demonstrate a 19% CO2 reduction below Part L 2013 Building Regulations demonstrating how the energy hierarchy has been applied to make

the fullest contribution to CO2 reduction.

7.2 Policy CC1 states that the Council will expect all developments, whether for refurbishment or redevelopment, to optimise resource efficiency by: reducing waste; reducing energy and water use during construction; minimising materials required; using materials with low embodied carbon content; and enabling low energy and water demands once the building is in use.

7.3 Policy CC2 (Adapting to climate change) states that all development should adopt appropriate climate change adaptation measures such as the protection of existing green spaces; not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems; and incorporating green and green walls where appropriate.

7.4 Policy CC3 (Water and flooding) states that the Council will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible. We will require development to incorporate water efficiency measures; avoid harm to the water environment and improve water quality and utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible.

7.5 The application has been submitted with an Energy Statement and BREEAM assessment. The development proposes on-site renewable energy and energy efficiency measures including replacement of existing windows and new windows to be double-glazed, the addition of new roof insulation to improve thermal efficiency, the installation of new energy efficient boilers and white goods in all residential units and the installation of roof mounted photovoltaic panels. The submitted reports are based on old policies and do not demonstrate full compliance with the Local Plan 2017 requirements set out above. However, the proposed measures go some way towards meeting the Council's energy and sustainability policies. Therefore had the development been otherwise acceptable, full technical details of proposed energy efficiency and renewable energy measures would have been secured by planning condition.

8. Air Quality

8.1 Policy CC4 states that the Council will ensure that exposure to poor air quality is reduced in the borough. The Council will take into account the impact of air quality when assessing development proposals, through the consideration of the exposure of occupants to air pollution. The Council requires a basic air quality assessment for all newly erected buildings/substantial refurbishments and changes of use where occupants will be exposed to poor air quality (due to its location next to a busy road, diesel railway line or in a generally congested area).

8.2 The site is located in an area which exceeds poor air quality limits and the development has not been submitted with any details of air quality mitigation measures contrary to policies CC4. In the absence of details of air quality and suitable mitigation the development would fail to meet the required air quality standards and would expose future residents to poor air quality contrary to policy CC4.

9. Basement

9.1 Camden Local Plan Policy A5 (Basements) states that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to neighbouring properties and the structural, ground, or water conditions of the area, the character and amenity of the area, the architectural character of the building and the significance of heritage assets. In determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment.

9.2 Local Plan Policy A5 also states that the siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should: not exceed 50% of each garden within the property; extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation; not extend into or underneath the garden further than 50% of the depth of the garden and be set back from neighbouring property boundaries where it extends beyond the footprint of the host building.

9.3 Camden Planning Guidance 4 (Basements and lightwells) states that the Council will only permit basement and underground development that does not cause harm to the built and natural environment and local amenity; result in flooding; or lead to ground instability. The Council will require applicants to demonstrate by methodologies appropriate to the site that schemes: maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impacts upon structural stability or the water environment in the local area. Applicants will be required to submit information relating to the above within a Basement Impact Assessment (BIA), which is specific to the site and particular proposed development. In certain situations we will expect an independent verification of Basement Impact Assessments, funded by the applicant

9.4 The proposed basement would extend under the rear yard of 66 Charlotte Street with a depth of 10.7 m, width of 5.6 m and height of 2 m. It would be a rear extension to the existing basement levels at 64-66 Charlotte Street and 32 Tottenham Street. This would be a large extension which would extend the full depth of the site and would not be set back from property boundaries. However, it is considered that the scale of the basement is considered to be appropriate considering the highly built up urban nature of the site.

9.5 The application was submitted with a basement impact assessment which needs to be audited by independent engineers to demonstrate that it would not cause harm to neighbouring properties and the structural, ground, or water conditions of the area. The procedures for independent auditing of basement impact assessments are set out in CPG4 and the Council's website (audit process terms of reference). The Council obtained a quote of £4,050 for the audit of the developer's basement impact assessment by independent engineers Campbell Reith as a part of this application in accordance with these procedures. However, the developer decided not to proceed with the audit due to the other principle issues on the application. Campbell Reith did comment that the submitted BIA is a summary document and does not contain adequate information including a full screening/scoping assessment outline retaining wall calculations, site investigation data, geotechnical interpretation for foundation design, ground movement and damage impact assessment calculations in full, impact assessment and mitigation statements in full in accordance with the requirements of CPG4.

9.6 In the absence of a comprehensive and audited BIA the developer has failed to demonstrate that the proposed basement development would maintain the structural stability of the building and neighbouring properties and avoid adversely affecting drainage and run-off or cause other damage to the water environment, contrary to policy A5 and CPG4.

10. Conclusion

10.1 Overall, the development has been carefully assessed by the Council and is considered unacceptable on a number of principle grounds. The development would result in the loss of existing employment floorspace without adequate justification and proposes poor quality replacement employment floorspace provision at basement level. The design of the proposed extensions and shopfront fails to take account of the local context and would result in unacceptable harm to the character of the host building, local townscape and wider conservation area. The applicant has also failed to demonstrate that the basement development would maintain the structural stability of the building and neighbouring properties and avoid adversely affecting drainage and run-off or cause

other damage to the water environment. In the event that these issues were overcome the impact of the development would need to be mitigated by car-free, CMP, highways contribution and affordable housing measures all secured by legal agreement. The absence of an agreement to secure these measures also warrant reasons for refusal.

11. Recommendation

11.1 Refuse planning permission.