

Statement of Case Addendum

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

February 2017

Secure & Stable
ADDING VALUE

QUALITY MANAGEMENT

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UPDATED PARAGRAPHS

2.1 to 2.3 (Site)

At the time of submission of the appeal the premises were in active use as a public house. In October 2016 the tenancy agreement with the then landlord came to an end and the premises were closed pending agreement of a new tenancy with a different operator in respect of the ground and basement floors. A new 25 year lease was agreed on 23rd December 2016 with operator Gin and Ignorance Ltd. The use is restricted to A3/A4 and thus these floors will continue in the same use class as the former Carpenters Arms. A copy of the lease is enclosed (rental payment redacted). At the time of writing the premises remain closed pending the start of fit out. The upper floors have been converted temporarily to serviced residential apartments with a new independent entrance from King's Cross Road pending the result of this appeal.

5.6 and 5.7 (Noise)

Following submission of the appeal, which included a revised Noise Impact Assessment (Rev. C), the Council agreed in their Statement of Case, that noise generated internally could be satisfactorily mitigated (their paragraph 7.4 refers). The appellant subsequently commissioned a further Noise Impact Assessment (dated 12th December 2016) which demonstrated that the noise level at 1m from the first floor window from ten people talking outside is significantly below the background noise level generated from traffic on King's Cross Road during the evening period (7pm to 11pm). As such, noise from patrons talking would not cause noise nuisance to the proposed residents above. This was submitted to the Council and Inspectorate on 13th December 2016 with a request that the Council consider whether they wish to withdraw reason for refusal two entirely. No response has been received.

6.4 and 6.5 (Appeal Decisions)

Paragraph 3.11 of the Council's original Statement of Case made reference to the forthcoming appeal decision in respect of the Admiral Mann public house which was subsequently issued on 12th October 2016 and is now referred to in the Addendum SoC. The Council seek to pray this in aid of their decision to refuse permission. However the circumstances between that appeal and this appeal, both in terms of location and evidence available to the Inspector, are very different.

The premises subject of this appeal are continuing in A3/A4 use as is evidenced by the new 25 year lease to Gin and Ignorance. The Council have accepted that internal noise can be satisfactorily mitigated and the appellant has submitted a noise study in respect of external noise from patrons which is found to be acceptable and is unchallenged by the Council. Fundamentally, the Admiral Mann was located in a 'quiet backstreet' (para. 19), whereas these appeal premises are in a moderately noisily location by virtue of the busy King's Cross Road so the two are incomparable in respect of this issue. There were also local listing issues which are not present with the appeal premises.

