



# **Statement of Case**

**On behalf of BC Noho Limited**

**February 2018**

## **CONTENTS**

<b>1.0</b>	<b>Introduction</b>	<b>3</b>
<b>2.0</b>	<b>Site and Surrounding Area</b>	<b>4</b>
<b>3.0</b>	<b>Proposed Development</b>	<b>6</b>
<b>4.0</b>	<b>Planning Policy Framework</b>	<b>7</b>
<b>5.0</b>	<b>Appellant's Case</b>	<b>11</b>
<b>6.0</b>	<b>Summary and Conclusion</b>	<b>14</b>

## **APPENDICES**

<b>1</b>	<b>Decision Notice and Delegated Report - Application Ref: 2017/4193/P</b>
<b>2</b>	<b>Decision Notice - Application Ref: 2016/7076/P</b>
<b>3</b>	<b>Existing and Consented Lower Ground Floor</b>
<b>4</b>	<b>Consented Elevations</b>
<b>5</b>	<b>Details and Photographs of the Site and Surrounding Area</b>

## 1.0 INTRODUCTION

1.1 This Planning and Heritage Statement has been prepared by Orcadian Planning on behalf of the Appellant BC Noho Limited

1.2 The Appeal is in respect of the refusal of the Appellant's application under Ref 2017/4193/P for full planning permission for:

***'Installation of railings around the existing lightwells following alterations to and removal of upstands on the Cleveland Street and Tottenham Street elevations'***

1.3 The Appeal Scheme complies with the Development Plan. In addition, the proposal is consistent with the characteristics of the Charlotte Street Conservation Area

1.4 The reason for refusal of the planning application as cited in the Decision Notice is as follows:

*"The proposed railings, by reason of their location, form and detailed design, would be harmful to the character and appearance of the host building and conservation area, they would also introduce unnecessary clutter to the streetscape creating a less desirable environment for pedestrians, contrary to policies D1, D2 and T1 of the London Borough of Camden Local Plan 2017."*

1.4 This Statement provides the background to the appeal site and proposals before assessing it against planning policy in the round (section 4) and then specifically addressing the stated reasons for refusal (section 5). It demonstrates that the proposed development accords with the statutory development plan and, therefore, it is respectfully requested that planning permission be granted.

## **2.0 SITE AND SURROUNDING AREA**

- 2.1 The site comprises an office building which consists of a basement, ground plus 5 storeys of office accommodation. The site is located on Cleveland Street, and the immediate surrounding buildings are a mix of commercial, retail and residential.
- 2.2 No. 30 Cleveland Street was constructed in 1930-31 as Kelvin House operating as the headquarters of the Central Medical Establishment until the 1990's when it was redeveloped for office use. It is Art Deco in style, fully rendered to the front elevations with glazed curtain walling at Lower Ground, Ground and First Floors.
- 2.3 The building does not survive its original form, as alterations have been made at ground floor level over a number of years. The public realm around the building is of a poor quality. The lightwells to the Lower Ground Floor are surrounded by concrete upstands secured with a metal grille with galvanised metal railings at the historic building entrances. The lightwells and surrounding treatments appear to be a modern alteration.
- 2.4 The site is not listed; however, the properties to the south, 16-22 Cleveland Street, are Grade II listed, as are the terraced buildings on the eastern and western side of Goodge Place (8-14 and 19-26). No. 39 Tottenham Street is also Grade II listed.
- 2.5 The site is listed as a positive contributor within the Charlotte Street Conservation Area within administrative boundary of the London Borough of Camden. The Built Heritage Audit Plan identifies the site as a positive contributor to the character and appearance of the conservation area. The site is also adjacent to, but not within, the East Marylebone Conservation Area within Westminster City Council.
- 2.6 At street level, the existing site is surrounded by upstands across the lightwell that detract from the appearance of the building and the character of Charlotte Street Conservation Area.

### **Relevant Planning History**

- 2.7 Advertisement consent was granted under Ref: 2017/6932/A for temporary display of non-illuminated advertisement on hoarding boards at ground floor level measuring approximately 2.44m in height by 49.35m in length on Cleveland Street and Tottenham Street from 01/01/2018 until 31/01/2020 in January 2018.
- 2.8 Permission was granted under Ref: 2017/5344/P for the rear extension at 4th floor level to be pulled in from north east boundary by 1.5m; retention of rear 4th floor parapet wall and installation of metal balustrade (rather than glass) to north east elevation; sliding

doors to terrace at 6th floor level on Tottenham Street elevation (rather than sliding/folding doors and a fixed screen); brushed brass to entrance handles and white render to existing masonry wall at 6th floor level of Cleveland Street elevation in October 2017.

- 2.9 An application was made under Ref: 2016/7076/P for the erection of extensions at 4th and 5th floor (north east elevation), replacement and enlargement of 6th floor extension to provide additional office floorspace (Class B1), relocation of existing plant to plant enclosures at 4th & 6th floors (north east elevation), creation of terrace at 5th floor level and enlargement of 6th floor terrace, replacement of metal framed glazed façade at ground to 1st floor level on Cleveland Street and Tottenham Street elevation, replacement of roller shutter with metal framed glazing and replacement entrance canopy. Permission was granted subject to a Section 106 legal Agreement in May 2017 (Appendix 2).
- 2.10 The consented scheme allows for the existing lightwell upstands to be painted dark grey, new metal grilles to be installed, the existing balustrades by the entrances removed and the installation of new dark grey metal balustrades to the Cleveland Street entrance.

### 3.0 PROPOSED DEVELOPMENT

3.1 Planning application Ref: 2017/4193/P sought permission for:

***'Installation of railings around the existing lightwells following alterations to and removal of upstands on the Cleveland Street and Tottenham Street elevations.'***

3.2 This application proposes to omit the balustrades to the building entrance, remove the existing metal grilles, paint the upstands white and install black metal railings around the upstands in a style in-keeping with the Art Deco detailing of the building. An existing loading bay will be removed as part of the consented scheme. The proposal includes the removal of the flush metal grille above the lightwell and create a new matching upstand to support the metal railings.

3.3 The basement level is being refurbished to provide office accommodation, as such the rationale behind this application is to create a good quality working environment for future occupiers of the office. This application seeks to provide natural light to new office accommodation at basement level. It is considered that the use of metal railings will be more consistent with the established street scene and the character of the building.

## 4.0 RELEVANT PLANNING POLICY

- 4.1 This section identifies key national and local planning policy and guidance of relevance to the application proposals. It then identifies the key planning considerations against which an assessment of the proposed development should be made. The proposed development is assessed against these key planning considerations in the next Section.

### **Statutory Duty**

- 4.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides in Section 72 that with regard to applications for planning permission within conservation areas:

*'s.72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

### **National Planning Policy Framework**

- 4.2 The National Planning Policy Framework (NPPF) published in March 2012 sets out the Government's planning policies for England and how these are expected to be applied.
- 4.3 Paragraph 6 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 4.4 Paragraph 8 notes that these three roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 4.5 Paragraph 19 notes the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 4.6 Paragraph 21 notes that investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment.
- 4.7 Paragraph 56 explains that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development.

Paragraph 60 continues that planning policies should not attempt to impose architectural styles and they should not stifle innovation or originality. It is however proper to seek to promote or reinforce local distinctiveness.

4.8 Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

4.9 Chapter 12 of the NPPF relates specifically to conserving and enhancing the historic environment. One of the twelve core planning principles of the NPPF is that planning should:

*'..conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.'*

4.10 The NPPF (Annex 2: Glossary) defines conservation (for heritage policy) as:

*'The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.'*

4.11 Chapter 7 is concerned with design and seeks to promote good quality design with paragraph 63 stating that:

*'..great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'*

4.12 Paragraph 129 sets out that local planning authorities should also identify and assess the particular significance of heritage assets that may be affected by proposals. They should take this assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.13 Paragraph 131 states that local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability, and; the desirability of new development making a positive contribution to local character and distinctiveness.



- 4.14 With respect to the designated heritage asset of the Hans Town Conservation Area, paragraph 132 states that local planning authorities should give great weight to the conservation of designated heritage assets when considering the impact of proposals on their significance. The more important the heritage asset, the greater the weight should be.
- 4.15 Paragraph 137 encourages local planning authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. It is advised that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of a heritage asset should be treated favourably. 3.12 Paragraph 138 sets out that not all elements of a conservation area will necessarily contribute to its significance.

#### **Local Plan Context**

- 4.16 Together, Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require Local Planning Authorities to determine applications in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 4.17 At the time of writing, in relation to the application site and the proposed development, the Development Plan comprises of the London Plan (2016) and the Local Plan (2017).

#### **London Plan 2016**

- 4.18 Policy 2.11 (Central Activity Zone) encourages the increase of office space and seek solutions to constraints on office provision and other commercial development imposed by heritage designations without compromising local environmental quality, including through high quality design to complement these designations.
- 4.19 Policy 4.2 (Offices) encourages the renewal and modernisation of existing office stock to improve its quality and flexibility.

#### **Local Plan 2017**

- 4.20 Policy E1 and E2 set out the Council's aim to secure a strong economy, the policies support economic growth and employment uses within Central London.

- 4.21 Policy D1 supports developments that respect and preserve the character of a local area, heritage assets and the historic environment.
- 4.22 Policy D2 notes the Council will not permit the loss of or substantial harm to a Conservation Area, developments are expected to preserve and where possible enhance the character of the Conservation Area. It also notes that in coming to a decision it will take into account conservation area statements, appraisals and management strategies.
- 4.23 Policy T1 promotes sustainable transport by prioritising walking, cycling and public transport in the borough.

#### **Charlotte Street Conservation Area Appraisal and Management Strategy 2008**

- 4.24 The Charlotte Street Conservation Area was initially designated on 26 March 1974. There were subsequent extensions in 1981, 1985 and 1999. The Charlotte Street Conservation Area Appraisals and Management Strategy (CAMS) provides a sound basis for guiding development within the area.
- 4.25 Paragraph 3.4 describes the area derives from the densely developed grid pattern of streets and limited open space. Development is generally four storeys and set back from the street by a small basement area creating a strong sense of enclosure. The sense of enclosure is intensified on narrower streets.
- 4.26 Paragraph 3.13 describes there is a notable character created by the consistent use of cast iron railings along frontages to separate the pavement from the basement lightwell. The details of the railings vary with an interesting variety of classically derived motifs (urns, trefoils, spears) and art nouveau and art deco detailing on later buildings.

## **5.0 APPELLANT'S CASE**

- 5.1 As noted in the introduction, the appeal is made against refusal issued of the application based on the heritage and visual impacts of the proposed railings on the building and the surrounding conservation area. The case presented below addresses the relevant issues. In evidence the Appellant will specifically address the reason for refusal, including the policy references contained therein.
- 5.2 The Appellant evidences that the proposal is in accordance with the Development Plan, which includes the London Plan (2016) and the Local Plan (2017) and the statutory duty in relation to the conservation area. The Appellant will address all other relevant material considerations, and demonstrate that these weigh further in favour of the proposal.
- 5.3 The Appellant presents consideration of the 'planning balance' and evidence conclusions that the balance weighs clearly in favour of planning permission being granted.

### **Employment Site**

- 5.5 Permission was granted in 2017 for a comprehensive refurbishment and extension to the existing office. The development includes the modernisation of office accommodation at basement level as illustrated in Appendix 3. Since permission was granted, the design team has reviewed this area carefully and consider the minimising of the existing upstands to allow natural light to flow through the space important to improving the overall quality and usability of office accommodation at basement level.
- 5.6 Policies 2.11 and 4.2 of the London Plan and Policies LE1 and LE2 (2016) of the Local Plan (2017) are broadly supportive of modernising office accommodation in the Central Activity Zone. This development which provides modernisation and improvement to the quality of space at basement level sustainably meet the needs of future occupiers and this is an important material consideration in favour of the development.

### **Design and Conservation**

- 5.7 In putting together this proposal, the design team considered the existing building and the surrounding area, paying close attention to the building's contribution to and the historic character of the Charlotte Street Conservation Area.
- 5.8 The National Planning Policy Framework, 2012 (NPPF) defines the significance of a heritage asset as:

*“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”*

- 5.9 The existing building is art deco styled built in the 1930s which is situated within the Charlotte Street Conservation Area. The building is of interest as one of a number of buildings with Art Deco detailing to the frontage. The building itself is broadly rectangular in form with its main elevation fronting onto Cleveland Street. The openings at ground floor level are larger than the upper floors and feature decorative sculpting to the render openings to the outer bays along Cleveland Street and Tottenham Street elevations. The building is prominent in the streetscape in views looking northwards along Cleveland Street and west along Tottenham Street given its scale, architectural composition and junction location.
- 5.10 The building does not survive its original form and some alterations, particularly at ground floor level have not been altogether sympathetic. The public realm around the building is of a poor quality with unsightly pavement grilles, upstands and balustrading. It is understood that changes to the immediate public realm were made in the 1990s when the building was redeveloped for office use.
- 5.11 There is a prevailing character within the Charlotte Street Conservation Area created by the consistent use of cast iron railings along frontages to separate the pavement from the basement lightwell. The details of the railings vary with an interesting variety of classically derived motifs (urns, trefoils, spears) and art nouveau and art deco detailing on later buildings

### **Design Approach**

- 5.12 Under planning ref: 2016/7076/P improvements to the building included restoration of the building facade, particularly at ground floor level where unsympathetic changes were made. Since permission was granted, the design has been considered in detail, the Appellant seeks to improve the immediate public realm by opening up the lightwells by:
- Removal of the balustrades to the building entrance
  - Removal of the existing metal grilles,
  - Installing black metal railings around the upstands in a style that is in-keeping with the Art Deco detailing of the building.

- 5.13 The prevailing characteristics of the area has informed the proposals. The proposed railings will be fixed to the top of the existing upstands, or reduced height upstands, which will be painted white. The railings will be powder coated black in keeping with railings throughout the Charlotte Street Conservation Area as set out within the Charlotte Street Appraisal and Management Plan July 2008 and with neighbouring buildings.
- 5.14 The railing format will be composed of a series of vertical elements with central motifs referencing the building's Art Deco heritage. Railings are a common feature of London Art Deco buildings examples include the Hoover Building, Carreras Cigarette Factory and neighbouring Middlesex House as illustrated in Appendix 5. The existing grillage over the lightwells is unsightly and removing it will improve both the building's Ground Floor appearance and allow natural light into the office space at basement level.
- 5.15 The existing grilles with metal balustrades constructed sometime in the early 1990s are alien elements within the Charlotte Street Conservation Area. The design approach set out above, will sustain the character and appearance of the conservation area. The character and appearance of the conservation area will not be harmed by the appeal proposals. The removal of the existing metal grilles and its sympathetic replacement with railings will be a significant improvement to the building and will improve the contribution that it makes to the significance of the Charlotte Street Conservation Area.
- 5.16 Paragraph 132 of the NPPF requires that great weight should be given to conservation of a designated heritage asset, such as the Charlotte Street Conservation Area. Annex 2 defines "conservation" as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance. It is not a process that should prevent change where the character and appearance of the conservation area will be unharmed.

### **Pedestrian Environment**

- 5.17 The existing situation is such that pedestrians cannot comfortably walk along the grilles and upstands unless one stepped up onto grilles. In any case, it would not lend itself to a comfortable walking environment. The appeal proposal, through the introduction of railings is unlikely to harm the pedestrian movement or prevent pedestrians or cyclist from using sustainable modes of transport, as it would not change the available space for walking.

## 6.0 SUMMARY AND CONCLUSIONS

- 6.1 In accordance with the requirements of the NPPF, the heritage asset affected by the appeal proposals has been identified and its significance described. The proposal has been carefully considered and well designed in response to the detailed study of the history, character and appearance of the host building and its townscape context within the Charlotte Street Conservation Area.
- 6.2 No. 30 Cleveland Street is noted to make a positive contribution to the Conservation Area within the Charlotte Street Conservation Area Management Statement which the Local Planning Authority failed to acknowledge in their Delegated Report (Appendix 1). However, the treatment of the immediate public realm surrounding the host building detracts from the character of the Conservation Area.
- 6.3 A sensitive approach has been taken to the design and use of color and materials of the railings which is appropriate to the age, scale and architectural character of the host building.
- 6.4 Numerous requests were made by the Appellant's team to arrange a meeting and a site visit with officers so the merits of the proposal could be discussed. The Local Planning Authority failed to accommodate a meeting or a site visit. As such, the Appellant considers that the Local Planning Authority failed to adequately consider the impact of the proposal on the host building and the surrounding Conservation Area.
- 6.4 The appeal proposal enhances the contribution that No. 30 Cleveland Street makes to the character and appearance of the Charlotte Street Conservation Area through the replacement of the existing grilles and balustrades with sympathetic art deco styles railings. The appeal proposal increases natural light to the office accommodation at basement level and which is a material consideration that weighs in favour of the development.
- 6.5 As it exists, the appeal site cannot be comfortably used by pedestrians and as such the appeal proposal would not harm the pedestrian environment or discourage walking or cycling.
- 6.6 In conclusion, the appeal proposals will sustain the character and enhance the appearance of the Charlotte Street Conservation Area and provide improved office accommodation at basement level to future occupiers. The proposals will sustain and

enhance the significance of No 30 Cleveland Street and the adjacent conservation areas within the local townscape context of the site.

- 6.7 The proposals will therefore meet the statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF 2012, 2.11 and 4.2 of the London Plan (2016) and Policies E1, E2, D1, D2 and T1 of the Local Plan (2017).
- 6.8 In accordance with the findings of the overarching Statement of Case, this appeal should therefore be allowed, and Planning Permission should be granted accordingly.