



Application ref: 2019/2097/P  
Contact: Kate Henry  
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Date: 22 January 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

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Rolfe Judd Planning  
Old Church Court  
Claylands Road  
The Oval  
London  
SW8 1NZ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:  
**37 Gray's Inn Road**  
London  
**WC1X 8PQ**

#### **Proposal:**

Change of use from retail at part basement and part ground floor levels and office use at part basement, part ground and first, second and third floors to retail use (Class A1) at basement and ground floor levels, and residential use (Class C3) on levels 1, 2, 3 and 4 (creation of 3x 2-bed self-contained flats and 1x 1-bed self-contained flat); alterations to shopfront; alterations to fenestration on front elevation; increase in height of front wall and erection of mansard roof extension above; demolition of rear elevation and erection of rear extension to ground, 1st, 2nd and 3rd floor levels

Drawing Nos: 24027-00; 24027-E01; 24027-E02-RevA; 24027-E03; 24027-E04;  
24027-D01; 24027-D02; 24027-P01-RevC; 24027-P02-Rev C; 24027-P03-RevB;  
24027-P04-RevB; Design & Access Statement; Planning Statement, dated April 2019;  
Air Quality Assessment, dated 12/04/2019; Daylight and Sunlight Report, dated 12  
April 2019; Desk Based Heritage Assessment, dated 7 March 2019; Marketing Report,  
dated March 2019; Additional Marketing letter, dated 17 July 2019; Environmental  
Noise Survey and Acoustic Design Statement Report, dated 27 February 2019.

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: 24027-00; 24027-E01; 24027-E02-RevA; 24027-E03; 24027-E04; 24027-D01; 24027-D02; 24027-P01-RevC; 24027-P02-RevC; 24027-P03-RevB; 24027-P04-RevB; Air Quality Assessment, dated 12/04/2019; Daylight and Sunlight Report, dated 12 April 2019; Desk Based Heritage Assessment, dated 7 March 2019; Marketing Report, dated March 2019; Additional Marketing letter, dated 17 July 2019; Environmental Noise Survey and Acoustic Design Statement Report, dated 27 February 2019.

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(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 15dB(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 2017.

- 5 Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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 of the London Borough of Camden Local Plan 2017.

- 6 The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise in accordance with Policy A4 of the Camden Local Plan 2017.

- 7 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 8 All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the [demolition and/construction] phase of the development hereby approved shall be required to meet Stage IIIB of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the [demolition and/construction] phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of policies G1, A1, CC1 and CC4 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Reasons for granting

The loss of office space in the building is considered to be acceptable in line with Policy E2 of the Local Plan on the basis that the office space is no longer suitable for use (e.g. cramped layout etc.) and the premises has been marketed unsuccessfully for an acceptable period of time. The use of the basement and ground floors for retail use is also considered to be acceptable. The proposals have been altered during the course of the application to retain retail use rather than flexible A1 to A5 uses as Policy TC3 of the Local Plan seeks to protect shops outside designated centres.

Policy G1 supports development which makes the best use of the site and Policy H1 regards housing as the priority land use of the Local Plan. On this basis, the provision of housing at the upper floors of the building is welcomed.

Policy H4 seeks to maximise the supply of affordable housing and notes that the Council will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. In this case, the proposal provides 4 new dwellings and a total addition to residential floor space of 262 sqm (GIA) and therefore a contribution towards affordable housing in the borough is required.

Targets are based on an assessment of development capacity whereby

100sqm of housing floor space is generally considered to create capacity for one home and 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% for each home added to capacity. In this case, the target is 6% and the payment-in-lieu figure is £50,562. The contribution will be secured by the s106 legal agreement.

Policy H7 seeks to secure a range of homes of different sizes and seeks to ensure that all housing development, including conversions, contribute to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT); and includes a mix of large and small homes. Two-bed market homes have high priority in the DSPT and 1-bed units have lower priority. The proposed development provides 3x 2-bed and 1x 1-bed self-contained flats, which is welcomed in terms of the provision of units which have high priority. The proposal fails to provide a mix of large and small dwellings; however, this is due to the nature of the proposal whereby an existing building is being converted, and is considered to be acceptable in this case.

Policy H6 of the Local Plan requires that all self-contained homes meet the nationally described space standard. A 1-bed-2-person (single storey) unit should measure at least 50sqm and a 2-bed-3-person (single storey) unit should measure at least 61sqm. All of the units comply with the standards.

Policy D1 (n) requires development to provide a high standard of accommodation. Each unit would be self-contained with its own entrance and each unit is considered to have an acceptable layout and room sizes. Each unit would be dual-aspect and therefore would have good natural light and ventilation and in all units there is a permanent partition between eating and sleeping areas. None of the units would have access to outdoor space; however, this is due to the constraints of the host building and its location whereby it would be inappropriate to provide balconies or terraces on the building due to the visual impact and overlooking concerns. Similar uses are not always stacked above each other; however, a suitable condition is suggested to control noise levels.

- 2 The application site is within the Bloomsbury Conservation Area and the application building is identified as making a positive contribution to the character and appearance of the area. The proposed alterations to the shopfront are considered to be acceptable and it is considered that the new shopfront would make a positive contribution to the street scene.

The alterations to the fenestration on the front elevation are considered to be acceptable as the insertion of an additional window at third floor level would create a more coherent elevation. The design of the dormer windows in the new mansard roof has been amended during the course of the application and the design is now considered to be more in keeping with the character and appearance of the host building.

The increase in height of the front wall and the erection of a mansard roof extension is considered to be acceptable, particularly because the adjacent buildings have also extended upwards in this way (Nos. 39-45). The mansard roof is very tall, in order to accommodate the lift equipment; however, it would

be of traditional design and would bridge the difference in height between the adjacent properties in the row. Furthermore, it would not be overly prominent in the streetscene and on this basis it is considered to be acceptable.

To the rear, the whole rear elevation is being re-built further back. This is considered to be acceptable on the basis that there have been many alterations at the rear of the wider terrace and the established character is now of large, modern rear extensions. Furthermore, the new rear elevation is considered to be in keeping with the character and appearance of the host building and the extension would not be visible in public views.

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. It is not considered that the proposed works would cause undue harm to neighbouring properties by way of visual privacy, outlook, sunlight and daylight and overshadowing or noise and vibration. Plant is proposed for the retail spaces. A Noise Impact Assessment was submitted with the application and a suitable condition will control external noise levels.

Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. The London Plan requires 1x long-stay space per studio or 1-bed unit and 2x spaces for all other dwellings. Earlier plans indicated bicycle racks wall-mounted within each of the dwellings; however, this is not policy compliant and the lift is not large enough to accommodate a bicycle without it being stood up or angled. On this basis, the plans have been revised to omit this detail and a Pedestrian, Cycling and Environment contribution will be secured by the s106 agreement to provide cycle parking on the public highway in the form of a hanger and Sheffield stands. A further contribution to cover three year's membership of the hanger will also be secured.

Policy T2 requires all new developments in the borough to be car-free. The legal agreement will secure the new dwellings as car-free. The legal agreement will also secure a Construction Management Plan (and associated implementation support contribution) in accordance with Policies A1 and T4 and a financial contribution towards repairing damage caused to the highway as a result of construction, in line with Policy A1.

No objections have been raised in relation to the works. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

- 3 The proposed development is in general accordance with Policies G1, H1, H2, H4, H6, H7, C5, C6, E1, E2, A1, A3, A4, D1, D2, D3, D4, CC1, CC2, CC3, CC4, CC5, TC1, TC3, T1, T2, T3 and T4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2019.

- 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 7 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.
- 8 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 9 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice

PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

10. You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:  
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope  
Chief Planning Officer

