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Bourne House
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Dear Mr Edmunds,

Re: 40 Bernard Street, London, WC1N 1LE

Thank you for submitting a follow up pre-planning application enquiry for the above property which was received on 12/06/2020 together with the required fee of £ £3,782.99.

1. PROPOSAL

The proposal comprises the following:

- Construction of an additional (sixth) storey of office accommodation (c.900 sqm)
- Provision of self-contained housing (as required by policy H2) accommodated by a donor site at 64-65 Guilford Street.
- Three design options were initially proposed and during pre-application discussions this has been narrowed down to one option (Option 3) which involves a two storey extension to 40 Bernard Street with setbacks from the floor below, following removal of the existing fifth floor.

2. SITE DESCRIPTION

40 Bernard Street is a five-storey building comprising retail at ground floor and four upper floors of offices. Plant rooms and lift overruns are located at 4th and 5th floor levels. The building is of late 20th century construction with a brick and glazing material palette arranged in horizontal 'bands'. The fifth floor is set back from the main building envelope.

The building is not listed nor does it fall within a designated Conservation Area, although it is visible from the adjacent Bloomsbury Conservation Area. There are various listed buildings nearby, including the Grade II listed Brunswick Centre on the opposite side of Bernard Street.

The building does not fall within any designated viewing corridors, but it is on the edge of the 'lateral assessment area' of the Primrose Hill to St Paul's Viewing Corridor and is within the background assessment area to the Corridor.

Nearby is 64-65 Guilford Street, two four storey (plus basement) mid-terrace Grade II listed buildings on the north side of Guilford Street. Their lawful use is Sui Generis, last used as staff accommodation for employees of the Imperial London Hotel. Together the two buildings comprise 32 bedrooms with shared facilities.

3. RELEVANT PLANNING HISTORY

40 Bernard Street

2007/5164/P - Extension at fifth floor level to the south, east and west, partially over the existing balconies of office together with installation of plant (4 units in total - 2x air handling units + 2x condensers) on internal balconies at 5th floor level. Granted 21/12/2007

PS9905260 - Erection of an additional floor consisting of two penthouses and lift motor room. Refused 28/03/2000 on the following grounds: *The proposed extension, by virtue of its excessive height, bulk and detailed design would have a detrimental effect on the appearance of the building and the surrounding area*

64-65 Guilford Street

2018/3096/P and 2018/3670/L - Partial demolition and erection of three storey rear extensions and mansard roof extensions with dormer windows to front and rear at both properties in association with change of use from 32-bed hostel (Sui Generis) to 18 x 1-bed self-contained units (Use Class C3) – *This application is being held in abeyance (see background section below for further details*

4. RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework 2019

The London Plan March 2016

New London Plan - Intend to Publish version 2020

The Camden Local Plan 2017

H1 Maximising housing supply

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

H3 Protecting existing homes

H4 Affordable housing

H5 Protecting and improving affordable housing

H10 Housing with shared facilities

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage
 E1 Economic development
 E2 Employment premises and sites
 CC1 Climate change mitigation
 CC2 Adapting to climate change
 CC3 Water and flooding
 CC5 Waste
 T1 Prioritising walking, cycling and public transport
 T2 Car-free development and limiting the availability of parking
 DM1 Delivery and Monitoring

Camden Planning Guidance 2018/19

CPG (Design)
 CPG (Housing) *
 CPG2 Housing – as amended March 2019 *
 CPG (Energy efficiency and adaptation)
 CPG (Amenity)
 CPG (Transport)
 CPG (Developer Contribution)
 CPG (Employment sites and business premises)
 CPG (Water and flooding)

* A revised Housing CPG has been consulted on and is expected to be adopted later this year. Once adopted, the CPG document will be a 'material consideration' in planning decisions.

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

5. ASSESSMENT OF PROPOSAL

Background

- There is a live planning application (and associated listed building consent) for 64-65 Guilford Street which is being held in abeyance pending the outcome of pre-application discussions regarding 40 Bernard Street.
- In terms of the Guilford Street applications, it was negotiated that the buildings could be converted from a 32 bed hostel into 13 self-contained residential units. Owing to the challenges of the listed building, the mix of units would be predominantly 1-beds with a 2-bed unit provided in the rear extension.
- To overcome the requirements of policy H10 which resists the loss of housing with shared facilities on the grounds it provides a form of affordable housing (albeit not regulated), the applicant crucially agreed to securing the units at a reduced rent compared to the market rate. The precise level of affordability had not been agreed. If planning permission is to be granted, this would be secured by a section 106 agreement. It is also noted that some of the units are substandard and the building generally is in a poor state of repair. The application therefore has benefits in terms of housing standards and heritage terms.

- It is understood that the properties in Guilford Street have been vacant since August 2020.

Land use

- In accordance with policies E1 and E2, the proposed uplift in office floorspace is supported in this Central London, highly accessible location.
- Due to the site's location in the Central London area and the uplift in floorspace of over 200 sqm (c.900 sqm is proposed), the proposal triggers the mixed-use policy. The resulting requirement would be a target of at least 450 sqm i.e. 50% of the total uplift to be provided as self-contained housing (C3).
- Under policy H4, the self-contained housing requirement would also need to make a contribution to affordable housing as the uplift would be over 100sqm.

On-site provision

- Owing to the challenges and inefficiencies involved with providing a dedicated residential core, it is accepted that it is not possible to provide housing on-site.
- There are retail uses (and the office lobby) occupying the whole Bernard Street frontage and a service yard on the Herbrand Street frontage and so a redesign of the ground floor would be required were a residential entrance to be provided.
- It is noted that a change of use occurred from residential to office at fifth floor level following a permission in 1990 – there is little detail available from the plans online but they suggest that the residential space operated in conjunction with the office space rather than independently as policy H2 would require.

Off-site provision

- It is proposed to use 64-65 Guilford Street as potential off-site provision as these buildings are in the applicant's ownership and are now vacant following the departure of ILH staff in August 2020. Despite the building now being vacant, its lawful use remains as a HMO hostel (Sui Generis), a form of residential floorspace.
- Local Plan para 3.55, supporting Policy H2, states:

For off-site provision, we will assess how much housing is required by looking at all sites involved in the arrangement. We will apply the 50% target to the additional floorspace added at all sites involved, taking into account the full addition to non-residential floorspace proposed at the application site, any gain or loss of non-residential floorspace arising at the site or sites where the housing will be delivered and the need to replace any existing housing lost as part of each development. Where the housing is delivered off-site, this will enable additional non-residential space to be provided at the application site, and increase the overall scale of development, so the Council will generally expect

the development to deliver significantly more housing than it could provide onsite.

- As such, we would seek more residential floorspace than the 50% required where on-site provision is proposed. Under draft Housing CPG, where it is accepted that on-site housing is not practical, an off-site contribution of between 450 sqm to 900 sqm of housing should be explored.
- In email correspondence, following discussions around this point, you claim that the Guilford Street properties should not be regarded as residential accommodation for the purposes of the policy. However, whilst policy H2 seeks to create C3 self-contained residential units, it ultimately seeks to create *additional housing floorspace* and does not distinguish between housing type (i.e. C3 and non-C3 floorspace).
- Housing floorspace can be increased through a.) physically creating additional residential floorspace or b.) converting non-residential floorspace into residential floorspace. The proposal, however, seeks to change the form of existing housing floorspace - from a HMO to self-contained floorspace – not changing the form of the existing housing floorspace. There is no additional housing floorspace proposed.
- Furthermore, the submission makes no mention of how policy H10 would be overcome in terms of providing affordable housing. Policy H5 seeks to retain affordable housing accommodation of all types and paragraph 3.133 is of particular relevance to this situation, *“Where the existing housing is for key workers or provided in connection with a job, redevelopment should provide for the same group of occupiers unless their needs have been met elsewhere, in which case social-affordable rented housing and intermediate housing will be sought”*. The only mention of affordable housing contribution is acknowledgment that a payment in lieu will be provided in conjunction with the residential uplift at no.64- 65 Guilford Street as required by policy H4.
- In summary, the proposal is trying to conflate two issues as problem and solution. Firstly, the need for the increased floorspace at no.40 Bernard Street to make a contribution to the Borough’s housing stock and secondly, the situation with 64-65 Guilford Street in terms of it being a vacant building. However, officers do not share the view that the Guilford Street properties provide a straightforward, policy compliant solution to the need to provide additional housing floorspace. The use of the Guilford Street buildings will continue as residential floorspace due to the protection afforded to it by policies H5 and H10 whether it remains vacant or is sold. It will not fall out of the Borough’s housing stock just because it cannot be utilised in relation to 40 Bernard Street. Any future owner / developer would need to continue its use as a HMO or propose a scheme that would outweigh the policy presumption to retain not just housing floorspace but also housing with shared facilities.
- Notwithstanding this advice, were the proposal to provide benefits that were considered to outweigh the policy presumption against the proposed arrangement, then it may be possible for a negotiated position to be agreed.

- The current negotiated position with 64-65 Guilford Street is that the properties would be secured as affordable to overcome the protection afforded to HMOs by policy H10. For the same building to be used as a donor site to accommodate the market and/or affordable housing contribution required by the potential application at 40 Bernard Street, the offer would need to demonstrate a substantial improvement above and beyond the negotiated position in terms of additional residential floorspace.
- If a significant proportion or all of 64-65 Guilford Street were delivered as affordable housing this would need to be delivered through a Registered Provider and given the small unit sizes, it is likely that they would be offered at intermediate rent rather than London Affordable Rent

Payment in Lieu

- If an improved offer at no's 64-65 Guilford Street is not possible (following robust justification), and any other off-site options that do not involve existing residential floorspace have been fully explored, then the Payment in Lieu route could be pursued.
- The market and affordable PIL calculations are as follows:

Total addition to floorspace proposed	900 sqm GIA
Self-contained housing floorspace target	900 sqm x 50% = 450 sqm GIA
Capacity	450/100 = 5 additional homes
Affordable housing percentage target	5 x 2% = 10%
Affordable housing floorspace target	450 x 10% = 45 sqm
Market housing percentage target	100 – 10% = 90%
Market housing floorspace target	450 x 90% = 405 sqm GIA
Affordable payment in lieu* Conversion to GEA	45 sqm x 1.25 = 56.25 sqm GEA 56.25 x £2650 = £149,062.50
Market payment in lieu Conversion to GEA	405 sqm x 1.25 = 506.25 GEA 506.25 x £700 = £354,375
Total PIL	£503,437.50

- It is noted that following the adoption of the draft Housing CPG expected later this year, the PIL rates relating to policy H2 will change to £1,500 per sqm for market and affordable floorspace, resulting in a payment of £675,000 (450 sqm x £1,500 per sqm GIA).

The following sections relate to 40 Bernard Street only.

Design and conservation

- The building is not located in a conservation area, but is visible from Bloomsbury CA which surrounds the site.
- The preferred option would see the existing set back fifth storey replaced with a new set back fifth storey plus a further set back storey at sixth floor level.
- The additional impact relates to the sixth storey, given the replacement storey would have similar visibility to the existing fifth floor, which is of poor design and detracts from the roof line of the building.
- The sixth floor, due to its set back, the height of the building and the surrounding street layout, would appear to have limited visibility in close views becoming more prominent in middle range views to its east on Bernard Street. Views from street level from different locations (short and mid-range views) should help determine its visual impact, particularly the view from the north. This, together with full elevations of the facades to include the immediate context, should be submitted as part of any future planning application in order to understand the scale and proportions of the proposal.
- The additional height and massing is considered acceptable; however, you are advised to give further thought to the brise soleil structures that project from the floors and give the building two quite prominent 'tops', drawing attention to the tiered form. The top tier may appear more visually recessive were it to be treated differently.
- It is not clear whether a terrace will be provided at sixth floor level. No balustrades are shown on the visuals. This should be clarified as part of any future submission.

Amenity

- There are several sensitive residential receptors that could potentially be impacted by the extension.
- A daylight/sunlight assessment has been submitted with the pre-application which demonstrates that the impact would be very minor with the vast majority of rooms continuing to meet BRE guidance. The deviations would affect kitchens that are understood to have very little amenity at present.
- It is noted that the assessment has been carried out on Option 2 and also does not include the full set of figures. A daylight and sunlight assessment based on the proposed design (option 3) complete with figures should be provided at application stage.
- In terms of overlooking, the building comprises an existing terrace at fifth floor level. The provision of a further terrace at a level above (6th floor) would not result in any further material loss of privacy to any surrounding occupants.
- The proposed extension is not proximate to any residential windows to lead to an unacceptable loss of outlook.

- Based on the information provided to date, it is expected that the amenity impact will be acceptable.

Transport

- Cycle parking for the office accommodation should be provided in accordance with the quantum specified in the emerging London Plan. The London Plan standards are shown below.

	Long-stay (e.g. for residents or employees)	Short-stay (e.g. for visitors or customers)
B1 business offices	<ul style="list-style-type: none"> areas with higher cycle parking standards (see Figure 10.2): 1 space per 75 sqm (GEA) 	<ul style="list-style-type: none"> first 5,000 sqm: 1 space per 500 sqm (GEA) thereafter: 1 space per 5,000 sqm (GEA)

- We expect the long-stay cycle parking facilities to be secure, covered, and accessible (step-free). Short-stay cycle spaces should be within the curtilage of the development but separated from long-stay spaces. Details of the type of racks and a plan with dimensions would be needed at application stage. If this cannot be provided on-site, a contribution may be sought for off-site provision.
- The development (office and residential elements) would need to be secured as car-free in line with policy T2 of the Camden Local Plan.
- Due to the location of the building in a busy Central London location and the scale of the works, a Construction Management Plan (CMP) would be secured of £3,136 plus an implementation support contribution and a construction impact bond. These would be secured by a section 106 legal agreement. Travel Plan - Although the proposal does not indicate the number of staff, an office floorspace of 900 sqm would be able to accommodate more than 20 staff, which over the threshold for a travel plan. The development would lead to an increase number of people traveling to and from the site for primarily work reasons. The Council would seek to mitigate the impact by securing a Local (Workplace) Travel Plan and associated monitoring and measures contribution of £4,881 as part of a section 106 agreement.
- Any future full application should include a Transport Statement, which provides the information required as stated in the Council's planning guidance document CPG Transport. This should include information on trips, location of proposed servicing, as well as frequency and vehicle types.
- The development would introduce new work trips to the area and the Council aims to encourage walking and cycling as the primary mode of transport for short journeys. A financial contribution for pedestrian, cycling and environmental improvements may be requested. This would be assessed if a planning application were to be submitted.

Energy and Sustainability

- An Energy Statement would be required to meet requirements of policy CC1 that demonstrates the greatest possible carbon reduction target reduction below Part L of 2013 building regulations and 20% reduction in CO2 from onsite renewables. CPG Energy efficiency and Adaptation requires the following information for this scale of application.

Development should comply with these standards/provide this information	Non-domestic New Build (assessed under L2A)		
	Major (>1,000 sqm)	Medium (500sq.m and <1,000 sqm)	Minor (<500sq.m)
Energy and carbon reduction targets			
Overall carbon reduction targets	35% below Part L of 2013 Building Regulations (London Plan 5.2, Local Plan CC1)	Greatest possible reduction below Part L of 2013 Building Regulations (Local Plan CC1)	Greatest possible reduction below Part L of 2013 Building Regulations (Local Plan CC1)
Reduction in CO2 from onsite renewables (after all other energy efficiency measures have been incorporated)	20% (London Plan 5.7, Local Plan CC1)	20% (London Plan 5.7, Local Plan CC1)	Incorporate renewables where feasible

6. PLANNING APPLICATION INFORMATION

Should you choose to submit a planning application which addresses the outstanding issues detailed in this report satisfactorily, I would advise you to submit the following for a valid planning application:

- Completed form – Full Planning Permission
- An ordnance survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans at a scale of 1:50 labelled ‘existing’ and ‘proposed’
- Roof plans at a scale of 1:50 labelled ‘existing’ and ‘proposed’
- Elevation drawings at a scale of 1:50 labelled ‘existing’ and ‘proposed’
- Section drawings at a scale of 1:50 labelled ‘existing’ and ‘proposed’
- The appropriate fee
- Planning Statement

- Design and Access Statement
- Energy and Sustainability Statement
- Daylight and Sunlight Assessment
- CIL Liability Form
- Please see [supporting information for planning applications](#) for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals. The Council must allow 21 days from the consultation start date for responses to be received.

Non-major applications are typically determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document please do not hesitate to contact Kristina Smith on **020 7974 4986**

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Kristina Smith

**Senior Planning Officer
Planning Solutions Team**