

Delegated Report		Analysis sheet		Expiry Date:		12/10/2022	
		N/A / attached		Consultation Expiry Date:		23/10/2022	
Officer				Application Number(s)			
Sofie Fieldsend				2022/3534/P			
Application Address				Drawing Numbers			
133 Gray's Inn Road London WC1X 8TU				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Partial change of use from pub (Sui Generis) and ancillary accommodation to pub (Sui Generis) and residential (C3) involving the creation of 7 residential units. Erection of three storey rear extension at 1st-3rd floor and two storey roof extension. Erection of rear terraces at 1st-5th floor and ground floor fenestration alterations.							
Recommendation:		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:				No. of responses	5	No. of objections	5
						No. of comments	00
Summary of consultation responses:		<p>Site notices were displayed on the 28/09/2022 and the consultation period expired on the 22/10/2022. A press notice was advertised on 29/09/2022 and expired on 23/10/2022.</p> <p>5 objections were received from neighbouring properties on Gray's Inn Road, Doughty Street and Brownlow Mews; their objections are summarised as follows:</p> <ul style="list-style-type: none"> • Design/conservation: <ul style="list-style-type: none"> - Height and bulk results in overdevelopment of building. - Main impact on Brownlow Mews - 7 flats is over intensification for the mews, introduces too many people 					

	<ul style="list-style-type: none"> - Scale too large - loss of pub frontage, replacement makes no contribution to Brownlow Mews character - Materials not sympathetic and are out of character - Eyesore on Brownlow Mews and roof extension harmful to Gray's Inn Road - The removal of the Blue Lion sign on the wall of the adjoining building takes away historical character. - The prevalence of the iron balustrades don't suggest quality or fit in when compared with the iron ones on Mecklenburgh square especially at the end where the buildings are not original. - Poor quality design - Contrary to section 72(1) of Planning Listed Buildings and Conservation Areas 1990 <ul style="list-style-type: none"> • Rear balconies and additional occupation create noise/nuisance • Loss of privacy: <ul style="list-style-type: none"> - To Doughty Street and Brownlow Mews residential properties and Flat 3, 135A Gray's Inn Road's rear windows - Design of terrace balustrades will not mitigate overlooking • Viability of smaller pub concern, current size pub is busy and popular • Concerns about loss of pub ancillary accommodation • Lack of affordable housing does not address housing crisis • Increased traffic to Brownlow Mews • Construction: <ul style="list-style-type: none"> - Brownlow Mews cobbles recently redone, development will damage the road - Low hanging telephone lines - concerns will be damaged or hinder construction - Public safety concern from construction vehicles - Restrictions should limit it to Monday to Friday working hours • Impact on structural integrity of 18 Brownlow Mews • New bin store will harm 18 Brownlow Mews through smell • Developer didn't consult directly with neighbours
CAAC and other community groups	<p>The Bloomsbury CAAC objected on the following grounds:</p> <ul style="list-style-type: none"> • Scale: The scale of the proposed development is wholly unacceptable and would dwarf and overwhelm the existing historic buildings on the site. There is no precedent whatsoever for development of this disproportionate scale in the conservation area. • Design: The design is exceptionally poor and is in no way sympathetic to the fine grain, and characterful and traditional appearance of the host buildings or wider conservation area, or indeed of any quality at all. The

construction is presumably lightweight to avoid substantial underpinning but the use of excesses of glazing and perforated steel sheets as an exterior cladding material is absolutely unacceptable.

Brownlow Mews Group objected on the following grounds:

- The applicant carried out no local consultation with neighbours
- Balconies and configuration of flats create noise nuisance from the five tiered external 'amenity areas' facing into the mews. These sit recessed between the walls of existing properties on either side of the site. It creates a megaphone effect adding to the canyon effect of the mews. It's a serious source of noise nuisance. This configuration of flats inside the megaphone will create a noise nuisance for the occupiers of those flats as well as adding to the noise nuisance for residents of Brownlow Mews and the facing homes in Doughty Street.
- Reconfiguration of the pub causes loss of some ground floor space, replacing it with less attractive space in the basement. The character of the pub will be changed. At the moment it is an attractive double aspect single-floor with windows on both sides. A basement bar area will be less attractive, and possibly unpopular.
- Loss of all staff pub accommodation will make it more difficult to attract and retain staff who will be unable to afford the expensive flats above the pub. This increases the pressure on affordable accommodation in the area without contributing to it.
- Loss of privacy for the residents of Doughty Street
- Increasing the height of the building is oppressively over bulky.
- Over intensification. Raising the roof to create small residential accommodation into new 'attic' premises.
- Impact on Conservation Area. Loss of the historic frontage of the Mews ground floor elevation with new windows, doors and a large two-door bin store.
- No draft CMP provided.

Site Description

The application site is located to the west of Gray's Inn Road, fronting both Gray's Inn Road and Brownslow Mews. The site building comprises four storeys with a lower ground floor. The site is in use as a public house at lower ground to 1st floor with ancillary accommodation on 1st floor and above. There is a rear terrace at first floor which the applicant states is not used by the pub but instead is used as amenity space for the ancillary accommodation.

The subject building while not listed is highlighted as a positive contributor within the Bloomsbury Conservation Area.

Relevant History

Application site

12703 – Redevelopment of the site of the Blue Lion Public House, 131-133 Gray's Inn Road, W.C.1 by the erection of a building comprising sub-basement, basement, and ground and four floors over for use as a public house with offices and self-contained flats. – **Refused 11/05/1972**

Reason for refusal:

The proposal is contrary to this Council's policy of restricting the growth in office floorspace in the central area as expressed in the written statement of the initial development plan.

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden's Local Plan (2017)

- Policy G1 Delivery and location of growth
- Policy H1 Maximising housing supply
- Policy H2 Maximising the supply of self-contained housing from mixed-use schemes
- Policy H4 Maximising the supply of affordable housing
- Policy H6 Housing choice and mix
- Policy H7 Large and small homes
- Policy C1 Health and wellbeing
- Policy C4 Public Houses
- Policy C5 Safety and security
- Policy C6 Access for all
- Policy A1 Managing the impact of development
- Policy A4 Noise and vibration
- Policy A5 Basements
- Policy D1 Design
- Policy D2 Heritage
- Policy CC1 Climate change mitigation
- Policy CC2 Adapting to climate change
- Policy CC3 Water and flooding
- Policy CC4 Air quality
- Policy CC5 Waste
- Policy T1 Prioritising walking, cycling and public transport
- Policy T2 Parking and car-free development
- Policy T3 Transport infrastructure
- Policy T4 Sustainable movement of goods and materials
- Policy DM1 Delivery and monitoring

Camden Planning Guidance

Adopted March 2019:

- CPG Developer contributions
- CPG Access for all

Adopted Jan 2021:

- CPG Air Quality
- CPG Amenity
- CPG Basements
- CPG Community uses, leisure facilities and pubs
- CPG Design
- CPG Energy efficiency and adaption
- CPG Housing
- CPG Transport
- CPG Water and flooding

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

Assessment

1.0 Proposal

1.1 Planning permission is sought for the following:

- Partial change of use from pub (Sui Generis) and ancillary accommodation to pub (Sui Generis) and residential (C3) involving the creation of 7 residential units.
- Erection of three storey rear extension at 1st-3rd floor and two storey roof extension.
- Erection of rear terraces at 1st-5th floor
- Ground floor fenestration alterations.

2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- Land Use
- Affordable Housing
- Design and Heritage
- Quality of residential accommodation
- Impact on the amenity of neighbouring occupiers
- Transport
- Trees and biodiversity
- Sustainability

3.0 Land Use

Loss of public house (Sui Generis) floorspace

- 3.1 Public houses (pubs) are considered to play an important community and cultural role. As places where members of the community meet and gather, they support social well-being and strengthen community cohesion. They sometimes provide important community meeting space and host local meetings, events and entertainment. Many pubs contribute to local culture and identity and this is often closely related to a pub's long-standing presence in the locality. The closure of a pub can lead to the loss of an area's vibrancy as well as its diversity and interest. Some pubs hold further importance as statutorily designated heritage assets.
- 3.2 Pubs also have an important economic function in contributing to the vitality of towns or neighbourhood centres and providing a hub for the surrounding neighbourhoods. Pubs support local employment and entrepreneurship, provide valuable work experience for young people and support jobs in the wider economy through the pub supply chain. They provide an important outlet for breweries in Camden and London to sell their products.
- 3.3 Furthermore, some of the most interesting and unique pubs attract customers from a wide catchment area and may be important in terms of their tourism value or to a protected group defined under the Equalities Act 2010.
- 3.4 Policy C4 of the Camden Local Plan seeks to protect public houses which are of community, heritage or townscape value. Policy C4 states that "Applications involving the loss of pub floorspace, including facilities ancillary to the operation of the public house, will be resisted where this will adversely affect the operation of the public house." This is further reinforced in paragraph 4.83 of the supporting text which states that "the partial loss of a pub and ancillary facilities may be detrimental to its character, community value or future viability". It goes on to comment that "these changes can lead to a pub becoming less profitable and as a consequence, more vulnerable to further redevelopment, potentially leading to a pub being lost altogether". The harmful impact of the introduction of non-ancillary uses is also recognised: "In

some cases the loss of part of a pub may lead to its continuing operation being undermined by the greater likelihood of complaints relating to noise and nuisance from occupants of new non-ancillary uses”.

- 3.5 Another major issue for pubs is the loss of part of their operating space such as beer gardens, function rooms, commercial kitchens and ancillary accommodation for managers, other staff members and/or guests. This can impact a pub's character and continuing ability to operate. The loss of one or more elements of a pub may undermine its appeal and community function or lead to negative impacts on the amenity of the surrounding area and conflict between incompatible uses.
- 3.6 In this instance, the development would result in a total loss of 364.9sqm pub floorspace. The reductions would principally be to the ancillary storage and accommodation spaces. The public seating areas would be similar to existing, at 185sqm compared to the existing 190sqm, but the pub's storage area would be significantly reduced from 174sqm to 15sqm and there would be no ancillary accommodation areas.
- 3.7 Although there is a rear terrace at first floor level, the applicant has advised that this was not used by the public house, but instead it was an amenity space for the ancillary accommodation above. It is noted online that the Blue Lion's Google listing refers to it having a cobblestone beer garden to the rear which is assumed to be Brownslow Mews itself, and as such, officers accept that the existing terrace spaces are not accessible by customers. It is noted that although access to Brownslow Mews is restricted to certain times for patrons, this double fronted access and the amenity value provided by the Mews is considered to be a key feature of the pub. The proposal would push a significant amount of the pub seating to basement level, with no natural light. It is considered that this could restrict the type of future operator and clientele that would utilise this poorer quality space. The proposal would also result in the complete loss of ancillary accommodation for the pub which may impact the future viability of the pub and reduce appeal to new tenants. It is noted that the kitchen will be re-provided at basement level to serve the new pub which is welcomed.
- 3.8 The Council's 'Community uses, leisure and pubs' CPG states that:
'Where two or more elements of the existing public house would be lost through a proposed scheme, the Council will require the applicant to undertake a community survey (except where the pub is registered as an Asset of Community Value) and an assessment of alternative pub provision in the locality. This should be in line with the evidence the Council will seek for proposals involving the loss of a pub.'
- 3.9 These key supporting elements are defined as things such as beer gardens, kitchens, meeting/function rooms and ancillary staff accommodation. In this case, the proposal would result in the loss of key elements supporting the function and viability of the pub, namely, the ancillary accommodation, the majority of the storage space and access to Brownslow Mews as a beer garden during licenced hours. As such, a community survey would be required to demonstrate alternative provision within the locality. Officers would also expect information to be provided to demonstrate that the significant reduction in storage space would not be harmful to the ongoing operation and viability of the pub. However, neither were provided, and as such, officers are not satisfied that the proposals would allow for the continued successful operation of the pub.
- 3.10 It is acknowledged that the proposals would retain a similar level of public seating space, however, 60% of this space would be relocated to basement level where there is no natural light and no step free access, limiting its usability and accessibility.
- 3.11 Overall, although the development would retain a certain proportion of pub floorspace, it is considered to harm the viability, operation and community value of the pub due to the loss of

several key features including its storage space, amenity space, ancillary accommodation and the quality of a large proportion of the public seating space. It is considered that their loss will impact the pub's character and continuing ability to operate in this location or its appeal to future pub occupiers without a community survey to state otherwise.

Creation of new residential (Class C3) floorspace

- 3.12 Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of underused land and buildings. Policy H2 requires 50% of any addition to floorspace to be residential in Central London.
- 3.13 Although housing is the Council's priority land use, residential accommodation could only be supported on this site subject to policy compliance in all other respects. Any application that proposes self-contained residential accommodation adjacent to a public house will need to demonstrate that there will be no impact on the amenity of future occupiers of the flats, and what mitigation measures would be adopted to ensure the success of these uses are considered together in line with Policy D13 of the London Plan.
- 3.14 Policy D13 of the London Plan sets out the Agent of change principle which places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.
- 3.15 A noise report outlines that measures such as use of a double-glazing system, as an alternative means of ventilation such as MVHR to allow adequate ventilation without the requirement to open windows and sound insulation could address this requirement. While this is welcomed it is considered that more could be done to mitigate and manage any noise impacts for neighbouring residents and businesses. If the development was acceptable additional design measures would be sought.
- 3.16 Nonetheless the loss of the public house floorspace has not been justified fully against policy C4 and as such, forms a reason for refusal.

4.0 Affordable Housing

- 4.1 Policy H4 (Maximising the supply of affordable Housing) seeks to secure affordable housing contributions in certain circumstances. The policy only requires a contribution from developments that provide one or more additional homes and more than 100sqm of additional residential floorspace.
- 4.2 There is 174sqm of existing ancillary pub accommodation on site, 444sqm of additional residential floorspace would be provided through the partial change of use and extensions. In line with CPG Housing as the increase in residential floorspace has capacity for less than 10 additional homes, a contribution would be accepted instead of on-site provision of affordable housing.
- 4.3 Rounding to the nearest 100 sqm, 444 sqm represents capacity for 4 homes, and an affordable housing target of 8% (2% per 100 sqm). The floorspace target would be $8\% \times 444 \text{ sqm} = 35.52 \text{ sqm}$. Therefore the payment-in-lieu would be calculated as:
- $35.52 \text{ sqm} \times £5,000 \text{ per sqm} = £177,600.$
- 4.4 A viability report was submitted which was independently audited by BPS which concluded that the scheme generates a surplus of £1.05m and as such it can contribute towards affordable housing.

- 4.5 Therefore, in this instance a full policy-compliant contribution of £177,600 would be required. In the absence of an acceptable scheme, and hence no S106 agreement, this forms a reason for refusal.

5.0 Design and Heritage

Policy

- 5.1 Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition, development should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Camden Planning Guidance (CPG) document 'Design' is also relevant.
- 5.2 CPG Design advises that development should respond positively and sensitively to the existing context and integrate well with the existing character of a place, building and its surroundings. It further adds that good design should respond appropriately to the existing context by:
- ensuring the scale of the proposal overall integrates well with the surrounding area
 - carefully responding to the scale, massing and height of adjoining buildings, the general pattern of heights in the surrounding area; and
 - positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views, vistas and landmarks. This is particularly important in conservation areas.
- 5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") is relevant, and requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 5.4 The effect of this section of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified (section 16).

Designations

- 5.5 The application site is not listed but is located within the Bloomsbury Conservation Area. The Bloomsbury Conservation Area was designated in 1968. It is a large Conservation Area, extending from Euston Road in the north to High Holborn/ Lincoln's Inn Fields/ Carey Street in the south, and from Tottenham Court Road in the west to Grays Inn Road/ King's Cross Road in the east. The application Site is located within Sub Area 10: Great James Street/Bedford Row.
- 5.6 The Bloomsbury Conservation Area Appraisal and Management Strategy was adopted on 18th April 2011 and notes that "Bloomsbury is widely considered to be an internationally significant example of town planning." The statement goes on to describe the character of the area:

“The original street layouts, which employed the concept of formal landscaped squares and an interrelated grid of streets to create an attractive residential environment, remain a dominant characteristic of the area. Despite Bloomsbury’s size and varying ownerships, its expansion northwards from roughly 1660 to 1840 has led to a notable consistency in the street pattern, spatial character and predominant building forms. Today, the area’s underlying townscape combined with the influence of the major institutional uses that established in the district and expanded over time is evident across the large parts of the Conservation Area. Some patterns of use have changed over time, for example, offices and hotels came to occupy former family dwelling houses as families moved out of central London to the suburbs during the later 19th and 20th centuries.” (para 1.2).

- 5.7 It is this consistency in street pattern, spatial character and predominant building forms which is considered to contribute to the area’s architectural and historic significance. When discussing Sub Area 10, the CA statement describes the character of the Mews which were developed as service streets for the larger houses in the principal streets. It notes ‘Their distinctive character derives from the smaller scale of the street, the footprint and scale of the mews buildings (mostly of two storeys, their elevational treatment reflecting their original use with large ground-floor openings and small openings on the upper floors, and building lines immediately behind the street edge.’
- 5.8 When discussing Brownlow Mews, the statement notes that unlike many of the other mews, the original cobbles survive, and that ‘*Whilst pressure for change has led to many of the original mews buildings being replaced, Doughty Mews and the northern end of Brownlow Mews arguably contain the best surviving examples of original mews buildings although many have been altered.*
- 5.9 The Blue Lion is described as making a positive contribution to the character and appearance of the conservation area, and as being a ‘shopfront of merit’. With its single storey frontage onto Brownlow Mews and building line following the footprint of the neighbouring mews buildings, the application site forms part of the distinctive character of the mews. It is this character, scale, footprint and architectural detailing that makes a positive contribution to the character and appearance of this part of the conservation area.

Assessment

- 5.10 This building is a fine example of a 1930’s public house, with similar pubs from this era recently being the subject of a study by Historic England and listed as a result. It is noted that the other neighbouring buildings in this particular stretch of Gray’s Inn Road are typified by rather bland, less interesting 20th century buildings with runs of early Victorian/late Georgian terraced houses.
- 5.11 The front of this application site fronting Gray’s Inn Road has a steeply pitched pan tiled roof, which gives period character and a strong roofline/profile. The existing building has two publicly visible elevations, the main elevation to Gray’s Inn Road and the rear elevation to Brownlow Mews. It is considered that the ground floor on Brownlow Mews has a strong and delightful character in particular. Both elevations make a positive contribution to the character and appearance of the Bloomsbury Conservation Area.
- 5.12 Objections on the development’s impact on the conservation area by way of its scale and detailed design were received from the Bloomsbury CAAC and local residents.
- 5.13 The proposal will erect a three storey rear extension at 1st-3rd floor and two storey roof extension. The roof extension would incorporate a band of full height glazing on the Gray’s Inn Road elevation with a ‘micro-perforated metallic wavy sheet’ above. On the rear full height glazing is proposed with a poor solid to void ratio particularly on the upper levels. Rear terraces

will also be inserted to serve the residential units at 1st-5th floor. At ground floor fronting Brownlow mews will be two fire exits, one for the residential units and one for the pub, the main entrance to the residential units and two separate internal bin stores. At ground floor the frontage on Gray's Inn Road will also be altered with the introduction of a separate fire exit for the residential units and a new window.

Demolition:

- 5.14 Demolition plans were submitted that indicate the entire building including basement with the exception of part of the front elevation and part of the ground floor fronting Brownlow Mews will be demolished and this would therefore be classified as substantial demolition. The heritage impact of demolition is discussed below and the sustainability aspect will be discussed in section 12.
- 5.15 The proposed partial demolition would result in the loss of key elements of the existing building such as the characterful ground floor fenestration which help define its positive contribution to the Bloomsbury Conservation Area thus causing harm to the area's character and appearance. No justification has been provided for substantial demolition. Therefore, the extent of demolition is unacceptable and unjustified.

Scale, character and heritage impact

- 5.16 It is considered that the proposed development would be harmful to the character and appearance of the streetscene in terms of its mass, height and bulk. The proposed bulk, height and massing on the mews elevation appears over dominant, extending beyond the prevailing rear building line and upwards in an unsympathetic form. Buildings on the mews typically have a more recessive, set back roof form.
- 5.17 The additional height in the form of a double storey roof extension, results in the front elevation appearing out of proportion and it forming a poor relationship with the host property and its neighbours. There are also concerns about its buildability as shown, the drawings are unclear as to how this extra floor would be achieved without removing the existing chimneys and significantly altering the appearance of the upper part of the building and roof.
- 5.18 The proposed architecture of the extensions are unsympathetic to the existing building and appears to have been designed in isolation, rather than taking reference to the architectural detailing of the host building and its historic neighbours.
- 5.19 On the Gray's Inn Road elevation, the proposed roof level results in a scale and materials which are uncharacteristic of 1930s public house design. This is the primary reason why the host building is a positive contributor, and the proposed roof level undermines this character. It is a glazed structure with metal screening, which is at odds with materials and language of the main façade. The existing roof is also visible from Brownlow Mews where its contribution is also positive.
- 5.20 The proposals at the rear essentially core out the site and infill between the retained façade of the main elevation and the retained ground floor fascia of the Brownlow Mews side. The proposed infill entirely removes the rear elevation of the main building, which is currently visible from Brownlow Mews, and replaces it with essentially a new building. The scale, massing, design and materials of the proposed new infill erodes much of the currently positive contribution the building makes to Brownlow Mews. In addition to this, the character and appearance of Brownlow Mews as a whole is also harmfully affected due to the scale, massing, design and materials of the proposed new infill, which bear little relationship to the prevailing scale and character of the mews.

- 5.21 It is noted that the mews frontage is an attractive period piece of architecture with characterful joinery/details which enhances the conservation area. It is not considered that the alterations to the fenestration on both frontages are sensitively designed, but rather, they are harmful.
- 5.22 The extent of glazing is excessive and the window proportions do not respond to or respect the character of the existing building as well as causing light pollution. The cascading terraces are also uncharacteristic and will present issues of privacy (discussed further under the amenity section).
- 5.23 As such, it is considered that the development fails to relate to the character of the existing building, neighbouring properties or the Bloomsbury Conservation Area. It would not preserve or enhance the character and appearance of this part of the conservation area and the inappropriate design, height and bulk would cause harm to its significance. This harm is considered to be less than substantial.
- 5.24 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance, the optimum viable use of the site is considered to be its use as a public house, which as noted in the land use section, the ongoing viability of such a use is questioned. Although the development would provide six additional dwellings, the weight given to the creation of a limited number of new homes of a compromised standard would not outweigh the great weight given to the heritage harm identified. The proposals are therefore contrary to policies D1 and D2 of the Camden Local Plan 2017, and this forms a reason for refusal.

Conclusion:

- 5.25 Overall, the proposed development fails to preserve or enhance the positive contribution otherwise made to the Bloomsbury conservation area by the host building. It results in unjustified substantial demolition and erection of an overly dominant development which harmfully affects the character and appearance of a positive contributor on two streets, Gray's Inn Road and Brownlow Mews. It harmfully affects the character and appearance of Brownlow Mews and fails to form a relationship with neighbouring buildings. The bulk and scale of the extensions, unsympathetic fenestration and materials would be contrary to guidance set out in the *Bloomsbury Conservation Area Appraisal and Management Strategy* and policies D1 and D2 of the Local Plan.

6.0 Basement

- 6.1 Neighbouring properties raised concerns about the development including the replacement basement impacting on the structural integrity of their building. While the existing basement will be demolished, it will retain the same footprint as the existing with the exception of additional excavation to facilitate a lift shaft.
- 6.2 The extent of demolition proposed and extension of the existing basement to provide a new lift shaft would require the applicant to demonstrate that Policy A5 and the supporting guidance in CPG basements has been addressed.
- 6.3 The Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:
- a) neighbouring properties;
 - b) the structural, ground, or water conditions of the area;
 - c) the character and amenity of the area;
 - d) the architectural character of the building; and

e) the significance of heritage assets.

6.4 CPG Basements sets out that Stage 1 screening should be provided for all basement proposals to identify the matters relevant to assessment of local flooding and/or neighbour amenity and structural risks. Stage 2 scoping would build on the information set out in the screening stage and determine if a full BIA would be required.

6.5 However, no screening or scoping exercises were undertaken as required by Policy A5 and CPG Basements. In the absence of this information, the Council cannot be satisfied that the development would not cause harm to neighbouring properties, or the structural, ground or water conditions of the area, and as such, this forms an additional reason for refusal.

7.0 Quality of Accommodation

7.1 The existing ancillary accommodation for the pub will be replaced and enlarged to provide seven units across the upper floors for private sale.

Flat	Floor	Unit Size (GIA)	London Plan Minimum GIA	Dual Aspect (Y/N)	Amenity space
01	1 st	86sqm (3b/5p)	86sqm	Y	Y
02	1 st	50 sqm(1b/2p)	50sqm	N	Y
03	2 nd	76sqm (3b/4p)	74sqm	Y	Y
04	2 nd	50 sqm(1b/2p)	50sqm	N	Y
05	3 rd	81sqm (3b/4p)	74sqm	Y	Y
06	4 th	78sqm (3b/4p)	74sqm	Y	Y
07	5 th	61sqm (2b/3p)	61sqm	Y	Y

7.2 Local Plan Policy H7 seeks a mix of large and small units. As indicated in para 3.185, large homes are those with 3 or more beds. Policy H7 also requires development to contribute to meeting the priorities in the Dwelling Size Priorities Table. The mix proposed would provide five out of seven of the new dwellings as high priority two and three bed flats which would meet the requirements of Policy H7.

7.3 All units would comply with minimum space standards and would have access to private amenity space. While provision of privacy amenity space is normally encouraged, there are concerns about that proposed for Unit 4. Unit 4 is at 2nd floor and its private amenity space would be accessed from an internal staircase up to the 3rd floor. This amenity space would be compromised and likely to be overlooked from 123-129 Gray's Inn Road and the existing amenity space on the roof of No.18 Brownlow Mews. In addition, unit 4 would not provide accessible level access to its amenity space.

7.4 No details of privacy screens between the amenity spaces of flats 01 and 02 at 1st floor and 04 and 05 at 3rd floor have been provided and the CGI and rear elevations seems to suggest that metal railings are proposed. The submitted planning statement outlines that the placement of trees and shrubs will be used where possible to provide privacy screens. It is considered that this would be unlikely to provide sufficient privacy for future occupiers as the Council cannot enforce on the long term maintenance of shrubbery for privacy purposes.

7.5 The two one bed flats proposed at 1st and 2nd floor would be single aspect and all the larger units would be dual aspect. A daylight and sunlight report was provided that showed that all habitable rooms (bedroom/living rooms) within the new units with the exception of Bedroom 3 within unit 05 would comply with the 2018 BRE guidance. The bedrooms within this unit are not labelled so it is unclear which one is bedroom 3, although it is assumed to be one of the front bedrooms given the rear bedroom is served by two windows. However, this report is based off

the 2018 version of the BRE guidance not the current revised guidance which was issued in June 2022 and it only includes one test 'illuminance method' for assessment. The current guidance strengthens the stance on sunlight and daylight and does not take the illuminance method into consideration. Therefore, on the basis of a lack of sufficient daylight and sunlight report for the new residential units, officers are not satisfied that the development would provide sufficient sunlight/daylight for future occupiers.

- 7.6 Overall the proposal is considered to provide poor accommodation for future occupiers in terms of sunlight/daylight and overlooking between flats 01 and 02 and 04 and 05 for future occupiers would form a reason for refusal.

8.0 Impact on neighbouring amenity

- 8.1 Policy A1 seeks to protect the quality of life of occupiers by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight, light pollution and noise. Policy A4 seeks to ensure that noise and vibration is controlled and managed.
- 8.2 Concerns were raised by neighbouring residents about the location of the new flats and their rear terraces fronting Brownlow Mews causing overlooking and noise and disturbance to neighbouring residential properties.
- 8.3 A daylight/sunlight report was submitted, it assessed the following properties:
- 131 Gray's Inn Road
 - 135 Gray's Inn Road
- 8.4 The report outlines that all windows tested within these two properties would comply with BRE guidance. However, given the proximity of the properties adjacent to the rear of the site on Brownslow Mews there is a potential for these properties at 20a, 21 and 21a Brownlow Mews to be impacted by the scale and siting of the development. Therefore, on the basis of a lack of sufficient daylight and sunlight report for neighbouring residential occupiers, officers are not satisfied that the development would not cause a harmful reduction to neighbouring daylight/sunlight levels.
- 8.5 In terms of loss of privacy and overlooking the separation distance between the Brownlow Mews elevations is 8 metres at ground level. There is an existing larger rear terrace at 1st floor which is used by the ancillary residential pub accommodation. The two terraces proposed at first floor would be squeezed on the edge of the rear elevation and offer smaller footprints with a closer and more focused outlook towards the neighbouring properties across from the site. Although the upper level balconies offer a greater set back and it is further noted that it is not uncharacteristic to have residential dwellings facing each other along the mews as can be seen to the southern end of the mews. However, as mentioned above, the terraces are lacking screening as they are enclosed by metal railings which would not prevent overlooking of 20a, 21 and 21a Brownlow Mews given the little separation distance. This therefore forms an additional reason for refusal.
- 8.6 It is acknowledged that the development will result in a greater number of people within the site with the introduction of seven one to three bedroom dwellings, but given that they will also be residential units with modest sized balconies they would be unlikely to result in harmful level of noise and disturbance that would warrant a reason for refusal.
- 8.7 No.18 Brownlow Mews objected to the bin store proposed on the Brownlow Mews elevation creating smells to their property, it is considered if the development was acceptable that mitigation for the bin store could be conditioned to address this.

Plant

- 8.8 The development would relocate the pub's kitchen to basement level, the extract will terminate at roof level. The extract will run internally through the building alongside the lift shaft. Normally it would be expected to terminate 1m above roof level and away from neighbouring windows, the plans show it at a slightly lower height but it is considered that its final height could be conditioned if the development was acceptable.
- 8.9 An odour report was submitted which sets out that it will need a high level of odour control to prevent nuisances and it sets out a maintenance schedule. If the development was acceptable compliance with these details would be secured by condition.
- 8.10 A noise report was submitted and reviewed by the Council's environmental noise officer who found it satisfactory subject to conditions on noise compliance, anti-vibration measures and noise mitigation measures for the future occupiers of the development including between the two uses in line with the agent of change. These details would be conditioned if the development was acceptable.

9.0 Transport

- 9.1 In line with Policy T1 of the adopted Camden Local Plan, the Council expects cycle parking at developments to be provided in accordance with the standards set out in the London Plan. The London Plan requires 1 space for a 1 bed/studio, 1.5 spaces for a 2bed and 2 spaces for all other dwellings for long stay and 2 spaces for short stay for the provision of between 5-40 dwellings. In terms of the pub use it would expect 1 space per 175sqm for long stay and 1 space per 20sqm for short stay. The submitted plans show the provision of a cycle store at ground floor level accessed via a lift to accommodate 14 long stay spaces and under the stairs at lower ground floor capable for accommodating 2 short stay spaces which would be acceptable. It is acknowledged that there are currently no existing cycle parking spaces on site for the existing pub and ancillary pub accommodation. As the development is for a partial change of use, which involves mainly converting the ancillary accommodation to flats and retaining the pub at ground and basement level, highways officers in this instance have considered that the cycle parking requirement for the commercial space would not be sought given the above. If the development was acceptable the residential cycle parking would be secured by condition.
- 9.2 In accordance with Policy T2 of the adopted Camden Local Plan, new development is expected to be car-free. No off-street parking is currently provided and none is proposed. All units would need to be secured as car-free, preventing access to on-street residents parking permits, by means of a Section 106 Agreement if the proposals were acceptable in all other regards. This would be required to prevent the future occupiers from adding to existing on-street parking pressure, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. In absence of an acceptable development and thus no S106 agreement, this forms an additional reason for refusal.
- 9.3 Given the scale of the proposed development, a Construction Management Plan and associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500 would need to be secured by s106 Agreement. In the absence of a S106, this forms an additional reason for refusal.
- 9.4 The public highway in the general vicinity of the site is likely to sustain damage as a direct result of the basement excavation and construction activities. A highways contribution would therefore be required. This would allow the Council to repair any damage to the public highway

in the general vicinity of the site on completion of the development. This would be assessed if the development was to be approved. In the absence of a S106, this forms an additional reason for refusal.

- 9.5 The development would introduce new trips to the area and the Council aims to encourage walking and cycling as the primary mode of transport for short journeys. With the lack of existing cycle parking facilities and to support local Pedestrian, Cycling and Environmental (PCE) schemes (e.g. upgrades to the existing cycle lanes), the Council would therefore seek to secure a financial contribution of £15,000 as a s106 obligation if the proposals were acceptable. In the absence of a S106, this forms an additional reason for refusal
- 9.6 The proposed ground floor plan was revised to show that the doors would open inwards rather into Gray's Inn Road and Brownlow Mews, which is acceptable.
- 9.7 As the application is being refused, the failure to enter into a legal agreement and secure car-free housing; highways contribution, PCE, a CMP (with contributions) and Construction Impact Bond would all form reasons for refusal.

10.0 Trees and Biodiversity

- 10.1 Due to the constrained nature of the site there are no existing trees or soft landscaping. Policy A3 sets out that the Council will expect developments to incorporate additional vegetation where possible. No green roofs are proposed and no details of the planting for privacy has been provided to improve biodiversity on the site. If the development was acceptable in all other aspects, revisions would be sought to increase biodiversity on the site.

11.0 Air Quality

- 11.1 The application site is in an area of poor air quality. Camden Local Plan policy CC4 and CPG Air quality is relevant with regards to air quality. An air quality assessment was provided.
- 11.2 It is noted that the site already has residential accommodation on the upper floors which is used as ancillary accommodation for the pub below. This proposal would replace this with 7 flats. The air quality assessment sets out that mechanical filtration would be required for flat 01 and if the air is drawn in above flat 01 height or to the rear of this unit, filtration is unlikely to be required and if it is at the same height of the flat NOx filtration is likely to be required. As mentioned the site is in an area of very poor air quality which is worse to the front along Gray's Inn Road and slightly improves to the rear (Brownlow Mews) as shown in the image below with data from 2019.



Air Quality Map showing the London Atmospheric Emissions Inventory (LAEI) for 2019 for the site

- 11.3 The Council's Air Quality Officer concluded that NO_x filtration would be required for all units at first and also second floor and that the development should consider design mitigations to prevent ingress of pollution. The air quality report states that the 1st floor front flat, will require filtration unless the air is drawn above the level of the flat 01 height but MVHR would be required at other floors. It is noted that the third floor air quality is not modelled and would be required to show that it does not exceed 38µg/m³ for NO₂, otherwise mechanical ventilation would be required too. It is considered that if the development was acceptable conditions could be attached requiring this information on the 3rd floor, details of the mechanical ventilation including their inlet locations to be installed and details of mitigation measures to prevent ingress of pollution.
- 11.4 The assessment shows that it would just about be air quality neutral for building emissions. Transport emissions are also air quality neutral. The Overall construction dust risk is medium and therefore dust monitoring and mitigation would be required if the development was acceptable.
- 12.0 Sustainability**
- 12.1 Local Plan policy CC1 requires all developments to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. Policy CC2 requires all development to adopt appropriate climate change adaptation measures. Policy CC3 is also relevant with regards to sustainability and climate change.
- 12.2 Policy CC1 part e) states we will require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. The supporting text further adds that demolition should be fully justified in terms of the optimisation of resources and energy use, in comparison with the existing building. No justification has been provided that it is not possible to retain and improve the existing building or to optimise resource efficiency and in absence of this information it would form a reason for refusal.
- 12.3 A sustainability and energy statement were provided. This report outlines it will meet the target of 19% reduction in carbon emissions below Part L 2013 building regulations but no breakdowns of the stages shown including the be green stage which requires a 20% reduction in carbon dioxide emissions from on-site in renewable energy generation. Gas boilers, Waste

water heat recovery system (WWHRS) and Flue gas heat recovery system (FGHRS) are indicated to be used. But ASHP and PV panels have been ruled out. It is worth noting that the assumption in the report that PV panels would not be supported on this site within the conservation area would be untrue and their inclusion on the site would be welcomed.

12.4 Based on the above it is unlikely that the site would achieve this 20% be green target and in absence of this information the development has failed to demonstrate that they have reduced carbon emissions through following the steps in the energy hierarchy and specifically has not achieved a 20% reduction in carbon dioxide emissions from on-site in renewable energy generation for the 'be green stage'. This would be contrary to policy CC1 and form a reason for refusal.

12.5 If the development was acceptable a condition would be attached securing water compliance with 105 litres per person/per day for the residential units and 5 litres per day for external use in line with Policy CC3.

13.0 Heads of terms

13.1 If the proposal was considered to be acceptable then permission would be subject to a Section 106 legal agreement. The obligations required have been discussed above and are included as reasons for refusal. Below is a summary of the heads of terms that would be sought if permission were to be granted:

- All flats to be secured as car-free
- Construction Management Plan and implementation support contribution of £3,920
- Construction Impact Bond of £7,500
- Highways Contribution
- Pedestrian, cycling and environmental improvements contribution of £15,000
- Affordable housing contribution of £177,600

14.0 Community Infrastructure Levy

14.1 This site would be subject to CiL payments.

15.0 Conclusion

15.1 In conclusion, the partial loss of the pub and some of its key features to ensure its viability have not been justified. The demolition and scale and detailed design of the proposed extensions is considered to cause less than substantial harm to the character and appearance of the host property, streetscene and Bloomsbury Conservation Area. Substantial demolition has not been justified in line with Policy CC1. It is acknowledged that there is a minor public benefit of additional housing but no affordable housing or contribution will be secured by S106 legal agreement. The daylight sunlight report is based off outdated guidance, with not all neighbouring residential properties assessed and therefore does not demonstrate that the development will not result in harm in terms of light to neighbouring residential properties or future occupiers of the seven new units on site. The development is considered to result in harmful overlooking to the rear to the properties adjacent within Browslow Mews.

15.2 The site has potential to incorporate biodiversity and on site renewable measures which are currently lacking. At least the screening and scoping exercise should have been completed in line with Policy A5 to assess the impact of the additional excavation to determine if a full BIA was required. The development fails to secure a S106 securing all new units as car free, a CMP (with associated monitoring fee and bond), highways contribution and pedestrian, cycling and environmental improvements contribution.

16.0 Recommendation

16.1 Refuse Planning permission