

Delegated Report		Analysis sheet	Expiry Date:	29/04/2015
		N/A / attached	Consultation Expiry Date:	25/12/2014
Officer Fergus Freeney			Application Number(s) 2014/6935/P	
Application Address 11 Princess Road London NW1 8JR			Drawing Numbers See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of new 2-storey house, including basement & sunken garden, and new boundary wall (following demolition of garage building).				
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	24	No. of responses	134	No. of objections	68
			No. electronic	134		
Summary of consultation responses:	<p>Site notice: 02/12/2014 – 24/12/2014 Press notice: 04/12/2014 – 25/12/2014</p> <p>Summary of key points raised:</p> <ul style="list-style-type: none"> - There will be a loss of pub garden space to the detriment of the viability of the pub: - The new dwelling would block light to the pub garden: - The proposal is an example of unnecessary overdevelopment in a densely built up area: - Concerns regarding the excavation of the basement, construction management, sunlight/daylight and trees. 					
CAAC/Local groups* comments: *Please Specify	<p>Primrose Hill CAAC – Objection</p> <ol style="list-style-type: none"> 1. Main issue: The main issue for the Committee is whether the proposals preserve or enhance the character and appearance of the conservation area. The main areas of consideration are the effect of the proposals on the surviving pub garden, in terms of its use, now formally recognized as of community value, and of the impact on the significance of the character and appearance of the conservation area. 2. Process: The two applications need to be considered together, as well as on their own merits. The conservatory proposal (2014/7338/P) is clearly made in the expectation of construction of the house. While some drawings (for example, 985.03 - P3 - 150, 151, and 182) appear to show the conservatory without the house constructed, the ground floor plans provided show no access to a surviving garden through the south wall of the proposed conservatory. Were the conservatory to be constructed as now shown, without the house, the garden to the south would not be accessible from the public areas of the pub. We address the issues arising if the house were consented without the conservatory approved in our advice on application 2014/6935/P. 3. We note that the applications have been subject to no request for pre-application consultation with the Advisory Committee. 4. We address first the impact of the proposed conservatory and house on the pub garden. 5. We note the overall guiding policy on use in the NPPF at para 70 which states 'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: ... guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability 					

to meet its day-to-day needs;’.

6. We note that the test here is to guard against decisions which would ‘reduce’ the community’s ability to meet its day-to-day needs.
7. The garden has been specifically recognized by the Council as part of the larger recognition of the Albert as an asset of community value (confirmed 17 November 2014). The local community character of the pub was recognized, as was its value as a meeting place for local clubs. The garden’s function in this role was specifically acknowledged. The recognized value of the garden depends on its scale, and its location, which together have no equivalent in the conservation area. On its size, what is critical is that group users, whether sports groups or extended family parties, have the space to meet. The reduction to less than half the current space threatens this community value. It clearly fails the test of NPPF 70 by ‘reducing’ the community’s ability to meet its recognized day-to-day needs.
8. The proposals also harm the character of the existing garden: that is, they reduce its function as an external space of community value by changing its character. The existing space is both enclosed, and so gives a sense of safety, but with views through to Kingstown Street, reinforcing the sense of community value – an open space visible to the larger public realm. These views would be completely destroyed in the present proposals.
9. The loss of much of the current openness of the garden to Calvert Street, for which the garden provides a degree of informal supervision, would also be a further loss to the community value of the garden. These aspects of integration within the community space – neither enclosed by high walls, nor abutting busy pedestrian routes – are key aspects to its community role.
10. We note in support of the protection of the asset of community value the recognition of these issues by the Planning Inspector in the appeal decision in 2014 on the Chesham Arms, 15 Mehetabel Road, London, E9 6DU (APP/U5360/C/13/2209018, paras 30, 35-40), and references to Appeals Ref APP/25600/A/12/2172028 & 2175522, and APP/X5990/A/14/2215985 (inquiry document 17). *Officer comment: This property appears to be in the LB Hackney and will have been assessed on its own merits.*
11. We note that if application 2014/6935/P were not consented, the conservatory application, as currently submitted, would still cause the harms identified, by destroying access to the southern section of the garden.

The design of the conservatory, with its solid brick wall to the south, would, in itself, be harmful to the character and appearance of the conservation area. Rear additions are required to ‘be in harmony with the original form and pattern of the house and the historic pattern of extensions within the terrace or group of buildings’ (PH27 in the Primrose Hill conservation area statement, formally adopted in 2001 with strong community support). In this case the proposed conservatory extends across the garden in a form quite alien to the existing pattern: its alien quality is reinforced by its division of the

garden into two, separated, parts. The proposal would neither preserve nor enhance the character or appearance of the conservation area.

3x Councillor Objections received, as follows:

Councillor Richard Cotton: if granted, they will lead to a loss of light to adjoining properties and reduce the viability of a public house which we have applied to have listed as a community asset.

The pub garden would be reduced in size by two thirds which would undermine the viability of the site as a public house. If a house is built on the site of the garden it would reduce the light quality for residents living in Auden Place just a few yards away.

The Albert Pub is one of the few real community pubs left in the area and local residents wish to keep it that way.

Councillor Patricia Callaghan: I strongly object to the separation of these 2 planning applications, as they are both for the same site and same building—and I feel it is disingenuous to seek to look at them in any other way.

The sinking of yet another basement area in that vicinity will surely cause more instability, and flood danger. If you look 10yards from this potential building, we have the Auden Place estate, which is densely populated, and already suffers from insufficient 'soak away' of rainwater.

For the residents on that side of Auden Place, there will be a loss of light, overlooking and encroachment, from a house in such close proximity.

At present it is a local public house, looking at these plans, it seems that the owner wishes to change it to a restaurant, which would impact badly on the social amenity of that area.

The pub garden would be cut by two thirds, if a house was built on this site, which would mean that the pub, as it is now, would be non-sustainable. We have already lost No 1 Edis St, which has been turned into family accommodation, we do not need to lose another social meeting place, and the Albert really is a community venue!

Councillor Johnny Bucknall: I would like to object to the above application. This is probably the best beer garden in the area. It provides important capacity for the pub which would otherwise overload at peak times with patrons going elsewhere.

The owner may have commented that no one uses the beer garden except at the height of the summer; however, it is surprising how heavily it is used.

It is worth noting that this was never considered when the owners had a vested interest in keeping the establishment as a viable pub. It is only now that there is a mania for destroying areas by turning pubs into flats that the application has been put in.

The new owner does not appear to have an interest in running it as a pub. It is a pub that needs a considerable amount of effort to keep it attractive. The

last time I was in there a few weeks ago. The food had lost it's sparkle and the drains were blocked.

If the application were to be granted there is no doubt that it would be the start of a long term decline.

Site Description

The site is located on the east side of Princess Road. It comprises public house – ‘The Albert’ – which is an attractive three storey corner pub, close to Primrose Hill which dates from the mid-19th century. The building shares common characteristics with the adjacent terrace to the north, with a strong stucco parapet and stucco surrounds to its timber sashes, but with a traditional timber and tiled ground floor frontage. To the rear is a large garden that encompasses both this site and part of the rear garden of the adjacent building at no.13 Princess Road.

The ground and basement floors are in Class A4 pub use whilst the first and second floors are in ancillary residential use to the pub. The property is not listed but is located within the Primrose Hill Conservation Area.

The pub is considered to be of significant value to the community and as such the building was designated an Asset of Community Value (ACV) on 17/11/2014. An ACV is a nominated asset under the Localism Act 2011. If a landowner wishes to sell a registered property they must notify the Council and community groups who are able to trigger a 6 month moratorium if they want to buy an ACV.

The Albert PH was nominated as an ACV because it is a traditional pub serving the local community and as such is distinct from other pubs in Primrose Hill. Social, sporting and cultural groups meet at the pub regularly and it is more generally a social hub for the area. The garden is a particularly valued feature of the pub.

On the 13th April 2015 the owners of the public house put the property on the market. In accordance with the Localism Act, the initial moratorium period ran for 6 weeks until 25 May. During this period, the owner could not sell the property (except in certain specific circumstances) and community interest groups could make a written request to the council to be treated as a potential bidder to purchase the property.

No bids were forthcoming and as such the ACV designation is now no longer applicable to the property, in accordance with the legislation.

Relevant History

8600186 – Demolition of a garage and erection of a conservatory for use as a licensed extension to the existing saloon bar. *Granted 02/04/1986*

2014/2533/P - Conversion of residential accommodation (ancillary to public house) on 1st and 2nd floors to create 2 self-contained 2-bedroom flats (Class C3), and erection of a mansard roof extension to provide a self-contained 1 bedroom flat, plus associated alterations to ground floor rear entrance. *Granted 11/09/2014*

Concurrent applications

2014/7338/P– Erection of single storey rear extension to replace existing conservatory at pub. *Decision pending*

Relevant policies

LDF Core Strategy and Development Policies

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CS5 Managing the impact of growth and development

CS10 Supporting community facilities

CS13 Tackling climate change through providing higher environmental standards

CS14 Promoting high quality places and conserving our heritage.

DP2 Making full use of Camden’s capacity for housing

DP5 homes of different sizes

DP15 Community and leisure uses

DP16/17/18 Transport

DP20 Movement of Goods and Materials
DP21 Development connecting to the highway network
DP22 Promoting sustainable design and construction
DP24 High quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP27 Basements and lightwells

**National Planning Policy Framework (NPPF) 2012
The London Plan 2011 (with alterations 2013)**

Supplementary Planning Policies

Camden Planning Guidance (CPG 1) - Design (revised 2013)
Camden Planning Guidance (CPG 2) - Housing (revised 2013)
Camden Planning Guidance (CPG 4) – Basements and lightwells

Assessment

Proposal

The main planning considerations in relation to the two storey dwelling are:

- Land Use
- Standard of residential accommodation
- Residential Amenity
- Design
- Transport
- Basement Excavation
- Trees

Land use

The proposal would see part of the pub garden fronting Kingstown Street annexed to allow for the creation of a two storey dwelling plus basement.

Policy CS6 seeks to maximise the supply of additional housing to meet or exceed Camden's target of 5,950 homes from 2007-2017, including 4,370 additional self-contained homes and maximise the supply of additional housing over the entire plan period to meet or exceed a target of 8,925 homes from 2010-2025, including 6,550 additional self-contained homes. The proposed scheme would provide 1x2bed unit which would contribute to these targets.

Policy DP5: Homes of different sizes states that 2bed dwellings are a very high priority for the borough, with 4 bedroom dwellings being a medium priority. There is an aim for 40% of new development to be 2bed flats. Therefore the proposed mix is considered appropriate. CPG2: Housing and states minimum dwelling sizes for a 4 person dwelling (2xdouble bedrooms) as 75sqm – the property would measure approx. 97sqm.

However, in this instance the current land use needs to be taken into account and balanced against LDF policies aimed at housing provision. Policies CS10 and DP15 would therefore need to be considered as the public house and its garden are considered to serve a community function.

The public house was able to fulfil the criteria to become a designated ACV, and the Council considers that this is sufficient evidence that it provides a community function to be preserved in line

with policies DP15 and CS10. Policy DP15 states that the Council will resist the loss of local pubs that serve a community role (for example by providing space for evening classes, clubs, meetings or performances) unless alternative provision is available nearby, or it can be demonstrated to the Council's satisfaction that the premises are no longer economically viable for pub use; whilst CS10 states that the Council will support the retention and enhancement of existing community, leisure and cultural facilities.

The existing pub garden has an area of approx.150sqm- following construction of the proposed dwelling the garden would be reduced in size to 90sqm (and if the proposed extension were erected it would be reduced further to approx. 64sqm) of outdoor space. When the dwelling is taken as a standalone proposal (although both the extension and the dwelling applications are predicated on both being approved) approximately 59% of the current garden space would be retained (reduced to less than 50% if the proposed extension is included). It is considered that this would have a negative impact upon the character of the public house and garden, thus impacting upon its community function.

Although the pub use would remain, the Council would contest that its unique selling point is its large, spacious pub garden. The proposal would see it reduced to less than half its current size, with the sunniest spot left inaccessible. Furthermore, the proposed dwelling would block the pub garden off from the public realm, reducing its accessibility and visibility, and also concentrating activity and hence possible noise nuisance closer towards neighbouring residential dwellings and their gardens. All this would have a detrimental effect upon both the attractiveness of the pub garden and its ability to co-exist successfully with its residential surroundings. This could in turn negatively impact upon the viability of the public house as a whole and would be contrary to CS10 which requires the retention and enhancement of existing community facilities – reducing the size of the garden by more than 50% would clearly not be an enhancement.

It is noted that the ACV designation is no longer applicable to the public house as no community groups came forward to purchase it when the owners wished to sell. Nonetheless, this is not considered to remove the community function which the pub serves. There could be myriad reasons why a community group was unable to raise the funds to purchase the property and it is not considered that the purchase of the pub should in any way be linked to the community value and function it provides.

On balance it is considered that the community function served by the pub outweighs the need for a single dwelling in this location.

Standard of residential accommodation

The proposed dwelling would be laid out with living/kitchen accommodation at basement level with direct access to a sunken garden. Bedrooms with en suite facilities would be located at ground and first floor levels.

The proposed bedrooms would measure 14.9sqm and 19.3sqm which complies with Camden's minimum standard (11sqm for double rooms).

The layout of the flat is good, rooms have generous proportions and are laid out well, with the exception of the basement they also have dual aspect. As the basement has direct access through large bi-folding glazed doors this lack of dual aspect is, on balance, considered to be acceptable.

A lifetime homes statement has been submitted which demonstrates that the dwelling will comply with all relevant lifetime homes criteria.

Residential amenity

The proposed dwelling would have both a good outlook from the dual aspect ground and first floor yet would not be overlooked to the detriment of future residents. Similarly, the new dwelling would not allow for overlooking to surrounding residential properties above what may currently be possible from the pub garden or the public realm.

The dwelling would contain its own rear garden at basement level measuring approx. 18 sqm. This is considered to be a sufficient size and would be acceptable.

Design

The proposed dwelling would be constructed from brickwork and is similar in height, scale and size to other more traditional mews houses on Kingstown Street so that it is in proportion to the immediate physical context. It has a two storey elevation facing onto Kingstown Street similar to the residential buildings on the opposite side of the road.

In terms of design the proposal is considered to be acceptable

Transport

The site has a PTAL rating of 3 (good) and is within the Primrose Hill CPZ, no off-street parking is proposed.

Camden Development Policy DP18 states that we will expect development to be car-free within certain town centres and other highly accessible areas.

The site is within 10mins walk of Camden Town Station/Chalk Farm Station and is close to numerous bus routes. Furthermore it is within close proximity of the Camden Town centre, the applications have proposed that the development is Car-free to take this into account. Given the location of the site it is considered appropriate for car-free housing in accordance with DP18

The proposal would have provision for 2x cycle parking spaces in a store by the main entrance. This complies with London Plan requirements for 1x cycle space per bedroom.

The building proposes a secure bin store alongside the main entrance. The amount of storage is considered to be sufficient and has a level access directly off the highway and within 10 metres from the point of storage to the collection vehicle. The proposals are therefore compliant with the guidance set out in CPG1.

Given the relatively confined nature of the site, its residential surroundings and the scale of the development coupled with its location within a busy part of the Camden, it is considered that the construction process will need to be controlled by way of a construction management plan, secured by way of a legal agreement, to ensure the highways network is not seriously impacted upon and the amenity of residents is not detrimentally affected.

As works could damage the public highway a clause in the legal agreement will be required to ensure

that any repair costs incurred by the council can be recovered. An estimate of the proposed works has been provided by the Councils highways team at £6480.

Basement

The proposed basement would have an internal area of approx. 35sqm and an external area for a sunken garden of approx. 18sqm. The total area being excavated being approx. 53sqm and approx. 3.2m deep.

A BIA has been submitted which has been independently assessed.

CPG4 (Basement and lightwells) refers primarily to policy DP27, which states that in determining proposals for basement and other underground development, the Council will require an assessment of the schemes impact on draining, flooding, groundwater conditions and structural stability where appropriate. The Council will only permit basement development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.

The independent assessment of the applicants BIA found that the evidence presented appeared sound; the assessments made appeared reasonable; and the conclusions and proposed mitigation measures appeared sufficiently robust.

It was noted that some details regarding the construction methodology has not been provided, nonetheless the conclusions were as follows:

The submitted BIA does reflect the processes and procedures set out in DP27 and CPG4.

There are some elements of detail which have not been fully addressed. However, given the particular circumstances of this site it is not considered that the present submission is so technically deficient as to not meet the requirements of DP27, in respect of: a) Maintaining the structural stability of the building and any neighbouring properties; b) Avoiding adverse impact on draining and run-off or causing other damage to the water environment, and; c) Avoiding cumulative impacts on the structural stability or the water environment.

Based on both the applicants BIA and the independent assessment carried out by a suitably qualified engineer, it is considered that the basement element of the proposal is acceptable and is compliant with both DP27 and CPG4. However, as some elements of detail have not been fully addressed it is considered necessary that a Basement Construction Plan would be required.

Impact on sunlight/daylight

A sunlight/daylight assessment has been submitted which indicates that the scheme would provide an adequate level of sunlight/daylight to occupier and would not impact upon light levels at surrounding properties.

Trees

The proposal would see a small Japanese Flowering Cherry tree removed from the rear garden at the boundary with Kingstown Street (to accommodate the new dwelling). This tree does not have a TPO and does not contribute significantly to the conservation area. Its removal is not considered to be harmful.

The proposed rear extension would extend into a small part of the root protection zone of trees outside of the boundary. However, as the area within the pubs ownership is currently hard standing it is not considered that a significant amount roots would extend into this zone and there would be no harm caused to the surrounding trees.

Sustainability

It is proposed that the dwelling will achieve the mandatory energy requirements of Code for Sustainable Homes Level 4. This requires that Building Regulations Part L (2010) is achieved.

The proposal contains a green roof on the extension and photovoltaic panels on the roof of the dwelling.

Conclusion

The Albert Pub is an attractive, well preserved local pub which has been listed as an Asset of Community Value – it is therefore important that any developments which affect the pub are carefully considered so as not to negatively impact upon the community function it serves.

The Council wishes to preserve pubs, such as this, which are a valuable asset to the community; And it is considered that the proposed dwelling would have such a detrimental impact on the beer garden that it would harm the community function it serves.

It is noted that the ACV is no longer applicable to the public house as no community groups came forward to purchase it when the owners wished to sell. Nonetheless, this is not considered to remove the community function which the pub serves. There could be myriad reasons why a community group was unable to raise the funds to purchase the property and it is not considered that the purchase of the pub should in any way be linked to the community value and function it provides.

Recommendation: Refuse Planning Permission