

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>16/07/2021</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>14/06/2018</b>
<b>Officer</b>				<b>Application Number(s)</b>	
Jaspreet Chana				2018/1142/P	
<b>Application Address</b>				<b>Drawing Numbers</b>	
51 Calthorpe Street London WC1X 0HH				See draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Change of use from offices (Class B1a) to create a mixed use scheme of office use (Class B1a) and 8 self-contained flats (Class C3) (2x 1 bed, 4x 2 bed and 2x 3 bed); mansard roof extension to main building; roof extension to rear part of building; creation of internal mezzanine floors; excavation to create basement; associated works					
<b>Recommendation:</b>		Grant conditional planning permission (subject to a Section 106 Legal Agreement)			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	A site notice was displayed on 18/05/2018 (consultation expiry date 08/06/2018) and a notice was displayed in the local press on 24/05/2018 (consultation expiry date 14/06/2018).			
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>Two objections have been submitted from neighbouring occupiers relevant to planning are summarised below:</p> <ul style="list-style-type: none"><li>• Objection to the change of use from office to residential. This area needs business premises to continue employment opportunities which will be lost if office space is reduced.</li><li>• Impact on neighbouring properties (No.49 Calthorpe Street)</li><li>• Harm to adjacent listed buildings from basement excavation</li><li>• Excavation was planned to be 1.5m away from No.49s side wall, to minimise damage to the Grade II listed building in the original application. This new application does not propose the same provision.</li><li>• Application 2015/3049/P was given permission subject to a CMP plan. Any new application should also have a CMP.</li><li>• This new application is for 2 basement levels to be offices and meeting rooms, these underground would not be considered appropriate.</li><li>• There are many unused office buildings in the area, and therefore this change of use is not required in this area.</li><li>• As the new use is offices, and not only flats as in the original application, it would seem that the ceilings need to be higher. This means that the new plans involve deeper basement excavation.0.40metres deeper.</li><li>• The deeper excavation is likely to cause ground movement caused by protracted digging works likely to last 24 months, similar concerns were raised in the previously approved application.</li><li>• This listed terrace Nos.45-49 Calthorpe Street has suffered ground movement and vibration in the past and so a condition report detailing existing damage has been prepared by David A Hargreaves (structural surveyor).</li><li>• Jenkins Potter engineers (Basement engineers) have also been asked to review the submitted BIA and their comments have been submitted.</li></ul> <p><u>Officer's response:</u> Please see sections 1, 2, 3, 4 and 5 below in response to the above raised points.</p>			

## Site Description

The application site No. 51 Calthorpe Street is a T-shaped, yellow stock brick building on the north-west side of the road. The building is currently used as offices (Class B1a), but was originally a schoolhouse dating from the C19th. The surrounding area is a mixture of residential and commercial buildings.

The application site is within the Bloomsbury Conservation Area. The building is identified within the BCAAMS as making a positive contribution to the streetscape in terms of its physical presence and social history.

## Relevant History

### 51 Calthorpe Street:

**2015/3049/P** - Change of use from offices (Class B1a) to residential (Class C3) to create 13x self-contained flats (4x 1-bed; 4x 2-bed; 3x 3-bed; 2x 4-bed); mansard roof extension to main building; roof extension to rear part of building; creation of internal mezzanine floors; excavation to create basement; associated works - **Granted conditional permission subject to S106** on 16<sup>th</sup> February 2018.

**2013/5445/P** - Erection of an additional storey, a 2/3 storey rear extension, roof extension, the creation of a new front basement and the excavation of an existing basement, in connection with the change of use of the property from offices (Class B1) and storage (Class B8) to create 16 residential units (3 x studios, 3 x 1-bedroom flats, 4 x 2-bedroom flats, 6 x 3-bedroom flats) (Class C3) – **Refused 09/12/2013. Appeal dismissed 24/06/2014.**

The application was refused for 11 reasons. The first two reasons for refusal were as follows:

*1. The proposed development, in the absence of adequate justification to demonstrate the provision of an appropriate contribution towards the supply of affordable housing onsite, and the subsequent absence of a legal agreement to secure an appropriate contribution towards the supply of affordable housing, would fail to make adequate provision to the borough's strategic affordable housing targets, contrary to policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP3 (Contributions to supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies.*

*2. The proposed rear and roof extensions, by reason of their overall height, bulk and detailed design, would detract from the historic character of the building and fail to preserve and enhance the character and appearance of the wider Bloomsbury Conservation Area and setting of nearby listed buildings, contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) the London Borough of Camden Local Development Framework Development Policies.*

The rest of the reasons for refusal related to the absence of a legal agreement to secure the following:

- (3) *post construction sustainability review*
- (4) *contributions to educational provision*
- (5) *contributions towards the provision of, improvement to and maintenance of public open space in the surrounding area*
- (6) *construction management plan*
- (7) *car-free housing*
- (8) *contribution towards community facilities*
- (9) *energy efficiency measures*

- (10) *local employment and training contributions*
- (11) *local labour and procurement agreement*

**2012/6859/P** - Erection of an additional storey, a three storey rear extension, roof extension, the creation of a new front basement and the excavation of an existing basement, in connection with the change of use of the property from offices (Class B1) and storage (Class B8) to create 17 new dwellings (Class C3) – **Refused 16/04/2013.**

## **Relevant policies**

### **National Planning Policy Framework (2021)**

### **The London Plan (2021)**

### **Camden Local Plan (2017)**

- G1 Delivery and location of growth
- 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
- E1 Promoting a successful and inclusive Camden economy
- E2 Employment premises and sites
- A1 Managing the impact of development
- A2 Provision and enhancement of open space
- A3 Protection, enhancement and management of biodiversity
- A4 Noise and vibration
- A5 Basements and lightwells
- D1 Design
- D2 Heritage
- 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
- T4 Promoting the sustainable movement of goods and materials
- DM1 Delivery and monitoring

### **Camden Planning Guidance:**

- CPG Amenity (2021)
- CPG Air Quality (2021)
- CPG Basements (2021)
- CPG Design (2021)
- CPG Developer Contributions (2019)
- CPG Employment sites and business premises (2021)
- CPG Energy efficiency and adaptation (2021)
- CPG Housing (2021)
- CPG Planning for health and wellbeing (2021)
- CPG Transport (2021)

### **Conservation Statements:**

- Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

## Assessment

### 1. The proposal

#### Background – Original application

- 1.1 This application follows on from a previously approved application (ref. No. 2015/3049/P) which was for *'Change of use from offices (Class B1a) to residential (Class C3) to create 13x self-contained flats (4x 1-bed; 4x 2-bed; 3x 3-bed; 2x 4-bed); mansard roof extension to main building; roof extension to rear part of building; creation of internal mezzanine floors; excavation to create basement; associated works'* granted on 10<sup>th</sup> August 2017.
- 1.2 This application proposes a *'Change of use from offices (Class B1a) to residential (Class C3) to create a mixed scheme of office and 8 self-contained flats (2x 1 bed, 4x 2 bed and 2x 3 bed); mansard roof extension to main building; roof extension to rear part of building; creation of internal mezzanine floors; excavation to create basement; associated works'*.

#### The principle differences between the approved scheme and current scheme are:

- 1.3 The design of the front and rear extensions is identical to the design approved within the original application (2015/3049/P).
- 1.4 The only material difference is that part of the existing building (in the north-west corner), which would have been removed as part of the residential scheme, will now be retained but would change its roof form from pitched to flat roof. This has resulted in a slight increase in floorspace of 47.7sqm.
- 1.5 The residential accommodation originally approved in the basement and ground floor is to be replaced with office space.
- 1.6 The ground floor flat (Flat 1) will be slightly smaller than in the case of the approved scheme. Although it will still remain as a two bedroom unit.
- 1.7 Cycle storage is to be provided at ground floor level in the proposed scheme, rather than in the basement. Cycle storage for offices will be provided by means of cycle lift.
- 1.8 Air source heat pumps will be used to heat and cool the office accommodation, and individual gas boilers will be used for the residential units, in place of SHP plant in the approved application.
- 1.9 Overall, this application seeks planning permission for the following works:
- Change of use from offices (Class B1a) to residential (Class C3) to create mixed use office and 8x self-contained residential units (2x 1-bed; 4x 2-bed; 2x 3-bed)
  - Mansard roof extension to main building (fronting onto Calthorpe Street)
  - Roof extension to rear part of building (including creation of second floor)
  - Creation of second floor in main part of building through internal alterations (including mezzanines to flats 2, 3 and 4)
  - Roof terrace created for flats 4 and 5 with frosted 1.7m screen on the second floor.
  - Excavation to create additional basement level (below existing lower ground floor level by 400mm) to create higher ceilings for the office use
  - Alterations to openings
- 1.10 All of the proposed 8x self-contained flats would be market housing. Flat 1 would be a 2 bed unit on the ground floor, Flats 2, 3, 4 and 5 on the first floor of which flats 2, 3 and 4 would be

split with a mezzanine on the second floor( with flat 2 and 3's 2<sup>nd</sup> and flat 4's 3<sup>rd</sup> bedroom on the mezzanine floor). Flats 6 and 7 on the second floor would be 1 bed units; and Flat 8, 3 bed unit would occupy the top (third) floor, within the newly created mansard roof.

- 1.11 The proposed mansard roof would extend up to approximately 2 metres above the existing parapet wall. It would only cover the front part of the building. It would include 7x front-facing dormer windows, 2x rear-facing dormer windows and 2x rooflights above. On the roof, there would also be 4x solar PV panels.
- 1.12 The roof extension to the rear part of the building would have a box-like shape with a flat roof and vertical sides. It would be clad in dark grey zinc. It would measure approximately 11 metres wide. It would be set in from the existing western side elevation by 0.9 metres and it would be set in from the existing eastern side elevation by 1 metre. The existing rear wall with the gable end would be retained.
- 1.13 The proposal includes alterations to the existing openings on the building. On the front elevation, the openings themselves would remain the same, but the ground floor level doors would be replaced with new types of doors, more domestic in character.
- 1.14 On the rear elevation of the rear part of the building, windows would be inserted at lower ground, ground, first and second floor levels. The openings on the sides of the rear part of the building would be altered to allow for the creation of a new floor internally; some of the glazing would be replaced with panels. New openings would also be inserted on the rear of the main (front) part of the building.

## **2 Land use**

- 2.1 The principle of the change of use from offices to residential use was established as acceptable at the time of the previous decisions (in applications 2013/5445/P and 2015/3049/P). Within the previous applications it was acknowledged that the existing building is in a poor condition with no air conditioning and an inefficient heating system; no lift access to the upper floors; cabling problems and an awkward floor layout. It was considered that the building would require significant investment in order to meet current office or storage requirements. It has remained vacant since this time. On the whole, it was considered that the applicant had provided sufficient justification for the proposed change of use.
- 2.2 Furthermore in addition to the change of use this current application is applying for a mixed use scheme of both office and residential. The application suggests the following advantages of having a mixed use scheme within this site:
  - A mix of uses is considered to contribute to a more vibrant local community; and in the statutory consultation that was carried out in connection with previously approved scheme (2015/3049/P) a number of objections were made regarding the loss of employment use and the amenity of residential accommodation at basement level, this current proposal has tried to address these issues.
  - The existing building provides 870m<sup>2</sup> of office floor space; due to the more efficient layout and the creation of additional floor space the proposed mixed use scheme will provide 1,064m<sup>2</sup> of employment space in addition to 8 new flats (684m<sup>2</sup>).
  - Although this mixed use scheme is to provide 677m<sup>2</sup> less residential floor space (i.e. 5 fewer flats), than the previously approved application (which proposed 13 new units), this would be offset by the provision of 1,064m<sup>2</sup> of employment floor space. This mixed use scheme is considered to be 57% more efficient in its use of floor space.
  - The office floor space will provide employment space for approximately 94 persons (based on a mean density of 10.9m<sup>2</sup> per work station).
  - Given the change in layout the space at lower ground and basement level is more suitable for employment space than residential accommodation, as outlook is less important for offices use.

- As the scheme will now involve less demolition work, it will involve less disruption to neighbouring properties.
- The building is highly suitable for a mixed use scheme as it already contains separate entrances that can be used for both office and residential.
- Lastly, this mixed use scheme proposes air source heat pumps to heat the offices (and individual gas fired boilers for the flats), in place of the CHP that was part of the previous residential scheme, this is expected to reduce NOx carbon emissions and improve the air quality in the area.

Officers concur with the above list of advantages over the approved scheme. Furthermore the mixed use approach is supported by Local Plan policy H2 which brings for needed new housing in the Borough alongside compatible employment use. As such, the principle of the change of use to a mixed use scheme of both office and residential is considered to be acceptable in principle, subject to the detailed considerations below.

### **Housing mix**

- 2.3 The Dwelling Size Priorities Table (DSPT) in the Local Plan gives “high priority” to both 2-bed and 3-bed units, not just 2-beds, and doesn’t set a percentage target for any particular type of dwelling. The proposal would provide 2x 1-bed units (25%); 4x 2-bed units (50%); 2x 3-bed units (25%), all as market housing (see the next section for discussion on affordable housing provision).
- 2.4 The fact the proposal would provide a mix of large and small homes, including 6x units that would be capable of accommodating a family (i.e. the 2-bed and 3-bed units), the mix is welcomed. It is worth noting that Flats 2, 3 and 4 include a mezzanine level within them and although the mezzanines would not be self-contained rooms, future occupiers may choose to use them as additional bedrooms, which would increase the number of 2/3 bed units in the building. Overall, the proposed dwelling mix is considered to be acceptable.

### **Affordable housing contribution**

- 2.5 Policy H4 of the Local Plan requires all developments which provide one or more additional homes and more than 100sqm (GIA) of additional residential floor space to make a contribution to the supply of affordable housing. Targets are based on an assessment of development capacity whereby 100sqm (GIA) of housing floorspace is generally considered to create capacity for one home. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity. An affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings (i.e. 2500sqm of housing floor space).
- 2.6 Where the development has capacity for fewer than 10 additional dwellings, the Council will accept a payment in lieu (PIL) of affordable housing; however, for developments with capacity for 10 or more additional dwellings, the affordable housing should be provided on site. Where affordable housing cannot practically be provided on site, or offsite provision would create a better contribution, the Council may accept provision of affordable housing offsite in the same area, or exceptionally a PIL. This proposal would provide 684sqm of residential floor space and a contribution to the supply of affordable housing is therefore required. Where a contribution to affordable housing is sought, the Housing CPG requires a payment of £5000 per square metre multiplied by the on-site target for affordable housing (in this case 14%). Based on the 684 sqm housing GIA given in the planning statement and CIL report, the PIL is calculated as follows: 14% x 684 sqm x £5,000 per sqm = £478,800. This amount will be secured via S106 agreement.

## **Office Space provision**

- 2.7 The proposal is considered to perform well against Policy E2 (Employment premises and sites), by re-providing almost all the existing business floorspace in addition to including the priority use of self-contained housing. Given these factors, officers consider the proposed mixed scheme to be considered acceptable.

## **Quality of accommodation**

- 2.8 Policy D1 of the Local Plan seeks to secure high quality design in development. In relation to housing, part (n) of the policy requires development to provide a high standard of accommodation. The sub-text goes on to note that new dwellings and conversions to residential use will be expected to meet the government's nationally described space standard.
- 2.9 The proposal provides the following:

*Table 1 – Proposed residential units*

Unit	Floor location in the building	Dwelling type	Floor space (sqm) (GIA)	Required standard
Flat 1	Ground	2-bed-4-person	70	70
Flat 2	First (+ mezz)	2-bed-4-person	91	79
Flat 3	First (+ mezz)	2-bed-4-person	95	79
Flat 4	First (+ mezz)	3-bed-5-person	100	93
Flat 5	First	2-bed-4-person	76	70
Flat 6	Second	1-bed-2-person	52	50
Flat 7	Second	1-bed-2-person	63	50
Flat 8	Third	3-bed-6-person	137	102

- 2.10 The Government's current technical housing standards are set out in the final column of the table above. All of the proposed units would exceed the required space standards and would therefore be an acceptable mix of units.
- 2.11 Flats 2, 3 and 4 include a mezzanine level within them (at second floor level within the building). Although the mezzanines would not be self-contained rooms, it is worth noting that future occupiers may choose to use them as additional bedrooms (they are shown with beds in them on the plans).
- 2.12 In terms of layout, in all of the units it would be possible to access all the habitable rooms without passing through another, except the bathrooms / dressing rooms at mezzanine level within Flats 2, 3 and 4); however, this is considered to be acceptable because the mezzanine levels are not designed to be self-contained rooms.
- 2.13 In general, it is considered that all flats would have good outlook. There is now no residential on the lower ground floor, this floor will consist of the new office space, meeting rooms, shower room, toilets, refuse storage, bike storage and a rear courtyard. The office would have rear windows and front lightwells for light and ventilation. The lightwells would be large enough to allow views outwards and upwards towards the sky, which is welcomed. They may also provide opportunities for sitting outside. These lightwells will also incorporate a bespoke solution called Mirror Shaft, this allows light and colour into the lower basement office accommodation and does not show anything other than a shadow from any objects above. This would improve the internal form of the office and increase light within it.
- 2.14 On the upper levels of the building, Flats 1-8 would all have windows on more than one side of the building, although some windows would be fitted with obscure glazing to prevent overlooking into neighbouring buildings / land (see later section on amenity). Flat 3, at the front



of the building, would be single aspect, with windows facing towards Calthorpe Street. On the whole, it is considered that all units would have acceptable outlook, particularly from their main living spaces.

- 2.15 Originally, provision was made for private front gardens at the front of the building to serve Flats 4 and 5, but the plans have been amended to create two roof terrace garden areas (at first floor level) which are accessed through the bedrooms placed on top of the flat roof of the ground floor with a brick wall surround. This would create a greater sense of openness for these units. These units would be the only units to benefit from their own private outdoor amenity space. On balance, taking into account the Central London location and the fact that St Andrew's Gardens public open space is only a short walk away, the lack of private outdoor space to serve the other units is considered to be acceptable.
- 2.16 Overall, it is considered that all the new dwellings and office space would provide an acceptable standard of residential and office accommodation, in accordance with Policy A1 and Policy D1.

### **3 Design and Conservation**

- 3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 3.2 The host building is identified within the BCAAMS as making a positive contribution to the streetscape in terms of its physical presence and social history. To the south-west of the application site are a group of 3 storey town houses (Nos. 45-49 Calthorpe Street), which are Grade II listed. The Council has a statutory duty to have special regard to the desirability of preserving a listed building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 3.3 This application is in many respects the exact same proposal as application 2015/3049/P. The design of the front and rear roof extension is identical to the design approved in application 2015/3049/P. The only material difference is that part of the existing building (in the north-west corner), which would be removed as part of the previous scheme, will be retained.
- 3.4 The host building is an elegant and well-proportioned building; and when viewed from the front, it is considered that the proposed mansard roof represents a traditional and appropriate form of extension to the building, which would be in keeping with the overall character and appearance of the building. It is not considered that the proposed extension would dilute the historic significance of the existing building, as the mansard roof would still enable the original part of the building to be readily identifiable.
- 3.5 At the rear, the proposed roof extension would appear subordinate to the front part of the building and it is felt that the modern materials are appropriate because, as noted by the Appeal Inspector (in application ref.2013/5445/P), there is no objection in principle to a design approach that would involve a visually distinct extension. The proposed use of dark grey zinc would ensure that the rear roof extension would not appear unduly prominent in views of the building. The rear top part of the roof is proposed to be flat and shown to be covered with a green roof, this would improve the design of the roof and promote good air quality and bio-diversity. Planning conditions requiring the application to submit further details on materials and green roof for approval prior to the commencement of works will be added.

- 3.6 The rear roof extension would be a modestly scaled extension which is subordinate to the existing building and the surrounding area. The proposed rear roof extension would be visible from Pakenham Street; however, it is considered that this proposed design, with the single storey, box-like roof extension and the use of dark grey zinc, would be much less obtrusive and in keeping with the existing building.
- 3.7 With regards to the impact on the setting of the adjacent listed buildings, the Appeal Inspector previously noted that the refused proposal would diminish the visual prominence of the hotel and the proposed alterations to the frontage of the application site would be beneficial to the street scene and thus the setting of the listed terrace. Whilst the height of the host building would be increased, the existing parapet (which is lower than the parapet at No. 49) would be retained and the new mansard roof above would slope away from No. 49 Calthorpe Street and therefore preserve its setting.
- 3.8 The plans also include 4x lightwells at the front of the building (in the same location as existing lightwells); access stairs to the air source heat pump; the refuse and recycling drop-off facility (where items are dropped into receptors at the lower level); and areas of planting. A low brick wall with railings above would replace the existing metal fencing at the front of the site. Overall, the proposed changes to the front of the site are considered to be acceptable, especially because all of the features are relatively low in height and would allow the front of the building to remain largely visible in the street scene along Calthorpe Road. Furthermore, the low level structures would allow the listed terrace to be better seen in long-range views along Calthorpe Street.
- 3.9 Overall, the proposed works would be in keeping with the character and appearance of the host building and the wider area and it is considered that the proposal would preserve and enhance the character and appearance of the Bloomsbury Conservation Area. It is also considered that there would be no harm caused to the setting of the adjacent terrace of listed buildings. The application is therefore considered to be acceptable in this regard.

#### **4 Residential Amenity**

- 4.1 Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The policy notes that the factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial lighting levels; transport impacts; impacts of the construction phase; noise and vibration levels; odour, fumes and dust; microclimate; contaminated land; and impact upon water and wastewater infrastructure.
- 4.2 The main properties that are likely to be affected by the proposal are the neighbouring properties on Calthorpe Street (Nos. 45, 47 and 49), the nearby properties on Pakenham Street (Nos. 4, 5, 6), and the adjacent hotel building to the east of the application site. The Cubitt Street Play Centre and its outdoor play area, to the north of the application site, may also be affected. All other nearby and neighbouring properties are considered to be sufficiently removed from the application site so as not to be unduly affected by the proposed works.

##### *Privacy and overlooking*

- 4.3 CPG (Amenity) notes that there should normally be a minimum distance of 18 metres between the windows of habitable rooms of different units that directly face each other to prevent overlooking, which cannot be achieved at the application site. The separation distance between the side-facing windows and the rear elevation of No. 4 Pakenham Street is approximately 13.5 metres. On this basis, it is considered necessary to attach a planning condition to any permission granted to ensure that all of the side-facing windows (ground floor level upwards) facing towards Pakenham Street are fitted with obscure glazing, to prevent any unacceptable overlooking towards this property. This same condition was added to the previous permission. This would also prevent any undue overlooking into the rear gardens of Nos. 45, 47 and 49 Calthorpe Street, and Nos. 5 and 6 Pakenham Street, or towards the rear windows of these

properties.

- 4.4 The separation distance between the side-facing windows in the rear part of the building and the side of the adjacent hotel building is upwards of 6.7 metres. In most cases, the windows on the application building do not align with windows at the hotel; however, Bedroom 2 in Flat 5's side doors (first floor), the side facing doors in the living room of Flat 4 (first floor) and the upper windows within the living rooms of Flat 7 and Flat 6 (second floor) would face towards windows at the hotel. It is considered to be necessary to require these doors/windows to be fitted with obscure glazing to prevent undue overlooking into the hotel rooms. Flats 4 and 5 on the first floor also have roof terrace gardens proposed which would be overlooked by the hotel rooms, however as the hotel rooms are not permanent homes of residents and will only be occupied temporarily and a panel with obscure glazing will be constructed at the end of the garden of Flat 5, it is not considered undue harm with overlooking would be had on the hotel or on the new terrace gardens.
- 4.5 The rear of the application building faces onto the Cubitt Street Play Centre and outdoor play area. Following the previous appeal decision the inspector noted that a number of the windows would directly overlook anyone using the playground and he noted that this added to amenity concerns, but was not determinative in his decision-making. In light of the Inspector's comments, it is considered necessary to attach a planning condition to require the lower ground floor, rear-facing windows to be obscurely-glazed, to prevent direct overlooking into the play area. However this is not considered to be necessary for the rear-facing windows on the upper floors because it is not considered that the level of overlooking from these windows into the playground would be harmful. This is because future residents of the application building would not be face to face with users of the playground at the same level, which could be detrimental to people's enjoyment of the playground. Whereas views from the higher windows would be similar to views already available from other nearby windows (e.g. the hotel), which is less intrusive.

#### *Outlook*

- 4.6 The overall bulk and massing of the resultant building is identical to that approved within the previous application and therefore it is not considered that the proposed mansard roof above the main part of the host building would cause undue harm to neighbouring properties. There are no windows on the hotel building close enough to the proposed mansard roof to be affected. Similarly, the proposed mansard roof would not be visible from any windows at No. 49 Calthorpe Street. It may be visible in sideways views from the properties on Pakenham Street, but not at sufficient close range so as to unduly harm the outlook from these properties.
- 4.7 The proposed roof extension to the rear part of the building would be visible from the hotel, the adjacent properties on Calthorpe Street and also the properties on Pakenham Street; however, it is not considered that it would cause undue harm to the outlook from these properties. The new rear extension would be no taller than the tallest part of the existing gable wall at the end of the host building, and although due to its box-like shape the extension would have greater bulk and massing than the existing shallow pitched roof at the building, the extension would be set in from the existing western side elevation by 0.9 metres and it would be set in from the existing eastern side elevation by 1 metre. This would serve to reduce the overall scale and bulk of the rear of the host building and would prevent the resultant building from appearing overbearing when viewed from neighbouring properties.

#### *Daylight and sunlight and overshadowing*

- 4.8 The application is accompanied by a Daylight & Sunlight Assessment, which identifies Nos. 45, 47 and 49 Calthorpe Street, Nos. 4, 5 and 6 Pakenham Street and adjacent hotel as sensitive receptors for daylight and sunlight assessment. The results show that the identified windows would receive daylight and sunlight levels that are much higher than the minimum required values. The only exception is a window located on the eastern side of the hotel overlooking the

development, which fails to achieve the recommended level of sunlight in winter; however, the window is able to achieve the recommended level of sunlight annually, which is considered to be acceptable. Overall, the report concludes that the proposed building would have an impact of low significance on the hotel and negligible impact on other identified properties.

- 4.9 With regards to overshadowing, the Daylight & Sunlight Assessment shows that the proposal is likely to have some impact on the rear gardens of Nos. 4 and 5 Pakenham Street and the playground. However, these areas are already overshadowed by the existing building and the adjacent hotel building and therefore the impact of the proposed extensions is likely to be negligible.

*Noise / general disturbance*

- 4.10 It is not considered that the change of use of the building from office use to a mixed office and residential use would cause undue harm to nearby and neighbouring properties, particularly because the application site is within an area characterised by a mixture of uses, including other residential development.
- 4.11 The sunken terrace at basement level to be used by the office and the terrace gardens on the first floor are likely to be used by future occupiers of the units which they serve for recreational purposes; however, it is not considered that this would generate harmful levels of noise, particularly because the size of the individual terraces would limit the activities and the offices on the lower floors would be closed after a certain time. Furthermore, the proposed terraces are located adjacent to residential gardens and a playground, which are considered to be compatible land uses.
- 4.12 Policy A1 notes that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Given the extent of the proposed works (including the basement excavation) and the nature of the application site and its surroundings, the Council will secure the submission of a Construction Management Plan (CMP) through a legal agreement.

*Light pollution*

- 4.13 It is not considered that the proposal would give rise to unacceptable light pollution or light spillage. Although the level of light emitting from the extended building is likely to be greater than from the existing (due to more windows), the likely levels of light from a residential building are unlikely to cause undue harm to nearby and neighbouring residential properties, especially in a built-up, central London location such as this. This is particularly the case, given that in many views, the building would be seen against the backdrop of the much taller hotel building with its abundance of windows.
- 4.14 Overall, the proposal is considered to be acceptable in this respect, subject to the suggested conditions.

*Contaminated land*

- 4.15 The proposal includes a basement construction. It is therefore recommended the scheme makes reference to Building Research Establishment BRE 211: Radon – Guidance on Protective Measures for New Buildings (2015). The document states that all basements are at increased risk of elevated levels of radon regardless of geographic location, because more walls are in contact with the ground as well as the floor, and reduced natural ventilation below ground level increases the risk of elevated radon levels. In addition, the Management of Health and Safety at Work Regulations (1999) require the assessment of health and safety risks and both the Health and Safety Executive (HSE) and Public Health England (PHE) state that this should include the measurement of radon for occupied below ground workplaces (occupied for more than 1 hour per week/52 hours of the year), irrespective of whether a site is situated in a

radon affected area. This is the responsibility of the Employer. For residential developments Public Health England advise that consideration should be given to testing for radon if the basement includes a room that is used regularly. A site specific radon risk assessment, compliant with CLR11 is considered necessary to determine whether or not radon protective measures are required. This will be secured by planning condition.

## **5 Transport considerations**

- 5.1 Policy T2 of the new Local Plan relates to parking and car-free development. The policy notes that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The legal agreement will secure car-free housing.
- 5.2 Policy T4 of the Local Plan promotes the sustainable movement of goods and materials. Due to the scale of the proposed development the Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. As noted above, a CMP will be secured by the legal agreement. A financial contribution towards highways works required as a result of development will also be secured by the legal agreement.
- 5.3 Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. At the time of the previous application the applicant proposed to provide the required number of cycle storage units within each residential unit, rather than in a collective unit. On the basis that all floors would be accessible by lift, this was considered to be acceptable.
- 5.4 In this application, the proposed plans provide a communal cycle store at ground floor level, also underground bike storage and guest cycle parking outside the office with a total of 17 cycle spaces. According to the London Plan policy, it requires 14 long-stay spaces (1 per 1-bed dwelling or studio) and 13 long stay spaces for the office use and 3 short stay spaces (1 for office use and 2 for new dwellings).
- 5.5 Cycle spaces in relation to the new dwellings appears to be acceptable on the ground and basement floor, however the office use cycle spaces has not been identified on the plans, this would need to be shown on plan and agreed by the councils transport officers.
- 5.6 Therefore a condition to secure full details of the cycle parking facilities are to be submitted to and approved by the Council prior to works commencing. The same condition can ensure that the cycle parking facility is retained in perpetuity.
- 5.7 The proposal would involve basement excavations directly adjacent to the public highway on Calthorpe Street. The Council has to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. The applicant would be required to submit an 'Approval in Principle' (AIP) report to our Highways Structures & Bridges Team within Engineering Services as a pre-commencement Section 106 planning obligation. The AIP report and an associated assessment fee of £1,800 would need to be secured via Section 106 planning obligation.
- 5.8 The proposal would involve amendments to the existing boundary treatment adjacent to Calthorpe Street. This would result in the 2 vehicular crossovers becoming redundant. The footway and carriageway directly adjacent to the site are likely to sustain significant damage because of the proposed construction works. The Council would need to remove the redundant crossovers and repave the footway directly adjacent to the site. A highways contribution of £7,048 would therefore need to be secured via a legal agreement.
- 5.9 Overall, the proposal is considered to be acceptable in this regard.

## **6 Energy, air quality, sustainability and water**

- 6.1 The Local Plan requires development to incorporate sustainable design and construction measures, to ensure they use less energy through decentralised energy and renewable energy technologies. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean, be green and be seen) to reduce energy consumption.
- 6.2 Policies CC1 and CC2 of the Local Plan require development to minimise the effects of and be resilient to climate change and to meet the highest feasible environmental standards. Developments are expected to achieve a 20% reduction in CO<sub>2</sub> emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible. The Council will also expect conversions and extensions of over 500sqm of residential floorspace or five or more dwellings to achieve 'excellent' in BREEAM Domestic Refurbishment.
- 6.3 To comply with the London Plan, major development should be net zero-carbon, and must secure a minimum on-site reduction of 35% in regulated CO<sub>2</sub> emissions below the maximum threshold allowed under Part L of the Building Regulations 2013. The zero-carbon target for major new-build development does not apply as this is a refurbishment project, although as a major refurbishment, the scheme should still aim to meet this policy. Where the London Plan carbon reduction target cannot be met on-site, the Council may accept the provision of measures elsewhere in the Borough or a financial contribution (charged at £90/tonne CO<sub>2</sub>/year over a 30-year period) to secure the delivery of carbon reduction measures on other sites.
- 6.4 The scheme complies with the 2013 Building Regulations Part L and the minimum energy efficiency targets in the following documents have been followed:
- New build, Part L2A (office) – The actual building CO<sub>2</sub> emissions rate (BER) is no greater than the notional building CO<sub>2</sub> target emissions rate.
  - New build, Part L1A (Flat, 6, 7 and 8) – The actual dwelling CO<sub>2</sub> emissions rate (DER) is no greater than the notional CO<sub>2</sub> target emissions rate.
  - Refurbishment, Part L1B (Flat 1 to 5) – Consequential improvements to refurbished areas have been made to ensure that the building complies with Part L, to the extent that such improvements are technically, functionally and economically feasible.
- 6.5 This application is accompanied by an Energy and sustainability assessment which demonstrates that:
- The scheme would exceed the London Plan requirement of on-site carbon reduction of 35%, with site wide reductions of 52.5%. This would be achieved through energy efficiency measures and maximised technologies such as Air Source Heat Pumps.
  - The development would also achieve the BREEAM 'Excellent' target of 70% for BREEAM Domestic Refurbishment, and could achieve a BREEAM score of 73.9%.
  - Residential part of the development achieves 28.3% CO<sub>2</sub> improvements through energy efficiency measures, 'Be Lean' stage.
  - Non-domestic part of the development achieves 9.1% CO<sub>2</sub> improvements through energy efficiency measures, 'Be Lean' stage. The development is unable to achieve the 15% improvement due to high hot water demand which is 54.5% of the whole energy demand.
  - A further improvement of 35.3% CO<sub>2</sub> has been achieved through renewable technologies 'Be Green' stage (Air Source Heat Pumps).
- 6.6 Overall, the scheme achieves an improvement of 52.5% through measures that would be achieved on-site. The applicants have specified that a zero-carbon target can be achieved through a cash in lieu contribution to the boroughs carbon offset fund. The carbon offset payment cost has been calculated as £55,026.

- 6.7 The water efficiency target for the residential scheme would be 110 litres per day per occupant in compliance with Policy CC3. This is to be achieved using water efficient fittings and shall be secured by condition.

#### Air quality

- 6.8 Camden Local Plan policy CC4 seeks to ensure the impact of development on air quality is mitigated and to ensure that exposure to poor air quality is reduced in the Borough.
- 6.9 The site fronts onto Calthorpe Street and falls within Camden's Air Quality Management Area (AQMA), which is a borough-wide designation due to measured and modelled exceedances of the air quality objectives for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (as PM10). The primary source of NO<sub>2</sub> in the Borough is road traffic.
- 6.10 Camden's Local Plan requires the submission of air quality assessments for developments that could cause harm to air quality. Mitigation measures are expected in developments located in areas of poor air quality. Given the scale and location of the proposal, an Air Quality Assessment (AQA) has been submitted with the application which assesses the potential impact on local air quality from the construction and operation of the proposed development.
- 6.11 The air quality assessment results conclude that the site is considered suitable for proposed end use with the implementation of suitable internal mitigation measures. The proposed mitigation of ventilation system that would include 'scrubbers' to reduce the concentration of NO<sub>x</sub> and NO<sub>2</sub> entering the building. The inlet of air would be situated on the roof of the building to allow air with lower NO<sub>x</sub> concentration to enter the ventilation system. The use of the scrubbers would reduce the potential exposure of air pollutants to future users of the proposed development internal to below the acceptable level. A condition will be applied to this permission which will secure the details of the mechanical ventilation system and ensure it is installed accordingly.
- 6.12 The proposal also involves the addition of green wall. This will improve the appearance of the retaining brick structure at the rear of the building, creating a garden within the buildings urban setting and improve air quality and noise insulation. Details of this wall are to be requested by condition.
- 6.13 An additional condition in relation to non-road mobile machinery or certain net power used on site for the construction phase of the development shall be required to meet stage IIIA of EU Directive 97/68/EC. This is to safeguard the amenities of the adjoining occupiers, the area generally and contribution of the development to the air quality of the borough.

## **7 Basement considerations**

- 7.1 Policy A5 of the Local Plan notes that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to: a) neighbouring properties; b) the structural, ground, or water conditions of the area; c) the character and amenity of the area; d) the architectural character of the building; and, e) the significance of heritage assets.
- 7.2 The policy goes on to note that, 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 and where appropriate, a Basement Construction Plan.
- 7.3 Policy A5 sets out specific criteria against which to assess basement development. The policy notes that basement development should:
- (f) not comprise of more than one storey;

- (g) not be built under an existing basement;
- (h) not exceed 50% of each garden within the property;
- (i) be less than 1.5 times the footprint of the host building in area;
- (j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- (k) not extend into or underneath the garden further than 50% of the depth of the garden;
- (l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- (m) avoid the loss of garden space or trees of townscape or amenity value.

- 7.4 However, the policy notes that exceptions to (f) to (k) may be made on large comprehensively planned sites, and the accompanying text to the policy defines large comprehensively planned sites as: new major developments, for example schemes which comprise 1000sqm additional non-residential floorspace or 10 or more additional dwellings; large schemes located in a commercial setting; or developments the size of an entire or substantial part of an urban block. In this case, the proposed scheme provides an uplift in total floor space of more than 1,000sqm and therefore criteria (f) to (k) are not relevant to the determination of this application.
- 7.5 In terms of criteria (l) and (m), the proposed basement would be set back from neighbouring property boundaries where it extends beyond the footprint of the host building and the proposal would not involve the loss of garden space or trees of townscape or amenity value. As such, the proposal is considered to be acceptable in this respect.
- 7.6 A Basement Impact Assessment (BIA) was provided with this current application, and has subsequently been amended various times, in response to queries from Campbell Reith (who have independently audited the BIA) and also in response to comments made by the adjoining occupier at No. 49 Calthorpe Street.
- 7.7 The final audit report by Campbell Reith concludes the following:
- The BIA has been carried out by engineering consultants with suitable qualifications.
  - A factual and interpretative geotechnical report has been produced by a geotechnical engineering consultant, with engineering properties for retaining wall design has been provided.
  - Discrepancies between the structural drawings and the architectural drawings were noted during the initial BIA review in terms of geometry, layout, structures and construction methodology. These have been clarified with the revised BIA information submitted.
  - Structural calculations to demonstrate the structural feasibility of the main basement retaining structure were requested. Only calculations relating to pile capacity have been received and accepted.
  - A revised ground movement assessment indicates a maximum of Category 1 damage (very slight) to neighbouring structures, considering the proposed structural methodology, sequencing and good workmanship.
  - Ground water level is determined at 1m below the underside of the proposed basement structure. It is accepted that whilst limited monitoring of groundwater has been carried out, the proposed construction method is unlikely to significantly impact on groundwater flows.
  - A Royal Mail tunnel is located to the front of the property running beneath Calthorpe Street. Evidence of consultation with Royal Mail, demonstrating the potential impacts have been considered and mitigated, has been originally requested and now been provided.
  - An appropriate SUDS strategy including provision of an attenuation tank has been proposed. The location of the tank has now been confirmed.
  - It is accepted that there are no slope stability concerns regarding the proposed development and it is not in an area prone to flooding.
  - Considering the updated information and revised BIA, the BIA meets the criteria of the



- 7.8 During the course of the application representations were received from the neighbouring property (No.49 Calthorpe Street) in regards to the proposed deeper (0.40m) excavation which was thought to cause ground movement by protracted digging works likely to be expected over months and the excavation was to be 1.5m away from the side wall with No.49. Campbell Reith conclude that the BIA adequately identifies the potential impacts from the basement proposals and provides suitable mitigation. The application is therefore considered to be acceptable in this respect, subject to conditions to ensure that a suitably qualified engineer is appointed to oversee the works; and that the works are carried out in accordance with the methods outlined in the BIA.

## **8 Conclusion**

- 8.1 The principle of the change of use from offices to a mixed use of office and residential use is considered to be acceptable. The proposed dwelling mix is considered to be acceptable, and the proposal would make a financial contribution to affordable housing elsewhere in the borough. The quality of residential accommodation for future occupiers is considered to be acceptable and it is not considered that the proposal would cause undue harm to the visual and residential amenities of nearby and neighbouring occupiers. The impact on the character and appearance of the wider area is considered to be acceptable and it is considered that the proposal would preserve and enhance the character and appearance of the Bloomsbury Conservation Area and the proposal would not harm the setting of the adjacent Grade II listed buildings.

## **9 Recommendation**

- 9.1 Grant conditional Planning Permission (subject to section 106 legal agreement).
- 9.2 The planning permission is to secure the following heads of terms via a section 106 legal agreement:
- Payment in lieu of affordable housing contribution (£478,800)
  - Construction Management Plan and a CMP implementation support contribution (£7,565)
  - Car free
  - The carbon offset payment cost (£55,026)
  - Approval in Principle (AIP) and assessment fee (£1,800)
  - Highways works contribution (£7,048)