

Delegated Report		Analysis sheet	Expiry Date:	25/11/2014
		N/A / attached	Consultation Expiry Date:	30/10/2014
Officer			Application Number(s)	
Jonathan McClue			2014/5154/P	
Application Address			Drawing Numbers	
195-199 Gray's Inn Road London WC1X 8UL			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Substantial demolition of the existing buildings on site, including the front elevation and roof, and construction of three 2-storey dwellinghouses.				
Recommendation(s):	Refuse Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	23	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p> Advertised in the Ham & High on 09/10/2014 Site Notice displayed from 08/10/2014 </p> <p> <i>Objection from Withers LLP on behalf of Mecklenburgh Street resident:</i> </p> <ol style="list-style-type: none"> 1) Loss of visual amenity 2) Light spillage from rooflights 3) Design would not be of a high standard and would not respect heritage assets (Conservation Area and listed buildings) due to photovoltaic solar cells on the roof <p> Officer Comment: The above issues are addressed within the main body of the report. Points 1 and 2 under Neighbouring Amenity and point 3 under Design and Impact on the Conservation Area. </p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	Bloomsbury CAAC consulted on 02/10/2014. No response was received.					

Site Description

This application relates to a single storey retail showroom (A1) located on the western side of Gray's Inn Road. It is noted that the host building is temporarily being used as an office by the applicant as permitted under Class 3 of Part 3 of the General Permitted Development Order. The use would have to revert back to the former retail use after a period of 2 years.

The rear of the site directly abuts the rear residential gardens of 4, 5 and 6 Mecklenburgh Street which are grade II listed buildings as part of a Georgian terrace at 1-8. It is noted that the rear element of the 199 Gay's Inn Road (part of the application building) is also listed. The building faces the grade II listed Eastman Dental Hospital building and lies adjacent to a grade II listed stone cattle trough.

The host building is a late 20th Century metal framed building which is not specifically mentioned within the Bloomsbury Conservation Area Appraisal and Management Strategy. Officers have previously considered that it is a neutral contributor within the Conservation Area. The site is designated within the Central London Area.

Relevant History

2013/7526/P: A Certificate of Lawfulness (Existing) for the continued use of the premises as a retail showroom (A1) on 11/12/2013.

2013/7257/PRE: Pre-application advice was issued in relation to a mixed use scheme with retail on the ground floor and residential above.

2014/0845/PRE: Pre-application advice was issued in relation to the demolition of the existing buildings on site and the construction of 3 x 2 storey dwellinghouses. The scheme is similar to what is being proposed here. The advice given stated that a marketing statement would be needed to assess the loss of an a1 use; concerns were raised due to the dwelling's being single aspect with obscured glazing resulting in poor light and outlook; in terms of design and impact on heritage assets the proposal was considered to generally be an improvement over the existing built form, although concerns were raised regarding the impact at street level due to the horizontal divide of the floors.

Relevant policies

London Plan 2011

NPPF

LDF Core Strategy and Development Policies

CS1 (Distribution of Growth)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS7 (Promoting Camden's centres and shops)

CS9 (Achieving a successful Central London)

CS11 (Promoting sustainable and efficient travel)

CS14 (Promoting high quality places and conserving our heritage)

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP18 (Parking standards and limiting the availability of car parking)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP28 (Noise and vibration)

DP30 (Shopfronts)

Camden Planning Guidance (CPG)

CPG1 (Design)

CPG2 (Housing)

CPG5 (Town Centres, Retail and Employment)

CPG6 (Amenity)

CPG7 (Transport)

CPG8 (Planning Obligations)

Bloomsbury Conservation Area Appraisal and Management Strategy 2011

Assessment

Proposal

Planning permission is sought for the change of use of the A1 units into 3 x two storey one bedroom dwellings. The existing single storey retail units would be substantially demolished, particularly to the front and on the roof, and two storey structures to accommodate the dwellings would be constructed. The listed rear element behind 199 Gray's Inn Road would be retained with not works to it proposed.

The proposal was originally for 3 x two storey two bedroom dwellings. Revised plans were received on 28/11/2014 to create one bedroom houses to meet the internal space standards of the London Plan and to remove the rear bedrooms which suffered from a very poor outlook.

Loss of Retail Units (A1)

The application site lies outside of a designated centre but within the Central London Area. Policy DP10 (Helping and promoting small and independent shops) applies here and states that the Council will only grant permission for developments resulting in the loss of shop floorspace where parts d-f can be satisfied. While it is clear that part d) can be met in terms of alternative shopping provision, evidence is needed to prove that the current use is not viable to meet the requirements of part e). Paragraph 2.10 of CPG5 (Town centres, retail and employment) provides guidance as to what details need to be submitted. This includes where the premises were advertised, how long for and whether this period was consistent (18-24 months is generally acceptable), rental prices must be quoted in the advertisement that are reasonable, feedback from interested parties as to why the premises are unsuitable and consideration must be given to alternative retail uses and layouts.

To justify the loss of the retail units a 'Statement on the loss of retail land use' has been submitted. The units have been marketed by Fresson & Tee on a leasehold basis for showroom or retail use since June 2013. They had a quoting rent of £60,000 per annum (exclusive of business rates) which broadly equates to £55.00 per square foot which is considered reasonable given the rental rates at the ends of Gray's Inn Road are closer to £100 per square foot. Details of the marketing methods are provided with only 3 inspections from June 2013 resulting, with no viable offers received.

It is suggested that the existing units are not close to any other retail units on this stretch of frontage and that this location is not attractive to retail occupiers, with the majority of such activity occurring at the ends of Gray's Inn Road or within the parade of shops on Marchmont Street. Without forming part of an established parade the units are isolated from transport infrastructure and a retail presence. Retailers require the footfall associated with either a strong residential or office catchment or from a busy high street or transport hub to support the levels of trade needed. The application site provides none of these.

Based on the above it is considered that part e) has been satisfied. It has been demonstrated that there is no market demand for the retail units and that their commercial isolated location makes it inappropriate for such a use.

With regard to part f) of DP10, it must be demonstrated that the proposed residential use positively contributes to the character, function, viability and amenity of the Central London Area. These issues

will be assessed in the paragraphs below and while the loss of the retail units may be acceptable, a residential use might not be appropriate in this location.

Design, Impact on the Bloomsbury Conservation Area and Listed Buildings

The existing building on site is of no special architectural or historic interest and is not a heritage asset in its own right (aside from a rear listed element at 199 which would not be altered as part of the development). The building is a late 20th Century construction with metal framed shopfronts. Officers have considered that the building makes a neutral contribution to the Bloomsbury Conservation Area with the applicant contending that it makes a negative one that harms the surrounding heritage assets.

The replacement building would have the appearance of a traditional set of Victorian timber shopfronts, which, according to the 'Heritage Impact Statement', would resemble what historically existed on site with a panelled stallriser, clerestory, fascia and pilasters. It would maintain the existing rear elements of the building and the height of the rear wall before pitching up and raising the height by 1m on the front elevation. The site lies adjacent to advertising hoardings on either side which are of a similar height to the proposal.

Concerns were raised during the pre-application process regarding a horizontal divide between the ground and first floors of the building which would conflict with the buildings appearance as a traditional shop. To mitigate this issue the upper floor has been setback from the glazing behind a blind box to ensure that viewers from the outside see a silicone joint with the split levels being barely visible to passers-by.

In listed building terms, the proposal is not likely to harm the setting of the listed dental hospital or the cattle trough. As for the listed houses on Mecklenburgh Street, all of the shop's existing rear brickwork and the small rear extensions linking the houses to the shops would be retained. An objection from a resident has been raised regarding the use of photovoltaic solar cells on the roof of the new structure. While these would be visible from those buildings, it could not be said that it would materially harm their setting. Furthermore, the applicant has stated that they would be willing to install green roofs if this were the Council's preference. This could be achieved by seeking an amendment or by attaching a condition to this effect.

Overall, the proposal is considered to be an enhancement in terms of its design and to the character and appearance of the Bloomsbury Conservation Area while preserving the setting and special interest of the surrounding listed elements.

Principle of Residential Accommodation

The proposed one bedroom dwellings would be located at street level on a very busy commuter road which experiences a high volume of vehicular and pedestrian traffic throughout the day and late into the evening. The submitted Noise Survey and Assessment Report calculated average background noise levels between 63-79 dB which would suggest that planning permission should not be granted under table A of DP28.

The new dwellings are considered to be single aspect with their main openings fronting onto Gray's Inn Road to the northeast. They would therefore have little or no opportunity to open these windows. The ground floor windows, which would serve bedrooms, would have fixed shelving that would limit outlook and natural light for those rooms. The first floor habitable rooms, consisting of combined kitchen/living/dining rooms, would all be single aspect (northeast facing onto Gray's Inn Road) with rooflights to the rear. This is not acceptable for new residential accommodation.

The ground floor bedroom within House 1 would include a door to the rear that would lead to a small and enclosed yard that would have a depth of only 1.7m. A similar yard with a depth of 3.1m would be located to the rear of the bedroom of House 2. The ground floor bedroom serving House 3 would have a side (northwest facing) window with fixed vertical louvres, meaning that very little benefit in terms of

natural light or outlook would be achieved. These additional openings do not provide an adequate aspect and are considered to result in minimal improvements (if any) to the proposed bedrooms.

The Noise Survey and Assessment Report states (on page 3) that mechanical ventilation may be required and that attenuation measures would be mandatory to provide adequate living conditions. Both of these factors suggest that the location is not suitable for residential accommodation and are contrary to paragraph 4.23 of CPG2 (Housing) which prefers passive ventilation. Furthermore, the mechanical ventilation itself could create a noise issue for the occupiers of the new units, as well as any adjoining residents. No details have been submitted to suggest whether these measures would form part of the development and what the resulting impact would be.

The Housing Supplementary Planning Guidance (2012) states within standard 5.2.1 (dual aspect) that developments should avoid single aspect dwellings that are north facing or exposed to high noise levels. The proposed dwellings are effectively only served by a single northeast facing aspect with the noise sensitive rooms located adjacent to a busy road with high noise exposure levels.

Based on the above, it is considered that the proposed dwellings would provide a substandard quality of living accommodation with a poor level of outlook, daylight, sunlight and natural ventilation, with the habitable rooms adjacent to a busy highway with no quiet areas to the buildings provided. Due to these issues it is considered that residential accommodation is unacceptable in this location in principle.

While it is noted that the dwellings have been reduced to 1 bedroom so they would conform to the internal space requirements of the London Plan and CPG2 (Housing), and that many of the Lifetimes Homes criteria has been met, this would not overcome the concerns raised above. No objection is made in terms of the housing mix proposed (DP5 prefers 2 bedroom units) as dwellings with more bedrooms would not be possible on this site due to the constraints outlined above,

It would be possible for the adjacent first floor rear windows on Mecklenburgh Street to look into the rooflights of the proposed dwellings. These issues could be overcome by providing screening in front of the rooflights which could be requested by way of a planning condition. Therefore, this element does not form part of the reasons for refusal.

Neighbouring Amenity

The proposed dwellings would lie in close proximity to the rear of the adjacent terrace at 1-8 Mecklenburgh Street, which all share shallow rear gardens. To mitigate the potential harm to the occupiers of those residential properties, the proposed buildings would be sunken lower into the ground with an overall height increase to the existing structure by 1m. The footprint of the proposal would be the same as existing and the impact to the rear would be reduced by the treatment of the massing. The rear parapet wall would be the same height as existing before sloping away from the adjacent terrace on Mecklenburgh Street. Therefore, the difference in terms of outlook and sense of enclosure would be minimal.

Within the 'Summary Heritage/Design and Access Statement Rev H July 2014' a BRE Vertical Sky Component test has been produced (appendix 5.5) to demonstrate that the windows at the back of Mecklenburgh Street would not suffer from a material impact in terms of a loss of daylight. The VSC of the proposed scheme is greater than 27% which indicates that a sufficient amount of sky light would still reach the windows of the existing properties. In addition, a sunlight study (appendix 5.6) has been carried out to assess the impact of the development on Mecklenburgh Street. The key dates chosen for the tests are the summer and winter solstices and equinoxes; 20th March, 22nd September, 21st June and 21 December. Based on these results and the massing of the proposal, it is not considered that a significant loss of daylight or sunlight would result.

House 1 and 2 would have rear gardens at ground floor level that would be fully enclosed with no openings. It is not considered that they would result in an undue level of harm to the adjacent

properties at 4 and 5 Mecklenburgh Street. A side window is proposed in bedroom 1 of House 3 that would have fixed vertical louvres. It would only overlook the rear of the garden at 7 Mecklenburgh Street and due to the existence of the louvres would not be considered to result in a material loss of privacy for those occupiers. Due to the location and angle of the proposed rooflights to the rear of the dwellings, it would not be likely to lead to material levels of overlooking into any upper level windows of 1-8 Mecklenburgh Street.

Access, Parking and Highways Considerations

The proposed dwellings would be located in a highly accessible location (PTAL 6b – Excellent) with no on-site parking. 1 cycle space would be provided per unit as per the requirements of the London Plan. Based on the nature of the existing use, the above factors and the scale of the proposal here, it is considered that the proposed development would not result in any significant impacts on the surrounding highways.

The application site falls within a controlled parking zone (CPZ), has a public transport accessibility level (PTAL) of 6b (excellent) and is located within the Central London Area. Policy DP18 states that such developments are expected to be car free which would apply to all three of the proposed dwellings. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Sustainability

Policies CS13 and DP22 require development to incorporate sustainable design and construction measures. For new dwellings the requirement is for them to meet Code for Sustainable Homes Level 4. A pre-assessment report has been submitted in appendix A of the 'Sustainability Statement' which states that this would be achievable for the new units. However, in the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Policy DP22 advises that changes of use of 500sqm of residential space or 5 or more units are required to achieve a rating of "very good" for BREEAM Refurbishment. The proposal falls below this threshold.

Planning obligations / Section 106

There are no obligations considered necessary in addition to those referred to above.

Conclusion

The proposed dwellings would be single aspect to the northeast with the habitable rooms facing Gray's Inn Road which has very high noise exposure levels throughout the day and into the night. Due to the constraints of the site and the nature of the scheme put forward, unacceptable living conditions would result for any prospective occupiers meaning that residential development would not be acceptable here.

Based on the unacceptability of the development a section 106 agreement cannot be secured for a car free development or a requirement for the new units to meet Code for Sustainable Homes Level 4. Therefore, these will form part of the reasons for refusal.

Recommendation: Refuse planning permission.

