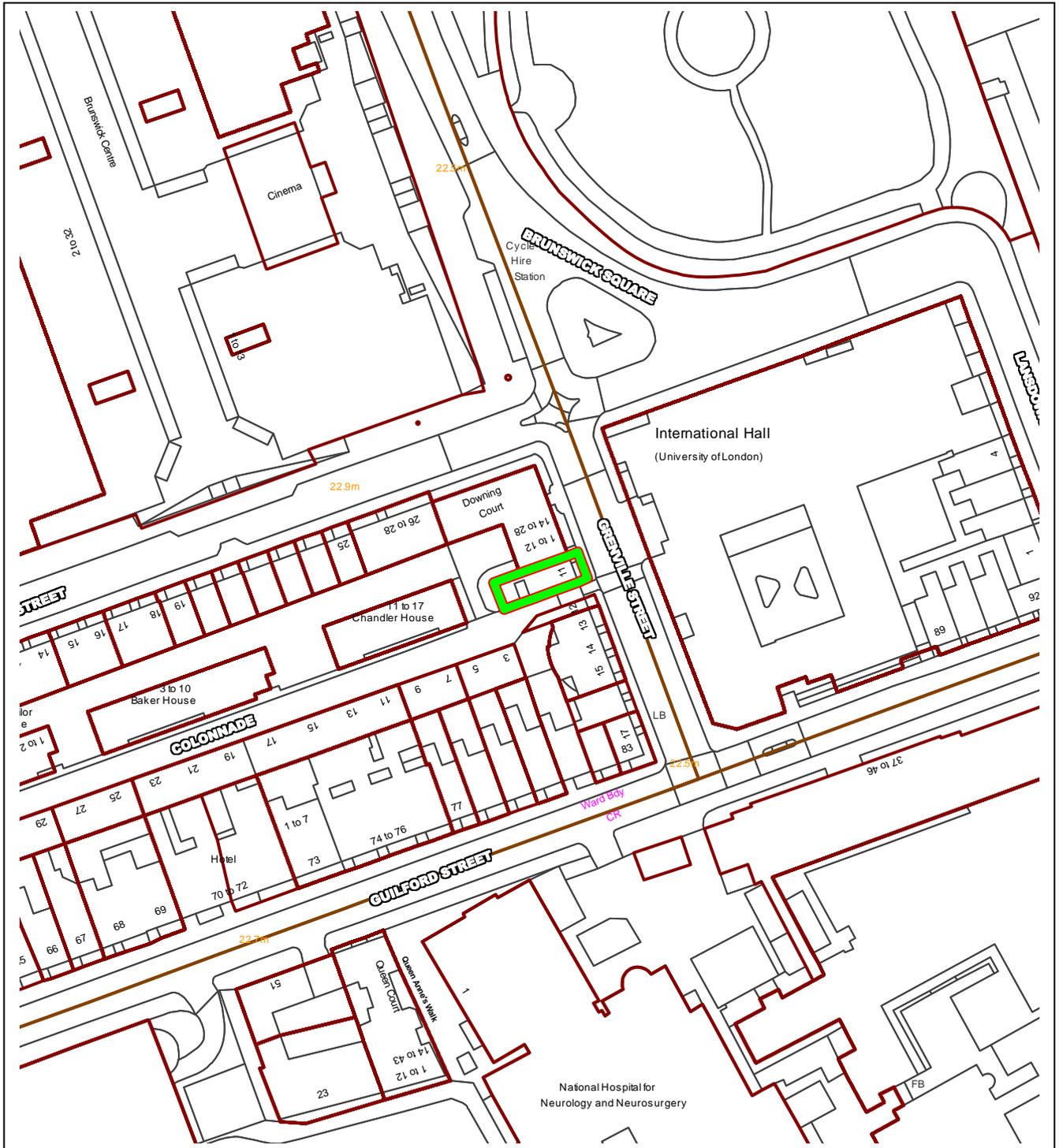


11-12 Grenville Street, London, WC1N 1LZ ref: 2017/4551/P



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11-12 Grenville Street - Photographs



1 Front



2 Rear

| | | | | |
|--|----------------------------|--|-------------------------------------|------------|
| Delegated Report | | Analysis sheet | Expiry Date: | 20/10/2017 |
| (Members Briefing) | | N/A | Consultation Expiry Date: | 21/06/2018 |
| Officer | | | Application Number(s) | |
| Thomas Sild | | | 2017/4551/P | |
| Application Address | | | Drawing Numbers | |
| 11-12 Grenville Street London WC1N 1LZ | | | See draft decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| Change of use of upper floor offices (B1) to residential (C3) use to provide 5 x residential units (1 x studio, 3 x 1 bed and 1 x 2 bed), demolition of existing rear garage and erection of a 2 storey 2 bed dwelling with basement, consolidation of the existing ground floor retail (A1) and cafe (A3) to provide a replacement retail/restaurant (A1/A3) and installation of replacement kitchen extract plant; erection of a 1st to 3rd floor rear infill extension and external alterations to the front elevation including replacement windows, shopfront and roof. | | | | |
| Recommendation(s): | | Grant Conditional Permission subject to S106 | | |
| Application Types: | | Full Planning Permission | | |

| | | | | |
|------------------------------------|--|---|-------------------|---|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | |
| Informatives: | | | | |
| Consultations | | | | |
| Adjoining Occupiers: | No. of responses | 7 | No. of objections | 7 |
| Summary of consultation responses: | <p>The original consultation included site notices displayed on 30/05/2018 expiring 20/06/2018 and a press notice published 31/05/2018 expiring 21/06/2018.</p> <p>The second consultation period, following design changes, included site notices displayed on 06/09/2017 expiring 27/09/2018 and a press notice published 07/09/2018 expiring 28/09/2018.</p> <p>7 objections were received on the issues outlined below. The issues raised are considered in the relevant section of this report.</p> <p>Land Use Issues:-</p> <ul style="list-style-type: none"> • The loss of the small retail unit on the site. • The application does not include details of the café unit on the site including the layout arrangements, extractor ducting system or details of how this unit will be effected during the development. This is an important local business and a petition with 5000 customer signatures was submitted with the former application. <p><u>Officer's response:</u></p> <ul style="list-style-type: none"> • <i>The development would result in an overall uplift of 4sqm flexible retail/restaurant floorspace</i> • <i>The internal layout arrangements for the A1/A3 unit are indicative, and it is noted that extractor ducting at ground and basement levels is not shown. An internal duct space is however indicated at higher floors up to the roof. The impact of the roof top plant has been assessed by the Council's Environmental Health officer and found to be satisfactory.</i> • <i>The continued operation of the existing café business has not been established and cannot be included as a material planning consideration for this application.</i> • <i>Please refer to the land use and amenity sections of the following report for further detail on these points</i> <p>Design and Conservation/Heritage</p> <ul style="list-style-type: none"> • There is a lack of information regarding the design, consideration of surrounding building fabric and scale. • The proposed extensions would not comply with Council policy in relation to the massing and scale of the development. <p><u>Officer's response:</u></p> <ul style="list-style-type: none"> • <i>The proposed infill extension would respect the local context and character and would preserve the character of the conservation area in accordance with policies D1 and D2. It should also be noted that this element of the scheme did not form a reason for refusal on the former application under</i> | | | |

2016/4372/P. Please refer to the heritage section of the following report for further detail.

Amenity impact

- The proposed two storey mews dwelling to the rear would result in a loss of light to neighbouring properties in Downing Court.
- Lack of information regarding the structural impact of the basement. The proposed basement would affect the stability of the surrounding area and buildings
- Noise impact from the existing café extractor flue would impact on the residential development above.

Officer's response:

- *A Daylight & Sunlight assessment has been provided demonstrating acceptable impact on light to surrounding occupants.*
- *The impact of basement works at this site has previously been audited and deemed satisfactory by the Council's appointed consultant engineers. This application does not seek a change in extent of basement excavation over the previous proposal.*
- *The proposals include the removal of the existing flue and replacement with an internal duct system and roof top plant. An acoustic report has been assessed by the Council's Environmental Health officer and noise levels would comply with Council requirements.*
- *Please refer to the amenity section of the following report further detail*

Transport Issues

- The development would provide inadequate internal arrangements with no provision for cycle and car parking.

Officer's response:

- *The application would make provision for 9 cycle spaces and full details of the parking would be secured by planning condition*
- *Please refer to the transport section of the following report for further detail*

CAAC comments:

Bloomsbury CAAC – Objection (first response 14/09/2017)

Reasons for objection:

- Mansard extension out of keeping with adjoining terrace
- Mansard would harm the view from the rear colonnade

Bloomsbury CAAC – Objection (second response 15/06/2018)

Reasons for objection:

- Opposed to two-storey townhouse to the rear
- Colonnade Mews is single storey and would be affected by the intrusion of a two-storey house
- Proposed part-demolition of a heritage building detrimental to its integrity
- Historic character destroyed by a change of scale and design

Officer's response:

- *The proposed mansard roof extension was removed from proposals*
- *The mews house would be subordinate to the modern buildings on the northern side of the Colonnade Mews and would be commensurate with the scale of the traditional mews buildings on the southern side of the Colonnade. The traditional design and materials would harmonise well with the character of the existing building and adjacent mews properties.*
- *It is noted that the building has evolved and been altered previously. The overall scale of demolition and extension has been assessed and is considered to be satisfactory in preserving the historic character of the site and surroundings*
- *For further detail please see the heritage section in the following report*

Site Description

The application site is located at 11-12 Grenville Street, located between Bernard Street and Guilford Street to the south of Brunswick Square in Bloomsbury. The site is located within the Bloomsbury Conservation Area and is identified as making a positive contribution to the Conservation Area. The site contains a café (A3 use) and small vacant shop unit (A1 use) at ground floor level and vacant offices (B1a use) at first, second and third floor levels. All vacant space within the site has been so for over fifteen years.

The building on the site is a four storey (plus basement) mid-terraced Georgian building with a butterfly-style pitched roof set behind a parapet. The building is constructed from stock brick with timber sash windows, stone cills, brick lintels and stonework ground floor fascia, cornice and pilaster details.

The site adjoins the terrace of rebuilt Georgian buildings to the south at 13-17 Grenville Street, which have a similar height and roof form. The site also adjoins Downing Court, which is an early 20th century six-storey mansion block to the north at the corner of Grenville Street and Bernard Street. The Colonnade is accessed through the site and contains a mix of traditional Victorian and modern mews buildings. The neighbouring streets are lined with Georgian town houses, most of which are Grade II listed (11- 28 Bernard Street and 75-82 Guilford Street).

The site falls within Central London Area and is also within the Central Activities Zone (CAZ). The area generally has a mixed-use character including residential, office, institutional (hospital, university, education), recreational and community uses.

Relevant History

- **9400452** - Change of use from retail (Class A1 in the Town and Country Planning (Use Classes) Order 1987) to a snack bar (Class A3 in the 1987 Order) and erection of extract duct on rear elevation – Granted 07/07/1994.
- **2013/0833/P** - Change of use of entire building from office (Class B1), restaurant and café (Class A3) and retail (Class A1) into residential (Class C3) comprising 6x 1 bedroom and 1x 2 bedroom flats and 1x 3 bedroom maisonette together with erection of mansard roof extension, reinstatement of front lightwell with railing, alterations to the front elevation (new windows to shopfront), alterations to rear elevation including insertion of balconies to first, second and third floor levels and installation of new doors and windows, replacement of existing single storey rear extension (at no 11), erection of four storey infill rear extension (above ground floor level), alterations to south side and north side ground floor elevations and alterations to rear boundary wall and replacement of railing – Refused 24/10/2013. (Refused on grounds of land use and design/ heritage impact)
- **2016/4372/P** – Change of use of upper floor offices (B1) to residential (C3) use to provide 5 x residential units (3 x 1 bed and 2 x 2 bed), demolition of existing rear garage and erection of a replacement 2 storey 2 bed mews dwelling with basement extension, consolidation of the existing ground floor retail (A1) and cafe (A3) units to provide a replacement retail/restaurant (A1/A3) unit, external alterations to the main elevation, mansard roof extension with parapets/chimneys and dormer windows, replacement double glazed sash windows, replacement shopfront, alterations to ground floor entrances and a 1st to 3rd floor rear infill extension with new window openings – Refused 11/01/2017 on grounds of loss of employment space, design and heritage impact, basement impact, quality of living accommodation, cycle parking, and outward opening doors to cycle storage.

Appeal ref APP/X5210/W/17/3179742 – Dismissed 05/03/18. The inspector found that that the proposal would fail to preserve the character and appearance of the conservation area; would

cause harm to parking, congestion, the use of sustainable means of transport, pedestrian and highway safety, residential amenity, the environment and the provision of affordable housing in the Borough; and would not provide acceptable living conditions for future occupants of the proposed dwellings. Reasons for refusal relating to the loss of employment floorspace, insufficient information regarding the basement, cycle storage and outward opening doors to the refuse and cycle storage were resolved during the appeal.

The appeal decision is attached as Appendix 1.

National Planning Policy Framework 2018

London Plan 2016

Draft New London Plan 2018

Camden Plan 2017

H1 Maximising housing supply

H2 Maximising the supply of self-contained housing from mixed-use schemes

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

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

TC1 Quantity and location of retail development

TC2 Camden's centres and other shopping areas

TC3 Shops outside of centres

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

Other Planning Policies / Guidance

CPG1 (Design)

CPG2 (Housing)

CPG3 (Sustainability)

CPG (Basements)

CPG (Employment sites and business premises)

CPG (Town centres)

CPG6 (Amenity)

CPG7 (Transport)

CPG8 (Planning obligations)

Assessment

Proposal

- 1.1. The proposal is for the change of use of the existing upper floor offices (B1a) to residential (C3) use to provide 5 residential units (1 x studio, 3 x 1 bed and 1 x 2 bed) together with the demolition of the existing rear garage and the erection of a replacement 2 storey 2 bedroom dwelling with basement. It is also proposed to combine the ground floor retail and café to provide single retail/restaurant (flexible A1/A3) unit.
- 1.2. The development also includes external alterations to the main elevation, replacement roof, replacement double glazed sash windows, replacement shopfront, alterations to ground floor entrances and a 1st to 3rd floor (two storey) rear infill extension with new window openings.
- 1.3. This application is a resubmission following the refusal of previous applications ref: 2013/0833/P on the 24/10/2013 and 2016/4372/P on the 11/01/2017 and the dismissal of application 2016/4372/P on appeal (ref: APP/X5210/W/17/3179742 dated 05/03/2018).
- 1.4. This application has adequately addressed the previous reasons for refusal around impact to the conservation area, transport and highway safety, residential amenity and living conditions, the environment and the provision of affordable housing. It has continued the proposals in relation to change of use of floorspace in response to the Planning Inspector not objecting to the loss of employment space.

Revisions

- 1.6. The following revisions were made to the application since it was originally submitted:
 - a) The removal of the mansard roof extension. The existing low pitched roof and parapet would now be replaced only and there would be no residential accommodation at roof level.
 - b) Change in the housing mix from 5 x residential units (3 x 1 bed and 2 x 2 bed) and a 2 bed mews dwelling to 5 x residential units (1 x studio, 3 x 1 bed and 1 x 2 bed) and a 2 bed mews dwelling.
 - c) Revisions to the design of the mews dwelling to the rear of the site including the incorporation of traditional design features, alterations to the lightwell design and provision of non-habitable rooms at basement level
 - d) The provision of sliding doors for the refuse and cycle storage doors to prevent obstruction of the highway.

Assessment

Land use principles

Loss of office use

- 1.7. The development proposes the change of use of the existing office (B1a) floorspace on the site (288sqm) to residential use (C3) to provide 5 residential flats (1 x studio, 3 x 1 bed and 1 x 2 bed).
- 1.8. Policy E1 (Economic development) seeks to ensure that the Borough retains a strong economy by safeguarding existing employment sites and policy E2 (Employment premises and sites) seeks to resist development of business premises and sites for non-business use unless it is demonstrated to the Council's satisfaction that the site or building is no longer suitable for its

existing business use; and the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.

- 1.9. The CPG on Employment sites and business premises states that when assessing proposals that involve the loss of a business use the Council will consider whether there is potential for that use to continue.
- 1.10. The principle of the loss of employment space has been resolved at appeal, however the application has been submitted with further evidence, including a financial viability report and planning statement by JLL and marketing statement by WSP. The submitted information states that the offices have been vacant for 15 years and have fallen in disrepair and are in need of structural works. The offices are not fit for occupation in their present condition. The marketing report states that the upper floors are no longer suitable for office use and that the premises were marketed previously without generating interest in the office market. The viability report confirms that there are no reasonable prospects for the office use in this building to be retained, as it would not be viable. It also confirms that a mixed use (office and residential) would not be viable. These reports also state that due to the layout and internal configuration of the building it used to be a residential building before being converted, and due its location within a commercial and residential area, it is not considered that the building is suitable for alternative business uses.
- 1.11. The loss of the existing offices was a reason for refusal on the former application at this site for a similar development ref: 2016/4372/P. It was considered in the appeal under APP/X5210/W/17/3179742. Appeal decisions are a material planning consideration and overall, the Inspector concluded that the proposal would not have an adverse effect on the provision of employment floorspace. It would therefore not harm the economic activity in Camden and accord with Policy E1, as it would not adversely affect the Borough's economy because it would bring back into use a site that has not been used for employment for a long time; and Policy E2, as the appellant has demonstrated that the building is no longer suitable for its existing business use and it has fully explored the retention of the building for business use over a long period of time.
- 1.12. Overall, the developer's justification for the change of use of the existing offices to residential has been accepted at appeal. The existing offices at the site have been vacant for some time and are in poor condition, which would not allow them to be reused without substantial refurbishment works which would not be viable. Some marketing has been undertaken in the past with no interest and a more sustained marketing exercise was not consider suitable due to the poor condition of the premises.
- 1.13. The offices would be converted into residential flats which is identified as a priority land use in policy H1 (Maximising housing supply). The building is of a period nature, originally built for residential use and the proposed change of use of the offices use would revert the building back to its original use.

Loss of retail use

- 1.14. The existing site contains a café (A3 use) at 11 Grenville Street with a floorspace of 113sqm and a vacant retail unit (A1 use) at 12 Grenville Street with a floorspace of 15sqm. The development would involve the change of use of the small retail unit at to residential (C3). The development would re-provide a flexible restaurant/retail (A1/A3) unit at number 11 with a floorspace of 124sqm. The development would therefore result in a small loss of the small retail unit and an uplift of 4sqm flexible retail/restaurant floorspace overall. The application site is not located within a classified frontage such as one of the Central London Frontages or a neighbourhood centre. It lies within 100m of the Brunswick Centre which is a major retail centre with cafes and restaurants in this neighbourhood.

- 1.15. Policy TC3 seeks to protect shops outside centres by only granting planning permission for net loss of shop floorspace outside designated centres provided that: alternative provision is available within 5-10 minutes' walking distance; there is clear evidence that the current use is not viable; and within the Central London Area, the development positively contributes to local character, function, viability and amenity.

It is considered that the loss of the small retail unit at no. 12 alone would not compromise the vitality or viability of the area. This is due to its being a small kiosk style unit with limited usability and a narrow frontage, and it has been vacant for over 15 years. The developer's letting agent has confirmed that its floorspace is too small to generate any market interest. The proposed development would retain the larger commercial unit with shopfront at no. 11 and the small retail unit at no. 12 would be converted to a residential entrance. This new residential entrance would be in keeping with the southern section of Grenville Street which is residential in character. It is acknowledged that the existing café use is an independent café which is a popular local amenity. However, the development would retain a flexible retail/restaurant unit at no. 11 and therefore the development could allow the existing café use to return to the site after the development has been completed.

Affordable housing

- 2.1. Local Plan policy H4 requires a contribution to affordable housing from all developments providing one or more additional residential units with an increase in floorspace of 100sqm (GIA) or more. 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.
- 2.2. The draft affordable housing calculation is set out below:

Affordable Housing Contribution

- Based on the residential GIA of 390sqm the percentage target would be 8%
- The existing PIL figure is £2,650 per sqm, based on GEA
- The proposed increase of floorspace in GEA is 498sqm
- GEA floorspace target is 8% x 498sqm = 39.84sqm
- Financial contribution calculated as 39.84sqm x £2,650 per sqm = £105,576

A PIL of £105,576 (subject to final agreed floor areas) would need to be secured via a Section 106 legal agreement to ensure the scheme is policy compliant.

**Camden Planning Guidance 8 (Planning Obligations) explains at paragraphs 6.8-6.12 how the PIL of is £2,650 per m² has been set in Camden based on housing research.*

The applicant has acknowledged the requirement for an affordable housing contribution and the development would be acceptable subject to this being secured via legal agreement and subsequently paid prior to the commencement of the development. The final payment will be based on final floor areas/calculations.

Housing Mix

- 3.1. 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. 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. The Council will expect proposals to include some dwellings that meet the high priorities wherever it is practicable to do so.

- 3.2. The proposed development would provide 1 x studio, 3 x 1 bed and 2 x 2 bed units. Given the reduction in floor space brought about by the Council requiring amendments to the scheme to address heritage and amenity concerns and the generally constrained building footprint, the proposed housing mix would on balance provide an acceptable mix in this context. The provision of 2 x 2 bed units, addresses a priority need in the Borough in accordance with policy H7.

Housing standards

- 4.1. 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 the Council's Housing CPG and the London Plan Housing SPG (2016).
- 4.2. The development proposes 5 x residential flats (1 x studio, 3 x 1 bed and 1 x 2 bed) and a 2 bedroom dwellinghouse, which would all have internal floorspace areas in compliance with the minimum requirements of the Nationally Described Space Standards. The development would also have an adequate access arrangements, internal layout of rooms, and floor to ceiling heights, outlook, light and ventilation. It is acknowledged that it is not practical to provide private outdoor amenity space on this constrained Central London site.
- 4.3. A planning condition has been added requiring the development to provide adequate floor/ceiling insulation between the commercial and residential parts of the development.
- 4.4. The development would provide a refuse storage area for the residential development accessed off the Colonnade to the rear of the site. A planning condition would be added requiring details of refuse storage and management arrangements for the commercial unit.
- 4.5. Another condition has been added requiring the ground floor windows to unit 2, which face onto the Colonnade, to be fixed shut and obscure glazed. Trickle vents could be provided for ventilation if necessary. This condition would also require the ground and first floor side and rear windows to the mews dwelling to be fixed shut and obscure glazed up 1.7 m above finished floor level.

Heritage and design

- 5.1. In considering developments affecting a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 5.2. In this case the site forms part of the Bloomsbury Conservation Area. In line with the above statutory duties and recent case law, considerable importance and weight has to be attached to the impact of the heritage assets and their setting. It should also be noted that the duties imposed by section 72 of the Act is in addition to the duty imposed by section 3(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.
- 5.3. The site is identified as making a positive contribution in the conservation area along with the other buildings in the block (nos. 13-17 consec and Downing Court).
- 5.4. Policy D1 (Design) states that the Council will seek to secure high quality design in development. The Council will require that development: respects local context and character and preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage".

- 5.5. Policy D2 (Heritage) states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. Designed heritage assets include conservation areas.
- 5.6. The Bloomsbury Conservation Area Appraisal and Management states that the Conservation Area retains many diverse historic rooflines, which it is important to preserve.

Rear infill extension

- 5.7. The proposed infill extension would be located between 1st to 3rd floor levels at the rear of the building above the Colonnade access road. This extension would measure approx. 2m in depth and in 10 m height, and would be constructed using stock brick and timber sash windows to match the existing.
- 5.8. The Council's planning guidance in CPG1 (Design) states that rear extensions should 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 and should respect and preserve the historic pattern and established townscape of the surrounding area. CPG1 guidance also states that rear extension 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 discouraged.
- 5.9. It is noted that the proposed rear infill extension would extend up to eaves level and would therefore not be in full compliance with CPG1 guidance. The extension would also involve the removal of windows on the rear and side/rear elevations, which are existing architectural features. Notwithstanding this, it is considered that this extension would be sympathetic to the existing layout and scale of the building. The extension would be sited above the narrowest part of the building above the Colonnade access and would be subordinate to the existing projecting rear wings of the building on either side of the access road. The extension and resulting depth of this section of building would also be commensurate with the depth and scale of other buildings along Grenville Street. The extension would also be built up to existing eaves parapet height and would therefore be in keeping with the scale and form of the building. It would not be highly visible due to its highly enclosed location inside the rear wings of the existing building. It would also match the height and design of the existing central rear elevation and the existing rear wings of the building would remain the dominant elements. It is therefore considered that the extension would not impact on views of the rear of the site from the Colonnade. On balance therefore, the proposed infill extension would respect the local context and character and would preserve the character of the conservation area in accordance with policies D1 and D2. It should also be noted that this element of the scheme did not form a reason for refusal on the former application under 2016/4372/P.

Proposed Mews house

- 5.10. The proposed mews house would be a two storey building with basement located to the rear of the main building on the northern side of the Colonnade. It would replace the existing single storey rear garage to be demolished. The existing single storey rear garage measures 5.9 m width, 6.6 m depth and 3.2 m height to flat roof level. The mews house would measure 5.9 m width, 6.6 m depth and 5.6 m height to eaves level and 6.5 m height to pitch level. The structure would be constructed from stock brick to match the existing building, a natural slate roof, a painted timber screen at ground floor level, and a timber door and sash windows with brick arches. The layout and footprint of the building would be similar to the existing single storey garage building in this part of the site which would be demolished. The dwelling would be a 2 storey building with pitched roof which would be higher than the existing single storey rear garage, however it would be subordinate to the modern buildings on the northern side of the Colonnade Mews and would be commensurate with the scale of the traditional mews buildings on the southern side of the Colonnade. The traditional design and materials would harmonise well with the character of the existing building and adjacent mews properties.

Therefore, it is considered that the proposed mews dwelling would respect the local context and character and preserve the character and appearance of the conservation area in accordance with policies D1 and D2. It should also be noted that this revised traditional design of the mews dwelling in this application has overcome the reason for refusal on the former application 2016/4372/P and upheld by the Inspector, which was due to the contemporary design of the mews building in that scheme.

Other alterations

- 5.11. The development proposes various minor alterations and refurbishments to the existing building window and door fittings and ground floor shopfronts. All of these minor alterations would respect the design and character of the existing building and would preserve or enhance the character and appearance of the conservation area in accordance with policies D1 and D2 and CPG1 design guidance.

Impact on neighbouring amenity

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

Daylight and Sunlight

- 6.2. The application has been submitted with a daylight and sunlight assessment, which assesses the impact on the adjacent properties at 13-15 Grenville Street, 81 Guilford Street, 80 Guilford Street, Downing Court (1-26 Bernard Street) and 26-28 Bernard Street in accordance with the Building Research Establishment Site Layout Planning for Daylight and Sunlight 2011 (BRE).
- 6.3. The daylight and sunlight assessment demonstrates that all surrounding residential properties, with the exception of one window/room in Downing Court, would be fully BRE compliant in terms of daylight or sunlight impact. The window concerned (W1/100) is believed to serve a habitable room located at ground floor level on the rear elevation of Downing Court. This is the closest window to the site boundary and would experience a 21% reduction in daylight (VSC).
- 6.4. A 20% reduction is the general BRE guideline for an acceptable loss. On balance this small breach is not considered to be a significant failure against BRE guidelines. The daylight and sunlight assessment states that the occupants of this flat properties would be unlikely to notice this change. In respect to sunlight, this window presently receives a low level of winter sunlight (3%) and a moderate level of summer sunlight (24%). The development would reduce this to 1% of winter sunlight and 18% of summer sunlight. The total loss of sunlight is considered to be relatively minor and the BRE guidelines are only breached due to the existing low baseline of this window. The room will retain sunlight levels commensurate with the dense urban context of the site. It should also be noted that the minor impact identified is restricted to one window within the flat. As such, although there will be some small alteration to the daylight and sunlight, the occupants of the flat will be unlikely to notice this change and the overall amenity impact would be minor. As set out above, the development would not have a material impact on other windows in accordance with the BRE guidelines and policy A1. It is also noted that the former application 2016/4372/P was not refused due to amenity impacts.

Loss of Outlook/Increased Enclosure

- 6.5. The proposed two storey mews would have a similar footprint as the existing single storey garage on the site. The building would have a height to eaves of 5.6 m which is 2.4 m higher than the existing 3.2m high garage. The closest residential windows are the windows at ground and first floor level on the rear elevation of Downing Court directly to the north east and there are also windows 11 m away on the rear south facing elevation of the northern wing of Downing Court. It is considered that the development would result in a minor increase in

enclosure for the adjacent ground floor flat at Downing Court. However, the level of enclosure would not result in a significant amenity impact and this type of right angled relationship between buildings is common in urban areas. The development would not result in any loss of outlook/increased enclosure to other windows/rooms in Downing Court or other adjacent buildings.

Overlooking

- 6.6. Windows serving four bedrooms on the south facing elevation of the rear wing would face onto balconies and balcony windows at the rear of 13-15 Grenville Street. Given the relationship is at a right angle onto the side of these balconies this would mitigate opportunities for direct overlooking from the balconies to some extent. To mitigate privacy issues and overlooking to an acceptable level a condition would be attached to this permission requiring details of obscure glazing or other mitigation measures to the affected bedroom windows for approval. It is therefore considered that the development would not result in material overlooking of 13-15 Grenville Street. The front windows to the proposed mews dwelling would also face onto the mews dwelling at 3 Colonnade, however the buildings are offset and the relationship is at an oblique angle. It is therefore considered that the development would not result in material overlooking of 3 the Colonnade.

Noise impact of replacement café kitchen extract plant

- 6.7. The proposed replacement extract system with roof top plant has been reviewed by the Council's Environmental Health Officer and found to be acceptable in its impact to surroundings subject to a condition in respect to noise/vibration restrictions.

Basement Impact

- 7.1. The development includes a basement extension, which would extend the existing basement to the rear below the proposed two storey mews dwelling. The depth of the existing basement would also be increased by 0.7 m. It is considered that the siting, location, scale and design of basements would have a minimal impact on, and be subordinate to, the host building and property in accordance with Policy A5 (Basements).
- 7.2. Policy A5 and the Council's CPG guidance on Basements state that the Council will only permit basement development where it is demonstrated that the proposal would not cause harm to neighbouring properties and the structural, ground, or water conditions of the area. 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 (BIA).
- 7.3. A Basement Impact Assessment (BIA) was submitted with the former application ref: 2016/4372/P. In accordance with the Council's procedures, this was independently assessed by external engineers Campbell Reith who concluded that additional information was required including the author's engineering qualifications, outline calculations to validate the floor slab, retaining walls and underpinning, the ground movement assessment needed to be revised in accordance with the required methodology and the proximity to the northern line tunnels needed to be clarified.
- 7.4. The developer submitted an updated Basement Impact Assessment (BIA) with the appeal on the former application (APP/X5210/W/17/3179742), which responded to the comments raised by Campbell Reith in their Basement Impact Assessment audit. This information was assessed by Campbell Reith who confirmed in an updated audit report that overall, the applicant has demonstrated that the proposal conforms to the requirements of Policy A5 (Basements) and the Basements CPG.
- 7.5. The scale of proposed basement development remains the same with this application as previously assessed. The proposed basement is therefore acceptable and complies with

relevant policy.

Transport

Car free housing

- 7.6. The site is located in the Kings Cross Controlled Parking Zone and has a Public Transport Accessibility Level of 6b (best). 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 s.106 legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits. The development would therefore be secured as car free by s.106 agreement.

Construction management

- 7.7. In accordance with Policy A1 the Council will protect the quality of life of occupiers and prevent unacceptable harm to amenity with consideration given to impacts during the construction phase.
- 7.8. The development proposes substantial construction works including some demolition works, a basement extension, rear infill extension and a two storey mews dwelling. These works have the potential to impact on the local area and highway network due to construction vehicle movements and noise and disturbance. These construction impacts therefore need to be mitigated through a Construction Management Plan (CMP) by s.106 agreement. A financial contribution of £3,136 is also required to cover the Council's costs in reviewing and monitoring the CMP. A construction management plan and financial contribution of £3,136 will therefore be secured by s.106 agreement.

Highway works

- 7.9. In accordance with Policy A1 development-requiring works to the highway following development will be secured by s.106 planning obligation with the Council to repair any construction damage to transport infrastructure or landscaping. 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. A highways contribution therefore needs to be secured to allow the Council to repair any such damage following completion of the development. A cost estimate of £8,056 to repave the footway directly adjacent to the site has been prepared by the Council's Transport Design Team. A highways contribution of £8,056 will therefore be secured by s.106 agreement.

Basement Approval in Principle Report

- 7.10. 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. Camden Planning Guidance (Basements) also states that the Council will only permit basement and underground development that does not cause harm to the built and natural environment or lead to ground instability.
- 7.11. The Council has an established procedure for details of any proposed basement works adjacent to a public highway land to be submitted to, and approved in principle by the Council's Highways Engineers. This is also a requirement of British Standard BD2/12 (Technical Approval of Highway Structures). This 'Approval in Principle' (AIP) report is secured as a s.106 planning obligation as it relates to land and impacts outside the site. The AIP would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any mitigation measures, which might be required. The AIP would need to be secured with an associated assessment fee of £1,800 which meets the costs of the

Council's Highways Engineering team reviewing the details. A basement approval in principle report and assessment fee of £1,800 will therefore be secured by s.106 agreement.

Cycle parking

- 7.12. Policy T1 (Prioritising walking, cycling and public Transport) states that the Council will seek to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3) and design requirements outlined within our supplementary planning document Camden Planning Guidance 7 (Transport). The application would provide 9 covered, secure and fully enclosed cycle parking spaces at ground floor level within a dedicated cycle store in accordance with the requirements of policy T1 and CPG7.

Energy & sustainability

- 7.13. Policies CC1 (Climate change mitigation) and CC2 (Adapting to climate change) requires all new residential development of five or more dwellings to demonstrate a 19% CO2 reduction below Part L 2013 Building Regulations (in addition to any requirements for renewable energy). Developments of five or more dwellings and/or more than 500 sqm of any gross internal floorspace to achieve a 20% reduction in carbon dioxide emissions from on-site renewable energy generation (which can include sources of site related decentralised renewable energy).
- 7.14. The application has been submitted with an energy and sustainability statement, which demonstrates a 70.5% reduction in CO2 beyond existing building baseline and BREEAM Excellent. These sustainability measures would be secured through a S106 agreement including a Sustainability Plan clause requiring the stated BREEAM compliance and Energy Efficiency/Renewable Energy plan requiring the stated carbon reduction.

Air quality

- 7.15. Policy CC4 (Air Quality) 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).
- 7.16. The site is located in the Central London area which has poor air quality to which the future residents of the development would be exposed. Details of air quality mitigation measures for the proposed residential units will therefore be required by planning condition in accordance with policy CC4.

8. Recommendation

- 8.1. Grant conditional planning permission subject to s106 agreement.

Planning Permission is recommended subject to conditions and a Section 106 Legal Agreement covering the following Heads of Terms:-

- 1) Car Free Housing
- 2) Construction Management Plan - with a support contribution of £3,136
- 3) Highways Works contribution of £8,056
- 4) Basement Approval in Principle - with a support contribution of £1,800

- 5) Energy Efficiency Plan
- 6) Affordable Housing – payment in lieu contribution £105, 576
- 7) Sustainability Plan

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 22nd September 2018, 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'.

Appendix 1 – Appeal Decision ref: APP/X5210/W/17/3179742



Appeal Decision

Site visit made on 21 February 2018

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 5 March 2018

Appeal Ref: APP/X5210/W/17/3179742
11-12 Grenville Street, London WC1N 1LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jeff Field, Jones Lang LaSalle Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/4372/P, dated 5 August 2016, was refused by notice dated 11 January 2017.
 - The development proposed is '*change of use of upper floor offices (B1) to residential (C3) use to provide 5 x residential units (3 x 1 bed and 2 x 2 bed), demolition of existing rear garage and erection of a replacement 2 storey 2 bed mews dwelling with basement extension, consolidation of the existing ground floor retail (A1) and cafe (A3) units to provide a replacement retail/restaurant (A1/A3) unit, external alterations to the main elevation, mansard roof extension with parapets/chimneys and dormer windows, replacement double glazed sash windows, replacement shopfront, alterations to ground floor entrances and a 1st to 3rd floor rear infill extension with new window openings*'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appellant has submitted signed Planning Obligations by Undertakings pursuant to Section 106 of the Act (Undertakings), dated 14 December 2017, and an updated Basement Impact Assessment (BIA). The Council has subsequently accepted that the BIA addresses its 4th reason for refusal but has identified deficiencies in the Undertakings. Therefore, I consider that the remaining main issues, based on the reasons for refusal, are:
 - i. the effect of the proposal on economic activity in Camden, with particular regard to the provision of employment floorspace;
 - ii. the effect of the proposed mansard roof extension and mews extension on the character and appearance of the existing building and Bloomsbury Conservation Area (CA);
 - iii. whether the proposed dwellings would provide acceptable living conditions for future occupants;
 - iv. the effect of the proposal on parking and congestion on the surrounding roads and on the use of sustainable means of transport, with particular regard to the use of private cars, bicycles and public transport;
 - v. the effect of the proposal on pedestrian and highway safety;
 - vi. the effect of the proposal on residential amenity;

- vii. the effect of the proposal on the environment, with particular regard to the provision of a sustainability and energy efficiency/renewable energy plan; and
- viii. the effect of the proposal on the provision of affordable housing in the Borough.

Reasons

- 3. Since the refusal of planning permission the Council has adopted The Camden Local Plan (LP) on 3 July 2017. This new development plan document has superseded the Core Strategy (2010) and Camden Development Policies (2010) documents as the basis for planning decisions and future development in the Borough. I have therefore considered the proposed development in relation to the most up-to-date development plan, which includes the recent LP.
- 4. The Council has identified that the submitted Undertakings have not been signed by all the parties that have an interest in the land. The appellant has not provided any evidence to show that this is not the case. As such, the Undertakings are not enforceable and I have given them no weight in my determination of this appeal.

Employment

- 5. The building is currently vacant, with the exception of a café/restaurant on part of the ground floor, and the appellant has claimed that this has been the case since 2001, but the Council has indicated that it has been since 2005. Either way, much of the building has not been in productive use for a significant period of time.
- 6. The appellant has submitted a financial viability assessment that demonstrates through development appraisals of 3 options, one of which is the appeal proposal, that the continued use of the appeal building for employment would not be viable. The Council has questioned this evidence on the basis of high build costs and the lack of justification for all the works being necessary to bring the building back into employment use.
- 7. Whilst the Council has suggested that the viability assessment has not been independently assessed, it has not provided any alternative assessments to show anything different. The Council has pointed out that the other appeal examples provided by the appellant in support of this appeal involved some marketing of the buildings for employment re-use, which had been given weight by the Inspector and is not provided for in the current appeal. However, the appellant has provided a Marketing Statement by WSP. This Statement identifies that reputable local agents had been appointed in the past, the latest of which recommended that, due to the seriously dilapidated nature of the premises, they are not fit for purpose and are totally unsuitable for letting as offices in their present condition, which I observed at my site visit to be poor. Therefore, I find that the limited marketing since September 2014 has been justified and that the appellant has demonstrated that marketing had been unsuccessfully carried out before that for a significant period of time.
- 8. For the reasons given above, I find that the proposal would not have an adverse effect on the provision of employment floorspace. It would therefore not harm the economic activity in Camden. It would accord with LP Policy E1,

as it would not adversely affect the Borough's economy because it would bring back into use a site that has not been used for employment for a long time; and LP Policy E2, as the appellant has demonstrated that the building is no longer suitable for its existing business use and it has fully explored the retention of the building for business use over a long period of time.

Character and Appearance

9. The appeal building consists of a four storey, 5 bay wide Georgian terrace property on the west side of Grenville Road in Bloomsbury CA. It bridges over the entrance to Colonnade, which is a narrow street with mews style terraced properties both sides. The building has single storey additions to its rear on both sides of the entrance to Colonnade; one consisting of a garage and the other a storage area. Although they do not provide a positive contribution to the CA, these low additions are relatively small and include materials that match other buildings in the area. Therefore, whilst they are in poor condition, they do not have a significant negative impact on the character and appearance of the area.
10. Bloomsbury Conservation Area Appraisal and Management Strategy (BCAAMS) identifies the appeal property with the rest of the properties on that side of Grenville Street as making a positive contribution to the appearance and character of the CA. The appeal building is prominent in the street scene, and its roofline is visible from the surrounding area.
11. The proposed mansard roof would be immediately behind the parapet lines of the building, but the parapet and roofline of the row of buildings on that side of the road do not have any mansard roof additions, being largely unaltered. Whilst there is a variation of height in the buildings, with the adjacent Downing Court being taller, the mansard roof extension would be an incongruous addition to the roofline. As such, it would cause significant harm to the character and appearance of the building and the CA and would fail to accord with section 5 of Camden Planning Guidance (CPG) 1, as mansard roofs are not established roof forms in the group of buildings or surrounding townscape.
12. BCAAMS identifies residential mews as important to the character of the CA. The proposed mews house extension would replace the existing garage at the rear that faces onto Colonnade. It would have a flat roof and would be smaller than most of the other buildings along Colonnade, which generally have pitched roofs. Its design, including the overhanging first floor, vertically proportioned windows and its doors would fail to reflect the character of the mews style terraced buildings along Colonnade. Although it would appear subservient to 11-12 Grenville Street, it would be larger and more prominent in the street scene than the garage building that it would replace and would stand out as being out of keeping with the other buildings fronting Colonnade.
13. Based on the above, I conclude on this main issue that the proposed mansard roof and the proposed mews extension would both fail to preserve the character and appearance of the CA. The proposal would be contrary to LP policies D1, regarding high quality design, and D2, regarding heritage assets. I am satisfied that it would lead to less than substantial harm to the significance of the heritage asset. I have therefore weighed this harm against the public benefits in the planning balance, in accordance with paragraph 134 of the National Planning Policy Framework (Framework).

Living Conditions

14. Following the application, the appellant has submitted amended plans and a letter regarding daylight and sunlight. I have taken these into account in my determination of this appeal. In this respect, the proposed habitable space in the basement of the two-storey mews house, with an internal light well window in the floor of the ground floor living room of unit 1, would receive low levels of secondary light and would provide a poor outlook and inadequate ventilation. Also, the proposed unit within the mansard roofspace would not have a floor to ceiling height of 2.3m over 50% of the room. These factors would make the proposal contrary to the guidance in CPG2 and would result in the provision of inadequate living conditions for future occupiers, which would fail to accord with LP Policy H6 and Policy 7.6 of the London Plan.

Parking and Congestion and Sustainable Means of Transport

15. The Council has suggested that the site falls within the Central London Area and within the Central Activities Zone. The area is also subject to a high level of congestion and parking stress. The Undertakings include a planning obligation to ensure that new occupants of the development would be informed by the owner of the Council's policy to control the issuing of parking permits. However, the Undertakings only refer to the use of 'reasonable endeavours' to fulfil the obligation and it is not tied to the land. As such, it is merely a personal undertaking, it is not capable of being registered as a local charge and would not run with the land. I have therefore, given this obligation no weight.
16. The plans indicate that vertical cycle parking stands would be provided, which would be contrary to guidance in CPG7. However, I am satisfied that this would be overcome by a suitably worded planning condition to secure the provision of appropriate horizontal cycle parking.
17. Although a planning condition would ensure that the proposal would provide adequate parking for bicycles, in the absence of any enforceable control over the use and/or ownership of private cars by future occupants, it would not provide sufficient measures to encourage car free lifestyles, promote sustainable ways of travelling, including the use of public transport, and help to reduce the impact of traffic. As such, the proposal would have an adverse effect on parking and congestion and the use of sustainable means of transport and would be contrary to LP Policy T2, which seeks to limit the availability of parking and requires new developments to be car-free.

Pedestrian and Highway Safety

18. The impact as a result of causing an obstruction of the highway due to the outward opening refuse and cycle storage doors being left open by residents could be overcome by a planning condition requiring sliding doors. However, the appellant has not disputed that the proposed works, which would include excavation for a basement, would be likely to cause damage to the public highway directly adjacent to the site. A highways contribution therefore would be required towards repairs that would need to be carried out on the highway as a result of damage due to the completion of the development.
19. The obligation to secure funding for highway works is deficient and therefore the necessary highway works to be undertaken via a section 278 agreement would not be secured and the proposal would harm the transport infrastructure in the

area. Although the Undertakings include a legal agreement that satisfies the Council to secure the Approval in Principle (AiP) required to demonstrate that the proposed basement would not impact on the adjacent public highway, I have given them no weight as they have not been signed by all the relevant parties.

20. The absence of a means of funding the highway works or a legal agreement to secure the necessary AiP for the basement works could well result in significant harm to pedestrian and highway safety. The proposal would fail to accord with LP Policy A1, as there is no valid planning obligation to ensure that any construction damage to transport infrastructure would be repaired and any affected transport network links and road and footway surfaces would be reinstated.

Residential Amenity

21. LP Policy A1 seeks to protect the quality of life of occupiers and prevent unacceptable harm to amenity and refers to the need to secure a Construction Management Plan (CMP) in order to achieve this aim. The development would involve the excavation of a basement and significant other construction works in a constrained area. As such, construction impacts would need to be mitigated to avoid unacceptable harm to residential amenity. Securing a CMP through a planning obligation rather than a condition would address the need to work on the highway and on land outside the site boundary. The appellant has not disagreed with the Council in this respect. He has submitted a draft CMP and has allowed in the Undertakings for contributions towards a CMP. However, the Undertakings do not secure the preparation and submission of a CMP for approval or compliance with the CMP. Furthermore, I have attached no weight to the Undertakings. Therefore, I find that the proposal would have an adverse effect on residential amenity and would fail to accord with LP Policy A1 in this respect.

The Environment

22. An Energy and Sustainability Statement has been submitted which demonstrates a 70.5% reduction in CO₂ beyond the existing building baseline and a BREEAM Excellent standard. A Sustainability Plan clause requiring the stated BREEAM compliance and Energy Efficiency/Renewable Energy plan to achieve the stated carbon reduction has not been secured in the Undertakings, to which I have given no weight. Therefore, in the absence of an acceptable means of securing a Sustainability Plan, there is nothing in place to ensure that the proposal would not have an adverse effect on the environment. As such, the proposal would fail to accord with LP policies CC1 and CC2, regarding climate change, and London Plan Policy 5.2, which expects new development to follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to achieve the fullest contribution to CO₂ reduction.

Affordable Housing

23. In terms of the provision of affordable housing, I am satisfied that the LP Policy H4 requirement should apply to the development. The LP has been through examination in 2016/2017 and was found to be sound by the Inspector in light of the Written Ministerial Statement issued by the Minister for Communities and Local Government on the 28 November 2014. That Inspector's report in paragraph 64 notes that there are local circumstances in the case of Camden which, taken as a whole, fully justify a lower affordable housing threshold and has suggested a threshold of 1 unit. Also, it indicates that the Greater London Authority supports this approach.

24. The appellant has not provided sufficient justification to avoid making a contribution towards affordable housing, even though the development would be for less than 10 dwellings. I have attached no weight to the Undertaking to secure an affordable housing contribution. Therefore, in the absence of any acceptable contribution or justifiable reasons why such a contribution should not be made, I conclude on this main issue that the proposal would harm the provision of affordable housing in the Borough and would fail to accord with LP Policy H4 in this respect.

Planning Balance and Conclusions

25. The benefits of the proposed development include bringing back into productive use a long term vacant building and the provision of much needed housing in a sustainable location, but there is nothing in place to secure the required contribution towards affordable housing. In terms of paragraph 134 of the Framework, these benefits would be insufficient to outweigh the less than substantial harm that I have found that the proposal would cause to the significance of Bloomsbury CA.

26. I have found in favour of the proposal with regard to its effect on economic activity in Camden. However, I have also found that it would fail to preserve the character and appearance of a CA; would cause harm to parking, congestion, the use of sustainable means of transport, pedestrian and highway safety, residential amenity, the environment and the provision of affordable housing in the Borough; and would not provide acceptable living conditions for future occupants of the proposed dwellings. In addition, it would fail to accord with the development plan as a whole and would not represent sustainable development. The appellant has not put forward other material considerations that would offer sufficient benefits to outweigh this harm. Therefore, having regard to all relevant matters raised, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR

Application ref: 2017/4551/P
Contact: Thomas Sild
Tel: 020 7974 3686
Date: 18 October 2018

Development Management
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JLL
30 Warwick Street
London
W1B 5NH

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**11-12 Grenville Street
London
WC1N 1LZ**

Proposal: Change of use of upper floor offices (B1) to residential (C3) use to provide 5 x residential units (1 x studio, 3 x 1 bed and 1 x 2 bed), demolition of existing rear garage and erection of a 2 storey 2 bed dwelling with basement, consolidation of the existing ground floor retail (A1) and cafe (A3) to provide a replacement retail/restaurant (A1/A3) and installation of replacement kitchen extract plant; erection of a 1st to 3rd floor rear infill extension and external alterations to the front elevation including replacement windows, shopfront and roof.

Drawing Nos: Existing: (01)001B, (PL)110C, (PL)111C, (PL)112C, (PL)113C, (PL)114C, (PL)115C, (PL)210D, (PL)212D, (PL)310C, (PL)312E

Proposed: (PL)610 E, (PL)611G, (PL)612C, (PL)613C, (PL)614D, (PL)616C, (PL)710D, (PL)711E, (PL)810D, (PL)811D,

Documents: Design and Access Statement rev A (Garnett and Partners) July 2017, Basement Impact Assessment ref: 8108.2_FS_GB 2.0 (TWS) June 2017, Daylight and Sunlight Report (Point Surveyors) August 2016, Daylight and Sunlight Letter ref 806 (Point Surveyors) July 2017, Additional Daylight and Sunlight VSC/APSH/NSL and ADF Assessment Point Surveyors) February 2018, ADF Results ref P824/13 (Point Surveyors) February 2018, Financial Viability Assessments (JLL) July 2017 and December 2017, Heritage Appraisal (KM Heritage) July 2017, Marketing Statement version 1 (WSP Parsons Brinckerhoff) August 2016, Plant Noise Assessment ref: AS9191.160817.NIA (Clarke Saunders Acoustics) August 2016, Planning Statement (JLL) August 2017, Energy Statement ref 4034 3 (Watkins Payne) July 2017, Sustainability Statement and BREEAM Domestic Refurbishment (Watkins Payne) July 2016, Schedule of Areas rev B ((Garnett and Partners) March 2018m.

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

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 The development hereby permitted shall be carried out in accordance with the following plans:

Existing: (01)001B, (PL)110C, (PL)111C, (PL)112C, (PL)113C, (PL)114C, (PL)115C, (PL)210D, (PL)212D, (PL)310C, (PL)312E

Proposed: (PL)610 E, (PL)611G, (PL)612C, (PL)613C, (PL)614D, (PL)616C, (PL)710D, (PL)711E, (PL)810D, (PL)811D,

Documents: Design and Access Statement rev A (Garnett and Partners) July 2017, Plant Noise Assessment ref: AS9191.160817.NIA (Clarke Saunders Acoustics) August 2016, Energy Statement ref 4034 3 (Watkins Payne) July 2017, Sustainability Statement and BREEAM Domestic Refurbishment (Watkins Payne) July 2016, Schedule of Areas rev B ((Garnett and Partners) March 2018m

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

- 3 The demolition hereby permitted shall not be undertaken before a construction contract for the carrying out the development of the site approved by this permission has made and details of this construction contact have been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the character of the conservation area in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 4 Details of a façade retention plan setting out the methods to ensure the retention and structural support of the existing building façade during the construction process shall be submitted to and approved in writing by the local planning authority prior to the commencement of the demolition works. The development shall thereafter only be implemented in accordance with the approved façade retention plan.

Reason: To safeguard the character of the conservation area in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 5 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the London Borough of Camden Local Plan 2017.

- 6 The ground floor/basement retail unit hereby approved shall only be used for retail use (A1 use class) or restaurant (A3 use class) and shall not be used for any other use in the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless otherwise agreed in writing by the local planning authority through the submission of a planning application.

Reasons: To protect the vitality and viability of this designated retail frontage and to safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies TC1, TC2, TC4 and A1 of the London Borough of Camden Local Plan 2017.

- 7 Detailed drawings, or samples of materials as appropriate in respect of the following, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:
- a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and doors at a scale of 1:10 with typical glazing bar details at 1:1.
 - b) Typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including the method of fixing.
 - c) Samples and manufacturer's details of new facing materials including windows; timber and brickwork. The sample panels of all facing materials shall demonstrate the proposed colour, texture, face-bond and pointing.

d) Details drawings including sections and elevations at a scale of 1:20 of the new shopfronts including glazing and glazing bars; fascia panel; awnings; capital and console brackets.

e) Details of all new signage for the commercial unit(s) including size; location and illumination of all new fascia and projecting signs

The development shall be implemented only in accordance with the approved details.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC2 and TC4 of the London Borough of Camden Local Plan 2017.

- 9 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from noise sensitive premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:2014 within the noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the proposed residential flats in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 10 The residential flats hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the local planning authority prior to the first occupation of the development.

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 C6 of the London Borough of Camden Local Plan 2017.

- 11 The proposed basement excavation shall be carried out in accordance with the recommendations, requirements and methodologies of the Basement Impact Assessment documents and supporting information hereby approved.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, A1 and A5 of the London Borough of Camden Local Plan 2017.

- 12 The retail/restaurant use hereby permitted shall not be carried out outside the following times 07:30 - 23:00 Mondays to Saturdays and 09:00 - 22:30 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 13 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the building, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 14 The proposed side and rear facing windows to unit 1 (mews dwelling) shall be obscure glazed and fixed shut to 1.7 m above finished floor level and the proposed side facing windows at ground floor level to unit 2 (facing onto the Colonnade) shall be obscure glazed and fixed shut, all of which shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the adjoining premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 15 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended, or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, D2 and A1 of London Borough of Camden Local Plan 2017.

- 16 Details of an air quality report and suitable air quality mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall thereafter be implemented only in accordance with the approved mitigation measures which shall be permanently retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, D1 and CC4 of the London Borough of Camden Local Plan 2017.

- 17 Details of refuse storage and management arrangements for the proposed commercial unit shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the unit. The development shall thereafter be implemented only in accordance with the approved measures which shall be permanently retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, D1 and CC5 of the London Borough of Camden Local Plan 2017.

- 18 At least 28 days before the development commences:

(a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and
(b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

- 19 Prior to use, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration

- 20 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the proposed residential flats in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 21 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To safeguard the amenities of the proposed residential flats in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 22 Notwithstanding the approved drawings, before occupation commences, details of a secure and covered cycle storage area for 9 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 23 Details of the means of ensuring visual privacy to the bedroom windows overlooking the Colonnade shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units. The development shall be carried out in accordance with the details thereby approved and permanently maintained thereafter.

Reason: To ensure an acceptable level of privacy is provided to residential occupiers in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

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