

Cyclone House, 27-29 Whitfield Street 2018/6219/P



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Photo 1: Existing building



Photo 2: Rendered image of approved proposals (permission ref: 2017/6080/P)



Photo 3: View of application site from Crabtree Fields.



Photo 4: View of east elevation (Whitfield Street)



Photo 5: View of east elevation taken from the South



Photo 6: Existing Whitfield Street front lightwell.

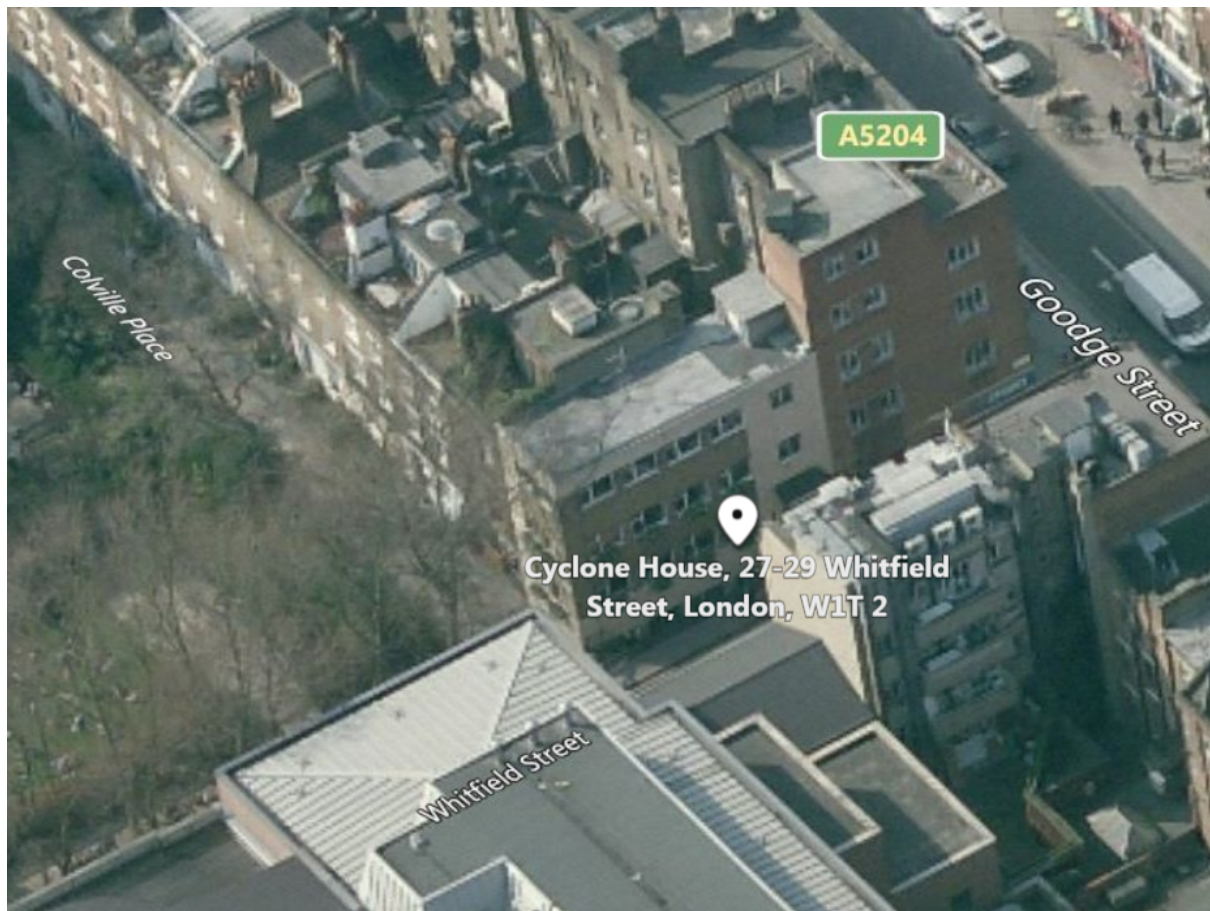


Photo 7: Aerial view of the site

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	12/02/2019
		N/A / attached		Consultation Expiry Date:	N/A
Officer			Application Number(s)		
Laura Hazelton			2018/6219/P		
Application Address			Drawing Numbers		
Cyclone House 27-29 Whitfield Street London W1T 2SE			Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposals					
Details of windows and doors, balustrades, canopies, lightwell glazing and railings as required by condition 3 (a & b) of planning permission granted on 27/06/2018 under ref: 2017/6080/P (for the Change of use of basement, ground and first floor to flexible retail, business and non-residential institution uses (classes A1/ B1/ D1), second floor to office use (class B1a), erection of single-storey roof extension to create additional office space, rooftop plant enclosure, facade alterations including new front entrance, replacement windows, infill of light-well at basement level, removal of rendered panels and application of mineral paint treatment to existing brickwork).					
Recommendations:		Approve details			
Application Type:		Approval of Details			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>Site notices and press adverts were not displayed as there is no statutory requirement to advertise Approval of Details applications.</p> <p><u>Officer Note:</u> All objections relate to the detailed drawings of the third floor railings to the south elevation, which had been amended from external vertical metal railings to internal vertical railings by means of a Non-Material Amendment application (reference 2018/5143/P) approved on 16/01/2019 following a report to Member's Briefing.</p> <p>1 Colville Place objects on the following grounds:</p> <ul style="list-style-type: none">The requirement to provide a barrier 1.10m high was made because it was deemed that this was the height required to deter casual users from accessing the roof. The proposed design does not offer this protection. The upstanding and cill under the window provide a foothold with the consequence that the actual rail is only 750 mm high and consequently provides easy access to the roof. To overcome this and provide the 1.10m effective barrier deemed necessary, the railing should extend to floor level and be fitted in front of the upstand.Failure to require the modifications proposed will make the roofs involved easy to access to the very serious detriment of my amenity and human rights. The 1st floor is 2m from my kitchen window and looks directly into it. The 3rd floor roof is 2m above my terrace which it totally overlooks and offers direct views into my bedroom. <p><i>Officer response: please refer to paragraphs 2.5 – 2.7.</i></p>					
CAAC/Local groups comments:	<p>The Fitzrovia Neighbourhood Association object on the following grounds:</p> <ul style="list-style-type: none">There has been considerable discussion about the design of the windows, railings, and a design to ensure that the roof is not used for amenity purposes and the right of privacy of neighbours is protected.The applicant and his architect are now trying to persuade officers that they cannot purchase a window unit that opens inward, despite the fact that internally opening units with Juliet balconies are a common design on contemporary buildings and widely available to purchase from a number of sources.If officers find internal railings acceptable then conditions should specify:					

- The railings should be permanently fixed shut, and not able to be opened.
- A notice placed next to and either side of the windows informing occupants that "Access to the roof via these windows is prohibited"; and a health and safety warning of the danger of falling stating "Danger: failure to heed this warning may result in injury or death." The notice should be placed at a height 1.5m from the floor and written in letters no smaller than 12mm high.

Officer response: Conditions cannot be imposed on an approval of details application. Nevertheless, it is not considered that the railings would result in use of the third floor roof or overlooking of neighbours. Please refer to paragraphs 2.5 – 2.7.

The **Charlotte Street Association** object on the following grounds:

- We assume that someone will lean out of the open window leaf (and presumably over the now proposed internal railings) to clean the outside glazed face of the closed window leaf. We do not know how feasible this will be, especially when compared with having the external Juliet balcony railings and inward opening windows. We do not think that this solution effectively replaces the Juliet balconies.
- With regard to detailed drawing no. 51517-D-41-01, we are concerned about and wish to object to:
 - The railing/balustrade is shown as being inside; also it is not clear if these railings/balustrades will be fixed.
 - There is the introduction of an internal cill; the height between the internal timber cill and the top of the balustrade is about 760mm, which will make it more tempting and easier for those using the office space to climb over the balustrade and use the terrace. Thus, this detail will not be as an effective deterrent as the 1100mm clear height (without internal cill) above floor level for the internal balustrades.

Officer response: please refer to paragraphs 2.5 – 2.7.

Site Description

The site consists of a 3 storey plus basement building dating from the mid-20th century. It was constructed following bomb damage at some point between 1958 and 1968. The building is typical of the period with a modest façade of brickwork with render panels and strips of metal framed windows. The application site covers an area of approximately 0.0133 hectares (133sqm) on the corner of Whitfield Street and Colville Place.

The site is located within the Charlotte Street Conservation Area, but is not identified as making a positive contribution to its character and appearance in the Conservation Area Appraisal and Management Plan (2008). Immediately to the west of the site at 1 Colville Place is a Grade II listed house by Max and Jolanta Neufeld dating from 1964.

The surrounding area is characterised by a mix of uses including more commercial uses towards Goodge Street and residential use along Colville Place. 1 Colville Place and the majority of the adjacent terrace are a similar scale and height of 3 storeys with a setback 4th floor. Buildings along Whitfield Street are more variable, with the majority over 4 storeys in height.

Directly to the south of the site is the designated public open space of Crabtree Fields. The site is located within the designated Central London Area, falling within the London view management corridor from Parliament Hill oak tree to the Palace of Westminster. It is also located within the Fitzrovia Area action plan.

Relevant History

2017/6080/P - Change of use of basement, ground and first floor to flexible retail, business and non-residential institution uses (classes A1/ B1/ D1), second floor to office use (class B1a), erection of single-storey roof extension to create additional office space, rooftop plant enclosure, facade alterations including new front entrance, replacement windows, infill of light-well at basement level, removal of rendered panels and application of limewash to existing brickwork. Granted planning permission subject to S106 Agreement 27/06/2018.

2018/5143/P - Amendments (including change of external vertical metal railing to 3rd floor south elevation to internal vertical railing, and removal of redundant existing external metal stairs at basement level and enclosure of lightwell with double-glazed rooflights), to planning permission granted on 27/06/2018 (ref: 2017/6080/P) for 'Change of use of basement, ground and first floor to flexible retail, business and non-residential institution uses (classes A1/ B1/ D1), second floor to office use (class B1a), erection of single-storey roof extension to create additional office space, rooftop plant enclosure, facade alterations including new front entrance, replacement windows, infill of light-well at basement level, removal of rendered panels and application of mineral paint treatment to existing brickwork'. Non-Material Amendment granted 16/01/2019.

2017/6922/P - Change of use of basement, ground and first floor to flexible retail, business and non-residential institution uses (classes A1/ B1/ D1), second floor to office use (class B1a), erection of single-storey roof extension to create additional office space, rooftop plant enclosure, facade alterations including new front entrance, replacement windows, and infill of light-well at basement level. Appeal against non-determination (APP/X5210/W/18/3198243) – Appeal allowed on 01/11/2018.

2016/6495/P - Change of use of basement, ground and first floor to flexible uses (Class use A1/ B1/ D1), second floor to B1 office, and new single-storey roof extension to create additional B1 office space, rooftop plant enclosure, facade alterations including new front entrance, replacement windows, and infill of lightwell at basement level. Granted permission subject to a S106 Legal Agreement on 04/08/2017, later quashed.

Officer note: The decision was subject to a judicial review on the basis that the Council had failed to assess the heritage impact of the proposal. The Council agreed to submit to papers and the decision was formally

quashed on 04/04/2018.

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016

Camden Local Plan (2017)

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance

CPG 1 Design (2015, updated March 2018)

CPG 6 Amenity (2011, updated March 2018)

CPG Amenity

Assessment

1. Proposal

1.1 This approval of details application seeks to discharge condition 3 (parts a & b) of planning permission granted on 27/06/2018 under ref: 2017/6080/P (as described in history section above).

1.2 Condition 3 required the following:

Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Plan, elevation and section drawings, including jambs, head and cill, of all external windows and doors at a scale of 1:10.

b) Plan, elevation and section drawings of proposed balustrades, canopies, lightwell glazing and entrance railings at a scale of 1:20.

c) Samples and manufacturer's details at a scale of 1:10 of brickwork, with a full scale sample panel of brickwork of no less than 1m by 1m demonstrating the proposed colour, texture, face-bond, pointing, salvaged brick and mortar repairs and the finished surface treatment and colour.

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 sample panel of brickwork shall not be approved without first having been referred to the Council's Member's Briefing Panel.

The relevant part of the works shall then be carried in accordance with the approved details

1.3 Details relating to condition 3 part c have been submitted separately and are currently under consideration (reference 2018/3967/P). The Officer's recommendation will be reported to Members prior to

determination, as requested during the Planning Committee's determination of the original parent application.

2. Assessment

- 2.1 Detailed plan, elevation and section drawings have been submitted of the proposed railings, windows, doors, balustrades, front entrance canopy, lightwell glazing and rear first floor rooflight.

Front entrance

- 2.2 To the main entrance fronting Whitfield Street, the new canopy would be simple in design and appearance with a glazed roof held by stainless steel wall brackets. The canopy would be fairly discreet measuring 90cm x 2m. The new staircase would be finished in concrete with steel handrails galvanised with dark painted coat.

Windows and doors

- 2.3 All windows and doors would be double glazed with anodised metal frames of the same design, material, and colour which would be sympathetic and appropriate. The drawings show the first floor rooflight to the rear would be obscured and non-openable, which would preserve the amenity of neighbouring residents.

Railings and balustrades

- 2.4 The new railings at fourth floor level surrounding the approved amenity area would be discreet and in keeping with the building, measuring 1.1m tall, set back behind the roof parapets and constructed of steel.
- 2.5 The third floor glazed railings would be internal and therefore have limited impact on the appearance of the buildings. Objections have been raised by a neighbouring resident, the Fitzrovia Neighbourhood Association and the Charlotte Street Association, in that the design of the third floor internal railings would allow easy access to the third floor roof and its use for amenity purposes. Officers consider that the design of the railings would not result in use of the terrace for amenity purposes. The applicant is aware that this area must be used for maintenance access only, and condition 10 imposed on the original consent would still be applicable:

The use of the rear 1st and 2nd floor roofs and the front 3rd floor roof area shall not be used other than for maintenance and emergency, and shall be maintained and retained as such. Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies G1 and A1 of the London Borough of Camden Local Plan 2017.

- 2.6 Furthermore, the approved drawings show the 3rd floor roof area as a green roof. Condition 8 imposed on the original consent required full details of the green roof, and further required that "The building shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter".
- 2.7 Given that the development would still be subject to these conditions, and an external amenity area is provided at fourth floor level, it is not considered that the replacement of the third floor external Juliet balconies with internal railings would materially change the use of this roof, nor opportunities for overlooking. Should the applicant use the roof for amenity purposes, the development would be in breach of conditions, and enforcement action would be taken. Furthermore, the design of these railings has previously been accepted by way of the Non-Material Amendment application approved on 16/01/2019 (see history section above) after prior referral to a MB panel.

3. Conclusion

- 3.1 The details have been reviewed by the Council's conservation officer who is satisfied that the details would be in line with those approved under the original application and would be sympathetic and appropriate for the host building and surrounding conservation area, and would preserve the setting of the adjacent listed building.
- 3.2 It is therefore recommended that condition 3 (parts a and b) of planning permission reference 2017/6080/P dated 27/06/2018 is discharged.
- 3.3 The full impact of the proposed development has already been assessed. The proposed details would not have a harmful impact on the appearance of the host building and surrounding conservation area and would preserve the setting of the adjacent listed building at 1 Colville Place. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 4th March 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2018/6219/P
Contact: Laura Hazelton
Tel: 020 7974 1017
Date: 27 February 2019

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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Approval of Details Granted

Address:

Cyclone House
27-29 Whitfield Street
London
W1T 2SE

DECISION

Proposal:

Details of windows and doors, balustrades, canopies, lightwell glazing and railings as required by condition 3 (a & b) of planning permission granted on 27/06/2018 under ref: 2017/6080/P for the Change of use of basement, ground and first floor to flexible retail, business and non-residential institution uses (classes A1/ B1/ D1), second floor to office use (class B1a), erection of single-storey roof extension to create additional office space, rooftop plant enclosure, facade alterations including new front entrance, replacement windows, infill of lightwell at basement level, removal of rendered panels and application of mineral paint treatment to existing brickwork.

Drawing Nos: 51517-GA-61-01, 51517-GA-60-01, 51517-D-41-03, 51517-D-10-01, 51517-GA-71, 51517-GA-72, 51517-D-40-01-1, 51517-D-05-01, 51517-D-41-01, 51517-GA-70, 51517-D-42-02.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

Informative(s):

- 1 You are advised that details submitted to discharge Condition 3c (details of brickwork) under application ref 2018/3967/P are currently under consideration.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2018.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION