

Miss Rebecca Mairs
Re-creo Architecture Ltd
195-199 Grays Inn Road London
WC1X 8UL

Application Ref: **2017/2931/P**
Please ask for: **Jonathan McClue**
Telephone: 020 7974 **4908**

2 August 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
195-199 Gray's Inn Road
London
WC1X 8UL

Proposal:
Substantial demolition of existing single storey structure (in retail (A1) use) and construction of a two storey office building (B1a) with 178sqm of floorspace. Excavation of lower ground floor level to 850mm below street level
Drawing Nos: (AL(00))02 and 03-10 Rev C, (AP.04.)04, (AP.06.)02 Rev A and 04 Rev E, (AP.07.)02 Rev B; 03; 03 Rev A and 04, (AP.08.)01 Rev C and 02-03 Rev A, (AP.09.)01 Rev A and 02, Email from Rebecca Mair dated 11/07/2017 17:12, Design Access and Heritage Statement dated May 2017 and Letter on behalf of Cundall Johnston & Partners LLP dated 22/05/2017.

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 The development hereby permitted shall be carried out in accordance with the following approved plans (AL(00))02 and 03-10 Rev C, (AP.04.)04, (AP.06.)02 Rev A and 04 Rev E, (AP.07.)02 Rev B; 03; 03 Rev A and 04, (AP.08.)01 Rev C and 02-03 Rev A, (AP.09.)01 Rev A and 02, Email from Rebecca Mair dated 11/07/2017 17:12, Design Access and Heritage Statement dated May 2017 and Letter on behalf of Cundall Johnston & Partners LLP dated 22/05/2017.

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
 - a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills and external doors;
 - b) Plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new facade at a scale of 1:10;
 - c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies G1, D1 and D2 of the London Borough of Camden Local Plan June 2017.

- 4 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies G1, D1 and of the London Borough of Camden Local Plan June 2017.

- 5 Prior to the first use of the premises for the B1 use hereby permitted, full details of a scheme for ventilation, including manufacturers specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall be retained and

maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, A4, D1, CC1, TC1, TC3, TC4 of the London Borough of Camden Local Plan June 2017.

- 6 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan June 2017.

- 7 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary lower ground floor construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan June 2017.

- 8 Prior to the occupation of the development, the 2 x cycle parking spaces shall be implemented as per drawing no. AP.06.04. The approved facility shall be permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan June 2017.

- 9 The proposed rooflights hereby approved, both at lower ground and first floor level, shall not be open outside the hours of 08:00 and 20:00 Monday-Friday.

Reason: In order to prevent noise and general disturbance of neighbouring premises in accordance with the requirements of policies G1, A1 and A4 of the Camden Local Plan June 2017.

- 10 Prior to the first occupation of the building, the approved rooflights should be obscurely glazed to prevent overlooking and light spillage. The obscure glazing shall be retained permanently thereafter.

Reason: In order to reduce light spillage from the proposed extension into neighbouring premises and to protect those resident's amenities in accordance with the requirements of policies G1, D1, D2 and A1 of the Camden Local Plan June 2017.

Informative(s):

- 1 Reasons for granting permission.

Site and proposal

This application relates to a single storey retail showroom (Class A1) located on the western side of Gray's Inn Road. The rear of the site directly abuts the rear of residential properties Nos. 4, 5 and 6 Mecklenburgh Street, which are grade II listed buildings as part of a Georgian terrace at 1-8. The host building is a late 20th Century metal framed building. Officers have previously considered that it is a neutral contributor within the Bloomsbury Conservation Area.

The proposal is for substantial demolition of the single storey structure and construction of a two-storey office building (Class B1), including excavation of the lower ground floor level to 850mm below street level. Two previous proposals have been refused for a similar sized building, to include residential units, under 2014/5154/P and 2015/2228/P. The 2015/2228/P proposal was subsequently dismissed at appeal (ref: APP/X5210/W/15/3138686) as the Inspector considered that the residential proposal would not provide a good standard of amenity for its future occupiers. These applications are a material consideration as the principle of the demolition of the existing building, the footprint and height (which was similar to the proposal) of the replacement building, loss of the retail unit along with the impact on neighbouring amenity have been considered acceptable. The main issues to assess are the appropriateness of the land use and detailed design of the proposal.

Land use

The application site lies outside of a designated centre but within the Central London Area. Marketing evidence was submitted as part of applications 2014/5154/P and 2015/2228/P, to demonstrate that there is no market demand for the retail units and that their commercially isolated location makes it inappropriate for such a use. Given that the principle of their loss has already been accepted, there is no objection to the loss of retail floor space.

The proposal includes two floors of office (B1) space with a floor area of 178m². The applicant's intention is to occupy the building themselves, with space let to other small firms if available. The applicant's firm currently contains eight people, which is a small and medium-sized enterprise (SME). Local Plan policy E1 supports businesses of all sizes, in particular SMEs, and seeks to maintain a stock of premises that are suitable for a variety of business activities and sizes. Policy E2 encourages the provision of employment premises and sites in the borough, in particular small business and those within the Central Activities Zone (CAZ), which the site is within. The introduction of an employment use of a type and in a location the Council encourages is therefore welcomed. It is considered that the business use would positively contribute to the character, function, viability and amenity of the Central London Area.

- 2 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. 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). The demolition of the building is supported as per 2014/5154/P and 2015/2228/P.

The proposed development maintains the historic plot width and provides three repeating bays. The tripartite arrangement is a reference to the three Victorian shops that historically occupied the site. The proposal has been designed to give the appearance from street level of a full height ground floor and subsidiary storey above. It results in a mews-like development in the context of the listed houses behind which it sits, while being honest in terms of its design. The smaller, punched upper windows, the wide lower aperture and the bressumer-like horizontal members all contribute to this, while details (including subdivided panels) add interest to the ground-floor windows. The materials complement the surroundings, especially the use of brickwork. All facing materials would be reserved for planning condition.

In listed building terms, the proposal is not likely to harm the setting of the grade II listed dental hospital (opposite) or the grade II listed stone 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.

Overall, the proposal is considered to enhance the character and appearance of the Bloomsbury Conservation Area and to not harm the setting or character or any of the adjoining listed structures.

Neighbouring Amenity

The proposed building would lie in close proximity to the rear of the adjacent terrace at 1-8 Mecklenburgh Street, which all have shallow rear gardens. To mitigate the potential harm to the occupiers of those residential properties, the

proposed building would be sunken lower into the ground. The footprint and rear parapet wall of the proposal would be the same as existing and the building would slope away from the adjacent terrace on Mecklenburgh Street. Therefore, the difference in terms of outlook and sense of enclosure would be minimal. A Daylight and Sunlight Memo has been submitted to support the application. It assesses the impact on the ground level windows of Mecklenburgh Street using the BRE 25° obstruction angle criterion with the existing and proposed roofline. The letter confirms that the windows are compliant with the first stage of the BRE tests and that no further tests are required. The proposal is not materially larger than the applications refused under 2015/2228/P and 2014/5154/P, which were considered to be acceptable on amenity grounds by the Council.

The proposed use and scale of the office accommodation is not considered to lead to harm to the neighbouring occupiers by way of noise or general disturbance. The use would be complementary to the surrounding residential properties with peak occupancy during daytime hours on weekdays. Planning conditions are attached to ensure the rooflights are shut outside of office hours and obscurely glazed to prevent light spillage and overlooking.

3 Transportation matters

For B1 offices in Central London the requirement is for one cycle parking space per 90m² for long stay and one space per 500m² for short stay use. With an office floor space of 178m², this gives a requirement for two spaces. Two cycle parking spaces are provided within the lower ground floor level. While the spaces are not ideal as they do not have level access, there is limited space given there is no external area and the building is small. Due to these circumstances, the cycle parking is considered acceptable on balance.

No off-street parking is provided and none is proposed. The Council often insists on car-free agreements for office uses; however, given the nature and location of the proposal Highways Officers do not consider it mandatory for this development as it is very difficult to obtain permits in this area.

Although the scale of demolition/construction is relatively modest, given the location of the site on the busy Gray's Inn Road, a Construction Management Plan (CMP) shall be secured via Section 106, including a CMP Implementation Support Contribution of £1,140.

The proposal involves excavations within close proximity to the footway directly adjacent to the site. The Council needs 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 the Council's Highways Structures & Bridges Team within Engineering Services as a pre-commencement obligation. The AIP and an associated assessment fee of £1,800 is secured via Section 106.

A financial contribution for highway works (repaving the footway) directly adjacent to the site on Gray's Inn Road is secured as a Section 106 planning obligation. This would allow for any damage caused during construction of the proposed development to be repaired.

Sustainability

The proposal has a gross internal area (GIA) of less than 500m², meaning there are no policy triggers for BREEAM or carbon reductions.

Objections

Written submissions were received from two households on Mecklenburgh Street on the basis of harm to the conservation area, design, scale of the development, loss of daylight and sunlight, noise and light pollution, the land use, drainage and other issues. The matters raised by third parties have been considered in detail and are addressed within a separate consultation summary document that has been uploaded to the Council's website.

Policies

Special regard has been attached to the desirability of preserving or enhancing the character or appearance of the conservation area and preserving the setting of adjacent listed structures and their features of special architectural or historic interest, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with policies G1, C5, C6, E1, E2, A1, A4, D1, D2, TC1, TC3, T1, T2, T3, T4 and DM1 of the London Borough of Camden Local Plan June 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 5 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (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.
- 6 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable

purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 7 The approved plans have been taken in good faith to be accurate; however, any inaccuracies shown do not override any legal property ownership rights or supersede other statutory requirements including requiring listed building consent for works to listed structures.
- 8 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

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



David Joyce
Director of Regeneration and Planning

