

Delegated Report		Analysis sheet		Expiry Date:	12/03/2013
		N/A / attached		Consultation Expiry Date:	15/02/2013
Officer			Application Number(s)		
Jonathan Markwell			2012/6655/P		
Application Address			Drawing Numbers		
Golden Lion Public House 88 Royal College Street London NW1 0TH			Please see decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from public house (Class A4) to 8 (3x1, 4x2 and 1x3 bed) self-contained flats (Class C3), erection of three storey (including roof level dormer) extension on north (Pratt Street) elevation, extension at basement level to create a lightwell incorporating glazed blocks and a metal grille on Pratt Street frontage, provision of solar photovoltaic panels on east and south roof slopes and associated alterations.					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	27	No. of responses	125	No. of objections	121* (* not including a petition - quoted as being signed by 1000 people – see below).
Summary of consultation responses:	<p>Site notices erected on 25/01/2013, expiring on 15/02/2013.</p> <p>A total of 121 separate objections were received as part of the public consultation process (not including local groups/others as detailed below). 18 objections have been received from addresses along Royal College Street and 5 from Pratt Street. Of other addresses, objections have been received from the following (one objection unless where specified):</p> <p>Abbots Road, London (either N6 or HA8); Abbots Drive, HA2; Agar Grove, NW1; Regents Park Barracks, Albany St, NW1; Albert Street, NW1; Barker Drive, NW1; 3 from Bayham Street, NW1; Bayham Place, NW1; Bellina Mews, NW5; Brompton Park Road, N22; Broughton Avenue, TW10; Camden Mews, NW1; Camden Road, NW1; 2 from Camden Street, NW1; 2 from Cardinals Way, N19; Carnarvon Way, EN1; Castle Road, NW1; Chase Gardens, TW2; Church Lane, N8; Churston Close, SW2; Clarkson Row, NW1; Colney Hatch Lane, N1; College Lane, NW5; 2 from College Place, NW1; Compton Street, EC1V; 3 from Cranley Gardens, N10; 2 from Cressy Road, NW5; 4 from Croft Mews, N12; Crofters Way, NW1 Dunfanaghy, County Donegal, Ireland; St Dunstons Road, W6; Durham Road, HA1; Eastern Road, N22; 2 from Ellington Road, N10; Fairfield Road, N8; Fairview Road, N15; 2 from Ferne Park Road, N8; 2 from Ferncroft Avenue, N12; Finchley Park, N12; Grafton Way, W1T; Grasmere Road, SS7; Graham Road, E8; 27 Harrington Square, NW1; Hastings Street, WC1H; Hilldrop Road, N7; Holdenhurst Avenue, N2; Hornsey Rise, N19; Kingdown Parade, BS6; Lankaster Gardens, N2; Lidyard Road, N19; 4 from Linzee Road, N8; Liverpool Road, N1; 2 from Lyme Street, NW1; Marsden Street, NW5; Muswell Hill Broadway, N10; Netherwood St, NW6; Oakhurst Avenue, EN4; Pancras Road, NW1; 20 Pendrell Road, SE4; Plough Road, SW11; Potters Road, EN5; Rathcoole Gardens, N8; Raveley Street, NW5; Ravensdale Avenue, N12; Rhodes Avenue, N22; Ridge Road, N8; Rochester Terrace, NW1; Rough Bouillion, St Helier, Jersey; Salisburys Walk, N19; Shrublands Avenue, CR0; South End Close, NW3; 2 from St Anne’s Gardens, NW5; St Leonard’s Square, NW5; Stratford Villas, NW1; Trentham Road, RH1; Tonsley Road, SW18; Vanburgh Park Road, SE3; Westacott, N19; Whittlesford Road.</p> <p>An overview of the matters raised in the objection submitted by the tenant landlord of the public house are as follows (made in four separate submissions):</p> <p>Main letter</p> <ul style="list-style-type: none"> - Golden Lion has served the local community for over 130 years. - Tenant landlord (hereafter referred to as the landlord) and family have run the pub since 1978. - Need to preserve a magnificent part of Camden’s cultural heritage and history. 					

- Level of feeling felt by signatures on petition forms (March 2012 – February 2013), which attracted over 1000+ signatures (some via Camden New Journal newspaper – numerous press reports from a number of publications are submitted with the application – copies of the petition pages are also provided).
- With regard to section 69 of NPPF the pub provides opportunities for meetings between members of the community who might not otherwise come into contact with each other
- Policy 3.16 of the London Plan promotes mixed and balanced communities through resisting the loss of community facilities & also ensuring they are of value to the wider community including disabled/older visitors. In this regard a ramp (positioned in seconds) to enable and offer a safe and welcoming environment for the elderly and disabled.
- DP15 Community role demonstrated by two darts teams, two pool teams (various documents such as fixture lists / press report from 2010 / letters from the teams all provided within the submission), use of the pub and function room for various private meetings/parties, by supporting local and national charities and community centres and catering for weddings, christenings, birthday parties and special occasions (photographs from 01/12/2011 provided, together with various other photographs, web extracts of events such as War Child charity evening and music night [both Feb 2013], letters from Salvation Army, Stroke Association, pdsa, Primrose Hill Community Association, North London Hospice, Chris J Construction Services, Forward, MacMillan, Marie Curie, Sunny Days Children's Fund [various dates in 2012/3], Madeleine Carter MBE [Nov 2010], BRD, Complete Glazing Solutions Ltd, the Saints Rugby team, wedding reception, wake, review on qype) .
- CS10 also applies – reducing need to travel and providing a meeting place, for example elderly customers and neighbours.
- No alternative provision proposed. Applicant has found it impossible to establish an alternative public house which provides or matches the Golden Lion. Alternative provision removed by the same developer at the Parrs Head, Plender St. A 2-bed unit here is on the market for £600,000, hardly affordable housing.
- DP15.6 not followed. 3 inspections over four months hardly constitutes an extensive or thorough investigation. True reflection of pub life cannot be obtained from the visits undertaken.
- DP15C not met by applicant. No replacement provision. No affordable housing.
- Viability is questioned by the applicant. Landlord states there has been a five year profit of £15,470. Book keeper confirms the pub is looking forward to steady growth in the near future. More specifically letter says trade has in my opinion picked up steadily , showing promising signs of an upsurge in this current trading year to date, also with exciting plans to bring back a food menu for daytime and evening. Accountants for the family also emphasise in a letter that this is a family run business rather than a public company. Another letter has been received from leisure specialist Davis Coffey Lyons commenting on the wholesale price list and insurance rate.
- Pub currently in discussions with the view of opening a kitchen at the pub (correspondence included in submission made) .
- It is the applicant who is putting pressure on the viability of the pub by charging up to 85% more for stock than on the open market through the tied lease, charging above market rent, removing a 25% discount

per barrel agreement, increasing the building insurance premium and demanding it in one lump sum. All rental demands and beer invoices have been paid in full and on time.

- Musical performances comprise: participation in 'Return to Camden Town 2012'; '1st Sunday of the Month Honky Tonk Music'; listings in Folk World, the session and Back Roads; you tube video footage and as featured in a Channel 4 Dispatches documentary. 230 likes on 'save the Golden Lion' Facebook page. Various internet / photos / press reports provided of recent events
- Black Cap application 2012/1444/P refused by the Council.
- Blogging site research by the applicant found nothing noteworthy of negativity, barring a meaningless comment about the size of the pool table. Landlords research found positive comments (various comments provided in submission made).
- Support for the Golden Lion from local councillors Robinson, Brayshaw and Khatoon. Also from Frank Dobson MP, London Assembly member Andre Dismore, Camden Inner London Licensee Association, actors Richard Wilson and Sean Bean, local businesses and many people of Camden and beyond (numerous letters enclosed within submission).
- Landlord undertaking a full restoration programme of the external structure, in accordance with the lease obligations. Letter and list of works provided within submission
- Property meets all the fire risk safety standards.

Affidavit of David Murphy (DM) (tenant of landlord)

- genuine and honest belief that David Kemp's evidence at paragraph 3 (visit to pub on 19 August 2011) is untrue. First time DM recalls meeting anyone associated with the landlord was on or around 9 December 2011. Feasible that Mr Kemp or others may have visited the site prior to this; if they had it would be unlikely that would have had any access to the upper parts.
- Club room referred by Mr Kemp at paragraph 4 and 5 is and has always been used for the benefit of the local community, community club, patrons (including darts/pool teams) and local charitable purposes. Used solely for private meetings/parties/events, for local charities occasionally using it as a temporary storage space for items to be sold for or denoted to charity, and in similar ways to the benefit of the local community.
- DM denies using the room for public meetings, any trade business or manufacture and or any purpose in breach of the lease (letters from local charities, pool/darts teams and photographs from 01/12/11 – room empty barring tables/chairs)
- Any clothes in the room belonged to a local charity and/or would have been temporarily stored in the club room for a short period of time.

Affidavit of Sandra Austin

- Assertions at paragraphs 5/7/8/9 are speculative and unfounded.
- Denied that clothes at any time were sold / offered for sale from the pub. DMs mum offering clothes for sale would have been on the basis of seeking to raise money for the charity only.
- Paragraphs 13-21 are Ms Austin's opinion / subjective and no evidence to support these assertions. No public meeting has been held; no wholesale clothes business run; no business, other than permitted by the lease, has been carried out; no breach of covenants.
- Repairs are presently being carried out;

- Never struggled to pay rent, always paid in full and on time;
- Since August 2011 full rent demanded/paid in full. No concessions since August 2011 – copies of rent demands provided.
- Applicant has unreasonably increased the sum of buildings insurance. Landlord charges me an unreasonable high price for beer which I have no option but to buy. Notwithstanding this arrangement the pub is still profitable.
- Business is economically viable. Any finding / assertion to the contrary (not accepted) would be as a result of unreasonable conduct on the part of the landlord.
- Generally I consider that many of the comments made in support of the planning application are subjective, speculative, unfounded and I contend are intended to mislead the authority.

An overview of the matters raised in the other public consultation responses received are as follows:

Existing pub

- One of the nicest pubs in Camden town, as opposed to 90% of them which are tourist/student cattlemarkets which cause trouble and disturbance;
- Pub is part of Camden's heritage
- Parcellforce workers frequent the pub. Another respondent, an employee at Parcellforce (24-58 Royal College Street), has been having Christmas, birthday, leaving or general parties at the pub for 15 years.
- Pub is calm, peaceful and distinguished; the landlady is a pillar of the community
- There are not many pubs of its kind left. Another says it is one of the only good pubs left in Camden.
- A historical pub for local people and very community based.
- Pleasant to see people and dogs outside the pub talking and laughing; people inside playing pool and enjoying old fashioned socialising – lots of old style pubs have been lost or 'gastro-ised', any remaining should be given heritage status
- A nearby resident of 30 years indicates the pub is at the hub of the community and many events have taken place.
- Pub is the only place one respondent can relax at night;
- Only place to come after work with my dog and keep track of events in the neighbourhood. The comfortable ambience is quite unique. The loss of the Lion would create an irreplaceable gulf in the local environment.
- Is a viable business – it will not make anyone millionaires but it pays it way with no problem. The unviable argument is both unsurprising cynicism and short-sightedness of the owners.
- Need to protect the beautiful Victorian bar along with all its fixtures. Another refers to the lovely Victorian wood carving and distinctive ceilings. Another states that its rare and authentic architectural design lends itself to the historic atmosphere that can be enjoyed along with the great music and this is a rare thing in Camden.
- A lot of people depend on the pub and it serves the best Guinness in Camden.
- A well run establishment – Mr & Mrs Murphy were recipients of a lifetime achievement award by CILLA in 2011 and promote a charity which raises £ annually for disadvantaged people.
- A patron of over 20 years has never seen any trouble at the public

house.

- Great service and great prices.

Community role

- pub is a part / the heart of the community – it is essential to save it; numerous others refer to it as a community asset.
- Bad impact on the community – this is the third pub to be lost in the local area. The Parrs Head is empty.
- Pub brings a lot of Camden's community together for relaxing, chatting and having fun.
- Pub has been run brilliantly for years. It's a delight to take friends and foreign visitors there as the singing and entertainment is unique.
- There is a need for community spaces to engage with one another.
- We need to keep a base for local people and that is the Golden Lion
- A patron for over 35 years states it is more than just a pub, it's a social meeting place
- Only because of the pub that there is still any sense of community left in the area – one respondent has got more jobs through the pub (and associates frequenting it) than the job centre because it is a community pub and people look out for one another.
- The staff are a local support structure for patrons, lending advice, comfort and money when times become hard.
- Community pubs are becoming rarer. Trendy bars are common but a friendly, sociable place to meet and make friends is very different.
- Heritage of the pub is not just bricks and mortar – the heritage is the use of the pub as a pub.
- Camden prides itself on its vibrancy and live music; the Golden Lion provides both. Another recalls the many musical performances played by talented musicians. Another refers to the regular Irish folk music performances. A further response states the pub has a strong cultural heritage in supporting traditional Irish music for many years.
- One respondent states they have played Irish traditional music at the pub most Saturday nights. This response states the acoustics in the pub are wonderful (high ceilings / wooden floors)
- A happy and safe community needs good pubs. The Golden Lion is used by locals – people who live work and pay Council tax here.
- Many social groups make use of the facilities including two competitive pool and darts teams.
- Chair of the Chalk Farm Pool League confirms use of the pub a headquarters for the league and use of the upstairs conference facilities for league meetings and gatherings.
- The captain of the darts team for the past 15 years and player in the pool team for nearly an equal amount of time states it is the only place he can express himself in darts and pool which means so much to the community and himself.
- Area is increasingly losing characteristic public houses.
- Pubs with pool tables are a dying breed.
- A patron states they particularly enjoy the ability to play pool and darts at the pub.
- Local resident of 33 years says the pub has been a great community and socialising venue away from the tourist spots of the high street and never caused a reason to complain about it.
- Patron for 20-30 years says there are lots of regulars who contribute enormously to the wonderful community atmosphere and spirit of this unique public house.
- The Golden Lion is a vibrant, strong community pub with men's and

women's dart teams and a pool team in the local leagues. Music performances also made such as Irish traditional. Suggs from Madness is also an ardent fan of the pub Jukebox.

- Loss would be a nail in the coffin for traditional musicians and music lovers who find the Golden Lion to be a great supportive venue.
- For some people meeting in the pub may be the only contact with other people in the community they have. Another states the older generation and Irish community depend on social gatherings at the Golden Lion.
- A number of respondents refer to watching sport on the television at the public house.
- Respondents refer to it being a public amenity where christenings, birthdays, weddings and wakes are enjoyed by the local community.
- The Head of Popular Music, Live Music & Events at BBC Radio 1, 1Xtra, Radio 2, 6 Music and BBC Introducing states myself and staff at the BBC often gather at the pub for casual meetings.

Social impacts

- negative impact on the existing local community who drink/socialise at the pub;
- Loss will mean a lack of social hubs for ordinary people to use.
- Proposal is unnecessary and detrimental to the area as it removes diversity, turning it into a homogenous area.
- The local community are being forced onto the high street pubs and bars where they only cater for tourist trade, have high prices, no feeling of a local pub or meeting place and do not feel safe.
- It seems the loss of pubs (College Bar, Camden Arms, Parrs Head / Prince Arthur are all for profit and no thought of the local community.
- The English pub is renowned all over the world for its atmosphere (implied that the pub atmosphere should be saved); Another South African respondent states people associate Britain with friendly places to people of all nations to gather.
- Camden has a responsibility to protect Camden's heritage to protect its future – too many pubs have already been lost to out of town developers after a fast buck.
- Loss of the pub would be another nail into a borough that is well known for diversity and originality.
- In these times of austerity the local community need their local. Its loss would tear the heart out of the community.
- One response states – being disabled this is the only local pub I can come into with my dog.
- Most of the pubs in Camden town and Kentish town are either becoming gastro pubs for tourists or closing to become flats. Hence there are a lack of facilities for the local community who are not interested / feel safe / connected to the tourist pubs.

Loss of employment

- loss of local employment as a result of the proposal.

Design

- loss of many traditional original Victorian features as a result of the change of use, such as the bar, fittings and external features.

Proposed flats

- Proposal is an example of a local community being broken down for more luxury accommodation which is of no benefit to the vast majority

of citizens in the community;

- Nobody in the local community will be able to afford the proposed properties;
- Please stop greedy landlords with their unaffordable housing; Another refers to a 2 bed flat at the former Parrs Head on Plender Street being on the market at £600,000, which is hardly affordable housing.
- Object to luxury flats; agree to social housing (implying objection as no social housing is proposed);
- 6 flats at the former Parrs Head remain empty after almost a year; hence the proposed flats are unnecessary.
- Residential units will increase traffic and noise at an already busy junction; Units will also make parking a major issue.

Other matters

- If the evidence put forward for “delicensing” the pub was supported it would be alarming as it would incentivise anyone with an interest in a pub and able to influence profitability to run it down for a more profitable alternative of private flats.
- Moreover, all enterprises do through periods of success and failure, albeit over scores of years. That goes for street markets as well as pubs. If every time one is experiencing relative failure, it can cause itself to be delicensed, then eventually there will be virtually none as cases of new pubs are very rare.

**CAAC/Local groups*
comments:**
*Please Specify

Cllr Robinson (St Pancras and Somers Town Ward) objects, summarised as follows

- I wish to register my total objection to the planning application which will mean the destruction of the public house to create by the developers 8 self- contained flats for sale.
- This public house is a respected and essential service to and part of our community; it has 2 dart teams, 2 pool teams and a Sunday club and is well supervised and run and is the only local public house in that part of the ward- the nearest being the Constitution public house on St Pancras Way but for elderly and disabled people too far to walk;
- It is one of the only family type public houses left in Camden with a warm, traditional and happy atmosphere and somewhere for local people to meet and discuss local concerns.
- It has been operating on that site as a public house for more than 130 years.
- There is a need for this public house in an area with no other means for local people to meet and enjoy life. To lose it would be a continuing loss to the area's night-time economy.
- It is a community public house - organisations like the newly formed POW Memorial management are meeting there shortly. It has been used as a film and TV programme location including One Foot in the Grave and the present publicans have been awarded "Landlord of the Year" by the Camden Inner London Licensees Association and is greatly appreciated by local people and indeed people from other parts of Camden.
- It is extremely well run and over a 1000 or more local people have signed a petition opposing the planning application.
- Issue of continuing loss of public houses all over the borough – losing these well respected and loved venues for luxury flats. In Somers Town we have lost 3 so far with the danger of all the public houses – community links- being lost to the locality and residents.

Cllr Brayshaw (St Pancras and Somers Town Ward) objects, reiterating the points make by Cllr Robinson and also stating:

- This pub is the latest in a succession in the area being targetted by residential property developers (eg the Parr's Head in Plender St, and the Camden on the Curnock Estate).
- The pub is a quiet local venue, not at all like the larger and noisier venues along Camden High Street, now taken over by large groups of tourist clientele (from across London and indeed international tourist groups), so it serves the local community.
- I support the retention of this well-run and much-valued local amenity.

Cllr Khatoon (St Pancras and Somers Town Ward) objects, in agreement with all the points make by Cllr Robinson and Cllr Brayshaw.

Camden Road Neighbourhood Planning Forum object:

- We are concerned with ensuring this pub continues, to maintain Camden's Core Strategy including CS13, CS14 and CS17, to retain economic activity in Camden Town (CS1, CS3, CS7, CS9) and retain a mixed balanced area with a sense of community (CS1, CS2, CS5, CS6 CS7, CS8, CS16).
- There are important arguments to retain this community facility, which

has a significant contribution in Camden Town; and the economic arguments are not a 'business case' for a successful pub but rather a commentary on the limitations of the present leasee.

- Proposal for Local Listing within the planning process, which could protect this building from the conversion proposed.
- Camden History Society 'The Streets of Camden' (p91) says: The present pub has etched glass and late-Victorian fittings, and *is a venue for folk music*.
- The pub is commandingly sited at a street corner which has, however, suffered from poor surrounding buildings. It is definitely a 'landmark', built in strong red brick and white stone of its time (and many other late Victorian buildings in Camden) and forming part of the 'street scene of Camden Town although formally outside its Conservation Area.
- The pub has strong local interest, and these are some testimonials available. A 'Save the Golden Lion' campaign has been reported by Camden New Journal in 2012, and a formal petition launched. There are reports of folk and popular music played live in the pub, relating to the international tradition and tourism industry of Camden for both music and Irish character.
- DP15C – No replacement is proposed.
- DP15D - The site is adjacent to community housing and on the corner of a site (Royal Mail) designated for further housing. There has been much increase in neighbourhood population also on the east side of St Pancras Way, with a signal lack of any 'community facility' (this case has also been made for Bangor Wharf site). The pub complements the church and schools in this central part of east Camden Town, for which there has been inadequate attention in planning, and on the edge of the proposed North Camden Town Neighbourhood Planning Forum.
- DP15 E & F: All pubs in the area are built with first floor rooms that are multi-purpose – music, theatre, receptions as well as dining. This is not the case of the fixed uses of restaurants in Camden town. There is good evidence from other NW1 local pubs – The Albert, The Constitution, The Colonel Fawcett – that a positive business approach can create 'demand' – especially as sited near to the main Camden Town area. Equally, there has been damage to neighbourhoods and conservation where NW1 pubs have been turned into housing – see Murray Arms (Agar Grove), Falcon (Wilmot Place), The Black Horse (St Pancras Way).
- DP15 G, H & I: In short, considered that the existing pub could be improved rather than a new facility being built.
- DP15 – paragraph 15.7 - The use in 'community role' depends on the publican. The first floor rooms of The Lion historically have been, and continue to be, flexible for a range of uses. Greater community engagement by the developers can enhance the uses. A pub here would be economically successful, in the right hands – as evidence by the flourishing trade of pubs nearby.
- DP15 – paragraph 15.9 - The ground and first floor pub are an important contribution to cultural character. This building is a corner site, retained when adjacent buildings were previously demolished, because it is a pub. It looks like a pub, it is furnished as a pub (including basements for ale) – so it should *be* a pub. This site would certainly have 'demand' for leisure uses. And indeed there are strong testimonies.

CILLA (Camden Inner London Licensees Association) object:

- This pub is a hub of the community.
- Weddings, birthdays, wakes and other celebrations are often held under these roofs.
- There are no new facilities being provided – snooker halls are all gone and there are few places to play darts and pool. The Golden Lion participates against others and it keeps the community going.
- There will be a loss of public amenity if this popular and well established pub is turned into flats
- Nobody wants to see it disappear.

North London CAMRA (Campaign for Real Ale) object for the following reasons:

- The Golden Lion is a purpose-built public house and has been serving its local community from the C19th century until the present time
- The Golden Lion is an open, economically viable and trading public house and there is no reason why it should not continue in this use.
- The sequential losses of public houses in Camden, particularly in the area around the Golden Lion, has drastically reduced public house provision in the area, and the loss of this one is vigorously resisted by North London CAMRA.
- NPPF and subsequent appeal decisions shows a great many planning applications and appeals have turned on the specific provision for pubs protection contained in paragraphs P69 and P70 of the NPPF. Key decisions include the Cross Keys in Chelsea, the Royal Standard in Cambridge, the Plough Shepreth, the Britannia Tap W10 and Yew Tree Matlock.
- The IPPR report by Rick Muir for CAMRA “Pubs and Places: the Social Value of Community Pubs ” clearly shows the value of pubs as community facilities:
- provide a meeting place where social networks are strengthened and extended
- are perceived by people to be the most important social institution for promoting interactions between people from different walks of life.
- host a wide variety of community-oriented events and activities that add considerably to local civic life.
- Community pubs.... also have a cultural as well as a practical community value.
- This is because pubs are felt to offer things such as tradition and authenticity that are becoming rarer in a world transformed by global commercial pressures”
- *Also policy 15.7 is of relevance:* Pubs do, of themselves, as described in "Pubs and Places" 'serve a community role' regardless of whether there is separate meeting or function room provision. Notably, the Golden Lion has a traditional “Club Room” located, traditionally, on the first floor, which has been in use as a function or meeting room space since it was first constructed. The temporary letting of the room to a retail storage use earlier last year, which has now ceased, means that it continues to be available and indeed, used, for its intended purpose.
- the Golden Lion, a striking Victorian corner pub of much local distinctiveness meets the criteria for its recognition as a 'heritage asset' as defined in the NPPF and contrary to policies 7.4 (Local

Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan 2011 and the guidance provided in the NPPF Paras 129-139 relating to the Historic Environment and undesignated heritage assets.

- We also understand that the developer is claiming unviability, this could be said to be due to the operation of the tie (whereby the tenant is obliged to buy his beer through the tie rather than on the open market) combined with an uneconomic rent and thus might be seen as a deliberate attempt to flout Camden's viability provision in the local plan policy.
- Local authorities are resisting proposals which would result in the unacceptable loss of operational public houses playing an important role providing a valuable amenity as a social and cultural centre for the local community. As such, the proposal would be contrary to policies 3.1 (Ensuring Equal Life Chances for All), 3.16 (Protection and Enhancement of Social Infrastructure), 4.8 (Supporting a successful and diverse retail sector) and 7.1 (Building London's neighbourhoods and communities) of the London Plan 2011.
- We would ask therefore that you apply your Local Plan policy, and those in the London Plan and NPPF described above, firmly to refuse consent for this scheme.

Site Description

The application site is a four-storey and basement building located on the eastern side of Royal College Street, at the junction with Pratt Street (to the north). It is in active use as a public house (The Golden Lion) and there has been a public house called the Golden Lion at the application site since at least 1869. According to recent English Heritage information the building probably dates from the early 1860s. It was in 2012 subject of an application to be added to English Heritage's List of Buildings of Special Architectural and Historic Interest. This application was unsuccessful as the building was decided not to be added to the List. It is however, in line with the NPPF, considered to be a non-designated heritage. An application to add the buildings to LB Camden's local list has been made, although the outcome of this is yet to be formally determined. The building is designed in a free Queen Anne Revival style with Byzantine elements, of yellow stock brick with red brick facing and blue faience banding to the Royal College Street and Pratt Street elevations. The building includes Dutch gables in the attic space at third floor level.

The application site is not located within a conservation area, although the boundary with Regent's Canal Conservation Area is 70m to the east of the site. The site is however within a neighbourhood renewal area within the St Pancras and Somers Town ward. The Public Transport Accessibility Level (PTAL) rating of the site is 6a, which means it is located within a highly accessible location. It is also identified that the site is located within an area susceptible to slope (in) stability and groundwater flow, two of the three hydrogeological constraint areas. Furthermore it is identified as having potential for contaminated land. The surrounding area comprises a mix of uses, including residential, commercial and industrial uses.

There are also three nearby sites to the application site which are identified in the Draft Site Allocations Development Plan Document. The Site Allocation DPD is at the time of writing yet to be adopted, although the examination by an Inspector took place in January 2013 and thus is at an advanced stage.

The three sites are as follows (distance from the application site in brackets):

- Site 39: Bangor Wharf, Georgiana Street (110m to the north of the application site)
- Site 40: 57 - 71 Pratt Street, 10 - 15 Georgiana Street And Royal College Street (25m to the north-west of the application site)
- Site 41: 24 - 58 Royal College Street (immediately adjoining the eastern boundary of the application site)

At Bangor Wharf, Georgiana Street the draft site allocation guidance states:

Redevelopment of the site to provide replacement employment floorspace and new permanent (Class C3) residential accommodation. Development will be expected to:

- Maximise the potential of the site to provide new housing (including affordable housing) while minimising potential conflicts between residential and other uses
- Provide flexible employment space
- Contain an active frontage to Georgiana Street.
- Be of a form and scale which is appropriate to the Regents Canal Conservation Area and responds to the open character of this part of the canal and to surrounding listed buildings
- Take opportunities to utilise the canal for the transportation of goods and materials, both during construction and in the operation of the development
- Ensure that the design and layout of the development responds positively to its canal setting, and contributes to the biodiversity and green nature of the canal
- Provides active frontage to the canal and to Georgiana Street, in order to improve the relationship between the site and the public realm and to enhance the appearance and safety of the surrounding street scene
- Provide infrastructure for supporting local energy generation on site and/or connections to existing or future networks where feasible

At 57 - 71 Pratt Street, 10 - 15 Georgiana Street And Royal College Street the draft site allocation guidance states:

Mixed use development of the site to provide a new electricity sub station (if required), employment and/or community floor space and new permanent (class C3) residential accommodation

Development will be expected to:

- Maximise the potential of the site to provide new housing (including affordable housing) while minimising potential conflicts between residential and other uses
- Contain active street frontages and improve the relationship between the site and surrounding area.
- Contribute towards the upgrade of existing public open spaces in the area and subject to the scale of residential development proposed provide a new green space and children's play space.
- Be of a scale form and appearance which respects the character and setting of the listed buildings in Georgiana Street and listed All Saints Greek Orthodox church in Pratt Street
- Enhance the routes between Kings Cross and Camden Town and through to the canal
- Provide infrastructure for supporting local energy generation on site and/or connections to existing or future networks where feasible

At 24-58 Royal College Street the draft site allocation guidance states:

Redevelopment of the site to provide mixed uses with employment floorspace and new permanent (C3) residential. Development will be expected to:

- Maximise the potential of the site to provide new housing (including affordable housing) while minimising potential conflicts between residential and other uses
- Contain active street frontages.
- Enhance the routes between Kings Cross and Camden Town and to the canal including a new east-west link between St Pancras Way and Royal College Street
- Respect the setting of the adjacent listed houses to the south west and opposite the site on Royal College Street.
- Provide open space accessible to members of the public and children's playspace for new housing
- Provide infrastructure for supporting local energy generation on site and/or connections to existing or future networks where feasible

Relevant History

Planning Application site:

2003/1922/A - Display of externally illuminated hoarding. Refused 22/10/2003. Reason for refusal:

The proposed hoarding, by reason of size, location and illumination, would be detrimental to the visual amenity of the locality.

Dismissed at appeal (APP/X5210/H/03/1135749) 25/02/2004 as “being an alien and disrespectful addition, which would undermine the appearance of the property”.

2007/4363/P - Erection of retractable awning at fascia level of public house on Pratt Street elevation. Granted 02/11/2007.

Relevant Enforcement history at application site:

EN08/0237 - Discontinuance Notice served 04/07/2012 relating to the use of a site for the display of advertisements with deemed consent. Appeal (APP/X5210/H/12/2182354) made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Appeal dismissed and the Discontinuance Notice confirmed subject to the variation set out in the Formal Decision.

Relevant paragraphs of the appeal decision:

7. The Golden Lion is a handsome example of a late Victorian public house. It initially dates from the 1860s but was extensively remodelled just before the turn of the 20th century. Three and a half storeys in height, The Golden Lion's facades are decorated with fine detailing and the building as a whole provides a strong contribution to what is otherwise an unexceptional street scene.

8. Although assessed by English Heritage for national listing, The Golden Lion was not sufficiently outstanding to warrant this accolade. It is, however, currently under consideration for addition to Camden's Local List of Buildings of Architectural and Historic Interest. Although a final decision on this matter has not yet been taken, I acknowledge that The Golden Lion is, in its local context, a significant building.

9. The flank wall against which the Notice is served faces away from the Pratt and Royal College Street frontages of the building. The most impressive views of The Golden Lion are from the north, a direction from which the advertisement cannot be seen. However, when approaching from the south along Royal College Street, the public house's western façade increasingly comes into view in conjunction with the current hoarding. The consequence is that as one nears The Golden Lion the incongruity between its Royal College Street frontage and the hoarding becomes more striking.

Relevant Planning history at other nearby sites

11-13 St Pancras Way (200m to the south-east of the site)

2011/1586/P - Erection of part 6, 7, 8 and 10 storey building comprising 3,877 sqm builders merchant (Class Sui Generis) at ground and part mezzanine level and 563 student bedspaces (Class Sui Generis) with ancillary student facilities to the upper floors. Granted following completion of S106 Legal Agreement 03/10/2011.

Various subsequent approval of condition applications approved in 2012 (2011/6259/P / 2012/2502/P / 2012/3852/P / 2012/5783/P), a variation of condition (2012/6479/P) and a non-material amendment application (2012/6400/P) at the site.

73 Plender Street

2011/2886/P - Change of use and works of conversion of public house (Class A4) to five self contained flats [1 x 1 bedroom, 1 x 3 bedroom & 3 x 2 bedroom] (Class C3) including erection of mansard roof extension plus dormer windows; new rooflights at first floor level rear and creation of new lightwell comprising glazed blocks plus metal grille enclosure at ground floor level at Bayham

Place frontage. Granted following completion of S106 Legal Agreement 29/11/2011.

2011/6400/P - Details pursuant to condition 4 (cycle storage area) and condition 5 (glazed blocks and metal grille) of planning permission ref 2011/2886/P granted 29/11/2011 for the change of use and works of conversion of public house (Class A4) to five self contained flats [1 x 1 bedroom, 1 x 3 bedroom & 3 x 2 bedroom] (Class C3) including erection of mansard roof extension plus dormer windows; new rooflights at first floor level rear and creation of new lightwell at Bayham Place frontage. Granted 06/03/2012.

Relevant policies

National / Regional Policies

National Planning Policy Framework 2012

London Plan 2011 & London Plan Housing SPG 2012

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS4 (Areas of more limited change)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS7 (Promoting Camden's centres and shops)

CS10 (Supporting community facilities and services)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving heritage)

CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

CS16 (Improving Camden's health and well-being)

CS17 (Making Camden a safer place)

CS18 (Dealing with our waste and encouraging recycling)

CS19 (Delivering and monitoring the Core Strategy)

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP10 (Helping and promoting small and independent shops)

DP13 (Employment sites and premises)

DP15 (Community and leisure uses)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and the availability of car parking)

DP20 (Movement of goods and materials)

DP21 (Development connecting to the highway network)

DP22 (Promoting 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)

DP27 (Basements and lightwells)

DP29 (Improving access)

DP31 (Provision of, and improvements to public open space and outdoor sport and recreation facilities)

DP32 (Air quality and Camden's Clear Zone)

Other Planning Policies

Camden Planning Guidance (CPG) 2011 (CPG1 Ch1, 2, 3, 4, 5, 8, 9, 10; CPG2 Ch 1, 4, 5; CPG3 Ch 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13. CPG4 Ch 1, 2; CPG5 Ch1. CPG6 Ch 1, 2, 3, 5, 6, 7, 8, 9, 11.

CPG7 Ch 1, 5, 8, 9. CPG8 Ch 1, 2, 3, 4, 5, 7, 10, 11).

Draft Site Allocations Development Plan Document 2012

Assessment

Introduction

Planning permission is sought for the change of use of the building from a public house (Class A4) to 8 (3x1, 4x2 and 1x3 bed) self-contained flats (Class C3). Involved as part of these works is the erection of a three storey (including roof level dormer) extension on north (Pratt Street) elevation, an extension at basement level to create a lightwell incorporating glazed blocks and a metal grille on the Pratt Street frontage, the provision of solar photovoltaic panels on east and south roofslopes (21 PV panels in total) and associated alterations. These associated works include the removal of the hoarding on the south elevation at second floor level and the reorientation of the fenestration on the ground floor level to remove references to the public house use, redundant entrances and relocate another entrance to provide the proposed waste storage entrance.

During the course of the application the applicant has submitted additional commentary in support of the application, such as commenting on patrons of the public house participating in local pool/darts leagues and commenting on the CAMRA 'Public house viability test' document.

Land use

The applicant has submitted a range of information and supporting documentation in support of the proposed development. A summary of the main elements of this, as submitted by the applicant (many elements are direct quotes as submitted by the applicant), is outlined below:

- Social and Community Use – the tenant publican claims that the pub performs a 'community role'. The large first floor room is critical to this role. For at least a year between 19th August 2011 and 12th June 2012, there is no evidence that the first floor room to the pub was occupied or use for social and community purposes, as claimed by the publican. Instead, this room appears to have accommodated some sort of private clothing enterprise, as shown by photographs. The position, access, size and facilities to the first floor room alleged by the publican as 'critical' to its community role also count against its use in this way. It is odd that the publican should choose to use this room for so long for some other private use rather than for functions and some 'community' role if, as he puts it, its use as a function room was seen as so critical to the pub and its role in the community.

More specifically, Poor facilities for the community – both now or in the future:

- o Narrow, stepped, unsuitable inconvenient access for wheelchair users / elderly / others requiring aid*
- o Bloggers evidence is that available facilities for sporting activity is limited;*
- o Limited evidence of musical performances – no advertising for a year and facilities restricted mostly to an upstairs first floor room;*
- o Poor access to first floor room – poorly lit/steep stairs, no bar, poor seating capacity;*
- o Premises poorly laid-out. Use of function room risks publican's private rooms elsewhere – serious privacy and security risk for publican*
- o Pub does not provide an extensive food menu. Therefore likely to either already be or to come under acute pressure from other nearby pubs. Blog evidence to back this up.*
- o Lack of restaurant / letting of bedrooms by tenant publican has limited the pub's value to the local community;*
- o Lease prohibits pub being used for public meetings or evening classes, clubs and meetings.*
- o Pub has a focus on a limited drinks selection*
- o Concluding remark that the physical constraints of the pub and lease clauses together make the use of the premises for community use unlawful, inflexible, inaccessible, unsafe, insecure, inconvenient, and generally unsustainable.*

In addition, further lack of evidence of community role:

- o Pub is financially struggling. With this, a rent review and current dilapidations liabilities taken into account the pub will be in a virtually unrecoverable loss-making situation.*

- Allowance of the tenant publican to allow third party unlawful commercial use of first floor room (denoted as critical to community role of pub) seems irrational unless the unlawful step was taken with the specific step of supporting his failing business. The unlawful commercial use would be a breach of clauses with the lease. On 3 of the 4 occasions the agent of the applicant visited the premises access to this room was available; the exception was when planning officers attended. The applicant would submit that this is because Mr Murphy was concerned that this might lead to a planning enforcement investigation, which could lead to forfeiture of his lease. The applicant later states that the only rational explanation is because Mr Murphy may have benefitted financially from loaning this space out, which may have been worth more to him than keeping it available instead for less frequent pub-related events.
- No recent reference on blogging sites Qype, The Session (latest postings at least 3 years ago) or Spoonfed to musical events or sporting competitions.
- Concede from Facebook page that pub is popular with regular locals and might be missed by a few regular patrons as a drinking establishment. This must be weighed against its contribution (if any) to the wider as well as a small number of local residents in the community. Evidence is clear it does not, and has not for some time, provided a valued, accessible and sustainable facility.
- Camden New Journal articles make no reference to the use of the premises by groups for meetings or to recent and regular musical performances. Unsubstantiated passing reference is made to pool and darts tournaments – other sources indicate little/any recent activity. Simultaneously very little weight should be afforded to such articles.

- The premises are no longer economically viable for pub use. The publican has struggled to pay his rent and has previously sought a temporary freeze on any rental increase. The extent of current dilapidation to the property is a reflection of this and his difficulty in running a profitable operation whilst also keeping the property in a good state of repair. He faces a rental increase which, whilst fair, is likely to put the pub into a loss-making situation, together with his current dilapidations liability under his lease covenants.

- Volume of sales fell by nearly a quarter between 2008 and 2011;
- Rent paid per annum fell from £32,557 in 2008 to £24,307 in 2011 (largely reflecting fall in turnover);
- Figures indicate steady and continuous decline in trading performance.
- 2009-12 accounts profit and loss accounts – 2007/8 +£9,381; 2008/9 -£993; 2009/10 +£7,644; 2010/11 -£617; 2011/12 £55
- Pub likely to incur an increase in rent as a result of a lease renewal from August this year
- Tenant publican has substantial further current liabilities as a consequence of serious disrepair to the premises.
- Current dilapidations likely to exceed the tiny £55 profit made by the pub this year. Also likely to completely wipe out the £6089 cumulative profit made over 4 years.
- Interim schedule of dilapidations and wants of repair = £2,648 and likely dilapidations of excess of ten thousand pounds at the least.
- Losses experienced would have been worse had the previous landlord not already agreed to a rental concession towards the end of 2010.
- Publican doesn't intend to alter the model of its business
- At the same time the fabric of the building continues to suffer
- Accounts presented to the applicant are unaudited. It is fair that the publican would wish to present as healthy position of the pub as possible – accounts present a depressing picture of a loss making venture, unwilling to adapt to changing tastes and unable to meet its present legal obligations to the landlord.
- Picture is in stark contrast to thriving, vibrant and vital community pub presented by the publican.
- There are several other pubs a short distance away that still provide a more vibrant atmosphere.

Appendices within submission:

- Affidavit of Sandra Austin (SA), Operations Director of County Estate Pubs Limited (acted as managing agents of Golden Lion PH on behalf of current landlord Norreys Barn Ltd). Summary of main matters:

- Colleague visited site on 07/12/11 – first floor room in used for a women's wear wholesale
- SA visited the site on 15/02/12 – first floor room in use as a wholesale retailer in woman's wear. Set up in a professional manner with rails of garments and price tags. Photographs accurately show how the room was used (although not taken by SA).
- David Murphy (landlord) informed SA this room was being used by a friend of his who was in between properties and that, as a favour, he had let him have the room for a short time
- Smaller room at first floor never used as a sitting room.
- SA visited the site on 12/10/12 as landlord (Norrey Barns) concerned room was being used in a way that might be in breach of the user clause in the lease – first floor empty at time of visit. David Murphy said this room was critical to the premises and to the community as a function room.
- SA finds use of this room for functions most odd. Not good access, steep stairs, no bar, no reasonable amount of chairs, poor seating capacity, security poor. Therefore SA very much doubts whether this room was used in this way at all.
- SA suggests smaller first floor room could be used instead of function room, if this was critical to the community contribution and the very heart of the business, as David Murphy claims.

- Internet blogs from Spoonfed, qype, fancyapint and the session websites

- Affidavit of David Kemp (agent of applicant)

- DK Visited site on 19/08/11 – first floor function room being used to store garments, many with price tags.
- David Murphy (landlord) informed DK this room was being used by a friend of his who was in between properties and that, as a favour, he had let him have the room for a short time. DK asked if room was used for retail – David Murphy told DK it was not. Photographs taken by DK and provided.
- Visited site on 23/03/12 with client representative and LB Camden officers. DK arrived late, by which time internal visit undertaken. Advised by LB Camden officers that it was not possible to gain access to first floor function room.
- DK surprised room was unable to be shown to LB Camden officers. DK suspects room was in use for same purpose as on his visit on 19/08/11.
- DK visited site on 12/06/12 with English Heritage officers. English Heritage officer has confirmed in writing that there were a number of clothes racks in this billiards/function room (email dated 15/10/12 provided from English Heritage).
- DK visited site on 24/07 (no year specified but assumed to be 2012) with officer from Museum of London Archaeology. The clothes rails and garments previously on display in the first floor room had been removed by the date of this visit.

- Extracts from Camden New Journal relating to Golden Lion dated 2011 and 2012

- Paramount Properties Letter and trading history 2008-2011

- Copies of accounts 2008-2012

- Interim schedule of dilapidations and wants of repair

During the course of the application the applicant submitted further information, summarised as follows:

- With the NPPF and Camden policies in mind:

- Poor facilities for community beyond mere public house use

- *Lack of evidence of community role*
- *Potential external dilapidations liability of estimated £20-5,000 (and £2,500-3,000 contingency) wipes out cumulative £6,089 profit since 2007, placing the business deep into dept.*
- *Tenant pays £28,000 rent per annum, but benefitted from reduction since March 2011 to assist his ailing business. Open market rental value roughly £35,000*
- *Evident pool and darts teams compete in local leagues*
- *In terms of the CAMRA Public House viability test the pub is not currently economically viable, nor likely that another tenant or company would be able to turn it into an economically viable concern.*

In terms of the CAMRA Public House viability test:

- *Trade potential – Royal College Street a one-way single carriageway and rat-run, with higher than accident rate and dangerous average driving speeds. Subject to LB Camden / TfL improvements, but only at consultation stage. But this area remains a potentially hostile and dangerous environment for pedestrians and cyclists, continuing to adversely impact on the trading potential of the pub. No off-street parking as within CPZ. Public transport excelled but environment for pedestrians/cyclists undermines the ability of the pub to attract anything more than local regulars. Not aware of planned developments in the immediate area to improve trading potential.*
- *Visitor/Tourist potential – aforementioned blogs/websites reiterated. Google reviews sparse. Not a sign of a vibrant, thriving business. Accounted for by potentially hostile and dangerous local environment and local area not being appealing to tourists. Pub in no guide books, lack of food or variety in beers. Area not renowned for tourism, unlike Camden town. Visitors could come from darts and pool leagues, but these are local (eight within a mile) and amounts to one evening a fortnight. Unlikely to make a significant impact to the profitability of the business in the long term.*
- *Competition – roughly 15-20 within walking distance. 4 other traditional, intimate, family run character pubs within 1 mile. Thus the niche the Golden Lion claims to occupy, it faces stiff competition (some of the 4 compete in pool/darts leagues).*
- *Flexibility of site – poor access to pub and poor access/quality function room re-emphasised. Aside from extension proposed no further opportunity for expansion. Poor owing to local listing as well. Repair works being carried out set back profitability of pub for perhaps 15-20 years. Any new tenant wary of this liability along with very fragile viability of the business itself.*
- *Multiple uses – ruled out by lease. Publican appears to make some use of upper floors for accommodation, but lack of ground floor kitchen counts against ancillary restaurant operation. Loss would not deprive services from the local area already provided elsewhere.*
- *Performance – already set out above.*
- *Interest from other operators – limited interest according to a letter, via national web advertising, for 6 months, at specified rate. All 5 offers below the £550,000 asking price.*

The information submitted by the applicant has been considered. However, as a result of the public consultation responses (as detailed in a previous section of the report) it is clearly evident that the public house is considered to have a community role and more specifically serve the needs of the local community. Consequently its loss without a replacement facility or sufficient evidence provided to demonstrate that the facility is no longer required in its current use (instead the public consultation responses demonstrate that there is a desire for the current use to remain at the site) means the proposal is contrary to policies CS7 (Promoting Camden's centres and shops), CS10 (Supporting community facilities and services), DP10 (Helping and Promoting small and independent shops) and DP15 (Community and leisure uses).

More specifically the public consultation responses has shown the many community roles of the facility. This includes musical performances, sporting clubs (such as pool and darts, as evidenced during the officer site visit in February 2013), various meetings (as demonstrated in the public consultation responses) and other clubs, as well as a providing a more general meeting place for members of the community who might not otherwise come into contact with one another. It is also

shown through the public consultation responses that the facility is valued by many people for a variety of different reasons. It is considered that the accumulation of these factors, rather than one predominantly over others, demonstrates the pub serves the needs of the local community.

The proposal is not hence not considered to comply with DP15C or DP15D, where the Council will protect existing community facilities by resisting their loss unless certain circumstances are met. First, in terms of DP15C, a replacement facility that meets the needs of the local population is not proposed to be provided. The proposal purely relates to 88 Royal College Street and proposes the entire loss of the building from its existing use to Class C3 residential. Applying the relevant section of the policy associated with the community use in operation at the site (DP15D), the consultation responses illustrate that this specific community use is sought to be maintained in its current use as a public house. Furthermore the applicant has not demonstrated in any significant way, in line with DP15D, that there is no demand for any other suitable community use on the site. Even if this had been successfully demonstrated, the policy details that the Council's preferred new use will be affordable housing. As such, when applying this policy it is clear that the proposals do not comply. The overriding LDF core strategy policy CS10 is applicable, with CS10F stating that the Council will support the retention and enhancement of existing community, leisure and cultural facilities.

In terms of supporting text 15.7 of policy CS15, the proposals are not considered to comply with these principles. First, the public consultation responses demonstrate the pub is considered to serve a community role, as detailed above and more specifically in the numerous public consultation responses received from both nearby occupiers and those further afield (but denoted in many instances to be patrons of the premises). As such, in line with the supporting text the Council will resist its loss. In terms of alternative provision nearby, although the applicant has provided some details of this, the public consultation responses illustrate the specialist role the current pub provides and how this differs from the particular type of facility more typical in the wider local area. With regard to the viability for pub use argument, the applicant and third parties paint vastly differing opinions on this matter. It is considered on balance, that the Council are not satisfied that the premises are entirely unviable. Amongst other factors, the tenant landlord is in the process of undertaking refurbishment works, has provided commentary outlining that an ancillary restaurant offer could be provided in the future.

It is also noted that there is considered to be potential for trading to improve as a result of future nearby developments. The 11-13 St Pancras Way development, including 563 student bedspaces, is likely to come forward in the near future (permission granted in 2011 and subsequent details approved in 2012 – see relevant history for details). Moreover, in the medium and long term there are three draft allocated sites in close proximity, each of which is envisaged to include residential uses. Hence it is possible that the character of the local area will potentially become more residential in character in the near and longer term future, which in-turn could improve the trading potential of the public house. Hence these examples raise sufficient potential for it to be possible for the pub to be an economically viable proposition in the future.

In addition, the proposals are also considered to be contrary to CS7 (Promoting Camden's centres and shops) and DP10 (Helping and Promoting small and independent shops). More specifically, DP10D and DP10E raise similar considerations (and hence conclusions) to paragraph 15.7 of CS15, as outlined above. CS7 is the relevant overarching policy to DP10, with this stating that the Council will also support the limited provision of small shops outside centres to meet local needs (which the public consultation responses indicate the pub does). The proposals are also considered to be contrary to the related wider London Plan and NPPF policies. In particular the NPPF at paragraphs 69 and 70 are of relevance, with the promotion of opportunities for meetings between members of the community who might not otherwise come into contact with one another, planning positively for use of community facilities (public houses specifically referred to) and guarding against the unnecessary loss of valued facilities and services particularly pertinent. This policy framework, in the context of the public consultation responses received, is also considered to weigh against the proposed development.

Regarding the first floor function room, there is contradictory evidence submitted by the applicant

(who specifies the room had been not been used for 'at least a year' for social/community role, instead suggests it had been occupied by a clothes wholesaler and doubts the value of the space) and those submitted as a result of the public consultation (affidavit by tenant landlord and various letters within this submission and others as part of the overall public consultation). The Council does not have any significant evidence of its own on this specific matter and is not disputed the information submitted either by the applicant or third parties.

It can be confirmed that when officers visited the premises on 23rd March 2012 access was not provided to the first floor room. As such a view on the use of this room at this point in time is unable to be made. At the time of the officer site visit during the course of this application, on 22nd February 2013, it was witnessed that the room was laid out as a function room with tables and chairs in this manner. It is also noted no enforcement complaint in respect of the use of this room has at any point in time been made to the Council, nor investigation undertaken. Moreover, it is considered that the use of this room itself is not the sole reason for the refusal of the application on this land use basis. It is, as outlined above, a combination of factors and ways for which cumulatively it is considered that the public house serves the needs of the local community and for which it has not been shown, as a result of the public consultation responses, that the facility is no longer required in its current use.

Hence the proposals are not supported on this land use consideration and this forms a reason for the refusal of the application.

Quality of residential accommodation

In terms of the mix of units proposed, the scheme is considered to comply with the principles of DP5, with a mix of large (3 bed) and small units (1 and 2 bed) proposed and over 40% of the units being 2-bed properties.

Moving on the quality of the residential units being proposed, there are a number of areas where the proposals are considered on balance to be appropriate. However, there are a number of other areas where concerns are raised which individually and cumulatively result in a sub-standard level of accommodation for future occupiers being provided. As such this forms a further reason for the refusal of the application.

Considering first the overall flat sizes, it is shown that each of the units complies with the minimum floor area standards with the exception of the two-bed unit at third floor level (unit 8). Here the overall flat size is 6sqm below the minimum 61sqm requirement of the London Plan and LDF for 2-bed, 3-person units. This shortfall is considered to compromise the standard of accommodation for future occupiers of this unit. Each of the three 1-bed units are 37sqm in size, which is the minimum requirement within the London Plan. Thus these units are considered to be adequate in overall terms. The remaining two and three bed units comfortably exceed the minimum overall flat size standards, so in this regard are considered satisfactory. Moving onto the individual room sizes, the proposed bedrooms are considered to be sufficiently sized and generally regular in shape for the function intended. In addition the floor to ceiling heights at all levels are satisfactory.

In terms of lifetime homes standards, the applicant has submitted a statement demonstrating where the proposed scheme adheres to the required standards. This has been duly considered by the Council's access officer, who raises some concerns with the proposals in this regard. Policy DP6 (Lifetime homes and wheelchair housing) is clear that 'all housing development should meet lifetime homes standards'.

- LHS3 (Enable as far as practicable convenient movement along other approach routes to dwellings - in addition to the principal approach from a vehicle - for the widest range of people). In this regard no details of the proposed entrance ramp have been provided and the drawings which have been submitted suggest the proposal is unsuitable in this regard.
- LHS4 (Enable ease of use of all entrances for the widest range of people). In this regard it is not clear whether the following standard, with a 800mm clear opening, is achieved - There should be a 300mm clear space to the leading edge on the pull side of all entrance doors to

dwellings and all communal entrance doors. In addition with regard to this standard, a level external landing should be provided at all main entrances. The minimum dimensions for this to an individual dwelling should be 1200mm x 1200mm. In this instance this does not appear to have been achieved for flats 3-8.

- LHS10 (Provide an accessible WC and potential showering facilities for: any member of the household using the temporary entrance level bed space of Criterion 9, and: visitors unable to use stairs). In this regard the entry level WC facilities appear to be undersized for flats 1 and 2 (maisonettes at basement and ground floor level)
- LHS14 (Provide an accessible bathroom that has ease of access to its facilities from the outset and potential for simple adaptation to provide for different needs in the future). It is not clear from the plans submitted, partly as dimensions / turning circles etc have not been provided, whether this has been achieved within the residential units.

Given these deficiencies this represents a reason for refusal of the application, contrary to CS6 and DP6.

Considered dedicated storage facilities within each flat, this is detailed for unit 1, but not for any of the other proposed units. However, there is considered to be sufficient potential for this to be provided within the units and hence this does not form a basis for the refusal of the application. In terms of general waste and recycling storage, a dedicated ground floor area is shown to be provided, providing space for 3x1100l refuse containers. Such a provision is sufficient and had the proposals been able to be supported this facility would have been secured via condition.

Turning to daylight, sunlight and privacy matters, the applicant has submitted a daylight assessment for the proposed basement level accommodation, which is said to have been based on the mesh / glazing specified to cover the lightwell on the Pratt Street elevation. Specific information is required in this instance given the basement serves five bedrooms and the detailed design of the lightwell, which based on an initial assessment would raise questions over the amount of light being received at this point and in-turn the negative impact on the quality of accommodation for future residents. The daylight assessment follows the BRE recognised vertical sky component (VSC – test is not less than 27% and not less than 0.8 times its former value – this latter test is not applicable in this instance as there is no existing value), average daylight factor (ADF – test is more than 2% for kitchens, 1.5% for living rooms and 1% for bedrooms) and no sky line (NSL – also known as daylight distribution - test is 80% to receive) calculations have been made.

In terms of VSC the results show that the basement rooms will receive between 6.92% and 8.29%, which are all significantly below the 27% standard. As such the NSL (daylight distribution) test is considered. The report correctly states that within the BRE guidance 80% of living rooms should be lighted from direct light from the sky. The report continues that there is no specific standard for bedrooms (as proposed in this instance). It is considered to be unclear precisely how the proposals comply in practice given the lightwells are entirely enclosed by grilles / glazing. However the applicant nevertheless states that daylight distribution rates of between 77.6% and 99.2% will be achieved (four of the five rooms are stated to be above 80%). Moreover, and most importantly in this instance, ADF tests have also been carried out. These results detail that ADF totals of between 1.21% and 1.56% are achieved, which are all above the minimum 1% for bedrooms. On this basis the bedrooms are shown by the report to receive sufficient light.

To complement this, the applicant has also responded to the requirement within CGP2 for all habitable rooms, including basements, must have an external window with an area of at least 1/10 of the floor area of the room. At this juncture it is noted that the applicant has not provided an elevation to detail the exact height/width of the basement level windows, but based on the section, floor plan and calculations provided it is considered that the windows cover virtually the full height and full width of the rooms at this level. However, paragraph 4.23 of CPG2 also states that 'windows to atriums will be acceptable as external windows in exceptional circumstances only'. The basement can loosely be considered to be an atrium area (definition a skylighted court). Thus although it is detailed that the basement rooms have windows which cover 1/10 of the floor area of the room, a level of concern

remains with this element.

On the basis of the above, although there are concerns regarding the amount of light received given the detailed design of the lightwell (as per the previous paragraph), it is considered that the applicant has adequately demonstrated, most substantially the ADF information, that this element of the proposals is on balance satisfactory. As such this specific matter does not form part of a reason for refusal of the application in itself.

However, wider concerns are raised in relation to the proposals in this regard. CPG2 outlines a number of minimum standards, with 4.21 stating that 'all habitable rooms should have access to natural daylight. Windows in rooms should be designed to take advantage of natural sunlight, safety and security, visual interest and ventilation'. With specific regard to the visual interest element of this guidance, it is considered that the basement floor level accommodation would be in receipt of inadequate outlook and visual interest via the proposed lightwell arrangements. The proposed lightwell would be entirely enclosed, first with an element of mesh / metal grating closest to the window and then glazing further away from the window. As such future occupiers would not benefit from a pleasant outlook at these points. Although these units are acknowledged to be maisonettes this is not considered to override the sub-standard accommodation provided at basement floor level. Furthermore the units in question comprise the only large 3-bed unit and one of the 2-bed unit and thus are key components of the proposed scheme. The inadequate outlook thereby forms part of the reason for refusal in this instance.

In addition, paragraphs 4.20-4.24 of CPG2 discuss passive solar gain and related matters, with minimum requirements including 'each dwelling should have at least one habitable room with a window facing within 30 degrees of south in order to make the most of passive solar energy'. In this instance the building is north facing and only includes windows on the north and west elevations. No windows are provided on the south facing elevation. Furthermore, four of the eight proposed residential units (units 2, 3, 5 and 7) are single aspect units facing north, with the four remaining units being dual aspect at least in part with windows facing north and west. Hence the units would not make the most of passive solar energy and the four single aspect units are considered to be of particular concern, providing future occupiers with what is considered to be a substandard level of accommodation in this regard. Hence this forms a further part of this specific reason for refusal of the application.

In terms of natural ventilation, the plans do not detail whether the windows are openable, but based on the officer site visit it is evident that the existing windows were openable. In addition, secondary glazing is shown to be proposed. It is considered likely that natural ventilation will be available for future occupiers. Related to this, a suitable means of escape from the basement accommodation is shown to be provided through the lightwell (emergency access only).

Turning to noise and soundproofing matters, the internal layout has been appropriately 'vertically stacked' on the upper floor, but not on the basement / ground floor levels. The maisonette nature of the accommodation accounts for this and this shortfall is not considered significant enough to warrant refusal of the application on this basis. Soundproofing matters, had the scheme been able to be supported, could have been secured via condition or considered appropriate given the existing building context and controlled via separate building regulations. No plant is shown to be proposed to comfort cool individual flats.

With regard to outdoor / communal amenity space, the context of the existing building covering 100% of the footprint of the application site means it is accepted that it would not be possible to provide either outdoor or communal amenity space for future occupiers. This in itself, owing to the aforementioned context is, not considered sufficient grounds for the refusal of the application in this specific regard.

Finally, concern is also raised in respect of habitable rooms (large bedrooms) being positioned at basement floor level. Paragraph 27.6 of the LDF, together with CPG4 paragraph 2.56 (and more

generally but not explicitly within DP26), indicates that habitable rooms will not be supported in areas at risk of flooding. Although not being an identified area susceptible to flooding, the site is located within the subterranean (ground water) flow and land stability, being within 100m of the Grand Union Canal. As such concern is raised regarding the provision of habitable rooms at basement level and this negatively impacting on the standard of accommodation for future occupiers.

Thus in overall terms the combined and cumulative factors of the proposals failing to provide adequate on-site lifetime homes standards for the residential units, the basement floor level accommodation being in receipt of inadequate outlook via the proposed lightwell arrangements, the inadequate overall flat size of the 2-bed unit 8 at third floor level and four of the eight proposed residential units (units 2, 3, 5 and 7) being single aspect units facing north, would fail to provide accommodation suitable for people with mobility difficulties and in overall terms provide sub-standard accommodation which would be harmful to the residential amenity of future occupiers. This consequently forms this reason for refusal of the application. It is acknowledged that these shortfalls must be weighed up against the other areas where the proposals are considered to provide suitable future accommodation. In this instance the shortfalls are considered to be numerous and substantial to warrant a reason for refusal when balanced against the merits of the proposed accommodation sought to be created.

Design

As outlined in the site description section above, the Golden Lion Pub is not listed, nor does it lie within a conservation area. However it is considered to be a fine example of a Victorian pub, as also commented upon by a recent appeal decision at the site (see relevant history). Whilst the Council does not yet have a local list the building is considered to be a non designated heritage asset (as defined in the NPPF).

The design approach taken is generally considered to be sympathetic to the significance of the building and maintains the appearance of a pub, even though it would be in residential use. Details such as the fascia sign and high level signage would be maintained although the lettering would not be visible. A bin store would be inserted within the frontage but it is considered that this would be disguised to appear as a single door which would fit in with the overall character of the façade.

An extension is proposed to the eastern end of the building which would match the architecture of the rest of the building. The mansard would be hipped to maintain the asymmetry of the façade and it is considered in overall terms that this element of the proposals would not harm the appearance of the building.

The basement accommodation would be expressed by flush glazing and grilles. From purely a design perspective such an approach is considered to be preferable to lightwells with railings at this point. Separate concerns are however raised from a transport perspective and these are discussed separately below.

The proposals also indicate the removal of an unauthorised hoarding on the south elevation of the building. This is welcomed and required in line with the recent enforcement appeal on this matter (see relevant history).

Concern is however raised with regard to the proposed solar photovoltaic panels to the south and east roof elevations of the building (there is a total of 21 panels proposed). As part of the overall composition of the building the roof is considered to play an important role in terminating the façade. From both the south and east the roof is exposed to medium and long views where the solar photovoltaic panels would be clearly visible. Moreover their functional appearance would clash with the ornate façade of the building. In addition, they would cover a larger proportion of both the south and east elevation of the roof and would thus dominate this feature of the building. In overall terms from a design perspective this element of the proposals would be detrimental to the character and appearance of the building.

As to whether this forms a reason for refusal of the application is dependent upon the competing sustainability benefits of providing solar photovoltaic panels at the building. It is acknowledged that the photovoltaic solar panels represent a form of on-site renewable technology. The energy report submitted with the application demonstrates that this will result in a 7% reduction in carbon emissions (below the London Plan / CPG3 target of 20% reduction through renewables). The overall carbon dioxide reductions as a result of the proposed scheme is however shown to be 59.4%. As such the photovoltaic panels in themselves represent a small part of the overall reductions anticipated. Before any energy efficiency measures are applied a reduction of 56.3% can be achieved, which itself is a substantial reduction (above LB Camden and London Plan targets). Given this context it is considered that significant carbon reductions can be achieved both with and without the inclusion of photovoltaic panels. Moreover, in this instance, it is considered that the harm caused to the character and appearance of the building outweighs the sustainability benefits and hence the panels form a reason for refusal of the application.

Amenity for nearby occupiers

In respect of the likely impact of the proposed scheme on existing nearby occupiers it is considered in overall terms that the proposals would not result in any significant loss of amenity to neighbouring occupiers.

In terms of daylight/sunlight matters, the proposed extension on the Pratt Street elevation is not considered to result in any material harm to the daylight/sunlight of nearby occupiers. Turning to overlooking/loss of amenity considerations, the change of use nature of the proposals (barring the aforementioned extension on Pratt Street) means the proposals would not significantly increase opportunities for overlooking/loss of privacy. Moreover, the distances to nearby properties are such that no harmful loss of privacy is envisaged. This is similarly the case in terms of outlook/sense of enclosure considerations. In terms of noise/vibrations and odour, fumes and dust, it is not considered that the proposals, owing to their nature, would result in any significant harm to the quality of life of nearby occupiers.

Another consideration is the potential impact of the proposed basement excavations sought by the scheme. Given that excavation is proposed, albeit to an existing basement at the site, the applicant has undertaken a full Basement Impact Assessment (BIA), carried out by suitably qualified professionals (submitted within two separate documents) and following the recommended procedures outlined in CPG4. As noted in the site description section above, the site is located within an area susceptible to slope (in) stability and groundwater flow, two of the three hydrogeological constraint areas. The amount of excavation is shown to cover three areas adjacent to where there is existing openings on the Pratt Street elevation (associated with barrels from the public house being stored in the cellar). These spaces total a width of 1.5m in all instances and lengths of 6.2m, 2.1m and 2.1m. Moreover, the existing basement floor as a whole is understood, based on the technical information submitted by the applicant, to be proposed to be lowered by a depth of 1m (although the existing/proposed section plans do not indicate any change in the depth of the basement level – with the floor to ceiling height remaining as 2.67m).

The BIA screening questions/answers indicate that no further investigations are necessary in terms of the surface flow and flooding considerations. However, additional work has been required in terms of groundwater flow / land stability matters. This is owing to the proximity of the site to the Grand Union Canal (92m from the site) and the associated water level in comparison with the basement, London clay being the shallowest strata, the site being within an area of previously worked ground and the basement being within 5m of a highway / pedestrian right of way. As such, as part of the scoping stage of the BIA, on-site investigations took place in the form of two boreholes being drilled to a depth of 3.1m. This has established the soil properties of the ground and was also monitored to assess whether there were any water seepages. It is concluded that there is anticipated to be a negligible impact of the extension of the basement owing to the nearby canal / London clay. Similarly the construction techniques would adequately protect the highway / pedestrian right of way. As such it is considered that the applicant has sufficiently demonstrated the proposed development would be unlikely to cause harm to the built and natural environment and local amenity and does not result in

flooding or ground instability (in line with DP27 and associated policies). Consequently this element of the proposals is considered to be satisfactory.

Transport

No off-street parking is currently provided and none is proposed. In line with primarily policy DP18, given the site has a PTAL rating of 6a, all eight 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 have been able to be supported this would have been secured via Section 106 Legal Agreement. 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.

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 eight residential units including one three bedroom unit; therefore nine cycle storage/parking spaces are required. The applicant has included plans for the appropriate number of storage units to be installed and this is considered to be satisfactory. If the scheme had been supported the proposed spaces would have been secured via condition.

The development is demolishing and removing a small quantity of soil and debris from the site, erecting a three storey extension and various other works involved in the conversion of the public house to residential use. As such it is likely to have some impact on the local highways network and residents during the construction phase of the proposed works. Often when construction on this scale takes place Camden will request a Construction Management Plan to be carried out to protect other road and mode users in the vicinity of the site. However, in this case, given that the majority of the basement is already excavated, it is not anticipated that there will be a significant impact. More specifically, the placing of skips or building materials within Royal College Street will require the agreement of both parking services and highways management (to suspend the existing bay and obtain a licence). This should be sufficient to control construction activity at the site given the road widths and single yellow line. As such transport officers are content that a construction management plan is not necessary in this instance. If a CMP had been required it would have been secured via s106 legal agreement.

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. Given the extensive works likely to be required with the basement development and installation of any lightwell 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 has been calculated to be £9,853, which 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.

The proposals also incorporate the installation of grille style (more specifically part metal grille and part toughened glass) lightwells at the development site, fronting onto Pratt Street. The applicant has also commissioned a study into the impact of the proposed lightwell grilles proposed at the site, following advice at pre application stage that this style of lightwell goes against Camden's policies DP21 and CPG4/7. The study has looked into the potential impact of such lightwells should they be granted and claims that there would be no impact on pedestrian safety, loss of pedestrian footpath and subsequent increased in congestion as a result of the implementation of grilles. The study has also carried out a pedestrian count that highlights the usage of the footway in the vicinity of the site.

Furthermore the applicant has cited a recently approved “similar lightwell and steel mesh design” at 73 Plender Street (see relevant history above).

However, while the information submitted by the applicant is duly noted, the installation of grille style lightwells regardless is not supported. The council has a responsibility to protect the use of public space for future generations and cannot guarantee the same levels of footfall in the long term as the applicant suggests at present (the three nearby sites within the Draft Site Allocations Development Plan Document 2012 – see site description section above – and approved scheme at 11-13 St Pancras Way – see relevant history - demonstrates that the local area may be subject to substantial change in the future). The use of other existing examples elsewhere in the borough, as provided in the commissioned study, are considered to hold little weight as the context is different in that this is a new proposal rather than an existing situation. Furthermore, each application must be judged on its own merits and the use of Pratt Street in comparison with Bayham Place (in terms of the Plender Street example cited) is similarly not considered to be relevant, as the use and function of these two highways are different in context. More specifically, LDF policy DP21H stipulates that: “The Council will expect developments connecting to the highway network to avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter.” It is considered that the installation of the grille style element of the lightwell has the potential to cause harm to highway safety / hinder pedestrian movement and creates unnecessary street clutter over and above the existing situation at this part of the site. Consequently this forms a reason for refusal of the application.

Sustainability

The applicant has submitted an EcoHomes pre-assessment as part of a wider sustainability statement for the proposed development. BREEAM Refurbishment replaced EcoHomes on 11/06/2012. The applicant was advised prior to the validation of the application that it would be preferable for a BREEAM refurbishment pre-assessment to be submitted with the application (although this did not form a reason for making the application invalid). The applicant indicated that further details ‘can also be provided later’ (letter dated 15/01/2013) but this was not forthcoming during the course of the application.

The EcoHomes pre-assessment submitted demonstrates that an overall rating of ‘very good’ is anticipated to be achieved. Regarding the specific energy, water and materials categories CPG3 specifies that 60/60/40% of the credits should be achieved. The proposals are shown to comply with the water (66.7%) and materials (67.7%) categories, but there is a shortfall (58.3% - below 60%) in terms of materials.

Moreover the sustainability targets have been increased for 2013 in that policy DP22 states that ‘the Council will promote and measure sustainable design and construction by expecting developments of 500 sq m of residential floorspace or 5 or more dwellings to achieve “very good” in EcoHomes assessments prior to 2013 and encouraging “excellent” from 2013’. The policy dates from November 2010 and hence ‘EcoHomes’ is now replaced by ‘BREEAM refurbishment’. Thus the scheme, valid from 15/01/2013, falls short of the latest current overall targets, as well as the individual ones for energy, while also lacking the submission of a BREEAM refurbishment pre-assessment (as requested but not received from the applicant) and is recommended for refusal on this basis. If an appropriate pre-assessment had been submitted, the design stage and post construction review would have been secured via S106 Legal Agreement to ensure that the proposed measures were fully incorporated within the eventual scheme. This will also be added to this reason for refusal in addition to the more substantial point, with an informative also stating this part of the reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Turning to the related energy matters, an Energy Statement has been submitted which follows the approach outlined in the London Plan, LDF policies CS13, DP22 and DP23 and CPG3. Most notably the three steps of the energy hierarchy of ‘be lean’, ‘be clean’ and ‘be green’ have been incorporated. In overall terms it is concluded that carbon dioxide emissions are anticipated to be reduced by 59.4% in comparison with the Part L 2010 Building Regulations, which is far above the policy compliant level

(25% improvement in 2010-13).

More specifically it is shown that the vast majority of the energy improvements will be through 'be lean' measures, with this in itself resulting in a reduction in comparison with the baseline of 56.3%. Improved insulation and secondary glazing in order to significantly improve u-values of walls and windows is the main measure shown. In addition, improved air permeability, individual boilers within each flat, and low energy lighting throughout are also referred to in order to achieve the anticipated reductions. Moving on to 'be clean' measures, it is concluded that CHP on-site is not possible or feasible and the same conclusion is reached in terms of connecting to the King's Cross St Pancras Station CMP. Given the relatively small scale of the scheme this context makes the conclusions reached by the applicant acceptable in this instance.

Finally, in terms of 'be green' measures, the applicant has considered each of the renewable energy technologies, bearing in mind the policy target for 20% reductions in carbon emissions being achieved through renewables. In this instance the majority of technologies have been discounted as neither feasible nor suitable owing to the context of the site / proposal. However photovoltaics and solar thermal panels have been identified as possible at the site. Solar thermal panels have subsequently been discounted owing to not being the optimal solution (owing to limited carbon savings) but photovoltaics have been shown to be feasible and are subsequently proposed as part of the proposed development. The proposed photovoltaics account for a 7% reduction in carbon emissions. This is below the 20% requirement by the London Plan / LDF&CPG. However, as already noted in overall terms a 59.4% reduction is achieved. As such from a sustainability perspective the provision of photovoltaics is welcomed. However, as noted in the design section above, the harm the photovoltaics would cause in design terms is considered in this instance to outweigh the sustainability benefits.

Other matters

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 of the site. Thus a financial contribution of £9,984 (capital cost £5,133; maintenance £4,234 and design and administration cost of £617) would have been secured via S106 Legal Agreement had the scheme been able to be supported. 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 (3x1 bed - no contribution; 4x2 bed – 4 x £2213 = £8,852; 1 x 3 bed - 1 x £6,322 = £6,322; combined total = £15,174). 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.

Contaminated land

Had the application have been able to be supported by officers, a condition would have been added to the decision notice owing to the site being identified as potentially including contaminated land. No such report was submitted with the application but this matter could be adequately dealt with by a suitably worded condition. This would have secured a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas and, following this, an investigation would have been secured to have been carried out in accordance with the approved programme and the results provide (and details of remediation measures if necessary).

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