

Statement of Case

In respect of

Proposed 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 for Mansard Roof Extension to create 1x3 bedroom flat (Class C3) and Associated Works

LPA Ref. 2016/0759/P

LPA: London Borough of Camden

Decision Date: 18/04/16

105 King's Cross Road
London WC1X 9LR

On behalf of

Mendoza Limited

RPS CgMs Ref: CH/22199

June 2016

Secure & Stable
ADDING VALUE

QUALITY MANAGEMENT

Prepared by:	Chris Hicks
Authorised by:	Chris Hicks
Date:	June 2016
Project Number/Document Reference:	22199

COPYRIGHT © RPS CgMs

The material presented in this report is confidential. This report has been prepared for the exclusive use of Mendoza Limited and shall not be distributed or made available to any other company or person without the knowledge and written consent of RPS CgMs.

CONTENTS

1	INTRODUCTION	1
2	SITE AND SURROUNDING AREA	2
3	THE PROPOSAL	3
4	PLANNING POLICY	6
5	MAIN MATTERS AT ISSUE	9
6	OTHER MATTERS.....	12
7	CONCLUSIONS	13

APPENDICES

1	Email from Case Officer 10.05.16
2	Appellant's Schedule of independent flats over A3/A4 uses
3	Albert Pub approval by Camden Council for independent flats above the pub
4	Licencing details
5	Fire regulation details
6	Appeal documents referred to in the officer's report

1 INTRODUCTION

- 1.1 This Statement sets out the Appellant's Case as to why this Appeal should be allowed. It describes the Proposal in detail and background as to how Planning Officers came to the delegated decision to refuse permission. It addresses the policy background against which determination of this appeal should be made including the presumption in favour of sustainable development and the need to provide more dwellings. It then debates what we consider to be the main matters at issue; and also other matters, including the Appeal decisions referred to by Officers in their report. Finally it summarises the Appellant's position.
- 1.2 By way of background the Inspector should be aware that this part of King's Cross is very much an area of change. From being a relatively poor area with small cheap hotels, bed and breakfast establishments, hostels and house in multiple occupation, and a known red light area; it is changing to become a more affluent residential area with large hotels and quality restaurants. This is in part due to the major regeneration that has occurred in the King's Cross Station area and prospective regeneration of Mount Pleasant.
- 1.3 Public houses like the subject premises are changing to reflect this new affluence. The Carpenter's Arms with its extensive ancillary upper floors, large areas of which are unused, represents a mix which no longer reflects today's needs. On the contrary, many public houses and similar outlets function successfully on the ground and basement only with a small kitchen; with the upper floors converted to provide much needed independent residential accommodation or offices.
- 1.4 The Statement should be read in conjunction with other documents prepared for this Appeal, namely:
- Viability report prepared by Lambert Smith Hampton, national advisors to the Licenced Trade which addresses reason for refusal no.1
 - Revised Noise report by KP Acoustics which addresses reason for refusal no. 2 from the technical perspective
 - Unilateral Undertaking, which specifically addresses reasons for refusal nos.3, 4 and 5. This will be submitted after validation of the appeal as the appeal reference number needs to be inserted into the document.
 - Drawing nos. PP 834/200 and PP 834/201 which shows how a kitchen can be practically accommodated into the ground floor if required.

2 SITE AND SURROUNDING AREA

- 2.1 The appeal premises are located at the corner of King's Cross Road and Frederick Street. They comprise a three storey plus basement, 19th century terrace public house. The ground floor is in bar use, with some picnic table seating on the street frontage – there is no garden area. The first floor comprises a commercial sized kitchen and the living room of the pub manager. Reference in the Planning Officer's report to the latter being an inactive function room are untrue - although historically this is what it might have been. The kitchen is mainly used by the pub manager for his domestic use.
- 2.2 There is no food offer to the general public although it is understood that use is made of the first floor kitchen for occasional functions held on the ground floor. The second floor provides four bedrooms and a bathroom. This accommodation is now just used by the pub manager, although historically it may have provided accommodation for more staff.
- 2.3 The upper floors can only be accessed from within the pub via a narrow and twisting staircase. This is totally unsuited to use by members of the public. The basement is used for storage. Whilst there are tables and chairs outside the alcohol licence does not extend to this area. The roof is conventional double pitch.
- 2.4 The premises form part of a similar height terrace with commercial uses on the ground floor and residential above which extends into Frederick Street and around to Acton Street to the north. Some of this residential is independently accessed – notably no. 109 which is over a restaurant and no. 111. The immediate area contains a number of late night takeaways and restaurants, hostels and hotels. King's Cross Road is a busy, noisy main road.
- 2.5 Most buildings in this terrace have a mansard roof including those immediately either side of the subject premises. In general mansard roofs are characteristic of the area.
- 2.6 The premises are not listed, nor locally listed and neither are the properties either side. The premises fall within the Bloomsbury Conservation Area. The shopfront is recognised as a shopfront of merit.
- 2.7 The premises are located in an area with a Public Transport Accessibility Level (PTAL) of 6b (Excellent). There is a cycle route on King's Cross Road.

3 THE PROPOSAL

3.1 The application form describes the development as:

Reconfiguration of internal spaces and addition of mansard to 105 King's Cross Road, WC1X 9LR to provide three new flats. New entrance to flats at street level.

3.2 The application was re-described by Camden as:

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

3.3 This is accepted as a more accurate description of the proposal.

3.4 Details of the proposal are as follows:

3.5 The ground floor area of the pub would be altered as follows:

- Repositioning the stage/darts platform to the area currently occupied by the internal staircase which gives access to the floors above and basement
- Using part of the area currently occupied by the stage/darts platform to provide a new staircase to the upper floors and new entrance at street level (using existing shopfront panels); and new (internal) access to the basement
- The net overall change in floorspace available to the public (including stage area would be plus 0.2sqm). The Design and Access Statement at page 12 is incorrect to say that there is a slight reduction in the pub area; there is in fact a slight increase.

3.6 The first floor kitchen and manager's lounge would be converted to a two bedroomed, three person flat. This floor would also include a communal store for five bikes. There would be additional floor joists and an acoustic floor; and new double glazed sash windows to match existing to the front elevation.

3.7 The second floor rooms would be refurbished to provide a three bed, four person flat. There would be additional floor joists and an acoustic floor; and new double glazed sash windows to match existing to the front elevation.

3.8 The existing roof void would be replaced with a flat topped mansard roof accommodating a three bed, four person flat, again with new floor joists, acoustic floor and double glazed sash windows.

3.9 There would be no change to the basement area save for a revised stairway access.

3.10 In summary, there would be an increase in the number of residential units from one (zero if the existing flat is strictly treated as A4 floorspace) to three, with the two additional units providing family sized accommodation; there would be no actual loss of pub floorspace

currently in use; and there would be general redecoration. There would be no need to close the pub whilst the works were in progress for more than one or two days.

3.11 The application was refused under delegated powers for the following reasons:

- 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, or prejudice the operation of the public house, due to noise disturbance, contrary to policy CS5 (Managing the impact of development) and CS10 (Supporting community facilities and services) 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) and policy DP15 (Community and leisure uses) 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.

3.12 Reasons for refusal 3, 4 and 5 refer to the absence of a legal agreement. A draft S106 Agreement was submitted to the Council, but was not progressed due to the in-principle opposition of Officers. That Agreement has now been converted into a Unilateral Undertaking (UU) upon which the Council Legal Officer has commented and this is now an agreed document. It is understood that this UU means that reasons for refusal 3, 4 and 5 can be formally withdrawn by the Council.

3.13 Note that the Officer's report at paragraph 5.5 states that.. "*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.*" Recent correspondence with the Case Officer (see **Appendix 1**), has confirmed that this is incorrect – there is no crossover. The requirement for a fee of £5000 actually relates to possible damage to the footway which could occur during construction. This has now been incorporated into the Unilateral Undertaking.

3.14 The Officer's report makes clear that the main justification behind reason for refusal number 1 relates to the loss of the first floor kitchen. The extent to which this is currently used is discussed later. Officers appear to accept that the loss of the lounge area is not critical to the decision, given that it has not been used by the public in recent years, and objectors do not specifically mention the wider community use of this area for public gatherings and events. Weight is attached to the apparent use of the kitchen when darts matches are being played.

3.15 Two further assertions are made that the qualitative offer will be reduced by virtue of: the relocated darts/music stage and the fact that employees would have to use the public area to access the basement. These matters are discussed in the report by LSH.

3.16 It is noted that on the decision notice submitted drawing JDD/CA-E1 is not listed. This shows the existing roof plan, but has actually been labelled Existing Site Plan, which might explain its absence. Further, drawing no. 512594/001/REV A is included but this is not a true reflection of the Existing Floor Plans (ground and first) which it purports to be. It is in fact the Licenced area. Drawings JDD/CA-E3 and E4 correctly show the full extent of the ground and first floor areas (and are properly included on the decision notice).

4 PLANNING POLICY

4.1 Whilst it is acknowledged that planning policy seeks to protect public house use, that is subject to a number of criteria. It is the Appellant's case that the Council have not properly applied those criteria, and have failed to give proper weight to planning policies which seek to increase residential accommodation and the presumption in favour of sustainable development.

National Planning Policy Framework (NPPF)

4.2 In relation to retention of pub floorspace the NPPF states:

70. 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 local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *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.*

4.3 In relation to increasing dwelling numbers the NPPF states:

47. To boost significantly the supply of housing.

49. Housing applications should be considered in the context of the presumption in favour of sustainable development.

51. Local planning authorities should identify and bring back into residential use empty housing and buildings...

London Plan 2015

4.4 The relevant part of the Plan in relation to retention of pubs states:

4.48.....The availability of accessible local shops and related uses meeting local needs for goods and services (including post offices and public houses) is also important in securing 'lifetime neighbourhoods' (see Policy 7.1) – places that are welcoming, accessible and inviting to everyone regardless of age, health or disability and which provide local facilities available to all.

4.48A *The Mayor recognises the important role that London’s public houses can play in the social fabric of communities (see also Policy 3.1B) and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value^[3] and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses.*

4.5 And in relation to increasing dwelling numbers:

Policy 3.3

The Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. . London Plan Policy 3.4 supports the intensification of residential areas taking into account the local context and character, design principles and public transport accessibility levels.

Camden Policies

Camden LDF Core Strategy 2010

4.6 The policies referred to in the reasons for refusal are:

CS10, the relevant part of which states:

The Council will:

f) support the retention and enhancement of existing community, leisure and cultural facilities; and

And CS5, which is a general protection of amenity policy.

Development Policies 2010 -2025 (Adopted 2010)

4.7 The policies referred to in the reasons for refusal are:

DP15 – Community and leisure uses, which states that:

..The Council will protect existing community facilities by resisting their loss unless:

c) a replacement facility that meets the needs of the local population is provided: or

d) the specific community facility is no longer required in its current use.

Under ‘Protecting community uses’, supporting paragraph 15.7 states that:

We will also 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.

- 4.8 DP26 and 28 are also listed and refer to general protection of amenity and noise/disturbance issues respectively.
- 4.9 With respect to the provision of more dwellings, Camden's Core Strategy Policy CS6 states that the Council will aim to maximise the supply of additional housing to meet or exceed a target of 8,925 homes from 2010-2025. Policy CS6 also states that the Council will regard housing as the priority land-use in the Borough.
- 4.10 Development Management Policy DP2 states that the Council will seek to maximise the supply of additional homes in the borough by expecting the maximum contribution to the supply of housing on sites that are underused. The Dwelling Size Priorities Table in Camden Council's Development Policies Document identifies a very high need for 2 bedroomed homes and a medium need for 3 bedroom and 4 bedroom or more homes in the Borough.
- 4.11 With regard to additional storeys and roof extensions Camden Planning Guidance Design states at 5.7 that:
- 4.12 Additional storeys and roof alterations are likely to be acceptable where:
- There is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape;
 - Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;
 - There are a variety of additions or alterations.

5 MAIN MATTERS AT ISSUE

Acceptability Amenity for Upper Floor Flats

- 5.1 The second reason for refusal makes reference to the unacceptability of all the proposed upper floor flats on amenity grounds, and the alleged prejudicial effect they will have on the future operation of the public house.
- 5.2 This fails to acknowledge the huge number of establishments in central London and elsewhere where this is precisely the arrangement. The Appellant themselves have secured permission on over 30 such premises, a selection of which are included in **Appendix 2**. In one of the Appeal decisions referred to by Officers in their report (the Sir Richard Steele), the Inspector accepted independent residential use above viz.*having considered the matters raised I conclude on balance the proposal would not cause a degree of harm to the living conditions of the proposed occupants that would justify the dismissal of the appeal.* (para.30).
- 5.3 Further, the Council themselves granted planning permission for conversion of the first and second floors of the Albert Pub, 11 Princess Road, NW1 8JR from ancillary public house use to independent flats, plus the erection of a mansard roof extension to create an additional flat in 2014 (See **Appendix 3**).
- 5.4 The Officer's report makes particular criticism of the submitted Noise report as it has *not made any reference to the current noise levels from within the ground floor bar or any possible future use of recorded/live music.*
- 5.5 The noise consultant's response to this comment was:
- Our assessment has actually taken into consideration noise levels which reflect a worst-case scenario compared to live music in a pub, as we have actually conducted in-situ tests by generating significant levels of pink noise (to simulate live music). Undertaking a noise survey within the flat during a live event is not the best way forward, as we will inherently measure extraneous sources of noise (traffic, sirens, etc.).*
- 5.6 To reflect this position the noise report has been updated (to 19th May 2016) and is submitted as part of this Appeal – section 7 has been largely rewritten (General Advice aside). Section 7 shows how the existing acoustic properties of the first floor were assessed, and thence the implication of applying a 'worst case source level of 90dB (A) to take into account a busy bar environment and live music' and a late opening bar. The noise consultants then set out the upgrade measures that need to be made to the intervening floors – these form part of the application.
- 5.7 On the basis that the first floor residential environment is acceptable, it follows that higher floors should also be acceptable. All intervening floors would have additional insulation as

well as new double glazed windows. Any new occupiers would purchase in the knowledge of the pub's existence.

5.8 Notwithstanding the above it should be borne in mind that many of the issues regarding potential noise and disturbance from the operation of the pub and patrons behavior are covered by the various licensing regimes. These are summarized in **Appendix 4**. Of note is the following:

13. Patrons shall be encouraged to leave the premises quickly and quietly

14. When taxis are ordered, patrons shall be requested to wait inside until the taxi arrives

15. Any patrons drinking in the external areas of the premises shall be requested to move inside at 23.00

20. All doors and windows shall be kept closed when music is being played

23. The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured 1 metre from any façade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 3dB as compared to the same measures, from the same position, and over a comparable period, with no entertainment taking place.

24. The unweighted equivalent noise level (Leq) in the 63Hz Octave band, measured using the 'fast' time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any 5 minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.

25. No sound emanating from the establishment should be audible within any noise sensitive premises between 23.00 and 07.00 hours.

Viability of Pub Use on Ground and Basement Levels

5.9 This is addressed in detail in the report by LSH. They make reference to:

- The large number of pubs that function solely on the ground and basement with no upper floor ancillary, specifically residential, accommodation (known as lock up pubs).
- This is an increasing trend with operators unwilling or unable to afford the cost of providing ancillary residential accommodation
- The small size of the ground floor bar area at the appeal premises. From a viability point of view it would be difficult to justify anything more than a limited food offer at lunchtime and hence a large kitchen is not required; that is likely to be the main reason why the current kitchen is not generally used, including staff costs. Diners take up more space than vertical drinkers; the latter will be the key source of revenue for such a small bar area. The two groups do not work together well.

- Whilst the Pakenham Arms has closed following refurbishment, the ground and basement remain vacant and on the market for a new tenant. Unlike the Appeal premises the Pakenham Arms is not located in a commercial area and has low footfall.

Loss of Function Room

5.10 The function room has not been used for many years. It is not part of the area licenced for the consumption of alcohol because it cannot be easily accessed. The only access is via a narrow and twisting staircase from the bar area. This does not comply with modern Fire Regulations because there is no alternative means of escape; and because of the restricted width of the staircase, steepness of treads, risers, lengths and size of landings. See **Appendix 5** for more details on this matter.

Loss of Kitchen Area

5.11 The loss of the first floor kitchen has been identified by Officers in their report as being the single most important contribution leading to reason for refusal number 1. This is notwithstanding the fact that there is no sale of food to the public. The Appellant's Pub Viability expert provides evidence in his report that there are hundreds of A4 outlets thriving without the need for a large kitchen.

5.12 Notwithstanding that evidence; it is clear that a kitchen and/or preparatory area could be re-provided on the ground floor (or in the basement). The Appellant's architect's have investigated the practicality of a kitchen at the rear of the bar area. Their drawings PP 834/200 and PP 834/201 show how a kitchen could be accommodated in space currently occupied by toilets; with the main toilets relocated to the basement, leaving an accessible toilet on the ground floor (none currently exists). Alternatively a kitchen could be created in the ample basement space with a dumb waiter to the bar area.

5.13 The Appellant would be prepared to accept a condition to any permission that a kitchen/preparatory area be re-provided to a design to be approved by the local planning authority.

Internal Re-organisation

5.14 It is not generally the purpose of the Planning system to control the particular modus operandi of the actual use; that is a matter for the owner and operator having regard to changing consumer preferences.

5.15 However having regard to the relocated darts/music stage and use of the public area to access the basement, the LSH Expert comments that there is no loss of overall bar space available to the public, and the relocation may help to make more intensive use of the basement area.

6 OTHER MATTERS

- 6.1 The Officer' report makes it clear that the proposal is acceptable in all other respects. However, we would make the following comments:

Mansard Roof

- 6.2 There is policy support for this in principle given the other adjacent mansards and use of mansards in the area generally. It is flat topped to ensure that the overall height only marginally exceeds that of its neighbours; and does not require the need to raise the chimney heights. In any event some increase in prominence is appropriate given the premises corner location. The window patterns align with those below, but are smaller in size ensuring an appropriate hierarchy. Further details are provided in the Design and Access Statement.

Floor Sizes

- 6.3 The Officer's report claims that there is a slight under-provision in flat sizes against national standards. However I am assured by the Architect that the figures in the D & A are correct and are based on a measured survey, excluding floorspace where the floor to ceiling height is less than 1.5m. Further all the flats are double aspect. As this is a converted property it is often difficult to achieve full compliance with standards that are aimed at new build.

Other Appeal Decisions

- 6.4 The Officer's report makes reference to three appeal decisions involving the loss of ancillary pub floorspace and it is claimed that these support the first reason for refusal. However upon closer examination it is apparent that the circumstances are very different, as follows:
- 6.5 The Sir Richard Steele involved the loss of an active first floor and beer garden (the Inspector accepted that independent residential above would be satisfactory – see paragraph 30). The Black Cap involved the loss of active first and second floors, reduction from two to one community space, and loss of an outdoor terrace – but the main reason for dismissal of the appeal was inadequate amenity conditions for the new residents above. The Golden Lion involved loss of an active first floor and compromise to the ground floor area.

7 CONCLUSIONS

7.1 Our conclusions are as follows:

1. The amount of floorspace in A4 use open to the public remains unchanged.
2. The function room on the first floor has not been used as such for many years. It is currently used as a lounge by the Pub Manager. It cannot be safely accessed by the public in accordance with modern Fire Regulation standards.
3. The ground floor provides a relatively small area for public use. The first floor kitchen is too large to serve the number of patrons that can viably be accommodated on the ground floor. Only a limited food offer could be justified. If a kitchen is required it can be re-provided on the ground floor or in the basement with a dumb waiter linked to the bar. An adequate storage area remains.
4. Accordingly for reasons of viability and practicability the first floor can no longer be used as part of the pub. This therefore meets criteria (c) and (d) of DP15 of the Council's Development Policies allowing loss of ancillary pub accommodation.
5. It is not at all unusual to have no ancillary residential accommodation. Indeed this is the direction in which the licenced trade has been moving for many years.
6. It is not at all unusual to have independent residential accommodation above a pub. The technical noise analysis carried out by the Appellant's consultants show compliance with the relevant standards. Decisions by both the Inspectorate and Camden have approved such development. The licencing regime also protects residential amenity.
7. Future residents will take into account operation of the pub and the character of the surrounding area being dominated by noise from King's Cross Road and late night activities before committing to purchase.
8. The minor internal changes to the bar layout should make no difference to the functional viability of the pub.
9. The appeal decisions referred to in the Planning Officer's report are for materially different proposals to that subject of this Appeal. For example they involved loss of an active pub garden or terrace; and active upper floor ancillary areas open to the public.
10. The proposal would provide three new residential units in a borough where policy seeks to 'maximise' provision; and in a city where there is a 'pressing' need for more units. Furthermore there is a very high need for two bed units and a medium need for three bed units.

11. The mansard design meets the Council's design criteria.

12. The Unilateral Undertaking properly addresses reasons for refusal three to five.

Accordingly this Appeal should be allowed.

APPENDIX 1 - EMAIL FROM CASE OFFICER 10.05.16

From: [Gracie, Ian](#)
To: [Christopher Hicks](#)
Cc: [Konrad Romaniuk](#)
Subject: RE: Carpenter's Arms, 105 King's Cross Road. Planning Application Ref. 2016/0759/P. Conversion of upper floors to residential etc.
Date: 10 May 2016 13:46:56

Dear Christopher,

Thanks for your email. You rightly point out an inaccuracy in my report. It should read:

"The footway directly adjacent to the site could be damaged significantly as a direct result of the proposed works. Such works would require a financial contribution secured via a Section 106. The figure for the associated works would be £5,000."

Regards,

Ian Gracie
Planning Officer

Telephone: 02079742507



You can [sign up](#) to our new and improved planning e-alerts to let you know about new planning applications, decisions and appeals.

From: Christopher Hicks [mailto:chris.hicks@cgms.co.uk]
Sent: 10 May 2016 10:40
To: Gracie, Ian
Cc: Konrad Romaniuk
Subject: Carpenter's Arms, 105 King's Cross Road. Planning Application Ref. 2016/0759/P. Conversion of upper floors to residential etc.

Hello Ian. You dealt with this planning application which was refused last month. We have been instructed to lodge an appeal. I am going to ask our Lawyers to alter the draft S106 to a Unilateral Undertaking. At 5.5 of your report (attached) you say:
.....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.

When I visited the site I could not see an existing crossover. (photo attached). Can you clarify this requirement please. Thanks.

Christopher Hicks
Director - RPS CgMs

140 London Wall,
London, EC2Y 5DN.
United Kingdom

Tel: +44 (0) 20 7583 6767

Direct: +44 (0) 2078 321474

Mobile: +44 (0) 7976 782433

Email: chris.hicks@cgms.co.uk
www: www.cgms.co.uk

This e-mail message and any attached file is the property of the sender and is sent in confidence to the addressee only.

Internet communications are not secure and RPS is not responsible for their abuse by third parties, any alteration or corruption in transmission or for any loss or damage caused by a virus or by any other means.

RPS Planning and Development Limited, company number: 02947164 (England). Registered office: 20 Western Avenue Milton Park Abingdon Oxfordshire OX14 4SH.

RPS Group Plc web link: <http://www.rpsgroup.com>

This e-mail may contain information which is confidential, legally privileged and/or copyright protected. This e-mail is intended for the addressee only. If you receive this in error, please contact the sender and delete the material from your computer.

APPENDIX 2 - RESIDENTIAL OVER A3 / A4 USES



Appendix 2

List of Sites Converted for Self-Contained Residential Use above A3/A4

PLANNING HISTORY

CONTENTS

APPENDIX 2.1 – THE SURPRISE PUBLIC HOUSE

APPENDIX 2.2 – THE PEACOCK BAR

APPENDIX 2.3 – 286 CLUB

APPENDIX 2.4 – SOUTH LONDON PACIFIC

APPENDIX 2.5 – THE OLD JUSTICE

SUMMARY OF NOTICES

Name/Address of Venue	Description of Approved Development	Decision Notice Number and Date	Comments
<p><u>Appendix 2.1</u> <u>The Surprise Public House</u> 110 Vauxhall Bridge Road, London SW1V 2RQ</p>	<p>Retention of the existing public house at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide 8 flats (E3 x 1 bed, 2 x 3 bed) with associated rear extensions at first and second floor levels, and external alterations including new windows to rear elevation, creation of an entrance door at ground floor level, and installation of wall lighting and entry system.</p>	<p>No. 15/09678/FULL Date: 05.04.2016</p>	
<p><u>Appendix 2.2</u> <u>The Peacock Bar</u> 146-148 Falcon Road, Clapham, Junction, London SW11 2LW</p>	<p>Construction of a mansard roof extension to the existing building to enable the creation of two new 2 bedroom 4 person flats at 146-148 Falcon Road, SW11 2LW.</p>	<p>No. 2015/7628 Date: 16.03.16</p>	<p>See officers report extract (page 1) for confirmation that the ground floor is in pub use.</p>
<p><u>Appendix 2.3</u> <u>286 Club</u> 286 Lewisham High Street, London SE13 6JZ</p>	<p>The construction of extensions to the rear at first, second and third floor (attic) levels, incorporating two dormer windows and the conversion of the first, second and third floors of 286 Lewisham High Street SE13, to provide 4 one bedroom and 1 two bedroom self-contained flats, together with alterations to the front and rear elevations.</p>	<p>No. DC/12/82083 Date: 19.12.2013</p>	<p>See officers report extract (page 3) for confirmation that the ground floor is in pub use.</p>

<p><u>Appendix 2.4</u> <u>South London Pacific</u> 340 Kennington Road, London SE11 4LD</p>	<p>Erection of a two-storey front/side extension at first floor level and a single-storey rear extension at first floor level to facilitate the change of use of upper floors of the building to 3 self-contained flats (1x3 bedroom, 1x1 bedroom, 1x studio flat) and associated external alterations including installation of a cycle and refuse/recycling storage on the flat roof at the rear (first floor level)</p>	<p>No. 14/02731/FUL Date: 22.01.15</p>	<p>See officers report extract (para 1.2 and para 5.7) for confirmation that the ground floor is in pub use.</p>
<p><u>Appendix 2.5</u> <u>The Old Justice</u> 94 Bermondsey Wall East, London SE16 4TY</p>	<p>Conversion and extension of an existing building named 'The Old Justice', including the retention of the existing public house at basement and ground floor levels with exterior amenity beer garden, and 5 residential units</p>	<p>No. 15/AP/2622 Date: 07.09.15</p>	



**APPENDIX 2.1 – THE SURPRISE PUBLIC HOUSE
DECISION NOTICE**



Your ref: 110 Vauxhall Bridge Road

My ref: 15/09678/FULL

**Please
reply to:**

Tel No:

Ian Corrie

020 7641 1448

Ms Nicola Dale
Black Architecture
63 Lambeth Walk
London
SE11 6DX
United Kingdom

Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

5 April 2016

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE

Application No:	15/09678/FULL	Application Date:	16.10.2015
Date Received:	16.10.2015	Date Amended:	16.10.2015
Plan Nos:	001 Rev.A; 109 Rev.A; 110 Rev.A; 111 Rev.A; 112 Rev.A; 113 Rev.A; 115 Rev.B; 300 Rev.A; 200 Rev.A; 201 Rev.A; 202 Rev.C; 203 Rev.C; Report 12101.NIA.01 Rev C dated 8 February 2016; Design and Access Statement dated October 2015;		
Address:	110 Vauxhall Bridge Road, London, SW1V 2RQ,		
Proposal:	Retention of the existing public house at part basement and part ground floor levels. Use of first and second floors and new roof extension to provide 8 flats (6 x 1 bed, 2 x 3 bed) with associated rear extensions at first and second floor levels, and external alterations including new windows to rear elevation, creation of an entrance door at ground floor level, and installation of wall lighting and entry system.		

See next page for conditions/reasons.

Yours faithfully

John Walker
Director of Planning 

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings; of the following parts of the development;
- (a) New windows, dormers and doors (at a scale of 1:5)
(b) Overall profile of extensions (at a scale of 1:20)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must not paint any outside walls, except where already painted without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Vincent Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 Prior to the occupation of the residential flats, details shall be submitted of a scheme of ventilation to be installed, to prevent overheating with the windows closed, demonstrating compliance to at least the Overheating Standard of CIBSE Guide A (2006), Specifically;
- i) for living rooms, less than 1% of occupied hours are over an operative temperature of 28 degrees C;
- ii) for bedrooms, less than 1% of occupied hours are over an operative temperature of 26 degrees C.

Reason:

To safeguard the amenity of residential occupiers of the development as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 10 The development shall not commence until we have agreed appropriate arrangements to secure the following:
- i) Means of limiting the noise levels from any musical or sound amplification system used within the public house premises to ensure that there is no noise nuisance caused to local residents or businesses
- ii) Means of mitigating the increased demand for on-street car parking generated by residents of the development

You must only occupy the Class A4 public house premises in accordance with the arrangements approved pursuant to part i) above and you must only occupy the residential flats in accordance with the arrangements approved pursuant to part ii) above. Please refer to Informatives 9, 10 and 11 of this decision for further advice.

Reason:

To ensure that development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development as set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76 and to protect the general environment of people living in neighbouring properties as set out in TRANS21 and TRANS23 of our Unitary Development Plan that we adopted in January 2007.

- 11 You must apply to use for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential accommodation and public house. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 12 No development shall take place, including any works of demolition, until a construction logistics management plan for the proposed development has been submitted to the Council and approved in consultation with Transport for London.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment for the public house (Class A4). No development shall take place until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 15 Customers shall not be permitted within the Public House premises before 09:00 hours or after 23:30 hours Monday to Thursday, before 09:00 hours and after 00:00 hours Friday to Saturday and before 12:00 hours and after 23:00 hours on a Sunday.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 17 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 18 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 19 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 20 You must apply to us for approval of a delivery and servicing management plan for the public house use (Class A4) and residential flats. You must not use the part basement and part ground floor for Class A4 use as shown on the approved plans and the first to third floors for residential use until we have approved in consultation with Transport for London what you have sent us. Thereafter you must carry out the work according to the approved plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 21 The public house located at part basement and part ground floor levels as shown on drawings 109 Rev.A and 110 Rev.A shall only be used as a public house within Class A4 of the Town and Country Planning (Use Classes) Order 1987 as amended april 2015 (or any equivalent class in any order that may replace it).

Reason:

The loss of a public house would be contrary to S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS8 of our Unitary Development Plan that we adopted in January 2007.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- 22 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





**APPENDIX 2.2 – THE PEACOCK BAR
DECISION NOTICE AND EXTRACT FROM OFFICER’S REPORT**



Milan Babic Architects
Bickels Yard
151B Bermondsey Street
London
SE1 3UW

Wandsworth Council

Housing and Community Services Department
The Town Hall Wandsworth High Street
London SW18 2PU

Telephone: 020 8871 6000
Direct Line: 020 8871 7709
Fax: 020 8871 6003
Email: planning@wandsworth.gov.uk
www.wandsworth.gov.uk

Our ref: 2015/7628
Date: 16 March 2016

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT (Community Infrastructure Levy (CIL) Liable)

The Council, in pursuance of its planning powers, hereby permits the development referred to in the schedule below in accordance with the plans submitted and subject to the conditions set out therein.

Your attention is drawn to the General Information and to the Statement of Applicant's Rights enclosed, and to the informative(s) at the end of this decision notice relating to liability to pay the Community Infrastructure Levy.

SCHEDULE

APPLICATION NUMBER: 2015/7628

LOCATION: 146-148 Falcon Road SW11 2LW

DESCRIPTION: Construction of a mansard roof extension to the existing building to enable the creation of two new 2 bedroom 4 person flats at 146-148 Falcon Road, SW11 2LW

DRAWING NOS: 295-001 Existing Basement Plan; 295-002 Existing Groundfloor Plan; 295-003 Existing First Floor Plan; 295-004 Existing Second Floor Plan; 295-005 Existing Roof Plan; 295-006 Existing Side Elevation and Section B-B; 295-007 Existing Front and Rear Elevations; P858/001 Proposed Basement Plan; P858/002 Proposed Groundfloor Plan; P858/003 Proposed First Floor Plan; P858/004 Proposed Second Floor; P858/005 Proposed Third Floor Plan; P858/006 Proposed Roof Plan; P858/007 Proposed Front Elevation (Falcon Road); P858/008 Proposed Side Elevation (Grant Road); P858/009 Proposed Rear Elevation; P858/010 Proposed Side Elevation; P858/001 Proposed Section A-A; Planning Statement; Flood Risk Assessment

CONDITIONS AND REASONS:

- 1 The development shall be carried out in accordance with the approved drawings and specifications, unless approved otherwise in writing by the local planning authority.
To ensure a satisfactory standard of development, and to allow the local planning authority to review any potential changes to the scheme.
- 2 The works shall be begun not later than three years from the date of this consent.
To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3 The development permitted by this planning permission shall only be carried out in accordance with approved Flood Risk Assessment (FRA) prepared by ARK Environmental Consultancy Ltd
Reason: to reduce the risk of flooding to the proposed development and future occupants, in accordance with Council Policy DMS5
- 4 No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures to mitigate the construction traffic effects, and shall include specific details for:
 - a. The control of construction noise and vibration during hours of noisy activities (noise levels to be limited to those predicted in the Environmental Statement (April 2014) and Environmental Statement Addendum (September 2014);
 - b. A construction waste and material management, transportation and disposal strategy, including construction delivery booking and construction vehicle holding arrangements for maximising the use of the river for material delivery where feasible
 - c. Construction traffic routing through the area, including details of signage;
 - d. a low emission strategy for construction traffic and machinery
- 5 The external materials to be used in the approved development shall match those of the existing building.
In the interest of the appearance of the development, in accordance with Council policy DMS1.
- 6 Community Infrastructure Levy (CIL): From the information available, it appears that the development permitted is subject to a Community Infrastructure Levy charge in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). You or the relevant interested parties are required to provide the Council with the information set out in the Regulations. The process for the collection of CIL includes:
 - the requirement to complete an "Assumption of Liability" form as soon as possible;
 - to claim charitable exemption, social housing relief, self-build exemption or residential annex/extension exemption you or the relevant interested party must complete the correct claim formThe Council will issue a Liability Notice(s) which details the charges due. As soon as the developer, landowner or other interested party(ies) is aware of the date when development is going to start they must also submit a "Commencement Notice".
Failure to comply with the Regulations, including failure to complete the forms when required or providing inaccurate information can lead to surcharges,

invalidate claims for relief or exemption from the charge, or other penalties as set out in the Regulations.

General information on the Community Infrastructure Levy, including the forms mentioned above can be found on the Planning Portal (www.planningportal.gov.uk).

Details of the Mayoral CIL can be found on the GLA and TfL websites (www.london.gov.uk and www.tfl.gov.uk).

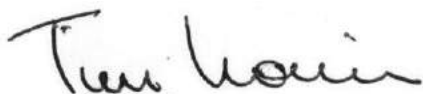
The Assumption of Liability Form, Claiming of Exemption or Relief Forms and Commencement Notice must be sent to:

Community Infrastructure Levy
Environment and Community Services
Wandsworth Council
Town Hall
London
SW18 2PU

cil@wandsworth.gov.uk

Fax: 020 8871 6003 (marked FAO CIL)

- 7 Any assessment of CIL liability by the Council has been based on the information provided. Where the calculation of CIL liability includes taking account of the existing use of a building, CIL liability may change if the information provided in relation to the existing use(s) of buildings is not still current at the time of the decision which first permits development. This date will be the latest date of either: the date of this permission; the approval of the last pre-commencement condition associated with a phase of a phased planning permission; or for a phase of an outline permission granted in phases the date of permission of the last reserved matter or pre-commencement condition associated with that phase.
- 8 In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive manner and the Council has, as far as practicable, sought solutions to problems arising in relation to dealing with the planning application. We have made available detailed advice in the form of our statutory policies in the Local Plan consisting of the Core Strategy, Development Management Policies Document, Supplementary Planning Documents and where appropriate the Site Specific Allocations Document as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant during the processing of the application.



Tim Cronin,
Assistant Director (Planning and Development)

Date:	14/03/2016		
Item No.	Delegated		
Site Address:	146-150 Falcon Road SW11 2LW		
Application Number:	2015/7628	Date Validated:	04/01/2016
Ward:	Latchmere	Officer:	Kate Randell
Application Type	Application for Full Permission		
Proposal:	Construction of a mansard roof extension to the existing building to enable the creation of two new 2 bedroom 4 person flats at 146-150 Falcon Road, SW11 2LW		
Recommendation Summary:	Approve with Conditions		

SITE DETAILS:

The application relates to a pair of semi-detached buildings set apart from the rest of the Western side of Falcon Road by routes providing access to the bus station to the west of the properties. Both properties have already undergone extensions at roof level to provide flat accommodation. The ground floor contains a pub/restaurant and a fast food takeaway with ancillary offices and while 4 flats occupy the two floors above.

The building is constructed from yellow stock brick with refurbished render. The existing mansard roof slope is made of natural slate.

The site is located within the safeguarding limits and area of surface interest of Cross Rail 2 (currently under consultation by TfL).

CONSTRAINTS:

Clapham Junction Town Centre
Land on the corner of Grant Road and Falcon Road, SW11
High flood risk zone
Flood Zones Medium Risk

RELATED PLANNING APPLICATIONS:

2013/0044 – Construction of a mansard roof extension and rear extension at first floor level, in connection with use of upper floors as 4 self contained flats (3 x 1-bed, 1 x 2-bed). Approved with conditions 30/05/2013.

2015/5058 – Installation of an extract flue to the rear elevation. Approved with conditions 17/11/2015.

APPLICATION DETAILS:

Proposed Dwellings (Gross) by Tenure and Size

Tenure	Unit Size					Total
	Studio	1 bedroom	2 bedroom	3 bedroom	4+ bedroom	
Market			2			2

Tenure	Unit Size					Total
	Studio	1 bedroom	2 bedroom	3 bedroom	4+ bedroom	
Social Rent						0
Intermediate						0
Total	0	0	2	0	0	2

Proposed Floorspace by Use

Use	Floorspace sq ms GIA		
	Existing	Proposed	Net
Market Housing	232m ²	160m ²	394m ²
Social Housing			0
Office (A2, B1)			0
Retail (A1, A3-A5)	160m ²		160m ²
Education or Health			0
Other			0
Total	392m ²	160m ²	554m ²

The applicant proposes to construct a Mansard roof extension to the existing building to enable the creation of two new 2 bedroom 4 person flats at 146-148 Falcon Road.

The roof extension would be set behind the existing parapet across the width (19.6 metres) and depth (11.2 metres) of the property. The extension would be constructed from natural slate tiling. Rooflights are proposed where appropriate to provide natural light into the flats.

All materials used will match the existing building.

It is proposed the area of roof extension is used as 2 self contained flats (2 x 2-bed). Flat A is 80m² in area and Flat B will be 82m² in area. Access to the flats will be via the existing entrance in the rear corner of the building facing Grant Road. An extended staircase is proposed to access the Mansard floor from the existing second floor level. Secure bicycle storage facilities have been proposed in the flats owing to the existing site conditions and lack of space within the building.

The existing refuse facilities onsite will be used by the new flats.

Community Infrastructure Levy Estimate

The Mayor's Community Infrastructure Levy (CIL) was adopted on 1st April 2012 and the Council CIL was adopted 1st of November 2012. This application is considered to be CIL liable as the proposed new residential floor area would cover an area greater than 100m². The estimated amount of Mayoral CIL for this development is £8,100.00 and the estimated amount of Wandsworth CIL for this development is £40,500. The actual amount of CIL can only be confirmed once all relevant details are approved and any relief claimed.

CIL Estimate	
Mayoral	Borough
£8,100	£40,500

CONSULTATION:

Number of letters sent	214
Site Notice	1
Press Notice	N/A
Number of responses received	1
Number of objections	0
Number of comments	1
Number of letters of support	0

Consultation Summary

One response was received from a neighbouring stating:

'No objection in principle, but not quite sure how one can comment on planning for a roof extension when it looks like it has already been completed at least to an external view'.

No other comments or objections were received by neighbours.

Statutory Consultation

Wandsworth Local lead Flood Authority	Raised no objection to the proposal.
TfL Cross Rail	Raised no objection to the proposal
TfL	No comments to make on the application
Wandsworth Transportation Team	<p>'Consequently, there are no objections from the highway and transportation viewpoints, subject to the conditions that the applicant shall:</p> <ol style="list-style-type: none">1. Submit a scheme for the provision of 2(two) Sheffield cycle racks providing 4(four) cycle parking spaces, which must be enclosed within a secure shelter, for approval.2. Submit a construction management plan for approval.' <p>Officer response: Comments noted. Condition regarding construction management plan to be added to approved planning permission. It should be noted that cycle parking is proposed.</p>

RELEVANT PLANNING POLICIES:

National Planning Policy Framework (NPPF) (March 2012).

London Plan (Adopted March 2015 – Consolidated with alterations since 2011):

1.1 (Delivering the strategic vision and objectives for London); 2.1 (London in its global, European and United Kingdom context); 2.2 (London and the wider metropolitan area); 2.9 (Inner London); 2.14 (Areas for regeneration); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of housing developments); 6.4

(Enhancing London's transport connectivity); 6.9 (Cycling); 7.3 Designing out crime; 7.4 (Local character); 7.6 (Architecture); 7.13 (Safety, Security and Resilience)

London Plan Supplementary Planning Guidance (SPG)

Draft Interim Housing (2015)

Following publication of the [National Planning Policy Framework](#) (NPPF) 2012 and the [London Plan](#) 2011, a review of the Council's Development Plan Documents was carried out. The Council undertook further consultation on the changes included in the 2nd Proposed Submission Version documents between 17 October and 28 November 2014. The revised documents were submitted to the Secretary of State for Examination on 12 March 2015. The Council has agreed that the October 2014 2nd Proposed [Submission Version](#) of the Local Plan documents will be a material consideration when determining planning applications.

Core Strategy (adopted October 2010) and Core Strategy 2nd Proposed Submission Version (October 2014):

PL1 (Attractive and Distinctive neighbourhoods and regeneration initiatives); PL2 (Flood Risk); PL5 (Provision of new homes); PL8 (Town and Local Centres); PL13 (Clapham Junction and the adjoining area); IS1 (Sustainable Development); IS3 (Good quality design and townscape); IS5 (Achieving a mix of housing including affordable housing).

Development Management Policies Document (DMPD - adopted February 2012) and Development Management Policies Document (DMPD) - 2nd Proposed Submission Version (October 2014):

DMS1 (General development principles); DMS3 (Sustainable Design and low-carbon energy); DMS5 (Flood risk management); DMH4 (Residential development including conversions); DMH5 (Alterations and extensions); DMH6 (Residential Space Standards); DMH7 (Residential Gardens and amenity space); DMTS1 (Town Centre Development Uses); DMT1 (Transport impacts of development); DMT2 (Parking and servicing).

Wandsworth Supplementary Planning Documents (SPD)

Housing (2015)

Site Specific Allocations Document

4.1 (Area Spatial Strategy for Clapham Junction); 4.1.4 (Land on the corner of Grant Road and Falcon Road, SW11).

PLANNING CONSIDERATIONS:

The main considerations material to the assessment of this application have been summarised as follows:

Principle of Development

The London Plan promotes high quality design that maximizes the potential of sites whilst respecting the local context. In the assessment of a planning application the Council will place greater emphasis on the quality of the environment to be created and the compatibility of the proposal within the existing character of the area.

The site is within the area covered by the SSAD for land on the corner of Grant Road and Falcon Road which is allocated for mixed use development including residential. The SSAD suggests that town centre uses should be located on the southern half of the site as the northern half of the site is outside the town centre boundary and will be more suitable for residential use. The applicant would retain the Pub/restaurant and takeaway uses at groundfloor level which is considered to be a town centre use. The principle of the development is considered acceptable.

Design

The design of the mansard roof extension follows the profile of the existing mansard roof balancing the semi-detached pair. The bulk and massing of the extension is considered appropriate and the fenestration proposed matches the existing building.

The design of the mansard is considered to be acceptable and appropriate to the semi-detached pair. A condition will be imposed to ensure the materials used in construction match the existing building.

Standard of Accommodation

The size of the two additional units meets the space standards for 2 bedroom 4 person units as set out in the London Plan Housing Supplementary Planning Guidance (SPG) and Housing SPD. The units do not have any outdoor amenity space provided however given the site constraints and the adjacent open space (Falcon Glade) this is considered acceptable. The proposed units will be dual aspect.

The applicant does not propose any additional refuse storage. Refuse from the two additional flats will be stored in the existing refuse store. This is acceptable.

Amenity Impact

The proposed roof extension and creation of two additional flats is not considered to demonstrably harm the amenity of surrounding properties given the separation of the site to properties to the west, north and north-east.

Highways and Transportation

Given the proximity of the site to the town centre and the Clapham Junction railway station, the lack of parking spaces for the two units is considered acceptable. The applicant proposes cycle storage in each flat. Whilst not the desired situation, given the extent of the existing building to each corner of the site there is no potential to incorporate cycle provision at ground level within the site. In this case the under-provision of secure cycle parking spaces is considered not to warrant refusal of the application.

The proposal site is located within the safeguarding limits and area of surface interest of Cross Rail 2. TfL has been consulted on the proposal in accordance with 'Safeguarding Directions for Development Affecting the Route and Associated Works Proposed by Transport for London for the Crossrail 2 Rail Project; Wimbledon to New Southgate; Stoke Newington to Tottenham Hale; Shoreditch Park to Hackney Central'. TfL raised no objection to the proposed development.



**APPENDIX 2.3 – 286 CLUB
DECISION NOTICE AND EXTRACT FROM OFFICER’S REPORT**



Planning Service
Laurence House
1 Catford Road
London SE6 4RU

Mr Law
AK Law
15 Springbridge Mews
Ealing
London
W5 2AB

Direct Line: 020 8314 7400
Fax: 020 8314 3127
Email: Planning@lewisham.gov.uk
Date: 19 December 2013
Property Ref: LE/152/286/TP
Our Ref: DC/12/82083

Dear Mr Law,

**PERMISSION FOR DEVELOPMENT
Town and Country Planning Act 1990 (as amended)**

Notice is hereby given that the London Borough of Lewisham, in pursuance of its powers as local planning authority under the above Act, Regulations, Rules & Orders made thereunder, permits the development referred to in the Schedule below subject to the conditions set out therein and in accordance with the application and plans submitted, save in so far as may otherwise be required by the said conditions.

Your attention is drawn to the Statement of Applicant's Rights endorsed overleaf.

The grant of planning permission does not relieve developers of the necessity for complying with any local Acts, Public Health Acts & Regulations, Building Acts & Regulations and general statutory provisions in force in the area or modify or affect any personal or restrictive covenants, easements, etc applying to or affecting either the land to which the permission relates or any other land, or the rights of any person or authorities (including the London Borough of Lewisham) entitled to the benefit thereof or holding an interest in the property concerned in the development or in any adjoining property. In this connection applicants are advised to consult the Highways and Transportation team as to any works proposed to, above or under any carriageway, footway or forecourt. Your particular attention is drawn to the Building Acts & Building Regulations which must be complied with to the satisfaction of approved Building Control Inspectors.

SCHEDULE

Application Valid Date: 21 January 2013

Application No: DC/12/82083

Development: The construction of extensions to the rear at first, second and third floor (attic) levels, incorporating two dormer windows and the conversion of the first, second and third floors of 286 Lewisham High Street SE13, to provide 4 one bedroom and 1 two bedroom self-contained flats, together with alterations to the front and rear elevations.

C O N D I T I O N S

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
299-A3-1000, JDD/LHS-E1, E2, E3, E4, E5, E6, E7, E8 Existing side elevation (North), E8 Existing Side Elevation (South) and E10 and 299-A1-001, Design Statement, Energy and Sustainability Statement, Flood Risk Assessment, (received 24/4/13), 002 RevA (received 24/4/13), 003 RevA (received 24/4/13), 004 RevA (received 24/4/13), 005 RevA (received 24/4/13), 006 RevA (received 24/4/13), 007 RevA (received 24/4/13), 008 RevA (received 24/4/13), 009 RevA (received 24/4/13) & 010 RevA (received 24/4/13) and Demolition Statement (received 10/10/13).

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) The measures proposed to maintain a clear vehicular thoroughfare on the access road leading onto Whitburn Road.
 - (ii) The key dimensions of the access road leading onto Whitburn and the dimensions of the construction waste vehicles and other necessary vehicles to carry out the construction works.
 - (iii) A swept path analysis for vehicles entering and exiting the access road onto Whitburn Road.
 - (iv) Rationalise travel and traffic routes to and from the site.
 - (v) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (vi) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

4. (a) No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sound insulation against airborne noise to meet $D_{nT,w} + C_{tr}$ dB of not less than 55 for ceilings where the proposed residential uses adjoin the ground floor commercial unit shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

5. (a) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:5, 1:10 and 1:20 (as appropriate) showing details of all new windows, reveals, lintel detailing, arches and cills have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

6. No development shall commence on site until a detailed schedule and specification of all new facing materials, roof materials and windows have been submitted to and approved in writing by the local planning authority, including samples of facing bricks, which shall be provided on site. The development shall not be carried out otherwise than in accordance with any such approval given. Any works of making good shall be carried out in materials to match the existing.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

7. (a) No development shall commence on site until full particulars including drawings and sectional details at a scale of 1:10 or 1:20 showing the alterations to the shop front have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be constructed in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

8. (a) Notwithstanding the drawings hereby approved, development shall not commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

9. (a) A minimum of 5 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

10. The replacement windows in the front elevation shall be timber, double-hung sash windows, details of which, including drawings at a scale of 1:20 shall be submitted to and approved in writing by the local planning authority prior to the start of work on site. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

11. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building and no flues or ducting shall be installed within the front elevation of the building.

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

12. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the ground floor flat roof area of the building shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

13. Notwithstanding the information submitted, no development (including any works of demolition) shall commence on site until a demolition statement and methodology for the retention and protection of the front facade has been submitted to and approved in writing by the local planning authority. The

demolition statement shall include the following:

- (i) A description of the extent and sequencing of demolition works;
- (ii) A methodology as to how the front facade would be retained, supported and protected throughout the demolition and construction phase.

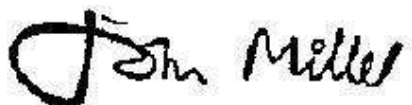
The works shall be carried out in full accordance with the details approved.

Reason: In order that the local planning authority may be satisfied that the demolition works are limited to those set out in the permitted scheme and is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 16 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy, Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

I N F O R M A T I V E S

- A. You are advised that the application granted is subject to the Mayoral Community Infrastructure Levy ('the CIL'). More information on the CIL is available at: - <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- B. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquires and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- C. The applicant is advised that restoration works to the front of the application building or alterations to the shop front may require planning permission.
- D. Please be advised that permission is required from Transport for London if circumstances change during the construction works and it becomes necessary to erect scaffolding or hoardings or any other structures or obstructions on the Transport for London Road Network including the footway. Please also be reminded of the need to comply with the red route parking, waiting and loading restrictions during implementation works and once the development is occupied.

Yours sincerely



Head of Planning

Time Limit Expires: 18 March 2013
Application No: DC/12/82083
Delegated / Committee

Fast / Normal: Not Fast Track
Ward: LewC
Fee Paid: £1,925.00

Location: ZAR BAR, 286 LEWISHAM HIGH STREET, LONDON, SE13 6JZ

Application Dated: 08 November 2012

Agent (if any): Mr Law AK Law

Applicant: Golfrate

Proposal: The construction of extensions to the rear at first, second and third floor (attic) levels, incorporating two dormer windows and the conversion of the first, second and third floors of 286 Lewisham High Street SE13, to provide 4 one bedroom and 1 two bedroom self-contained flats, together with alterations to the front and rear elevations.

Plan Nos: 299-A3-1000, JDD/LHS-E1, E2, E3, E4, E5, E6, E7, E8 Existing side elevation (North), E8 Existing Side Elevation (South) and E10 and 299-A1-001 (received 24/4/13), 002 RevA (received 24/4/13), 003 RevA, Design Statement, Energy and Sustainability Statement, Flood Risk Assessment, (received 24/4/13), 004 RevA (received 24/4/13), 005 RevA (received 24/4/13), 006 RevA (received 24/4/13), 007 RevA (received 24/4/13), 008 RevA (received 24/4/13), 009 RevA (received 24/4/13) & 010 RevA (received 24/4/13) and Demolition Statement (received 10/10/13).

Background Papers: (1) LE/152/286/TP
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

DMLP/CI Information: Area of Archaeological Priority
PTAL 6a
Shopping Non-Core Area
Local Open Space Deficiency
Major District Centre
Flood Risk Zone 2
St Marys Conservation Area
Not a Listed Building

A Road

Earliest Decision: 27/02/2013

Consultations and Replies

Neighbours & Local Amenity Societies etc.

Notice on Site Press Notice

Neighbour: 3 Whitburn Rd

I would like to object to application DC/12/82083x on the grounds that it would block the only light & sunlight that I get around here & it is the only part that the sun reaches. also i would like to point out that 282 Lewisham high st has only just finished building works on the upper part, and the gas works have just finished laying a gas pipe from whitburn rd down the alleyway to 284 when finishing they used a compactor to flatten the ground shaking my hse a lot. also there is no legal exit from (286 pub) so how would the contractors remove the rubble & deliver goods plus the noise & dust (yet again). Also would affect my property if I sell it. Please note there is a number of wild life around here eg- foxes, squirrels, birds etc.

Transport for London

Further to our recent e mail correspondence and my phone discussion with the agent yesterday below are TfL's formal comments on the above referenced application.

It is noted that the applicant's agent has confirmed that:

- The facade at the front is to be retained and on demolition of the upper floors and rear elevation of the property would be supported by the party walls with the adjoining properties and the existing ground floor internal walls.
- The access to the rear via the passageway off Whitburn Road would be used for the removal of waste material arising from demolition and other site clearance works and for the delivery of materials during construction.

In these circumstances there should be no impact upon Lewisham High Street, which is part of the Transport for London Road Network, nor upon bus operations on this road. However it is suggested that an informative is included in any permission which reminds the applicant of the need to obtain TfL's approval (which may or may not be given) if circumstances change and scaffolding or hoardings or any other structures, obstructions are required to be placed on the TLRN including the footway. I would also suggest that the applicant is reminded of the need to comply with red route parking, waiting and loading restrictions during implementation works and once the development is occupied. Alternatively these matters could be addressed through a suitably worded condition requiring the submission of details of arrangements during demolition and construction for supporting the building, hoarding off the site, storage of waste and construction materials and vehicular access and of the latter also once the building is occupied..

As Lewisham are the highway authority for Whitburn Road and red route restrictions do not extend to the passageway which is proposed would be used by vehicles collecting waste material and delivering construction supplies I will leave the Council to consider the suitability of use of this passageway, including the requirement for vehicles to reverse in which will also require reversing a short distance the wrong way down a one way street and in close proximity to the junction with Lewisham High Street.

In respect of the proposals for the new flats then I would suggest that further consideration is given to the proposals for cycle parking. The proposed first floor store would not appear to be large enough to accommodate 5 bikes especially given

each would need to be capable of being individually accessed and secured. Furthermore access up and down the stairs would be difficult as would opening the door onto the street when part of the bike is on the stairs.

Amenity Societies' Panel

OBJECTION. Development in Conservation Areas should be based on preserving and enhancing the appearance and character of a heritage asset. As in the case of the Greyhound PH in Sydenham, this is not achieved by a facade retention scheme which greatly damages the significance of the heritage asset. However, the panel would have no objection to a sympathetic extension and alteration of the existing building, subject to a planning condition requiring the retention of the ground floor of the building as an A5 public house/bar.

Conservation Officer

Conservation Officer: No objection to the proposed extensions if they are reduced in depth and the roof detailing is preserved. After seeing the revised scheme, the Conservation Officer verbally raised no objections to the proposal.

Highways & Transportation

The imposition of an amended Construction management Plan condition is necessary to ensure that the works can be carried out from the rear. 11/11/13.

OBSERVATIONS

Property/Site Description

The application building is an extended three storey, cellar and attic, mid terrace building comprising an A4 use at ground and basement levels with residential use on the upper floors. Access to the residential accommodation on the upper floors is from Lewisham High Street. The A4 use is currently vacant and the shop frontage is boarded up. The residential element of the building is partially occupied as a HMO, with a shared kitchen at first floor level. At the officers site visit it was noted that a temporary staircase had been provided from ground to first floor to enable the residential use of the upper floors.

The front elevation of the building has ornate red brick and stucco detailing at each level, with arched windows and an extravagant, gable feature at attic level. The shop/pub front is a modern infill, but the ornate pilasters to either side are retained. There is a pitched roof over the main body of the building, flanked by parapet walls

with chimney stacks to both sides. There are two eaves dormer windows to the rear.

At the front, the application building sits flush with both neighbouring properties, while to the rear, the southern neighbour projects beyond the application building by 2m at first floor level. The property sits mainly flush with the northern neighbour.

The rear elevation measures 8.2m wide, with a narrow (2.6m wide) original, three storey 4.3m deep projection which is mirrored on the adjoining terraced building to the north. The projection is topped by a cat slide roof, sloping from attic to second floor level. There is also a single storey ground floor extension occupying the full depth of the plot, with a flat roof where a number of air conditioning units have been placed. There is a further, smaller extension at first floor level with a shallow pitched roof juxtaposed between the projection of the application building and the flank of the neighbouring building to the south.

To the rear there is an external spiral staircase providing access to the ground floor flat roof and a fire escape stair from roof level to a flat roof at first floor level. There is access at the rear leading to an alleyway that runs behind Nos. 276-284 Lewisham High Street, leading to Whitburn Road, at the side of 3 Whitburn Road.

Beyond the building to the rear is a single storey building that appears to be in storage use, with a yard that has access to an alleyway leading to Whitburn Road.

The application building is within an Area of Archaeological Priority, a Shopping Non-Core Area and is within the St Mary's Conservation Area which is not covered by an Article 4 Direction. This section of Lewisham High Street is A Classified.

Planning History

In January 1997, planning permission was granted for the erection of a single-storey extension at the rear of 286 Lewisham High Street SE13 and alterations to the ground floor front elevation. Reference DC/96/40828.

Present Application

The proposal is for the construction of extensions and alterations and the conversion of the upper floors to provide 5, self contained flats. The proposed works involve the demolition of the rear facade above ground floor level as well as demolition of the spine wall and internal partition walls. The front facade, flank walls and structural floors would be retained.

The proposal was revised during the life of the application to reduce the scale and bulk of the extensions and to remove proposed terraces to the rear.

Alterations and Extensions

The proposal involves the demolition of the rear elevation of the building above ground floor level and significant remodelling of the rear of the building above ground level. A part single, part two, part three storey extension to the rear is proposed, including two roof extensions within the main rear roof slope, which is proposed as a mansard style roof at the rear. At first and second floor levels the rear elevation would be extended to predominantly align with the rear elevation of

**APPENDIX 2.4 – SOUTH LONDON PACIFIC
DECISION NOTICE AND EXTRACT FROM OFFICER'S REPORT**

Your Ref: 21679

Our Ref: 14/02731/FUL

Hamma Wakaf Ltd
c/o Mr Milan Babic
B Bickels Yard 151B Bermondsey Str
London
SE1 3Uw
United Kingdom



22nd January 2015

DECISION NOTICE

Dear Hamma Wakaf Ltd

TOWN AND COUNTRY PLANNING ACT 1990. PERMISSION FOR DEVELOPMENT

The London Borough of Lambeth hereby permits under the above mentioned Acts and associated orders the development referred to in the schedule set out below **subject to any conditions imposed** therein and in accordance with the plans submitted, save in so far as may otherwise be required by the said conditions.

In accordance with the statutory provisions your attention is drawn to the statement of Applicant's Rights and General Information attached.

Application Number: 14/02731/FUL **Date of Application:** 29.05.2014 **Date of Decision:** 22.01.2015

Proposed Development At: South London Pacific 340 Kennington Road London SE11 4LD

For: Erection of a two-storey front/side extension at first floor level and a single-storey rear extension at first floor level to facilitate the change of use of upper floors of the building to 3 self-contained flats (1x3 bedroom, 1x1bedroom, 1xstudio flat) and associated external alterations including installation of a cycle and refuse/recycling storage on the flat roof at the rear (first floor level)

Approved Plans

PRE/771/000, JDD/KR-E1, JDD/KR-E2, JDD/KR-E3, JDD/KR-E4, JDD/KR-E5, JDD/KR-E6, JDD/KR-E7, JDD/KR-E9, P/771/001, P771/002, P771/003 Rev B, P771/004-Rev B, P771/005-Rev B, P771/010 Rev A, P771/011-Rev B, P771/012, ASK771-002, Design and Access Statement dated 22nd May 2014, Heritage Statement, dated May 2014, photographs (no.3).

Summary of the Reasons for Granting Planning Permission:

Planning, Regeneration and Enterprise
Development Management
Phoenix House
10 Wandsworth Road,
London SW8 2LL

Telephone 020 7926 1180
Facsimile 020 7926 1171
www.lambeth.gov.uk
lambethplanning@lambeth.gov.uk

DECISION* ** *14/02731/FUL

In deciding to grant planning permission, the Council has had regard to the relevant Policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposals in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following Policies were relevant:

London Borough of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011:

Policy 7: Protection of residential amenity
Policy 9: Transport Impact
Policy 14: Parking and traffic restraint
Policy 27: Loss of Public Houses
Policy 32: Community Safety/Designing Out Crime
Policy 33: Building Scale and Design
Policy 36: Alterations and Extensions
Policy 39: Streetscape, landscape and public realm design
Policy 47: Conservation Areas

London Borough of Lambeth Core Strategy (2011):

S1 Delivering the Vision and Objectives
S2: Housing
S3: Economic Development
S4: Transport
S8: Sustainable Waste Management
S9: Quality of the Built Environment

Conditions

1 The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 and Section 51 of the Town and Country Planning Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the approved plans listed in this notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Notwithstanding any indications as to these matters which have been given in the application or approved plans, no development shall commence until detailed drawings at a scale of 1:20 of doors and windows, samples and a schedule of materials to be used within the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indications to these matters which have been given on the approved plans and in the application. The development shall thereafter be carried out solely in accordance with the details approved in writing.

Reason: Reason: To safeguard and enhance the visual amenities of the locality and the character and appearance of the Conservation Area in accordance with Policies 33, 36 and 47 of the Unitary Development Plan: Policies as saved beyond the 5th August 2010 and Policy S9 of the Local Development Framework Core Strategy (2011).

Planning, Regeneration and Enterprise
Development Management
Phoenix House
10 Wandsworth Road,
London SW8 2LL

Telephone 020 7926 1180
Facsimile 020 7926 1171
www.lambeth.gov.uk
lambethplanning@lambeth.gov.uk

***DECISION* * * * 14 / 02731 / FUL ***

4 No development shall commence until a full Construction Logistics Plan (CLP) has been submitted to and approved in writing by Transport For London. The details of the Construction Logistics Plan must be implemented and complied with for the duration of the construction process.

Reason: To ensure the proposed logistics for the Northern Line Extension Project do not conflict and to ensure minimal nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers and of the area generally, and to avoid hazard and obstruction to the public highway (Policy 9 of the London Borough of Lambeth UDP: Policies saved beyond 5th August 2010 and Policy S4 of the Lambeth Core Strategy (2011)).

5 Notwithstanding the approved drawings, prior to the first occupation of any of the residential units hereby permitted, detailed drawings of the cycle & refuse storage including their elevational appearance, dimensions, location, layout and materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details.

Reason: To ensure adequate cycle parking and refuse storage is available on site, to promote sustainable modes of transport and in the interest of the visual amenities of the area (Policies 9, 14, 33 and 39 of the Unitary Development Plan: Policies saved beyond 5th August 2010 and not superseded by the Local Development Framework Core Strategy January 2011 and Policies S4 and S9 of the Local Development Framework Core Strategy).

6 Prior to the first occupation of any of the residential units hereby permitted a Waste Management Strategy outlining the operation and management of waste storage and collection shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure adequate arrangements are put in place for the storage of refuse on the site, in the interests of the amenities of the area and the safe operation of the adjacent public highway (Policies 9, 33, 39 of the Unitary Development Plan: Policies saved beyond 5th August 2010 and not superseded by the Local Development Framework Core Strategy January 2011).

7 Prior to construction works commencing, an Energy statement shall be submitted to and approved in writing by the Local Planning Authority, demonstrating that the development has followed the hierarchy of energy efficiency, decentralised energy and renewable energy technologies set out in the London Plan (2012) chapter 5 (particularly Policy 5.2). In particular, improvements should be sought on the minimum building fabric targets set in Part L.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan Policy 5.2 and Policy 35 of the London Borough of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011, and Policy S7 of the London Borough of Lambeth Core Strategy (January 2011)).

8 Prior to construction works commencing, full Design Stage calculations under the Standard Assessment Procedure shall be submitted to and approved in writing by the Local planning Authority, to support the energy statement.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan Policy 5.2 and Policy 35 of the London Borough of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011, and Policy S7 of the London Borough of Lambeth Core Strategy (January 2011)).

9 Prior to the first occupation of any of the residential units hereby approved, evidence (e.g. photographs, installation contracts and as-built certificates under the Standard Assessment Procedure and National Calculation

Planning, Regeneration and Enterprise
Development Management
Phoenix House
10 Wandsworth Road,
London SW8 2LL

Telephone 020 7926 1180
Facsimile 020 7926 1171
www.lambeth.gov.uk
lambethplanning@lambeth.gov.uk

DECISION ** *14/02731/FUL*

Methodology) shall be submitted to and approved in writing by the Local Planning Authority showing that the development has been constructed in accordance with the approved revisions to the Environmental Performance Statement and any subsequent approved revisions.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan Policy 5.2 and Policy 35 of the London Borough of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011, and Policy S7 of the London Borough of Lambeth Core Strategy (January 2011)).

10 Within three months of work starting on site a BREEAM Domestic Refurbishment pre-assessment (or such equivalent standard that replaces this) for the residential units hereby approved, shall be submitted to and approved in writing by the Local Planning Authority to show that a 'Very Good' rating has been achieved.

Reason: To ensure that the development has an acceptable level of sustainability (Policy 35 of the London Borough of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011, and Policy S7 of the London Borough of Lambeth Core Strategy (January 2011))

11 Within three months of work starting on site a Design Stage certificate and summary score sheet under the BREEAM Domestic Refurbishment (or such equivalent standard that replaces this) for the residential units hereby approved, shall be submitted to and approved in writing by the Local Planning Authority to show that a 'Very Good' rating has been achieved.

Reason: To ensure that the development has an acceptable level of sustainability (Policy 35 of the London Borough of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011, and Policy S7 of the London Borough of Lambeth Core Strategy (January 2011))

12 The flat roof over the groundfloor public house shall not be used as a balcony, terrace, sitting out or other amenity area.

Reason: To safeguard the privacy and amenities of the neighbouring properties. (Policy 36 of the London Borough of Lambeth Unitary development Plan (2007) Policies saved beyond 5 August 201- and not superseded by the LDF Core Strategy January 2011).

13 All party walls and the ceiling/floor between the commercial unit on the lower ground floor, and the residential units on the upper ground and higher floors shall be soundproofed and insulated to the satisfaction of the Local Planning Authority before the use commences and thereafter be retained for the duration of the use so as to prevent fumes, smell and noise permeating into adjoining accommodation.

Reason: To ensure that no nuisance or disturbance as a result of noise and/or smell is caused to the detriment of the amenities of adjoining occupiers and the area in general in accordance with Policy 7 of the Unitary Development Plan: Policies saved beyond 5th August 2010 and Policy 7.15 of the London Plan (2011).

Notes to Applicants:

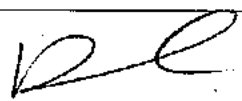
In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework (2012) to work with the applicant in a positive and proactive manner. The Council has made available on its website the policies and guidance provided by its Core Strategy (2011), its Unitary Development Plan (2007), and its Supplementary Planning Documents. The Council provides a free duty planner service for basic enquiries, which is accessible by telephone, by email, or by appointment. The Council also offers a free pre-application advice service for householder development and a paid pre-application advice service for other development. All of these services ensure that the applicant has every opportunity to submit an application that's likely to be considered acceptable.

Planning, Regeneration and Enterprise
Development Management
Phoenix House
10 Wandsworth Road,
London SW8 2LL

Telephone 020 7926 1180
Facsimile 020 7926 1171
www.lambeth.gov.uk
lambethplanning@lambeth.gov.uk

DECISION* ** *14/02731/FUL

Print Date: 28 November 2014

First Approver:		Date:
Second Approver:		Date: 28/11/14

Application No: 14/02731/FUL/DC_RVR/PP-03413543

Recommendation: **Grant Permission**

Application Address	South London Pacific 340 Kennington Road London SE11 4LD
---------------------	---

Proposal	Erection of a two-storey front/side extension at first floor level and a single-storey rear extension at first floor level to facilitate the change of use of upper floors of the building to 3 self-contained flats (1x3 bedroom, 1x1bedroom, 1xstudio flat) and associated external alterations including installation of a cycle and refuse/recycling storage on the flat roof at the rear (first floor level)
----------	--

Applicant Hamma Wakaf Ltd c/o Goldfrate Property Management L The Glasshouse 177-187 Arthur Road London SW19 8AE United Kingdom Tel: 02085422211	Agent Mr Milan Babic B Bickels Yard 151B Bermondsey Str London SE1 3Uw United Kingdom Tel:
---	---

Received	29 May 2014	Validated	16 June 2014
Target report	22 July 2014	Target completion	11 August 2014

Decision level:	Delegated Decision	Ward	OVAL
-----------------	--------------------	------	------

Officer Report

1. Site & Surroundings
 - 1.1 The application site is located on the western side of Kennington Road, on a bend of Kennington Road. The property is a terraced building within a tight urban grain with little or no undeveloped footprint.
 - 1.2 The subject building is a Victorian Public House, it is three storeys in height with three bays and a timber pub front, along with a set back one storey side addition. There are a group of listed buildings within the same terrace row, however they are not adjacent the subject site.
 - 1.2. The site is located within the Kennington Conservation Area and the building makes a positive contribution to this conservation area. The site is unlisted. There are a group of listed buildings within the same terrace row, however they are not adjacent the subject site.
 - 1.3.
2. Planning History

Planning, Regeneration and Enterprise
Development Management
 Phoenix House
 10 Wandsworth Road,
 London SW8 2LL

Telephone 020 7926 1180
 Facsimile 020 7926 1171
www.lambeth.gov.uk
lambethplanning@lambeth.gov.uk

2.1. There is no planning history in relation to this site that would be material to this application. It is noted that the applicant has sought pre application advice in relation to the conversion of the upper floors of the public house to residential along with a proposed front and rear mansard roof extension and side and rear extensions to the building. The advice indicated that there was no objection in principle to extending the property and provision of self contained units.

3. Proposal

3.1. Planning permission is sought for the erection of a two-storey front/side extension at first floor level and a single-storey rear extension at first floor level to facilitate the change of use of upper floors of the building to 3 self-contained flats (1x3 bedroom, 1x1bedroom, 1xstudio flat) and associated external alterations including installation of a cycle and refuse/recycling storage on the flat roof at the rear (first floor level).

3.2. The proposed extension includes a two-storey front/side extension at first floor level, it would be set forward 1.5m in line with the rest of the building. The extension would measure approximately 2m and project rearwards for approximately 6m where it would terminate in line with the existing two storey rear projection. The extension would have a flat roof and the parapet wall will be continued across the rear elevation.

3.3. A single storey first floor rear extension is proposed, it would have a flat roof, measure approximately 2.2m wide and project rearwards for 2.3m adjacent the boundary with no.342 Kennington Road.

3.4. The Refuse and recycling is proposed to the first floor adjacent to no.342, metal balustrade/railings are proposed to enclose the area.

3.5. The materials proposed include new conservation grade windows to match existing, brickwork to new extension to match existing. New treated timber doors are proposed to the front elevation which would serve as the new residential entrance and a video phone entry system would be installed.

3.6. Three units are proposed, a 1 x 1bed/1 person, 1.x 1 bed/2 person, 1x 3 bed/5 people.

3.7. The officer raised concerns with the submitted proposal and the applicant amended the scheme to address officer's concerns and revised drawings were received on the 12/08/14. The proposal differs from the previously submitted plans as follows:

3.8. The number of units proposed has reduced from four units to three units.

3.9. The rear extension reduced from two storey's to one storey at first floor level.

3.10. The first floor has been revised and the partition between the bedroom and the bathroom has been relocated.

3.11. French doors to the front elevation of the first floor level have been replaced with windows.

4. Consultations

4.1. The occupiers of 113 neighbouring properties were notified of this planning application and a site notice and press advert was published on 27.06.14 respectively. No representations have been received.

4.2. The following statutory consultation responses were received from the following:

4.3. The council's Conservation officer raised a number of concerns many of which have been addressed by the revised drawings. The Conservation Officer notes that the applicant has still not set back the front bay extension and is still concerned that this element would unacceptably alter the building. This is discussed in the assessment section of the report. In all other respects they raise no objection to the proposal.

4.4. The council's Transport Planner raised no objection to the proposal subject to conditions regarding cycle parking and permit free parking be secured via a S106.

- 4.5. Transport for London were consulted on the proposal and raised no objection subject to a condition requiring the applicant submit a full Construction Logistics Plan (CLP).
- 4.6. The Council's Sustainability Consultant raised no objection subject to conditions.
- 4.7. The Environment Agency were consulted and they raised no objection to the application.

5. Relevant Policies And Planning Considerations

5.1. The development plan in Lambeth is the London Plan (2011), the Lambeth Core Strategy (2011), and the remaining saved policies in the Lambeth UDP (2007). Material considerations include the National Planning Policy Framework (2012), and Lambeth Supplementary Planning Documents (SPD).

5.2. The following shows the most relevant development plan policies and SPD guidance:

5.3. Lambeth Core Strategy (2011):

- o S1 Delivering the Vision and Objectives
- o S2: Housing
- o S3: Economic Development
- o S4: Transport
- o S8: Sustainable Waste Management
- o S9: Quality of the Built Environment

5.4. Lambeth UDP Saved Policies (2007):

- o Policy 7: Protection of residential amenity
- o Policy 9: Transport Impact
- o Policy 14: Parking and traffic restraint
- o Policy 27: Loss of Public Houses
- o Policy 32: Community Safety/Designing Out Crime
- o Policy 33: Building Scale and Design
- o Policy 36: Alterations and Extensions
- o Policy 39: Streetscape, landscape and public realm design
- o Policy 47: Conservation Areas

5.5. Lambeth Supplementary Planning Documents:

- o SPD: Residential Extensions and Alterations (2008)
- o SPD: Residential Development and housing conversions (2008)
- o SPD: S106 Planning Obligations (Updated April 2012)
- o Waste and Recycling Storage and Collection Requirements Guidance for Architects and Developers (May 2006).

5.6. An assessment against the above policies and guidance is as follows:

Land Use

5.7. Saved policy 27 of the UDP protects the loss of public houses. Where a public house property is located outside the Central Activities Zone, there is a presumption against its loss and policy 27 advises that where functional A4 use is being lost as a result of a scheme, a marketing exercise should be carried out to demonstrate whether there is a reasonable prospect in the medium term for the use of the upper floors to be continued in A4 use.

5.8. Furthermore part (b) of policy 27 advises that schemes affecting a public house should not result in a net loss of attached housing (including affordable housing and/or short-stay accommodation) nor of existing or potential self-contained access to housing.

5.9. No marketing evidence has been submitted with the application. The applicant in their design and access statement state that the existing use of the building is A4 at ground floor and associated residential

accommodation on the upper floors. 'The rooms at the upper floors were used last as staff accommodation on a needs basis'.

5.10. Given the existing use of the upper floors are in residential use and would not result in the loss of an A4 use at the upper floors no marketing evidence is required in this instance. The proposal is to provide residential accommodation above the public house; it would not result in a loss of net loss of attached housing, nor of existing or potential self contained access to housing. It is therefore considered that the scheme accords with saved policy 27 of the UDP.

5.11. Core Strategy Policy S2 (a) supports the provision of at least 7,700 net additional dwellings across the borough between 2010/11 and 2016/17. This application proposes an additional three units, the application therefore complies with Core Strategy Policy S2 (a) in that it would assist in meeting the housing needs of the borough.

5.12. Saved Policy 17(b) of the UDP states flat conversion schemes should avoid large extensions to increase habitable floorspace to facilitate the conversion to flats.

5.13. The proposed extension includes a two-storey front/side extension at first floor level; it would be set forward 1.5m in line with the rest of the building. The extension would measure approximately 2m and project rearwards for approximately 6m where it would terminate in line with the existing two storey rear projection. The extension would have a flat roof and the parapet wall will be continued across the rear elevation.

5.14. A single storey first floor rear extension is proposed, it would have a flat roof, measure approximately 2.2m wide and project rearwards for 2.3m adjacent the boundary with no.342 Kennington Road.

5.15. The above extensions are proposed to facilitate the conversion to flats. The increase in floorspace proposed is considered to be minor in nature and is not considered to lead to an over intensive scheme nor an over development of the site.

5.16. Standard of Residential Accommodation

5.17. Policy S2 of the Core Strategy requires high standards of residential amenity, having regard to Council space standards. Detailed guidance on floorspace standards is provided in the Council's Supplementary Planning Document "Guidance and Standards for Housing Development and House Conversions" (July 2008).

5.18. Proposed Flat 1 would be a 1bed/1 person flat that would have an overall unit size of 39sqm, proposed flat 2 would be a 1bed/1 person flat that would have an overall unit size of 50sqm and the proposed flat 3 would be a 3bed/4 person flat that would have an overall unit size of 87sqm. Each of the principle habitable rooms and the overall unit sizes of flats 2 and 3 would comply with the requirements within the Council's SPD.

5.19. It is noted that proposed flat 1 would have an overall unit size of 39sqm is below the minimum requirement for a 1 bed/2 person flat as set out in the Council's SPD, the one bed/one person requirement within this document is for new builds only. It is noted that Appeal Reference APP/N5660/A/12/2176333 for 17A Branksome Road has deemed that the London Plan has more weight in determining studio flats than the Council's SPD. The minimum space standard within the London Plan is 37sqm which this unit would meet.

5.20. Saved UDP Policy 33(d) and Section 3 of the SPD Guidance and Standards for Housing Development and House Conversions (July 2008) seek to ensure the provision of acceptable levels of daylight and sunlight for future residents in proposed new developments.

5.21. Paragraph 1.4 of the SPD states that 'wherever possible dwellings should have dual aspect orientation, subject to the constraints of the site and where appropriate to the overall form and design, in order to maximise opportunities for cross ventilation and solar gain. Natural ventilation to all rooms in the form of windows is preferred'.

5.22. All habitable rooms would be provided with access to fenestrations for access to daylight, sunlight, ventilation and outlook with windows to the habitable rooms located to the front and rear elevations.

**APPENDIX 2.5 – THE OLD JUSTICE
DECISION NOTICE**

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

Applicant Hamna wakaf limited
Date of Issue of this decision 07/09/2015

LBS Registered Number 15/AP/2622

Planning Permission was GRANTED for the following development:

Conversion and extension of an existing building named 'The Old Justice', including the retention of the existing public house at basement and ground floor levels with exterior amenity beer garden, and 5 residential units.

At: OLD JUSTICE, 94 BERMONDSEY WALL EAST, LONDON, SE16 4TY

In accordance with application received on 10/07/2015 12:02:47 Your Ref. No.:

and Applicant's Drawing Nos. Archaeological desk based assessment
Daylight and sunlight assessment
Design and access statement
Flood risk assessment
Notes on archeological and sunlight/daylight statements
Photographs and photomontages

Drawings

Existing:

P793/001 rev B (location plan)

JDD/BWE-E2

JDD/BWE-E3

JDD/BWE-E4

JDD/BWE-E5

JDD/BWE-E6

JDD/BWE-E7

JDD/BWE-E8

JDD/BWE-E9

JDD/BWE-E10

P793/Ex 001

Proposed:

P793/002- rev B

P793/003/N

P793/004/N

P793/005/N

P793/007/N

P793/008/N

P793/009/N

P793/010/N

P793/011/N

P793/012/N

P793/013/N

Subject to the following thirteen conditions:

Time limit for implementing this permission and the approved plans

1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

P793/002- rev B
P793/003/N
P793/004/N
P793/005/N
P793/007/N
P793/008/N
P793/009/N
P793/010/N
P793/011/N
P793/012/N
P793/013/N

Reason:

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

Pre-commencement condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The phase 1 site investigation (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations. The subsequent Phase 2 site investigation and risk assessment shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.
- b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- c) Following the completion of the measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.
- d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.2 'Protection of amenity', of the Southwark Plan (2007), strategic policy 13 'High environmental standards', of the Core Strategy (2011) and the National Planning Policy Framework 2012.

Continued overleaf...

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 15/AP/2622

Date of Issue of this decision 07/09/2015

- 4 Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological mitigation works, an archaeological watching brief, in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order that the details of the programme of works for the archaeological watching brief are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

Commencement of works above grade - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 5 Before any above grade work hereby authorised begins, details (including a specification and maintenance plan) of the green to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given, and the green/brown roof/ living walls/ vertical gardens; terraces and planters are to be retained for the duration of the use. Where trees and large shrubs are proposed to be provided within planters, details of irrigation shall be provided such that water is available for the maintenance by mains, grey water or other sustainable drainage specification such as attenuation tanks and automated irrigation systems.

Reason

To ensure the proposed development will preserve and enhance the visual amenity of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with The National Planning Policy Framework 2012, Strategic Policy 11 Open spaces and wildlife, Strategic Policy 12 Design and Conservation and Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity; 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

Pre-occupation condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 6 Before the first occupation of the building/extension the cycle storage facilities as shown on drawing P793/003/N shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

Continued overleaf...

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 15/AP/2622

Date of Issue of this decision 07/09/2015

- 7 Before the first occupation of the building/extension hereby permitted, the refuse storage arrangements shown on the approved drawing/s referenced P793/003/N shall be provided and made available for use by the occupiers of the [dwellings/premises] and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 8 The outdoor area to the rear of the public house shall not be used by staff or customers after 21:15 on any day.

Reason:

To protect the amenity of future occupiers of the dwellings in accordance with the National Planning Policy Framework 2012; policy 7.15 reducing noise and enhancing soundscapes of the London Plan 2015, strategic policy 13 high environmental standards of the Core Strategy 2011 and saved policy 3.2 protection of amenity of the Southwark Plan 2007.

- 9 The west facing windows flat 1 shown on drawings P793/004/N and P793/011/N shall be obscure glazed and fixed shut.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at the outdoor amenity areas within the development and existing residents to the south and west from undue overlooking in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 - High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 10 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 15/AP/2622

Date of Issue of this decision 07/09/2015

- 11 Party elements between the public house and the dwellings hereby permitted shall be designed and constructed to ensure that noise within the dwellings does not exceed NR20, Leq 5min due to noise from the public house.

Reason:

To protect the amenity of future occupiers of the dwellings in accordance with the National Planning Policy Framework 2012; policy 7.15 reducing noise and enhancing soundscapes of the London Plan 2015, strategic policy 13 high environmental standards of the Core Strategy 2011 and saved policy 3.2 protection of amenity of the Southwark Plan 2007.

- 12 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

Reason

To ensure that the development does not adversely affect existing parking stress and to ensure a more sustainable development in accordance with the National Planning Policy Framework 2012; with Strategic Policy 2 Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

Other condition(s) - the following condition(s) are to be complied with and discharged in accordance with the individual requirements specified in the condition(s).

- 13 Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted largely accordance with guidance following pre application discussions.

Continued overleaf...

TP(Permit)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

PLANNING PERMISSION

LBS Reg. No. 15/AP/2622

Date of Issue of this decision 07/09/2015

Signed *Simon Bevan*

Director of Planning

Your attention is drawn to the notes accompanying this document

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Director of Planning, Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to planning.applications@southwark.gov.uk

UPRN: 200003410777

TP/200-94

APPENDIX 3 - ALBERT PUB APPROVAL NOTICE

Brooks Murray Architects
Brooks/Murray Architects
8-10 New North Place
London
EC2A 4JA

Application Ref: **2014/2533/P**
Please ask for: **Eimear Heavey**
Telephone: 020 7974 **2949**

11 September 2014

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
11 Princess Road
London
NW1 8JR

Proposal:
Conversion of residential accommodation (ancillary to public house) on 1st and 2nd floors to create 2 selfcontained 2-bedroom flats (Class C3), and erection of a mansard roof extension to provide a selfcontained 1 bedroom flat, plus associated alterations to ground floor rear entrance.

Drawing Nos: Os plan; BREEAM Domestic Refurbishment pre assessment by Create Consulting Engineers dated April 2014; Existing plans: 985-03-P-002; 008; 009; 010; 011; 050; 051; 052; Proposed plans: 985-03-P1-101; 109; 110; 111; 150; 151; 152; 153; 180; 181 & 182.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

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



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

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: BREEAM Domestic Refurbishment pre assessment by Create Consulting Engineers dated April 2014; Existing plans: 985-03-P-002; 008; 009; 010; 011; 050; 051; 052; Proposed plans: 985-03-P1-101; 109; 110; 111; 150; 151; 152; 153; 180; 181 & 182.

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

- 4 Before the development commences, details of a secure covered cycle storage area for 3-4 cycles shall be submitted to and approved by the local planning authority in writing. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently retained thereafter.

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website

<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

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

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

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

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

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

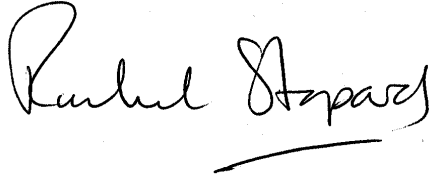
- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath the name.

Rachel Stopard
Director of Culture & Environment

APPENDIX 4 - PREMISES LICENCE SUMMARY

London Borough of Camden, Town Hall Extension,
Argyle Street, London, WC1H 8EQ

Premises licence summary

Premises licence number **PREM-LIC12528**

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Carpenter's Arms
105 KING'S CROSS ROAD
LONDON
WC1X 9LR

Telephone number 020 7278 0120

Where the licence is time limited the dates

N/A

Licensable Activities authorised by the licence

Sale by Retail of Alcohol
Live Music
Recorded Music
Provision of facilities for entertainment of a similar description to Dancing and Making Music

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol
09.00 - 00.30 Monday to Thursday
09.00 - 01.00 Friday & Saturday
10.00 - 23.30 Sunday

Live Music
09.00 - 00.30 Monday to Thursday
09.00 - 01.00 Friday & Saturday
10.00 - 23.30 Sunday

Recorded Music
09.00 - 00.30 Monday to Thursday
09.00 - 01.00 Friday & Saturday
10.00 - 23.30 Sunday

Provision of facilities for entertainment of a similar description to Dancing and Making Music - Karaoke

09.00 - 00.30 Monday to Thursday

09.00 - 01.00 Friday & Saturday

10.00 - 23.30 Sunday

These hours are extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The opening hours of the premises

09.00 - 01.00 Monday to Thursday

09.00 - 01.30 Friday & Saturday

10.00 - 00.00 Sunday

These hours are extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On & Off

Name, (registered) address of holder of premises licence

Mendoza Limited

c/o LT Law

18 Soho Square

London

W1D 3QL

Registered number of holder, for example company number, charity number (where applicable)

004245V

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

[REDACTED]

State whether access to the premises by children is restricted or prohibited

No children are allowed in the bar area at any time

Annex 1 - Mandatory conditions

1. The supply of alcohol is prohibited at a time when there is no designated premises supervisor in respect of the premises.
2. The supply of alcohol is prohibited at a time when the designated premises supervisor does not hold a personal licence or his/her licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each individual must be licenced by the Security Industry Authority.
5. But nothing in subsection (4) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
6. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating schedule

12. A freephone registered telephone taxi service shall be advertised at the bar.
13. Patrons shall be encouraged to leave the premises quickly and quietly.
14. When taxis are ordered, patrons shall be requested to wait inside until the taxi arrives.
15. Any patrons drinking in the external areas of the premises shall be requested to move inside at 23.00.

16. No children are allowed into the bar area at any time.
17. If any customers look suspiciously young then ID shall be requested.

Annex 3 - Conditions attached after hearing by the licensing authority

18. Staff shall provide information on public transport when asked.
19. The premises shall not operate any drinks promotions or happy hours that encourage excess drinking.
20. All doors and windows shall be kept closed when music is being played.
21. The premises shall be well illuminated both inside and outside the premises.
22. Staff shall be suitably trained to deal with underage and drunken persons.
23. The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LA_{eq}) emanating from the application site, as measured 1 metre from any facade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 3dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.
24. The unweighted equivalent noise level (L_{eq}) in the 63Hz Octave band, measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any 5 minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.
25. No sound emanating from the establishment should be audible within any noise sensitive premises between 23.00 and 07.00 hours.

Annex 4 - Plans

APPENDIX 5 - ADVISE ON FIRE REGULATIONS

From: [Konrad Romaniuk](#)
To: [Christopher Hicks](#)
Subject: Carpenters - Internal staircase issues
Date: 24 June 2016 10:17:24

Dear Chris,

In relation to the Fire Regulations and use of the internal staircase to access the former function room by the general public I can advise that:

*The staircase width is **710mm which is well below the min. 1000mm in the Building Regulations Approved Document B – Fire, section B1 Means of warning and escape.** This width is again recommended in **Approved Document K – Protection from falling, collision and Impact** which also notes min. steepness of staircase, size of treads and risers and lengths and size of landings – the staircase does not comply with any of these e.g the treads are 180mm when they should be min. 250mm (280mm in part M). The staircase also twists and does not meet the criteria on pg.21. For the same reasons it also does not comply with **Approved Document M volume 2 M1 Access and use of buildings other than dwellings pg. 20 -22.** On this basis we would say that if the general public were to use such a narrow and twisted staircase it would not only prove very inconvenient especially when carrying food and drink, but would also be a serious safety risk in the event of a fire as it is the main means of escape from all the upper floors.*

Kind Regards,

Konrad Romaniuk
Milan Babic Architects Ltd.

Bickel's Yard, 151B Bermondsey Street, London, SE1 3UW t: 020 3117 0120 f: 020 3117 0122

APPENDIX 6A - BLACK CAP APPEAL DECISION



Appeal Decision

Site visit made on 4 February 2013

by Elizabeth Hill BSc(Hons), BPhil, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 March 2013

Appeal Ref: APP/X5210/A/12/2184317

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Cox (Faucet Inn Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/1444/P, dated 9 March 2012, was refused by notice dated 16 May 2012.
 - The development proposed is the demolition of the first floor metal staircase and platform; change of use of first, second and third floors from bar/restaurant and ancillary accommodation to form three 1-bed flats and one 2-bed maisonette; alterations to the south east elevation at first and second floor levels to close up four existing window openings and two door openings; installation of second floor balcony on rear elevation; use of existing flat roofs at first and third floor levels as private amenity space; and formation of refuse and cycle store at ground floor level.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:
 - 1) space to serve the needs of a specific and local community;
 - 2) the living conditions of future occupiers in terms of noise and disturbance; and,
 - 3) sustainable transport in the local area.

Reasons

Community needs

3. The proposed changes would take place to premises on Camden High Street. The Council and local people say that the Black Cap serves the needs of a specific and local community, in this case, the Lesbian, Gay, Bisexual and Transgender (LGBT) community, although representations say that the public house is also welcoming to the wider community in Camden. The upstairs area of the public house, which is a bar where food is also served, would be lost as it would be converted to residential accommodation. There would also be alterations to the downstairs cabaret and bar area. However, changes to the ground floor porch would give extra accommodation to what would become an extended cabaret/ bar area on the ground floor. This would continue to serve food with the kitchen being moved from the second floor to the

basement. Although bar floorspace would be lost at the first floor level, the ground floor area would be increased using the current porch area. The appellant estimates the total loss of floorspace for internal public house use would only be about 31m². The proposal would mean that there would be only one community space instead of two. However, the current first floor bar is not accessible to people with disabilities and the downstairs area would be a large space within which there might be flexibility of use, depending on the way in which it is fitted out and used at different times of the day/week.

4. The current ground and first floors are different in nature with the first floor being a more traditional bar area. The Council's view is that the ground floor should be viewed as a sui generis use (cabaret/dance bar) but the difference between this and an A4 use with live music are matters of fact and degree and there have been no formal Council determinations on the current use of the ground floor. Both the ground and first floor at present are capable of being used as bar areas and both are accessed from the same front door. The proposed alterations would potentially allow more light into the ground floor as the large front window would become part of the bar area. This would provide a different atmosphere to the front of the ground floor from the dark interior which exists at present. The appellant intends different uses during different times of the day/week which might accommodate informal community use. The upstairs bar currently includes an outdoor terrace, which would be lost as part of the change of use, but there would also be improvements for people using the public house in terms of improved facilities for those with disabilities, when there are none at present, and improvements to emergency access.
5. Policy DP15 states that the Council will resist the loss of local pubs that provide facilities used by the community unless it can be shown that alternative provision can be made elsewhere or that the premises are no longer viable. However, paragraph 15.7 says that the community role relates, for example to: providing evening classes, clubs, meetings or performances. In any event, in this case the pub would not be lost to the community. The meetings referred to by local people appear to relate to the use of informal meeting space provided by the upstairs bar, which could take place in the altered downstairs bar. Performances would be able to continue as usual in the ground floor bar. Whilst the LGBT and wider community say that the premises hold a special attachment them, the facility would not be lost. In any event, changes in the premises' target market, which could result in the loss of a meeting place for the LGBT community, could be made at any time without the need for planning permission.
6. Camden Core Strategy (2010) (CS) policy CS3 promotes appropriate development in Camden town centre, including homes, food, drink, entertainment and community facilities, policy CS7 seeks to promote successful centres and policy CS10 seeks to protect community uses. Camden Development Policy (DP) DP12 supports strong centres through the management of town centre uses and protecting community and leisure uses. In addition, both the National Planning Policy Framework (the Framework) and policy DP2 seek to boost housing and make best use of the Borough's capacity for housing. The proposed development would strike a balance between maintaining an important community asset and boosting housing locally.

7. Therefore the proposed development would preserve space to serve the needs of a specific and local community and would be in accordance with CS policies CS3, CS7 and CS10 and DP policies DP12 and DP15.

Living conditions

8. Two noise surveys have been produced by the appellants, which included a series of proposed mitigation measures in respect of the development. The studies showed that the noise from sources external to the building would be higher than those allowed by policy DP28 but these were capable of mitigation through the use of various noise insulation measures. A suitably-worded condition could be imposed to ensure that the Council had control over a noise insulation scheme to control noise from outside the building. The building is also noted in the Camden Town Conservation Area (CA) Appraisal and Management Strategy as being one which contributes positively to the CA, particularly with its ornate front elevation. The suggested condition would also ensure that the proposed insulation measures preserved the character and appearance of the CA.
9. In terms of noise generated within the building, measurements were taken on the second floor of the building over the current first floor bar on a busy Friday evening. It was noted club style music with a high volume bass beat was being played but that the overall music volume was lower than a pub/club with a dance floor. The proposal would mean that the first floor flats would be directly above the cabaret/ dance floor /bar area on the ground floor. However, the noise survey did not measure the effect of noise from the ground floor, such as amplified music and vocals, on the first floor as it was in use as a bar at the time, despite having accepted that noise levels would be greater than those measured on the second floor. Therefore the impact of noise and vibration from the ground floor activities on the new residential use at the first floor level has not been adequately assessed. As such, it would not comply with policies DP26, which seeks to manage the impact of development on occupiers and neighbours, and DP28, which seeks to manage noise and vibration.
10. Therefore the proposed development would be harmful to the living conditions of future occupiers in terms of noise and disturbance and would be contrary to policy CS5 of the CS, which seeks to manage the impact of growth and development, and policies DP26 and DP28 of the DP.

Parking and congestion

11. The site is within a controlled parking zone and policies CS11 of the CS and DP18 of the DP seek to secure car free housing in order to promote sustainable means of transport and reduce travel by car. The site is within easy walking distance of Camden Town tube station and bus routes and cycle parking would be provided as part of the scheme. The Council would normally require a planning obligation to secure car free housing on the site, as set out in policy DP18. However, the appellants have not provided a planning obligation as part of the appeal and have raised the possibility of this matter being covered by a suitably-worded planning condition.
12. Since there is no submitted evidence that there is already a limit on the number of permits available and that new residents would not be able to obtain a permit as of right, a control would be necessary. A condition might not be appropriate in these circumstances since it would seek to use planning controls

to remove rights granted under other legislation, which might be considered unreasonable. In such circumstances, a planning obligation would be necessary. As one has not been provided with the appeal documents, the proposal would not make provision for car free housing.

13. Therefore the proposed development would be harmful since it would not contribute to sustainable travel and would be contrary to policies CS11 and CS19 of the CS and policy DP18 of the DP which seek to ensure sustainable patterns of travel, the implementation of the CS and limiting the availability of car parking.

Conclusions

14. Whilst the proposed development would preserve space to serve the needs of a specific and local community, this would be outweighed by the harm to the living conditions of future occupiers of the proposed residential accommodation, in terms of noise and disturbance, and through the failure to ensure sustainable patterns of travel.
15. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

E A Hill

INSPECTOR

APPENDIX 6B - GOLDEN LION



Appeal Decision

Hearing held on 3 September 2014

Site visit made on 3 September 2014

by Peter Rose BA MRTPI DMS MCMl

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 October 2014

Appeal Ref: APP/X5210/A/14/2218740

Golden Lion, 88 Royal College Street, London NW1 0TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Norreys Barn Ltd against the Council of the London Borough of Camden.
 - The application Ref 2013/4793/P is dated 4 September 2013.
 - The development proposed is change of use from public house (Class A4) with ancillary accommodation to public house and function area at ground and lower ground floors respectively and 4 flats (3 x 2 bedroom/3 person and 1 x 3 bedroom/5 person)(Class C3); erection of a 3 storey extension (at 1st and 2nd floors and within the roofspace) on the Pratt Street frontage; lowering of existing basement by 600mm.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for a partial award of costs has been made by Norreys Barn Ltd against the Council of the London Borough of Camden. This application is the subject of a separate Decision.

Procedural Matters

3. The Council has stated that, had it still been in a position to do so, it would have refused planning permission for the reasons formally set out in its notice titled 'Notification of decision when an appeal has been made' and dated 25 June 2014.
4. A copy of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and dated 1 September 2014 was submitted to the Hearing. This seeks to address the Council's concerns in relation to local parking conditions and pedestrian safety. I am satisfied that no interests would be prejudiced by having regard to the agreement in this appeal.
5. The appellant submitted revised drawings to the Hearing by email dated 21 July 2014. The drawings indicate a replacement of the previously proposed roller shutters within the Pratt Street frontage by security folding/collapsible doors. I do not consider that the scheme would be so changed by this modification such that any interests would be prejudiced by having regard to these drawings as part of this appeal.

Main Issues

6. The main issues are the effect of the proposed development upon:
 - a) the availability of community facilities in the local area;
 - b) the character and appearance of the host site and surrounding area, with particular regard to the design of the proposed roller shutters/folding doors;
 - c) local parking conditions;
 - d) pedestrian safety.

Reasons

Community facilities

7. The appeal site comprises a late nineteenth century four-storey public house with basement located at the junction of Pratt Street and Royal College Street. The building is of attractive traditional design and is a prominent and imposing feature within the local townscape. The surrounding area is of mixed use and contains buildings of varying forms and quality. The Council identifies the site as a non-designated heritage asset and it is proposed for inclusion within the Council's emerging list of buildings of local interest.
8. The premises comprise a main A4 trading area at ground floor, a function room at first floor, and other ancillary facilities within the basement and at second and third floor levels, including ancillary storage facilities and kitchen, a disused dumbwaiter between floors, and residential accommodation. The building is a purpose-designed, traditional public house and its predominant character arises from that physical form and heritage.
9. The Golden Lion was also designated as an Asset of Community Value (ACV) in December 2013 under the Localism Act, 2011. I note that decision was reviewed and reaffirmed in March 2014. The Localism Act defines an ACV to be an actual current use of a building or other land that is not an ancillary use and which furthers the social wellbeing or social interests of the local community. The definition also requires that it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community. The government's *Community Right to Bid: Non-statutory advice note for local authorities* October 2012 advises that it is open to the local planning authority to decide whether listing as an ACV is a material planning consideration, taking into account all the circumstances of the case. I find the designation to be relevant to the particular circumstances of this appeal and I apportion it a reasonable degree of weight as an indication of the significance of the current use to the local community.
10. The National Planning Policy Framework (the Framework) advises that planning decisions should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. It further states that decisions should plan positively for the provision and use of community facilities such as public houses in order to enhance the sustainability of communities and residential environments.

11. London Plan Policy 3.1 states that proposals involving the loss of facilities that meet the needs of particular groups and communities without adequate justification or provision for replacement should be resisted. Policy 3.16 further states that proposals which would result in a loss of social infrastructure in areas of defined need without realistic proposals for reprovision should be resisted. The supporting text to Policy 4.8 of the recent Draft Further Alterations to the London Plan January 2014, whilst of only limited weight, advises that where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to maintain, manage and enhance public houses.
12. Policy CS10 of the London Borough of Camden Core Strategy 2010-2025 Local Development Framework, 2010 (the Core Strategy) seeks to support the retention and enhancement of existing community, leisure and cultural activities. Policy DP15 of the London Borough of Camden Development Policies 2010-2025 Local Development Framework, 2010 (the Development Policies) states that the Council will protect existing community facilities by resisting their loss unless a replacement facility that meets the needs of the local population is provided. The supporting text to DP15 further advises that the Council will resist the loss of local pubs that serve a community role, for example, by providing space for clubs, meetings etc., 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.
13. The appellant maintains that the proposal is compliant with these policies by seeking to retain an A4 use, and I accept there would, in principle, be no loss of a public house as such. Further, the scheme both acknowledges and responds to a previous appeal decision Ref APP/X5210/A/13/2199667 dated 12 December 2013. This decision related to an application which included conversion of the appeal site into 8 self-contained flats but with no retention of A4 use. The relevant Hearing pre-dated formal designation as an ACV but the decision concluded that The Golden Lion was a local pub that served a local community role and that its somewhat old-fashioned charm appealed to those who go there. The evidence suggested that the premises were popular with and cherished by a good many people as offering something different. I am in no doubt from the strength and depth of support expressed at this further appeal that the public house remains highly valued as an important local community asset, not just in terms of its licensed trade but also as a broader community meeting facility.
14. Nevertheless, all businesses must progress and evolve in order to survive, and the issue is whether the proposals before me take forward the premises without compromising its undoubted value as a community asset. The proposal seeks to retain an A4 use as part of a mixed development of the site involving four self-contained flats and I appreciate that the scheme is packaged to buck the wider trend of public house closures. The scheme would offer significant benefits in terms of A4 use, including improved toilet and kitchen facilities and better access. The appellant also refers to the premises as being dated and in need of renovation and has provided significant expert commercial justification for the detailed form of the A4 accommodation proposed. I have noted that some improvements have been made to the premises in recent years but accept that further upgrading is required.

15. Mere retention of an A4 use, however, would not, in my opinion, be sufficient to satisfy the general expectations of policies broadly seeking to safeguard the community benefits of existing public houses. The extent, configuration and overall quality of the replacement facility are all relevant considerations and, in these regards, I find that the scheme has a number of significant shortcomings.
16. In particular, in order to accommodate a first floor flat, the existing function room at first floor level would be replaced by a facility at basement level. The existing room is of attractive character and provides a relatively open, light space with windows affording outlook across the local area. The replacement facility would be confined to the basement, would have no windows or outlook, and would lose the relative charm of the existing facility. Whilst noting the operational benefits identified, I am not satisfied that the replacement facility would be of comparable quality in terms of community benefit. The previous appeal decision also noted that the existing function room is an important part of the community value of the premises.
17. I am also concerned that, in order to accommodate self-contained access to the upper floor flats and basement and to accommodate incidental storage, part of the main ground floor public trading area, which would form the focus of the commercial operation, would be lost. Whilst facilities such as darts, a piano and a pool table could still theoretically be accommodated, this area is already fairly limited in size and shape and would be further constrained in those regards. Further, the entire premises currently comprise one single A4 planning unit. The proposed scheme would compress the overall extent of the A4 use and would compartmentalise the remaining trading area and function room components into separate, physically confined spaces, thereby losing the wider flexibility and character offered by the existing form and layout.
18. I consider that the sum total of these shortcomings would be to compromise the overall value of the site as a community asset which, in terms of extent, would become a secondary element to the predominant and unrelated use of the site as separate residential accommodation. From the evidence before me, there is a distinction to be drawn between the likely community benefits of the replacement A4 use and the community benefits undoubtedly already conferred by the existing public house. I am not satisfied that the physical composition of the proposed A4 accommodation would be adequate to provide a sustained level of community benefit comparable to the existing facility. In turn, the scheme would carry significant risk in terms of the possible future failure of the site as a community facility and potential loss of the existing community benefits.
19. I have also had regard to the availability of a number of other public houses in the surrounding area. Each public house has a different character and function and I have little basis to conclude that they would offset the particular ambience and community benefits of The Golden Lion.
20. I therefore conclude that the proposed development would compromise and undermine the value of the existing A4 use as a local community facility. Accordingly, the development would be contrary to the underlying aims of Policy CS10 of the Core Strategy, of Policy DP15 of the Development Policies, and to the aims of the London Plan and of the Framework which generally seek to safeguard the community benefits arising from public houses where appropriate.

Character and appearance

21. The Pratt Street elevation is an important feature of the building and of the local townscape. Whilst the building is not statutorily listed, the ground floor element is relatively ornate and comprises a mixture of glazing, timber, tiling and stone with vertical pilasters. The detailed ground floor design forms an integral part of the overall traditional public house elevation and is an important contribution to the distinctiveness of the setting.
22. The scheme would involve points of access within the Pratt Street elevation to be enclosed by either roller shutter doors or by other folding doors. These would appear as relatively random features with contrasting detailed forms and appearance. In either form, this aspect of the scheme would introduce visually discordant elements into an otherwise attractive decorative public house frontage and would fail to respect the wider integrity of the elevation.
23. The Framework advises that, in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. I find that less than substantial harm would be caused to the non-designated heritage asset but that would not be out-weighed by overall public benefits otherwise arising from the proposal.
24. I therefore conclude that the proposed development would be harmful to the character and appearance of both the host building and the surrounding area. Accordingly, the scheme would be contrary to Policy CS14 of the Core Strategy and to Policies DP24 and DP25 of the Development Policies. These seek, amongst other matters, to promote high quality design, to conserve the Borough's heritage, and to ensure that development has regard to the character of the existing building and its setting. The Framework also places great importance upon high quality design and upon local distinctiveness.

Local parking conditions and pedestrian safety

25. The planning agreement does not overcome the harm identified in terms of the role of the appeal site as a community facility, or the harm arising from the proposed works in terms of character and appearance. Accordingly, it is not necessary to assess the content of the agreement against the relevant tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, 2010 or with regard to accompanying guidance.

Other Matters

26. Whilst there are questions about the general economic plight of public houses, and this was not a matter for detailed consideration as part of the appeal, I note that the existing publican described the public house as a successful operation and it remains a continuing use.
27. Although questions were raised at the Hearing regarding the viability of the proposed A4 arrangement, I noted the responses given and this has not been a determining factor in my decision.
28. General reference was also made at the Hearing to the appellant's own research of local opinion but full and appropriate details were not formally submitted for consideration in accordance with the relevant appeal procedures and timescales and I attach little weight.

29. I have also noted the presence of development sites in the vicinity of the appeal site as indicated in the Council's Site Allocations Development Plan Document, and the possible implications for the scale of change in the local area.
30. Regard has been given to various references to other appeal and planning decisions. Whilst full details of each of those schemes are not before me, the circumstances of each site and of each development will be different, and I am considering the specific planning merits of this particular appeal proposal.
31. The Council raises no objection to the four flats proposed, or to other associated works contained within the application, and has confirmed that the development is otherwise acceptable. The scheme would also make a contribution towards additional local housing and I apportion limited weight as a benefit in favour of the proposals.
32. I have also had regard to the Mayor of London's Revised Early Minor Alterations to the London Plan published on 11 October 2013.
33. A note was passed to me at the end of the Hearing on behalf of an interested third party, Jessica Francis. The note explained her perceived need to leave the Hearing but I do not consider this matter had any bearing upon the evidence presented or upon the planning merits to be considered.
34. None of the other matters raised are of such significance, either individually or collectively, that they would outweigh the considerations that have led to my conclusions on the main issues.

Conclusion

35. For the above reasons, and with regard to all other matters raised, I conclude the appeal should be dismissed.

Peter Rose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Stinchcombe QC

Carolyn Apcar

Alan Sherman

Phil Briscoe

Peter Lerner

Graeme Bunn

Leo Murphy

Mark Sanderson

Apcar Smith Planning

BuildTech Building Surveyors

Bellenden Community Research

Peter Lerner Consultancy

Fleurets Leisure Property Specialists

The Arizona Group

Heritage Advisory Consultancy

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Markwell

Alan Wito

Principal Planning Officer

Senior Planner, Conservation and Design

INTERESTED PERSONS:

Councillor Roger Robinson

Tom Copley

Will Blair

Local Councillor

London Assembly Member

Parliamentary Candidate for

Holborn and St Pancras 2015

Planning For Pubs Ltd

Publican, The Golden Lion

Chairman, Save The Golden Lion Committee

Camden Pub Watch

Dale Ingram

Dave Murphy

Shaun Pollard

Pat Logue

James Cantwell

Henry Conlon

Jim Clack

Phillip Stein

Supporter of The Golden Lion

Supporter of The Golden Lion

Supporter of The Golden Lion

Supporter of The Golden Lion

DOCUMENTS SUBMITTED AT THE HEARING

1. Copies of Hearing notifications
2. Copy of an agreement made under section 106 of the Town and Country Planning Act 1990 dated 1 September 2014
3. Appeal decision APP/X5990/A/14/2215985 dated 8 July 2014 relating to 43 Linhope Street, London NW1 6HL
4. Indicative menu
5. Indicative layouts
6. Floorspace figures
7. Legal Submission by Paul Stinchcombe QC relating to Westminster City Council v SSCLG and Mrs Marilyn Acons [2013] EWHC 690 (Admin)

8. Response of the London Borough of Camden to the appellant's application for costs

9. Undated note from Jessica Francis

APPENDIX 6C - SIR RICHARD STEELE APPEAL DECISION



Appeal Decision

Hearing held on 1 July 2015

Site visit made on 1 July 2015

by S Stevens BSc (Hons) MSc DipTP DMS MCMi MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2015

Appeal Ref: APP/X5210/W/15/3003396

97 Haverstock Hill, LONDON, NW3 4RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Faucet Inn Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/1367/P, dated 19 February 2013, was refused by notice dated 26 November 2014.
 - The development proposed is a change of use of the first and second floors from public house (Class A4) to create 2 x 1 bedroom and 2 x 2 bedroom flats (Class C3); extension and relocation of existing kitchen extract flue and associated works.
-

Decision

1. The appeal is dismissed

Procedural matters

2. A signed and dated S106 Obligation was submitted before the Hearing to provide a contribution towards highway works and to ensure the development would be car free. I consider the Obligation further below.
3. Prior to the Hearing the appeal premises was included in the list of Assets of Community Value (ACV) under Part 5 Chapter 3 of the Localism Act 2011. However, the appellants have requested a review of the decision to list the property as an ACV. Therefore at the time the appeal was determined the inclusion of the public house in the list of ACVs has not been confirmed. I will consider this further below.

Main Issues

4. The main issues are:
 - whether the proposal would, or would not result in the loss of a community facility;
 - whether the proposal would, or would not provide satisfactory living conditions for the occupants of the proposed residential units; and
 - whether mechanisms are necessary to a) secure car-free housing and b) contributions towards highway works.

Reasons

Community facilities

5. The appeal property comprises a 3 storey end of terrace building with basement and adjoining garden area. It is located on a busy road and is sited at the edge of a retail and commercial parade within a predominantly residential area.
6. The premises are in use as a public house (Use Class A4) which is known as the Sir Richard Steele Public House. The ground floor contains the main bar and seating areas, kitchen and toilets and has a number of interesting features including wooden panelling and a painted ceiling. On the first floor is a function room with a bar plus an office and storage and the second floor is used to provide accommodation for staff with its own bedrooms, kitchen, living room and bathroom. The basement is used as a cellar, cold store and storage. Access to all floors is via internal staircases and there is also an additional separate external staircase and delivery hatch to the cellar. Adjacent to the building is a beer garden accessed from the ground floor bar area.
7. The proposal is to convert the first and second floors to 4 residential units. The proposal would retain the ground floor and basement as a public house. The garden area would be turned into amenity space for the proposed residential units with a smoking shelter for customers of the public house located in the north western corner of the site.
8. The parties disagree whether a public house constitutes a community facility. In early 2015 the public house was listed as an Asset of Community Value (ACV) under the Localism Act 2011. However, the appellant is currently challenging the listing and at the time this appeal was determined its status as an ACV has not been confirmed. The Localism Act defines an ACV to be an actual current use of a building or other land that is not an ancillary use and which furthers the social wellbeing or social interests of the local community.
9. The government's *Community Right to Bid: Non-statutory advice note for local authorities* October 2012 advises that it is open to the local planning authority to decide whether listing as an ACV is a material consideration, taking into account all the circumstances of the case. I regard the request for such as listing to be an indicator of the local support for premises which further the social wellbeing or social interests of the local community. Although the ACV listing has not been confirmed, I attach some weight to it.
10. The appellant relies on Policy CS10 of the Camden Core Strategy 2010 (CS) which it argues does not contain any reference to public houses amongst the community facilities mentioned. This is correct but there may be many types of facilities that are not mentioned that perform a community function and I do not view the omission of a specific reference to public houses in the policy to mean that they can not be a community facility. A community facility provides an opportunity for people, amongst other things, to meet and socialise which is an important function of a public house.
11. Furthermore, the supporting text to CS10 refers to Policy DP15 in the Camden Development Policies (DP) where paragraph 15.6 of the supporting text includes reference to local pubs that serve a community role for example by providing space for evening classes, clubs, meetings or performances. From the written

submissions and evidence given at the Hearing it is clear the ground and first floor of the appeal premises have performed this function until recently when they were stopped by the appellant.

12. In any event the CS predates the National Planning Policy Framework (the Framework) which advises that planning decisions should promote opportunities for meeting between members of the community who might not otherwise come into contact with each other. It also states that decisions should plan positively for the provision and use of community facilities such as public houses in order to enhance the sustainability of communities and residential environments.
13. My attention was also drawn to the emerging Local Plan (LP) which provides additional protection to public houses. However, the LP is in the early stages of preparation and I shall give it very limited weight. Nevertheless, given the Framework, CS10 and DP15 I conclude that a public house is a community use. Consequently, the Framework and these policies are relevant and seek to protect and enhance community, leisure and cultural activities and to resist their loss unless alternative provision is available nearby or it can be demonstrated that that the premises are no longer economically viable for pub use.
14. The appellant's submissions state the upper floors of the premises do not provide a community use and in any event the public house on the ground floor would remain. Therefore, if the public house is a community use such a use would not be lost. The second floor is used for accommodation for staff of the public house and in that respect this floor does not itself provide a community use albeit it serves to support one. However, the first floor comprises a substantial, high ceiling room that is accessed via two separate staircases, one being the fire escape. At the time of my visit the room contained a number of small tables, a raised area that could act as a small stage, an unstocked bar and various pieces of equipment including a projector, screen and loud speakers. The room and the rest of the floor appeared quite dated and shabby in appearance but nevertheless could still be used for meetings, social events and performances.
15. The public house has a web site which includes a section on bookings and includes reference to parties and private functions in one of the function rooms. It also includes photographs of the first floor function room. Submissions by interested parties at the Hearing indicated the first floor function room had been regularly used for events up until the end of 2014 when the public house stopped any further events. Uses included a weekly comedy club and a language club that would have entailed some organisation prior to the event and could not be regarded as very informal uses. I consider such events to be community uses providing local residents and others with social and educational activities and, from the submissions, such events ceased due to the decision of the appellant rather than due to lack of demand.
16. The appellant suggested that these uses could relocate to either the existing ground floor or basement. I am not persuaded that this would be practical as this would interfere with the bar area and cellar/storage area below and the configuration of ground floor and basement would not be suitable for larger gatherings and events. Very limited information is available on alternative local accommodation and this means I am unable to conclude whether any is available.
17. It was emphasised that the proposal retains the public house on the ground floor but the Council and interested parties expressed concerns regarding the impact

of the development on the remaining public house and consequently its long term survival. As the CS and Framework seek to retain community facilities I consider this to be a material consideration. Furthermore, the mere retention of an A4 use would not, in my opinion, be sufficient to satisfy the general expectations of policies broadly seeking to safeguard the community benefits of public houses. The effect of the proposed development on the remaining public house is a relevant consideration.

18. The proposal would result in the loss of the beer garden would be turned in to amenity space for the proposed residential units. This area is a popular attraction and used for regular BBQs which were being advertised. In my opinion the loss of the beer garden, especially in an inner city area, would result in the loss of a valued community facility.
19. The operational management plan submitted by the appellant sets out the current licensing restrictions for alcohol sales, recorded and live music and dancing. These conditions would remain in effect if the appeal were to be allowed but the management plan notes that there would be the opportunity for the Council to further restrict activities to protect the amenities of the future residents. Indeed the plan indicates that in order to protect the amenities of residents above live music and dancing would be prohibited. This could alter the attraction of, and number of customers to the premises.
20. No submissions were made regarding the impact of the proposed development might have on the remaining public house on the ground floor. When questioned, the appellant said some analysis had been done but was unable to provide any details. In the absence of any documentation regarding the effect of the proposal on the public house I can not conclude with any certainty what the impact might be. Nevertheless, I share the concerns regarding the consequential impact of the loss of the function room, beer garden and possible licensing restrictions on the future viability of the public house.
21. My attention has been drawn to a number of recent appeal decisions relating to the conversion of public houses to other uses and the matter of what constitutes a community facility¹. I do not have the full details of all of these cases and the nature of the developments do not all replicate this appeal proposal. However, they do indicate a public house and their function rooms can be considered to be a community facility. In any event I have had regard to the submissions made and the specific circumstances relating to this appeal.
22. In support of the proposal the appellant also argued that the London Plan and the recently adopted Further Alterations to the London Plan indicated a substantial increase in the capital's population and consequently an acute requirement to make the best possible use of available land to create new homes. The Council stated it could meet its housing targets without the conversion of this site. Whilst the proposal would result in 4 additional residential units which would make a small contribution towards the supply of housing I also consider the retention of community facilities to be important for the social wellbeing local communities. I do not consider the provision of additional housing outweighs the harm that would result to the provision of community facilities in the locality.

¹ APP/X5210/A/14/2218740, dated 2 October 2014, APP/X5210/A/13/2199667, dated 12 December 2013, APP/K5600/A/13/2199870, dated 10 December 2013, APP/K5600/A/12/2180954, DATED 10 January 2013 and APP/K5600/A/12/2172342, dated 17 September 2012.

23. Having considered all the submissions I consider the proposal would result in the loss of part of a premises that provides community facilities and that development would compromise and undermine the value of the existing A4 use as a community facility. Consequently, the proposal would be contrary to the underlying aims of CS Policy CS10, DP Policy DP15 and the Framework which seek to safeguard the community benefits that may arise from public houses.

Living conditions

24. The appellant argues that the existing use of the second floor as staff accommodation demonstrates the upper floors can co-exist harmoniously with the public house. This accommodation is ancillary to the public house and it is reasonable to assume that the occupants would be involved with the operation of the public house during opening times. Occupants of the proposed units may be expected to be within their accommodation during opening hours and I therefore do not consider the present ancillary accommodation demonstrates that satisfactory living conditions would automatically result from the proposal.
25. It was agreed by the parties that the proposed residential units would meet the Council's housing space and amenity area standards and I have no reason to take a different view.
26. The residential use would be above the public house and such arrangements exist elsewhere. A noise assessment submitted with the application indicates that internal sound insulation would be required that would exceed building regulation requirements in order to safeguard the amenity of the proposed occupants. This could be dealt with by way of a condition. The licence forbids customers to drink outside the premises on the pavement and even if the windows of the upper floors are opened the noise from the public house would be limited, especially when compared against the noise from traffic on the nearby road.
27. The existing beer garden would be converted to provide private amenity space for the occupants of the proposed flats. However, the access to the cellar is within the proposed garden area and beer deliveries would have to be brought into the amenity space. In addition, the waste storage for the public house is located to the rear of the site and would need to be brought to the front of the site, via the amenity space, in order that it could be collected.
28. Furthermore, the public house has a number of large windows and doors that face the amenity space. Although the public house doors would be closed and only used for emergencies the customers of the public house would be able to look out over the amenity space. A smoking shed for customers of the public house would also be located in the corner which would be accessed from the street. Although it would be separated from the amenity space users of the garden would be aware of people using it which would add to the lack of privacy.
29. Consequently, whilst the external space may satisfy the area standards I consider it would be overlooked and its users disturbed by deliveries and waste disposal. In the circumstances I consider it would provide a poor standard of outdoor amenity for the proposed occupants of the flats.
30. However, having considered the matters raised I conclude on balance the proposal would not cause a degree of harm to the living conditions of the proposed occupants that would justify the dismissal of the appeal. The proposal

would therefore comply with CS Policy CS5 and DP Policy DP26 but this does not outweigh the harm identified regarding the loss of a community use.

S106 Obligation

31. A signed and dated planning Obligation was submitted prior to the Hearing and the Council agreed that the third and fourth reason for refusal had been satisfactorily addressed. However, the Obligation does not overcome the harm identified in terms of the loss of a community facility. Accordingly, it is not necessary to assess the content of the Obligation against the relevant tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 or the accompanying guidance.

Other matters

32. The site lies within the Eton Conservation Area and I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The building is not listed but is identified in the Conservation Area Statement as making a positive contribution to the character and appearance of the conservation area.

33. The external elevations of the building would remain unaltered and the only change would be to the extract flue. The existing flue is a substantial and unsightly metal structure fixed to the rear of the building. The proposed flue, although taller, would be encased in matching brickwork and would be visually less obtrusive. Consequently, I consider the proposal would preserve or enhance the character or appearance of the conservation area in accordance with the Act.

Conclusion

34. For the reasons given above I conclude that the appeal should be dismissed.

Sarah Stevens

INSPECTOR

APPEARANCES

For the appellant:

Mr Stephen Cox	Faucet Inn Ltd
Mr Stuart Walburn BA Hons MTP MRTPI	Iceni Projects
Mr Kieron Hodgson BA (Hons) MTP MRTPI	Iceni Projects

For the Local Planning Authority:

Mr Alex McDougall BAsc (Hons) MURP	Senior Planner, London Borough of Camden
------------------------------------	--

Interested persons:

Cllr Jonny Bucknell	Elected member, London Borough of Camden
Mr Martin Besserman	
Ms Dale Ingram MSc CHE	Planning for Pubs Ltd

DOCUMENTS SUBMITTED AT THE HEARING

1. A list of application plans agreed by appellant and Council (Document 1)

