

69 Gray's Inn Road – 2015/2489/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Photos



Front of shop



Front lightwell

Delegated Report		Analysis sheet		Expiry Date:		26/06/2015	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		25/06/2016	
Officer				Application Number(s)			
Kate Phillips				2015/2489/P			
Application Address				Drawing Numbers			
69 Gray's Inn Road London WC1X 8TP				Refer to Draft Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use of basement from ancillary retail use (Class A1) to lounge/tasting area (Class A4) for use in association with the ground floor retail unit							
Recommendation(s):		Grant conditional planning permission					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	16	No. of responses	4	No. of objections	4
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 03/06/2015 (expiring 24/06/2015) and a public notice was displayed in the local press on 04/06/2015 (expiring 25/06/2015).</p> <p>Four objections have been received from 3 addresses:</p> <ul style="list-style-type: none"> • 6 North Mews • 6a North Mews • 7 North Mews <p>The comments are summarised below:</p> <ul style="list-style-type: none"> • A bar at the rear of a residential mews is unacceptable due to noise and disturbance • Acoustics at the rear will amplify the noise to neighbouring properties • Does not preserve and enhance the conservation area <p>Officer comment:</p> <p>There is no outdoor space at the rear of the building associated with the existing retail unit and there is no access from the ground floor or basement to the rear because the footprint of the building occupies the entire plot. On this basis, it is considered unlikely that there would be a significant impact on neighbouring and nearby residential units as a result of noise transfer from activities in the basement of the application building.</p> <p>On the basis that the proposal does not involve any external changes to the application building and the new use relates solely to the basement it is not considered that there would be a detrimental impact on the character and appearance of this part of the Bloomsbury Conservation Area.</p>					
Bloomsbury CAAC	No comments received.					

Site Description

No. 69 Gray's Inn Road is a mid-terrace, 3 storey building with a mansard roof and basement on the western side of the road. The ground floor of the building is a retail unit, currently occupied by Bottle Dog, a shop which sells bottles of beer. The basement is currently used by the Bottle Dog sales team and as a staff room. The upper floors of the building are residential flats.

The basement can only be accessed through the ground floor shop, or via the front lightwell (on the Gray's Inn Road side). There is no access to the rear of the property from the basement or ground floor.

The application building is a Grade II listed building within the Bloomsbury Conservation Area.

Relevant History

2010/4493/P - Change of use from existing shop (Class A1) to flexible uses, either shop (Class A1), financial and professional services (Class A2) or office (Class B1a) at basement and ground floor levels - Granted 18-10-2010

PS9704191R1 – Change of use of ground and basement from retail (Class A1) to part retail and part cafe/hot food takeaway and of the upper floors from employment use and storage to residential (Class C3) to provide 1 x 2 bedroom flat, and 1 x 3 bedroom maisonette, plus external alterations including the erection of an extension at rear 1st floor level, a new shopfront and the opening up of the pavement with external staircase to basement – Granted 06-06-1997

LSX0004475 - Internal alterations at ground and basement – Listed building consent granted 06-06-2000

9101293 - Change of use and redevelopment of site from storage to provide a new building of offices within Class B1 business use of the Use Classes Order 1987 – Granted 26-03-1992

Relevant policies

National Planning Policy Framework (2012)

London Plan 2015 consolidated with alterations

LDF Core Strategy and Development Policies 2010

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centres and shops

CS9 Achieving a successful Central London

CS14 Promoting high quality places and conserving our heritage

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

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

Camden Planning Guidance

CPG5 Town Centres, Retail & Employment (September 2013)

CPG6 Amenity (2011)

Bloomsbury Conservation Area Appraisal and Management Strategy (April 2011)

Assessment

1. Proposal:

1.1 This application seeks to change the use of the basement from ancillary retail use (Class A1) to a lounge/tasting area (Class A4) for use in association with the ground floor retail unit. The proposal does not involve any changes to the exterior of the building.

1.2 It is intended that the lounge/tasting area would have the same opening hours as the ground floor retail unit (midday to 2100 hours), with occasional later opening hours for special events. The basement would be accessed internally, via the staircase from the ground floor retail unit.

1.3 If planning permission is granted, the sales team who currently use the basement will be able to relocate to other premises.

1.4 The basement has a total floor area of approximately 80 square metres.

2. The principle of development:

2.1 The proposed Class A4 use in the basement would be ancillary to the existing Class A1 retail use at the ground floor level, rather than being entirely separate and unrelated. Policy DP12 notes that the Council will ensure that the development of food, drink and entertainment uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. Similarly, Policy DP12 notes that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.

2.2 The principle of development is therefore considered to be acceptable, subject to the detailed considerations below.

3. Impact on the listed building and the conservation area

3.1 The application building is Grade II listed and it is located within the Bloomsbury Conservation Area. Policy DP25 seeks to conserve Camden's heritage and the Council has statutory duties under sections 66 (listed buildings) and 72 (conservation areas) of the Listed Buildings and Conservation Areas Act 1990, as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

3.2 On the basis that the proposal does not involve any physical external changes to the application building and the new use relates solely to the basement, it is not considered that the proposal would harm the listed building or its setting or any features of special architectural or historic interest which it possesses; and neither is it considered that the proposal would harm the character and appearance of this part of the Bloomsbury Conservation Area. The application is therefore considered to be acceptable in this respect.

4. Impact on the residential amenity of nearby and neighbouring residential properties / adjacent land uses

4.1 There are residential units above the existing retail unit. The application building also backs onto residential units on North Mews (to the West). Concern has been raised by local residents about the acoustics at the rear of the building and noise transfer from the new use as a bar and Policy DP12 notes that the Council will consider the impact of noise inside or outside of the application site.

4.2 There is no outdoor space at the rear of the building associated with the existing retail unit and there is no access from the ground floor or basement to the rear because the footprint of the building covers the whole plot. On this basis, it is considered unlikely that there would be a significant impact on neighbouring and nearby residential units as a result of noise transfer from activities in the basement of the application building. However given the nature of the use it would be considered reasonable to attach a condition to ensure that no music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

4.3 The application building features a front lightwell (on the Gray's Inn Road side) which provides alternative access to the basement. However, there is access internally via a staircase from the ground floor and the accompanying Planning and Heritage Statement indicates that this will be the means of access to the lounge/tasting area. As such, it is not considered likely that the new use would generate unacceptable levels of noise outside of the application site (i.e. at the front of the premises) as a result of people exiting and entering the basement via the lightwell. Any noise associated with general comings and goings to the new Class A4 use is likely to be acceptable and would not be carried out late into the evening (the retail unit closes at 9pm).

4.4 Policy DP12 advises that the Council will consider the cumulative impact of food drink and entertainment uses, taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses. In this regard, the application site is located directly adjacent to a dentists and a hardware shop and there are some restaurants within the wider frontage. It is not considered that approving this application would lead to a detrimental cumulative impact on the local area, particularly taking into consideration the fact the use would be ancillary to the main Class A1 retail use at ground floor level rather than an independent Class A4 use.

4.5 Policy DP12 also advises that the Council will consider the potential for crime and anti-social behaviour. Again, on the basis that the proposed use would be ancillary to the Class A1 retail use at the ground level, this is unlikely to pose a significant problem in this case.

4.6 Policy DP12 goes on to state that the Council will, in appropriate cases, use planning conditions and/or obligations to address problems associated with food, drink and entertainment uses, such as restrictions on the opening hours or the ability to change from one use to another. In this case, the proposed use is intended to be ancillary to the main Class A1 retail use at the ground floor level and it is not considered to be appropriate to restrict the opening hours of the lounge/tasting area because this would limit the applicant's ability to hold one-off events at the premises. Furthermore, the opening hours will be restricted and monitored on an on-going basis through the liquor licensing requirements.

4.7 It is considered appropriate to attach a condition to any planning permission granted to ensure the use of the basement remains ancillary to the ground floor Class A1 retail use and is not used independently for Class A4 use. This would prevent the basement being used for another purpose within A4 use and would allow the Council to retain control over the use of the basement, in the interests of the character and appearance of the building, the wider area and the amenities of neighbouring and nearby residential properties.

5.0 Recommendation:

5.1 Grant Planning Permission subject to conditions

DISCLAIMER:

Decision route to be decided by nominated members on *Monday 6th July 2015*. For further information please go to www.camden.gov.uk and search for 'members briefing'

Mr Mark Shearman
Firstplan
Bramah House
65-71 Bermondsey Street
London
SE1 3XF

Application Ref: **2015/2489/P**
Please ask for: **Kate Phillips**
Telephone: 020 7974 **2521**

DRAFT

2 July 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
69 Gray's Inn Road
London
WC1X 8TP

DECISION

Proposal:
Change of use of basement from ancillary retail use (Class A1) to lounge/tasting area (Class A4) for use in association with the ground floor retail unit

Drawing Nos: 15098; 1784 - 100 Rev. C; 14001/801; BD001-14-01

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



- 2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order, the use of the basement shall remain ancillary to the use of the ground floor retail unit (Class A1) and the basement shall not be used independently or for any other purpose other than ancillary to the ground floor use.

Reason: To ensure that the future occupation of the building does not adversely affect the character and appearance of the wider area and the amenities of adjoining premises in accordance with policies CS5, CS7, CS9 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 3 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: 15098; 1784 - 100 Rev. C; 14001/801; BD001-14-01.

Reason:

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

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

You can find advice about your rights of appeal at:

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

Yours faithfully

Director of Culture & Environment

DRAFT

DECISION