

STATEMENT OF COMMON GROUND

APPEAL REFERENCE APP/X5210/A/14/2218740

DATE OF HEARING 03/09/2014

SITE ADDRESS The Golden Lion Public House, 88 Royal College Street, London, NW1 0TH

DESCRIPTION OF THE DEVELOPMENT Non-determination of planning application for retention of public house at basement and part ground floor level (Class A4) and change of use from public house (Class A4) at part ground and first, second and third floor levels to provide 4 (3x2, 1x3 bed) residential units (Class C3), erection of three storey (including roof level dormer) extension on north (Pratt Street) elevation, extension at basement level, alterations to provide ground floor entrances on Pratt Street elevation, and associated alterations.

APPELLANT Norreys Barn Ltd

LOCAL PLANNING AUTHORITY London Borough of Camden

1. Site Description

- 1.1 The site comprises 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 use as a public house (The Golden Lion).
- 1.2 According to a recent English Heritage report 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 is not statutorily listed internal alterations can be undertaken without requiring planning permission.
- 1.3 The building is in line with the National Planning Policy Framework (NPPF) considered to be a non-designated heritage.
- 1.4 An application to add the buildings to London Borough of Camden's emerging local list has been made. A finalised local list is yet to be adopted, although this is scheduled in late summer 2014.

- 1.5 The building is listed as an Asset of Community Value under the Localism Act 2011, as of 12/12/2013 (after an application was made on 10/10/2013). A review of the listing decision was issued on 10/03/2014, upholding the finding that the premises be included in the Councils list of assets of community value.
- 1.6 A non-immediate article 4 direction was served on the building on 07/04/2014. An immediate article 4 direction was served on the building on 09/04/2014.
- 1.7 The appeal site is not located within a conservation area. The boundary with Regent's Canal Conservation Area is 70m to the east of the site. The site is 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. The site is within a controlled parking zone.

2. Area Description

- 2.1 The surrounding area comprises a mix of uses, including residential, commercial and industrial uses. Residential properties are located opposite the site on Royal College Street and Pratt Street (to the west) and beyond, including on the junction of Pratt Street and St Pancras Way (to the north east). To the north is St Pancras Commercial Centre, a series of two-storey brick built commercial units. To the north-west a three storey electricity switch house is in the process of being constructed on the diagonally opposite junction of Royal College Street and Pratt Street. To the south is a two-storey high car repair centre, beyond which is a two-storey parcel sorting office and depot. This use also has an expansive associated yard and car park, which creates the eastern boundary to the site.
- 2.2 There are three nearby sites to the application site which are identified in the Site Allocations Development Plan Document (DPD), adopted September 2013. The three sites are as follows (distance from the site in brackets):
 - Site 35: Bangor Wharf, Georgiana Street (110m to the north of the site)
 - Site 36: 57 - 71 Pratt Street, 10 - 15 Georgiana Street And Royal College Street (25m to the north-west of the site)
 - Site 37: 24 - 58 Royal College Street (immediately adjoining the eastern boundary of the site)

3. Planning history

- 3.1 2003/1922/A - Display of externally illuminated hoarding. Refused Advertisement Consent 22/10/2003. This proposal was dismissed at appeal (APP/X5210/H/03/1135749) on 25/02/2004.

3.2 2007/4363/P - Erection of retractable awning at fascia level of public house on Pratt Street elevation. Granted Planning Permission 02/11/2007.

3.3 2012/6655/P – Permission was refused on 12/03/13 for 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 roofslopes and associated alterations.

This proposal was dismissed at appeal (APP/X5210/A/13/2199667) on 12/12/2013, after a Hearing on 12/11/2013, with the Inspector concluding at paragraph 41 of the decision that:

“There are no objections to the physical components of the conversion scheme including the solar panels and lightwells and living conditions for future occupiers would be adequate. More fundamentally there would be the loss of a community facility contrary to the development plan and this is the overriding consideration. Therefore, for the reasons given, the appeal should fail.”

3.4 2014/0952/P - Change of use of basement and ground floor from A4 (drinking establishment) to A2 (financial and professional services). Certificate of Lawfulness application withdrawn on 19/05/14 after email from agent of the applicant on 15/05/14, prior to a decision being issued by the Council.

4. Relevant Development Plan Policies

4.1 London Borough of Camden Local Development Framework (LDF) adopted 08/11/2010 (substantive weight).

Relevant LDF policies to this appeal are (with those policies referred to in the primary reasons for refusal of the application – reasons 1-2, denoted by ** and those in relation to ‘in the absence of S106’ reasons 3-4 denoted by ++. All other policies referred to are also relevant in the consideration of the appeal. The proposed development is considered to comply with the remainder of the policies – i.e.; those not listed in any of the reasons for refusal of planning permission):

- CS1 (Distribution of growth)
- CS4 (Areas of more limited change)
- CS5 (Managing the impact of growth and development)++
- CS6 (Providing quality homes)

- 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)
- 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)**

4.2 London Plan Adopted 2011 (substantive weight)

Policy 2.9 (Inner London)

Policy 3.1 (Ensuring equal life chances for all)

Policy 3.3 (Increasing housing supply)

Policy 3.4 (Optimising housing potential)

Policy 3.5 (Quality and design of housing developments)

Policy 3.8 (Housing choice)

Policy 3.16 (Protection and enhancement of social infrastructure)

Policy 5.2 (Minimising carbon dioxide emissions)

Policy 5.4 (Retrofitting)

Policy 5.6 (Decentralised energy in development proposals)

Policy 5.7 (Renewable energy)

Policy 5.9 (Overheating and cooling)

Policy 5.12 (Flood risk management)

Policy 5.13 (Sustainable drainage)

Policy 5.15 (Water use and supplies)

Policy 6.9 (Cycling)

Policy 6.13 (Parking)

Policy 7.2 (An inclusive environment)

Policy 7.6 (Architecture)

4.3 National Planning Policy Framework (NPPF) adopted 27/03/2012 (substantive weight)

Paragraphs 6, 7, 14, 17, 30, 49, 50, 58, 64, 65, 69, 70 and 135 are of relevance.

5. Relevant supplementary planning guidance published

- Site Allocations Development Plan Document (DPD) adopted 09/09/2013 (substantive weight).
- Camden Planning Guidance 6-8 adopted 07/09/2011 (substantive weight)
- Camden Planning Guidance 1-5 adopted 04/09/2013 (substantive weight)

6. Others

6A Application Details

6B Agreed planning conditions

6C Conditions in dispute

6D Section 106 / Unilateral Undertaking

6E List of agreed plans

6F Matters which are the subject of specific disagreement

6A Application details

6.1 The application was originally received by the Council on 25/07/2013, and registered/validated on 19/09/2013.

6.2 Various third party representations were received in response to public consultation.

6.3 Objections were also received from the following groups:

- Camden Square Area Tenants & Residents Association

- Camden Inner London Licensees Association
- North London CAMRA (Campaign for Real Ale)

6.4 During the course of the application, additional information and revised plans were submitted, summarised as follows:

- Revised basement and ground floor plan, letters and supporting evidence, submitted on 12/02/2014;
- Revised Basement Impact Assessment, submitted 20/02/2014;
- Revised floor plans, elevations, sections and details, further revised Basement Impact Assessment and Lifetime Homes statement, submitted on 01/05/2014.

6.5 The application was considered by the local planning authority on the basis of the most recently revised information received on 01/05/2014.

6.6 An appeal was lodged under non-determination on 13/05/2014, with the PINS start letter for the appeal being 21/05/2014.

6.7 Had an appeal not been lodged, planning permission would have been refused by the local planning authority for the following reasons:

1. The existing local public house, in its current form, is considered to serve the needs of the local community and is registered as an asset of community value in accordance with the requirements of the Localism Act 2011. Its proposed reconfiguration and modification would harmfully compromise and undermine the use of the existing public house. Therefore the public house would fail to be developed and modernised in a way that is sustainable, and retained for the benefit of the community, which in turn would fail to enhance the sustainability of communities, contrary to policy CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy, policies DP15 (Community and leisure uses) and DP29 (Improving access) of the London Borough of Camden Local Development Framework Development Policies, paragraphs 69 and 70 of the National Planning Policy Framework 2012 and policy 4.8 of the Draft Further Alterations to the London Plan January 2014.
2. The proposed roller shutters, by reason of their location, materials, method of opening and lack of detailed drawings indicating inappropriate design, would be detrimental to the character and appearance of a building which is considered to be a non-designated heritage asset, contrary to policy CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies

DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

3. The proposed development, in the absence of a legal agreement to secure car-free housing for the four residential units proposed, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

An informative would have stated: Without prejudice to any future application or the upcoming appeal, the applicant is advised that reasons for refusal 3-4 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

6B Agreed planning conditions

- 6.8 Should the Inspector be minded to allow the appeal, the following conditions, as detailed at section 8 of the LPA statement, have been agreed between the Appellant and the Council: 1 (Three years for implementation); 2 (Brickwork); 3 (Design details); 4 (Miscellaneous items requiring permission); 5 (Cycle parking); 6 (Waste and recycling); 7 (Lifetime homes); 10 (minor material amendments).

6C Conditions in dispute

- 6.9 The following conditions have not been agreed between the Appellant and the Council: 8 (Internal features of Class A4 unit); 9 (Contaminated land)

6D Section 106 / Unilateral Undertaking

- 6.10 At the time of writing discussions are continuing between the LPA and appellant in respect of a Section 106 / Unilateral Undertaking. It is anticipated that a

suitably worded document will be submitted to the Inspector at the appropriate forthcoming date in advance of the hearing. Should this be forthcoming reasons for refusal 3 and 4 (stated above at paragraph 6.7) would be overcome should the Inspector be minded to allow the appeal.

6E List of agreed plans

6.11 W01; W02; W03; W04; W05; W06; W07; W08 Rev B; W09 Rev B; W10 Rev C; W11 Rev A; W12; W13 Rev A; D01 Rev A; D02; Planning, Design and Access Statement by Apcar Smith Planning, ref CA/2741 Rev 1, dated July 2013; Sustainability Statement by Metropolis Green Ref 5146 Rev 02, dated 28/08/2013; Energy Statement by Metropolis Green Ref 5146 Rev 02, dated 28/08/2013; Basement Impact Assessment by GTA Civils Ltd, Ref 4522/2.3F Third Issue dated 28/04/2014; Letter from Apcar Smith Planning, Ref CA/grc/2741 dated 21/08/2013; Letter from Apcar Smith Planning, Ref CA/grc/2741 dated 12/02/2014; Letter from Fleurets, Ref GNB/se/L-333631 dated 04/02/2014; Letter from Kimbells Freeth LLP Ref MS/MB/60000703/2 dated 13/11/2013; Email from Kimbells Freeth LLP, dated 03/02/2014; Email from Assure Building Control, dated 03/02/2014; Letter from The Heritage Advisory, Ref 2013/4016 dated 10/01/2014; Appeal decision at 193 Hackney Road, London, E2 8JL Ref APP/U5360/A/12/2179405; Email from Apcar Smith Planning dated 07/04/2014; Lifetime Homes Statement by Steven Knight dated 23/04/2014; Letter from Apcar Smith Planning Ref CA/grc/2741 dated 01/05/2014.

6F Matters which are the subject of specific disagreement

6.12 Reasons for refusal 1 and 2, as detailed at paragraph 6.7 above. More specifically:

- The impact of the reconfigured and modified Class A4 use on the local community and area
- The impact of the proposed roller shutters on the character and appearance of the building.

Signed on behalf of Appellant



Date:
24/07/14

Position: PRINCIPAL - APCAR SMITH PLANNING
(AGENTS FOR APPEAL)

Signed on behalf of Local Planning Authority



Date: 23/07/2014 Position: Principal Planning Officer, LB Camden