

Delegated Report		Analysis sheet	Expiry Date:	22/04/2016
		N/A / attached	Consultation Expiry Date:	07/04/2016
Officer			Application Number(s)	
Ian Gracie			2016/0759/P	
Application Address			Drawing Numbers	
105 King's Cross Road London WC1X 9LR			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of the first and second floors from public house (Class A4) to create 1x2 bedroom and 1x3 bedroom flat (Class C3); erection of mansard roof extension to create 1x3 bedroom flat (Class C3) and associated works.				
Recommendation(s):	Refuse Planning Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	61	No. of responses	28	No. of objections	28
Summary of consultation responses:	<p>Public consultation on the application was carried out on 14/03/2016, by means of 61 letters to neighbouring/nearby occupiers. A site notice was erected on 16/03/2016, expiring on 06/04/2016. A press notice was published on 17/03/2016, expiring on 07/04/2016.</p> <p>A total of 28 objections were received on the following grounds:</p> <p><i>Loss of community facility</i></p> <ul style="list-style-type: none"> • We are set to lose another traditional pub where you can enjoy a quiet drink with family and friends; • The Carpenter's Arms is an asset to the community and should remain as such. • I would like the Carpenter's Arms to remain as it is. A friendly pub saving the local and wider community with activities such as music concerts, karaoke and numerous darts teams. Such pubs are becoming more and more rare in this area and I do not want to lose this one. • The property has an ["ACV"] listing on the whole building to protect it from development; • The commercial kitchen is still in use to provide food for the regular darts teams playing for the Carpenters Arms and for regular functions taking place in the bar throughout the year; • The current Carpenters Arms provides customers with the following choices of entertainment: darts, live entertainment, karaoke, quiz nights, wedding and birthday parties. As a result of the development the Carpenters Arms would lose the following: darts, music, karaoke and quiz nights. • The Carpenters Arms is not just a pub: it is an institution. There is too much history attached here to lose; • As the league secretary of two darts leagues that play here it is very hard to find to find a pub which has a dart board nearby; • It is a social meeting place where we locals can relax and meet. It also supports six darts teams from around the area; • I have no doubt this sale would inevitably mark the end to the business running from the above address which has, for years, been the focal point to the community, both the residential and working; • The area needs to keep its community identity. I work every day in the area and welcome its community spirit. This will be diminished if this application is granted; • Do not want to the pub suffer the same fate as the Pakenham Arms; • Dave and Jacky (tenants) have run the pub for 20 years and have put a lot of work making the Carpenters Arms into a welcoming place to meet up with friends and family, providing regular entertainment and hosting various functions. It is their homer and their livelihoods are at stake. <p><i>Conflict of uses</i></p> <ul style="list-style-type: none"> • If you reduce the size of the pub and have flats over the pub you will get complaints from the tenants therefore undermining the future of the pub; <p><i>Crime</i></p> <ul style="list-style-type: none"> • The landlords work closely with the local police and emergency services and are a huge credit and to lose them and the history of the building for such a reason would be criminal in itself; • The pub has been greatly involved with the local police, helping to improve and maintain the area. <p><i>Transport</i></p>					

	<ul style="list-style-type: none"> • There is not enough parking as it currently stands for the residents in the area anyway let alone increasing the volume of residents, this will make the area so much more congested; • The local area will become congested during the construction works.
<p>CAAC/Local groups comments:</p>	<p>No response received from the Bloomsbury Conservation Area Advisory Committee.</p> <p><u>Mount Pleasant Association and Calthorpe Street Residents Association</u></p> <ol style="list-style-type: none"> 1. The proposed removal of the landlord and staff accommodation inhibits the working functions of the bar and cellar. The commercial pub activity will become a “lock-up” pub with no resident staff. 2. The existing landlord, who lives on the premises, will become homeless. 3. This application will result in the loss of yet another local pub. 4. The pub is an asset of community value and should be retained as a working and feasible commercial entity. 5. Good pubs are important for community life. It should not be lost out of commercial greed. 6. We understand there is an emerging policy to prevent the loss of local pubs such as the Carpenters Arms. Please enforce your policy in this case. 7. The Carpenters Arms is a popular venue with many of the forum members. 8. We object to the application to raise the roof-line by one storey as it will conflict with the surroundings.

Site Description

The application site comprises a three storey and basement terraced building located on the west side of King's Cross Road on the corner of Frederick Street. The site is in active use as a public house (The Carpenter's Arms) which consists of a storage area at basement level, a ground floor bar area with stage, commercial kitchen and inactive function room at first floor level, and ancillary residential accommodation on the second floor.

The site falls within the Bloomsbury Conservation Area but is not listed. The conservation area statement notes that the built environment is characterised by a fine urban grain of a repetitive nature. The properties in the long terraces have consistent plot widths, with a strong relationship to the street defined by basement areas and front boundary railings. Horizontal parapets emphasise the rooflines. Mansard roofs are widely employed. At the eastern end of Acton Street, and to the north and south of the junction with King's Cross Road, are a number of uniform terraced 19th century properties with ornate stucco detailing and curved corners. The ground floor shopfront is recognised as a shopfront of merit.

Relevant History

105 King's Cross Road (application site)

8401067 – The erection of a single storey rear extension to provide additional toilet accommodation to the existing public house. (As shown on drawing no: 2TP). – **Granted 22/08/1984.**

8402082 – The erection of a timber staircase from rear first floor level to the flat roof of the single storey rear extension together with the installation of a new door-way at rear first floor level. (As shown on drawing numbered 3). – **Granted 30/01/1985.**

9100700 – Alterations to the elevations including the formation of new openings and the formation of a rear fire escape at first floor level as shown on drawing number 91917 01 and 91917 02 A. – **Granted 01/10/1991.**

2015/5840/P – Change of use of the first and second floors from public house (Class A4) to create 1x2 bedroom and 1x3 bedroom flat (Class C3); erection of mansard roof extension to create 1x3 bedroom flat (Class C3) and associated works. – **Refused 21/12/2015.**

Reasons for refusal:

1. The proposed residential flats would result in loss of space within the existing public house which would prejudice the long term retention of the public house which is an important local community facility contrary to policy CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of Camden's adopted Local Development Framework.
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 in relation to noise disturbance, contrary to policy CS5 (Managing the impact of development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.
3. The proposed development, in the absence of a legal agreement to secure car-free housing for the residential units would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
5. The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would fail to secure adequate provision for and safety of pedestrians and protect their amenity, contrary to policies

CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Asset of Community Value (ACV)

The council first received a nomination submitted by Carpenter's Arms PH Supporters to list the Carpenter's Arms as an asset of community value in December 2014. However the nomination was incomplete in several respects and officers requested further information. The completed nomination form was re-submitted and accepted by the council on 24 February 2015.

The following extract from the council decision letter gives the council's reasons why the pub meets the definition of an asset of community value:

"We found that the Carpenter's Arms does further the social interests of the local community, particularly sporting interests. It is an important darts venue with five teams based at the pub and darts being played four nights a week. This is corroborated by a number of independent websites and blogs e.g. <http://bachelorofdarts.com/london-darts-pubs/kings-cross>. There is also evidence of regular live music and charitable activities at the pub which contribute to the recreational interests of the local community.

We recognise that the Carpenter's Arms is a traditional English pub in an area where many similar pubs have shut down and as such provides an environment distinctive from other drinking establishments in the area. Online reviews stress that it is a friendly neighbourhood pub popular with locals. While this could be taken as evidence of lack of demand for this kind of pub, we are satisfied that it has a relatively healthy customer base as locals are supplemented by workers from local businesses and tourists."

The decision to list the whole of the Carpenter's Arms as an ACV was then upheld by the Council on 3 August 2015. An appeal has since been submitted to the First-tier Tribunal. A hearing was held on Thursday 31st March with a decision due to be issued in May/June 2016.

The reasons for the appeal concerned the validity of the nominating body in that it was unincorporated and that there was insufficient evidence as to the local connection of the nominating body.

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 25/06/2014. Appeal APP/X5210/A/14/2218740 Dismissed 02/10/2014. The Council's reasons for refusal were:

1. The existing local public house, in its current form, is considered to serve the needs of the local community and is registered as an asset of community value in accordance with the requirements of the Localism Act 2011. Its proposed reconfiguration and modification would harmfully compromise and undermine the use of the existing public house. Therefore the public house would fail to be developed and modernised in a way that is sustainable, and retained for the benefit of the community, which in turn would fail to enhance the sustainability of communities, contrary to policy CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy, policies DP15 (Community and leisure uses) and DP29 (Improving access) of the London Borough of Camden Local Development Framework Development Policies, paragraphs 69 and 70 of the National Planning Policy Framework 2012 and policy 4.8 of the Draft Further Alterations to the London Plan January 2014.
2. The proposed roller shutters, by reason of their location, materials, method of opening and lack of detailed drawings indicating inappropriate design, would be detrimental to the character and appearance of a building which is considered to be a non-designated heritage asset, contrary to policy CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
3. The proposed development, in the absence of a legal agreement to secure car-free housing for the four residential units proposed, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local

Development Framework Development Policies.

4. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

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 16/05/2012. Appeal APP/X5210/A/12/2184317 Dismissed 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 26/11/2014. Appeal APP/X5210/W/15/3003396 Dismissed 22/07/2015.** The Council's 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.
3. The proposed development, in the absence of a legal agreement to secure car-free housing for the residential units would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on

occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Relevant policies

National Planning Policy Framework

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

London Plan 2015 Consolidated with Alterations Since 2011

Policies 3.1, 4.8, 7.4, 7.6 and 7.8

Camden LDF Core Strategy 2010

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

Camden Development Policies 2010

DP2 – Making full use of Camden's capacity for housing
DP5 – Homes of different sizes
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
DP28 – Noise and vibration

Camden Planning Guidance

CPG1 – Design (2015) – Section 5
CPG2 – Housing (2015) – Section 4
CPG5 – Town Centres, Retail and Employment (2013) – Section 6
CPG6 – Amenity (2011) – Section 6
CPG7 – Transport (2011) – Section 5 and 9
CPG8 – Planning Obligations (2015) – Section 10

Emerging Planning Policy - Draft Camden Local Plan

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. Description of proposed development

1.1 The applicant seeks planning permission for:

“Change of use of the first and second floors from public house (Class A4) to create 1x2 bedroom and 1x3 bedroom flat (Class C3); erection of mansard roof extension to create 1x3 bedroom flat (Class C3) and associated works.”

1.2 This application is identical to that which was previously refused on 21st December 2015. Camden’s Local Development Framework has not changed since that refusal and the same planning policies will therefore be applied to this application.

1.3 The proposal comprises the following elements:

- Change of use of the first and second floors from A4 to C3 to create 1x2 bedroom (60sqm) and 1x3 bedroom (73sqm) flats. The flat at first floor level will replace the kitchen which serves the pub and the room labelled as ‘lounge’ which has previously been used as a function room. The proposed flat at second floor level will replace the existing ancillary residential accommodation;
- Erection of a mansard roof extension (ceiling height 2.5m with a roof slope of 70 degrees) with associated fenestration to create 1x3 bedroom flat (68sqm);
- Alteration of the ground floor shopfront to provide a private entrance to the residential units on the upper floors.

2. Principle of change of use

Loss of public house use

2.1 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 What’s more, 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. This is in accordance with the London Plan which, at paragraph 4.48A, 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. 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.

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 application site comprises an existing pub which occupies the basement, ground and first floor levels. There is a second floor which is used by existing pub staff as manager’s accommodation with no independent access; this is ancillary to the wider public house use. As noted above, the public house has been listed as an Asset of Community Value (ACV) since 24 February 2015 but is the subject of an appeal on the validity of the nominating body. The first floor comprises a kitchen, which serves the pub, and a lounge which was once, however, a function room. The applicant has stated that due to fire regulations the function room can no longer be used as such. It is noted that this area is not, and has not, been in use as a function room for some time. The duration to which is unclear, however. Of the objections raised, there are none that specifically mention the wider community use of this area for public gatherings and events. There are however, comments concerning the ground floor for events such as weddings and wakes.

2.5 With regards to the loss of the first floor kitchen, officers are concerned that it would negatively impact the viability of the pub, leading to a future 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.

- 2.6 The current landlord of the pub has objected to this application and notes that *“the commercial kitchen is still in use to provide food for the regular darts teams playing for the Carpenters Arms and for regular functions taking place in the bar throughout the year.”* Of the objections received from both this application and the previous refusal, there are a number which note the value of the regular darts games which are held throughout the year. These dart games are noted in the Council’s decision to grant the pub its ACV status as furthering the social and sporting interests of the local community. It is considered that, as a result of the kitchen being removed from the premises, such regular events will not be able to be catered for thereby reducing the ability of the pub to host such regular events throughout the year.
- 2.7 The proposed plans indicate that the stage, which is currently used for regular darts and music events, will be re-provided in a different location on the ground floor in order to allow for such events to continue. The relocated stage is proposed to be positioned in place of the existing staircase which allows access to the basement storage area from behind the bar. As a result of the relocation, the stage will be far less visible from views within the pub thereby reducing its attractiveness as a music venue. Whilst employees will be required to access the basement via the customer area to get to the new staircase.
- 2.8 What’s more, officers consider that the creation of the self-contained residential units on the upper floors will create a conflict of uses which will ultimately restrict the operation of the pub. As a result of potential complaints from future residents on the upper floors, it is considered likely that the public house will be required to restrict its operations from what is currently available on site today thereby reducing the quality of the existing public house on site which is contrary to local, regional and national planning policy.
- 2.9 It is considered that as a result of the change of use of the upper floors, particularly the kitchen area, the remaining public house will 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.
- 2.10 Further to this, and in accordance with policy 4.8 of the London Plan, Camden is preparing a new Local Plan which 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 be permitted where the loss of the ancillary use will not adversely affect the operation of the public house.
- 2.11 The Camden Local Plan will replace the Core Strategy and Development Policies in 2016. Initial consultation on the draft Local Plan was carried out from 16 February to 17 April 2015, and an updated version will be produced for further consultation later in the year, as such it has limited weight at this stage but does give an indication as to the policy direction of the Council towards applications concerning public houses.

Proposed residential flats

- 2.12 Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. The proposal would provide a total of two new 1x2-bedroom and 2x3-bedroom residential units. As such the provision of new residential accommodation is compliant with policies CS6 and DP2 as long as it meets the Council’s residential development standards and does not harm the amenity of existing and future occupiers.
- 2.13 Policy DP5 (Homes of different sizes) seeks to provide a range of unit sizes to meet demand across the borough. Policy DP5 includes a Dwelling Size Priority Table and the expectation is that any housing scheme will meet the priorities outlined in the table. The proposals include the creation of 1x2-bedroom and 2x3-bedroom units. The housing priority for 2-bedroom units is considered high priority, whilst the priority for 3-bedroom units is considered to be a medium priority. The mix of the proposed units is considered acceptable due to the lack of private residential space currently on site which therefore accords with policy DP5.

3. Amenity

- 3.1 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.

Noise

- 3.2 Further to policy DP26, 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.

3.3 As this application proposes the creation of noise sensitive receptors within close proximity to a ground floor public house, the applicant has submitted a Noise Assessment prepared by KP Acoustics.

3.4 After reviewing the Noise Assessment, it is considered insufficient as it has not made any reference to the current noise levels from within the ground floor bar or any possible future use of the bar in terms of recorded/live music. As a result, officers are not satisfied that the amenity of future occupiers in the upstairs flats would be protected. As such, it is considered that the proposal does not meet the requirements as set out within policy DP26 and DP28.

Privacy, overlooking and daylight

3.5 As a result of the proposal, it is not considered that the levels of privacy or overlooking would be materially different to what currently exists. The proposed change of use of the first and second floor, together with the creation of a new mansard roof for residential use, is not considered to create any concerns over privacy and overlooking.

3.6 What's more, it is considered that the proposed residential units will receive sufficient light to accord with the requirements and policy DP26.

4. Standard of residential accommodation

4.1 Paragraph 26.11 of policy DP26 states that the size of a dwelling and its rooms, as well as its layout, will have an impact on the amenity of its occupiers. As such, new residential units must comply with the national technical housing standards.

4.2 In the technical requirements, criteria (i) states that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. The table below compares the proposed floorspace for each respective unit against the current national space standards.

Proposed Unit	Proposed floorspace (sqm)	Required floorspace (sqm)
2b3p	60	61
3b4p	73.3	74
3b4p	67.9	74

4.3 It is considered that the proposed 2-bedroom 3-person and the 3-bedroom 4-person units at first and second floor, respectively, are considered an acceptable size. However, the 3-bedroom unit at third floor level fails to meet the national space standard requirements for such a unit by approximately 6sqm. This is due to the slope of the mansard roof's impact on the level of floorspace. 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. Therefore, as a result of the 70 degree slope of the mansard, part of the floor area cannot be counted towards the total floorspace for the unit. However, it is considered that due to the high quality of the unit, such that it is dual aspect and floor to ceiling heights are 2.5m rising to 2.7m, the unit can be considered an acceptable size in this instance. As such, the proposed units are considered to comply with the requirements of policies CS5 and DP26.

5. Transport

5.1 Policy DP18 (Paragraphs 18.12 and 18.13) requires development to provide cycle parking facilities in accordance with the minimum requirements as set out within Appendix 2 of the Camden Development Policies document and the London Plan.

5.2 The proposed residential development consists of 3 units with 2 bedrooms or more. Therefore 6 cycle parking spaces are required to meet the London Plan's minimum cycle parking requirement.

5.3 The proposed first floor plan indicates 5 cycle parking spaces are to be provided. The number of spaces does not meet the London Plan's minimum cycle parking requirement. The proposed cycle parking facilities would also be located at first floor level and would be accessed via a set of stairs. This contravenes Paragraph 9.8 of Camden Planning Guidance document CPG7 (Transport) which states:

"The route to cycle parking from street level should be step free. Cycle parking inside buildings should be at the entrance level of the building or accessible by a ramp or lift from street level that can accommodate a

bike.”

- 5.4 However, due to the constraints of the site, it is considered that, in this instance, the proposed cycle parking arrangement is acceptable.
- 5.5 The application site is located in an area with a Public Transport Accessibility Level (PTAL) of 6b (excellent). Given the transport accessibility level of the site a car-free development would be required. The applicant has not agreed to enter into a legal agreement for a car-free development. There is an existing crossover to the front of the site and this is no longer in use, this will be removed as part of the legal agreement. Such works would require a financial contribution secured via a Section 106. The figure for the associated works would be £5,000. The applicant has not agreed to enter into a legal agreement to secure a contribution towards highway works.
- 5.6 The site is located on a TfL Red Route, which has very high traffic flows, and there is a cycle route directly adjacent to the site. This area has high traffic volumes, therefore construction vehicles servicing this site will have an impact on Kings Cross Road as well as the surrounding road network. The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. The applicant has not agreed to enter into a legal agreement to secure a Construction Management Plan as a planning obligation. It is therefore considered that the proposal fails to accord with policies CS11, DP18, DP19, DP20 and DP21 of Camden's Local Development Framework.

6. Design

- 6.1 Policy DP24 states that developments will be expected to consider the “character, setting, context and the form and scale of neighbouring buildings” and “the character and proportions of the existing building, where alterations and extensions are proposed.”
- 6.2 With regards to roof extensions, CPG1 provides further clarity to the policy and notes that additional storeys and roof alterations are likely to be acceptable where:

“There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.”

- 6.3 As identified above, the neighbouring buildings feature mansard roofs which are characteristic of the immediate area which comprises buildings of a consistent height along a terrace. It is considered that introducing a mansard to this site will instate a consistency in roof form which will add to the appearance of this part of the Bloomsbury Conservation Area. In terms of materials, the choice of slate for the roof and lead-clad timber dormer windows is considered appropriate.
- 6.4 The alterations to the shopfront at ground floor level are considered an acceptable alteration to what is recognised as a shopfront of merit. It is therefore considered that the proposal will both preserve and enhance the conservation area in accordance with policies CS14, DP24 and DP25 of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.

7. CIL

- 7.1 If supported, the proposal would have been liable for both the Mayor of London's and Camden's own Community Infrastructure Levy (CIL), as residential units are sought to be created. The CIL would have been collected by Camden after the scheme had been implemented and could have been 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. An informative would have been added to the decision notice reminding the applicant of the CIL requirement if the scheme had been supported.

8. Recommendations

- 8.1 Refuse planning permission.