

<b>Address:</b>	The Leighton Arms 101 Brecknock Road London N7 0DA	<b>3</b>	
<b>Application Number:</b>	2014/5401/P		<b>Officer: Neil Collins</b>
<b>Ward:</b>	Kentish Town		
<b>Date Received:</b>	20/08/2014		
<b>Proposal:</b> Erection of two four storey houses (Class C3)			
<b>Background Papers, Supporting Documents and Drawing numbers:</b>  BRE-PL-EX-01; BRE-PL-GA-01a A; BRE-PL-GA-02a A; BRE-PL-GA-03a A; BRE-PL-GA-04a A; BRE-PL-GA-05a A; BRE-PL-GA-06a A; BRE-PL-GA-07 A; BRE-PL-GA-11 A; BRE-PL-GA-13 A; BRE-PL-GA-15; BRE-PL-GA-16; BRE-PL-GA-17 A; Daylight Assessment, produced by Dixon Payne, received 30th October 2014; Design and Access Statement, dated 8th July 2014; and Sustainability and Energy Strategy Report, dated 24th July 2014.			
<b>RECOMMENDATION SUMMARY:</b> Grant planning permission subject to conditions and a S106 legal agreement			
<b>Applicant:</b>	<b>Agent:</b>		
C/O Agent	Martin Evans Architects 18 Charlotte Road London EC2A 3PB		

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A4	Drinking Establishments	313.9m <sup>2</sup>
	C3	Dwelling House	178.5m <sup>2</sup>
Proposed	A4	Drinking Establishments	305.9m <sup>2</sup> (-8m <sup>2</sup> )
	C3	Dwelling House	473.5m <sup>2</sup> (+295m <sup>2</sup> )

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Proposed	houses				2					

3.2 This application has been considered alongside a separate application for conversion and extension of the existing building on the site (Ref: 2014/5401/P), which is also presented to Members in a separate report.

#### 4.0 CONSULTATIONS

##### 4.1 Statutory Consultees

N/A

##### 4.2 Public Notification

4.2.1 A site notice was displayed on 03/09/2014 and an advert was published in the Ham and High on 04/09/2014.

4.2.2 A summary of the neighbour notification is detailed below:

<u>Adjoining Occupiers</u>	<u>Original</u>
<i>Number of letters sent</i>	11
<i>Total number of responses received</i>	36
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	32

Objections are on the following grounds:

- The design of the houses are out of keeping with the area;
- The pub garden has always operated successfully as part of the pub;
- Reduced biodiversity;
- Loss of valued open space;
- Loss of valuable public amenity;
- Out of keeping with the original arrangement of buildings in the area.

#### 5.0 POLICY CONTEXT

##### 5.1 National and Regional Planning Policy

National Planning Policy Framework (Adopted March, 2012)  
The London Plan: Spatial Development Strategy for Greater London: 2011

##### 5.2 Local Planning Policy

###### 5.2.1 Camden LDF Core Strategy 2010

- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS10 Supporting community facilities and services
- CS11 Promoting sustainable and efficient travel
- CS15 Open space and biodiversity
- CS14 Promoting high quality places and conserving our heritage

- CS17 Making Camden a safer place
- CS18 Dealing with our waste and encouraging recycling

### 5.2.2 Camden Development Policies 2010

- DP1 Mixed use development
- DP2 Making full use of Camden's capacity for housing
- DP3 Contributions to the supply of affordable housing
- DP5 Homes of different sizes
- DP6 Lifetime homes and wheelchair homes
- DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
- DP15 Community and Leisure uses
- DP16 The transport implications of development
- DP17 Walking, cycling and public transport
- DP18 Parking standards and limiting the availability of car parking
- DP21 Development connecting to the highway network
- DP22 Promoting sustainable design and construction
- DP24 Securing high quality design
- DP25 Conserving Camden's heritage
- DP26 Managing the impact of development on occupiers and neighbours
- DP28 Noise and vibration
- DP29 Improving access
- DP31 Provision of, and improvements to, open space and outdoor sport and recreation facilities.

### 5.3 **Supplementary guidance**

#### 5.3.1 Camden Planning Guidance (updated 2013)

- CPG1 Design
- CPG2 Housing
- CPG3 Sustainability
- CPG6 Amenity
- CPG7 Transport
- CPG8 Planning Obligations
- CPG8 Planning Obligations

## 6.0 **ASSESSMENT**

6.1.1 The material considerations for this application are summarised as follows:

- Land use
  - Loss of community/pub facilities;
  - The acceptability of residential uses on the site;
- Design and appearance;
- Neighbouring amenity;
- Standard of residential accommodation;
- Highways and Transport impacts;
- Sustainability;
- Trees and Biodiversity;
- Community Infrastructure Levy; and

## **OFFICERS' REPORT**

**Reason for Referral to Committee:**     **The Director of Culture and Environment has referred the applications for consideration after briefing members.**

### **1.0 SITE**

- 1.1 This application relates to the Leighton Arms public house rear garden area, which is located to the rear of the public house on the corner of Brecknock Road and faces Torriano Avenue.
- 1.2 The pub garden is paved, with some shrubbery and a mature tree located in the south western corner, directly adjacent to the curtilage. A brick boundary wall abuts the pavement on Torriano Avenue and provides pedestrian access to the pub garden.
- 1.3 The surrounding area is predominantly residential, comprising Victorian buildings of stock brick and painted stucco. There are various examples of modern additions within the area. The site is neither located within any designated conservation area, nor is the building statutorily or local listed. The site has a Public Transport Accessibility Level of 4 and the site is located within a Controlled Parking Zone.

### **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for the following:
  - Erection of two three-storey houses with mansard roofs within the existing pub garden area fronting Torriano Avenue. The houses would each comprise four bedrooms, with accommodation set within the mansard roof. Each would have access to a private garden space to the rear.

During the course of the application the Planning Officer has negotiated the following changes to the application:

- Alteration to step the houses to retain the visibility of the quoins on the corner of 134 Torriano Avenue;
- Removal of proposed front gardens, due to a lack of information to corroborate ownership;
- Provision of secure cycle storage within the rear garden areas; and
- Provision of integral refuse storage adjacent to the ground floor entrances.

### **3.0 RELEVANT HISTORY**

- 3.1 The pub is historic and has not undergone any significant change since its first operation. As such, there is no relevant planning history for this site.

- Other matters / Contributions

6.1.2 Given the close relationship of these applications, they are presented together for consideration as to the cumulative impact of both development proposals.

## 6.2 Change of use

### *Loss of community/pub facilities*

- 6.2.1 Paragraph 15.7 of policy DP15 is relevant and states that the Council will resist the loss of local pubs that serve of community role unless alternative provision is available nearby or it can be demonstrated to the Councils satisfaction that the premises are no longer economically viable for pub use. The NPPF paragraph 70 states that to “deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as...Public Houses)” to enhance the sustainability of communities and residential environments.
- 6.2.2 This development proposal, per se, would result in little change to internal arrangement of the public house. As such, the pub would not be lost as a result of the proposed development. The proposed houses would occupy the existing pub garden space, thereby curtailing the available pub floor space by approximately 8m<sup>2</sup>. The resulting 305.9m<sup>2</sup> (GIA) would adequately provide for viable ongoing use of the premises as a pub.
- 6.2.3 It is understood that the pub garden has been in continuous use in relation to the pub operations until shortly preceding submission of the application. Information has been submitted by local residents to support the claim that the garden has been in use by patrons of the pub. However, submitted comments do not suggest that that loss of the garden would result in the inability for any community group to continue functioning. Taking all comments and information into account, the proposed loss of the pub garden would not result in the loss of any community use. The pub itself would remain, as would the availability of internal space for informal and social meetings. As such, the proposal is not contrary to the requirements of policy DP15 and is considered acceptable in this respect.
- 6.2.4 Further to the above considerations, officers in the Licensing team have confirmed that the Council has until very recently received complaints regarding use of the pub garden and the resulting disturbances to local residents. This supports the applicant’s claim that ongoing use of the pub garden has the potential for loss of amenity for existing residents and has a bearing on the viability of the pub, due to the requirement for additional staff to oversee use of external areas in the interest of preventing disturbances for local residents.

### *Residential use*

- 6.2.5 Camden’s LDF, in particular Policy DP2, emphasises the priority for housing in the borough and states that Council will seek to maximise the supply of homes. In this particular location, the site lies within a predominantly residential area. Coupled with a Public Transport Accessibility Level of 4, the site is suitable for sustainable residential development and this is wholly accepted in principle.

6.2.6 Development policy DP5 seeks to ensure that all new housing provided is in line with the housing priorities for the borough. The proposal is to provide 2 x four-bed units. The LDF states that the highest priority for housing size is for market two bedroom units (50%) with four bedroom units being medium priority in the borough. The proposed two houses would therefore contribute to needed housing in terms of family sized accommodation.

### 6.3 Design and appearance

6.3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions to existing buildings are proposed. The following considerations contained within policy DP24 are relevant to the application:

- development should consider the character, setting, context and the form and scale of neighbouring buildings;
- development should consider the character and proportions of the existing building,
- where extensions and alterations are proposed; developments should consider the quality of materials to be used.

6.3.2 The site is not within any designated conservation area. However, the area does possess a strong Victorian character, both in terms of the arrangement of buildings and the architectural style and general appearance. The local area also comprises buildings on the Council's Draft Local List of Non-Designated Heritage Assets, including buildings in Torriano Avenue. However, the area has undergone significant change, both to existing buildings and through the addition of modern buildings.

6.3.3 The proposed houses adopt the architectural style of those existing in the street, being almost identical in scale, bulk, massing and detailed design. Buildings in Torriano Avenue are historically faced in stock brick, with stucco embellishments, although a great deal of the facing brickwork has since been overpainted, adding a more colourful variation of the original street scene. As such, the proposed pallet of materials and general appearance of the houses are considered to be appropriate to the area.

6.3.4 With regard to the impact upon the established urban grain, the closing of the gap between buildings fronting Brecknock Road and those addressing the Torriano Avenue would certainly alter the original arrangement of buildings. However, it is not considered that the alteration would be out of keeping with the general character of the area, which comprises 'closed' corners. Given that the site is not in any way designated as a heritage asset, there is some flexibility with regard to the urban grain, which can accommodate additions to existing terraces without any harm to protected heritage assets. Indeed, the original plan form of the area has been subject to change without undue harm to the townscape and general character of the area. However, the proposed arrangement of buildings has been slightly amended to allow for the quoins of 134 Torriano Avenue to remain

exposed, whilst reflecting the stepped arrangement of buildings elsewhere in the area.

## 6.4 Neighbouring Amenity

### *Privacy*

- 6.4.1 The proposed houses would provide an outlook for its future occupants westwards across the rear gardens of properties in Brecknock Road and Leighton Grove. Upper floor windows would provide a view towards the nearest of the neighbouring windows at upper floor flats in Brecknock Road, much the same as those adjacent to the site in Torriano Avenue. However, the view would be oblique and would not provide an intrusive view into neighbouring dwellings. Therefore, neighbouring residential amenity would be adequately protected.

### *Daylight / Sunlight*

- 6.4.2 In terms of daylight/sunlight the application includes analytical information regarding the impact upon neighbouring occupants, including a vertical sky component (VSC) measurement, consistent with the guidance set out in CPG6 Ch6 and BRE guidelines. The assessment indicates that none of the nearest neighbouring windows with an outlook facing the site would result in a VSC of less than the 27% target enshrined in BRE guidance. Therefore, in terms of daylight matters, it has been sufficiently demonstrated that the proposed development will maintain an adequate amount of daylight to all adjoining windows.

## 6.5 Standard of residential accommodation

- 6.5.1 The quality of the proposed accommodation for future occupants is considered to be acceptable for the following reasons:
- a) The proposed units would satisfy Camden's minimum internal space standards in terms of Gross Internal Areas and individual room sizes.
  - b) The proposal includes a Lifetimes Homes assessment which demonstrates how the proposal responds to the issue of accessibility. The proposal satisfies the Lifetime Homes criteria;
  - d) Each unit would be dual-aspect and the glazing to all habitable rooms would exceed 20% of the floor area, sufficient to light habitable rooms adequately.
  - e) With the exception of one-bed flat at first floor level, each unit would have access to private outdoor amenity space at the rear; and
  - g) The units would have dedicated waste and recycling facilities located at street level at the front of the dwellings.
- 6.5.2 Taking the above into account, the standard of residential accommodation is considered to be very good and accords with adopted policy and guidance.

## 6.6 Highways and Transport Impacts

### *Car-free*

- 6.6.1 The proposal does not have any existing off-street car parking and no off-street car parking is proposed. The subject site is located in an area with a Public Transport Accessibility Level (PTAL) of 4 (good). Given the transport accessibility level, the site is suitable for car-free development. The applicant has agreed to enter into a legal agreement for a car-free development.

*Cycle storage facilities*

- 6.6.2 One of the key transport aims within the LDF is to promote cycling in the borough. Furthermore Camden's Transport Strategy has set a target of 25% for cycling as a proportion of road traffic flows in the borough by 2020. The proposed development comprises secure ground floor cycle storage within the rear gardens of the proposed dwellings. The areas shown on the submitted plans are sufficient for the required storage of at least 4 cycles (2 per unit), in accordance with adopted standards. Details of the storage facilities for a total of 4 cycles would be required by way of a condition and secured as part of a S106 legal agreement.

*Highways works*

- 6.6.3 The footway and carriageway adjacent to the site are likely to be damaged as a direct result of the proposed refurbishment and development works, resulting in the need for repairs. As such, a contribution to highways works would be required and a would be secured by legal agreement.

*Pedestrian, Cycling and Environmental Improvements*

- 6.6.4 Owing to the nature of the proposed development, it is also appropriate for the Council to secure a financial contribution towards Pedestrian, Cycling and Environmental Improvements in the local area. Transport Officers have advised that a financial contribution of £4,000 should be secured via S106 Legal Agreement, in this regard.

**6.7 Sustainability**

- 6.7.1 London Plan policy 5.2 requires that all developments make the fullest contribution to minimising CO2 emissions in accordance with the energy hierarchy. The applicant has submitted an Energy Statement, which outlines that the development would meet the Mayor's Energy Hierarchy through investment in a high performance building fabric and energy efficient engineering systems. It is envisaged that the development would exceed policy requirements for new build development.

**6.8 Impact upon trees and biodiversity**

- 6.8.1 There is a mature tree in the south west corner of the site, which could be affected by the construction of the houses. The tree is not protected by a Tree Preservation Order, but a condition is recommended by tree officers to ensure that the tree is protected during construction in accordance with British Standards.
- 6.8.2 Core Strategy Policy CS15 states that designated parks and open spaces will be



protected in the interest of the health of residents and to promote increased levels of biodiversity. This site is not designated within the adopted Proposals Map and, as such, development of the site would not be contrary to policy regarding biodiversity. However, it is noted that a condition would be attached to any permission to protect the existing tree and the habitat it provides for wildlife.

## 6.9 Other matters / Contributions

### *Community Infrastructure Levy (CIL)*

6.9.3 The proposals would be liable for the Mayor of London's CIL as they would involve the creation of a new residential dwelling. This would be collected by Camden after the scheme is implemented and could be 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.

## 7. CONCLUSION

7.1 The proposed scheme would provide good quality housing in line with the overarching objectives of the LDF. The standard of residential accommodation would be very good, meeting all policy requirements, including minimum internal and external space standards, lifetime homes and access standards and refuse/recycling and cycle storage. The amenity of existing residents would be adequately protected and no loss of community facilities has been identified as part of the assessment of the application. Use of the existing pub garden has caused neighbour disturbance until recent times and its change of use would result in an improved amenity for neighbouring residents in the long term.

7.2 Planning Permission is recommended subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:-

- Car-free development;
- Construction Management Plan;
- Cycle storage facilities;
- BREEAM 'very good' at design stage and post construction review stage (in line with pre-assessment);
- Financial contributions to highways works (amount to be confirmed);
- Financial contribution of £4,000 towards Pedestrian, Cycling and Environmental improvements;

**Conditions/Reasons and Informatives:**

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

BRE-PL-EX-01; BRE-PL-GA-01a A; BRE-PL-GA-02a A; BRE-PL-GA-03a A; BRE-PL-GA-04a A; BRE-PL-GA-05a A; BRE-PL-GA-06a A; BRE-PL-GA-07 A; BRE-PL-GA-11 A; BRE-PL-GA-13 A; BRE-PL-GA-17 A; Daylight Assessment, produced by Dixon Payne, received 30th October 2014; Sustainability and Energy Strategy Report, dated 24th July 2014.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills and external doors;

b) Plan, elevation and section drawings of architectural detailing, including fascia, cornices and quoins at a scale of 1:10;

c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be

retained and protected from damage in accordance with the approved protection details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 5 Before the development commences, details of secure and covered cycle storage area for 4 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The lifetime homes features and facilities hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

#### Informative(s):

1. Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
2. Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

3. The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

4. Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
5. You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.