



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

**HEARING
STATEMENT OF CASE (ADDENDUM)**

APPEAL SITE

105 King's Cross Road, London, WC1X 9LR

APPELLANT

Mendoza Ltd

SUBJECT OF APPEAL

Appeal against refusal of planning permission (ref: 2016/0759/P) on 18th April 2016 for:

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

COUNCIL REFERENCE: 2016/0759/P

PLANNING INSPECTORATE REFERENCE: APP/X5210/W/16/3153219

Carpenters Arms – Addendum to Statement of Case

Update to paragraph 3.11

2015/4456/P – Demolition of building at 9A and partial demolition of 9 Hargrave Place and redevelopment of the site including a new 3 storey building to the rear; multiple storey rear extensions, basement extension, mansard roof addition and associated works to main building at 9; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 5 residential flats (3x2 bed and 2x1 bed) – **Refused 17/02/2015. Appeal APP/X5210/W/16/3147248 Dismissed 12/10/2016.** The Council's reasons for refusal were:

1. The existing local public house, in its current form, is considered to serve the needs of the local community and is registered as an asset of community value in accordance with the requirements of the Localism Act 2011. Its proposed modification and loss of ancillary space would harmfully compromise and undermine the use of the existing public house and prejudice its long term retention. Therefore the public house would fail to be developed and modernised in a way that is sustainable, and retained for the benefit of the community, which in turn would fail to enhance the sustainability of communities, contrary to policy CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy, policies DP15 (Community and leisure uses) and DP29 (Improving access) of the London Borough of Camden Local Development Framework Development Policies, Policy C3 (Public Houses) of the Draft Camden Local Plan 2015, paragraphs 69 and 70 of the National Planning Policy Framework 2012 and policy 4.8 of the London Plan 2015.
2. The demolition of the existing building at no. 9A would result in the loss of a non-designated heritage asset which contributes architectural, historical, townscape and social significance to the Borough and the replacement building would be of insufficient design quality and inappropriate height, bulk and massing, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies and the National Planning Policy Framework 2012.
3. The applicant has failed to demonstrate that the proposed co-location of residential units and the public house would not cause harm to the residential amenity of the future occupants of the upper floor flats in relation to noise disturbance and that the residential flats would experience an acceptable level of internal noise, contrary to policy CS5 (Managing the impact of development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed 2 bedroom residential flat at unit 5 on the third floor, by reason of its size, would result in sub-standard accommodation and be harmful to the

amenities of future occupiers contrary to core policies CS5 (managing the impact of growth and development) and CS6 (providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (securing high quality design) and DP26 (managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Policies.

5. The location of the cycle storage within close proximity to the refuse storage would cause a conflict between the uses which would discourage the ownership and use of cycles in what would be required to be a car-free development, contrary to Policy CS11 (Promoting sustainable and efficient travel) and policies DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
6. 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.
7. The proposed development, in the absence of a legal agreement securing necessary contributions towards highway works would fail to make provision to restore the pedestrian environment to an acceptable condition after the construction works contrary to policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.

Paragraph 4.11

During the Hearing, the Inspector raised no objection in principle to Policy C4. Proposed modifications to the policy are being drafted and should be sent out for consultation in February 2017.

Correction to paragraph 6.18

The above is supported by the London Plan (March 2016), whereby paragraph 4.48a states that Council's should bring forward policies to maintain, manage and enhance pubs. With this in mind, the ACV here would not be maintained or enhanced by compromises made to the pub as described above.

New paragraph following 6.21

The appeal relating to The Admiral Mann public house is the latest appeal, APP/X5210/W/16/3147248, 12/10/2016 (See section 8 and Appendix 7) where a similar development has been dismissed by the Inspector. In his assessment, the Inspector noted the following:

“Overall, whilst it is clear that a PH use would be retained on the site with a larger ground floor seating area, and I note Policy DP15 of the CDP does not require the retention of ancillary facilities such as a kitchen, I consider that the proposed PH would not function to the same degree as that which the Admiral Mann did, due to the lack of the ability to provide food. As such, the proposed PH would fail to serve the needs of the local community adequately.”

“Furthermore as identified in paragraph 18 above, were it not possible to satisfactorily mitigate for noise from the PH being heard by the occupiers of the flats above, this could result in complaints from the residents which in turn could result in restrictions being placed on the PH which would further restrict its function and threaten its viability.”

New paragraph following 7.5

This is a position that has been recently supported by an Inspector at the appeal for the Admiral Mann. The Inspector noted:

“Furthermore, any acoustic insulation works would not mitigate the noise generated from outside the pub by the coming and going of customers or customers smoking and drinking outside. Although the pavements outside the property are not deep, so do not provide the opportunity for outdoor seating, and the PH is not of such a size that it would be likely to attract vast numbers of customers simultaneously, it is not unreasonable to consider it would generate a regular amount of outdoor noise.”

The Carpenter’s Arms offers outdoor seating to the front of the pub. To that end, it is difficult to control the level of noise that will be generated as a result of the use of that area. As such, it is considered that the proposal would harm the future living conditions of future inhabitants of the development. As such the proposal fails to accord with policies CS5, DP26 and DP28 of Camden’s Local Development Framework.

Paragraph 7.18

With regards to closure, it is noted that since the Council’s Statement of Case was submitted in September 2016 the Carpenter’s Arms has now closed (as of approximately October 2016). A number of news articles have since been published which highlight the strong community value that the Carpenter’s Arms offered when it was open (see Appendix 11). The Carpenter’s Arms has been successfully operating as a community facility for a number of years, but since the submission of this application the pub has closed for reasons unknown to officers. There has been no evidence submitted within the Appellant’s submission to suggest that the Carpenter’s Arms was leading to closure. Officers do not therefore accept the

closure of the pub is a result of the unsuccessful operation of the existing pub and that its existing arrangement is unviable. The news articles, together with the number of objections received for this application, highlight the community value of the Carpenter's Arms which is further evidence that the existing facility and its amenities is what is of value to the local community and its loss would be contrary to Camden's Local Development Framework, the London Plan 2016 and the National Planning Policy Framework.

Paragraph 8.6

The Admiral Mann: Appeal dismissed

8.6 – Appeal APP/X5210/W/16/3147248 (see Appendix 9)

Decision Date: 12/10/2016.

Address: 9 and 9A Hargrave Place, London, N7 0BP.

Description: Demolition of building at 9A and partial demolition of 9 Hargrave Place and redevelopment of the site including a new 3 storey building to the rear; multiple storey rear extensions, basement extension, mansard roof addition and associated works to main building at 9; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 5 residential flats (3x2 bed and 2x1 bed)

Important Inspector Quote: *“Overall, whilst it is clear that a PH use would be retained on the site with a larger ground floor seating area, and I note Policy DP15 of the CDP does not require the retention of ancillary facilities such as a kitchen, I consider that the proposed PH would not function to the same degree as that which the Admiral Mann did, due to the lack of the ability to provide food. As such, the proposed PH would fail to serve the needs of the local community adequately.”*

Officer Comment: It is clear that the removal of features that contribute towards the strong community value of the Carpenter's Arms will have a distinct impact on the ability for the pub to function in the same manner as it did prior to its closure in October 2016. It is not enough that a public house is retained on site without these contributing features.

Appendix 9 contd. – Relevant appeal decisions (Admiral Mann PH decision and drawings)

Appeal Decision

Hearing held on 14 September 2016

Site visit made on 14 September 2016

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/X5210/W/16/3147248
9 and 9a Hargrave Place, Camden, London N7 0BP

- 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 Woodham Enterprise Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/4456/P, dated 3 August 2015, was refused by notice dated 17 February 2016.
 - The development proposed was originally described as "partial demolition and redevelopment of the buildings to create a mixed use scheme including retention of the existing PH with landlord's accommodation and 5 residential flats."
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The address given on the application form was 9 Hargrave Place, excluding the dwelling at No 9a which is within the site. The address I have used above more accurately reflects the site and was that used by the Council on their decision letter.
 3. The appeal is made by Woodham Enterprise Ltd, but the original application was made by Woodham Properties Ltd. However the same person, Mr Josh Moore, is identified on both the appeal and application forms.
 4. The description of the development was given on the Council's decision letter as being "Demolition of building at 9A and partial demolition of 9 Hargrave Place and redevelopment of the site including a new 3 storey building to the rear; multiple storey rear extensions, basement extension, mansard roof addition and associated works to main building at 9; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 5 residential flats (3x2 bed and 2x1 bed)". This was also the description given on the appeal form. Accordingly I shall consider the proposal on this basis.
 5. A completed planning obligation was submitted at the Hearing which sought to address the reasons for refusal relating to car free housing and a contribution to highway works. I address this below.
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Main Issues

6. The main issues are:
 - i. The effect of the proposal on the character and appearance of the locally listed buildings;
 - ii. Whether the proposal would provide satisfactory living conditions for future residents of the development with respect to noise or disturbance and living space;
 - iii. The effect of the proposal on the future function of the public house;
 - iv. Whether the development would provide satisfactory cycle storage.

Reasons

Character and appearance of the locally listed buildings

7. The site is made up of two parts. The first part is the former Admiral Mann PH at No 9 which is currently vacant at ground floor level but is occupied as a residential unit on the first and second floors. The second part is a dwelling at No 9a which is primarily at first floor level, above the store rooms and disabled toilet at the Admiral Mann, but has its own pedestrian access from Hargrave Place.
8. Nos 9a and 9 are both locally listed buildings identified separately in the Council's local list. Policy SP25 of the Camden Development Policies (2010) (CDP) relates to the borough's heritage but makes no reference to non-designated heritage assets. At the Hearing the Council advised this was because the borough's local list post-dates this policy. Nonetheless, because of its lack of reference to locally listed buildings, I can give only limited weight to this Policy. Notwithstanding this, I give significant weight to paragraph 135 of the National Planning Policy Framework (the 'Framework') which advises that the significance of a non-designated heritage asset should be taken into account.
9. The Council confirmed at the Hearing that No 9a has historical and townscape significance only and not also architectural and social significance as stated in the Council's decision letter. In respect of its historical significance the building is one of the few remaining 19th century workers cottages in the area. Its small size and proportions, distinctive curved wall and shallow pitched roof contribute to its townscape significance.
10. I consider that the small scale and modest proportions of the building, indicative of its age, are its greatest characteristics and, juxtaposed with the modern, taller, and larger neighbouring development at Brecon Mews and No 1 Hargrave Place, the historical and townscape significance of the building is emphasised. No 2 Hargrave Place is also similarly older than its surrounding development, but it is the contrast in scale of No 9a with the adjoining modern developments that, in particular, accentuates its significance.
11. An annotation on drawing GAL 220 (PC) 008 Rev E states "existing curved brickwork detail to be retained and extended". It is disputed by the parties as to whether this means the curved wall would be demolished and rebuilt like for like, or retained. In any event, it is clear that the proposal involves the provision of a building on this part of the site which, whilst it would remain

smaller than that at No 9, would be significantly higher, deeper, and therefore have a greater bulk than the existing building at No 9a. This would result in the character and appearance of No 9a being detrimentally affected and its historic and townscape significance being wholly lost. Furthermore, although the property is not on a major road, the development would be visible from a large number of properties on the Long Meadow estate and from Brecon Mews and therefore would affect the property's townscape significance in the wider context.

12. I acknowledge the parties agree that the alterations to No 9 would not harm the character and appearance of that locally listed building. Nonetheless, the development would considerably harm the character and appearance of No 9a which would detrimentally affect its significance as a non-designated heritage asset. As such the proposal would be contrary to the aforementioned advice in paragraph 135 of the Framework. The development would also be contrary to Policy CS14 of the Camden Core Strategy (2010) (CCS) and DP24 of the CDP which require all development to be of the highest standard of design.

Living conditions - noise

13. The development would provide a PH at ground floor with five dwellings above. The Noise Impact Report (22207/NIA Rev 3) submitted with the application estimates that noise from a PH would be around 75dB L_{Aeq} and that sufficient acoustic insulation could be provided and secured by a planning condition, to ensure noise from the PH would not affect the living conditions of the residents above. Although the Council considers that this underestimates the likely noise, no evidence has been provided to suggest what a realistic level of noise would be.
14. Notwithstanding this, the Report suggests that in order for resident's living conditions to be protected, equipment to amplify music or speech "should only be used at a low level" and I was advised at the Hearing by the appellant's agent that such equipment exists which will 'cut out' at a specified limit. The Report is also based on the assumption that the PH ceases to operate at 23:00hrs and that habitable rooms in the flats are at least 14m².
15. A new license would need to be obtained for the proposed PH, and this, with a planning condition, could limit opening hours so that the PH closes at 23:00hrs. However one of the bedrooms directly above the PH would be 13.5m², contrary to the assumptions in the Report. Also it would be difficult to effectively control amplification equipment used within the PH. Additionally, there is no method to control general noise from the PH to ensure it would not adversely affect the residents above as any acoustic insulation could only reduce the volume of the noise heard from within the flats, not limit the volume of the source of the noise. As such, I am not convinced, from the evidence provided, that noise from the PH could be satisfactorily mitigated.
16. At the Hearing, the Council agreed that a condition proposed by the appellant which had been used in an allowed appeal¹, which proposed housing above The Leighton PH in Camden, would satisfactorily ensure noise from the PH would not adversely affect the living conditions of the residents of the flats above. However, the condition suggested by the appellant only ensures the acoustic insulation is of a specific standard and would not ensure noise to the flats

¹ APP/X5210/W/15/3095242

would be sufficiently mitigated. Were future occupants of the flats to consider that noise from the PH did adversely affect their living conditions, any formal complaints could result in the operations of the PH being restricted, which may affect the successful operation of the PH.

17. Additionally one of the clauses of the completed planning obligation requires the PH unit to be occupied before any of the dwellings above, and requires the marketing details and the leases for the flats to include details of the licensed hours of the PH and details of the entertainment provided therein. This means that any potential residential occupiers would already be aware of the presence and operational details of the PH use before they decided to occupy the dwellings. However, I do not consider this would necessarily prevent future occupiers from making complaints regarding noise from the PH if they considered their living conditions were being harmed.
18. I acknowledge the planning permission granted on appeal at The Leighton PH noted above, and I have been presented with officer's reports for the Richard Steele PH and the Magdala PH which both relate to the provision of flats above a PH and which both recommend approval on the basis that noise from within the PHs can be mitigated for by a condition. I accept that it may be possible to mitigate for noise from a PH and that in these other cases the evidence presented may have demonstrated this. However I am not persuaded by the evidence before me in this appeal that this would necessarily be the case here.
19. Furthermore, any acoustic insulation works would not mitigate the noise generated from outside the pub by the coming and going of customers or customers smoking and drinking outside. Although the pavements outside the property are not deep, so do not provide the opportunity for outdoor seating, and the PH is not of such a size that it would be likely to attract vast numbers of customers simultaneously, it is not unreasonable to consider it would generate a regular amount of outdoor noise. Whilst some mitigation would be provided through the quality of the glazing in the flats, this would only be effective when the windows are closed. Additionally, the site's location on a quiet backstreet would mean that outdoor noise would mostly be likely to come from customers of the PH and in this respect the development differs from The Leighton PH. Notwithstanding this, the Noise Impact Report makes no assessment of this aspect and I do not agree that it would be sufficient to control this through a premises license as suggested in the Report. The available evidence does not satisfy me, on the balance of probabilities, that such noise would be within acceptable limits.
20. Accordingly I am unable to find that noise from the proposed PH would not harm the living conditions of the future occupiers of the development. Therefore the development would fail to accord with Policy CS5 of the CCS which aims to protect the amenity of local residents, and Policies DP26 and DP28 of the CDP which seek the same with specific reference to noise.

Living conditions – living space

21. Unit 5 is identified on the plans as a 1 bedroom flat though it has a sizeable study which the Council suggest could be used as a bedroom, hence rendering the unit a 2 bed flat. The Government's Technical housing standards² advise that a minimum internal floor area for a 2 bedroom unit is 61 square metres

² DCLG. 2015. Technical Housing Standards – nationally described space standard.

and for a 1 bedroom, two person flat is 50 square metres. The plans identify flat 5 as being 54 square metres.

22. I acknowledge that the use of a room within a dwellinghouse for any domestic purpose is beyond the control of the planning regime, and I recognise the appellant's intentions to market the unit as a 1 bedroom flat. However I also consider that it would circumnavigate the intentions of the standards to label rooms as to be used other than as bedrooms in order to manipulate the occupancy of the unit. Indeed, paragraph 6 of the Technical housing standards advises that the standards do not imply occupancy or define the use of any room for a specific purpose.
23. Were the study too small to be able to be used as a bedroom, or were this room labelled as a room fundamental to the occupation of the unit, for example as its living room, I would be satisfied that the unit would be a 1 bedroom flat. However this is not the case and the room could readily be used as a single bedroom. Indeed, flat 3, directly below flat 5, has a very similar layout and similarly sized rooms to flat 5 and identifies the room below the study in flat 5 to be a single bedroom.
24. Accordingly I consider flat 5 would fail to meet the nationally described space standards and therefore would fail to provide satisfactory living space for future occupiers of the development. As such, whilst the development would contribute to the Council's housing target as set out in Policy CS6 of the CCS, it would fail to provide a quality home, also as required by this policy, and as supported by part c) of Policy CS5 of the CCS and Policy DP24 of the CDP. It would also fail to accord with criteria h) of Policy DP26 of the CDP which requires development to provide acceptable standards of accommodation.

Function of the public house

25. The Admiral Mann was listed as an Asset of Community Value (ACV) in 2014. In order to be identified as such, the Council considered at the time that the PH had furthered the social wellbeing of the local community and that within five years from the date of the listing it was realistic to consider that the building could again further the social wellbeing of the community. The ACV designation allows for a community interest group to bid to purchase the property should it be put up for sale. It was agreed by the parties at the Hearing that no such bid had emerged and as such the property is currently for sale to the open market. Nonetheless, despite the lack of a bid by the community, the ACV designation still applies and I have had some regard to it.
26. The ACV listing extends as far as the public areas of the Admiral Mann. It is not disputed that when the PH was last operational the first and second floors were used as ancillary staff accommodation, though in the past there had been a function room at first floor level. However, from many of the representations received it appears that, despite the lack of a function room in recent times, the PH still hosted events such as wakes, parties, events celebrating national celebrations and was home to sports teams including its own darts team.
27. At the Hearing I also heard, from the former manager, that the kitchen at first floor, whilst primarily was for his own domestic use, was also used to provide food for customers of the PH including for the aforementioned events and sports teams. However I also heard from the appellant's agent that no license

to sell food had been in place at the PH and that the 'What pub' website³, did not indicate that food was available. Nonetheless, I have no doubt that food was provided at the Admiral Mann, albeit on an informal basis, and that this may have contributed to the attraction of the PH to customers.

28. The proposal would not provide staff accommodation and therefore the opportunity for food to be provided, even informally, would be lost which would restrict the function of the PH, particularly if it were to resume hosting events at which food would be normally be provided.
29. From the evidence before me, there are a number of other PHs in the area where staff accommodation is not provided on site. As such I do not consider it would be essential for staff to live at the site, and the lack of staff accommodation in the development would not necessarily affect the attractiveness of the PH to potential managers. Indeed if a manager wished to live on site it is not unfeasible that one of the flats could be made available to them, particularly if the PH would be occupied before the flats above.
30. The proposal would provide a larger seating area at ground floor level, principally by relocating the existing toilets to the basement with the exception of a disabled toilet. Although I consider this alteration would make the toilets marginally less appealing, I do not consider they would be inadequate and basement toilets are not uncommon in PHs. As such in this respect the proposal accords with Policy DP29 of the CDP which seeks to promote fair access.
31. Overall, whilst it is clear that a PH use would be retained on the site with a larger ground floor seating area, and I note Policy DP15 of the CDP does not require the retention of ancillary facilities such as a kitchen, I consider that the proposed PH would not function to the same degree as that which the Admiral Mann did, due to the lack of the ability to provide food. As such, the proposed PH would fail to serve the needs of the local community adequately.
32. Furthermore as identified in paragraph 18 above, were it not possible to satisfactorily mitigate for noise from the PH being heard by the occupiers of the flats above, this could result in complaints from the residents which in turn could result in restrictions being placed on the PH which would further restrict its function and threaten its viability.
33. Consequently the development would fail to accord with Policy DP15 of the CDP and Policy CS10 of the CCS which seek to protect existing community facilities. It would also fail to accord with paragraph 4.8 of the London Plan which also seeks to prevent the loss of valued local community assets including public houses, and Paragraph 70 of the Framework which guards against the loss of valued facilities where this would reduce the community's ability to meet its day to day needs.
34. Policy C4 of the emerging Camden Local Plan also guards against the loss of pub floorspace including facilities ancillary to the operation of the public house where this would adversely affect the operation of the public house. This policy is yet to be examined, but has been subject of public consultation so I afford it some weight. Due to its lack of ability to provide food for customers of the PH, the development would conflict with this draft policy.

³ www.whatpub.com

Cycle storage

35. The proposed cycle storage area would be located within a room which is also identified as the waste bin store. Whilst the room would be physically large enough to accommodate both cycles and bins, any odour from the bins would make the room undesirable for cycle storage and the potential for overspill waste or the potential for the bins to be moved around the room in front of the cycle storage area, might make access to the cycle store area difficult. Also it would not be easy for residents to store bikes within their flats due to the stair access to all flats. I do accept the cycle and bin storage room could be made secure, but this would not address the poor environment the bikes would be kept in.
36. Consequently, the proposal would not encourage cycle use and so would be contrary to Policy CS11 of the CCS which seeks to promote sustainable travel, and Policy DP18 of the CDP which, in its explanatory text, advises that cycle parking should be convenient and easy to use. The development would also conflict with the Camden Planning Guidance 7: Transport which advises that cycle parking should be easily accessible in that a cycle can easily be stored and removed.

Other matters

37. A completed bilateral planning obligation was submitted at the Hearing. As well as seeking to address the issues of the relationship between the flats and the use of the PH as noted in paragraph 17 above, it also seeks to ensure the development is car free and that a contribution towards highway improvement works is made. In view of my conclusions on the main issues identified above it is not necessary for me to give this obligation any further consideration.
38. My attention was drawn at the Hearing to Policy CS6 of the CS and in particular paragraph e) which states that housing is the 'priority land use'. Whilst I acknowledge this, I do not consider that the benefit of the provision of the additional dwellings in the development outweighs the harm that the proposal would cause as identified above.

Conclusions

39. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Josh Moore	Appellant
Kieran Rafferty	KR Planning (Appellant's agent)
Ian Barden	Genesis Architects Ltd

FOR THE LOCAL PLANNING AUTHORITY

Jonathan McClue	Principal Planning Officer
Sarah Freeman	Conservation Officer
Jagdish Akhaja	Planning Technician

INTERESTED PERSONS

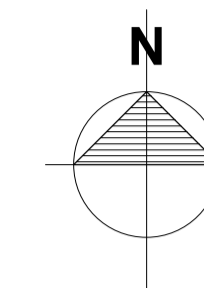
Richard Lewis	Chair of 'Save the Admiral Mann'
John Cryne	CAMRA (North London Branch)
Mick Todd	Former manager of the Admiral Mann PH
Cllr Georgia Gould	Ward Councillor
George Hanna	Local resident
Dee Searle	Local resident
Henrietta Nasmyth	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

Completed Statement of Common Ground
Completed S106 agreement
Current marketing details for the Admiral Mann

notes:
Do not scale from this drawing
All dimensions to be checked on site and any discrepancies reported to the Architect/Contract Administrator before proceeding with the works on site, or off-site fabrication

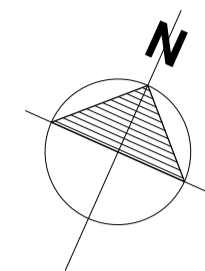
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SUBJECT TO FULL
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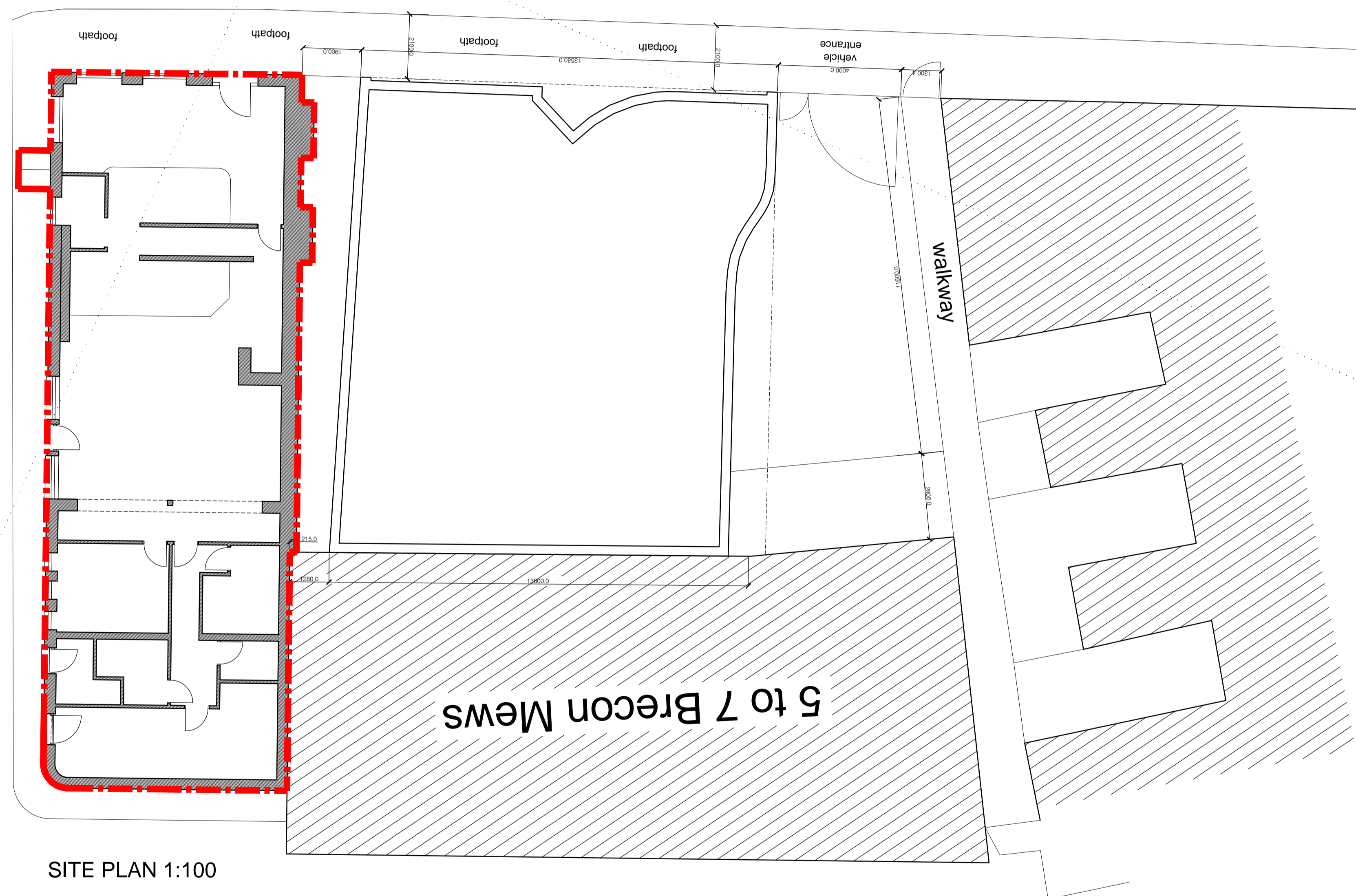
LOCATION PLAN 1:1250



BLOCK PLAN 1:500



HARGRAVE PLACE



SITE PLAN 1:100

5 to 7 Brecon Mews

For Information

revision description date
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client
Woodham Properties Ltd
project

THE ADMIRAL MANN PH
LONDON
N7 0BP

title
EXISTING
SITE PLANS

date SEPT 14 scale AS SHOWN drawn IRMB

drawing no revision

GAL 220 (PC) 001 /

notes:
Do not scale from this drawing
All dimensions to be checked on site and any discrepancies reported to the Architect/Contract Administrator before proceeding with the works on site, or off-site fabrication

**EXISTING
GROUND FLOOR
COMMERCIAL
162 SQM**

**EXISTING
UPPER FLOORS
RESIDENTIAL
160 SQM**

For Information

revision	description	date
<p>GENESIS ARCHITECTS LTD 7 St Margarets Road, Staines Abbotts Ware Hertfordshire SG12 8EP T: 01920 879908 F: 01920 879908 E: genesisarchitects@btconnect.com W: www.genesisarchitects.ltd.uk</p>		

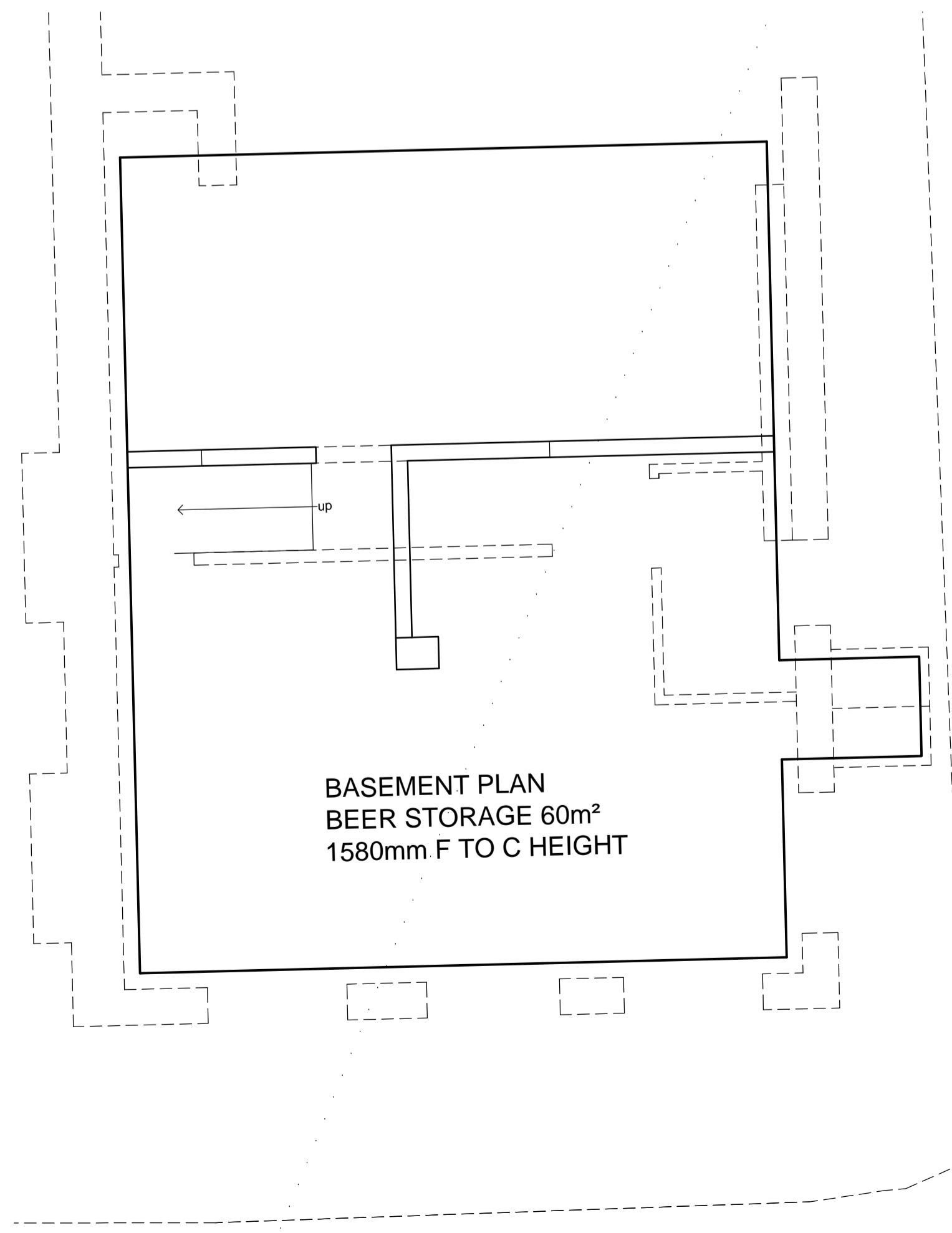
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Woodham Properties Ltd

project
THE ADMIRAL MANN PH
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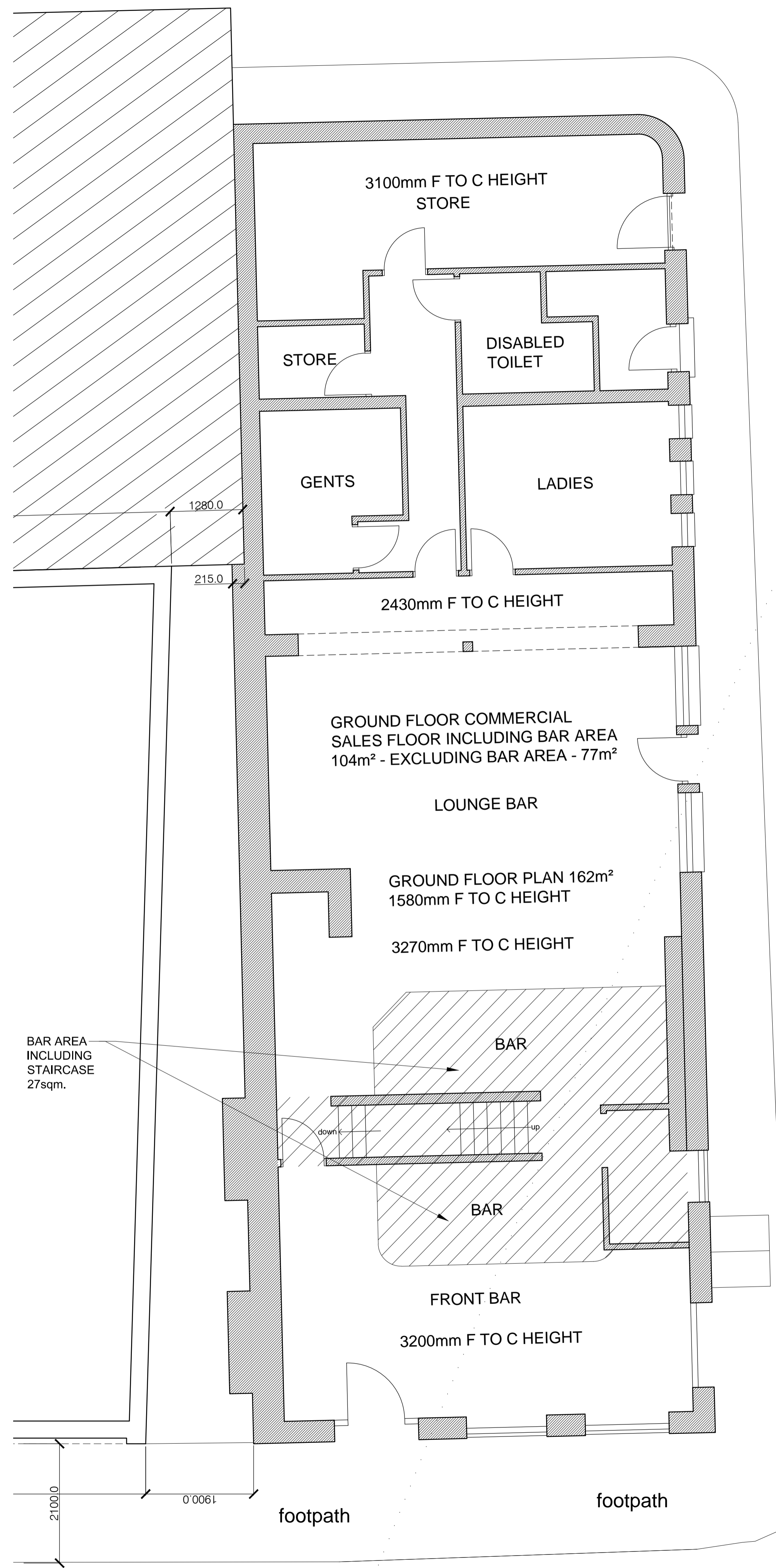
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EXISTING
BASEMENT AND GROUND
FLOOR PLANS

date AUG 14 scale AS SHOWN drawn IRMB

drawing no GAL 220 (PC) 003 / revision

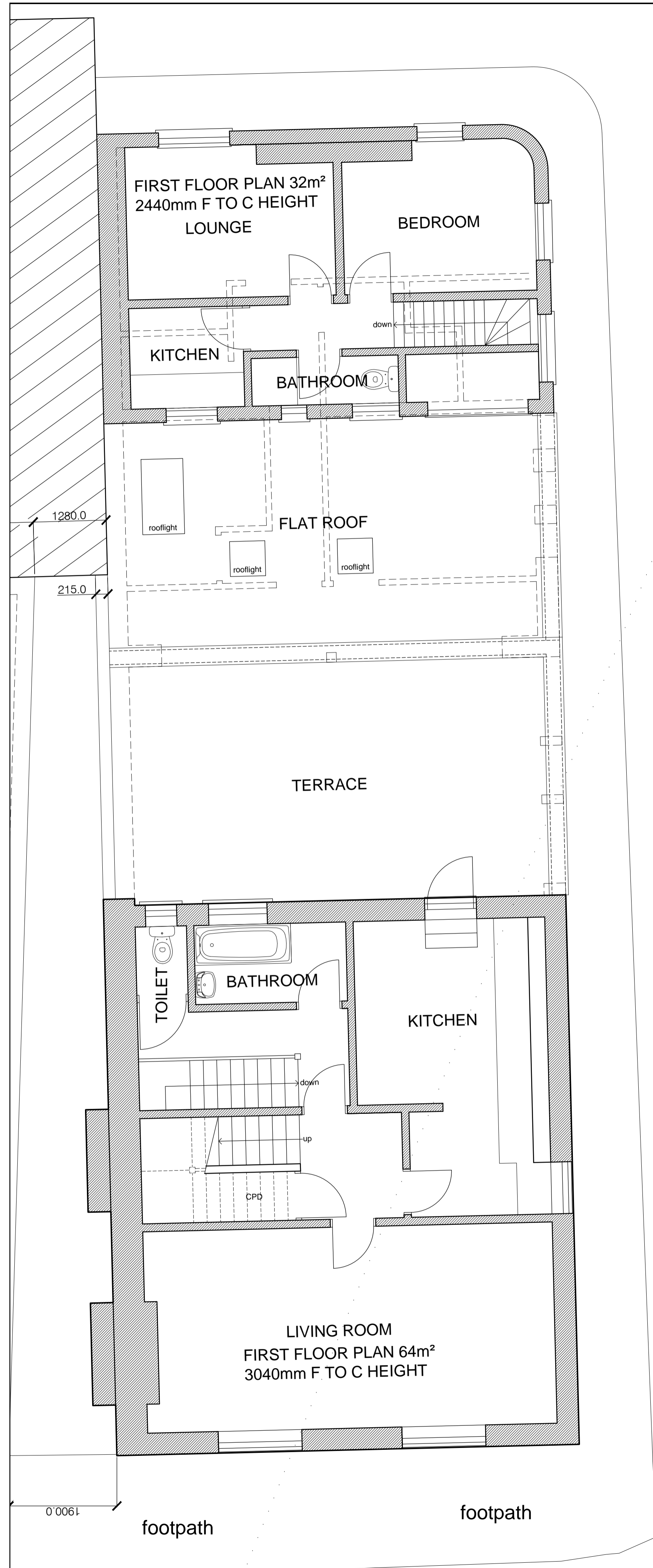


BASEMENT PLAN 1:50

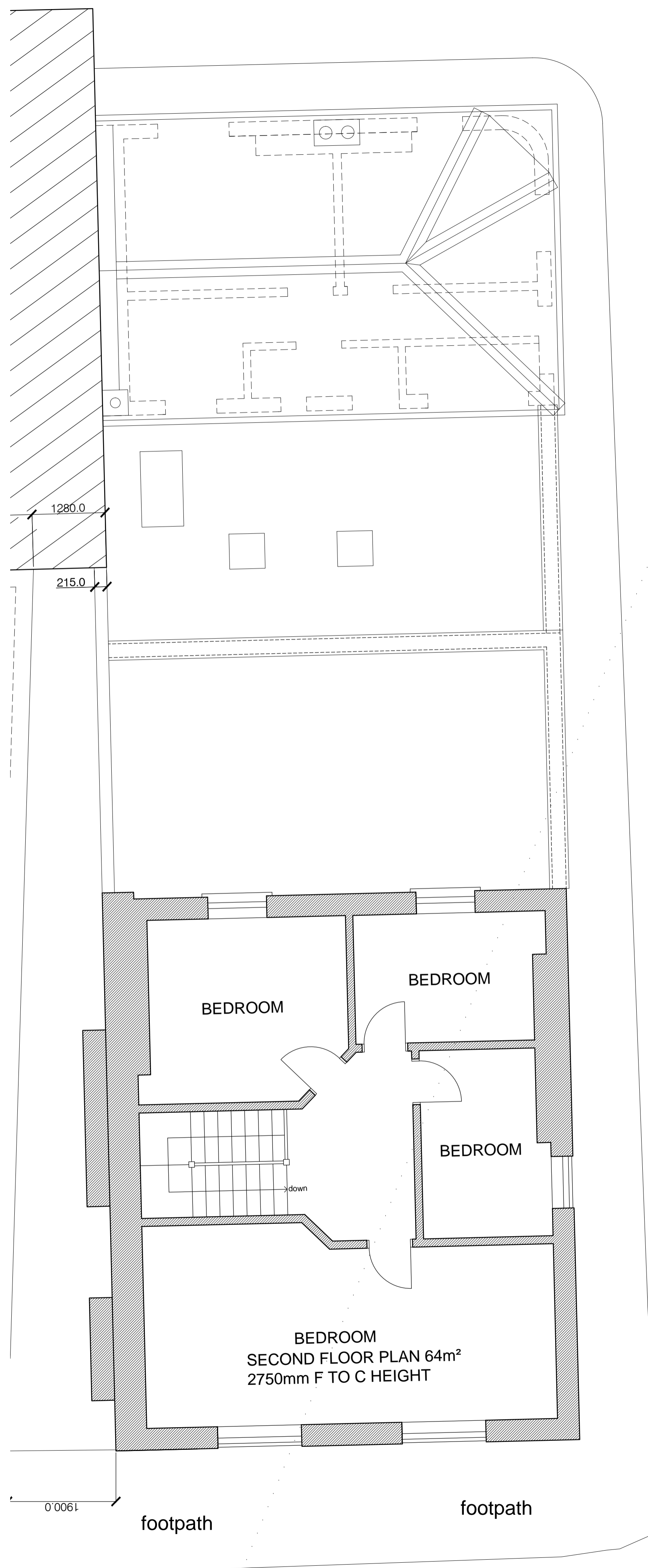


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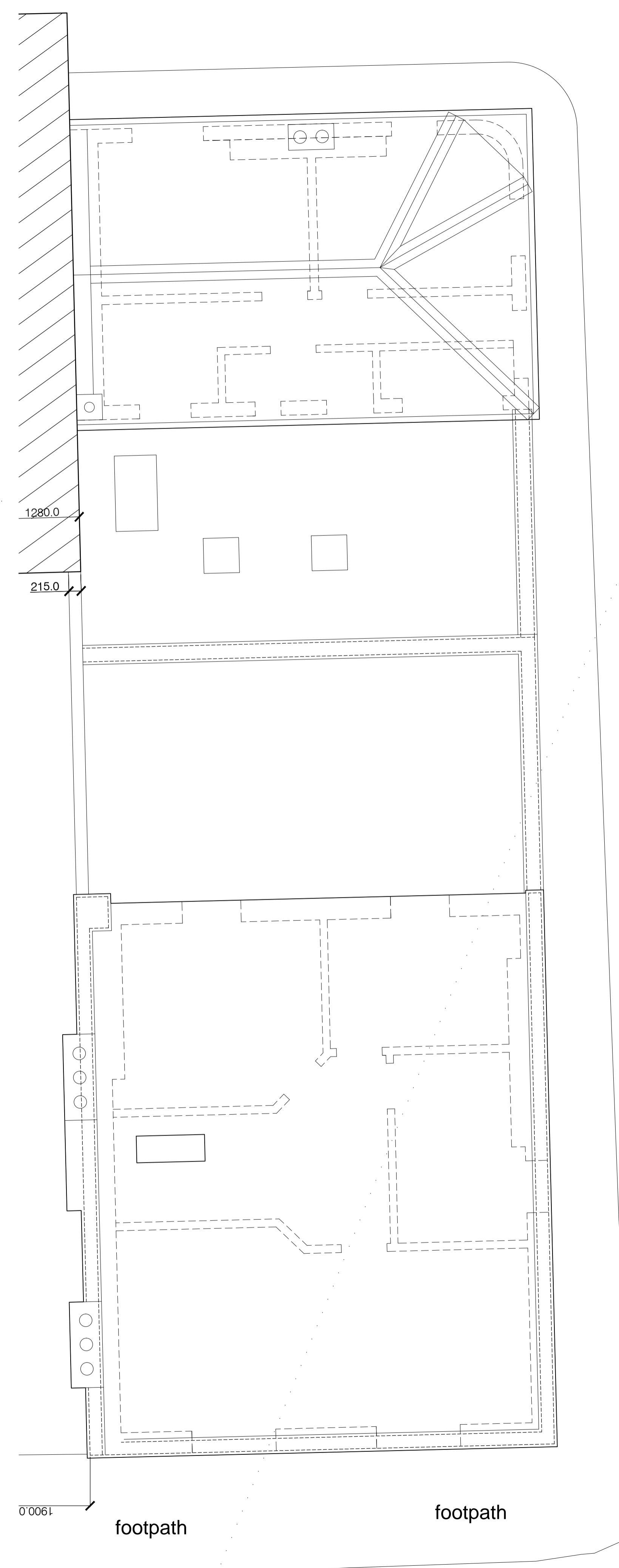
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FIRST FLOOR PLAN 1:50



SECOND FLOOR PLAN 1:50



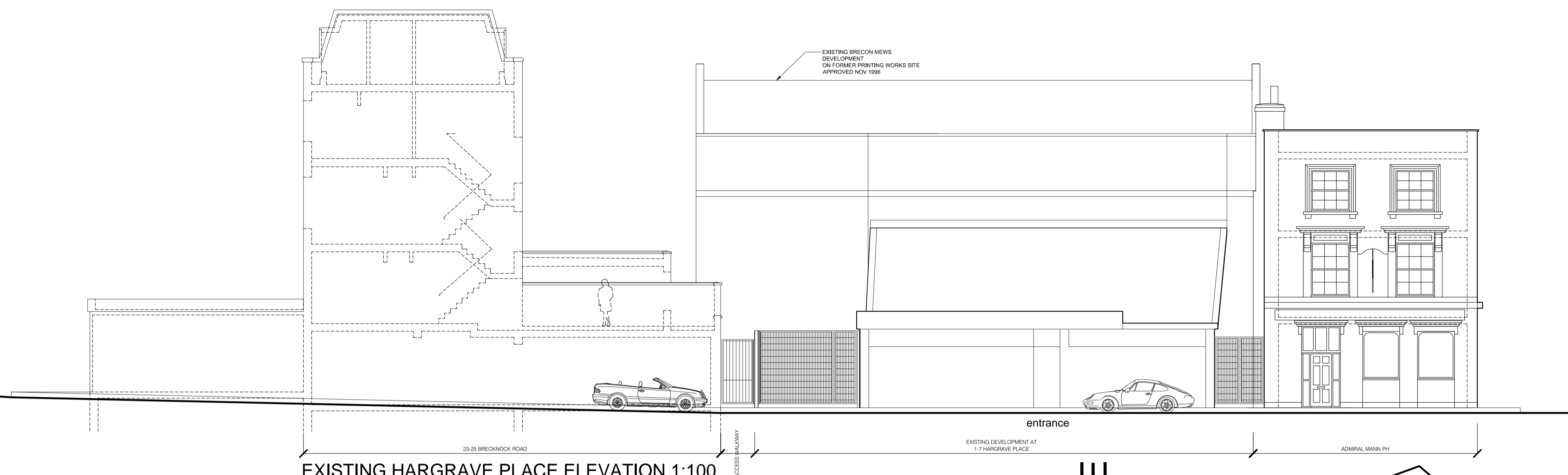
ROOF PLAN 1:50

For Information

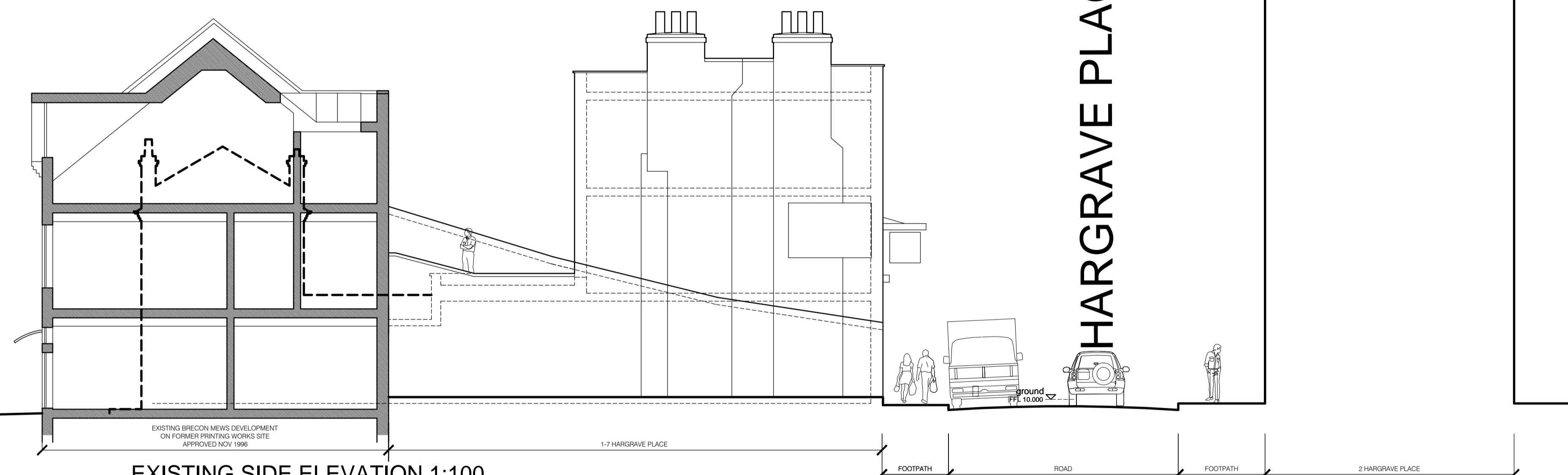
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client Woodham Properties Ltd		
project THE ADMIRAL MANN PH LONDON N7 0BP		
title EXISTING UPPER FLOOR PLANS		
date	scale	drawn
SEPT 14	AS SHOWN	IRMB
drawing no	revision	
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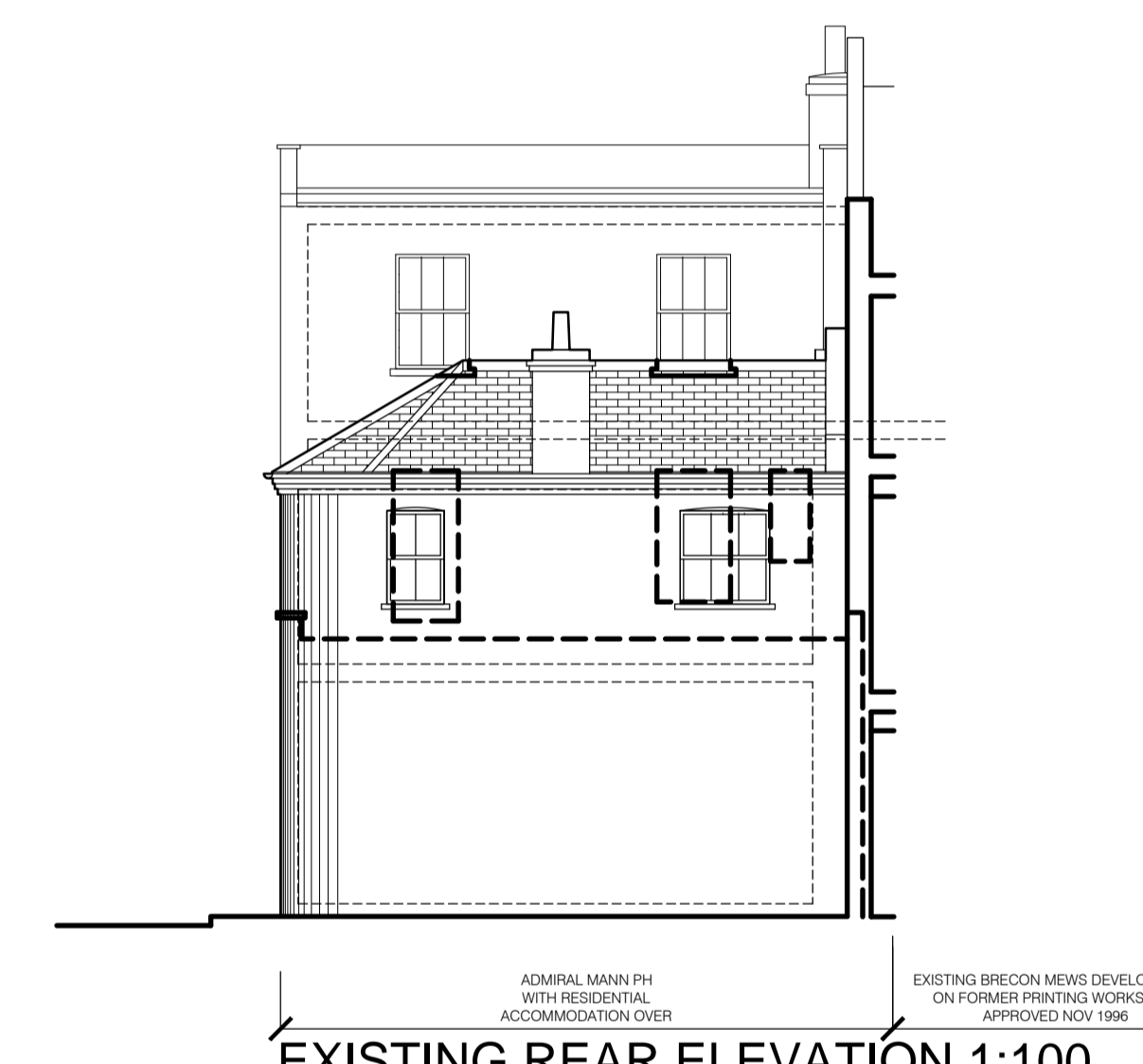
BRECKNOCK ROAD



EXISTING HARGRAVE PLACE ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100



EXISTING REAR ELEVATION 1:100



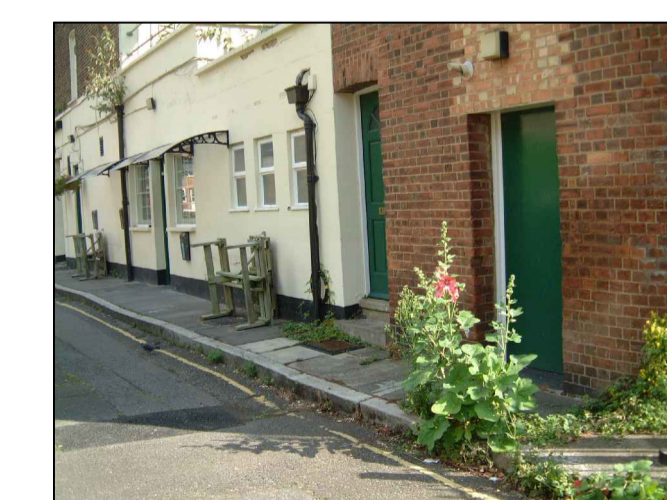
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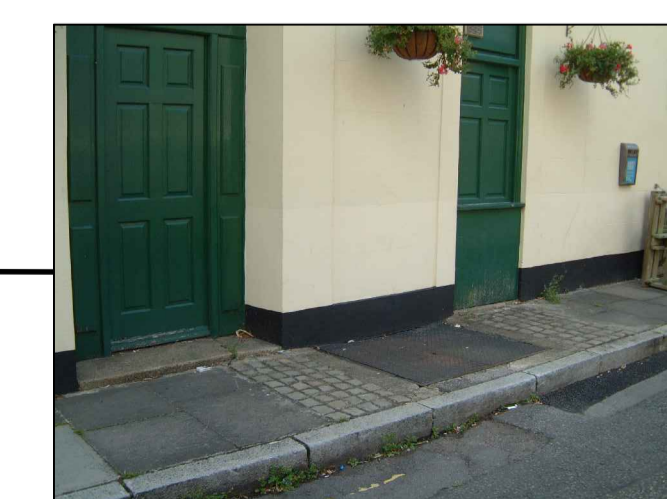
CORNER VIEW



EXISTING SIDE ELEVATION 1:100



EXISTING WHITE RENDERED WALLS WITH COPING DETAIL TO BE RETAINED



EXISTING DOOR OPENINGS TO BE RETAINED

For Information

B	INFORMATION ADDED	01.12.15
A	INFORMATION ADDED	01.08.15
I		01.08.15

revision	description	date

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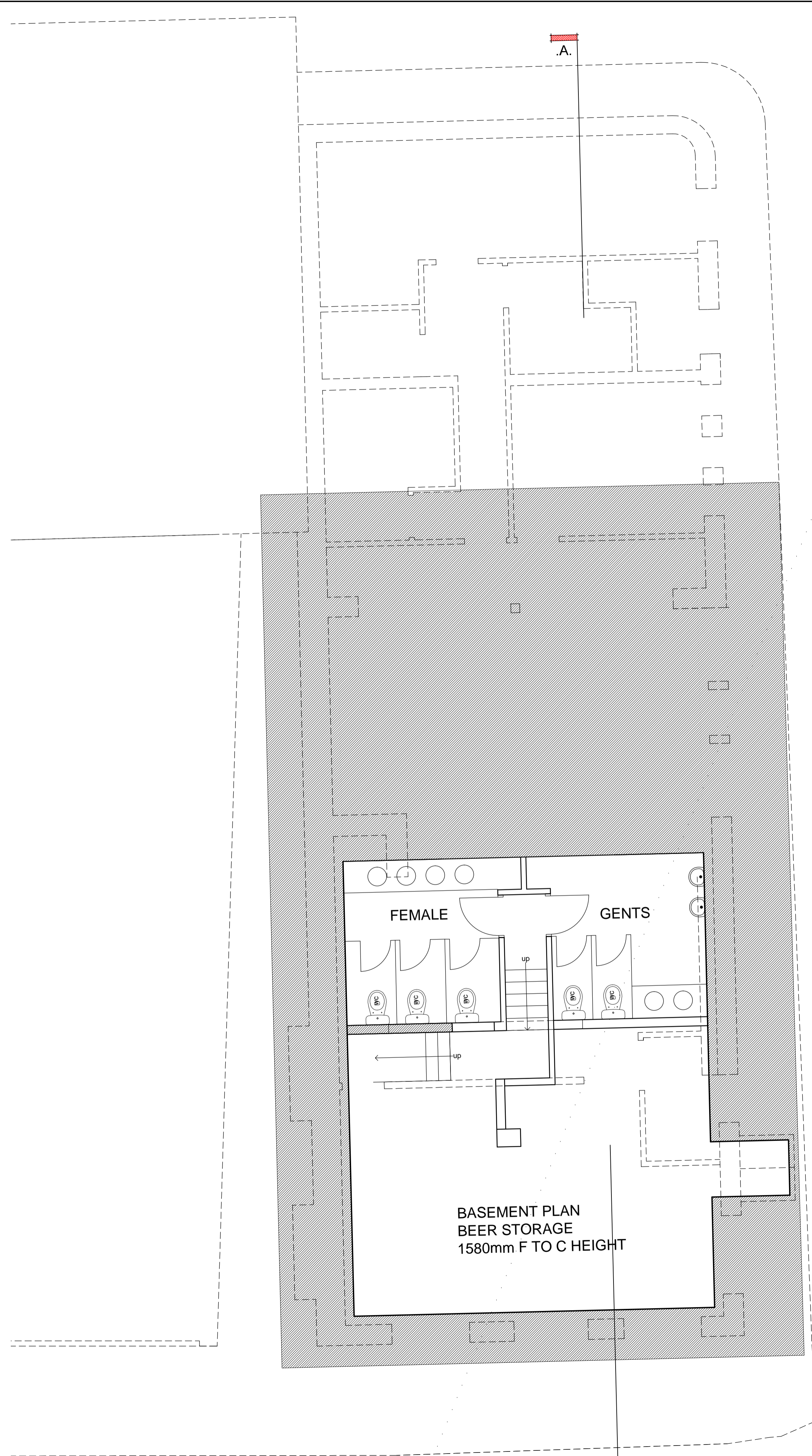
project
THE ADMIRAL MANN PH
LONDON
N7 0BP

title
EXISTING ELEVATIONS

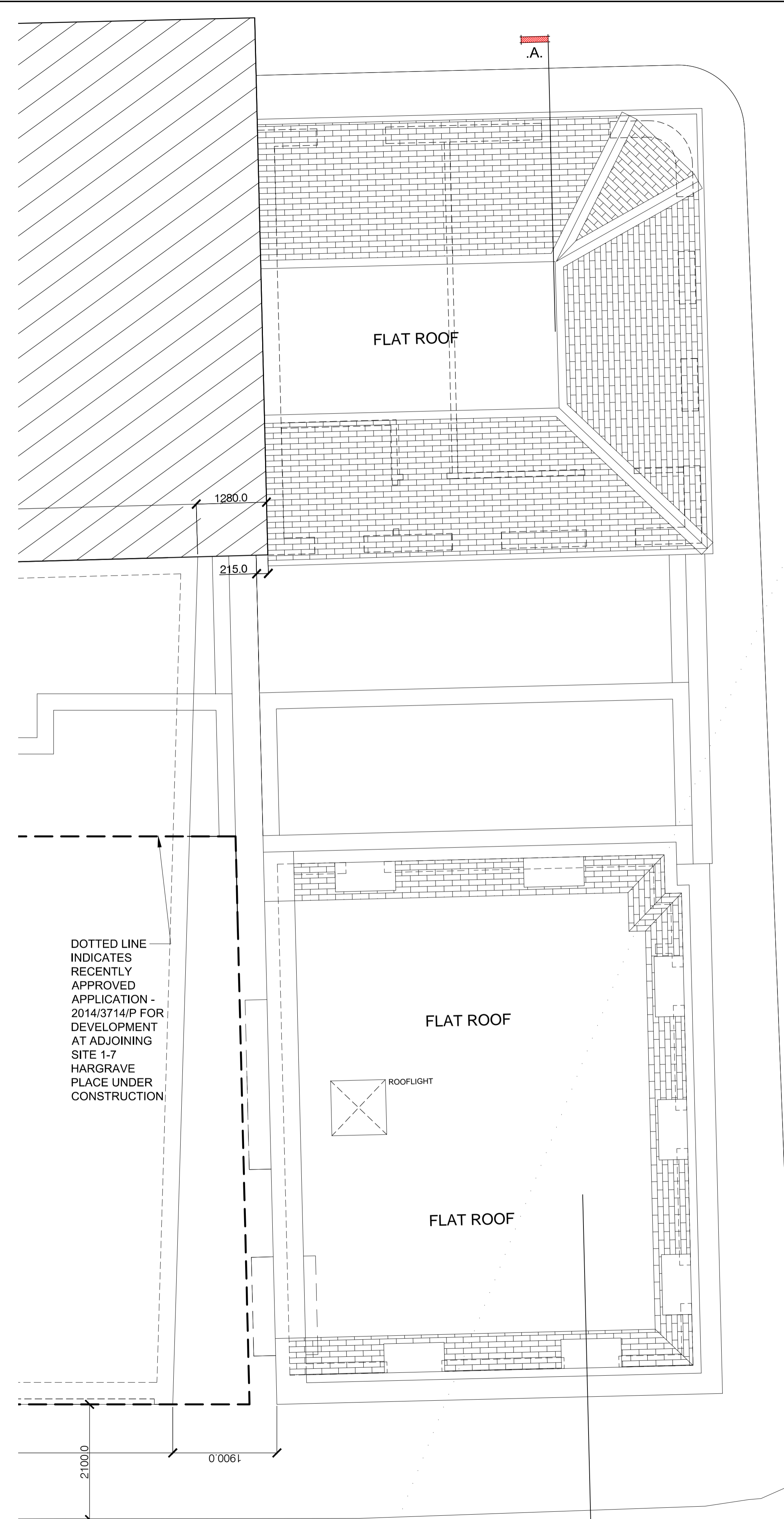
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BASEMENT PLAN 1:50



ROOF PLAN 1:50

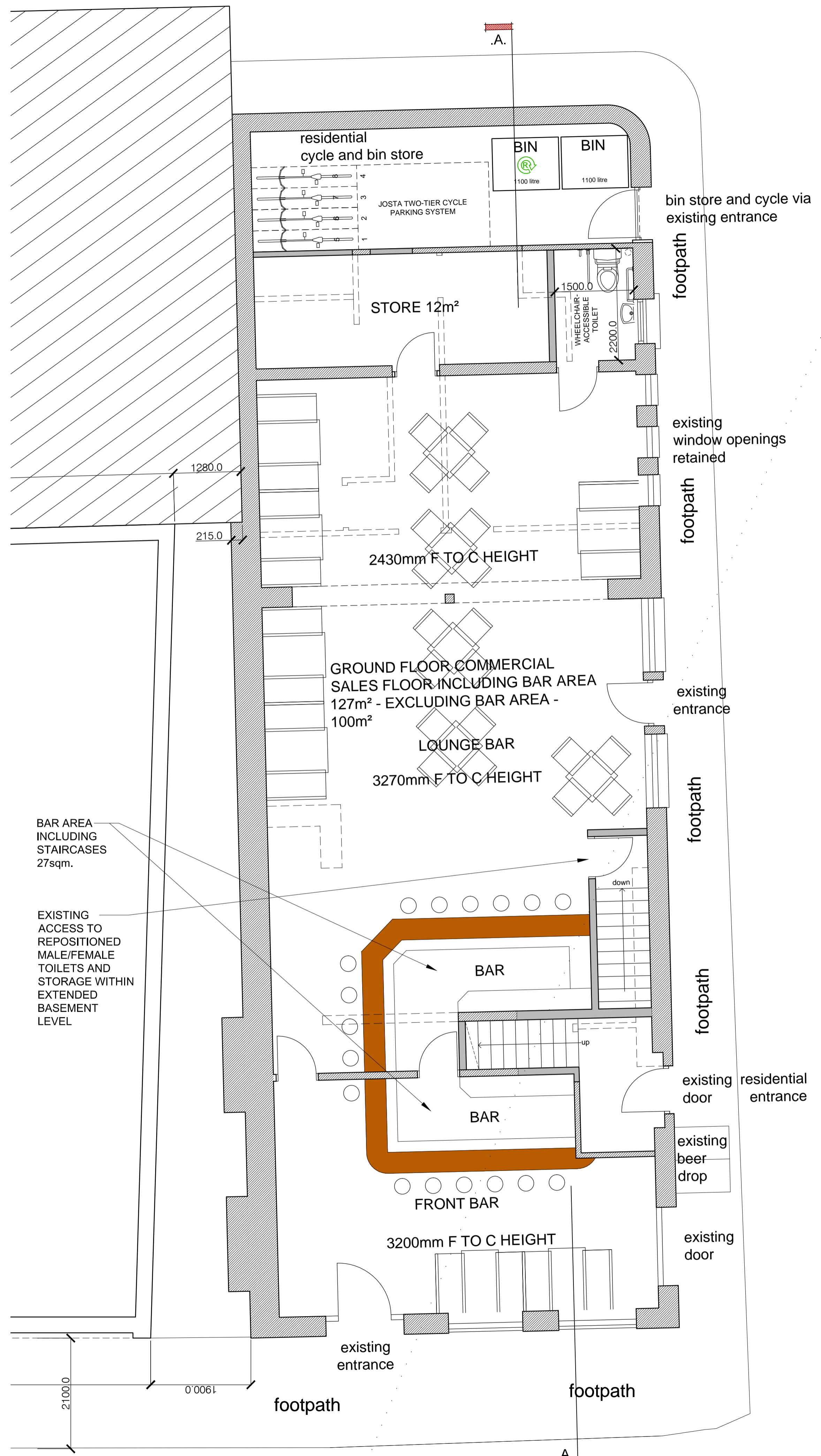
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A	REVISED FOLLOWING COMMENTS FROM CLIENT
18.09.15	IRMB
	
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client	Woodham Properties Ltd
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title	PROPOSED BASEMENT AND ROOF PLANS
date	NOV 14
scale	AS SHOWN
drawn	IRMB
drawing no	GAL 220 (PC) 007
revision	A

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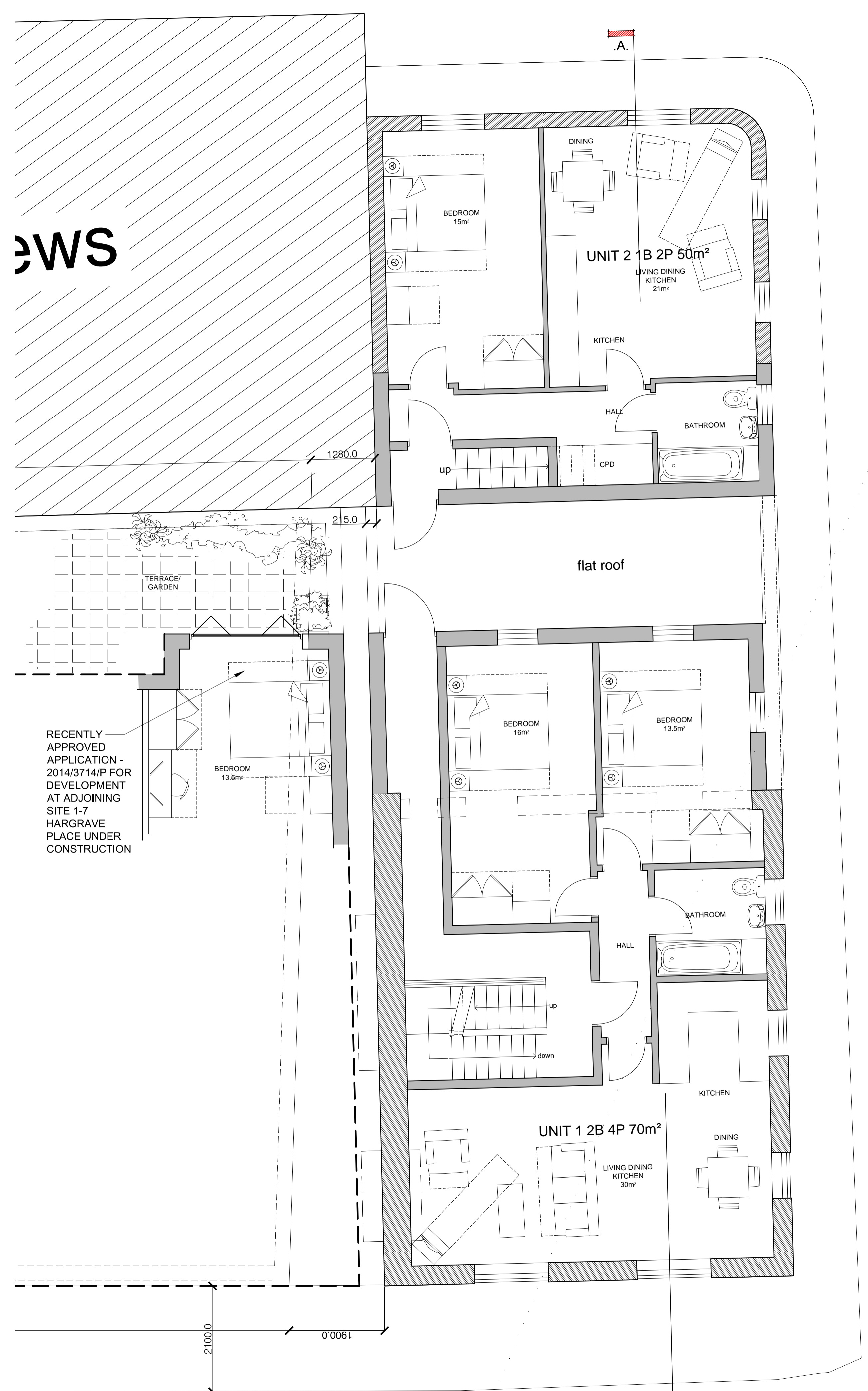
SCHEDULE OF ACCOMMODATION

RESIDENTIAL

- UNIT 1 - 2 BED 4P FLAT - 70 SQM
- UNIT 2 - 1 BED 2P FLAT - 50 SQM
- UNIT 3 - 2 BED 3P FLAT - 61 SQM
- PLUS EXTERNAL AMENITY SPACE
- UNIT 4 - 1 BED 2P FLAT - 50 SQM
- UNIT 5 - 1 BED 2P FLAT - 54 SQM



GROUND FLOOR PLAN 1:50



FIRST FLOOR PLAN 1:50

For Approval

E	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	17.11.15
D	REVISED FOLLOWING COMMENTS FROM CLIENT	18.09.15
C	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	03.08.15
B	REVISED FOLLOWING COMMENTS FROM CLIENT	20.06.15
A	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	20.11.14
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revision description date

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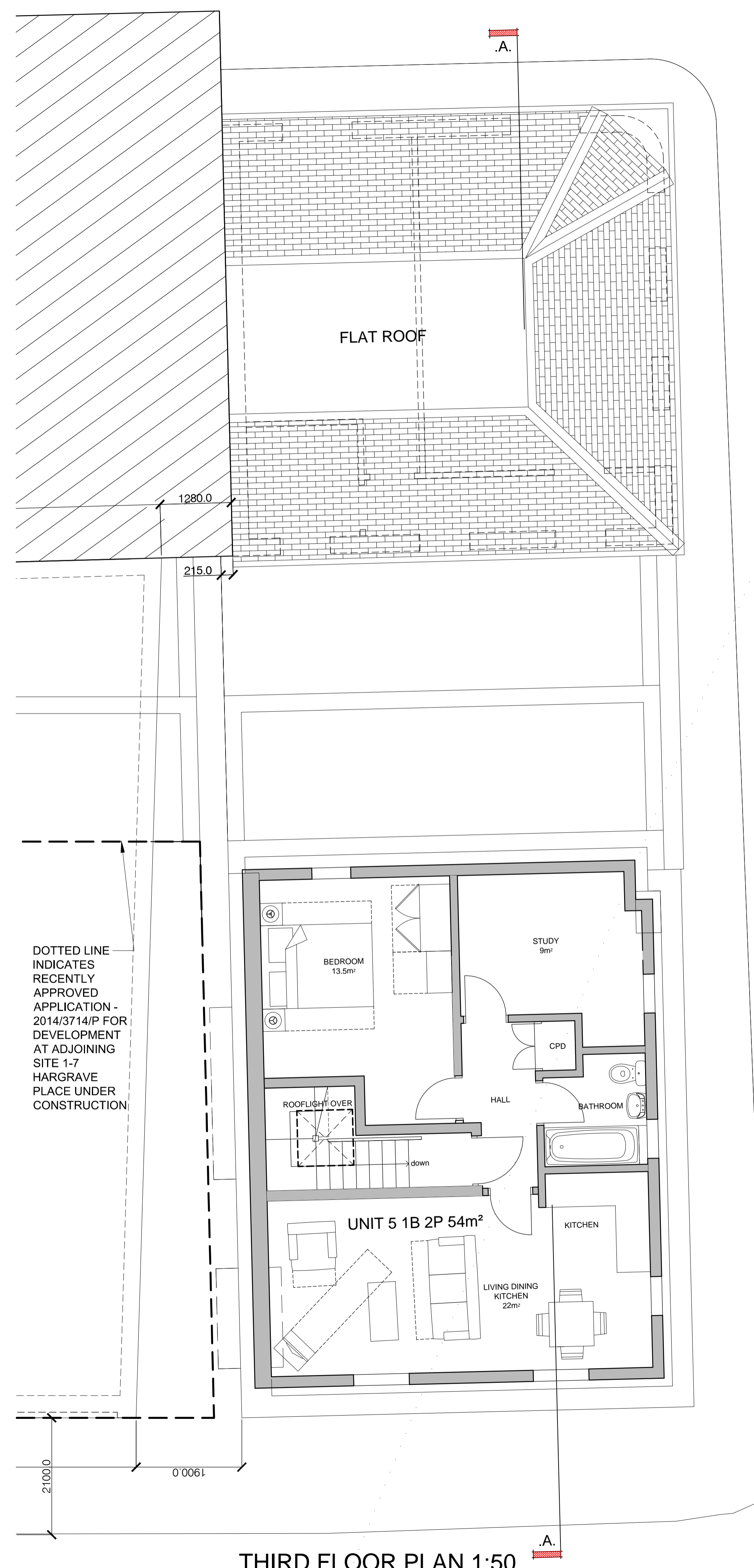
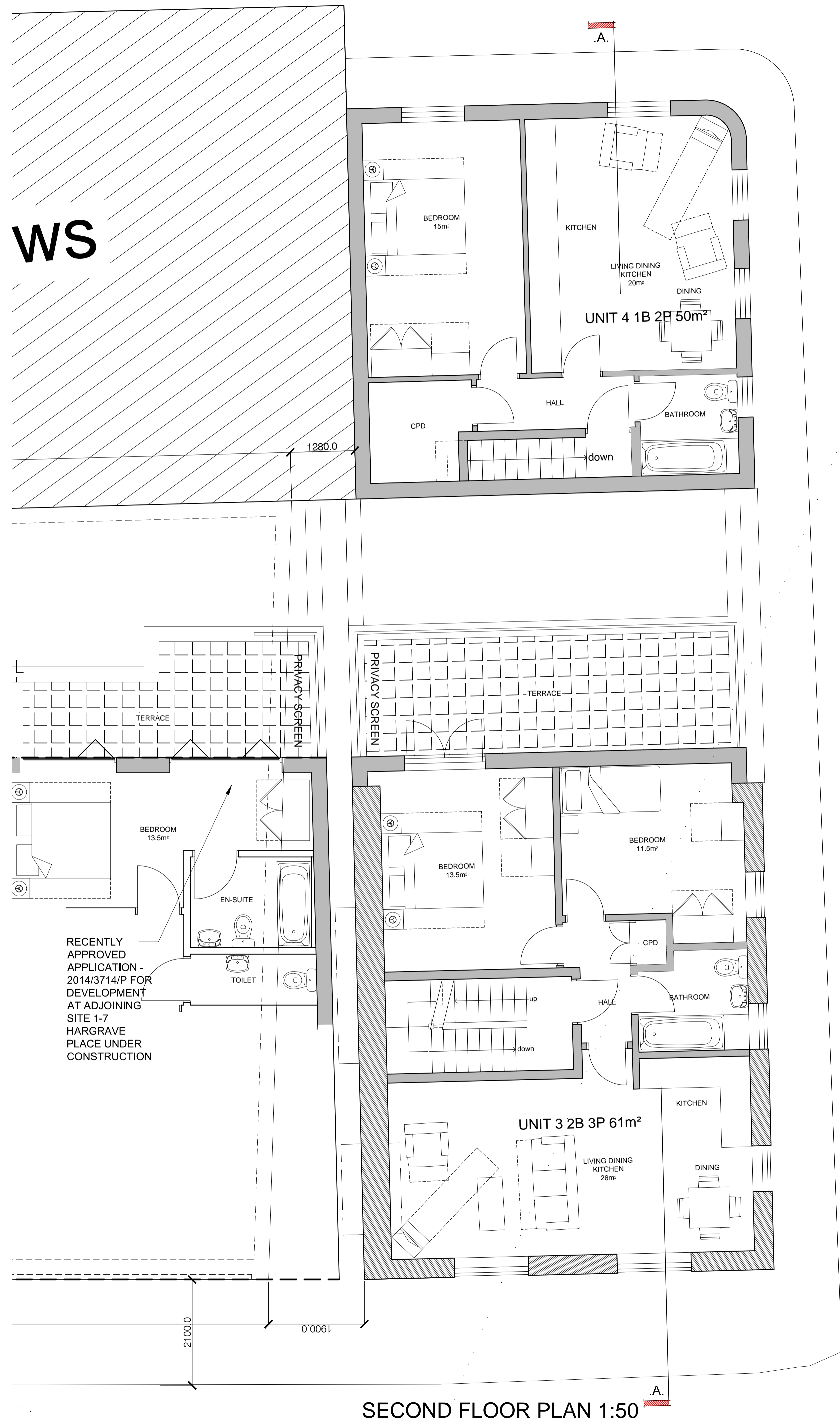
project
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N7 0BP

title
PROPOSED
GROUND AND FIRST FLOOR PLANS

date AUG 14 scale AS SHOWN drawn IRMB

drawing no GAL 220 (PC) 005 E revision

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DOTTED LINE INDICATES RECENTLY APPROVED APPLICATION - 2014/3714/P FOR DEVELOPMENT AT ADJOINING SITE 1-7 HARGRAVE PLACE UNDER CONSTRUCTION.

For Approval

C	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	17.11.15
B	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	01.08.15
A	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	20.11.14

revision	description	date

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client
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project
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title
 PROPOSED
 SECOND AND THIRD FLOOR PLANS

date
 AUG 14

scale
 AS SHOWN

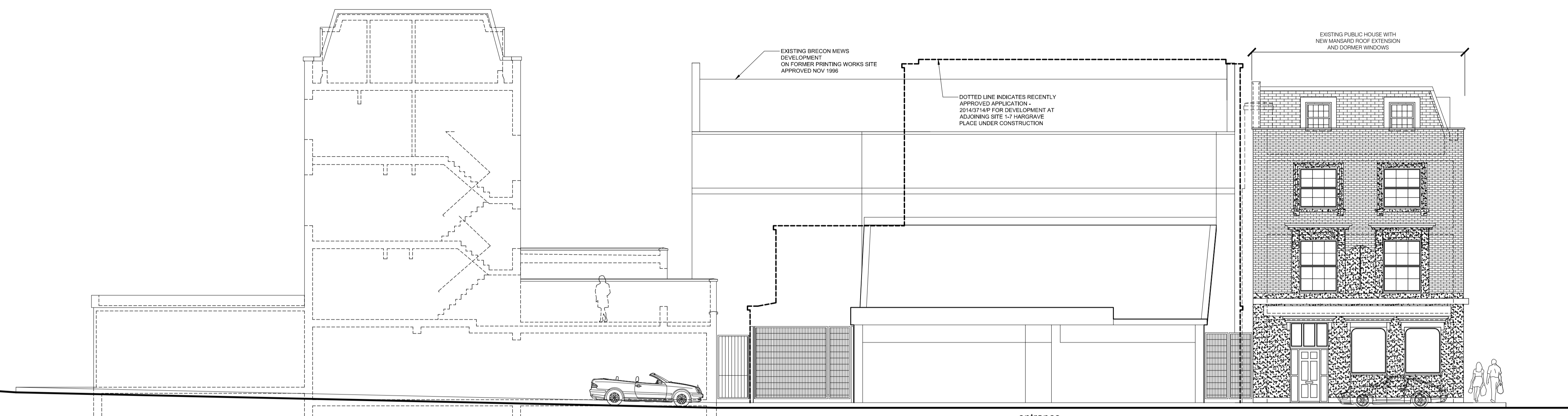
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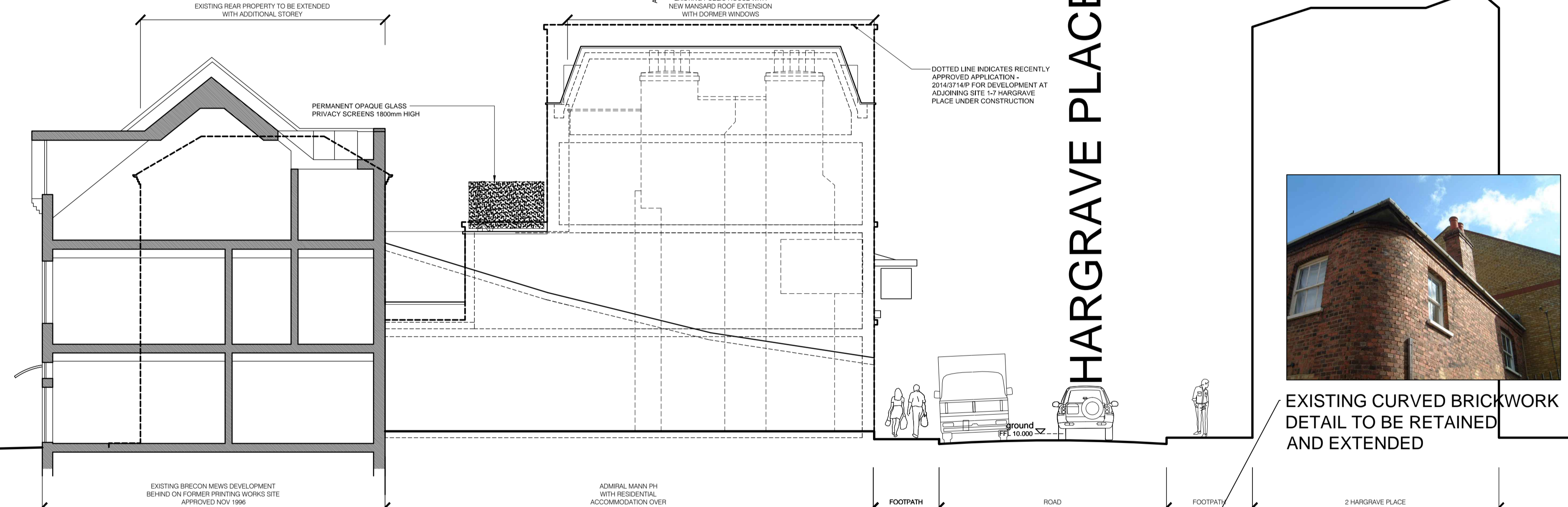
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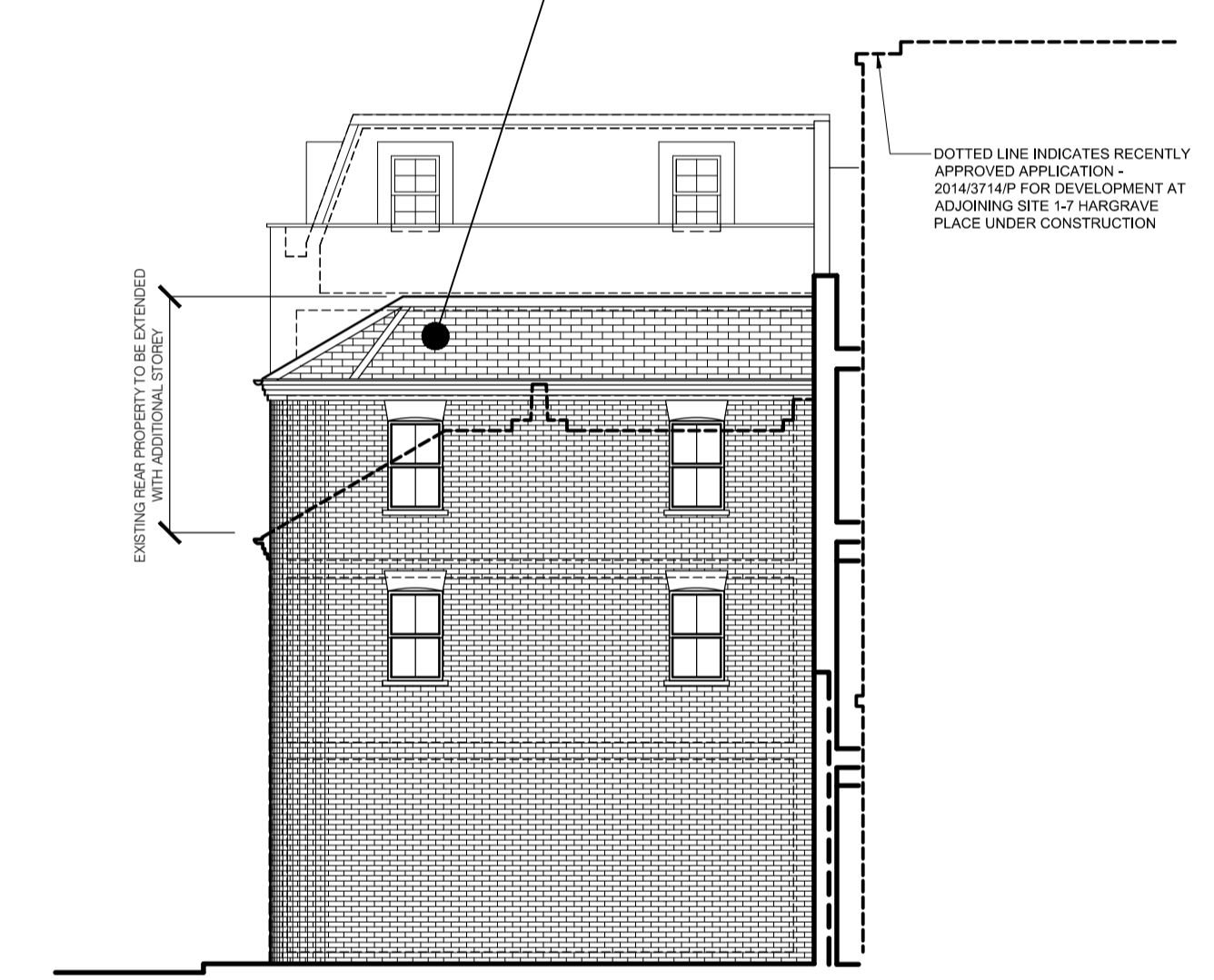
BRECKNOCK ROAD



PROPOSED HARGRAVE PLACE ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100



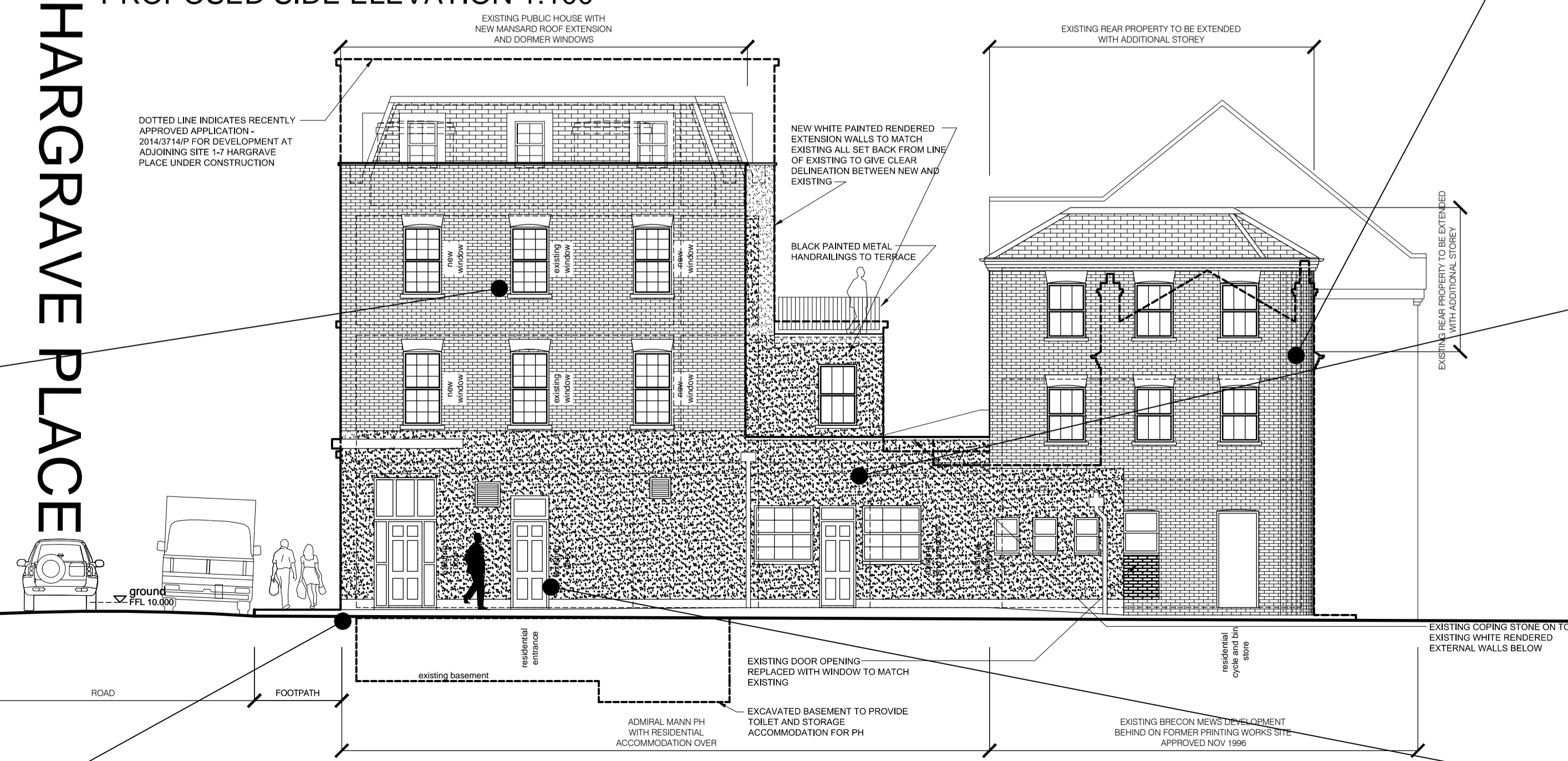
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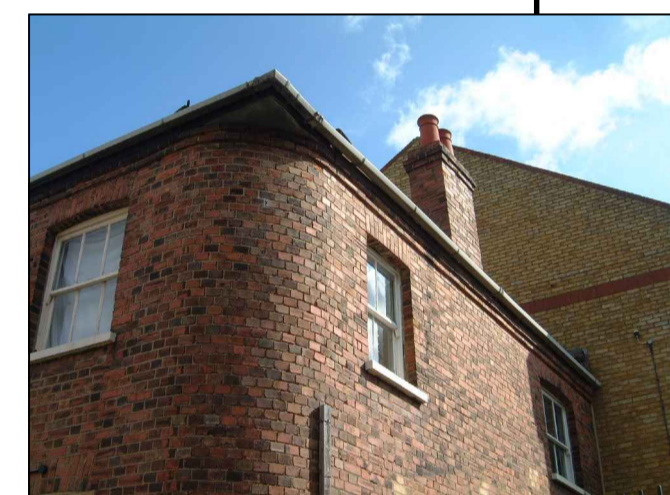
EXISTING WINDOW OPENINGS AND PATTERN TO BE RETAINED AND COPIED



CORNER VIEW



PROPOSED SIDE ELEVATION 1:100



EXISTING CURVED BRICKWORK DETAIL TO BE RETAINED AND EXTENDED



EXISTING WHITE RENDERED WALLS WITH COPING DETAIL TO BE RETAINED NEW OPENING TO BE FORMED IN EXISTING WALLS



EXISTING DOOR OPENINGS TO BE RETAINED



EXISTING SHALLOW SLATE ROOF WITH EAVES BRICKWORK DETAIL TO MATCH EXISTING

For Approval

E	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	01.12.15
D	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	17.11.15
C	REVISED FOLLOWING COMMENTS FROM CLIENT	18.09.15
B	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	01.08.15
A	REVISED FOLLOWING COMMENTS FROM PLANNING DEPARTMENT	20.11.14

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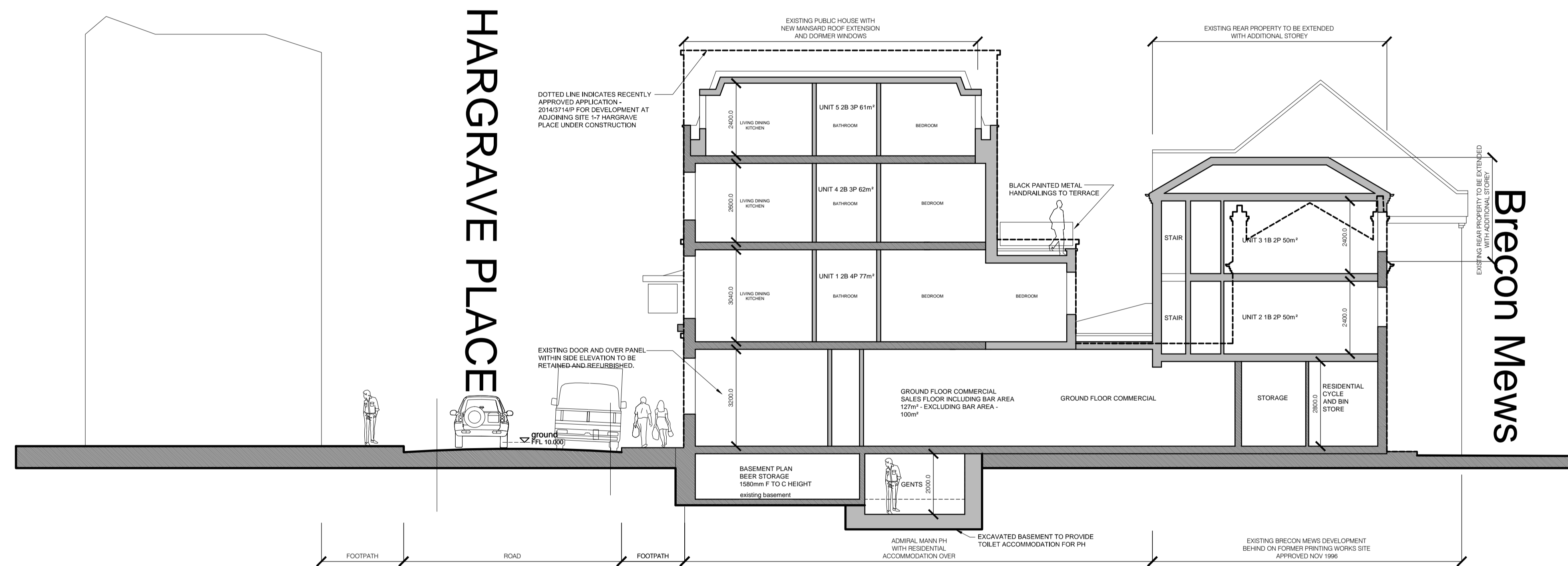
project
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title
PROPOSED
ELEVATIONS

date SEPT 14 scale AS SHOWN drawn IRMB

drawing no GAL 220 (PC) 008 E

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PROPOSED SECTION A-A 1:100

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A	REVISED FOLLOWING COMMENTS FROM CLIENT	18.10.15
I		IRMB
revision	description	date
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client Woodham Properties Ltd		
project THE ADMIRAL MANN PH LONDON N7 0BP		
title PROPOSED SECTION A-A		
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drawing no	revision	
GAL 220 (PC) 009	B	

Appendix 11 – Articles relating to the Carpenter’s Arms closure

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Letters to the Editor
Your views on the latest news

**Landlord says developers ‘don’t care about community’
as pub faces new luxury flats threat**



The Carpenters Arms publican David Wheeler claims developers ‘don’t care about the community’. Below: the pub in King’s Cross faces an uncertain future



Published: 8 April, 2016
by TOM FOOT

THE names of its loyal regulars – some recently departed – are fixed on little plaques above the bar. Three darts teams throw their arrows at a board in the corner. On quiet afternoons the soundtrack is warm laughter, on Saturday nights there is live music. And the carpet is a little bit worse for wear.

If you were asked to draw a traditional London pub, the way they looked before the trend for leather sofas and expensive roasts, you might sketch something like the Carpenters Arms – as traditional as they come, a place where, over the years, many strangers have become friends.

But there is a shadow hanging over the happy community sharing stories each night at the pub in King's Cross Road, King's Cross. Publican David Wheeler says another attempt by the building's freeholders to redevelop the Carpenters' upper floors could be the bar's death knell. He faces eviction from the flat he lives in upstairs amid proposals to create new flats which, if London's recent property trends are anything to go by, will be in demand on the private market.

The worry is that the pub will lose vital space and eventually the new tenants will complain about the natural noise coming from a well-used pub below. Camden Council have turned one application down already, but as soon as that victory was celebrated in the pub, along came a fresh request for redevelopment.

“You can pop in here any time and see the value of the place,” said Mr Wheeler. “The area has changed over the years, it has got more diverse, but there is still a good community here. What is London, but its community?”

He added: “These property developers, they just don't care about the community, they carry on regardless. It is about profit – and that's not a bad thing – but not when it is to such an extent that it is affecting the way of life.”

Mr Wheeler grew up in Anwell Street, between King's Cross and the Angel, and worked as a painter and decorator after an apprenticeship with the former Greater London Council. He said buying the pub 20 years ago with his partner, Jacky, whose parents used to go to the pub, was a “no-brainer”.



“The heart of London is not Big Ben, it is places like this. But that is what is being destroyed,” Mr Wheeler said. “They are getting rid of all the things that are for the people.”

There is a monthly karaoke night and open-mic singing sessions at the Carpenters, with men and women darts teams playing regularly in the London leagues. They raise thousands of pounds each year for Great Ormond Street Hospital and the Marie Curie cancer charity, a cause which is close to Mr Wheeler’s heart after both his parents died in the Hampstead hospice.

He said: “You hear about Elton John getting a knighthood. Well there’s nothing wrong with his music, but the man is no doubt a multi-millionaire. And nothing for those nurses?”

Regulars at the bar this week praised the pub’s affordable drinks.

“Where else can you get a nice glass of red wine for £2.90?” said Denis McCarthy.

Mr Wheeler said: “Pubs are becoming very expensive and what is happening is that the idea of getting a round in – getting a round in is something that is unique to Britain – is dying. You see people going into these new bars and saying, ‘I’ll just get my own’.”

The building’s owners, Mendoza, are challenging an application by a group called the Carpenter’s Arms Supporters for the building to be listed as an Asset of Community Value.

The ACV status, they hope, would make it easier to fight Mendoza’s planning application to build flats upstairs and section off part of the pub with a staircase.

In its latest planning application – currently on the desk of Camden’s planners – the developer said: “This redesign of the upper floors is not aimed at any particular social group. The pub will still be able to function as at present. The upper floors are not used by the community but have a residential use. The pub would continue to be an asset to the community.”

But Mr Wheeler said: “I couldn’t believe it when the Black Cap shut down. That really focused the attentions of people on what is going on.

“One closes at the back of King’s Cross, well that’s not really much of a story for some people, but the Black Cap? And I think the councils, too, both Islington and Camden have been very good with us so far. I think they’ve realised what’s happening. But they could do more. I think one solution could be that they make a ruling that every pub – and you could do this with public buildings and churches – is automatically listed as an Asset of Community Value.

“The way it works now is that the people have to prove that the place is part of the community. But it should be up to the developer to prove the business is no longer viable, when they buy the building.”

He added: “This is a comfortable pub. We have done just fine. We take some holidays, we go to see some musicals, we have a meal out. But this is not about me, it’s about the people here. We’ve had the same staff that we started with 20 years ago – but that is unusual, we must be doing something right.”

-  A rectangular button with a red plus icon on the left, the word "SHARE" in the center, and icons for Facebook, Twitter, and Email on the right, followed by an ellipsis.

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25th January 2017

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Letters to the Editor
Your views on the latest news

**London Mayor Sadiq Khan urged to investigate closure of
Carpenters Arms**



Elisabeth Bond and Jacqueline Pursey outside the boarded-up Carpenter's Arms in Frederick Street.

Published: 17 November, 2016

By TOM FOOT

DEVASTATED punters at a boarded-up King's Cross pub are calling on London Mayor Sadiq Khan to investigate its closure as part of an inquiry into overseas property developers.

Elisabeth Bond and Jacqueline Pursey are among former customers who want to see the Carpenter's Arms in Frederick Street reopened just as it was and say its closure has "ripped the heart out of the community".

Isle of Man-based Mendoza are redeveloping the building to create new flats upstairs, although the future of what will operate on the ground floor is unclear, with former regulars worried that a wine bar will replace what was a traditional local pub.

Ms Bond said: "As closing pubs goes, the case of the Carpenter's feels particularly disgusting because it was a genuinely flourishing local boozier. Sadiq Khan said this week that promoting social integration is a matter for everyone, for every citizen of our cities. That's exactly what the Carpenter's was promoting – and now no more."

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Details of the Carpenter's Arms case – the pub was supposed to be protected by being listed as an Asset Of Community Value (ACV) by Camden Council – have been sent to Mr Khan who, after his election as Mayor in May, pledged to investigate a trend across London for overseas developers to buy up buildings and turn them into expensive modern flats.

Mendoza has not responded to the New Journal's requests for a comment, but in documents provided to the Town Hall the company's planning agent said they wanted to transform "the Carps" – as the pub is known locally – into three flats with a modernised bar downstairs to reflect the "new affluence" of King's Cross.

On Friday, Ms Bond and Ms Pursey were outraged to find estate agents showing off the new flats upstairs to one interested party – offering £6,000 a month for a three-bedroom flat and two studios.

The New Journal also took a look around the flats, one of which was for 20 years the home of long-serving landlord Dave Wheeler, who is now registered homeless.

Mr Wheeler said the campaigning customers would "not let go of this in a hurry", and warned the suggested levels of rent for flats in the building were beyond most people's means

In a statement, Mr Khan said: "We welcome investment from around the world in building new homes, including those for first-time buyers. At the same time, as more and more Londoners struggle to get on the property ladder, there are real concerns about the prospect of a surge in the number of homes being bought by overseas investors."

Former EastEnders actress Sheila Hancock grew up in the pub as a child, often recalling how her father ran the bar and played the piano downstairs.

In their planning application submitted to Camden Council, Mendoza said: "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 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."

The Mayor's spokesman said: "The inquiry is happening and there will be more info on that in due course. There will be a point of call to communicate details to when the inquiry team is together. All info will be communicated and on our website shortly."



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Letters to the Editor
Your views on the latest news

We want our pub back, say regulars as the Carpenters Arms is boarded up



The Carpenter's Arms in King's Cross

Published; 27 October, 2016

By TOM FOOT

A COMMUNITY pub stands boarded up as a property developer prepares to turn the upper floors into private flats, leaving regulars fearing that it will never be the same again.

The Carpenters Arms, better known as “The Carps”, has been shut by developer Mendoza, which says it wants the building to “reflect the new affluence” of King’s Cross.

The changes at the King’s Cross Road pub – the childhood home of actress Sheila Hancock – are going ahead despite it being listed as an asset of community value (ACV) by Camden Council, supposedly a layer of extra protection against sales and development.

Regular Liz Bond said: “Us ordinary people with principles and morals don’t want a wine bar or a gastro-pub. We just want some tradition, and it’s not only us. It’s also the many tourists and business people who have always commented on how much they appreciate The Carpenters.

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“We’d like our voice to be heard. We say bring back our Carps. It’s not the same street without it.”

The 170-year-old building was bought by Mendoza in 2014. It plans to divide the upstairs into three flats, having won approval after a planning battle, but because the council has “listed” the building as an ACV it has been forced to keep a pub on the ground floor. It is unclear what will open on the ground floor when refurbishment is finished but customers fear the pub will no longer be as it was, a key venue for Camden’s darts leagues and a meeting point for customers priced out of the more expensive wine bars that have moved into redeveloped King’s Cross.

Jacqueline Pursey, who lives nearby, said: “It’s really taken the heart out of Frederick Street. It kind of lit up the corner. It was a real community pub.

“King’s Cross hasn’t always had such a nice reputation. It’s not like you could go in any pub round there. But you could go into that pub. You could join in the conversation, chatting at the bar, or you could sit on your own and read a book. I haven’t been going out so much. Every time I walk past I just keep crying.”

Landlord Dave Wheeler ran the pub for more than 25 years after taking over the local near where he grew up.

Mr Wheeler, who is staying with a friend and is registered homeless, said: “I’m very angry. I’m sad for the pub and for the people who went there. They are genuinely lovely people.

“I will miss that pub. It was always a good local pub for local people. It’s a shame. And all to build flats no one can afford.”

Mendoza could not be reached this week but agents acting on behalf of the company told council planners that the changes at the pub reflected the changing nature of King’s Cross.

They added: “Public houses are changing to reflect this new affluence. The Carpenters 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 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.”



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Letters to the Editor
Your views on the latest news

Why the Carpenters Arms pub is boarded up

Published: 24 November, 2016

- IT never ceases to amaze me how much nonsense Mendoza's agents are prepared to throw at us while they try to justify their hostile plans for the Carpenters Arms, (['Dear Sadig, why our pub is boarded up,' New Journal, November 17](#)).

They claim that they will provide much-needed accommodation and they have stated that the existing building represents a mix which no longer reflects today's needs.

How ridiculous!

To achieve their aims they have made a publican homeless and are marketing the upstairs accommodation at totally unaffordable prices.

Why would anybody be prepared to pay a premium to live and sleep above a lively venue unless their intention was to complain persistently until they manage to destroy the ambience of that venue?

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What makes the agents so sure that the needs of today are any different from the needs of the previous 60 years?

Do they seriously believe that they have a green light to force an established community into extinction?

These plans add no value to the King's Cross area and any benefits gained by the privileged few will be far outweighed by the permanent damage inflicted on the community.

IAN SHACKLOCK

Monsell Road, N4



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LETTERS: Carpenters Arms: Developers are creating ghost towns

Main Image :



Carpenters Arms, 'an asset of community value'

Published: 15 April, 2016

- CARPENTERS Arms publican David Wheeler is absolutely right to assert that certain property developers “don’t care about the community” ([Pub faces new luxury flats threat, April 8](#)).

It’s a shame that they are even allowed to call themselves developers because in reality they are community destroyers.

How can they possibly add value to anybody or anything in the long term if they are helping to turn the neighbourhoods they are supposedly developing into ghost towns?

In theory these premises could survive as a pub even if the upstairs floors are converted into flats but the whole ambience would change.

When a landlord starts to lock a pub from the outside rather than the inside he becomes alienated from his former home and the public house changes beyond recognition.

The back streets of King’s Cross are in serious danger of becoming as sterile as the new developments that have engulfed the industrial sites of the area, so the sooner the Carpenters Arms is listed as an asset of community value the better.

IAN SHACKLOCK
Monsell Road, N4



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LETTERS: Carpenters Arms reflects city's diversity not 'new affluence' of King's Cross

Main Image :



Boarded-up Carpenters Arms in King's Cross

Published: 4 November, 2016

- “IF it ain’t broke don’t fix it” is an expression that made a lot of sense when campaigners were striving to protect the Carpenters Arms, but it is obviously gobbledygook to property developers like Mendoza ([We want our pub back, plead regulars, October 28](#)).

When a council singles out a pub as an asset of community value (ACV) this is a pretty clear signal to opportunist speculators that the pub in question is a well-established meeting point for a well-established community. So why on earth do property developers like Mendoza, their agents and apologists think it is acceptable to destroy the ambience and continuity in places like this?

Judging by their quoted policy to “reflect the new affluence of King’s Cross” they seem to be celebrating and championing a horrible and aggressive programme of social cleansing. How can they reconcile their actions knowing that they are helping to purge communities that have existed and thrived long before most of them had even been conceived?

When a developer revives a derelict area, it can be admirable in principle, even if the end result is a sterile complex of privatised courtyards, unaffordable homes and boutiques. But Frederick Street is not derelict and the last thing the Carpenters needs is a facelift. London would not be London without its diversity and any policy to “reflect new affluence” stinks of homogenisation.

I sincerely hope that I have misunderstood your news story, that Mendoza’s agents’ wires have been crossed and that the Carpenters will be reopened very soon as a proper boozer that reflects and welcomes the key Londoners that help to keep London special.

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