

Delegated Report (Refusal)		Analysis sheet	Expiry Date:	05/10/2015
		N/A / attached	Consultation Expiry Date:	18/12/2015
Officer			Application Number(s)	
Jonathan McClue			2015/4456/P	
Application Address			Drawing Numbers	
9 and 9A Hargrave Place London N7 0BP			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Demolition of building at 9A and partial demolition of 9 Hargrave Place and redevelopment of the site including a new 3 storey building to the rear; multiple storey rear extensions, basement extension, mansard roof addition and associated works to main building at 9; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 5 residential flats (3x2 bed and 2x1 bed)				
Recommendation(s):		Refuse Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	08	No. of responses	56	No. of objections	56
Summary of consultation responses:	<p>Consultation originally took place shortly after the registration of the planning application with 8 letters sent to nearby properties on 10/08/2015. The application was also advertised in the local press on 20/08/2015 and a site notice was later displayed from 04/09/2015 due to public interest.</p> <p>Revised plans were accepted on 27/11/2015 that materially altered the proposal due to changes to the ground floor pub (A4) layout and the removal of the manager's flat and commercial kitchen on the first floor. Those originally consulted and the majority who had submitted objections were notified by a letter or email on 27/11/2015.</p> <p>Overall, 56 individuals (it is noted that some individuals made multiple submissions) submitted written representations which objected to the scheme. The majority of the objections were received from local residents, local businesses (from Brecknock Road and York Way) and former patrons of the public house. Objections were also received from the Campaign for Real Ale. A petition stating "I OBJECT TO 2015/4456/P" was submitted with 30 signatures. Many of the objections are very detailed including a 25 page document submitted on the 25th of September 2015. A summary of the main issues raised by objectors are included below:</p> <ul style="list-style-type: none"> • The buildings are locally listed and dividing them into flats and partially demolishing/extending them compromises their history. The proposal is unsympathetic to the original buildings • The proposal would result in the destruction (internally and externally) of 2 Victorian buildings • The mansard roof extension would have an inappropriate prominence from surrounding streets • The size of the residential units would be substandard • The reduction of pub operating space, loss of ancillary pub space (function rooms, commercial kitchens etc) and allowing tenants to live at the premises compromises the ability of any future pub to operate • Proposal would result in an unviable lock-up pub. Needs to retain trading and cellar space, a kitchen and generous landlord's accommodation • Significant harm to the Asset of Community Value • The pub and its associated functions are noisy and would impact on the amenities of future occupiers 					

	<ul style="list-style-type: none"> • The developer has no intention of running a pub • Insufficient external amenity space is provided for future occupiers • There is no provision of car parking • Loss of manager’s floorspace on upper level (i.e. no living accommodation) • The application is a ‘trojan horse’ for flat developments • Extension would lead to a loss of light for neighbours • No affordable housing is proposed • The Admiral Mann served customers of all ages and hosted wedding parties, wakes, darts tournaments, charity fundraising events, pub quizzes, outings to race meetings, Cockney ‘Singalongs’ and other activities. The pub raised a tremendous amount for charities and good causes • A number of community pubs in the Kentish Town ward have closed since the Admiral Mann was nominated as an Asset of Community Value. These include the Gloucester Arms on Leighton Road and Auntie Annies/Porter House and O’Reillys on Kentish Town Road • The soundproofing proposals outlined in the Noise Impact Assessment are likely to be insufficient for the Admiral Mann given it’s very active with sports teams and has a long history of music nights. The main pub area is directly under bedrooms 1 and 2 of Unit 1 on the first floor which will lead to complaints/noise issues from those occupants.
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>Not applicable.</p>

Site Description

This application relates to the Admiral Mann Public House (Use Class A4) located at 9 and 9a Hargrave Place. The host property includes two separate buildings that are linked at ground floor level. The building at no. 9 is a 3 storey structure (plus basement) with a flat roof and single storey rear extensions. To the rear lies no. 9a which is 2 storey red brick structure with a hipped roof. Both buildings are included on Camden's Local List (January 2015) under separate listings. Locally listed buildings are identified as non-designated heritage assets. As such, their significance is a material consideration in planning decisions and there is a presumption to preserve the particular significance of a non-designated heritage asset.

9 Hargrave Place is listed under reference 477 for its architectural, historical townscape and social significance. It is considered to have an attractive façade reflecting its traditional pub origins and two pleasing chimney breasts on the side (east facing) elevation which are now obscured by a new development at 1-7 Hargrave Place ref: 2014/3714/P.

9a Hargrave Place is included under reference 478 on the local list for its historical and townscape significance. It is described as a two storey mid-19th century red brick building with a shallow pitched slated roof and curved corner. The building is a remnant of an enclave of small scale workers housing that was demolished in the early-mid 20th century. Its significance, in part, is that you read it as a little workers cottage that tells a story of how this area used to look and function.

The site is located on Hargrave Place which is a small cul-de-sac leading from Brecknock Road. Hargrave Place finishes at a gated entrance to Brecon Mews which houses a small residential estate. A number of residential properties surround the application site and local businesses are located within a retail parade along Brecknock Road. Immediately to the east of the site at 1-7 Hargrave Place is a recently constructed 4 storey building which has planning permission for light industrial on the ground floor and 6 residential flats above.

The lawful use of the host buildings is a public house (A4). Underneath 9 Hargrave Place is a cellar providing beer storage for Admiral Mann; the ground floors of 9 and 9A Hargrave Place contain a front bar, lounge bar, toilets and storage; the upper floors (first and second) of 9 Hargrave Place contain ancillary space for the pub use. The upper floors of the pub have been historically used in connection with the pub as function/dining/cooking areas and manager's/staff accommodation and are considered to still be in lawful use as A4.

A recent Certificate of Lawfulness for an Existing Use or Development (CLEUD) application has been submitted to demonstrate that the first floor of 9A Hargrave Place is a self-contained 1 bedroom flat ref: 2015/6922/P.

The Admiral Mann, located within 9 and 9a Hargrave Place, was listed as an Asset of Community Value (ACV) on 30/10/2014. It was nominated by the Save the Admiral Mann Committee. The Admiral Mann closed in August 2014 and met the two criteria for an ACV:

- there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
- it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

The pub was used by local residents of all social classes who are not well served by other public houses in the area which tend to serve a younger, more transient population. There have been closures of similar pubs in the local area in recent years and the Admiral Mann was the only pub of its kind left in the local area. Over 750 people (at the time of the designation) signed an online petition to save the pub and the testimonies of regulars submitted to the Council and in media articles show how

important this pub is socially to the local people that use it. A website has been created to 'Save the Admiral Mann' and can be found here: <http://theadmiralman.co.uk>. The website details that the Admiral Mann was a popular and viable pub and provides further details.

It is noted that the owner did not appeal against the decision to list the asset within eight weeks of the designation.

Relevant History

9 and 9A Hargrave Place (application site):

3210: Planning permission was granted for refurbishment works and a single storey rear extension on 12/06/1981.

2015/0906/P: A planning application was withdrawn for the partial demolition and redevelopment of the buildings to retain the public house on the ground floor and basement and to create 6 residential flats on 02/07/2015. The Council had informed the applicant that the proposal would be refused in its current form due to a number of issues.

EN15/0332: An enforcement case was opened regarding the use of the public house. Enforcement Officers visited the premises and decided not to take enforcement action as a change of use from public house had not occurred. No further action has been recommended following a site visit and initial investigation in April and May 2015.

2015/1814/P: A Certificate of Lawfulness for an Existing Use or Development (CLEUD) was refused for the use of the ground floor and basement of the pub (A4) as a retail unit (A1) on 22/07/2015. Changes of use to A1/A2/A3 are no longer permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 for public houses listed as an Asset of Community Value. The application tried to demonstrate that the change of use occurred before the new legislation was brought in on 06/04/2015, however, insufficient evidence was submitted to demonstrate that a material change of use had occurred.

2015/6922/P: A Certificate of Lawfulness for an Existing Use or Development (CLEUD) was approved for the use of the first floor of the building at 9A Hargrave Place as a self-contained residential dwelling on 21/01/2016. This approval relates to the 1 bedroom flat on the first floor of the two storey rear building only.

Similar Applications:

Golden Lion Public House, 88 Royal College Street

2013/4793/P: 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. **Refused on 25/06/2014. Appeal under APP/X5210/A/14/2218740 was dismissed on 02/10/2014.** The Council's main reason for refusal was:

- 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.

The Black Cap, 171 Camden High Street, London, NW1 7JY

2012/1444/P: Change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to residential (Class C3) to provide 2x 2-bedroom units and 1x 1 bedroom unit with rear roof terraces at first and third floor levels and a rear balcony at second floor level, alterations to windows and doors on side and rear and creation of refuse and cycle stores for flats at ground floor level. **Refused on 16/05/2012. Appeal under APP/X5210/A/12/2184317 was dismissed on 04/03/2013.** The Council's reasons for refusal were:

- 1. The pub and restaurant use at first floor level is considered to serve the needs of a specific and local community, therefore its loss without a replacement facility or evidence provided to demonstrate that the facility is no longer required, is contrary to policies CS3 (Other highly accessible areas), CS7 (Promoting Camden's centres and shops), CS10 (Supporting community facilities and services), DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) and DP15 (Community and leisure uses) of Camden's Local Development Framework.*
- 2. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policy CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.*
- 3. The application fails to adequately demonstrate whether the residential flats would experience an acceptable level of internal noise contrary to policies CS5 (Managing the impact of growth and development), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise & vibration) of Camden's Local Development Framework.*

Sir Richard Steele, 97 Haverstock Hill, London, NW3 4RL

2014/1367/P: Change of use of the first and second floors from public house (Class A4) to create 2x1 bedroom and 2x2 bedroom flats (Class C3); extension and relocation of existing kitchen extract flue and associated works. **Refused on 26/11/2014. Appeal under APP/X5210/W/15/3003396 dismissed on 22/07/2015.** The Council's main reasons for refusal were:

- 1. The proposed development would harmfully compromise and undermine the services and facilities that the existing public house and its garden provide in supporting the needs of the local community and its ability to contribute to Camden's cultural heritage, 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 paragraph 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 applicant has failed to demonstrate that the proposed co-location of residential units and the public house would not cause harm to the residential amenity of the future occupants of the upper floor flats, contrary to policy CS5 (Managing the impact of development) of the London*

Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Relevant policies

National Planning Policy Framework 2012

Paragraphs 12, 14, 17, 56-66, 69, 70, 126-141.

London Plan March 2015

Policies 3.1, 4.8, 7.4, 7.6 and 7.8

Local Development Framework 2010

Core Strategy

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS7 (Promoting Camden's Centres and shops)

CS10 (Supporting community facilities and services)

CS11 (Promoting sustainable and efficient travel)

CS14 (Promoting high quality places and conserving our heritage)

CS17 (Making Camden a safer place)

CS18 (Dealing with our waste and encouraging recycling)

Development Policies

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

DP3 (Contributions to the supply of affordable housing)

DP5 (Homes of different sizes)

DP10 (Helping promote small and independent shops)

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)

DP19 (Managing the impact of parking)

DP20 (Movement of goods and materials)

DP21 (Development connecting to the highway network)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP27 (Basements and lightwells)

DP28 (Noise and vibration)

DP30 (Shopfronts)

Camden Planning Guidance (CPG)

CPG1 (Design) 2015 – Sections 2, 3, 4 and 10

CPG2 (Housing) 2015 – Section 3

CPG3 (Sustainability) 2015

CPG4 (Basements and lightwells) 2015

CPG5 (Town Centres, Retail and Employment) 2013

CPG6 (Amenity) 2011 – Section 4

CPG7 (Transport) 2011 – Sections 5, 8 and 9

CPG8 (Planning Obligations) 2015 – Section 10

Camden's Local List – January 2015

Emerging Planning Policy - Draft Camden Local Plan 2015

C3 – Public Houses

“the Council will seek to protect public houses of social, economic, cultural and historic value to the local and community and the borough.”

Assessment

1.0 Proposal

1.1 Planning permission is sought for the demolition of the locally listed building at 9a Hargrave Place and the partial demolition of 9 Hargrave Place and for the redevelopment of the site. The proposed development includes a new 3 storey building to replace no. 9a and a number of extensions to no. 9 including multiple storey rear extensions, a basement extension and a mansard roof addition. Part of the ground floor and upper floors of no. 9 would be converted from public house (A4) to residential (C3). The resulting buildings would contain a pub on the ground and basement floors with 5 residential units above (including 3x2 bed and 2x1 bed). Additionally, there would be a number of internal and external alterations including new doors, windows and the creation of a residential cycle and bin store at the ground floor level.

1.2 The proposed 3 storey building to the rear would have a hipped roof, be constructed of slate and brickwork and it would be connected to Admiral Mann at no. 9 by a single storey addition. The ground floor would contain storage for the residential and commercial uses of the site and the upper levels would contain 1 bedroom flats.

1.3 The alterations to no. 9 would include the removal of two chimney breasts; the addition of a mansard roof that would have a party wall upstand on the elevation facing 1-7 Hargrave Place, hipped roofs on all other elevations and 7 dormer windows (2 to the front, 3 to the side and 2 to the rear); a white rendered extension to the rear with a maximum height of 3 storeys up to the existing parapet, a 2 storey rear element with a terrace and the height of the existing single storey link would be raised and changes to the side elevation (facing Hargrave Place) would be made including new windows to the first and second floors. In addition, the existing cellar would be lowered to 2m (floor to ceiling height) within part of the existing footprint to provide female and male toilets.

1.4 The proposed public house would have floor area of 116.2sq.m (including the bar area, not including store area and disabled toilet) on the ground floor with toilets and storage within the cellar/basement. This would replace the existing public house which benefits from female, male and disabled toilets on the ground floor along with a greater area of storage space (24sq.m compared to the 12sq.m proposed); a larger basement storage area (60.1sq.m compared to the 38.3sq.m proposed) and ancillary public house space on the first and second floors which has previously been used for and could potentially be used as function space, a commercial kitchen and accommodation for Managers and staff. Therefore, there would be a significant decrease in the amount of floorspace available for the public house.

1.5 The proposed residential units would include a 2 bedroom flat (to the front) and a 1 bedroom flat (rear) on the first floor; a 2 bedroom flat (front) and a 1 bedroom flat (rear) on the second floor and a 2 bedroom flat on the third floor. It is noted that the Unit 5 on the third floor is considered to be a 2 bedroom flat as the studio on the proposed plans could easily be used as a bedroom so is considered as such.

1.6 The residential cycle and bin store would be located to the rear of the new building on the ground floor. It would contain 2 x 1100 litre bins and a Josta two-tier cycle parking system which could accommodate 8 cycles.

2.0 Harm to the Asset of Community Value and Compatibility with Residential Use

2.1 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 (ACV) in accordance with the requirements of the Localism Act 2011. Paragraph 15.6 of policy DP15 states that the Council will protect existing community facilities to ensure that Camden's residents have access to a range of buildings and facilities for community use.

2.2 The NPPF at 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. Paragraph 4.48A of the London Plan states that the Mayor recognises the important role that London's public houses can play in the social fabric of communities. It goes on to state that boroughs are encouraged to bring forward policies to retain, manage and enhance public houses. Paragraph 15.7 of policy DP15 states that the Council will resist the loss of local pubs that serve a community role 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.

2.3 Whilst it is acknowledged that a public house use would be retained at the site at basement and ground floor level, public responses have been received raising concern over the implications for the current public house. The concerns of the public consultation responses are summarised above. With this in mind, consideration needs to be given as to how the reconfigured public house use compares in qualitative terms with the existing public house.

2.4 The public house includes a ground floor pub area with toilets and storage facilities, a cellar for storage and two upper levels which are ancillary to the public house and in A4 use. The upper floors have served the pub as a function room, commercial kitchen and manager's/staff accommodation and contribute to the community function and viability of the pub. They are accessed from behind the bar and do not have independent access which demonstrates that the upper floors form part of the pub and not a separate self-contained unit. As stated above under relevant history, the Council have had a number of recent appeal decisions that demonstrate that the retention of the pub use is not enough to ensure that the community facility is retained, and replacement/alternative facilities need to be of equal value. This is not the case with the current proposal.

2.5 The proposed reconfiguration and modification would compromise and undermine the use of the existing public house. Therefore, the pub 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.

2.6 As stated above, the upper floors are currently ancillary to the pub use and have been used for ancillary accommodation, function space and as a commercial kitchen. The loss of the ability to provide manager and staff accommodation along with ancillary function room and commercial kitchen space would significantly harm the public house. Pubs traditionally offer managers on-site accommodation due to the long and late working hours of such establishments, and the need to be on hand in the case of emergencies. The loss of the manager's accommodation will make employment at the pub less attractive to prospective future managers and thus negatively affect the viability of the pub. Such accommodation can also act as a buffer between pub and residential uses and can improve the compatibility between the two. Furthermore, there would be no ancillary space for the pub to provide a kitchen, function room or any other facilities. It is therefore considered that the reduction of the public house space at first and second floor level would significantly compromise and undermine the use of the existing public house, to the detriment of the asset of community value.

2.7 In addition to the loss of ancillary space which would significantly harm the community value of the pub and its viability, there would be internal changes at the lower levels that would also affect the function of the pub. Overall, there would be a loss of storage space on the ground and basement floors in terms of quantum. Other changes include the creation of a staircore to the basement which would reduce the bar serving area and would cause an obstruction to this space. The toilet facilities for the pub would also worsen as a result of the proposed reconfiguration. The current facilities are above ground and have a generous floor to ceiling height. In contrast, the proposed toilets would be

located within the basement with no natural light and a low floor to ceiling height of only 2 metres. They would be less convenient to access and would be lower in quality. This would also result in accessibility issues for less able and older patrons who would have difficulty accessing the basement floor level.

2.8 Overall, the proposal would be detrimental to the long-term viability of the public house and would undermine its community value. The proposed development would result in a pub that would operate on the ground floor only with no commercial kitchen, function rooms or manager's/staff accommodation. Officers are concerned that this would lead to a future planning application to convert the ground floor to residential use. Appeal decision APP/X5210/A/14/2218740 dated 02/10/14 is considered to be particularly relevant to the proposal as it was for a very similar application within Camden (Golden Lion Pub). The inspector found that pubs can be considered community facilities and that the retention of the use is not enough to ensure the community facility is retained, and replacement/alternative facilities need to be of equal value.

2.9 It is considered that as a result of the change of use to the upper floors and the alterations to the ground floor and basement levels, the remaining public house would not be of equal value to what currently exists on site. It is therefore considered that proposal does not accord with the requirements as set out in policy CS10 and DP15 of Camden's Local Development Framework. The proposal also fails to accord with policy 4.8 of the London Plan. The emerging Local Plan being prepared by Camden seeks to protect public houses. Policy C3 of the emerging Local Plan notes that the Council will seek to protect public houses of social, economic, cultural and historic value to the local community and the borough, and applications for the change of use of the facilities ancillary to the operation of the public house will only be permitted where the loss of the ancillary use will not adversely affect the operation of the public house.

2.10 The Camden Local Plan will replace the Core Strategy and Development Policies in 2016. The submission draft has now been approved by Cabinet and Full Council and a period of public consultation will be undertaken from 08/02/2016 to 04/04/2016. Following this consultation the Plan will be formally submitted to the Secretary of State for public examination. The submission draft is a material consideration in planning decisions. At this stage the Plan has limited weight in decision making but as a statement of the Council's emerging thinking it can influence planning proposals.

2.11 As this application proposes the creation of noise sensitive receptors (i.e. a residential use) within close proximity to a ground floor public house, the applicant has submitted a Noise Impact Report prepared by Hann Tucker Associates. The report considers that 75dB is a typical pub noise level which Environmental Health Officers consider to be too low of an assumption. It also fails to consider noise generated from outside of the pub which Officers consider should be taken into account in the assessment. Furthermore, it is assumed within the noise report that there would be no live or amplified music and it bases its assessment on the pub operating until 23:00 at night only. As a result of these assumptions which are unreasonable, officers are not satisfied that the amenity of future occupiers in the upstairs flats would be protected.

2.12 One of the most common complaints Council's receive in relation to public houses are from the occupiers of dwellings in the vicinity of the pubs reporting excessive noise and anti-social behaviour from people outside of pubs. The proposal would result in the creation of residential units directly above the pub. As such the proposal would result in additional conflict between two incompatible uses, likely to result in future complaints. Based on the submitted noise report it has not been demonstrated that this could be overcome as the basis of the assessment is not satisfactory. Noise levels are likely to be higher and the pub can currently play live or amplified music and operate beyond 23:00 hours. Furthermore, the applicant has failed to consider noise generated from outside of the pub. The external environment is much more difficult to control and significant noise and disturbance can be created from the gathering of people outside of the pub for drinking, smoking, eating, socialising and human traffic from people arriving to and leaving from the premises. Therefore, it is considered that the proposed residential and public house uses would be incompatible.

2.13 Further to the above, it is not considered that a public house could not be sustained based on the proposed hours and restrictions within the Noise Impact Report which restricts the hours of operation until 23.00 and limits music to background music only. These additional restrictions would not be enough to ensure that the community facility would be retained and would result in a replacement that would not be of equal value.

3.0 Quality of Residential Accommodation

3.1 Units 1-4 on the first and second floor are generally considered to provide an adequate quality of residential accommodation. They generally conform to minimum gross internal floor area requirements of table 1 of the Technical housing standards issued by the Department for Communities and Local Government (DCLG) on March 2015 along with table 3.3 of the London Plan 2015. The units are dual aspect, have a functional layout and external amenity space is provided for Unit 3. The outlook from the larger (16sq.m) bedroom of Unit 1 would be restricted by looking into a blank wall only 2.5m away.

3.2 As explained in paragraph 1.5 above, Unit 5 on the third floor (within the proposed mansard) is considered to be a 2 bedroom flat. The study as annotated on the plans is a good size for a single room (9sq.m) and could readily be used as one. It is noted that this room was labelled as a bedroom on a previous version of the plans and this was changed due to an objection raised by the case officer regarding the size of the proposed unit. The national described housing standards, London Plan and CPG2 (Housing) all require a minimum gross internal floor area of 61sq.m for a 2 bedroom 3 person residential flat. The proposed flat would only provide 54sq.m of gross internal floor area which is a shortfall of 7sq.m or more than 11%. Furthermore, paragraph 4.11 of CPG2 (Housing) states that any floor area where the ceiling height is less than 1.5 metres will not count toward the habitable floorspace. The amount of habitable floor area would therefore be less than this given that the third floor is within a mansard with the pitches of the roof reducing the internal ceiling height. Adequate sections and roof plans have not been submitted so it is difficult to calculate how much of the floor area within this unit would be discounted. Based on the above, it is considered that the proposal would lead to a substandard quality of living accommodation due to the gross internal floor area of Unit 5.

3.3 Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity of occupiers and neighbours which includes visual privacy and overlooking, overshadowing and outlook, sunlight, daylight and artificial light levels, and noise and vibration levels.

3.4 Further to the above, policy DP28 sets out that the Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for:

- Development likely to generate noise pollution; or
- Development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided

3.5 As discussed in paragraphs 2.11-2.13 above, a Noise Impact Assessment has been submitted with the application which has a number of deficiencies including making too low of an assumption for typical pub noise levels, not allowing for live or amplified music, restricted hours of operation and it has not considered noise created from the pub's external areas. As a result, officers are not satisfied that the amenity of future occupiers in the proposed flats would be protected and it is considered that the proposal does not meet the requirements as set out within policy DP26 and DP28.

4.0 Design, Impact on the Locally Listed Buildings and the Surrounding Area

4.1 As discussed within the site description, both of the buildings on-site - 9 Hargrave Place (the main pub building serving Admiral Mann) and 9a Hargrave Place (the smaller, 2 storey red bricked building to the rear) are on Camden's Local List (adopted January 2015) under separate entries (ref: 477 and

478). They are locally listed for their architectural, historical, townscape and social significance. The proposed development seeks to demolish the locally listed building at no. 9A in its entirety, make substantial alterations to the building at no. 9, reconfigure the public house which is a community asset and introduce 5 private residential units. Therefore, the proposed demolition and extensions would harm the architectural, historical and townscape significance of the buildings and their social significance would be affected by the alterations to the public house and the introduction of self-contained residential flats.

4.2 The modest residential mid-19th Century brick building at 9A Hargrave Place is a locally listed building, which is a material consideration of a planning application. The list that was adopted by Camden Council in January 2015 identifies the subject building as a separate entry and recognises it for its historical and townscape significance. Its first reason for being included on the local list is consistent with the reasons for Camden having a local list, being that they are buildings that are valued by the local community and carry history and memories into the present. Specifically, the building has been included on the list because it is the remnant of small scale workers housing replaced by the Long Meadow Estate in the early-mid 20th century. It also has townscape significance, described as having a shallow pitch slate roof and a curved corner.

4.3 The proposals would demolish the locally listed building at no. 9A and the replacement would be at a much larger scale with a greater volume. In accordance with paragraph 135 of the NPPF, the effect of an application on the significance of a non-designated heritage asset (as is the case with the subject building) should be taken into account when determining planning applications. The demolition of this building would eradicate its historical significance as described in the Local List and its replacement is out of keeping in terms of its height, width, scale and bulk, losing the historic significance of the original building. Therefore, this aspect of the works would cause harm through loss and that must be weighed against the planning benefits of the proposals. As discussed above, there would be harm to the community facility (a loss of public benefit) and it has not been demonstrated that the proposed residential units would be compatible with the existing pub use. Officers therefore consider that there would not be sufficient benefits to outweigh this harm to the loss of the non-designated heritage asset.

4.4 The recent development adjacent at 1-7 Hargrave Place has removed views of features of interest on the host building such as the prominent chimneys. The façade of 9 Hargrave would be maintained which is encouraged. The proposals to include traditional detailing of the mansard roof that is designed to fit an end of terrace building and the multiple storey rear extensions to no. 9 are not objectionable in their own right, however, they contribute to the bulk and mass in what would become an unrecognised structure at 9 and 9A Hargrave Place, with no resemblance to the original buildings that they are replacing/extending.

5.0 Residential Amenity

5.1 As the current public house is being reduced in its overall size and function, it is not considered that it would result in a significant increase to existing levels of noise or disturbance for residential occupiers on surrounding sites.

5.2 The new building to replace no. 9A would be located opposite a blank gable at 5-7 Brecon Mews and the mansard and rear extensions to no. 9 would be within the built form of the new development at 1-7 Hargrave Place. It is therefore considered that the proposal would not result in any undue harm to neighbouring properties in terms of a loss of light or outlook.

5.3 The proposed upper floor windows, due to their location, orientation and setback from adjacent residential windows and amenity spaces would not be likely to lead to significant levels of overlooking or a loss of privacy. Screening details are provided for the second floor terrace and if planning permission were considered acceptable, a condition could be required to screen the first floor level open link between the front and rear building.

6.0 Transport, Cycle Parking and Storage/Servicing

6.1 Policy DP18 (paragraphs 18.12 and 18.13) requires development to provide cycle parking facilities in accordance with the minimum requirements of Camden's cycle parking standards. Camden also expects development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan. The proposed residential development consists of 2 units with 1 bedroom and 3 units with 2 bedrooms or more. Therefore 8 cycle parking spaces are required to meet the London Plan's minimum cycle parking requirement. The proposals would provide 8 cycle parking spaces at ground floor level within 2-tier Josta stands. The quantum of spaces and type of stands is considered to be acceptable.

6.2 The cycle parking and bin storage would share the same area and there would be conflict between users of the two. The location would make the cycle storage less accessible, convenient and likely to be used. This is not an adequate arrangement. Paragraph 9.1 of CPG7 (Transport) 2011 states that cycle parking should be convenient and secure and that cycle parking needs to be created in an effective way so that users of a development are more likely to use bicycles to travel to and from the site. Therefore, the location of the cycle parking would deter its use.

6.3 The application site falls within a controlled parking zone (CPZ), has a public transport accessibility level (PTAL) of 4 and is located near the Kentish Town and Camden Town Centres. Policy DP18 states that such developments are expected to be car free which would apply to all five of the proposed self-contained residential units. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

6.4 The summary page of Policy DP21 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'. The footway directly adjacent to the site could be damaged as a direct result of the proposed works. The Council would therefore need to secure a financial contribution for highway works as a section 106 planning obligation if planning permission is granted. A cost estimate for highway works has been received from our Highways Delivery Team for the sum of £5,369.77. However, in the absence of an acceptable scheme, the lack of a s106 for these highways works form another reason for refusal of the application.

7.0 Sustainability

7.1 Policies CS13, DP22 and DP23 require development to incorporate sustainable design and construction measures. As the proposal includes 5 new build residential flats a sustainability statement is required providing details of sustainable design and construction measures on how the development would reduce the energy, water and materials used in design and construction. In addition, an energy statement demonstrating how carbon dioxide emissions would be reduced is required. These documents have not been submitted as part of the planning application, however, they could be required by condition if the development was acceptable. The new units would need to demonstrate that the development is capable of achieving a maximum internal water use of 105 litres per person/day with an additional 5 litres person/day for external water use. Carbon dioxide emission would need to be reduced below part L Building Regulations 2013 which is 20%.

8.0 Basement Development

8.1 The subterranean element of the proposal would take place underneath the footprint of the existing cellar. A small section of the existing cellar (21sq.m) would be lowered from 1.58m in height to 2m (i.e. an extra 420mm in depth). The site is not subject to any known hydrological constraints.

8.2 In support of the basement development a Basement Impact Assessment (BIA) by Lyons O'Neill Structural Engineers has been submitted. The authors have the following qualifications: MEng, BEng, CEng and MStrucE. The document follows the CPG4 (Basements and Lightwells) screening and

scoping approach to assessing the likely impact of the basement development.

8.3 From the screening stage it was recognised that the proposed basement would increase the depth of the existing foundations relative to neighbouring properties. Officers note that the only neighbouring property is 1-7 Hargrave Place to the east which includes a recent development under 2014/3714/P. The BIA states that any ground movements and/or instability would be managed through proper design and construction of mitigation measures. In addition, the Party Wall Act would be used during the design phase.

8.4 The site lies on London Clay which is a well-known stiff (high strength) clay and the site is approximately 1.5km from Highgate ponds. Ground investigation was carried out by Southern Testing in January 2015 comprising of 2 x 3m deep boreholes drilling within the existing basement area; 1 x 3m deep borehole drilled from ground level; groundwater monitoring wells and 7 foundation inspection trial pits.

8.5 The BIA concludes that the proposed basement would not impact on the existing geological or hydrogeological conditions, and as the ground is flat, slope stability will not be an issue. Perched groundwater within the made ground was identified, however, the proposed basement design includes measures to accommodate this. Provided the works are undertaken in a logical and safe manner the works would not have a detrimental effect on either the existing building or adjoining properties. An assumed construction sequence is included within the BIA which any appointed contractor would need to use to inform their sequencing for undertaking the works. It is therefore considered that the proposal demonstrates sufficient certainty to meet the requirements of DP27 and CPG4.

9.0 Community Infrastructure Levy

9.1 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100m² of new floorspace or a new dwelling will need to pay the CIL charge.

9.2 The proposal would be CIL liable for Mayoral and Camden charges if it were considered to be acceptable. The CIL would be calculated based on the total gross internal floor space. As the proposal is below 10 dwellings (or 1000m²) and located within Zone B (Rest of Camden), the appellant would be required to pay £500 per square metre in addition to the Mayoral CIL charge of £50 per square metre.

Recommendation: Refuse planning permission.