

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	11/06/2015
		N/A / attached	<b>Consultation Expiry Date:</b>	11/06/2015
<b>Officer</b>			<b>Application Number(s)</b>	
Jonathan McClue			2015/2228/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
195 Gray's Inn Road London WC1X 8UL			Refer to 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>				
Substantial demolition of the existing buildings on site, including the front elevation and roof, and construction of three 2-storey dwellinghouses.				
<b>Recommendation(s):</b>	Refuse Permission			
<b>Application Type:</b>	Full Planning Permission			

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>23</b>	No. of responses	<b>05</b>	No. of objections	<b>04</b>
			No. electronic	<b>05</b>		
Summary of consultation responses:	<p>Advertised in the local press on 21/05/2015 Site Notice displayed from 20/05/2015</p> <p>4 objections have been received from the residents of 4, 4a, 5a and 7e Mecklenburgh Street located to the rear (west) of the application site. The objections are summarised below:</p> <ul style="list-style-type: none"> <li>• Legal matters relating to the ownership over the cellar</li> <li>• Harm to residential amenity by way of noise from the proposed mechanical ventilation</li> <li>• Overlooking from side window into 4 Mecklenburgh Street</li> <li>• Loss of light and outlook</li> <li>• A poor quality of life is proposed due to lack of space, poor aspect and ventilation</li> <li>• Loss of commercial space would negatively impact the community</li> <li>• Loss of privacy and security</li> <li>• Drainage from the sloping roof would be unable to cope with rainwater</li> <li>• Light spillage from rooflights</li> <li>• 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; use of aluminium windows</li> <li>• Loss of visual amenity</li> </ul>					
CAAC/Local groups* comments: *Please Specify	<p>A comment was made by the Bloomsbury Conservation Area Advisory Committee (BCAAC) on 06/06/2015. They do not consider that the proposal overly harms the Conservation Area but see the residential development of the historic commercial shopfront as a lost opportunity for something more appropriate.</p>					

## 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 Gray'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) was granted for the continued use of the premises as a retail showroom (A1) on 11/12/2013.

**2014/5154/P:** Planning permission was refused for the substantial demolition of the existing buildings on site, including the front elevation and roof, and construction of three 2-storey dwellinghouses on 15/12/2014. The primary reason for refusal was due to the sub-standard level of living accommodation that would result. This reason for refusal is quoted below. The other reasons for refusal relate to the failure to secure a Section 106 Agreement for car-free units and a post-construction sustainability review. Reason for refusal 1:

*"The proposed residential units by reason of their relationship with Gray's Inn Road, the constraints of the site and the nature of the development proposed, would result in sub-standard accommodation and be harmful to the amenities of future occupiers, contrary to core policies CS5 (Managing the impact of growth and development), CS6 (Providing quality homes) and CS9 (Achieving a successful Central London) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (securing high quality design), DP26 (managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Policies."*

## Relevant policies

### National Planning Policy Framework 2012

### The London Plan March 2015, consolidated with alterations since 2011

### Camden LDF Core Strategy 2010

- 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)

### Camden Development Policies 2010

- 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**

CPG1 (Design)  
CPG2 (Housing)  
CPG3 (Sustainability)  
CPG4 (Basements and Lightwells)  
CPG5 (Town Centres, Retail and Employment)  
CPG6 (Amenity)  
CPG7 (Transport)  
CPG8 (Planning Obligations)

## **Bloomsbury Conservation Area Appraisal and Management Strategy 2011**

### **Assessment**

#### **1.0 Background**

1.1 Formal pre-application advice on similar schemes has been sought from the Council as detailed in the applicant's supporting documents. A similar planning scheme to the proposal here was refused under 2014/5154/P.

#### **2.0 Proposal**

2.1 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 no works to it proposed. As per the planning application under 2014/5154/P, a listed building consent would not be required.

2.2 The proposed scheme is identical to that submitted under the previous refusal of 2014/5154/P. Additional supporting information has been supplied in response to the refusal, mainly through a report from an acoustic consult and an updated Planning Statement. The documents go through the primary reason for refusal in detail and provide further justification for the proposal. The comments from those reports are covered with section 5 (Quality of Residential Accommodation) below.

#### **3.0 Loss of Retail Units (A1)**

3.1 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.

3.2 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, no viable offers received.

3.3 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.

3.4 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.

#### **4.0 Design, Impact on the Bloomsbury Conservation Area and Listed Buildings**

4.1 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 Bloomsbury Conservation Area Appraisal and Management Strategy does not make any specific reference to the application site, however, it states that there are unlisted buildings within the Conservation Area that have suffered from a lack of investment and maintenance, most notably in the upper levels of a number of mentioned streets including Gray's Inn Road (page 120).

4.2 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.

4.3 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.

4.4 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.

4.5 Overall, the proposal is not considered to cause harm to the character and appearance of the Bloomsbury Conservation Area.

## 5.0 Quality of Residential Accommodation

5.1 The proposed residential units would result in substandard living accommodation for its perspective occupiers and a poor quality of life due to their location, layout and the details proposed. The proposed units would have part of their bedrooms slightly below street level but the majority of the window which serves the bedroom would be immediately adjacent to Gray's Inn Road, above the bedroom would be the main habitable accommodation which would also be adjacent to the footpath. The openings to the Gray's Inn Road are the main openings to the units providing the primary outlook and receipt of light. Gray's Inn Road is a very busy commuter A road (A5200) with high levels of vehicular and pedestrian traffic throughout the day and late into the evening. A number of night buses service this part of Gray's Inn Road including N19, N35, N38, N41 and N55, Within the surrounding area the majority of ground floor uses are commercial. Residential uses are either at the upper levels of buildings with multiple aspects or are setback from the street and are historic.

### Noise

5.2 Gray's Inn Road is a major road within the Central London Area which is heavily congested with vehicles and experiences a high volume of foot traffic and general activity. The submitted noise assessment from Pace Consult suggests that the average noise and vibration levels would be 67 dB during the day and 62.7 dB throughout the night. These levels exceed the lower limit of table B within policy DP28 which states that noise attenuation measure will be required over 62 dB and 52 dB respectively. They are only just inside the noise levels in table B where planning permission will not be granted which are 72 dB and 66 dB. This means the likely noise levels would only be 5dB and 3.3dB under the levels where planning permission would not be granted. The survey results indicate that noise is a significant constraint on the site that would need to be effectively overcome. As the habitable rooms of the dwellings have their primary aspect to the front of the site, immediately adjacent and at street level with Gray's Inn Road, this would cause a serious issue in relation to noise and disturbance for prospective occupiers. Due to the high level of noise and associated pedestrian levels resulting in disturbance and privacy issues, it is likely that the openings to the front would remain fully closed with blinds/curtains shut. Openings would also likely to be kept shut with security concerns associated with being located so close to a busy street frontage. With no other acceptable aspects to benefit from, this would lead to a very poor quality of life for those residing in the units. It is not considered acceptable to allow residential development with its habitable rooms arranged immediately adjacent to such a busy street with no other aspects available.

### Air Quality

5.3 The proposed development would convert a retail use into a more sensitive residential use in this location which is known to have particularly bad air quality. According to the London Air Annual Pollution Map this area of Gray's Inn Road has an annual mean NO<sub>2</sub> air pollution rating of 88 microgrammes per metre cubed (ug/m<sup>3</sup>) (source: <http://www.londonair.org.uk/london/asp/annualmaps.asp>). It is noted that 40 ug/m<sup>3</sup> is the European Union limit so the application site is well in excess of this. As the development is at street level and so close to Gray's Inn Road it would be expected that air quality levels would be extremely poor. An Air Quality Assessment should be submitted to assess the site specific pollution levels and the proposed mitigation methods to overcome the poor air quality. Due to the constraints of the site and limitations of the proposed dwellings, in particular the lower ground floor bedroom in house 3 which only has one openable window to the front, it is considered that these issues would be difficult to overcome.

### Daylight/Sunlight and Outlook

5.4 The layout and arrangement of the dwellings is very poor and given the above issues, would contribute further to a poor standard of living accommodation. The bedrooms within all 3 of the dwellings have their main aspect at street level immediately adjacent to Gray's Inn Road. These windows have fixed louvered screens, limiting provision of light and outlook, and due to the noise, pollution and security issues would most likely remain closed with curtains/blinds fixed shut. The ground floor of House 1 would have a door to the rear that would lead to a small enclosed yard with a

depth of only 1.7m. A similar but very narrow 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. Due to this window facing into the rear garden of 7 Mecklenburgh Street it would have to be conditioned as obscurely glazed and non-openable to prevent any overlooking. It is considered that the additional aspects at lower ground floor level would result in minimal improvements (if any) to the proposed bedrooms. 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. The rooflights are located to the rear of these rooms at a lower height within a pitch of the roof. They would not provide much benefit by way of outlook with only views into the sky possible from the very rear of the kitchen.

### Ventilation

5.5 Due to the constraints listed above, and based on the findings of the noise survey which suggests passive ventilation alone would be insufficient, mechanical ventilation would be required. Paragraph 4.23 of CPG2 (Housing) states that passive ventilation should be favoured where possible and mechanically assisted ventilation should be silent in operation. The submitted documents have not demonstrated that passive ventilation is possible nor whether appropriate mechanical ventilation could be provided. Mechanical ventilation is likely to 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.

### Privacy

5.6 The proposed units would not have any defensible space with regards to Gray's Inn Road and no quiet areas within the units to reside. People would be able to walk right up to the front windows meaning that the level of privacy experienced by the prospective occupiers of the units would be minimal.

5.7 In light of the above, the proposed development is considered to provide an unacceptable standard of accommodation that would result in undue harm to the amenity of future occupiers in respect of levels of noise, air quality, light, outlook, privacy and ventilation.

### Lifetime Homes

5.8 The proposed dwellings are not considered to provide an adequate level of access and it has not been demonstrated that they would comply with Lifetime Homes. All of the houses are accessed from street level with the entrances then faced with stairs going up to the living spaces on the ground floor or down to the lower ground floor bedroom. Such an arrangement is not considered to be acceptable for new build dwellings and they would be against the spirit of Lifetime Homes. Minimal details are provided for the staircases and they contain tight winders. There are no details of the entrance arrangement and the drawings indicate a step at the threshold. The bathroom doors would need to open outwards, not inwards as proposed and this would cause a problem with the stairs as it would swing across the landing. Overall, the arrangement is not considered acceptable contributing further to the substandard level of living accommodation.

5.9 As per the previous refusal under 2014/5154/P, no objection is made to the proposed housing mix or the internal floorspace.

## **6.0 Neighbouring Amenity**

6.1 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.

6.2 Within the 'Summary Heritage/Design and Access Statement Rev J April 2015' 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.

6.3 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 a condition could be attached to ensure the window would be obscurely glazed and non-openable. 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.

## **7.0 Access, Parking and Highways Considerations**

7.1 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.

7.2 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.

## **8.0 Sustainability**

8.1 Policies CS13 and DP22 require development to incorporate sustainable design and construction measures. 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.

## **9.0 Conclusion**

9.1 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 sustainability plan. Therefore, these will form part of the reasons for refusal.

**Recommendation:** Refuse planning permission.



