

Mr Eren Munir
Andrews + Boyd
Andrews + Boyd
24 Old Burlington Street
Mayfair
W1S 3AW

Application Ref: **2016/3113/P**
Please ask for: **Fergus Freeney**
Telephone: 020 7974 3366

11 July 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
Swiss Cottage Public House
98 Finchley Road
London
NW3 5EL

Proposal:

Erection of two storey extension fronting Avenue Road to replace existing single storey outbuildings and associated landscaping; Change of use of part ground floor and first floor from disused public house areas (A4 Use Class) to 21 guest rooms (C1 Use Class) and ancillary staff accommodation. Main pub trading area to remain

Drawing Nos: E001 B; E002 B; E003 B; E004 B; E005 B; E006 B; E007 B; E008 B; E009 B; E010 B; E011 B; E014 A; P001 D; P002 G; P003 D; P004 C; P005 B; P006 C; P007 A; P008 A; P009 B; P010 A; P011 A; P012 A; and Transport Statement (June 2016).

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 D1 of the London Borough of Camden Local Plan.

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Details and samples including sections at 1:10 and elevations as appropriate of all windows (including jambs, head and cill) ventilation grills, external doors and gates;

- b) Manufacturer's specification details and samples of all facing materials and architectural detailing including timber cladding, roof tiles and 'Fleurs De Lys' decoration.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan.

- 4 Before the development commences, details of secure and covered cycle storage area for 5x short stay and 5x long stay cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan.

- 5 Prior to occupation details of directional signage for customers, CCTV and appropriate lighting relating to the short stay cycle parking shall be submitted and approved to the Council.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policies T1 and C5 of the London Borough of

Camden Local Plan.

- 6 The manager's apartment hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2, CC3 of the London Borough of Camden Local Plan.

- 7 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from noise sensitive premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ and especially $L'_{nT,w}$ is enhanced by at least 5dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan.

- 8 The manager's apartment and 6x staff accommodation rooms hereby approved shall only be used for purposes incidental to the Public House, and shall not be used as separate or independent residential accommodation for the public.

Reason: To ensure that the development does not provide substandard permanent residential accommodation and is not used for unauthorised purposes, in accordance with policies H1, H6 and A1 of the London Borough of Camden Local Plan.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans: E001 B; E002 B; E003 B; E004 B; E005 B; E006 B; E007 B; E008 B; E009 B; E010 B; E011 B; E014 A; P001 D; P002 G; P003 D; P004 C; P005 B; P006 C; P007 A; P008 A; P009 B; P010 A; P011 A; P012 A; Transport Statement (June 2016);

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

Informative(s):

- 1 Reasons for granting permission.

The proposed development involves the refurbishment of the existing building and demolition of the existing extensions/outbuildings fronting Avenue Road with the

erection of a new two storey extension to accommodate 21 guest rooms; and the creation of a Manager's apartment at ground floor level. The proposed development will involve the loss of a pool/snooker room at ground floor level and first floor public house trading space. The external terrace area would also be refurbished to provide updated seating and landscape arrangements.

The pool/snooker room at ground floor level measures approximately 182sqm and the applicant indicates that trading ceased circa 2013. At first floor level the bar area measures approximately 168sqm and the applicants have stated that trading in this area ceased in 2004.

The public house is not identified as being an Asset of Community Value (ACV) nor does it have any Article 4 directions which would restrict its permitted development rights to retain it as a public house. There are currently no adopted policies aimed at protecting public houses unless they are noted as being an ACV or provide a wider community benefit and this is not considered to be the case with the Swiss Cottage Public House. Therefore the change of use of various parts of the building to a new use is acceptable if fully policy compliant. It should be noted that approximately 174sqm of existing trading space and 63sqm of currently disused bar space will be refurbished and retained/brought back into use as a public house.

At ground floor level to the rear of the site a 2-bedroom managers' apartment would be created. The apartment would measure approximately 66.7sqm which is marginally under the Nationally Described Space Standards for residential units of this nature (70sqm for 2bed 4person units). It would be well laid out with a small private yard/garden and outlook into a central courtyard. It is considered to be acceptable ancillary accommodation space. The ancillary staff bedrooms would be individual double rooms with shared kitchen and bathroom facilities. Each room would have a window and be adequately sized as ancillary staff space.

The retention of ancillary staff accommodation and the creation of an additional Manager's apartment are considered to be acceptable and would be ancillary to the main use and would not provide independent units of accommodation. Traditionally pub managers/landlords have inhabited ancillary accommodation on site to allow for better running of the pub and it is considered acceptable in this instance. Nonetheless a condition will be added to ensure that the accommodation is only used for staff and is ancillary.

The new extension would be located on the eastern side of the site fronting Avenue Road, where existing single storey extensions and outbuildings are located. The existing structures are of no architectural value and present blank facades to the street, creating an unattractive setting and their loss is acceptable. The proposed extension would be a two storey pitched roof design, inset with dormers and clad in timber with slate tiles. It would relate well to the historic public house, being of similar materials and of an appropriate design. When looking south at the main historic public house building, the new extension would not appear overbearing or overly visible and would not harm its character or setting.

- 2 The pitched roof would contain six first floor/dormer windows including 'Fleurs De Lys' ridge tiles matching the design details of the primary façade along Finchley

Road. It is considered that the proposed design would complement that of the host building and would improve the relationship with Avenue Road. In order to ensure a high quality finish, a condition will be added requiring samples of all facing materials, windows, roof slates and architectural detailing be submitted and approved by the Council.

The private forecourt at the front of the pub would be repaved with York Stone and purpose built seating. This is considered to be an improvement on the existing situation and is acceptable.

Policy E2 supports smaller scale visitor accommodation in the town centres of Finchley Road/Swiss Cottage. The application site is designated as a secondary frontage within CPG5. The provision of overnight guest accommodation is considered to be acceptable in this location given the nature of the existing use and the character of the surrounding area. Finchley Road and Avenue Road are busy traffic routes with the Underground access near the entrance of the site. Due to the scale (21 beds) of the proposal, it would be assessed against policy E2 points f) - be easily reached by public transport; g) - provide any necessary off-highway pickup and set down points for taxis and coaches; h) - not harm the balance and mix of uses in the area, residential amenity or the surrounding highways; and i) not lead to the loss of permanent residential accommodation. The proposal would accord with this policy.

The host property has a Public Transport Accessibility Level (PTAL) rating of 6b (excellent) with an entrance to Swiss Cottage underground station bordering the site and access to a number of bus routes in close proximity. Based on the site's accessibility to public transport services, its proximity to local amenities and the absence of any on-site parking for customers, it is reasonable to assume that the majority of trips will be by non-car modes. Furthermore, the on-site accommodation for staff and the Manager are also likely to encourage trips by sustainable modes. As such, the proposals are not expected to have a detrimental impact on the operation of the surrounding road network.

The proposed development will not provide any on-site coach parking facilities. This is considered appropriate given the number of rooms proposed. This is also in line with London Plan policy which only requires coach parking provision for hotels of more than 50 rooms.

At present, the site has 1x off street car parking space for the manager; this will be secured as a car-capped development. Provision has been made for 5x visitor cycle parking spaces on Sheffield type stands and 5x long stay cycle spaces most likely within lockable purpose built units. The Council's transport team have reviewed the proposals and not raised any concerns, however it has been requested that further details of cycle parking are conditioned in, together with conditions for appropriate lighting, CCTV and signage to the short stay cycle parking area.

TFL have been consulted on the scheme given its location between two TFL managed roads. They have raised no concerns; however they query one of the crossovers to the site. The site is accessed by two vehicle crossovers from

Finchley Road; the southern crossover allows for access to the off-street car-parking space. The northern crossover allows for deliveries of beer from the brewery into a hatch to the cellar. As this arrangement is existing and it is considered impractical for the business

- 3 to require heavy barrels be offloaded from an off-site loading bay this current arrangement is considered to be acceptable.

Given the sites' location surrounded by busy main roads and red routes it is considered necessary to secure a Construction Management Plan by way of s106 legal agreement to ensure any impact on the highway or pedestrian network is managed accordingly.

The site is effectively an island site with the public house to the north and the Odeon cinema to the south. There are no residents in close proximity and as the use will remain as a public house with the introduction of guest rooms it is not considered that there would be any harmful amenity impacts. However, given the proximity of the public house to the hotel use and in order to ensure a good quality of amenity for guests, it is considered necessary to secure enhanced sound insulation between the two elements and a condition will be added to secure this.

No objections have been received to the proposal. The sites planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies G1, H1, H6, C5, C6, E3, A1, A4, D1, CC1, CC2, CC5, TC4, T1, T2, T4, DM1 of the London Borough of Camden Local Plan.

CS1, CS5, CS6, CS7, CS10, CS11 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP2, DP5, DP6, DP10, DP12, DP14, DP15, DP16, DP17, DP18, DP19, DP22, DP24, DP25, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 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 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

- 6 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.
- 7 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).
- 8 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 9 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

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 that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Director of Regeneration and Planning