

Address:	59 Mount Pleasant, London, WC1X 0AE			
Application Number:	2006/2569/P	Officer: Stuart Minty		
Ward:	Holborn & Covent Garden			
Date Received:	06/06/2006			
Proposal:	Demolition of the existing 3-storey public house (Class A4) and redevelopment by erection of a 4-storey plus basement building to provide a new pub on ground floor and basement and 8x self-contained flats (Class C3) on upper floors.			
Drawing Numbers:	CHT/D-01; 10; 30; 111; 112; 113; 114; 121; 131; 132; 133; Report (Dated June 2006), Letter from Agent Dated 31/07/2006.			
RECOMMENDATION SUMMARY: Grant Planning Permission subject to a S106 Agreement				
Related Application				
Date of Application:	06/06/2006			
Application Number:	2006/2574/C			
Proposal:	Demolition of the existing 3-storey public house (Class A4).			
Drawing Numbers:	CHT/D-01; 10; 30; Report (Dated June 2006).			
RECOMMENDATION SUMMARY: Grant Conservation Area Consent				
Applicant:	Agent:			
S J Estates Ltd	Ash Sakula Architects			
8 The Mews	24 Rosebery Avenue			
53 High Street	London			
Hampton Hill	EC1R 4SX			
TW12 1NH				

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace (m²)
Existing	A4	<i>Pubs and Bars</i>	363
	C3	<i>Residential</i>	95
	Total		458
Proposed	A4	<i>Pubs and Bars</i>	220.5
	C3	<i>Residential</i>	407
	Total		627.5

Residential Use Details:										
	Residential Type	No. of Habitable Rooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>			1						
Proposed	<i>Flat/Maisonette</i>	4	4							

OFFICERS' REPORT

Reason for Referral to Committee:

The proposal involves the creation of five or more residential flats. In addition the grant of planning permission is subject to the conclusion of a Section 106 Planning Obligation relating to, inter alia, matters outside the normal scheme of delegation. [Clauses 3(iii) and (vi)].

1. SITE

- 1.1 The application site is located on the eastern side of Mount Pleasant, with Laystall Street running directly to the south and a small access road, known as Pooles Buildings, running to the north. It is within the Central London Area, the Hatton Garden Conservation Area and the north-eastern corner of the site falls within defined Background Strategic Views and Viewing Corridors.
- 1.2 The site is currently occupied by a three-storey public house (Class A4) with a self-contained flat above (Class C3). The existing building is thought to date from the early 1960's, is not statutory listed or adjoining/adjacent to any listed buildings. The existing building is not noted in the Conservation Area Statement as a building which making a positive contribution.
- 1.3 The site is located in an area characterised by architectural diversity and varying environmental quality, and is positioned at an important townscape, nodal point, where a number of roads meet. The converging streets open in front of the development, into a smaller public space, immediately in front of the building and a larger public space directly adjacent to it. There is a sense of urban enclosure to these spaces, from the east, west and south. The north of the site is poorly enclosed by undefined areas, including a car park and the Mount Pleasant postal sorting office.
- 1.4 The application site is flanked by, two reasonably tall residential buildings, Mullen Tower to the south (approximately 12 storeys) and Laystall Court to the north (approximately 10 storeys). These buildings dominate the townscape, which is further emphasised by their repetitive detailing. Other buildings, which are of more interest around the site, range from 4 to 6 storeys, including the adjacent Christopher Hatton Primary School. In general terms, the area could be described as having a less fine urban grain, comprising of substantial buildings with large footprints. The existing public house is anomalous in this respect and dwarfed by the surrounding context. The site lies on ground sloping quite steeply to the northwest.

2. THE PROPOSAL

- 2.1 Planning permission is sought for the redevelopment of the site comprising a modern 4-storey plus basement building on a similar footprint to the existing building. An accompanying application for Conservation Area consent has been submitted for the prior demolition of the existing 3-storey public house.

- 2.2 A public house with café/restaurant facilities is proposed at basement and ground floor levels. At basement level the layout consists of a private bar area, with toilets, kitchen/food preparation area, refuse area for both the public bar and the residential units. The main component of the proposed bar is located at ground floor level, along with a lobby area for the residential units on the upper floors.
- 2.3 The plant/machinery requirements for the development have not been defined by the applicants, however a background noise survey has been carried out and information regarding noise from building plant provided. The siting of any external plant/machinery would therefore be subject to a separate application, whilst related advertisements/signage for the public house would also be subject to a future application for advertisement consent.
- 2.4 8 self-contained flats (Class C3) are proposed above the bar/restaurant on the first to fourth floors comprising 4 x 1-bed and 4x 2-bed units.
- 2.5 The proposed building ranges from 15.3 -18.9m (due to the step incline) in height comparing with the existing building which is approximately 8-9m high.
- 2.6 The scheme is contemporary in its architectural approach, with the elevational treatment comprises of timber cladding, brickwork and waney edge elm boarding. Continuously glazed elements are proposed at ground floor/basement level in association with the bar/restaurant use.
- 2.7 In previous iterations of the scheme, the main elevation was detailed with a toggled arrangement of double and triple storey timber elements. A somewhat refined version of this treatment, is proposed for the current scheme, simplifying the elevations, using an arrangement of brick projecting elements, balconies and recessed areas of window and timber panelling.
- 2.8 All of the units (apart from the one bed unit at first floor level) have balcony areas either north, east or west facing. There are no balconies proposed on the rear (south) elevation facing the primary school. The north west corner of the roof is allocated as private roof terrace for the future occupiers of flat No.8.
- 2.9 The south elevation facing Christopher Hatton Primary School has been modified, reducing the height of the main brickwork elevations and treating the areas above as roof elements. The height of the brickwork wall facing the school has been reduced, by means of a 'mansard' style treatment of the upper part of the walls, facing the school and contextually, the proposal no longer adopts the form of a 'mini tower'.
- 2.10 Only the corner of windows principally located on the east and west elevations are proposed to this elevation, acting solely as a light source. The applicants have attempted to soften this interface with the introduction of a small planter, containing a non-invasive climbing vine. This vine would extend up to 6.5 metres in height and, in time, will cover the entire facade. This particular plant attaches itself to the brick surface with tiny adhesive pads and does not require any training or support wires.

3. RELEVANT HISTORY

- 3.1 Initial applications for planning permission and conservation area consent (Council ref: 2004/2713/P and 2004/2720/C) for the demolition of the existing three-storey public house and the erection of a seven storey residential block comprising 12 x 1no. bed units and 1 x 2no. bed unit on the upper floors with public house at ground floor and basement level were withdrawn by the applicant on the 19/11/2004 after officers raised concerns about the height, bulk and design of the proposed development.
- 3.2 Applications were resubmitted in 07/02/2005 (Council ref: 2005/0537/P and 2005/0538/C) for the demolition of the existing three storey public house and redevelopment by erection of a 6 storey building to provide new bar/restaurant on ground floor and basement and 11 self contained flats above. These applications were refused by members of the development control sub committee on 19/05/2005, contrary to officers recommendation on grounds *“that the building by reason of its height, bulk and location would lead to a loss of outlook, result in a visual intrusion and oppressive sense of enclosure for the neighbouring school building and playground”*. The application for conservation area consent was refused on ground that *“in the absence of an approved scheme for its replacement would be likely to result in harm to the character and appearance of the surrounding Conservation Area”*. The applications were dismissed on appeal (22/08/2006) via informal hearing.
- 3.3 Following the refusal of planning permission and conservation area consent, the applications were again revised and resubmitted on the 02/09/2005 (Council ref: 2005/3454/P and 2005/3457/C). The scheme sought permission for the demolition of the public house and redevelopment by erection of a 7 storey plus basement building to provide new bar/restaurant on ground floor and basement and 10 self contained flats on upper floors. The applications were refused under delegated powers on identical grounds to that of Council references 2005/0537/P and 2005/0538/C. Subsequent appeals were dismissed via written representations on the 24/04/2006

4. CONSULTATIONS

Statutory Consultees

- 4.1 **English Heritage** have advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Councils specialist conservation advice.

English Heritage (Greater London Archaeology Advisory Service) have advised that the site is located within an Archaeological Priority Area, however the development would be unlikely to significantly impact upon the archaeological heritage. Overall, no objections are raised.

Conservation Area Advisory Committee

4.2 None required to be consulted

Adjoining Occupiers

<i>Number of Letters Sent</i>	<i>103</i>
<i>Number of responses Received</i>	<i>8</i>
<i>Number in Support</i>	<i>1</i>
<i>Number of Objections</i>	<i>7</i>

4.3 The owner/occupiers of **44, 45, 56, 60 Holsworthy Square, 25 Mullen Tower and 13 Laystall Court** have raised the following objections: -

- Loss of day/sunlight from adjoining residential properties and the primary school
- Noise and air pollution during the construction period, activity associated with the public house, and taxis waiting for patrons.
- Concentration of A3/A4 uses will be damaging to local amenity
- Residents are already surrounded and cramped by large buildings
- Damage to trees and landscaping
- Parking facilities are already scarce and the local area cannot accommodate more.
- The plant assessment does not take into account the noise impact from the new development
- Impact on privacy and enjoyment of life

4.4 The **Governors and the Head teacher of Christopher Hatton School** have objected to the proposed development on the following grounds: -

- The modifications to the height and bulk of the building do not go far enough to resolve the concerns/objections raised in the previous scheme or the comments of the planning inspectorate.
- The new building will result in the school playground becoming 'hemmed in' on all sides by tall buildings, and completely enclosed denying the playground its last avenue of open sky and light. This will lead to a sense of oppressiveness, as described in the inspectors report.
- The development will have an adverse impact on the amenity of the surrounding area and the quality of the school environment.
- The development will adversely affect the visual amenity of the area, thereby damaging working conditions at the school for staff and children.
- The proposals are not compatible with the scale and character of their surroundings.

- The impact of the development on existing views and skylines is unacceptable.
- The amenity for neighbours of the development is significant in terms of daylight/sunlight and such visual intrusion/harmful effects should be avoided.

4.5 The owner/occupier of **No 12 Mullen Tower** have written to confirm their support for the application.

4.6 A site notice was posted around the boundary of the site on the 16/06/2006 (Expiry 07/07/2006)

5. POLICIES

5.1 Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

5.2 Camden Replacement Unitary Development Plan 2006

S1-S3 Strategic Sustainable Development; (complies subject to conditions);

SD1 Quality of life (complies);

SD2 Planning obligations (complies subject to S106);

SD3 Mixed use development (complies);

SD4 Density of development (complies);

SD6 Amenity for occupiers and neighbours (complies);

SD7 Light, noise and vibration pollution (complies subject to conditions);

SD8 Disturbance (complies);

SD9 Resources and energy (complies subject to conditions);

SD12 Development and construction waste (complies subject to conditions);

H1 New housing (complies);

H2 Affordable Housing (complies);

H7 Lifetime homes and wheelchair housing (complies);

H8 Mix of units (complies);

B1 General design principles (complies);

B7 Conservation Areas (complies);

B9 Views (complies);

N4 Providing public open space (complies subject to S106);

N5 Biodiversity (complies subject to conditions)

T1 Sustainable transport (complies subject to S106);

T3 Pedestrians and cycling (complies);

T4 Public transport (complies);

T8 Car free housing and car capped housing (complies subject to S106);

T12 Works affecting highways (complies subject to S106);

R1 Location of new retail and entertainment uses (complies subject to conditions);

R2 General impact of retail and entertainment uses (complies subject to conditions);

R3 Assessment of food and drink uses and licensed entertainment (complies subject to conditions);

5.3 **Camden Planning Guidance (Consultation Draft) 2006**

The following sections of the Camden Planning Guidance are of particular relevance to the application:

- P1 - Access for all
- P9 - Affordable housing in mixed use development
- P29 – Biodiversity
- P41 – Car free and car capped housing
- P49 – Conservation areas
- P61 – Cycle parking and storage
- P63 – Daylight and sunlight
- P67 – Designing safer environments
- P71 – Design
- P103 – Lifetime homes and wheelchair housing
- P117 – Noise and vibration
- P121 – Overlooking and privacy
- P133 – Planning obligations
- P171 – Public open space
- P195 – Residential development standards
- P217 – Sustainable buildings

5.4 **Supplementary Planning Guidance**

Hatton Garden Conservation Area Statement (complies);

6. **ASSESSMENT**

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

- Land use – The principle of the development
- Size, mix and quality of the residential units
- Demolition of the existing building
- Design related issues, townscape, and the impact on the Conservation Area
- Background Strategic Views and Viewing Corridors
- Sustainability - resources and energy
- Impact on daylight, sunlight, privacy/overlooking
- Hours of operation
- Impact of the plant/machinery
- Refuse arrangements
- Transport and parking
- Other Matters

Land use – The principle of the development

The replacement of an A3/A4 use

- 6.2 The site is currently occupied by a public house (Class A4) comprising 363m² floorspace and would be replaced with a restaurant/bar use with a floorspace of 220m². The reprovion of this use, in such reduced form is considered acceptable in principle, subject to conditional controls relating to hours of use, and noise emissions.

Mixed use and Housing polices

- 6.3 Policy SD3 seeks to ensure a mix of uses in development proposals, including a contribution to the supply of housing where a proposal would increase the total gross floorspace by more than 200sqm. In such cases the Council seeks to negotiate 50% of the additional gross floorspace as housing. The application proposes a total of 627.5m² of floorspace of which 220.5m² (35.1%) would be in use as a restaurant/bar and the remaining 407m² (64.9%) would be for residential purposes.
- 6.4 Policy H1 seeks to increase the amount of land and floorspace in residential use/accommodation, provided that the accommodation reaches acceptable standards. The policy also seeks to secure the fullest possible residential use of underused sites. The proposal would provide a mixed-use scheme whilst, according with the residential floorspace requirements of policy SD3 and policy H1. The primary use of the site for residential purposes is therefore considered acceptable in principle.

Size, mix and quality of the residential units

Size of units

- 6.5 The proposed 1-bed units range between 40m² and 44m² of gross floorspace, whilst the 2 bed units are between 59m² and 62m². All units meet the minimum residential space standards for residential developments set out in the Camden Planning Guidance 2006 (Consultation Draft) and are considered to provide a satisfactory standard of accommodation.

Mix of units

- 6.6 The application proposes 8.no residential units comprising 4.no 1 beds and 4.no 2 beds. The scheme does not incorporate any 3+ bed units, however given the healthy balance of 1 and 2 bed units, the mix proposed is considered acceptable.

Lifetime home and wheelchair housing

- 6.7 The replacement UDP requires all residential developments to meet lifetime homes standards and include 10% housing that could be occupied by a person using a wheelchair. In this instance, all residential units meet the lifetime homes standard, and are 100% wheelchair accessible. The pub/restaurant has also been designed to be fully accessible on both floors and would have a level threshold, platform lift, accessible corridor widths and turning circles, WC provision for both wheelchair and ambulant disabled and an accessible design/height of the bar.

Demolition of the existing building

- 6.8 Justification has been provided by the applicant for the demolition of the existing building. The Conservation Area study submitted illustrates that the existing building detracts from the character of the area, based on an assessment of the proposal using English Heritage's Conservation Area Practice guidance. This statement concludes that the contribution of the proposed replacement, when compared with that of the existing building, would be of more benefit to the Conservation Area. English Heritage have raised no objections to the demolition of the existing building.
- 6.9 In dismissing the appeal linked to application reference 2005/3454/C on 24/04/06, the planning inspector stated, *"The existing public house appears to date from the early 1960's. Although an established part of the street scene, it has, in my opinion, little architectural merit and does not make a positive contribution to the character or appearance of the Hatton Garden Conservation Area. I therefore see no reason why the present building should not be replaced by one of equal or better quality"*. The more recent decision by the planning inspectorate, dated 22/08/2006 also raised no 'in principle' objections to its demolition.
- 6.10 Given all of the aforementioned, it is considered that demolition of the existing building would be acceptable subject to a suitable replacement building.

Design related issues, townscape, and the impact on the Conservation Area

Planning Inspectors design/townscape reasoning

- 6.11 Both previously appointed planning inspectors had raised no objections to the design and appearance of the replacement building. The planning inspector appointed to determine the appeal determined via written representations (2005/0537/P), stated that the replacement buildings design *'displays flair and originality – qualities difficult to find in most other recent developments in this part of Mount Pleasant'*. The inspector went on to say *'I am satisfied that the development would by reason of the quality of its architecture, make a positive contribution to the conservation area, enhancing its character and appearance'*. The inspector appointed to determine the application determined via informal hearing agreed with the comments of the previous inspector in relation to the design of the replacement building *'The scheme incorporates an innovative design including interesting use of materials which I consider add architectural interest to the area, relieving the somewhat monolithic appearance of Mullion Tower and Laystall Court'*.

Revisions to the design/external appearance of the replacement building

- 6.12 In these previous iterations of the scheme, the main elevation was detailed with a toggled arrangement of double and triple storey timber elements. A somewhat refined version of this treatment, is proposed for the current scheme, simplifying the elevations, using an arrangement of brick projecting elements, balconies and recessed areas of window and timber panelling.

- 6.13 The unusual elevational elements, set backs, and projecting balconies create an additional irregular rhythm, which punctuates the facade and reducing the building's overall visual scale. The neighbouring tower blocks are taller than the proposed building but have a much greater visual scale because of the regular arrangement of window openings. This overall design approach is considered appropriate, in that it provides a modified scale for the reduced height scheme, whilst not altering the overall palette of materials. Officers consider that the revised replacement building would provide a more appropriately scaled building given its context within a streetscene characterised by topographical changes and a mix of building bulk and heights.

Impact on the Conservation Area

- 6.14 It is noted in the Hatton Garden Conservation Area Statement, that the character and appearance of the conservation area is already injuriously impacted upon by several buildings, due to inappropriate qualities, in relation to issues associated with bulk, scale, height and materials. Similarly, paragraph 7.17 of the CAS, states that 'new development should also respect the built form and historic context of the area – special regard should be had for matters including, scale, height, form, massing and detailed design'. It is therefore considered that the scheme is cognisant of this design guidance, as discussed above.

- 6.15 It is considered that the replacement scheme is of a 'high quality in terms of design, materials and execution' and that it will not impact upon the wider conservation area, in terms of potentially challenging the area's special character and appearance, instead enhancing it.

Inspectors reasoning with respect to the impact on Christopher Hatton Primary School.

- 6.16 Notwithstanding the positive comments made by the planning inspectors regarding the design and external appearance of previous iterations of the scheme, these considerations did not override the principle objection of the Council and the Inspectorate relating to the impact of the development on the grounds/play area of the Christopher Hatton Primary School to the rear.

- 6.17 The planning inspector appointed to determine the appeal determined via written representations (2005/0537/P), stated that '*of more concern, in my opinion, is the relationship of the proposed development to rooms on the lower floors of the school building, facing the appeal site, and to a permanently fenced section of the playground used by children of pre-school age for outdoor activity*'. The inspector followed on stating '*While the appeal scheme might have only a limited effect on activity within the school building, it would dominate the play area to an extent that would, in my opinion, seriously inhibit its use for outdoor activity. I consider that the development would, by reason of its size and siting be visually intrusive and overbearing. It would add unacceptably to a sense of enclosure that already exists within the school site and create conditions that users of the school would, I conclude find oppressive*'. The inspector appointed to determine the application determined via informal hearing re-iterated this view '*I consider that the massing and siting of the building would create an oppressive sense of enclosure for children when within the nursery playground, adding as it would to other tall buildings which block outlook*'

Height/bulk/scale and massing of the replacement building and its impact on the Christopher Hatton Primary School.

- 6.18 In previous iterations of the scheme, the replacement building was of 7 storeys (Basement to 6th floor levels) and equated to a height of more than 22 metres. The current application has followed a similar rationale and approach to the overall design of the scheme with the key difference being the reduction in overall building height, being reduced from 7 to 5 storeys (Basement to 4th floor levels). The overall height of the building is now 15.3 – 18.9 metres in height given the ground drop from west to east, and coupled with a significant reduction in building bulk would now be approximately the same as the adjacent school buildings.
- 6.19 The inspector who determined the appeal determined under written representations (2005/0537/P), stated *'It may well be that modifications to the height or bulk of the building would remove the objections I have identified without compromising the integrity of the design. That would be a matter for the Local Planning Authority to consider in the first instance'*. The applicants have attempted to address these objections, and as well as reducing the overall height of the building, the design of the elevation interfacing with the school, to the east, has been modified reducing the height of the main brickwork elevations and treating the areas above as roof elements.
- 6.20 The height of the brickwork wall facing the school has been significantly reduced, by means of a 'mansard' style treatment of the upper part of the walls, facing the school. This design mechanism has been engaged, as a means of reducing any perceived, sense of enclosure, with respect to the neighbouring school building and playground. Contextually, the proposal is no longer adopting the form of a 'mini tower', thus negating any oppressive or overbearing relationship with the school.
- 6.21 The current application like previous iterations of the scheme proposes the use of a Virginia creeper, with a planter box at first floor level to the south side of the projecting rear element. This measure is welcomed by officers as would provide some relief/soften the impact of the rear (east) elevation, with conditions to ensure the intended effect. The Virginia creeper has been successfully used by the applicant in a scheme at 6 Doughty Mews, WC1, and this is considered to be an appropriate response.

Ground floor A3/A4 use elevations

- 6.22 The ground floor elevation to the restaurant/bar would be characterised by continuously glazed elements curving around the corners, opening up this primary interface with the streetscene. This would engender an improved sense of surveillance and a more active frontage, which is a positive contribution.

Design related highway enhancements

- 6.23 Despite Boulevard funding to the surrounding public space, the area around the application site remains poorly defined and does not have a good sense of place, being somewhat dreary and hostile. It is therefore considered that a suitable development on the application site, could introduce a vibrant architectural element, assisting in the enhancement of the quality of this part of the Conservation Area.

- 6.24 The building has been setback at its base, at the corner of Mt Pleasant and Laystall Street. This is currently, a very narrow pavement, significantly inconveniencing pedestrians, particularly parents with pushchairs, taking children to the school. It is proposed to create a much wider paved area at this pinch point, inducing a freer pedestrian flow, around this corner, which is a welcome improvement to the public realm.

Background Strategic Views and Viewing Corridors

- 6.25 The north-eastern corner of the site falls within a background strategic view / viewing corridor towards St Paul's Cathedral and the Palace of Westminster. The replacement building with a height of between 16.3 – 19 metres in height is well below the development plane height, and officers are satisfied that it would not injuriously impact on the viewing corridors.

Sustainability - resources and energy

Designs for energy efficiency

- 6.26 The applicants have confirmed that the development has been designed with a view to achieving a 'Very Good' or 'Excellent' BREEAM rating, and have confirmed in writing their acceptance to a planning condition, to ensure the replacement building accords with policy SD9 of the UDP. This should take the form of a sustainability statement/appraisal and include details for the optimising the energy supply of the building, making use of renewable energy uses, and measures for water conservation and waste treatment.

Renewable Energy Use

- 6.27 The applicants examined the feasibility of incorporating renewable energy/grey water recycling into the scheme, however because of the extremely constricted nature of the site, they concluded that it could not be achieved in this case.

Optimising energy supply

- 6.28 The applicants have aimed to minimise energy use throughout the building. These measures include high performance argon filled double glazed windows and all elements of construction to be highly insulated to meet or exceed the requirements of part L of the Building Regulations. All the residential units would be naturally ventilated, and mechanical ventilation has been incorporated into the pub only so far as is required for health and safety, environmental health and licensing purpose. Condensing boiler, low energy electrical fittings and energy saving control systems will be used throughout.

Recycled and renewable building materials

- 6.29 The application is not a major development, and therefore there is no policy basis to seek the 10% target for renewables. The applicant has stated that they aim to use sustainable products and materials wherever possible. The main building material is brick, which is locally sourced and can be recycled indefinitely, whilst areas of timber cladding are proposed using wood only from renewable sources. The applicants have stated they will avoid using plastics, particularly PVC.

Impact on daylight, sunlight, privacy/overlooking

Daylight and sunlight

- 6.30 No objections were raised by officers to the loss of daylight/sunlight in previous iterations of the scheme, and as the current proposal lessens any such impacts on neighbouring properties revised daylighting and sunlighting reports have not been submitted.
- 6.31 Both planning inspectors acknowledged that the previous iterations of the scheme would not be objectionable in relation of sun/daylighting to neighbouring residential properties. In relation to day/sunlighting conditions within the school site, having regard to the previous technical report, the planning inspector appointed to determine the written representations appeal (2005/0537/P), stated *'From the information available and having carefully considered third party representations, I am inclined to the view that daylighting conditions in west-facing school classrooms would not be altered as to affect their use'*.
- 6.32 The inspector went on to say *' Similarly, given the extent to which pattern the development in the area and the heights of existing buildings determine the amount of sunlight that presently reaches the school site, I do not consider that the development proposed would alter conditions to a degree that would make the appeal proposals objectionable on these grounds'*. Overall, the replacement building would not result in a significant harmful impact on sunlight or daylight, to neighbouring properties, the school or its grounds as to warrant refusal of the application.

Privacy/overlooking

- 6.33 The most affected properties in terms of privacy would be those at Holsworthy Square, opposite the application site on Laystall Street with the nearest facing windows approximately 12m from the front windows of the proposed development. This relationship is not ideal and is below the 18m-separation distance recommended in the supplementary planning guidance. However, a large tree and indeed the angle between the buildings obviate any direct overlooking. Furthermore, there are already windows at ground, first and second floor levels facing Holsworthy Square with this degree of separation. This is a Central London location in which there are a number of tall buildings where distances between habitable rooms do not meet the guidelines recommended in the SPG. Having regard to all these factors, it is not considered that any loss of privacy would be so significant so as to warrant refusal of the application.
- 6.34 The principal room windows on the north elevation of Mullen Tower are approximately 15m from the nearest proposed windows. Again, although this is not an ideal relationship, in this context, it is considered that a refusal on the grounds of loss of privacy could not be justified. The windows on the south elevation of Laystall Court appear to serve non-habitable rooms and are approximately 15m from the nearest proposed windows and is considered to be an acceptable relationship.

- 6.35 The impact on the privacy of Christopher Hatton Primary School would not be significant as the only windows proposed in the east elevation are those in the staircase serving the flats. Use of these stairs would be limited, as residents would generally use the proposed lift. No objections by either the Council or the Planning Inspectorate were raised in relation to this issue in previous iterations of the scheme.

Hours of operation

- 6.36 The existing public house has no restrictions on hours of operation. The immediate surrounding area is predominantly residential and extended opening hours would be likely to create noise disturbance at unsociable hours to the detriment of residential amenity. Under policy R2 of the replacement UDP, late night licensed entertainment is not normally allowed outside designated area. It is therefore recommended that the use have controlled licensing/opening hours in line with licensing policy which generally restricts hours until 6am each morning, from 11.30pm Monday to Thursday, from midnight on Friday and Saturday, and from 10.30pm on Sunday.

Impact of the plant/machinery

- 6.37 The plant requirements of the development are not yet known but provision is made for equipment to be located on the lower roof terrace level below the roofline to minimise visual impact. An extraction flue/duct is located centrally originating at basement level, terminating 1.65 metres above eaves level. This is to environmental health specification, and would not be visible from street level given its central location and set backs from all four elevations. A further application would be required for additional plant and its impact can be assessed at that time.

Refuse arrangements

- 6.38 Refuse storage areas for the bar use and the flats is provided off Pooles Buildings. The refuse storage for the flats would have inward opening doors, whilst the door openings for the public house is unclear whether they are inward or outward opening. Further details shall be required via condition as outward opening doors are likely to cause an obstruction to the adjoining public highway.

Transport and parking

Impact of the proposed A4 use

- 6.39 The proposed Class A4 use is smaller than the existing and so would have a smaller traffic generation potential.

Car Free Development

- 6.40 No off street parking is proposed for the flats and on-street parking provision is limited. However, the site has good accessibility to public transport, is close to local amenities and is in a controlled parking zone and as such is an appropriate location

for car free housing. The applicant is willing to enter into a Section 106 Agreement to ensure that the residential units would be car free, i.e. to prevent future residents from seeking on-street permits.

Highway/Environmental Improvements

- 6.41 The proposed A4 use may overspill onto the small piazza during operating hours, but as this is public highway this can be controlled by the Council as the Highway Authority. The site is located on a direct access route to the local primary school, and the piazza footway area in front of the building and along both sides will require improvements, together with a raised entry treatment to improve pedestrian accessibility across the Pooles Buildings junction with Mount Pleasant. The applicants have agreed to make the appropriate financial contribution for these improvements.

Cycle Parking

- 6.42 Cycle storage has not been provided but there is sufficient room within the proposed flats to store bicycles. Lift access is proposed to each floor and this is therefore considered to be acceptable. There is adequate space on the highway for servicing.

Other Matters

Education Contributions

- 6.43 The proposed development would increase pressure upon existing school places and costs and therefore educational contributions are required, to be secured through a Section 106 Agreement. The applicants have agreed to make the required contribution of £15,640 in accordance with the Councils SPG 'Educational Contributions from Residential Developments'.

Open Space Financial Contributions

- 6.44 The scheme does provide private balconies and partial use of the roof as a terrace, which provides a degree of amenity space for the 8 new residential units on site. Notwithstanding this provision, the applicants have agreed to make a financial contribution of £8,000 in accordance with policy N4 of the Replacement UDP to improve open space within the locality.

7. CONCLUSION

- 7.1 It is recommended that Conservation Area Consent be granted subject to a condition preventing the demolition taking place until planning permission has been granted for a replacement. This would ensure the existing building is retained if the planning application is refused or the Section 106 Agreement is not completed.
- 7.2 The proposed replacement building would be a high quality, contemporary replacement scheme, on this site. On the basis of the appeal decisions and revisions to date, it is considered that the proposal is an appropriate response to the redevelopment potential of this site, whilst relating acceptably to neighbouring properties and the Christopher Hatton Primary School. Furthermore, the development is considered to be of a more contextual response and as such, is of

equal benefit to the character and appearance of the conservation area. The land use for a mixture of residential and bar/restaurant accommodation is considered acceptable and other conditional/obligational controls are sufficient to address various sustainability, parking, landscaping, materials, hours of use, refuse/waste and noise/disturbance objectives.

8. LEGAL COMMENTS

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

9. RECOMMENDATION

9.1 That planning permission be granted subject to conditions and to the satisfactory conclusion of a Section 106 Planning Obligation covering the following heads of terms:

- All residential units to be designated car-free;
- A financial contribution of £15,640 towards education provision
- A financial contribution of £8,000 open space provision within the locality, in-lieu of direct provision;
- A financial contribution of £31,153.31 towards local area street and pedestrian improvements.

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