

Delegated Report		Analysis sheet	Expiry Date:	14/11/2013
		N/A / attached	Consultation Expiry Date:	31/10/2013
Officer			Application Number(s)	
John Sheehy			2013/5568/P	
Application Address			Drawing Numbers	
The Castle 147 Kentish Town Road London NW1 8PB			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Redevelopment of existing former public house (A4 use) including enlargement of the existing basement with a basement plus five storey mixed use building comprising office space (A2/B1) at basement/ground floor levels and 9 self-contained residential flats (C3 use) at the upper floors comprising 1x1 bed, 6x2 bed and 2x3 bed including basement level cycle storage and solar panels on the roof following demolition of existing building (A4 use).				
Recommendation:	Refuse planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	28	No. of responses	103	No. of objections	50
Summary of consultation responses:	<p>A site notice was displayed on 24/09/2013 that expired on 15/10/2013 and a press notice was published on 10/10/2013 that expired on 31/10/2013.</p> <p>50 letters of objection were received from local residents raising the following concerns:</p> <ul style="list-style-type: none"> • Proposed building too high and too large in its context – when viewed from Royal College Street, Castle Road and Kentish town Road; • Proposal “nondescript”, “characterless”, “overbearing”, “ugly”, “sub-standard” and “abysmally inappropriate” in its design and appearance; • Proposed materials do not reflect context; • The proposal would harm the streetscape and the community; • Similar proposal for demolition of valuable Pizza Express building and replacement with a poor design has recently been dismissed at appeal; • Would prefer to see existing building restored and adapted; • Recent demolition works are a deliberate effort to make the building unsafe and have it declared beyond repair; • Existing local historic building is characterful and contributes to the area’s unique charm, identity and sense of place: its loss is unacceptable; • NPPF states heritage assets are an irreplaceable resource and should be protected; • Proposal would result in increased transport pressure and demand for parking; • Impact on privacy of neighbours and gardens from windows and balconies; • Loss of sunlight and daylight to neighbours; • Proposal would overshadow public realm, darkening the street and cutting off sunlight to properties across the way on Royal College Street; • No reason why pub cannot be restored and renovated like nearby pubs The Grafton Arms on Grafton Road or Tapping the Admiral on Castle Road, The Abbey Tavern on Kentish Town Road and The Oxford of Kentish Town Road; • Eight estate agents in Kentish Town Road and plenty of vacant office space; • Too many local pubs have already been lost <p>44 letters of support were received from local residents raising the following points:</p> <ul style="list-style-type: none"> • Redevelopment of vacant site; • Improvement to the local area; • Proposed building not too large in context of Victorian building opposite; • Building should not be used as a pub or a music venue because of noise pollution; • Previous use brought rowdy behaviour, drugs, crime and vermin to the area; • No business stayed in the building long enough to flourish – this part of Kentish Town became somewhere that you just drive through; • Area needs anchor tenants and local employers; • No investment in this run of buildings will lead to accelerating decline; • Apprenticeship places good for local residents. <p>9 letters raising comments were received. All points were also raised by those either objecting or in support.</p>					

Summary of CAAC/Local groups comments:

CAMPAIGN FOR REAL ALE NORTH LONDON BRANCH (1600 members), objection:

- Other nearby pubs, recently refurbished are successful and viable
- “Under the right management and operated ‘free of tie’ as a Free House and offered for sale at a realistic and commercial value, there is no doubt that these historic premises could continue to be a valuable addition to the street and the neighbourhood”.

SECRETARY OF HARMOOD, CLARENCE AND HARTLAND RESIDENTS ASSOCIATION: objection to demolition of building and design of proposal. Building should be restored and retained for agreed local use.

ENGLISH HERITAGE: recommend that a desk-based archaeological assessment should be undertaken to identify the likely effects of the development on the significance of heritage assets.

Nature and scope of assessment/ evaluation should be agreed with GLAAS and carried out by a developer appointed archaeological practice before a decision on the planning application is taken. The consultant’s report will need to establish the significance of the site and the impact of the proposal.

The NPPF accords great weight to the conservation of designated heritage assets and also non-designated heritage assets of equivalent interest. Heritage assets of local or regional significance may also be considered worthy of conservation.

If planning permission is to be refused without the provision of a satisfactory archaeological assessment/evaluation we recommend that the failure to provide an adequate archaeological assessment be cited as a reason for refusal.

KENTISH TOWN NEIGHBOURHOOD FORUM & KENTISH TOWN ROAD ACTION

1. Demolition and change of use
 - Existing pub was not in such a bad state of repair until the applicant took the roof off the building
 - Pub was operating as a nightclub and was badly managed. A replacement pub could operate successfully from this site.
 - Kentish Town has 8 estate agents already from the railway bridge in the south up to Highgate Road and Fortess Road in the north. An additional large estate agents office here is surplus to requirements
2. Massing
 - Replacement building is large crude glass block totally out of keeping with the surrounding buildings
 - Two storey’s higher than the adjacent former tube station and 1 storey higher than the present Castle PH
3. Overlooking
 - Houses and gardens of Castle Road south side will be overlooked by the windows and balconies of the apartments on the side of the proposed building
4. Design
 - Modern interpretation does not add to vitality of the street and is totally out of context
 - This design would not be a landmark for the local community with protruding windows on hodge-podge of levels showing evidence of lack

of simplicity and very poor design

- 137-139 Kentish Town Road is an example of an awful structure that was granted permission by Camden and is now detested by the local community. Don't allow another monstrosity in the street.

5. Materials

- Materials proposed are not chiefly in evidence on the facades of adjacent buildings and have clearly not been carefully considered.

6. Car free housing

- Lack of s106 agreement to secure car-free housing

7. Employment

- New office space would suggest 38 people would be employed but they note that there is no intention to employ local people

8. Homes

- As Camden's AMR states that housing capacity of deliverable sites is sufficient to comply with targets the RA ask that the application be refused in its entirety.

Other comments

1. Loss of historic pub resulting in an anonymous place with no sense of history
2. Height and massing does not sit favourably and blend in with the existing buildings. Height should be scaled back so that it matches the adjoining buildings
3. Design (external facades hotch potch of colours and materials, curved design of the front corner is incongruous)
4. no affordable housing provision
5. no consultation with local people prior to submission of application

KELLY STREET RESIDENTS ASSOCIATION

- The recent demolition works were unauthorised – concerns about loss of Kentish Town's architectural and historical character.
- Replacement should be a building of distinction, however the proposal is out of keeping with the surrounding area. It is ugly, tall and inappropriately glassy; it is higher than other buildings in the vicinity and out of keeping with the area, as such it fails to comply with DP24.
- Housing welcomed, however concerns that no affordable housing provided.
- Car-free needs to be secure by Legal Agreement.
- No commitment that jobs that would be provided would employ local people.

Site Description

A three storey building on the corner of Kentish Town Road and Castle Road: the site has a long history as a public house with the current building dating from 1848. It is not listed nor in a Conservation Area, though it has been nominated for Local Listing.

An Article 4 Direction was served on the property in June 2013 to remove permitted development rights in relation to demolition.

The site is located within the secondary shopping frontage of Kentish Town shopping centre. It is within an archaeological priority zone and is also identified as underground development constraint due to its close proximity to the lost rivers of London.

Relevant History

1) **May 2013** Prior approval for demolition of the pub (2013/2482/P) **refused** for main reasons:

- *In the absence of adequate details of the proposed Method of Demolition, the proposed works are likely to result in harm to local air quality, cause obstruction, congestion, inconvenience and danger to pedestrians and other road users and damage to pavements, and cause harm to local amenity.*
- *In the absence of adequate details for the proposed restoration of the site, the proposed demolition is likely to result in harm to the appearance of the local environment.*

2) Prior approval for demolition of the pub (2013/3096/P) was **refused** on 18/06/2013 as an Article 4 Direction was made on the building on 03/06/2013. This Direction removed the permitted development rights allowing for demolition available under Class A, Part 31 of Schedule 2 GPDO 1995. The prior approval application was refused because the Article 4 Direction permitted development rights to demolish had been removed.

Other sites

3 Castle Road

Planning permission was granted on 21st December 2009 for the erection of a mansard roof extension, and a rear second floor extension to replace an existing terrace, to create additional floor space for the conversion of an existing 2 bed second floor self-contained flat to a 3 bed second/third floor self-contained flat (Class C3) (2009/5041/P). The external works do not appear to have been implemented and would have now lapsed 21/12/2012.

141-145 Kentish Town Road

Planning permission was granted on 13/06/2013 for change of use on first floor from office (Class B1) to a pilates studio (Class D2), ref. 2013/2289/P.

187 Kentish Town Road "Pizza Express site"

December 2010 Planning permission refused for renewal of planning permission granted on 21/12/2007 (2007/5009/P) for Redevelopment of site with a new 5-storey building comprising ground floor as retail (Class A1), financial and professional services (Class A2) and restaurant/cafe (Class A3), with the provision of 14 residential units on the upper floors (Class C3), ref. 2010/5052/P

Reasons for refusal

- *The demolition of the existing building would result in the loss of a significant local landmark building and local heritage asset which contributes positively to the local streetscape and the replacement building would be of insufficient design quality on this prominent corner site, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework.*
- *The scheme was also refused because of the absence of a legal agreement to secure car free housing, affordable housing, healthcare, education, open space, highways and public contributions, as well as commitment to incorporate Lifetimes Homes into the development, to submit a construction management plan and to commit to local procurement.*

December 2011 Appeal against the above refusal dismissed The Inspector found that the replacement building was not of sufficient design quality to justify demolition of the non-designated heritage asset and that it did not respond to the scale of the neighbouring buildings.

Enforcement history

June 2013 Enforcement Notice issued regarding the removal of the roof, timber sash windows, rusticated quoins, window architraves with projecting cornices at first floor, bracketed sills and cornice at second floor and cornice at roof level, ref. EN13/0593.

The notice required the reinstatement of the roof, timber sash windows, rusticated quoins, window architraves with projecting cornices at first floor, bracketed sills and cornice at second floor and cornice at roof level within 2 months. An appeal against the Notice is currently under way and the decision is awaited (ref. APP/X5210/C/2201362).

Relevant policies

LDF Core Strategy and Development Policies

- CS1 - Distribution of growth
- CS5 - Managing the impact of growth and development
- CS6 - Providing quality homes
- CS8 - Promoting a successful and inclusive Camden economy
- CS11 - Promoting sustainable and efficient travel
- CS13 - Tackling climate change
- CS14 - Promoting high quality places and conserving our heritage
- CS15 - Protecting and improving open spaces & encouraging biodiversity
- CS16 - Improving Camden's health and well-being
- CS17 - Making Camden a safer place
- CS18 - Dealing with waste
- CS19 - Delivering and monitoring the Core Strategy

Development Policies

- DP2 - Making full use of Camden's capacity for housing
- DP3 - Contributions to supply of affordable housing
- DP5 - Housing size mix
- DP6 - Lifetime homes and wheelchair homes
- DP13 - Employment sites and premises
- DP16 - Transport implications of development
- DP17 - Walking, cycling and public transport
- DP18 - Parking standards and the availability of car parking
- DP19 - Managing the impact of parking
- DP20 - Movement of goods and materials
- DP21 - Development connecting to highway network
- DP22 - Sustainable design and construction
- DP23 - Water
- DP24 - Securing high quality design
- DP25 - Conserving Camden's heritage
- DP26 - Managing the impact of development on occupiers and neighbours
- DP28 - Noise and vibration
- DP29 - Improving access
- DP31 - Provision of and improvements to public open space

Supplementary Planning Policies

Camden Planning Guidance (CPG) 2011 and 2013

- CPG 1 Design
- CPG3 Sustainability
- CPG5 Town centres, retail and employment
- CPG 6 Amenity
- CPG 7 Transport
- CPG 8 Planning obligations

National Planning Policy Framework

PROPOSAL

Planning permission is sought for the redevelopment of the existing former public house (A4 use) including enlargement of the existing basement with a basement plus five storey mixed use building comprising office space (A2/B1) at basement/ground floor levels and 9 self-contained residential flats (C3 use) at the upper floors comprising 1x1 bed, 6x2 bed and 2x3 bed including basement level cycle storage and solar panels on the roof following demolition of existing building (A4 use).

The proposed building would comprise of an enlarged basement that would involve excavating approximately 2.8m below ground level when measured on Kentish Town Road and would extend under the extent of the site. The building would measure 14.8m in height. There would be a set back from Kentish Town Road at third and fourth floor levels by 3.6m and 4.9m respectively to allow for terraces to the new residential units.

In terms of material the building would be clad in two colours of terracotta tiles in a cream and green colour. The building would incorporate in parts long strips of horizontal windows sets. The frontage at ground floor level would be fully glazed comprising of double doors and full height panels to provide separate access to the various uses.

The scheme would provide 632.2 sq. m of flexible commercial space to use under the following classes - A2/B1 at basement and ground floor levels. The commercial space would be occupied by local estate agents (Ringleys) who currently occupy a corner property on the junction of Kentish Town Road and Royal College Street. The commercial floor space would be accessed via the corner entrance on Kentish Town Road and Castle Road.

The residential element of the development would be located within the first to fourth floors of the building. The development proposes 9 residential units; 1x1bed, 6x2 bed and 2x3 bed. The residential accommodation would have an individual access via Castle Road. Each of the residential units would have access to private amenity space

Cycle parking would be provided at basement level and residential and commercial refused storage has been provided within the ground floor level.

AMENDMENTS

During the course of the application the following revised drawings have been submitted:

- Provision of a wider stair from the ground floor to the basement with a cycle gulley for the cycle wheels to run in. This enables cycles to be wheeled within the gulley rather than bumped up and down the stairs or carried.
- At basement level separate cycle stores have been provided for the commercial cycles and the residential cycles.
- an alternative form of lift with doors on two sides that provides for secure wheelchair access between the basement and ground floors of the commercial space.

ASSESSMENT

The principal considerations material to the determination of this application are summarised as follows:

- design
- amenity
- land use
- basement development
- sustainability
- transport and highways

DESIGN

Design policy context

The local and national design policies which this proposal is assessed against highlight the crucial importance to be given to quality in the design process. In addition, local and national design policies outline the need for developments to relate sensitively to the surrounding context.

Camden's design policies, in particular policies CS14 are DP24 seek to secure and promote high quality design. In particular DP24 states that the Council will grant permission for development that is designed to a high standard.

Policy DP24 includes criterion (a) which requires all development to be of a high standard of design and that the Council should consider the 'character, setting and context and the form and scale of neighbouring buildings.

Paragraph 24.7 states that the Council will consider proposals in terms of the pattern of development, the scale of surrounding development, and compatibility of facing materials used, their quality, texture, tone and colour, the composition of elevations, its impact on views and vistas, and the wider historic environment and buildings, spaces, and features of local historic value.

Para 24.9 identifies that "the re-use of existing buildings preserves their 'embodied' energy. Many historic buildings display qualities that are environmentally suitable and have directly contributed to their survival, for example the use of durable, natural, materials, good room proportions, natural light, and ventilation and ease of alteration. The retention and adaptation of existing buildings will be encouraged."

Paragraphs 24.11 identifies that "given the highly built up nature of Camden, careful consideration of the characteristics of a site, features of local distinctiveness, and the wider context is needed in order to achieve high quality development that integrates with its surroundings".

Paragraph 24.12 requires that "in order to best preserve the positive element of local character we need to recognize and understand the factors that create it. Designs for new buildings should respect the character of the local area and neighbouring buildings. Within areas of distinctive character development should reinforce those elements that create that character. Where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form, proportions and materials. In areas of low quality or where no pattern prevails, development should improve the quality of an area and give it a stronger identity."

In this case the Council considers that the local distinctiveness and character derives from the pattern of development along this historic route north (along Kentish Town Archaeological Priority Area), the layout and scale of terraces, buildings, and its notably distinctive corner buildings at junctions, the traditional nature of construction and the high degree of continuity in materials, parapet lines and in the form and treatment of openings.

In respecting local character para 24.13 requires that development should not undermine any existing uniformity of a street or ignore patterns of groupings of buildings.

These policies are reinforced by Camden's Core Strategy Town Centre Policy CS7 which aims to ensure that town centres "provide character and identity to local areas and the borough as a whole". In particular policy CS7(e) states that the Council will ensure that "new development is of an appropriate scale and character for the centre in which it is located".

In addition to this the NPPF attaches great importance to the provision of high quality contextual design. Paragraph 58 states that Councils should aim to

- "establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit..."
- "respond to local character and history and reflect the identity of local surroundings and materials..."
- Create places that are "are visually attractive as a result of good architecture...."

Paragraph 60 states seeks:

- "planning policies and decisions should not seek to impose architectural styles.....it is, however proper to promote or reinforce local distinctiveness".

Development pattern and context

It is known that an inn or tavern has stood in this location as far back as the late middle ages and as such has been a landmark for locals and travellers for hundreds of years. While the site is not located in a Conservation Area the Conservation Area Statement for the neighbouring Rochester CA states "Kentish Town did not develop as a compact cluster but as individual buildings strung out along the road to Highgate, which followed the course of the river Fleet. It probably took this form because of the various inns established to serve the many travellers passing through on their way between London and The North, and stretched from where the former Castle pub now stands on Kentish Town Road, to Swain's Lane... As London expanded westwards in the 18th century, Kentish Town also changed and grew. More houses were built, but still on the main road, rather than in the fields behind. The farms concentrated increasingly on the production of milk for ale in the city, and hay to feed the growing number of horses. Inns began developing extensive pleasure grounds as Londoners visited the area on day-trips to the country. The most important of these in the mid-18th century was The Castle, whose gardens now lie beneath Kelly Street, Castlehaven Road and Clarence Way".

The current public house replaced a much earlier inn and stands as a reminder of the local urban development and history of Kentish Town. The present building has stood in this location for over 160 years and gives the immediate area an identity, a focus and a sense of place. It contributes to the local distinctive character of Kentish Town. Number 147 Kentish Town characterises the best of Victorian urban development and in particular represents an important and integral part of the development of this part of Kentish Town when the neighbouring streets of Rochester Road, Castlehaven Road and Kelly Street were also developed at around the same time.

The elevational treatment displays the characterful Victorian use of classically influenced proportions and decorative elements. When seen in the context of the streetscape within which it sits the former pub is of an appropriate scale, sitting a little grander than its neighbours but not overwhelming them as befitting its highly visible and prominent position. This part of Kentish Town Road includes a three storey, early 19th century parade of shops and upper parts to the north while immediately next door to the south is a former early 20th century tube station with its characterful oxblood tiling. It is also of a substantial scale but not overly imposing over two floors.

Neighbouring Conservation Areas

Number 147 is located close to the boundary of a number of CAs. There are four Conservation Areas in close proximity.

To the South there is CA 21 Jeffreys Road CA from which there are long views towards the junction of Royal College Street, Kentish Town Road and the entrance to Castle Street can be seen, see St Richard of Chichester RC Secondary School.

Rochester CA which includes the part of Kentish Town Road diagonally is opposite No. 147 Kentish Town Road and focuses for the purposes of this statement on the listed St Barnabas Church.

Kelly Street CA 14 is just to the North with predominantly two storey houses, the modest scale of which is echoed by the later 20th century development along Castle Road.

Inkerman Conservation Area lies to the north of the junction of KTR and Prince of Wales Road.

Loss of the existing building

This three storey former pub occupies a key focal position close to the historic junction of Kentish Town Road and Royal College Street. The building effectively has two principal elevations, designed to be seen when approaching from different directions, along Kentish Town Road, Royal College Street and Castle Road.

The design of the street elevations is well considered and follows the Italianate palazzo pattern type popular with Victorian speculative builders. The ground floor is the grandest with high floor to ceiling and large window proportions and as the building rises the floors have an understandable hierarchy set under an impressive cornice. Number 147 appears to retain its original vertically sliding timber sash windows and on the second

floor the decorative sun blinds. Handsomely embellished with bold stucco decorative features the building represents a striking and grander edifice than the terraces of the neighbouring residential streets which were developed at around the same time. Later local development dating from the 20th century has, in the main, reflected this historic hierarchy.

It is the Council's view that this building should be considered as an undesignated heritage asset as defined by the NPPF and that it has significant value in terms of its contribution to the architectural and historic character and appearance of this part of Kentish Town. Public house architecture of this calibre is being lost at an increasing rate which harms the streetscape and local architecture. For these reasons the demolition of the existing building is not supported.

Works of demolition have already started, including the removal of the roof leaving the building open to the elements, as well as the removal of part of the top parapet wall. In a busy urban context such as this, demolition requires carefully dismantling and safely taking down each element of building's structure and fabric from the top. The building is currently enclosed behind protective plastic sheeting, which screens the building from public view, however there are oblique views to the facades through the occasional gaps in the protective sheeting. Officers are concerned that many of the original stucco architectural features, projecting cornice, corbels, string courses, architraves, have already been removed from the facades of the building.

The removing of the original architectural features has seriously diminished the architectural and historic interest of the building. As required by para. 130 of the NPPF, the current deteriorated state of the heritage asset should not be taken into consideration in deciding this appeal. It is possible to re-instate all damaged stucco and architectural features as part of the restoration of the facades in accordance with the requirements of the Enforcement Notice.

It is noted that there have been strong objections from local residents to the demolition of this building.

Replacement building

The current scheme seeks to replace the historic pub with a substantially larger block of flats which has a commercial use at ground level. The design is considered to be nondescript and to have an abstract generic appearance. There are no features or facing materials that relate to the local architecture or to the historic pattern of development in the area.

The scale, height and mass of the proposed building would make it excessively dominant and visually obtrusive. It would be overwhelmingly high in the context of the immediate neighbours along Kentish Town Road, including the neighbouring former London Underground Station and the nearby low-rise residential streets. It would stand out above the houses in Castle Street, Castlehaven Road, Kelly Street and have a negative impact on the views out of the nearby Conservation Areas. The longer views from Royal College Street, Kentish Town Road and along Castle Road would also be adversely affected by the scale, height, mass and bulk of the proposal.

The elevations of the proposed scheme are considered to be bland and visually incongruous when viewed against the nineteenth century urban vernacular architecture of Kentish Town Road. The building is of a generic type, with its structure clad in modular fabricated panels, components and sheet materials which have little relationship to the surrounding traditional architecture of brickwork, stonework, glazed faience, stucco window mouldings, cornices, and slated roofs. The proposed building has an anonymous quality, which would be highly invasive and would visually jar if inserted into the traditional townscape of Kentish Town Road. It lacks any local connection and would be harmful to local distinctiveness. The reasons for refusal include over dominant and visually obtrusive height, bulk and massing, lack of high quality design details and failing to respond to its Kentish Town Road context.

It is noted that lightwells are proposed onto Kentish Town Road and Castle Road. These would be directly adjacent to the pedestrian footway and are to be enclosed by railings. This would introduce a new feature in the streetscape and result in a more prominent lower ground floor, adding to the perceived bulk and scale of the proposal.

The loss of the existing particularly handsome Castle corner pub, a distinctive and characteristic building in the

local townscape, would not be justified by the proposed replacement which is considered of insufficient merit. The demolition of The Castle would represent a very significant loss to the local sense of place of Kentish Town Road and its crucial historic relevance to the local community.

The scheme fails to achieve the high level of quality which is highlighted as crucial to comply with local and national design policies. It is in breach of another critical policy requirement in that it fails to relate sensitively or appropriately to the surrounding context.

In getting to this view the Council has taken into consideration the recent appeal decision at 187 Kentish Town High Road. This site occupies an almost identical corner location. The appeal was against the Council's refusal to demolish a non-designated heritage asset. In paragraph 16 of her report dismissing the appeal, the Inspector stated "The appeal site occupies a prominent position in Kentish Town... Given its status as a non-designated heritage asset, if the existing building is to be replaced it is extremely important that its successor is of a high standard of design... It is important than any future building here is composed in a manner which is sympathetic to it [the adjoining building] and its surroundings".

In paragraph 18 the Inspector states that "... because the of its overall height it would fail to respond to the row of smaller scale buildings to the south of the appeal site , on Kentish Town Road".

The Inspector's comments reinforce the Council's policy requirements for the design of any development on sites such as this to be of high quality and to relate sensitively and appropriately to their context.

This proposal is contrary to Camden Policy CS14, DP24 and to the NPPF and as such it is not possible to support the application. There have also been strong objections from local residents to the proposed building.

Local list and Article 4

Number 147 Kentish Town Road is not a statutorily listed building, nor is it located within a conservation area. However The Castle is included in the Council's draft local list which went out to public consultation and which closed on the 20th December 2013. It is anticipated that the Local List will be submitted to Cabinet for adoption and the finalised version published in the summer of 2014.

Camden's Local List recognises elements of the historic environment that are not already designated in another way (for example a Listed Building), but which may nonetheless contribute to a sense of place, local distinctiveness and civic pride. They are known as "non designated heritage assets" as defined by the NPPF

The draft Local List states that the former public house is included due to its architectural, townscape and social significance.

AMENITY

Quality of new residential accommodation

Development Plan Policy DP26 requires residential developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes, amenity space and an internal living arrangement which affords acceptable levels of sunlight, daylight, privacy and outlook.

With regards to dwelling and room sizes, all 9 flats would meet, with many exceeding, the minimum space standards set out in the Mayor of London's Housing SPG. The standards in this guide exceed Camden's Planning Guidance, for example Camden requires 48 sq. m for a 2 person flat, whereas the Mayor of London's SPD is 50 sq. m. All flats would also have usable layouts to maximise functionality and liveability for future occupiers. The flats would be accessed via the newly created entrance area at ground floor level from Castle Road using a centrally located lift core.

Of the 9 flats 4 would be dual aspect onto Kentish Town Road and Castle Road and 4 would be dual aspect onto Castle Road and the rear/ south of the site overlooking the roof of the underground station. There would be 1 single aspect unit, at second floor. This would face north. Due to this flat being generous in size with large window openings and a large balcony it is considered that the inclusion of this single aspect unit in the scheme is acceptable.

All units have generous private balconies. The proposal also includes an internal lightwell which stretches from first to fourth floors. The 4 units on the Kentish Town Road frontage have windows onto this lightwell; and doors to access to outdoor terraces in this part of the proposed building.

Daylight and sunlight

All 8 proposed dual-aspect units would have generous levels of internal sunlight and daylight. Only one unit is single aspect and while it is north facing, it has large window openings and a large balcony. Given the site layout constraints and the generally high standard of internal amenity the presence of one single-aspect north facing unit is, on balance, acceptable.

Outlook

The 8 dual aspect units provide good levels of outlook. The single aspect unit allows for views along Castle Road as far as Kentish Town Road to the east.

Privacy

Within the scheme there is no mutual overlooking of habitable rooms, either from proposed units, circulation spaces or balconies.

Private amenity space

All units have large balconies, some more than one. In the context of the town centre location a generous amount of private amenity space is proposed.

Lifetime homes standards

As a new build development Approved Document M of the Building Regulations (ADM) will apply to both dwelling and non-dwelling sections of the development. In addition planning policy DP6 will require all dwellings to be designed to fully comply with Lifetime homes standards and 10% of the bedrooms to be suitable for or easily adaptable for wheelchair users.

With regard to the residential units, the applicant has submitted details of the Lifetime homes standards within the DAS confirming that all the relevant points have been achieved and has been cross-referenced by amended drawings. The applicant has revisited the layout of the bathrooms to all the units. All flats are shown with accessible bathrooms and the turning circle to allow on removal of the bath from the rooms and then to be used as a wet room is shown. This has necessitated some minor internal changes to the flat layouts of some of the units; such as handing the ensuite to flat 6 on the third floor and the conversion of a shower ensuite to a bathroom ensuite to flat 8 on the fourth floor. These internal changes would meet Lifetime Homes standards and, if the application had been acceptable in all other respects, this would be considered acceptable.

The applicant has confirmed that the ground floor at the front does have a level threshold from the street into the building as does the side entrance from Castle Road and there is no height difference. This complies with Camden policies and is acceptable.

Neighbour Amenity

Policy DP26 states that the Council will only grant permission for development that does not cause harm to amenity. It states that the Council should consider the impact on daylight, sunlight, outlook, privacy, noise and odour/cooking fumes. This policy also requires acceptable standards of accommodation in terms of internal arrangements and facilities such as refuse storage and recycling.

Overlooking and loss of privacy

CPG6 advises that it is good practice to locate directly facing habitable rooms 18 metres apart to ensure that privacy between properties is of an acceptable level.

The windows of the proposed units face across Castle Road and Kentish Town Road. These views replicate the established relationship between facing properties which exist on Castle Road, Kentish Town Road and the nearby residential streets.

The windows and balconies at the rear overlook the pitched roof of the underground station, now an employment space, and do not result in a loss of privacy to neighbours.

The proposal does not result in a loss of visual privacy to neighbours.

Sunlight and daylight

The buildings on the north side of Castle Road are separated by 16.4m from the appeal site. The proposed building is taller than the existing public house and infills a space to the rear along Castle Road.

The proposal would result in a loss of sunlight and daylight to the properties directly opposite on Castle Road. However, this would be mitigated by the distance between the properties and the fact that the directly facing properties do not have residential windows at ground floor. Furthermore, the form of the side wall of 3 Castle Road indicates that this was once a continuous terrace. The building gap appears to be as a result of demolition during the twentieth century, perhaps war damage. While a sunlight and daylight report has not been submitted, it would appear that any reduction in sunlight and daylight would be limited compared to the situation if the terrace was still in place. As a result "on balance", it would not be reasonable to refuse the application on this basis.

Outlook/ sense of enclosure

Additional built space can result in an increased sense of enclosure to the residential windows and terraces of neighbouring properties causing, harm to the amenity of occupiers. Policy DP26b identifies "overshadowing and outlook" as one of the factors the Council will consider in assessing the impact of schemes on neighbouring occupiers.

A harmful loss of outlook can occur when an increase in the size of a building results in it protruding significantly beyond established parapet and building lines, and the resulting scheme towers over neighbouring properties.

The established scale of buildings on Castle Street and on this side of Kentish Town Road is two or three levels.

The proposed building would replace an existing 3-storey pub with a building gap to the rear and comprise a 5-storey building along Castle Street. This building would extend along Castle Road over a distance of 26.5m. Not only would it fill in the gap behind the pub, it would also protrude substantially beyond the established parapet line along the long Castle Road frontage. The proposal as a whole would be substantially taller and bulkier than the existing Castle pub and beer garden.

The outlook from facing residential windows on the north side of Castle Road would be seriously harmed by the addition of the proposed building. It would materially enclose and tower over these properties and would have a harmful effect on the outlook from them. This is unacceptable in the context of DP26b and the application would have been refused on this basis.

Noise

Noise can have a major effect on amenity and health and therefore quality of life. Policy DP26 and DP28 seek to ensure that new development does not cause noise disturbance to future occupiers or neighbouring properties. It states that development will not be granted for development that is likely to generate noise pollution or development that is sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided. It also states that the Council will seek to minimise the impact of noise from demolition and construction.

The Council's standard requirement is that that noise from operational plant is at least 5dB below the background noise level. Where it is anticipated that plant will have a noise that has a distinguishable, discrete continuous note and/or if there are distinct impulses then that plant should operate at least 10dB below the background noise level.

A basement plant room is proposed. The exact plant specifications are unknown at this stage. A Noise and Vibration report has not been provided in support of the application and it is therefore unclear if the proposed plant would be designed to meet the Council's noise standards of 5dBA below background levels. Consequently the proposal is recommended for refusal on this basis.

LAND USE

Loss of the existing pub

The proposal would result in the loss of a pub. It is understood that the pub closed in 2011 and has remained vacant since this time. The aim of policy DP15 is to protect pubs that serve a community role beyond what could be considered the normal operation of a pub. DP15 refers to providing space for evening classes, clubs, meetings or performances as an example. There does not appear to be any evidence to suggest that the pub provided a community role as defined by DP15.

Creation of A2/ B1 use

The planning statement suggests that the basement and ground floor would be used as an estate agents. CPG5 identifies the site as falling within the secondary shopping frontage of Kentish Town centre. The express controls within this frontage are that A1 should remain at 50% minimum with no more than 3 consecutive premises should be in non retail use. The change of use from a pub (A4 use) to estate agents (A2/B1 use) would not impact on the percentage of existing retail units within the frontage. Given that the proposed use is sui generis a change of use to other A2 uses would require planning permission. It is therefore not considered necessary to condition the use to restrict it to ensure that it cannot be used in the future as other A2 uses including a betting shop.

Supporting paragraph 12.4 of Policy DP12 confirms that town centre uses include offices (B1(a)). Given that it does not provide services for visiting members of the public it is not an ideal ground floor use for a shopping frontage, however there is no guidance differentiating this from other non-retail uses and an objection to these specific uses could not be supported on this basis.

Policy DP12(a) states that the Council will consider the effect of non-retail development on shopping provision and the character of the centre in which it is located. The units to the south of the site mainly fall within non-retail uses. This includes cash converters (A1 use) at no 141-145 immediately adjacent to the site, Kentish Town Café (A3 use) at no. 137-139, Pang's Garden Fish Bar (A5 use) at no 133, and Junior Barber shop (A1 use) at no. 131. The change of use to A2/B1 does not improve the future shopping provision of the centre however it does provide services for visiting members of the public and may be considered to have an acceptable impact on the character of the centre.

Principle of residential use

Policy DP2 is the main policy to be applied in ensuring that available sites are used to the full in maximising the supply of additional homes in the Borough. It expects the maximum appropriate contribution to the supply of housing on sites that are underused or vacant, and seeks to resist alternative development of sites considered particularly suitable for housing. Paragraph 2.11 to this policy states that underused sites considered suitable for housing have been identified in the LDF Site Allocations Document, but that non-housing development may also be resisted on other sites that have a valid consent for housing, or are otherwise suitable in terms of accessibility and freedom from physical and environmental constraints. Whilst it is arguable as to the extent that this site fronting onto Kentish Town Road -a busy main route with a thriving night-time economy, could go as far as be described as 'particularly well suited' for housing, there are a significant number of residential premises already present on upper floors elsewhere along Kentish Town Road. There would appear to be no

reason why such a development could not take place at this site.

Affordable housing

Policy DP3 provides a clear rationale for seeking affordable housing in schemes for 10 or more additional dwellings or 1000m² of floorspace (gross external area). DP3 expects the affordable housing contribution to be made on site, but where it cannot practically be achieved on site the Council may accept off site affordable housing or exceptionally a payment in lieu. The proposal would not exceed 1000 sq. m (net) of new residential floorspace or 10 new residential units and would therefore not trigger the requirement to provide affordable housing. If permission was recommended, a clause would be attached to the legal agreement to ensure that affordable housing was provided in the event of subdivision of any of the units leading to more than 10 units overall on site .

Mix of units

Policy DP5 seeks to provide a range of unit sizes to meet need across the borough. In order to define what kind of mix should be provided within residential schemes, Policy DP5 includes a Dwelling Size Priority Table. The Council would expect any housing scheme to meet the priorities outlined in the table, or provide robust justification for not providing a mix in line with the table and the requirements outlined in paragraph 5.5 of the supporting text to the policy. Studio and one bed units are identified as a low priority in the market sector. The proposal is for 9 private residential flats (1 x 1 bed, 6 x 2 bed, 2 x 3 bed).

The Council aims for at least 40% of market housing to contain 2-bedrooms, as DP5 identifies 2-bed units as a “very high” priority in the dwelling size table in paragraph 5.4. It is proposed that the two bedroom units would make up 66.6% of the total, which is supported. The percentage of 1 bedroom units is also 11.1%, and 3 bedroom properties make up the remaining 22.2% that is considered acceptable.

BASEMENT DEVELOPMENT

Policy DP27 and CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that schemes for basements maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

There is an existing basement below the pub building but not the beer garden to the rear. It is proposed to develop the entire site at basement level. This would double the footprint at this level to 240sqm. The floor-to-ceiling height would be 2.5m. Taking into account the thickness of the ground and basement floorplates, the overall depth of the excavation would be 3.1m.

Structural, groundwater and landscaping considerations

In order to respond to the requirements of policy DP27 and CPG4 the application documents include the following

- A ground investigation report has been submitted in support of the application which has been produced by Site Analytical Services Ltd, dated May 2013; and
- Structural Appraisal of Planning Scheme by RWA Engineers dated July 2013.

The Site Investigation Report refers to borehole investigations (x 2) which were carried out within the site, one within the front of the property and one within the rear beer garden, both to a depth of 15m. These borehole investigations were to a greater depth than the deepest point of the proposed excavation.

Two trial pits were dug within the rear yard area 0.98m and 1.5m deep respectively

Samples gathered as part of these investigations were subjected to laboratory testing. These demonstrate that the soil is made up of a layer of made ground no greater than 1.9m thick, beneath which is a layer of clay which is consistent in texture and contains small pockets of silt and sand. Beginning at a depth of 6.9, the clay becomes very stiff and dense.

Map 5 of the London Borough of Camden Local Development Framework Core Strategy does not identify Kentish Town Road as being in an area with potential to be at risk of surface water flooding, though a report in 2003 to the Council Floods Scrutiny Panels did state that the road flooded in 1975. Castle Road was not affected by the 1975 or 2002 floods. The historic Fleet river is close to the site, but soil investigation results indicate that the site itself is not crossed by this watercourse or by any other stream or river.

The entire site is hard-landscaped so there would no loss of permeable soft-landscaped area which would need to be attenuated.

The proposed basement would be situated beyond the footprint of the existing building beneath the beer garden.

The proposed replacement building would cover the entire site and would not allow for mature growth. However, as existing the beer garden area cannot accommodate mature planting or tree growth.

The Structural Appraisal sets out the construction sequence as follows:

- excavation to commence, with back propping to safeguard the public highway and neighbouring sites;
- reinforced concrete raft foundation to be laid deep below the made ground into firm uniform London clay;
- foundation to form a continuous retaining wall structure incorporating drainage and services;
- the proposed upper structure to be formed of structural steel framework with in situ reinforced concrete floor construction;
- new facades and upper steelwork can be constructed with site-based operations – off site crane is not necessary.

The survey information and analysis within the reports provide a comprehensive picture of existing soil and water conditions and anticipate potential changes in ground conditions as a result of the proposed basement. The reports demonstrate that sufficient consideration has been given to the structural and groundwater implications of the development commensurate with the scale and nature of the proposals. The details accordingly satisfy policy DP27.

Sustainability

London Plan climate change policies and Camden's Core Strategy and Development Policies CS13 and DP22 require all developments to contribute to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

Climate change mitigation

A Sustainable Energy Statement has been prepared by Stilwell Partnership and forms part of the application. The overall approach to reducing CO2 emissions should be through a range of measures in line with a 3-step hierarchy of i) using less energy; ii) supplying energy efficiently; and iii) using renewable energy. The benchmark used is the Part L 2010 Building Regulations over which a 25% improvement should be achieved in the period 2010-2013.

It has been predicted that carbon emissions reduction of 25.59% has been achieved for the site, meeting the requirements of CS13. The verification that the development as constructed to ensure these targets would be achieved, were permission to be granted, would be secured by s106 agreement for the submission of a renewable energy and energy efficiency plan, and for a sustainability plan. Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Code for sustainable homes and BREEAM

This requires developments to minimise overheating and contribution to heat island effects, minimise solar gain

in summer, contributing to flood risk reductions, including applying sustainable urban drainage principles, minimising water use and protecting and enhancing green infrastructure. Camden Planning Guidance (CPG3 2011) sets target ratings in various subcategories for BREEAM and CfSH. The CPG expectation is that percentage targets of 60:60:40 are achieved for the respective BREEAM subcategories of Energy/Water/Materials.

The applicant has prepared a Code for Sustainable Homes pre-assessment for the residential accommodation and a BREEAM pre-assessment for the commercial element of the scheme. The pre-assessments show an indicative strategy for meeting ratings of level 4 and "Very Good" rating for the offices respectively. The site wide energy strategy, water efficient fixtures and fittings and proposed use of materials would ensure that percentage scores of 64%, 66% and 50% are achieved in the respective sub-categories of energy, water and materials. This meets and exceeds the percentage targets and would be considered acceptable.

A post-construction sustainability statement would be required in line with the submitted pre-assessment and secured through section 106. Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

TRANSPORT AND HIGHWAYS

Car Parking

This site is in a very high PTAL (6b) and within a CPZ (CA-F), which is already at capacity; as such it is suitable as a car free development. No off-street parking is currently provided as part of the existing site and none is proposed for the residential element of the scheme. In line with primarily policy DP18, given the site has a PTAL rating of 6b, all 9 residential units would need to be designated as being car free units. This is in order to ensure the proposed scheme does not lead to an increase in pressure on on-street parking permit spaces. If the scheme had been able to be supported this would have been secured via Section 106 Legal Agreement.

The proposal would retain the opportunity to apply for business parking permits. This is considered reasonable given the nature of the new commercial business.

Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects

Cycle Parking

Camden's Parking Standards (and those of the London Plan) for cycles, policy DP18, states that one storage or parking space is required per residential unit up to two bedrooms, for residential units with three or more bedrooms, two spaces are required. The proposal is for 9 residential units including two three bedroom units; therefore 11 cycle storage/parking spaces are required. The applicant has included plans for 32 bikes within a dedicated storage area within the basement level (12 for the residential element of the scheme and 20 for the commercial element). This would exceed the cycle storage requirement. Revised plans were submitted to increase the width of the stair from the ground floor to the basement and revise the design of the lift with doors on both sides to provide for secure wheelchair access between the lower floors. This is considered to comply with the CPG guidance. If an acceptable scheme had been in place the provision of the cycle parking spaces would be required by condition.

Construction management plan (CMP)

DP21 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106. Due to the nature and scale of the development a CMP would be required. If the scheme was acceptable in all other respects a construction management plan

which includes a section on construction traffic management would be secured via a S106. In the absence of such a legal agreement this forms a further reason for the refusal of the application.

Servicing the site during the demolition and construction phases it is considered acceptable that the site would be serviced from Castle Road. Servicing from the Kentish Town Road frontage would not be considered acceptable as there are yellow box markings within the extent of the traffic signalised junction. Any servicing from the Kentish Town Road frontage would have an unacceptable impact on the operation of the public highway (traffic congestion and road safety issues). If the scheme was acceptable in all other respects a condition would be attached advising that servicing must take place from Castle Road and must not take place from Kentish Town Road.

Highways works

In order to cover the costs of any damage caused to the public highways during the construction phase of this development, and to ensure that the footway ties the development into the surrounding urban environment, a financial contribution is considered to be required to repave the footway adjacent to the site on Kentish Town Road and Castle Road. This would be secured by S106. .

Given the extensive works likely to be associated with the proposal, a highways contribution is considered to be necessary in line with policies CS5, CS11, CS19, DP21 and DP26 of the LDF. An estimate cost for the works would be £14,652.69 and would have been secured via S106 had the scheme been acceptable. Given the context of the application it is thus a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Excavation works

In order 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) to the Council. This would include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. This would also include an explanation of any mitigation measures which might be required. The submission of this document could be secured by condition.

Stopping up of the public highway

The Council's records suggest that a small triangle of land adjacent to the Castle Road frontage is currently maintained as public highway (footway). The ownership of this small triangle of land is unclear. However, it may be necessary for the Council to prepare a stopping up order if the proposal was acceptable in all other respects. The Council would require the applicant to cover any associated costs: if the scheme was acceptable in all other respects this requirement would be secured via a S106 Legal Agreement.

OTHER MATTERS

Archaeological assessment

A large part of Kentish Town Road including the appeal site, is located in an archaeological priority area. As recommended by English Heritage a desk-based archaeological study has been submitted. This indicates that while the site is located on a historic corridor of development, later developments on the site, in particular dating from the Victorian era, have compromised any archaeological remains. This is confirmed by the results of the borehole investigations. If it was recommended to grant permission a condition would be added to ensure that archaeologist would inspect and oversee the works at regular intervals.

Refuse and recyclable storage

Refuse and recyclable storage, sufficient to serve the development, is provided within the building at ground level and will be accessed from Castle Road. A condition would be added to ensure the provision is provided in accordance with the approved scheme.

Public open space

Policies CS15 and DP31, in addition to CPG6/8 require developments of 5 or more additional dwellings which give rise to an overall increase in the number of visitors or occupiers to contribute to the provision of public open space. It is expected for new developments to provide for the open space needs of its occupiers at a ratio of 9sqm per residential occupier. This would normally be expected on site in areas with an under provision of open space or in developments which provide 100 or more dwellings, otherwise a financial contribution may be made towards the provision or enhancement of open space off-site. In this instance it is not practical to provide public open space on site as the existing building covers the entire footprint. Thus a financial contribution of £13,275 would have been secured via S106 Legal Agreement had the scheme been able to be supported in all other respects. Given the recommendation this forms another reason for refusal, with an informative also stating this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Educational infrastructure

A financial contribution towards educational infrastructure is also required in line with CS10, CS19 and DP15. Each new dwelling created in the Borough places increased pressure upon education places and costs. Hence CPG provides a formula which is applied across the Borough, is proportional to the number and size of dwellings proposed and will be used to improve capacity and expand education provision to accommodate additional children. In line with CPG guidance the contribution amounts to £15,174 (1 x 1 bed - no contribution; 6 x 2 bed – 6 x £2213 = £13,278; 2 x 3 bed - 2 x £6,322 = £12,644; combined total = £25,922). In the absence of an acceptable scheme, this forms a reason for refusal of the application. An informative would state this could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

CIL

If supported, the proposals would have been liable for the Mayor of London's Community Infrastructure Levy (CIL), as residential units are sought to be created. The CIL would have been collected by Camden after the scheme had been implemented and could have been subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative would have been added to the decision notice reminding the applicant of the CIL requirement if the scheme had been supported.

Recommendation

Refuse planning permission

