

<b>Address:</b>	<b>1-2 Lincoln's Inn Fields London WC2A 3AA</b>		
<b>Application Number:</b>	2013/6109/P 2013/6325/L	<b>Officer: Rachel Miller</b>	
<b>Ward:</b>	Holborn & Covent Garden		
<b>Date Received:</b>	<b>25/09/2013</b>		
<p><b>Proposal:</b> 2013/6109/P - Change of use from offices (Class B1) to a single family dwelling house (Class C3). Erection of 4 storey lift shaft and roof extension at rear with new terrace at 3rd floor level.</p> <p>2013/6325/L - Change of use from offices (Class B1) to a single family dwelling house (Class C3). Erection of 4 storey lift shaft and roof extension at rear with new terrace at 3rd floor level, and associated internal alterations to grade II listed building.</p>			
<p><b>Drawing Numbers:</b>  (1026_) 00_00_P01, 01_00_P04, 01_01_P04, 01_02_P04, 01_03_P03, 01_04_P03, 01_-1_P03, 06_00_P02, 06_01_P03, 06_02_P02, 06_03_P02, 07_00_P01, 07_01_P01, 07_02_P01, 08_001_P01, 08_002_P01, 08_003_P01, 08_004_P01, 08_005_P02, 08_006_P01, 08_009_P01, 08_010_P01, 08_101_P01, 08_102_P01, 08_103_P02, 08_104_P01, 08_105_P02, 08_106_P01, 08_201_P01, 08_202_P01, 08_203_P01, 08_204_P01, 08_205_P02, 8_206_P01, 10_10_P01, 11_00_P04, 11_01_P04, 11_02_P04, 11_03_P04, 11_04_P04, 11_-1_P04, 16_00_P02, 16_01_P03, 16_02_P02, 16_03_P02, 17_00_P01, 17_01_P01, 17_02_P02, 18_001_P01, 18_002_P01, 18_003_P01, 18_004_P01, 18_005_P02, 18_006_P01, 18_009_P01, 18_010_P01, 18_101_P01, 18_102_P01, 18_103_P02, 18_104_P01, 18_105_P02, 18_106_P01, 18_201_P01, 18_202_P01, 18_203_P01, 18_204_P01, 18_205_P02 and 18_206_P01.</p>			
<p><b>Supporting Documents</b>  David Chipperfield Architects Listed building, Design and access statement dated January 2014  Julian Harrap Historic Building Impact Assessment Revision D (January 2014)  Planning Statement dated September 2013  Davies Maguire and Whitby - Structural Statement (Projection 12-40) dated September 2013  Julian Harrap Architects – Statement of Significance dated June 2012  Environmental Impact and Sustainability Report (ref L3179Rpt080114)  Proposed Building Services Strategy Report (ref L3179RptB230913)  The Ecology Consultancy Preliminary Roost Assessment (ref 121211)  Deloitte Daylight and Sunlight Report (ref 130128)  Farebrother Market Assessment Report for Offices dated April 2013</p>			
<p><b>RECOMMENDATION SUMMARY: Grant conditional planning subject to a section 106 Legal Agreement and Grant conditional listed building consent</b></p>			

<b>Applicant:</b>	<b>Agent:</b>
Mr Kapoor 1-2 Lincoln's Fields London WC2A 3AA	DP9 100 Pall Mall London SW1Y 5NQ

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>B1 Business</i>		1261sqm
Proposed	<i>C3 Residential</i>		1531sqm

Residential Use Details:									
	Residential Type	No. of Bedrooms per Unit							
		1	2	3	4	5	6	7+	
Existing	<i>Dwellinghouse</i>								
Proposed	<i>Dwellinghouse</i>						1		

## OFFICERS' REPORT

**Reason for Referral to Committee:** The proposal involves demolition of part of a listed building [Clause 3(v)], and is subject to the completion of a Section 106 Legal Agreement for matters which the Director of Culture and Environment does not have delegated authority [Clause 3(vi)].

### 1. SITE

- 1.1 The site is located on the northwest edge of Lincoln's Inn Fields and comprises 2 x four storey plus basement buildings which were amalgamated into one building in the 1840. The building is accessed via a staircase on Lincolns Inn Fields
- 1.2 The building is a Grade II Listed building and located within the Bloomsbury Conservation Area. It is also located within the 'Inns of Court' Local Area within the Central London Supplementary Planning Guidance, an area designated to protect its special character as a legal area.
- 1.3 The site is bounded by Lincoln's Inn Fields to the south and Whetstone Park to the north. Opposite the site is the Lincoln's Inn Field's public open space which has been designated as a Garden of Special Historic Interest by English Heritage.

Adjoining the site to the east is no. 3 Lincoln's Inn Fields which is also Grade II listed.

- 1.4 The building is currently on the English Heritage Building at Risk register.
- 1.5 The existing use of the building is offices (Class B1) however the building has lain vacant since June 2008. There are currently residential guardians living in the basement of the building as a security precaution.

## **2. THE PROPOSAL & BACKGROUND**

- 2.1 Full planning permission and listed building consent are sought for conversion of the building from offices (Class B1) to a six bedroom, single family dwellinghouse (Class C3).
- 2.2 Also proposed are works involving removal of the existing lift and lightwell to enable reconfiguration of the main stair within the enlarged stair hall. The existing stair hall would be doubled in size. A new lift and lobby space would be erected in the existing north east lightwell adjacent to Whetstone Park.
- 2.3 At roof level the proposals include the removal of part of the rear roof at number 2 and the structural opening up and extension of the third floor to create a large space including the installation of a glass lantern over the stairs and external garden roof space.
- 2.4 Other internal works include reconfiguration of rooms, full conservation of all historic rooms and upgrading of finishes in basement to create a guestroom, small spa and staff accommodation.

## **3. RELEVANT HISTORY**

- 3.1 An application for carrying out of alterations at 1 and 2 Lincoln's Inn Fields including the erection of a lift shaft in the inner well was approved on 16/08/1963 (ref 6115 and 49221).
- 3.2 Permission was granted on 08/01/1975 for a new means of escape to roof (ref HB867)
- 3.3 Permission was granted on 25/04/1989 for alterations to the basement toilet areas (ref 8970024).
- 3.4 An application for change of use from B1 office to C3 single dwellinghouse. With erection of a new lift shaft to rear and rear extension at 4th floor level and was withdrawn by applicant on 21/02/2013 (ref 2012/6804/P and 2012/6877/L).

## **4. CONSULTATIONS**

### **Statutory Consultees**

4.1 English Heritage has no objection to the proposal, subject to the comments summarised below:

- The scheme would bring about positive public benefits including securing a use for the building which minimises harm to the historic fabric and a complete repair including restoration of the original eighteenth century panelled rooms at first floor.
- The positive benefits are balanced against the harm caused by dismantling and re-constructing the staircase around the enlarged hallway at the centre of the building.
- The building previously used as legal offices has been vacant for several years and appears on English Heritage's Heritage at Risk Register.
- As the use of the building was originally residential, English Heritage considers residential to be an appropriate use for the building. The proposals involve the removal of harmful interventions from its office use, repair of the building and repair and restoration of original rooms.
- Whilst there would be some loss of historic fabric at number 2, the remaining roof on number 2 and number 1 are representative of what is found in the areas affected by the proposals and therefore the harm is limited.
- There are benefits to the building which secure the restoration of plan form and historic fabric of the 1730's and 1740's rooms on the first floor.
- The proposed harm to the building would be less than substantial as defined in paragraph 134 of the NPPF.

### **Conservation Area Advisory Committee**

4.2 Bloomsbury CAAC was formally consulted on the application and commented that they would like a site visit and would be getting in touch with the case officer. No further comments have been provided on the proposals.

### **Adjoining Occupiers**

<i>Number of letters sent</i>	10
<i>Total number of responses received</i>	1
<i>Number of electronic responses</i>	1
<i>Number in support</i>	1
<i>Number of objections</i>	0

4.3 In addition, a site notice was erected on 11/10/2013 (expiring on 01/11/2013) and press notice published on 17/10/2013 (expiring on 07/11/2013). One letter of support has been received with the following comments:

- Would like further information about the logistical plans involved, full scope of works, noise controls and implications on the road access owing to loading etc. so that it does not affect business.

- 4.4 A response has been received from the Council's Empty Property Team who are keen to see the long-term empty property brought back into productive use. They consider that the building has become unsightly since it became vacant with rubbish accumulating in the front lightwell.

## **5. POLICIES**

### **5.1 LDF Core Strategy and Development Policies**

CS1 Distribution of growth  
CS5 Managing the impact of growth and development  
CS6 Providing quality homes  
CS7 Promoting Camden's centres and shops  
CS8 Promoting a successful and inclusive Camden economy  
CS9 Achieving a successful Central London  
CS11 Promoting sustainable and efficient travel  
CS13 Tackling climate change through promoting higher environmental standards  
CS14 Promoting high quality places and conserving our heritage  
CS17 Making Camden a safer place  
CS18 Dealing with our waste and encouraging recycling  
CS19 Delivering and monitoring the Core Strategy

DP2 Making full use of Camden's capacity for housing  
DP5 Homes of different sizes  
DP6 Lifetime homes and wheelchair homes  
DP13 Employment sites and premises  
DP16 The transport implications of development  
DP17 Walking, cycling and public transport  
DP18 Parking standards and limiting the availability of car parking  
DP19 Managing the impact of parking  
DP20 Movement of goods and materials  
DP21 Development connecting to the highway network  
DP22 Promoting sustainable design and construction  
DP24 Securing high quality design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP28 Noise and vibration  
DP29 Improving access  
DP31 Provision of, and improvements to, open space, sport and recreation  
DP32 Air quality and Camden's Clear Zone

### **5.2 Supplementary Planning Policies**

Camden Planning Guidance 2013 (CPG1, 2, 3 & 5) & 2011 (CPG6-8)

### **5.3 Other material considerations**

Bloomsbury Conservation Area Appraisal & Management Strategy 2011  
London Plan 2011  
National Planning Policy Framework 2012

## **6. ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Land use – loss of the employment floorspace
- Standard of accommodation
- Affordable housing
- Design
- Amenity
- Energy / Sustainability
- Protected species
- Transport
- Other S106 / Mayoral Community Infrastructure Levy (CIL)

## **Land use**

### *Loss of existing office use*

- 6.2 LDF policies CS8 and DP13 provide a context for the loss of employment, in this instance office, floorspace. Policy CS8 seeks to secure a strong economy in the borough by (amongst other things) safeguarding existing office premises in the borough which meet the needs of modern industry and employers. However, more specifically paragraph 8.8 indicates that the Council are promoting sufficient office space to meet projected demand, and so there is a general presumption that older office spaces can be released where housing or community uses are proposed.
- 6.3 DP13 indicates circumstances under which the Council may allow a change to non-business use, namely where premises are not suitable for their existing use and there is evidence that the possibility of re-using or redeveloping the site for alternative business use is not appropriate. These policies are supplemented by CPG5, which provides more detailed guidance, including a further checklist of considerations and details of marketing expectations. The checklist of considerations include: a) the age of the premises; b) features for modern accommodation; c) quality / purpose built; d) existing tenants relocating; e) location / demand in location; f) small and medium business accommodation. The site is located within the Inns of Court special policy area and therefore there is the general preference for protection of offices for legal uses within this special policy area.
- 6.4 The more recent National Planning Policy Framework (NPPF) is another consideration, with paragraph 51 of the NPPF stipulating that local planning authorities should “*normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate*”.
- 6.5 In support of the application the Applicant has submitted a justification statement which demonstrates the lack of suitability for office use as well as a marketing report which demonstrates the lack of viable interest from office users.

- 6.6 The Applicant states that the previous occupier of a solicitors firm vacated the premises in 2008 as they sought larger and more modern, open plan offices. The Applicant states that as the building is Grade II listed, it is not suitable for division into smaller business units. The refurbishment works required to enable the building to be used for business purposes and secure and maintain the special heritage character of the premises would mean that the site would not be a viable option for SME or business start-ups. It is also recognised that SMEs would have a high turnover with limited resources to invest in the upkeep of the building
- 6.7 The Applicant maintains that in order to make the building DDA compliant, the changes would involve significant works to the listed building. Also, the large amount of works required to the building in order to install modern servicing requirements such as air conditioning and IT equipment would harm the historic fabric of the building. The Applicant states that the existing floors would need to be raised to allow cables and servicing to be positioned under the floors. These requirements would not be required if the building is used as a single family dwellinghouse.
- 6.8 It should be borne in mind that the Inns of Court Area designation extends across a wide area and the site that is located at the northwest boundary of the southern part of the area, is considered as being within the wider legal area and not within either Gray's Inn or Lincoln's Inn. A case has been made by the applicants to confirm that the building was originally within residential use and the site is the furthest distance away from the Courts. The nature of office uses can sometimes result in invasive work being carried out internally to a listed building – the requirement for air conditioning units. Taking this into account it is considered that an exception could be made for the loss of employment floor space in the wider legal area in support of residential use in the interests of preserving and restoring the Listed Building. In addition similar proposals at Grade II listed buildings at numbers 5 and 6 were granted planning permission in 2007 and 2010 respectively. The loss of the employment floor space, in this case is therefore considered acceptable.
- 6.9 Overall, having duly considered all of the information submitted, it is considered that the applicant has provided sufficient evidence to meet the policy requirements of CS8 and DP13. The offices, upon inspection and based on the level and nature of information provided by the applicant, are considered to constitute 'older' accommodation and owing to the nature of the building / location of the site it would not be appropriate for alternative Class B uses such as Class B1c (light industrial), Class B2 (industrial) or Class B8 (storage and distribution). An appropriate level of suitable marketing has also taken place, without suitable interest coming forward. Hence it is considered to be evident that the building has come to the end of its useful life as offices. It is also considered important that the building remains in active use and, given this context the loss of office accommodation is considered appropriate. More specifically, Policy DP13 requires that where this loss can be justified, another business use will be preferred, and if that is shown to not be appropriate, a permanent residential or community use will be required. In this regard the provision of managed accommodation for students attending further education courses is regarded to constitute permanent residential accommodation.

- 6.10 Linked to this, the applicant has agreed to make a financial contribution, as secured via S106 Legal Agreement, to mitigate for the loss of an employment opportunity for Camden residents at the site. The basis for such a contribution is set out in CPG8, and stems from Policies CS8 and DP13. More specifically, the net loss of employment floorspace is 1,261m<sup>2</sup> (above the 500m<sup>2</sup> threshold). As such, a financial contribution of £41,250 is to be secured, applying the formula within CPG. This financial contribution will be used by the Council's Economic Development team towards training and employment measures to enable Camden residents to access alternative employment.

*Principle of housing*

- 6.11 Housing is the priority of the LDF and the provision of new residential floorspace is welcomed as long as it complies with other policies and guidance. The Holborn and Covent Garden Ward is also identified in the LDF as part of the borough where there is a relatively low proportion of large dwellings.

**Standard of accommodation**

- 6.12 The proposals would provide a substantial six bedroom single family dwellinghouse. The house would exceed the Council's standards in terms of minimum overall floor area provision for a single family.
- 6.13 Policy DP6 requires all new dwellings, including conversions, to be built to Lifetime Homes standards wherever possible. The adopted CPG2 advises that listed buildings should incorporate accessible features. A Lifetime Homes assessment was submitted as part of the application and it outlines those measures of the Lifetime Homes criteria which would be met. Given that the listed building status provides significant constraints to meeting all of the relevant criteria, it would be unreasonable to expect the proposed single dwellinghouse to comply with all Lifetime Homes Standards. It is considered that the applicant has sought to comply with the requirements as far as practicable in the context of the site, and the proposal complies with policy DP6.

**Affordable Housing**

- 6.14 As the proposal involves the change of use of more than 1000sqm, the Council requires compliance with policy DP3 which states that the Council will expect all residential developments with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing. Policy DP3 seeks to secure the maximum reasonable amount of affordable housing for individual sites.
- 6.15 Policy DP3 provides a clear rationale for seeking affordable housing in schemes for 10 or more additional dwellings or 1000m<sup>2</sup> of floorspace (gross external area). Given that the application proposes 1531sqm of residential floorspace, it would have the capacity to provide 15 units. Taking account the Council's sliding scale for affordable housing, a 15% target is theoretically sought (229.65sqm). Policy DP3 outlines a clear approach that affordable housing is expected on-site, but where it cannot practically be achieved on-site, off-site affordable housing may be accepted or exceptionally a payment-in-lieu.



- 6.16 The Applicant has provided a statement regarding compliance of the scheme with DP3. This states that as the site is a Grade II listed building and due to the layout of the site, onsite provision is not practical. The Applicant proposes to use the site as his family home and does not own any sites in the area which could provide off-site affordable housing.
- 6.17 It is considered that these are exceptional circumstances and a payment in lieu is acceptable. Using the calculations set out in CPG8 the payment in lieu of affordable housing would be £608,572.50 (229.65sqm affordable housing requirement x £2650sqm).
- 6.18 The applicant has confirmed that they are willing to making a £608,572.50 housing contribution in full, and this would be secured via S106 agreement.

### **Design**

- 6.19 In listed building terms, the best use for the building is for a single dwelling as this is what the building originally designed for and would minimise the interventions necessary. Paragraph 134 of the NPPF balances less than substantial harm against the public benefits of a proposal including securing the optimum the viable use of the building. The optimum viable use of the building secures the ongoing survival of the building whilst also minimising the alterations required to achieve this.

#### *Staircase*

- 6.20 The existing staircase in form dates from the 1840s when the two properties were amalgamated. A detailed analysis of its fabric has been submitted which reveals that it comprises of elements from various periods including parts from the original, parts from the 1840s and possibly even twentieth century. The proposals seek to dismantle the existing staircase and enlarge it to infill the existing lightwell. The only historic fabric which is lost is the lightwell as the stair fabric will all be re-used. The lightwell itself is of limited interest to the building and has been compromised by the insertion of the lift into its space. The character of the building is of phases of development from when the two building were linked and the revised stair layout is following this evolution of this with only fabric of limited interest lost. Details have been submitted as to how the stair will be dismantled, stored and re-used and these ensure the re-use of all of the historic fabric of the existing stair.

#### *Lift to rear*

- 6.21 Within the rear lightwell facing onto Whetstone Park it is proposed erect a lift to serve all floors. The proposed lift would be tucked away in a recess and would have a limited impact on the original/historic fabric of the building. It would be recessed back from the face of the main rear elevation therefore would be read as a subservient element. In comparison with the front and side elevation it is not uncommon to have areas of the façade with no fenestration or blind windows. The interior of the building has been reworked over the years as the use of the building evolves and the relocation of the lift to rear simply carries through this tradition with a minimum of harm.

- 6.22 Following Officer's advice the design of the lift structure has now been revised to be a more lightweight structure clad in translucent panels. Such an approach is simple in appearance which is appropriate for the more modest rear elevation. As it is set back from the façade and clearly different in appearance it will still express the historic form of the lightwell and would also be reversible.

#### *Basement*

- 6.23 The plan form of the basement remains largely intact (from the 1840s) but there are few domestic features which survive (although some features of note such as shutters remain). Given its original use as service space there would have been few decorative features of note. The proposals in this space maintain the general plan form and whilst subdivision is proposed in places this works within the existing layout and would be reversible. The character of the space as service accommodation to the main house would be maintained.

#### *Ground floor*

- 6.24 On this floor the 1840 plan form survives with elements of the original 1730 and 1740s fabric. This floor would be converted to office and reception space. Rooms 001, 002 and 003 which are of the most interest would retain their original form and are repaired. On the east side of the building the interiors of these rooms (004, 005 and 006) are plainer. More invasive works are proposed here such as the linking of rooms 005 and 005, however the floor plan is still clearly legible and all features will be retained.

#### *First Floor*

- 6.25 This floor is the grandest in the house and features the best interiors with impressive timber panelling in room 102. Again the overall plan form is maintained and the room largely carefully repaired.

#### *Second floor*

- 6.26 The general plan form would be retained on this floor with features repaired and retained.

#### *Third floor*

- 6.27 An analysis of the third floor of the building reveals the semblance of the 1840s layout although many partitions are much later in date. This floor is of lesser significance than the lower floors having been more altered and with less decorative features, however it still does contribute to some extent to the overall hierarchy of the house. Given the sensitivity of the lower floors this floor is the one which is more capable of accommodating more significant changes.
- 6.28 At the rear of the site an extra floor would be added which would be at the same height as the rest of the property. The main impact of this extension would be in views from Whetstone Park. Due to the narrowness of Whetstone Park the extension would have limited visual impact. The form of the extension follows the key features of the rear façade (brick façade, arranging the window with those below and picking up on the adjacent recess). The existing string course of the façade is retained and gives the façade similar proportions to the rear of 1 Lincoln's Inn Fields. The new window would fit in with the overall hierarchy where its size is smaller than the lower level. Given its limited visual impact it is considered

acceptable. Although an area of 1840s roof form is lost, the majority of the roof is retained and repaired.

- 6.29 The alterations to the floorplans retain the original walls with fireplaces and therefore leave some semblance of the original form. A terrace would be formed by removing the rear room in number 2. This would provide modern open plan living in the building in the only area where it is feasible and whilst it creates a degree of harm to the special interest of the listed building this has to be balanced against the benefits of potentially bringing the building back into use as a single family dwelling. Whilst some historic fabric is lost, it is of low significance compared with the rest of the building.
- 6.30 In conclusion, the scheme as proposed does cause some harm to the building which would be considered “less than substantial” however clearly bringing the building back into occupation (as it is currently on the Heritage at Risk Register) would be of benefit and would ensure ongoing maintenance and security of the property. Bringing the building back into use as a single dwelling is likely to be the optimal viable use as it would likely require the fewest alterations. Other benefits include the commitment to the restoration of the interior, particularly the extremely fine rooms on the first floor. The approach shown to these spaces is based on a thorough research and minimal alterations.

### **Amenity**

- 6.31 Policy DP26 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy.

#### *Daylight/sunlight*

- 6.32 The nearest residential properties to the site are located at 2 and 2A Whetstone Park which are located to the north of the site. The Applicant has submitted a detailed daylight and sunlight assessment by Drivers Jonas Deloitte which assesses the impact of the proposed extensions on the residential occupiers on Whetstone Park. The report is in accordance with the BRE standards which form the basis of daylight impact assessment in accordance with CPG6. The report demonstrates that the habitable rooms of 2 and 2A Whetstone Park would continue to receive sufficient daylight and sunlight as recommended by the BRE daylight guide.

#### *Overlooking/visual privacy*

- 6.33 With regard to overlooking/visual privacy, the proposed development would reduce the number of windows to the rear. The new window at 2<sup>nd</sup> floor level would serve a bathroom. It is recommended that a condition is added to ensure that this window is obscurely glazed in order to reduce overlooking to properties on Whetstone Park.
- 6.34 The Applicant proposes to have a roof terrace at third floor level and in order to minimise overlooking into the windows of the adjacent offices at number 3 Lincoln

Inn Fields it is proposed that a new brick wall be erected to prevent overlooking into adjacent offices.

### **Energy / sustainability**

- 6.35 Owing to the scale and nature of the proposed development, an Energy and Sustainability statement has been submitted with the application. London Plan climate change policies in chapter 5, Camden's Core Strategy policy CS13 and Development Policies DP22 and DP23 require all developments to contribute to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.
- 6.36 The overall approach to energy should be in line with the Mayor's Energy Hierarchy (i) using less energy; ii) supplying energy efficiently; ii) using renewable energy. In line with the first element of the hierarchy and with LDF and CPG requirements Energy and Sustainability assessments were submitted for the new residential units. Camden's CPG requires a minimum score of 60% in the energy, 60% in the water and 40% in the materials categories for the building.
- 6.37 In this case the applicants' pre-assessment suggests that a 'Very Good' rating of 58.84% can be achieved. Due to the listed status of the building it is considered that this score is appropriate.
- 6.38 The sustainability and energy features outlined in the assessment will be secured via the Section 106 agreement and a post construction assessment will be carried out.

### **Transport**

#### **Car parking**

- 6.39 The site is located in the Central London area, has a PTAL of 6B (excellent) and is accessible to good transport links. Normally any new residential units in the Central London Area would be required to be car-free. Consequently the proposal will be required to be car-free. This would be secured by a Section 106 Agreement.

#### **Cycle parking**

- 6.40 The proposal is for 1x six-bedroom house and the London Plan requires two cycle storage spaces for residential units of more than two bedrooms. The plans submitted cycle storage in the vaulted spaces beneath the pavement. As this is not at ground floor level this does not comply with the Council's cycle parking standards, but due to the listed nature of the building, it is considered to be adequate.

### ***Construction Management Plan***

- 6.41 Owing to the location of the building on the corner of Lincolns Inn Fields, Gate Street and Whetstone Park and the level of works associated with the change of use proposed, proposed roof addition and new lift shaft, it is considered necessary

for a construction management plan (CMP) to be secured. It is recommended that a full CMP will be secured via the S106 Legal Agreement. The purpose of the CMP is to minimise, as far as possible, the impacts of construction on neighbouring occupiers, and the highway in this busy central London location.

### **Protected species**

- 6.42 The applicant has submitted a Preliminary Roost Assessment which assesses the potential of the building to support legally protected roosting bats. The scoping survey carried out at the site showed a low potential for bats, based on no visible signs of bats.

### **Other S106 / Mayoral Community Infrastructure Levy (CIL)**

- 6.43 In addition to the various measures detailed elsewhere within the assessment, a number of other measures will be secured via S106 Legal Agreement.
- 6.44 It is also likely that the scheme will be liable for the Mayoral CIL, as the additional floorspace exceeds 100sqm GIA. The scheme will be charged at a rate of £50 per m<sup>2</sup>. The CIL charge would have been collected by Camden after the scheme had been implemented and could have been subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

## **7. CONCLUSION**

- 7.1 The proposed development is considered to incorporate a suitable use within the building, which constitutes 'older' accommodation and for which there is limited scope for it continue within a Class B use.
- 7.2 In terms of design, the proposed changes are considered appropriate for the listed building, and would preserve the character and appearance of the conservation area. The proposed development also accords with mandatory sustainability requirements and is not considered to give rise to any substantial transport concerns.
- 7.3 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- Loss of employment financial contribution of £41,250
  - Car free development
  - Construction Management Plan
  - Design stage and post-construction BREEAM sustainability review
  - Affordable housing in lieu payment of £608,572.50

## **8. LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

2013/6109/P

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: (1026\_) 00\_00\_P01, 01\_00\_P04, 01\_01\_P04, 01\_02\_P04, 01\_03\_P03, 01\_04\_P03, 01\_-1\_P03, 06\_00\_P02, 06\_01\_P03, 06\_02\_P02, 06\_03\_P02, 07\_00\_P01, 07\_01\_P01, 07\_02\_P01, 08\_001\_P01, 08\_002\_P01, 08\_003\_P01, 08\_004\_P01, 08\_005\_P02, 08\_006\_P01, 08\_009\_P01, 08\_010\_P01, 08\_101\_P01, 08\_102\_P01, 08\_103\_P02, 08\_104\_P01, 08\_105\_P02, 08\_106\_P01, 08\_201\_P01, 08\_202\_P01, 08\_203\_P01, 08\_204\_P01, 08\_205\_P02, 8\_206\_P01, 10\_10\_P01, 11\_00\_P04, 11\_01\_P04, 11\_02\_P04, 11\_03\_P04, 11\_04\_P04, 11\_-1\_P04, 16\_00\_P02, 16\_01\_P03, 16\_02\_P02, 16\_03\_P02, 17\_00\_P01, 17\_01\_P01, 17\_02\_P02, 18\_001\_P01, 18\_002\_P01, 18\_003\_P01, 18\_004\_P01, 18\_005\_P02, 18\_006\_P01, 18\_009\_P01, 18\_010\_P01, 18\_101\_P01, 18\_102\_P01, 18\_103\_P02, 18\_104\_P01, 18\_105\_P02, 18\_106\_P01, 18\_201\_P01, 18\_202\_P01, 18\_203\_P01, 18\_204\_P01, 18\_205\_P02 and 18\_206\_P01.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 The use of the roof as a terrace shall not commence until the screen, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

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.

- 6 A sample panel of all facing materials should be erected on-site and approved by the Council before the relevant parts of the work are commenced and the development shall be carried out in accordance with the approval given. The panel must include facing brickwork demonstrating the proposed colour, texture, face-bond and pointing.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 7 No repointing of brickwork is authorised by this consent without prior approval of details. Proposals shall be submitted to and approved by the Council as local planning authority before the work is begun, and the work shall be carried out in accordance with such approved proposals.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 8 All new external rainwater goods and soil pipes on the visible elevations shall be of cast iron, painted black.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 9 The window at rear second floor level hereby approved shall be obscurely glazed and fixed shut and shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring properties in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 10 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of the new residential unit.

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.

2013/6325/L

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The works hereby approved are only those specifically indicated on the drawing(s) referred to above.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 All new work and work of making good shall be carried out to match the original work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Precautions shall be taken to secure and protect the interior features against accidental loss or damage, or theft during the building work. Details shall be submitted to and approved by the Council as local planning authority before works begin on site, and the relevant work carried out in accordance with such approval. No such features shall be disturbed or removed temporarily or permanent except as indicated on the approved drawings or with prior approval in writing of the Council. Particular regard should be given to the following items:
  - a) All joinery including doors and timber panelling



The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The following item shall be carefully removed before works commence, under the supervision of a person or body specialising in this procedure appointed by the applicant and approved by the Council as local planning authority, and shall be stored under cover in a secure place and later reinstated in a manner, location and to a timetable agreed with the local authority. Written confirmation shall be given to the Council immediately following this work of the item removed and their location:
- a) The main staircase

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The new joinery work shall match the existing joinery work adjacent in respect of materials, dimensions and profiles, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions attached to this consent.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 7 No works authorised by this consent shall take place until the applicant has implemented a programme of building recording and analysis by a person or body approved by the Council as local planning authority. This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority advised by English Heritage.

Reason: In order to ensure an appropriate record is made of any fabric of architectural/historic/archaeological significance which may be revealed or affected by the works hereby approved and safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework

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- 8 No cleaning of masonry, other than a gentle surface clean using a nebulous water spray, is authorised by this consent without prior approval of details. Proposals shall be submitted to and approved by the Council as local planning authority before the work is begun and the work shall be carried out in accordance with such approved proposals. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 9 All new external rainwater goods and soil pipes on the visible elevations shall be of cast iron, painted black.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 10 Historic fabric from the staircase between basement and ground floor must be used in the repair of the reconstructed staircase from ground to top floor unless a justified case why this would not be possible can be made to and approved by English Heritage and the local planning authority.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.