

Address:	Admiral Mann, 9 and 9A Hargrave Place London N7 0BP		4
Application Number:	2016/7069/P	Officer: Jonathan McClue	
Ward:	Kentish Town		
Date Received:	23/12/2016		
Proposal: Redevelopment of the site including multiple storey rear extensions, a basement extension (to include toilets and a commercial kitchen), mansard roof addition and associated works to 9 Hargrave Place; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 3 residential flats (C3).			
Background Papers, Supporting Documents and Drawing Numbers: (GAL 220 (PC)) 001 Rev A; 002 Rev C; 003 Rev A; 004 Rev A; 005 Rev H; 006 Rev E; 007 Rev B; 008 Rev H; 009 Rev D, Design and Access Statement (ref: GAL 220/IB/ib) dated 09/12/2016, cover letter (ref: L/MISC/AM) dated 22/12/2016 by KR Planning, cover letter (ref: 14286/JM170124) dated 24/01/2017 by Lyons O'Neil Structural Engineers and Assessment of Potential Noise Impact (ref: Technical Report: R6701-1 Rev 1) dated 21/12/2016.			
RECOMMENDATION SUMMARY: Grant Conditional Planning Permission Subject to Section 106 Legal Agreement			
Applicant:		Agent:	
Mr J Moore 93 Bell Lane LONDON NE4 2AR		KR Planning 183 Seafeld Road Bournemouth BH6 5LJ United Kingdom	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A4	Drinking Establishments (includes upper floors which are ancillary accommodation)	338.4m ²
	C3	Dwelling House	33.2m ²
Proposed	A4	Drinking Establishments	210.8m ²
	C3	Dwelling House (including communal corridors and cycle/waste stores)	266.5m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette	1								
Proposed	Flat/Maisonette	2	2							

OFFICERS' REPORT

Reason for Referral to Committee: This application is reported to the Planning Committee as it was referred for consideration after briefing Members [Clause 3(VII)]

1. SITE

- 1.1 The application site comprises of the Admiral Mann Public House (Use Class A4) located at 9 Hargrave Place and a one bedroom unit located at 9a Hargrave Place. The host property includes two separate buildings that are linked at ground floor. The building at no. 9 is a 3 storey structure (plus basement) with a flat roof and single storey rear extensions. To the rear lies no. 9a which is 2 storey red brick structure with a hipped roof. Both buildings are included on Camden's Local List (January 2015) under separate listings. No. 9 is listed under reference 477 for its architectural, historical townscape and social significance. No. 9a is included under reference 478 on the local list for its historical and townscape significance.
- 1.2 The site is located on Hargrave Place which is a small cul-de-sac leading from Brecknock Road. Hargrave Place finishes at a gated entrance to Brecon Mews which houses a small residential estate. A number of residential properties surround the application site and local businesses are located within a retail parade along Brecknock Road. Immediately to the east of the site at 1-7 Hargrave Place is a 4-storey building which has planning permission for light industrial on the ground floor and 6 residential flats above. The residential units are now occupied.
- 1.3 The pub contains a cellar providing beer storage, the ground floor has a front bar, lounge bar, toilets and storage and the upper floors (first and second) of 9 Hargrave Place contain ancillary space for the pub use. The Admiral Mann was listed as an Asset of Community Value (ACV) on 30/10/2014. It was nominated by the Save the Admiral Mann Committee. The Admiral Mann closed in August 2014 and met the two criteria for an ACV:
 - there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Over 750 people (at the time of the designation) signed an online petition to save the pub and the testimonies of regulars submitted to the Council and in media articles show how important this pub is socially to the local people that use it. A website has been created to 'Save the Admiral Mann' and can be found here: <http://theadmiralman.co.uk>

2. THE PROPOSAL

- 2.1 Planning permission is sought for the redevelopment of the site including multiple storey rear extensions, a basement extension to include toilets and a commercial kitchen, a mansard roof addition and associated works to 9 and 9A Hargrave Place for the retention of the public house (A4) at basement and ground floors and the conversion of part of ground floor and upper floors from ancillary pub accommodation to self-contained residential flats (C3). Additionally, there would be a number of internal and external alterations including new doors, windows and the creation of a residential cycle and bin store at ground floor level.
- 2.2 The proposed alterations to No. 9 include the removal of two chimney breasts; the addition of a mansard roof with 7 dormer windows (2 to the front, 3 to the side and 2 to the rear); a white rendered extension to the rear with a maximum height of 3 storeys up to the existing parapet, a 2 storey rear element with a terrace; changes to the side elevation (facing Hargrave Place) would be made including new windows to the first and second floors and the cellar would be lowered to 2m (floor to ceiling height) and extended by 20.6m² to provide female and male toilets, a commercial kitchen and a cold store.
- 2.3 Three residential units are proposed within the upper floors of No. 9: Unit 1 on the first floor (2 bedroom), Unit 2 on the second floor (2 bedroom) and Unit 5 on the newly created third floor (1 bedroom).
- 2.4 Eight cycle parking spaces (in the form of two-tier 'Josta' Stands) and a bin store would be created within the ground floor of No. 9A.

Revisions

- 2.5 The rear extension to No. 9 was setback by 300mm from the brick side elevation and the store door to No. 9A (which was originally being widened) was amended to be retained.

3. RELEVANT HISTORY

Application site:

- 3.1 **3210:** Planning permission was granted for refurbishment works and a single storey rear extension on 12/06/1981
- 3.2 **2015/0906/P:** A planning application was withdrawn for the partial demolition and redevelopment of the buildings to retain part of the public house on the ground floor and basement and to create 6 residential flats on 02/07/2015
- 3.3 **EN15/0332:** An enforcement case was opened regarding the use of the public house. Enforcement Officers visited the premises and did not take formal enforcement action. No further action has been recommended following a site visit and initial investigation in April and May 2015
- 3.4 **2015/1814/P:** A Certificate of Lawfulness for an Existing Use or Development (CLEUD) was refused for the use of the ground floor and basement of the pub (A4) as a retail unit (A1) on 22/07/2015

- 3.5 **2015/6922/P:** A Certificate of Lawfulness for an Existing Use or Development (CLEUD) was approved for the use of the first floor of the building at 9A Hargrave Place as a self-contained residential dwelling on 21/01/2016
- 3.6 **2015/4456/P:** Planning permission was refused for the demolition of the building at 9A and partial demolition of 9 Hargrave Place to provide a 3 storey building to the rear; multiple storey rear extensions, a basement extension and mansard roof addition to 9; conversion of part of the 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) on 17/02/2016. The decision notice is attached to this report as Appendix 2. The main substantive reasons for refusal were:
- 1) The pub's modification and loss of ancillary space would harmfully compromise and undermine its use and prejudice its long-term retention
 - 2) The demolition of no. 9A would result in the loss of a non-designated heritage asset and the replacement building would be of insufficient design quality and inappropriate height, scale and massing
 - 3) Harm to the residential amenity of the future occupiers of the development due to noise disturbance
 - 4) Unit 5 would provide a sub-standard quality of living accommodation
 - 5) The cycle storage's location would discourage ownership and use of cycles

Following the refusal the application was appealed (ref: **APP/X5210/W/16/3147248**) and ultimately dismissed after an informal hearing with the final decision made on 12/10/2016. The appeal decision is attached as Appendix 1. When considering the above reasons for refusal the Inspector came to the following conclusions:

- 1) Due to the proposed first and second floors being converted from ancillary staff accommodation to self-contained residential flats, the opportunity to provide food from the kitchen in the managers flat would be lost which would restrict the function of the pub, particularly if it were to resume hosting community events at which food would normally be provided. Therefore, the proposed pub would not function to the same degree as that which the Admiral Mann did, due to the lack of the ability to provide food, meaning that it would fail to serve the needs of the local community adequately.
- 2) The proposed development at 9A would be significantly higher, deeper and have a greater bulk than the existing locally listed building. This would result in the character and appearance of 9A being detrimentally affected and its historic and townscape significance being wholly lost.

- 3) It would be difficult to effectively control amplification equipment used within the pub and no method to control general noise was put forward. 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, the Inspector was not convinced from the evidence provided that noise would be satisfactorily mitigated. Furthermore, it was considered that acoustic insulation would not mitigate the noise generated from outside the pub by the coming and going of customers or customers smoking and drinking outside. The submitted Noise Impact Assessment did not properly assess the site's quiet backstreet location and the impact of outdoor noise on prospective occupiers.
- 4) While Unit 5 is identified on the plans as a 1 bedroom flat, it has a sizeable study which could readily be used as a single bedroom. The Government's Technical housing standards advise that the minimum internal floor area for a 2 bedroom unit is 61m² with the proposal only providing 54m². Therefore, flat 5 would fail to meet the nationally described space standards and would fail to provide satisfactory living space for future occupiers of the development.
- 5) The proposed cycle storage area would be located within a room which is also identified as the waste bin store. 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.

Similar applications within the borough:

3.7 *Golden Lion Public House, 88 Royal College Street*

2012/6655/P: Planning permission for change of use from public house to 8 flats and a 3 storey extension was refused on 12/03/2013. A subsequent appeal under APP/X5210/A/13/2199667 was dismissed on 12/12/2013

2013/4793/P: Planning permission for change of use from public house at part ground and first, second and third floor levels to provide 4 residential units and associated extensions was refused on 25/06/2014. A subsequent appeal under APP/X5210/A/14/2218740 was dismissed on 02/10/2014

2015/5327/P: Planning permission for the creation of a studio flat at first floor level and 2 further bedsits at second and third floor levels was granted subject to a section 106 legal agreement on 29/01/2016. It is noted that a condition was attached for the first floor studio flat to remain as ancillary residential use to the public house.

3.8 *The Black Cap, 171 Camden High Street*

2012/1444/P: Planning permission for change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to provide 3 residential flats and associated extensions was refused on 16/05/2012. A subsequent appeal under APP/X5210/A/12/2184317 was dismissed on 04/03/2013

3.9 *Sir Richard Steele, 97 Haverstock Hill*
2014/1367/P: Planning permission for change of use of the first and second floors from public house to 4 residential flats and associated extensions was refused on 26/11/2014. A subsequent appeal under APP/X5210/W/15/3003396 was dismissed on 22/07/2015

2016/1189/P: Planning permission for the change of use of the first and second floors from pub to residential to provide 4 self-contained flats, a new extension to provide a function room and relocation of the kitchen into the basement has a resolution to grant subject to a section 106 legal agreement. The legal agreement includes an implementation plan which must be agreed before the residential units can be occupied and a function room plan.

4. **CONSULTATIONS**

Local Groups

4.1 *The Community Campaign to Save the Admiral Mann submitted an objection on 15/02/2017 with the main concerns raised including:*

- Application is latest in a long line of various applications and appeals
- Significant shortfall of what would be an acceptable proposal
- Pub dates back in 1870s where it was PH with manager's accommodation. Dividing up into flats serious detriment to its character and history
- Pub would be attractive project in its current state
- Material consideration should be given to ACV status
- Should protect what few Victorian style traditional pubs left. Local and national pubs closing at a dramatic rate
- Trojan horse application. Developer intends to permanently close pub
- Ability of proposed pub to fulfil same role to community significantly compromised. Pub was licensed until 01.00 for numerous sports, entertainment, music and community events. Building flats above would be disruptive and compromise pubs. Smoking externally raise issues with people leaving windows to flats open
- Developer is a pub conversion specialist

4.2 *Objections were received from 2 representatives (John Cryne and James Watson) from Campaign for Real Ale (CAMRA). Their objections include:*

- The developer has bought an historic pub without planning consent in place with the intention of converting into residential which is a more profitable land use
- Cohesive communities need places to get together and pubs in which to socially interact
- The proposed ground floor lock-up bar will not be an adequate replacement for the current pub, with kitchen and manager's accommodation at 1st & 2nd floor

- The proposal threatens the future viability of the pub and has been filed by a developer who specialises in converting and closing pubs

4.3 *The 5 Hargrave Place Residents Association submitted an objection on 22/02/2017 and individual residents from within the building sent in separate submissions. Their objections are summarised below:*

- Strongly reject redevelopment of ground floor to reinstate operational public house or any proposal to reinstate entire building as a Public House with function rooms. None of the residents want to live next to an operating PH
- Fully support conversion of upper floors to residential
- Moved to area as this is a quiet residential street (cul-de-sac)
- Do not feel there is any additional benefit to the residents to permit the redevelopment and opening of the Admiral Mann. All local residents use alternative pubs which serve the wider community and suggest those in the Save the Admiral Mann community group have already found replacement pubs after 3 years since closing
- Object to the opening of a pub due to loud noise and disturbance that living next to an operating pub brings
- Increased traffic from vehicles such as taxis or customers trying to park
- Area would become a rubbish dump emanating from the pub. Would use as a temporary toilet which is unacceptable
- Uncomfortable with people standing outside the pub and 5 Hargrave Place smoking and drinking. Increase in anti-social and drunk and disorderly behaviour
- Any future licensing application to use the Pub will be met with severe objection
- It is well known that properties above a pub for sale will struggle to obtain a mortgage on reasonable market terms from traditional lenders. This means the proposal would lock out any opportunity for a private owner to purchase the residential units
- The residents who purchase units above the pub will have same concern regarding noise. Licensing of pub will become extremely contentious
- The value of the ACV was questioned as the developer attempted to sell the property last year and provided notice to the community group enabling them 6 months to put together a bid. No bid was received

Adjoining Occupiers

<i>Number of letters sent</i>	0
<i>Total number of responses received</i>	43
<i>Number in support</i>	0
<i>Number of objections</i>	43

4.4 2 site notices (1 at the front of the application site and another at the corner of Brecknock Road and Hargrave Place) were displayed from 31/01/2017 and a press release was made on 02/02/2017.

Overall, 43 objections were received against the application in writing (including from the interest groups as outlined in paragraphs 4.1-4.3 above). The objections include those opposing the alterations to the existing pub use and the introduction of residential above and residents from within Hargrave Place who object to the principle of retaining a pub on-site due to the likely noise and general disturbance issues.

The majority of the objections were received from local residents, local businesses (from Brecknock Road and York Way) and former patrons of the public house who are seeking to protect it from development. A summary of the main issues raised by these objectors are included below:

- This is a 'Trojan Horse' application that will invariably spell the end of the pub
- There is a substantial amount of interest from pub operators in this site as it is
- The pub was a social centre for all classes of the local community, important part of the community, no other similar pubs nearby
- The proposed pub is much smaller and will not be in keeping with the Victorian character of the pub. Loss of manager's accommodation, ancillary space, and new flats around it not serve the community as well as if the pub was preserved intact
- There will inevitably be noise complaints from those living in the flats, and these could be used as an excuse to shut down the pub
- Recent history shows us that the splitting of pubs and creating lock-up bars does not work: the Leighton Arms was split and is soon to become a convenience store and the Dartmouth Arms is years overdue in re-opening. Other pubs include the The Albert, Pakenham Arms and Magdala PH
- The developer specialises in capitalising on former public houses and running them solely for profit for the few that can afford it, closing them down or making them into flats
- Kentish Town and the surrounding areas of N7 have lost a huge number of pubs and community spaces in the area
- Addition of extra storey to 9 Hargrave Place would affect light of residents in Longmeadow flats
- Since the closure of Admiral Mann there has been a significant increase in antisocial behaviour in the area due to loss of overlooking/surveillance from pub use
- Insufficient storage for the pub to accommodate refuse/recycling etc, no provision for kitchen staff toilets/wet work areas, ducting for kitchen unlikely to be sufficient for a commercial kitchen, ground floor bar shows no point for

staff to access the serving space and provision of hatch would reduce available serving area as will provision of new stairs to cellar toilets/kitchen, no longer sufficient space for a dart board in each bar and ability to have 2 bars

- Loss of accommodation for new landlord or manager means those individuals running the business would be obliged to live away from the premises, removes the buffer and makes business less attractive
- The proposal would result in the total internal destruction of the main pub building causing harm to the locally listed building
- The mansard extension would have an inappropriate prominence from surrounding streets

5. **POLICIES**

5.1 **National Planning Policy Framework 2012**

Paragraphs 12, 14, 17, 56-66, 69, 70 and 126-141 are most relevant.

5.2 **London Plan 2016**

Policies 3.1, 3.16, 4.8, 7.4, 7.6 and 7.8 are the most applicable.

5.3 **LDF Core Strategy and Development Policies**

Set out below are the LDF policies that the proposals have primarily been assessed against. It should be noted that recommendations are based on the assessment of the proposals against the development plan taken as a whole together with other material considerations. In making the recommendations, account has been taken of all relevant statutory duties including section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Core Strategy

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS7 (Promoting Camden's centres and shops)

CS10 (Supporting community facilities and services)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS18 (Dealing with our waste and encouraging recycling)

CS19 (Delivering and monitoring the Core Strategy)

Development Policies

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP15 (Community and leisure uses)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and limiting the availability of car parking)
DP19 (Managing the impact of parking)
DP20 (Movement of goods and materials)
DP21 (Development connecting to the highway network)
DP22 (Promoting sustainable design and construction)
DP23 (Water)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP27 (Basements and lightwells)
DP28 (Noise and vibration)

5.4 **Supplementary Planning Policies**

Camden Planning Guidance (CPG)

CPG1 (Design) 2015
CPG2 (Housing) 2015
CPG3 (Sustainability) 2015
CPG4 (Basements and lightwells) 2015
CPG5 (Town Centres, Retail and Employment) September 2013
CPG6 (Amenity) 2011
CPG7 (Transport) 2011
CPG8 (Planning Obligations) 2015

Camden Local Plan Submission Draft 2016

Policies: H1 Maximising housing supply; H4 Maximising the supply of affordable housing; H6 Housing choice and mix; H7 Large and small homes; C4 Public houses; A1 Managing the impact of development; A4 Noise and vibration; A5 Basements and Lightwells; TC4 Food, drink, entertainment and other town centres uses; T1 Prioritising walking, cycling and public transport; T2 Car-free development and limiting the availability of parking and DM1 Delivery and monitoring.

The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

6. **ASSESSMENT**

6.1 The principal consideration material to the determination of this application are summarised as follows:

7. Background;
8. Retention of Community Facility;
9. Housing Mix, Unit Size, Quality of Accommodation and Affordable Housing;
10. Design, Impact on Locally Listed Buildings and Surrounding Area;
11. Basement;

12. Residential Amenity;
13. Transport Considerations;
14. Sustainability;
15. Commercial Waste Storage;
16. Residential Waste Storage;
17. Community Infrastructure Levy;
18. Other Matters;
19. Conclusion

7. Background

- 7.1 This application to retain the public house on the ground and basement floors and to convert the upper ancillary floors into residential is the third planning submission of this nature on this site. Planning application 2015/0906/P was withdrawn on 02/07/2015 following advice from the Council that it was going to be recommended for refusal under delegated authority. Following the withdrawal another application was submitted under 2015/4456/P which was refused and subsequently dismissed at appeal under APP/X5210/W/16/3147248 (as detailed under the relevant history section above). In addition to these planning applications two Certificates of Lawfulness for an Existing Use or Development (CLEUD) have been determined. 2015/1814/P was refused for the change of use of the ground floor and basement of the pub (A4) to a retail unit (A1); as the applicant did not provide sufficient evidence to demonstrate that a material change of use had occurred. A CLEUD was approved under 2015/6922/P for the use of the first floor of the building at 9A Hargrave Place as a self-contained residential dwelling. It was demonstrated that it had been an independent flat for a period of more than 4 years without any breaks in continuity.
- 7.2 Following the dismissed appeal under 2015/4456/P and APP/X5210/W/16/3147248, it is clear that the Inspector's concerns with the scheme were limited to: lack of ability to provide food leading to the restriction of the function of the pub, loss of character and appearance of 9A through its demolition and replacement, insufficient evidence submitted to demonstrate noise mitigation leading to harm to prospective occupiers, Unit 5 (top floor flat) would have an unsatisfactory living space and inadequate cycle parking facilities would be provided as they would be shared with refuse.

This revised submission currently under assessment addresses the concerns of the Inspector in the following ways:

- Lack of ability to provide food: A kitchen is proposed within an extended basement including a flue which would run up the rear elevation and terminate above the mansard extension. The applicant has agreed to a Section 106 (S106) legal obligation to ensure that the kitchen is fitted out and completed before the pub is transferred to a tenant. In addition, the applicant is also willing to include a clause within the S106 that would require the pub to be occupied before any of the residential units can be marketed.

- Loss of building at 9A: the building at 9A would remain in situ with no external alterations proposed apart from the replacement of the brick infilled archway above the store door with a recessed louvre panel. The modifications to the main building (9) are as proposed under the previous application apart from the inclusion of a rear flue for the kitchen. The Council and Inspector raised no concern to these alterations including the mansard addition, basement works and upper level rear extension.
- Insufficient noise mitigation: a revised Noise Impact Assessment from a qualified Acoustic Engineer has been submitted to address the Inspector's concerns in these respects. The instructed Acoustic Engineer has worked closely with the Council's Environmental Health Officer who supports the proposal and is confident that with adequate design and conditions the two uses can co-exist. The proposed measures include acoustic glazing, sound insulation of the party floor between pub and residential flats, use of a fixed PA system, structurally isolated loudspeakers with a noise limiter (calibrated to Camden's satisfaction) and a noise sensing limiter.
- Top floor flat unsatisfactory: the top flat (Unit 5) would be a one bedroom flat (the study now removed) and have a floor area of 54m² which is in accordance with the nationally described standards (50m²).
- Inadequate cycle parking: The residential cycle store has its own dedicated area and is accessed from a ventilated lobby. It is also no longer under the residential stairs.

8. Retention of Community Facility

- 8.1 The existing local public house, which closed in 2014, is considered to serve the needs of the local community and is registered as an Asset of Community Value (ACV) in accordance with the requirements of the Localism Act 2011. Paragraph 15.6 of policy DP15 states that the Council will protect existing community facilities to ensure that Camden's residents have access to a range of buildings and facilities for community use.
- 8.2 The NPPF paragraph 70 states that to '*deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as...Public Houses)*' to enhance the sustainability of communities and residential environments. Paragraph 4.48A of the London Plan states that the Mayor recognises the important role that London's public houses can play in the social fabric of communities. It goes on to state that boroughs are encouraged to bring forward policies to retain, manage and enhance public houses. Paragraph 15.7 of policy DP15 states that the Council will resist the loss of local pubs that serve a community role unless alternative provision is available nearby or it can be demonstrated to the Council's satisfaction that the premises are no longer economically viable for pub use. Emerging policy C5 (Public houses), which now has substantial weight following the issuing of the Inspector's report, states that the Council will protect public houses which are of community, heritage or townscape

value. Planning permission will not be granted for redevelopment of a pub unless an equivalent premises capable of meeting the community needs are available.

- 8.3 The ACV designation allows for a community interest group to bid to purchase the property should it be put up for sale. During 2016 the applicant put the property on the market for sale and Officers understand that no bid emerged and as such the property can now be sold on the open market. Notwithstanding this, the ACV designation still applies and is considered to be a material consideration in that the pub makes a contribution to the community. The Inspector as part of the appeal under APP/X5210/W/16/3147248 gave regard to the designation.

Conversion of upper floors of 9 Hargrave Place from ancillary pub use to flats

- 8.4 The upper floors (first and second) of 9 Hargrave Place have a lawful use as ancillary public house (A4). During the last operation of the pub they were used as ancillary staff accommodation with the manager living on the first floor. In the past there has been a function room at first floor level but no evidence exists of it being used in this format in recent history. The former manager of the Admiral Mann used the kitchen at first floor for his own domestic use and also to provide food for customers at a variety of events throughout the week. A significant amount of evidence has been submitted by third parties, along with the manager himself, to support that this occurred at least informally. This function contributed to the attraction of the pub to customers and allowed it to provide for community groups and events on regular occasions.

- 8.5 As stated above policy DP15 seeks to protect existing community facilities. Further to this policy C4 of the Local Plan Submission Draft 2016, which now has substantial weight following publication of the Inspector's report, 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. The loss of the upper floors is regrettable as the ability to use them as a function room, commercial kitchen or as staff accommodation would restrict the ability of a future pub to provide these facilities. As part of the appeal under APP/X5210/W/16/3147248 the Inspector made it clear that 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'*. The objection from the Inspector was seemingly due to the loss of the ability to provide food, not to the loss of the floorspace itself. When addressing the matter of the loss of staff accommodation, the Inspector did not see these as being significantly detrimental to the pub and noted that there is 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'*.

- 8.6 Based on the above it is considered that the only community value gained from the upper floors of the pub were due to its ability to provide food. The proposed development includes a commercial kitchen within the basement. The commercial kitchen would be accessed from the main pub area on the ground floor. It would have a micro lift between the basement and main serving back bar area on the

ground floor (to allow the convenient service of food), a floor area of 17m² (the existing kitchen on the first floor has an area of 15.7m²) with a floor to ceiling height of 2.4m, a cold store and an extract that would terminate at roof level. Basement kitchens are common in modern pubs and the proposed facility would be dedicated to the pub which is arguably better than the previous arrangement where food was served informally from the manager's kitchen which also catered for their personal use. It is therefore considered that the resulting pub would function to a similar degree as that which the Admiral Mann previously did, due to the retention of the ability to provide food. As such, the proposed pub would continue to serve the needs of the local community adequately and the loss of the ancillary upper floors is considered acceptable in this instance.

Modifications to ground floor and basement of the pub

- 8.7 The most recent version of the pub included a front and rear bar area, toilets and storage within the ground floor and beer storage within the basement/cellar.
- 8.8 The proposed development would increase the floor area of the pub at ground floor by approximately 20m² by increasing it from 80m² to 100m² (both measurements exclude the bar area). This is the same as the refused proposal under 2015/4456/P where the Inspector acknowledged in his appeal decision (APP/X5210/W/16/3147248) that there would be a larger seating area provided. Other changes to the ground floor include the reduction in storage area and the relocation of the toilets into the basement. A wheelchair accessible toilet would remain at ground floor level. Overall there would be a loss of storage area on the ground floor of 17.5m² with the existing storage area being replaced by 3m² of storage/office. This is less than the proposal under 2015/4456/P which had a store room of 12m². The loss of the storage space is necessary to provide dedicated cycle and waste stores for the residential use and is not considered to harm the function nor the viability of the public house.
- 8.9 The basement would be excavated to 2.4m in height and extended in size to create toilets, a cold store and a commercial kitchen. The relocated toilets are considered to be acceptable and the Inspector was satisfied with this arrangement under APP/X5210/W/16/3147248: *'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.'* The beer storage would be reduced in size over the existing arrangement by 21.4m² to make room for customer toilets and the kitchen. This loss of space was not raised as an issue by the Inspector and is not considered to harm the function of the public house.
- 8.10 Overall, there would be a loss of storage space on the ground and basement floors in terms of quantum which would be balanced against the increased pub floorspace for customers on the ground floor and the introduction of a commercial kitchen within the basement. The provision of the kitchen would be required before occupation of the pub and the residential units. Its retention would be secured as part of a S106 agreement.

Co-location of pub use with residential above

- 8.11 As part of the proposal under 2015/4456/P the applicant did not demonstrate that it would satisfactorily mitigate noise from the pub being heard by the occupiers of the

flats above. Therefore, the proposal was considered to result in conflict between the two uses and the conflict was included as a reason for refusal.

8.12 An 'Assessment of Potential Noise Impact' (Noise Report) has been submitted by 24 Acoustics Limited, Consultants who hold the relevant credentials as acoustic engineers. The report recommends that all music in the public house be routed via a fixed entertainment system. This approach, which can be controlled via condition, has the advantage that a system noise limiter can be configured to control levels to within the suitable noise values. In addition and for robustness, a further acoustic noise limiter would be installed and configured to the satisfaction of Camden's Environmental Health Officers. These initiatives would satisfactorily control internal noise levels created during the pub's use. The report further recommends the following internal interventions into the built fabric to protect prospective occupiers from noise:

- The existing party floor would be upgraded through the introduction of a mass barrier ceiling, comprising 2 layers of 15mm Soundbloc mounted on independent joists set off from the existing ceiling by a minimum of 25mm. The cavity would be filled with 150mm mineral wool of minimum density 45 kg/m. There would be no holes or openings within the ceiling construction. The floor above would be upgraded using 45mm (min) acoustic battens with 22mm T&G chipboard.
- The external walls within the public house would be independently lined with 2 layers of 15mm Soundbloc plasterboard on an independent frame, with 50mm mineral wool (minimum density 45 kg/m³) in the cavity.

8.13 Based on the above interventions, which would be secured via planning condition, the calculations within the Noise Report demonstrate that the resultant noise level in the most sensitive first floor area would be a low frequency value that would be practically at the threshold of audibility and therefore it would be highly unlikely to cause disturbance to the residential units.

8.14 Following the deficiencies of the previous application under 2015/4456/P, an assessment of external patron noise formed part of the updated Noise Report. Calculations were undertaken to determine the noise level over an hourly period from patron activities at the closest point on the public footpath to the nearest residential window (being that of the proposed residential above the pub). The calculations indicate that noise from 10 patrons with raised voices (ref ANSI 3.5, 5 talking, 5 listening simultaneously) would generate a noise level of 58 dB LAeq, 1 hour at the nearest window. To ensure external noise levels would not unacceptably harm prospective occupiers, glazing is proposed to the habitable residential rooms to achieve a minimum sound insulation performance of 40 dB Rw. This would be achieved using 8.4mm glass, 12mm cavity (minimum) and 8mm glass that would be secured by planning condition. Furthermore, an alternative ventilation unit would be installed to achieve a minimum elemental sound difference of 38 dB Dn,e,w. This would be fitted to the windows of all habitable rooms. With regard to the impact of external noise on existing occupiers in the surrounding area, it is considered that the proposal would be no worse than the existing situation as explained in para 6.1 (below). The pub is an existing use so any potential external

noise could occur irrespective of this development. Therefore, any noise impacts on existing occupiers are not objectionable.

- 8.15 While the pub has no dedicated external amenity spaces for patrons it is accessed from a quiet street where the comings and goings and gathering of people could cause a level of noise disturbance. These matters would be controlled and monitored by the licensing regime. Notwithstanding this, the proposed measures of glazing and ventilation would ensure internal conditions would be satisfactory for prospective occupiers.
- 8.16 Although Officers consider that the noise impact from the pub would be acceptable, and that future occupiers would be aware, that they would be living above a functioning pub, it is considered reasonable to add a clause to the S106 agreement that puts future occupiers on notice that there is an established pub use and that any marketing materials, and the lease of each dwelling, include information about the pub's licensed hours and details of entertainment. Therefore, whilst not removing the statutory right to appeal any future license applications, future occupiers could only do so having been made being fully aware of the exact nature and operation of the pub before they move in. The objections from the neighbouring occupiers in 5 Hargrave Place have been noted; however, as per para 6.1 the pub could be reinstated without planning permission. Any impacts from the development, which includes the retention of a pub (A4) use, would be no worse than the fallback position of the host property.
- 8.17 Environmental Health Officers consider the submitted information acceptable and recommend that details of the floor/ceiling/wall/glass insulation along with the noise limiting equipment be submitted for approval before development commences to ensure sufficient detail is submitted. The details would ensure the prospective occupiers achieve a daytime 07:00-23:00 internal noise level of NR20 and night time 23:00-07:00 internal noise level of NR15 in all habitable rooms.

Conclusion

- 8.18 The upper floors of ancillary accommodation to the pub would be lost to residential; however, the proposed commercial kitchen within the basement would allow it to continue to provide a similar community facility as per the existing pub. The provision of the proposed kitchen would be required before occupation of any of the residential units and its retention would be secured as part of a S106 agreement. Furthermore, the S106 would require the pub to be occupied before the proposed residential flats are marketed. This would ensure that the pub is fully available for community use prior to the prospective residential occupiers moving in to the upper floors. A planning condition would also be attached to remove permitted development rights from the permitted public house (A4) use. This would protect the ground floor and basement pub from being converted to an A1, A2 or A3 use as normally permitted via the Use Classes Order and for its temporary conversion to any uses allowed under the General Permitted Development Order. The attachment of this condition would ensure the longevity of the pub as any change of use would require planning permission. It would afford it greater protection than the existing situation as the pub's ACV status is not guaranteed to be reinstated after it expires (i.e. ACVs are valid for 5 years and a fresh application would need to be made which could be challenged).

8.19 Based on the above, it is considered that the proposed reconfiguration and modifications would not compromise and undermine the use of the existing public house. The pub would be developed and modernised in a way that is sustainable and retained for the benefit of the community. Furthermore, the application has demonstrated that the proposed residential and public house uses would be compatible in this instance.

9. Housing Mix, Unit Size, Quality of Accommodation and Affordable Housing

Housing Mix

9.1 Policy DP5 seeks to provide a range of unit sizes to meet demand across the borough. In order to define what kind of mix should be provided within residential schemes, policy DP5 includes a Dwelling Size Priority Table which seeks the provision of at least 40% of market units to be 2 bed. 1 bed and studio units are of a lower priority and 3 bedrooms (or more) are medium priority. The proposal would provide 2 x 2 bed and a 1 bed which would be 66.66% in accordance with DP5.

Unit size

9.2 The Department of Communities and Local Government (DCLG) released nationally prescribed space standards in March 2015. The minimum gross internal floor areas are set by the number of bedrooms and bed spaces/occupiers in each dwelling. The development consists of a 1 bed 2 person, 2 bed 3 person and a 2 bed 4 person flat which require a minimum of 50m², 61m² and 70m². The proposed units would be in accordance with these requirements:

- Unit 1: 2 bed 4 = 78.9m²
- Unit 2: 2 bed 3 = 61.1m²
- Unit 5: 1 bed 2 = 54.3m²

9.3 The measurements above do not include communal stairs or corridors, only the internal elements of the independent units. Unit 5 on the third floor is within the mansard roof. CPG2 (Housing) para 4.10 requires all habitable rooms to have a minimum headroom of 2.3m with those in attics having a minimum height of 2.3m over at least half of the floor area. Floor space where the ceiling height is less than 1.5m is not considered to be habitable. According to the proposed section the maximum floor to ceiling height is 2.4m and this is over the vast majority of the unit given the nature of the flat top mansard with steep pitches of approximately 68.71°. Only a small section of the unit (approximately 600mm of the perimeter) would be within the pitch of the mansard which benefits from 7 dormers to increase headroom in these areas. The area within the pitch of the mansard includes (Officers note that plans are indicative and the final layout could be subject to change) the head of the bed, the dressing room area (i.e. storage), the toilet – hand basin – bathtub within the bathroom and the kitchen table. The provided amount of floorspace and headspace is considered to be of adequate quality for the unit.

Layout, outlook, aspect

9.4 The units all have a good functional layout, are triple aspect and would benefit from an adequate provision of light and outlook including generous vistas to the front and side with the upper floor units enjoying views over the rear of No. 9A.

Amenity space

- 9.5 Unit 2 on the second floor would benefit from a large external terrace. It would not be possible for the other units to have external spaces due to design and amenity constraints.

Compatibility with pub use

- 9.5 As per paragraphs 3.11-3.17, it is considered that provided the appropriate mitigation measures are installed the prospective occupiers will have an acceptable quality of living accommodation in terms of any resulting noise and general disturbance resulting from the pub use.

Affordable Housing

- 9.6 Policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan (Submission Draft 2016) has substantial weight following the Inspector's report received on 15/05/2017. The policy will have full weight, subject to modifications agreed by the Inspector, when the Local Plan is formally adopted.

- 9.7 The emerging policy requires a contribution to affordable housing from all developments providing one or more additional residential units with an increase in floorspace of 100m² (GIA) or more. The sliding scale target, starting at 2% for one home and increasing by 2% for each home added to capacity, is applied to the additional floorspace proposed. The affordable percentage is calculated on the basis that 100m² (GIA) is sufficient 'capacity' for a single home. Schemes providing between 1-9 units will be expected to make a payment in lieu (PIL) of affordable housing, subject to viability.

- 9.8 The proposed development includes three additional residential units with an uplift of 233.3m² (GIA) of floorspace. A financial contribution towards affordable housing would therefore be required on the following basis:

- Based on a GIA of 233.3m² the percentage target would be 4% (capacity for 2 units based on there being 200m² of housing so 2 x 2% = 4%)
- The existing PIL figure (subject to change) is £2,650 per m², based on GEA
- The proposed increase of floorspace in GEA is 244.8m²
- GEA floorspace target is 4% x 244.8m² = 9.792m²
- Financial contribution calculated as 9.792m² x £2,650 per m² = £25,948.80

- 9.9 It is noted that the financial contribution would be dependent on the PIL figure at the time of agreeing the Section 106 Agreement.

10. Design, Impact on Locally Listed Buildings and Surrounding Area

- 10.1 Both of the buildings on the application site - 9 Hargrave Place (the main pub building serving Admiral Mann) and 9a Hargrave Place (the smaller, 2 storey red bricked building to the rear) are on Camden's Local List (adopted January 2015) under separate entries (ref: 477 and 478). The proposal would retain both buildings

and include substantial alterations to No. 9 and only minor changes to No. 9A. Emerging policy D2 (Heritage) states that the Council will seek to protect non-designated heritage assets (including those on and off the local list). Therefore, the retention of the buildings is welcomed and the acceptability of alterations to them are assessed below.

Extensions/alterations to 9 Hargrave Place

- 10.2 The external alterations to the main pub building at no. 9 include a mansard roof extension with dormers, new windows on the side elevation facing Hargrave Place and an upper storey rear extension with a second floor roof terrace. The proposals, including the amount of internal and external demolition, are very similar to those proposed under 2015/4456/P where the Council made no objections to these elements and neither did the Inspector as part of the appeal under APP/X5210/W/16/3147248. On this basis Officers have no objection to the proposed alterations to no.9.
- 10.3 The proposed roof extension would include traditional detailing of the mansard roof that is designed to fit an end of terrace building (i.e. it has been designed in accordance with a corner building with a party wall upstand on the side of the neighbour building at 1-7 Hargrave Place). It would be a flat topped mansard that is well setback from the parapets with an appropriate pitch of 70°. The materials would be secured by condition to ensure that they are appropriate traditional materials (such as natural slate). The dormers would align with the window arrangement of the floors below and remain subordinate within the mansard. The rear elevation would be extended at first and second floors in render, to match the currently rendered rear elevation, with a setback of 300mm from the brick side elevation to clearly distinguish between old and new. The rear extensions, including the first floor rear extension with a terrace above, are considered to be subordinate and in keeping with the host building. Matching sash windows would be introduced into the side elevation which are not considered to unacceptably detract from the character and appearance of the existing structure. The recent development adjacent at 1-7 Hargrave Place has removed views of features of interest on the host building such as the prominent chimneys on the other side elevation. Given that the chimney is no longer visible there is no objection to its removal. The façade of 9 Hargrave would be maintained which is encouraged and a condition would be attached to ensure original hanging pub signs and decorative manifestations are kept or reinstated.
- 10.4 The proposed extract duct would run up the rear elevation away from the Hargrave Place elevation to reduce its visual impact from surrounding views. Details of the ducting would be secured by planning condition to ensure that it would be of acceptable quality.
- 10.5 Internal works are proposed to the locally listed building. It is noted that planning permission is not required (as it is not deemed to be development) for internal works to locally listed buildings, as it is not a statutory requirement. Notwithstanding this, it is not considered that the internal works themselves would cause harm to the structure. Substantial works would take place to the building however; including the removal of the back wall of the building, works to its foundations through the basement extension and works to the internal floors of the building and roof. Given

the extent of the works proposed a Construction Method Statement would be secured by planning condition to ensure that the building is protected during the development. The Statement would require details of all demolition works in addition to the construction.

Extensions/alterations to 9A Hargrave Place

- 10.6 The modest residential mid-19th Century brick building at 9A Hargrave Place is a locally listed building, which is a material consideration of this planning application. The list that was adopted by Camden Council in January 2015 identifies the subject building as a separate entry and recognises it for its historical and townscape significance. Its first reason for being included on the local list is consistent with the reasons for Camden having a local list, being that they are buildings that are valued by the local community and carry history and memories into the present. Specifically, the building has been included on the list because it is the remnant of small scale workers housing replaced by the Long Meadow Estate in the early-mid 20th century. It also has townscape significance, described as having a shallow pitch slate roof and a curved corner.
- 10.7 Following the refusal of the application under 2015/4456/P, which sought to demolish this locally listed building, the revised proposal would keep it in situ. The only external change to the building would be a recessed louvered panel in place of the crudely bricked up (in non-matching bricks) archway. On balance the alterations are considered to be an improvement over the existing situation and a condition would be attached to ensure the louvered panel is of high quality.
- 10.8 Given the significance of the locally listed building at no.9 and the scale of works going on below and around it, a Construction Method Statement would be secured by planning condition as stated in para 10.5 above.

11. Basement

- 11.1 Basement works are proposed to include excavation below and beyond an existing cellar. The proposed basement structure is a series of hit and miss reinforced concrete underpins to the existing walls. The base of these would be formed within the natural clay strata. A suspended basement slab would span between the toes of these underpins. The site is not subject to any known hydrological constraints.
- 11.2 In support of the basement development a Basement Impact Assessment (BIA) by Lyons O'Neill Structural Engineers has been submitted. The authors have the following qualifications: MEng, BEng, CEng and MStrucE. The document follows the CPG4 (Basements and Lightwells) screening and scoping approach to assessing the likely impact of the basement development.
- 11.3 From the screening stage it was recognised that the proposed basement would increase the depth of the existing foundations relative to neighbouring properties. Officers note that the only neighbouring property is 1-7 Hargrave Place to the east which includes a recent development under 2014/3714/P. The BIA states that any ground movements and/or instability would be managed through proper design and construction of mitigation measures. In addition, the Party Wall Act would be used during the design phase.

- 11.4 The site lies on London Clay which is a well-known stiff (high strength) clay and the site is approximately 1.5km from Highgate ponds. Ground investigation was carried out by Southern Testing in January 2015 comprising of 2 x 3m deep boreholes drilling within the existing basement area; 1 x 3m deep borehole drilled from ground level; groundwater monitoring wells and 7 foundation inspection trial pits.
- 11.5 The BIA concludes that the proposed basement would not impact on the existing geological or hydrogeological conditions, and as the ground is flat, slope stability will not be an issue. Perched groundwater within the made ground was identified, however, the proposed basement design includes measures to accommodate this. Provided the works are undertaken in a logical and safe manner the works would not have a detrimental effect on either the existing building or adjoining properties. An assumed construction sequence is included within the BIA which any appointed contractor would need to use to inform their sequencing for undertaking the works. It is therefore considered that the proposal demonstrates sufficient certainty to meet the requirements of DP27 and CPG4. A condition is recommended to require the appointment of a suitably qualified chartered engineer with membership of the appropriate professional body to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which would need to be checked and approved by a building control body.
- 11.6 CPG4 (Basements and lightwells) states that the Council will expect an independent verification of BIAs in 'certain situations'. This includes where a scheme requires applicants to proceed beyond the screening stage of the BIA, where the basement is located within an area of concern (slope stability, surface water or groundwater flow) or where the Council feels that it would be appropriate (e.g. where conflicting evidence is provided in response to a proposal). The BIA does not need to extend beyond the screening stage, the basement extends an existing basement in an area that is not of concern and there has been no conflicting evidence provided in response to the proposal. Furthermore, the original application did not require an independent review and the proposal here is not considered to be significantly different. Based on the above an independent review (i.e. Campbell Reith or a similar third party engineer has not reviewed the BIA) of the BIA has not been undertaken as Officers do not deem it necessary in this particular instance.

12. Residential Amenity

- 12.1 As the current public house is being retained, albeit with the loss of its ancillary upper floors, it is not considered that it would result in a significant increase to existing levels of noise or disturbance for residential occupiers on surrounding sites. Objections have been received from residents in the adjacent 5 Hargrave Place (which was recently established under 2014/3714/P) on the basis of the occupiers not wanting to live next to an operating pub. It is noted that the pub is an existing lawful use that could be reinstated at any time without planning permission. Therefore, the proposed development is unlikely to cause any greater harm than the default position.
- 12.2 The mansard addition and rear extensions would be within the built form of the new development at 1-7 Hargrave Place and located opposite a blank gable at 5-7

Brecon Mews. Given the setback of the extensions from other surrounding residential premises the proposal would not result in any undue harm to any of the neighbouring or surrounding properties in terms of a loss of light or outlook.

- 12.3 The proposed upper floor windows, due to their location, orientation and setback from adjacent residential windows and amenity spaces would not be likely to lead to significant levels of overlooking or a loss of privacy. Screening details for the second floor terrace would be secured by planning condition given its location immediately adjacent to a terrace at 1-7 Hargrave Place.
- 12.4 A flue is proposed that would rise above the roof level of the new mansard. The submitted Noise Report confirms that noise from any plant should not exceed 35 dB LAeq at the nearest potentially affected property and that this can be readily controlled via a planning condition for the scheme. As no specific plant or equipment has been specified, Environmental Health Officers recommend that details of noise emitted from plant/machinery and any appropriate mitigation measures be submitted to the Council for approval. This will be secured by condition. The external ducting is considered acceptable in design terms as discussed in para 5.4 (above).

13. Transport Considerations

Cycle parking

- 13.1 Policy DP18 (paragraphs 18.12 and 18.13) and emerging policy T1 require developments to provide cycle parking facilities in accordance with the minimum requirements of Camden's cycle parking standards. Camden also expects development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan. The proposed residential development consists of 2 units with 2 bedrooms and 2 x 1 bed flats (an existing above No. 9A and a proposed within the mansard). 8 cycle parking spaces are proposed which is surplus of the requirements of the London Plan which requires 1 space for 1 bed units and 2 for 2 beds. The cycle parking spaces would be at ground floor level in the form of 2-tier Josta stands. The quantum of spaces and type of stands is considered to be acceptable and would be secured via planning condition.

Car-free

- 13.2 The application site falls within a controlled parking zone (CPZ), has a public transport accessibility level (PTAL) of 4 and is located near the Kentish Town and Camden Town Centres. Policy DP18 and emerging policy T2 state that such developments are expected to be car-free and this would apply to the 3 new residential units. A car-free development would be secured via a covenant under s.16 of the Greater London Council (General Powers) Act 1974 and other local authority powers if planning permission is granted.

Highways contribution

- 13.3 The summary page of Policy DP21 states that *'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'*. The footway directly adjacent to the site could be damaged as a direct result of the proposed works. The Council would therefore

need to secure a financial contribution for highway works as a S106 planning obligation if planning permission is granted. A cost estimate for highway works of £5,369.77 has been received from the Council's Highways Delivery Team.

Construction Management Plan (CMP)

- 13.4 Due to the nature of the proposed works and the location of the development down a quiet street located on a cul-de-sac, a CMP is not considered necessary as part of the development. There is enough room within the cul-de-sac for the construction to be carried out on the street without impacting on highway safety and residential amenity. It is considered that the construction process can be appropriately managed through the relevant highway licensing procedures. The recently refused scheme under 2015/4456/P did not require a CMP and the proposed construction works are not materially greater in this instance. Therefore, it would be unreasonable for the Council to impose a CMP based on the previous decision which went to appeal.

14. Sustainability

- 14.1 Policies CS13, DP22 and DP23 require development to incorporate sustainable design and construction measures. This is further required by emerging policies CC1, CC2 and CC3. As the proposal is for 3 additional flats residential flats below 500m² created through an extension to an existing building, there is no specific requirement for a sustainability or energy statement. The new units would need to demonstrate that the development is capable of achieving a maximum internal water use of 105 litres per person/day with an additional 5 litres person/day for external water use. This would be secured via planning condition.

15. Commercial Waste Storage

- 15.1 The former Admiral Mann PH operated an ad hoc procedure regarding the collection and disposing of commercial waste. According to the applicant, who discussed the arrangements with the former bar operators, they used an area within the building for the storage of bottles and some waste (mostly within the cellar/beer store) in addition to the use of bins/recycling within Hargrave Place. The applicant has suggested that they would use the same arrangements as the previous pub and that another valid solution would be for the future tenant to enter into a commercial agreement for the collection of waste. Officers within the Council's Environmental Services division were consulted and stated that their preference is for a commercial waste bin store for waste and recycling at street level. It is noted that while the proposed plans do not indicate a dedicated internal area for waste storage, any future occupier of the pub would have the ability to use the internal spaces at their discretion and they would not be prejudiced from creating an internal facility in the future.
- 15.2 While the waste arrangements would continue as per the existing pub meaning that the existing situation would not worsen, a condition is recommended prior to the commencement of the development for details of the location, design and method of waste storage and removal including recycled materials for both the commercial and residential uses. To formally discharge the condition the applicant would need to design a solution, whether this includes dedicated internal waste storage or not,

to the satisfaction of the Council's Environmental Services. Therefore, these details are reserved for the Council to consider and to ensure they are satisfactory.

16. Residential Waste Storage

16.1 The residential unit within the first floor of No. 9A would remain with the ground floor of this building being partially converted from pub use to residential. The majority of the ground floor of this building would include refuse and bike stores with these areas serving the existing and proposed residential units. The plans show 4 x 240L refuse bins. A separate condition would be added for the residential waste storage to require details that would ensure adequate space is provided for refuse, food waste and recycling. The final details would need to be agreed the Council's Environmental Services (as per the details of the commercial waste for the pub use, which would have a separate planning condition).

17. Community Infrastructure Levy

17.1 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100m² of new floorspace or a new dwelling will need to pay the CIL charge.

17.2 The proposal would be CIL liable for Mayoral and Camden charges if it were considered to be acceptable. The CIL would be calculated based on the total gross internal floor space. As the proposal is below 10 dwellings (or 1000m²) and located within Zone B (Rest of Camden), the appellant would be required to pay £500 per square metre in addition to the Mayoral CIL charge of £50 per square metre.

18. Other Matters

18.1 A number of the submitted objections question the intentions of the developer given their past actions on this site and other pubs. Officers note that the future intention of the developer (i.e. if they attend to intentionally make the pub unviable to come back in the future to justify converting it into residential) are not material planning considerations and the Council must assess what's being put forward on the plans in front of them. The drawings indicate the pub use would remain and protection is included within the legal agreement and planning conditions.

19. CONCLUSION

19.1 It is recognised that The Admiral Mann public house makes a valuable contribution to the local community and provides the type of community function that is afforded protection by local and national policies and guidance. The local community has demonstrated its value by securing its inclusion on the list of Assets of Community Value. This proposal seeks to retain the pub and to re-provide kitchen facilities for the pub's use by providing a commercial kitchen within the basement. As such, it is considered that the pub would continue to provide a community function and its ACV status would not be adversely affected. Evidence has been submitted to justify that the proposal would provide additional residential accommodation without

causing harm to the amenity of existing or future residents. In design terms both of the locally listed buildings would be retained and extended/altered in acceptable ways to ensure that they continue to contribute to the architectural, historical townscape and social significance of the borough.

19.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:

- Car-free units (also under s.16 of the Greater London Council (General Powers) Act 1974 Obligations and other local authority powers
- Highways contribution - £5,369.77
- Kitchen implementation plan – to ensure the kitchen is implemented before the pub and residential units are occupied
- Pub implementation plan – to ensure the pub is occupied before the residential units are marketed
- Marketing materials to future occupiers – must inform prospective occupiers that there is an established pub use within the building
- Financial contribution towards affordable housing of £30,899 (subject to final calculations)

20. LEGAL COMMENTS

20.1 Members are referred to the note from the Legal Division at the start of the Agenda.

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 The development hereby permitted shall be carried out in accordance with the following approved plans (GAL 220 (PC)) 001 Rev A; 002 Rev C; 003 Rev A; 004 Rev A; 005 Rev H; 006 Rev E; 007 Rev B; 008 Rev H; 009 Rev D, Design and Access Statement (ref: GAL 220/IB/ib) dated 09/12/2016, cover letter (ref: L/MISC/AM) dated 22/12/2016 by KR Planning, cover letter (ref: 14286/JM170124) dated 24/01/2017 by Lyons O'Neil Structural Engineers and Assessment of Potential Noise Impact (ref: Technical Report: R6701-1 Rev 1) dated 21/12/2016.

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

- 3 Notwithstanding the provision of the Town and Country Planning General Development Order 2015 as amended (or any Order revoking and re-enacting that Order), planning permission shall be required in respect of development constituting a change of use to any use including those within Use Classes A1, A2 or A3 to the Second schedule to the Order, or for any proposal to change the use temporarily to B1 business use or any other use. In addition, planning permission shall be required

for any demolition which would otherwise constitute permitted development.

Reason: To ensure that the existing public house (A4), which is a community facility, is protected for changes of use and demolition which do not require planning permission in accordance with 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 C4 (Public Houses) of the Camden Local Plan Submission Draft 2016, paragraphs 69 and 70 of the National Planning Policy Framework 2012 and policy 4.8 of the London Plan 2016.

4 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 including sections at 1:10 of all windows (including jambs, head, cill and materials), ventilation grills, louvred panel, railings, external doors and gates;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

c) Details including 1:10 elevation and section drawings of proposed new dormer windows within the proposed mansard roof.

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. All other 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, policy DP24 of the London Borough of Camden Local Development Framework Development Policies and policies D1 and D2 of the Camden Local Plan Submission Draft 2016.

5 Prior to the commencement of the development, a Construction Method Statement (including details of demolition and construction) should be submitted outlining how the locally listed buildings at 9 and 9A Hargrave Place would be protected during the construction process. This should include details of the basement extension, removal of the back wall of No. 9 and the removal and replacement of the internal floors. The Statement should be submitted to and approved in writing by the local planning authority with all development works being carried out in accordance with the approved details.

Reason: To safeguard the locally listed buildings which together contribute to the architectural, historical, townscape and social significance to the Borough in accordance with policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core

Strategy, policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies, policies D1 and D2 of the Camden Local Plan Submission Draft 2016. and the National Planning Policy Framework 2012.

- 6 Existing pub signs and external manifestations shall be retained in situ and previously removed pub signage shall be reinstated. Details of all the reinstated external elements shall be submitted to the Council before any external works to the building commence.

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, policy DP24 of the London Borough of Camden Local Development Framework Development Policies and policies D1 and D2 of the Camden Local Plan Submission Draft 2016.

- 7 Prior to the occupation of the residential (Class C3) units, details of secure and covered cycle storage area for 8 cycles (as shown on drawing no. GAL 220 (PC) 005 Rev H) 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.

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, policy DP17 of the London Borough of Camden Local Development Framework Development Policies and policy T1 of the Camden Local Plan Submission Draft 2016.

- 8 Prior to commencement of the development, details shall be submitted to the Council for approval of proposed sound insulation of the building envelope (walls/glazing) and floor/ceiling separation, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve a daytime 07:00-23:00 internal noise level of NR20 and night time 23:00-07:00 internal noise level of NR15 in all habitable rooms. A post completion assessment shall be carried out where as required to confirm compliance with the noise criteria and additional steps.

The sound insulation and noise mitigation installations shall include the measures outlined with the Assessment of Potential Noise Impact by 24 Acoustics Limited:

- installation of a system noise limiter and an acoustic noise limiter
- upgrades to the party floor between the pub and residential units
- wall insulation
- new glazing with sound insulation performance and an alternative ventilation unit for all habitable windows

No alteration to the development shall be made which would result in the specified internal noise levels being exceeded. (Noise Rating curves should be measured as a 5 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz).

An appropriate automatic noise control device must be fitted to all amplified sound equipment. The device must be:

(a) Set so that the volume of any amplified sound emanating from the premises does not cause a public nuisance. A Compliance Certificate must be supplied to the planning authority for the installation of the unit before any regulated entertainment is carried out.

The installation must be carried out by a competent/qualified person and submitted to planning authority for approval. The compliance certificate must contain the following.

- (i) 5 minute LAEQ
- (ii) Full Spectrum Frequency analysis

(b) The devices must be fitted to all power outlets to the premises (i.e. to the main distribution unit controlling power outlets)

Reason: To safeguard the amenities of the upper residential floors and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and H6 of the Camden Local Plan Submission Draft 2016.

- 9 Details, including technical specifications of all externally located mechanical plant and ventilation equipment, together with an accompanying acoustic report, shall be submitted to and approved by the local planning authority prior to first installation of this plant. The plant shall not be operated other than in complete accordance with such measures as may be approved. Machinery/plant system and associated ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of occupiers of the proposed use, adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policy A4 of the Camden Local Plan Submission Draft 2016.

- 10 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally

in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

- 11 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policy CS13 of the London Borough of Camden Local Development Framework Core Strategy, policies DP22 and DP23 (Water) and policies CC1, CC2 and CC3 of the Camden Local Plan Submission Draft 2016.

- 12 Details of a terrace privacy screen on the second floor terrace shown on drawing no. GAL 220 (PC) 006 Rev E hereby approved shall be submitted to and approved in writing by the local planning authority before the development commences. The screens shall be erected on the proposed rear terrace prior to the commencement of the use of the roof terrace and shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policy DP26 of the London Borough of Camden Local Development Framework Development Policies and policy A1 of the Camden Local Plan Submission Draft 2016.

- 13 The flat roof at first floor level, as shown on drawing no. GAL 220 (PC) 005 Rev H, shall not be used as a terrace by any of the prospective occupiers.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policy DP26 of the London Borough of Camden Local Development Framework Development Policies and policy A1 of the Camden Local Plan Submission Draft 2016.

- 14 The lower half of the sash window of the larger bedroom of unit 1 on the first floor, as shown on drawing no. GAL 220 (PC) 005 Rev H, shall be obscurely glazed and fixed shut prior to the occupation of the development and thereafter permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policy DP26 of the London Borough of Camden Local Development Framework Development Policies and policy A1 of the Camden Local Plan Submission Draft 2016.

- 15 Prior to operation, any machinery, plant or equipment or extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration generally in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy, 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 and policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

- 16 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings 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, policy DP27 of the London Borough of Camden Local Development Framework Development Policies and policy A5 of the Camden Local Plan Submission Draft 2016.

- 17 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials for the commercial public house use, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the used and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and CC5 of the Camden Local Plan Submission Draft 2016.

- 18 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials for the existing and proposed residential uses, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the used and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and policy CC5 of the Camden Local Plan Submission Draft 2016.

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 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

APPENDICES

APPENDIX 1: Appeal Decision for APP/X5210/W/16/3147248 (Council ref: 2015/4456/P) dated 12/10/2016

APPENDIX 2: Decision Notice for 2015/4456/P dated 17/02/2016

APPENDIX 1: Appeal Decision for APP/X5210/W/16/3147248 (Council ref: 2015/4456/P) dated 12/10/2016

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."
-

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.
-

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

APPENDIX 2: Decision Notice for 2015/4456/P dated 17/02/2016

Genesis Architects Ltd
7 St Margarets Road,
Stanstead Abbots
Ware
Hertfordshire SG12 8EP
United Kingdom

Application Ref: **2015/4456/P**
Please ask for: **Jonathan McClue**
Telephone: 020 7974 **4908**

17 February 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

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

Proposal:

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)

Drawing Nos: (GAL 220 (PC)) 001; 002 Rev B; 003; 004; 005 Rev E; 006 Rev C; 007 Rev A; 008 Rev E; 009 Rev B, Design and Access Statement (ref: GAL 220/IB/ib) dated 18/09/2015, Basement Impact Assessment - Rev A dated July 2015, Noise Impact Report (ref: 22207/NIA) Rev 3 dated 22/10/2015.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 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.

Informative(s):

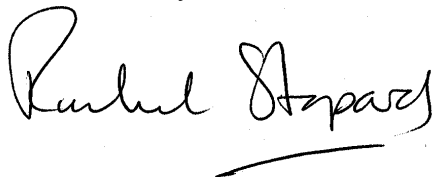
- 1 You are advised that reasons for refusal 6 and 7 could be overcome by entering into a s106 agreement.

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.

Rachel Stopard
Director of Culture & Environment



Application No: 2016/7069/P
9 and 9A Hargrave Place
London
N7 0BP

Scale:
1:1250
Date:
5-Jun-17



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External photos of the application building





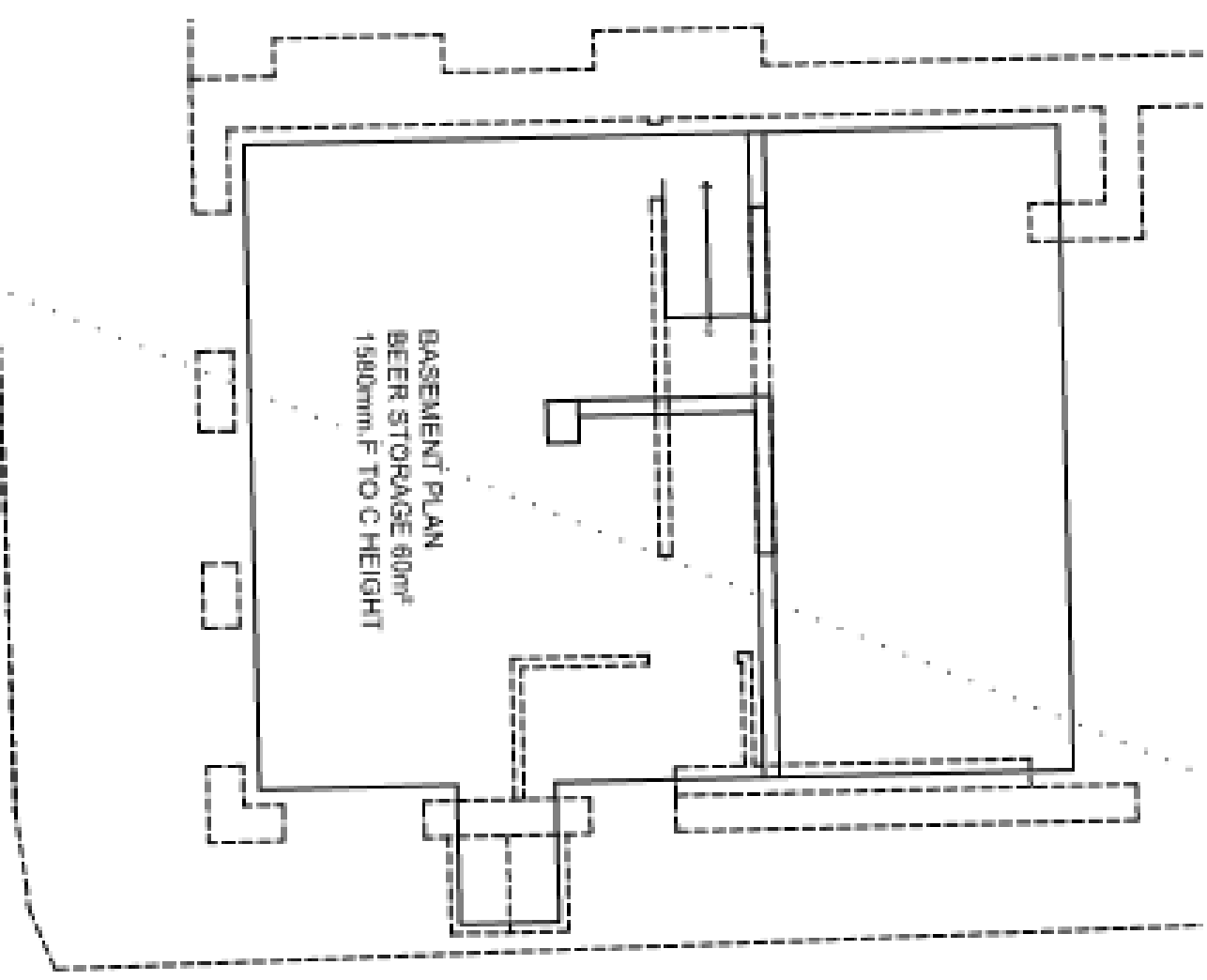
Photos of the existing kitchen within the first floor of No. 9 (former Manager's flat)



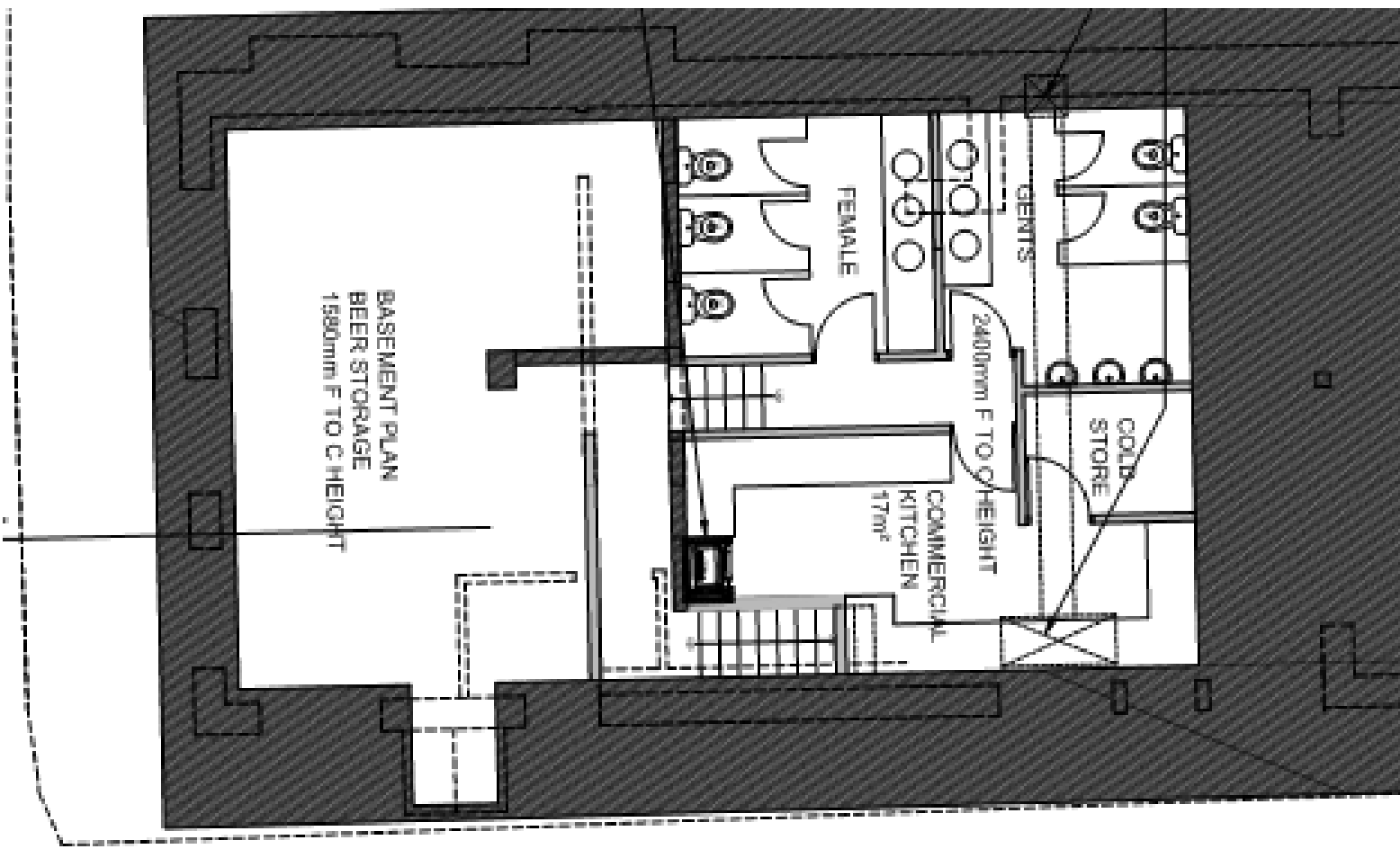
Left: First floor living room of No. 9 (part of former Manager's flat)



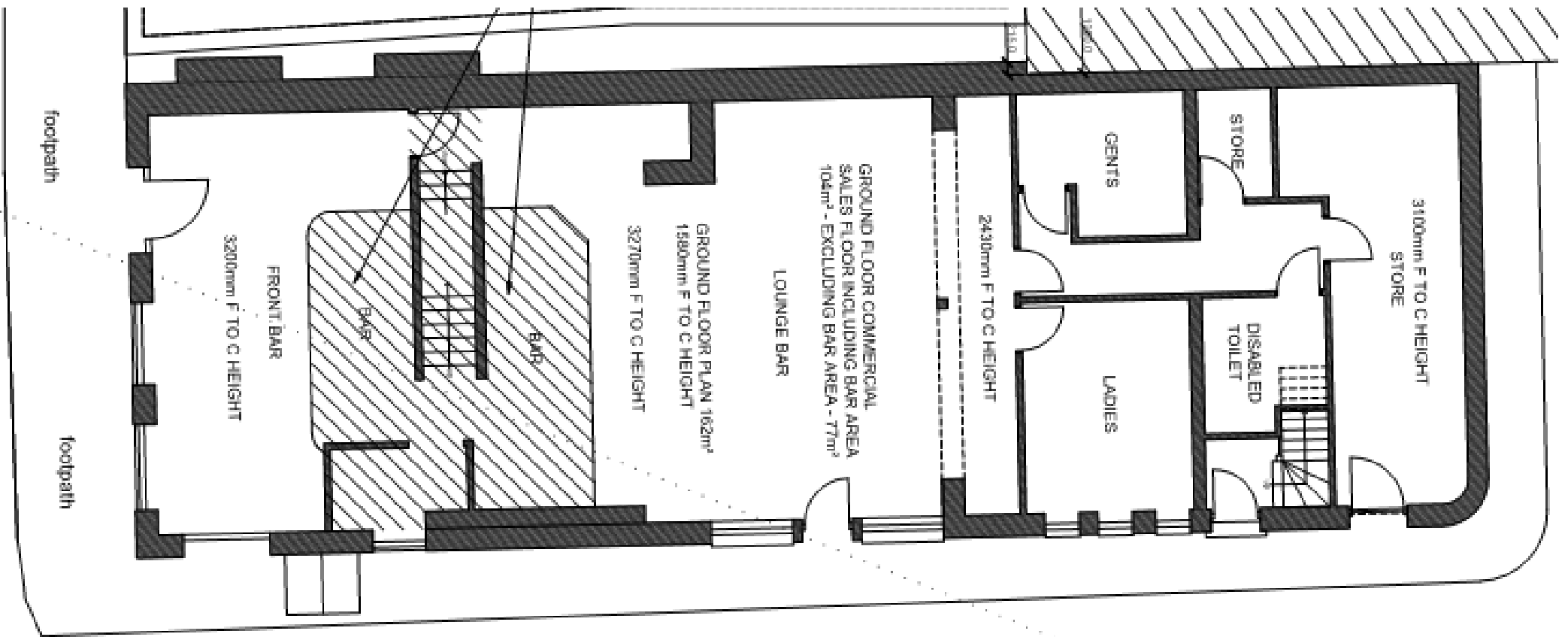
Left: Pub in use in 2014



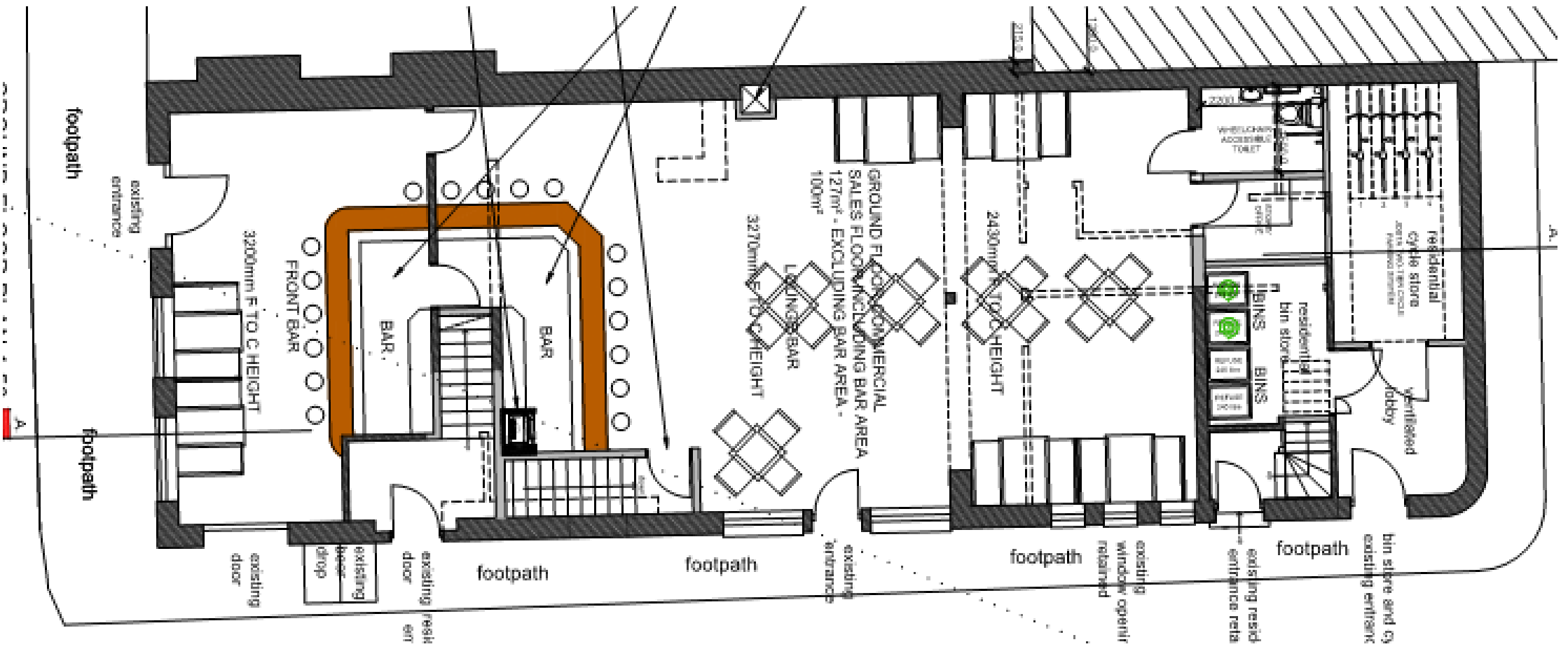
Left: Existing basement plan



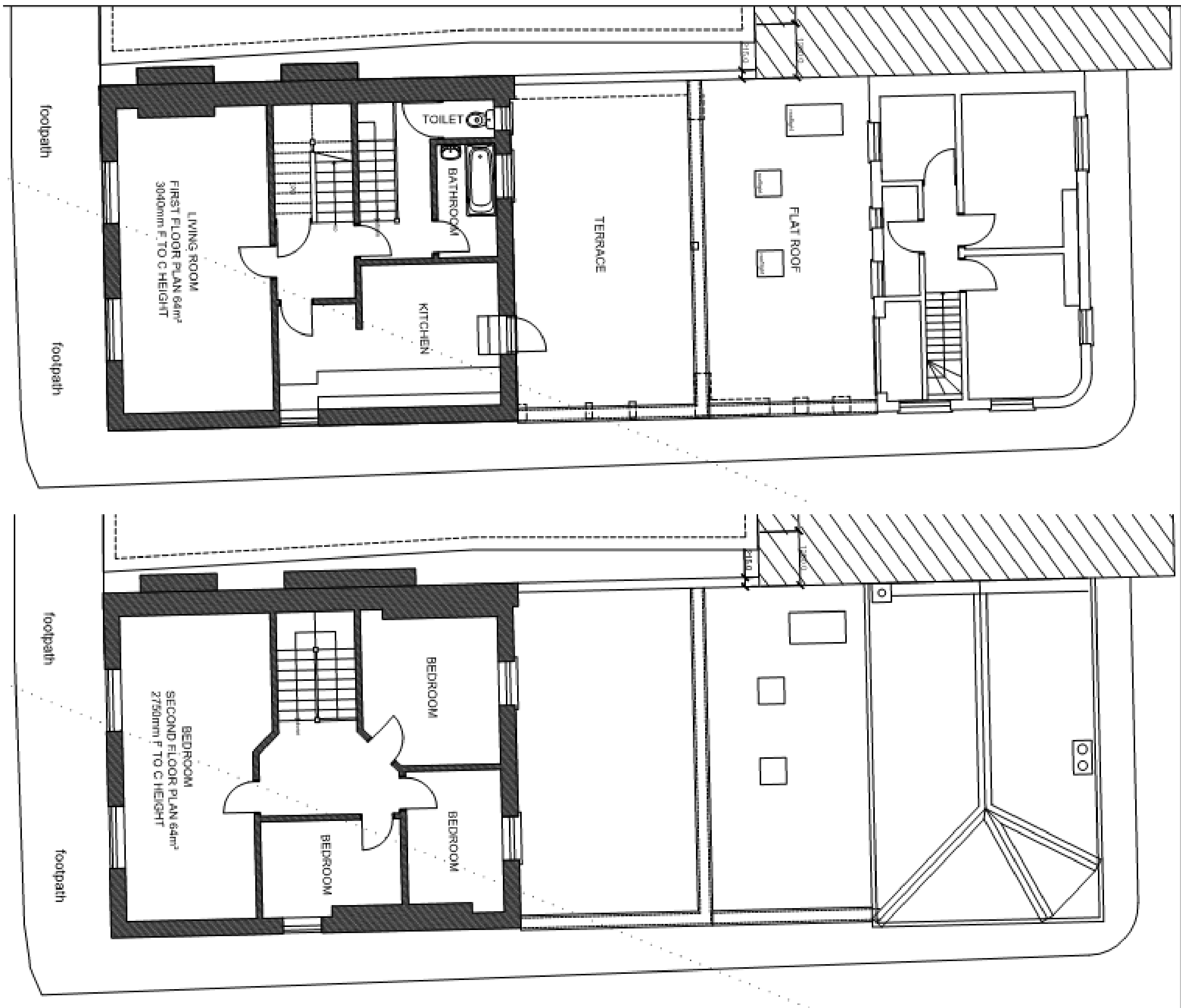
Left: Proposed basement plan



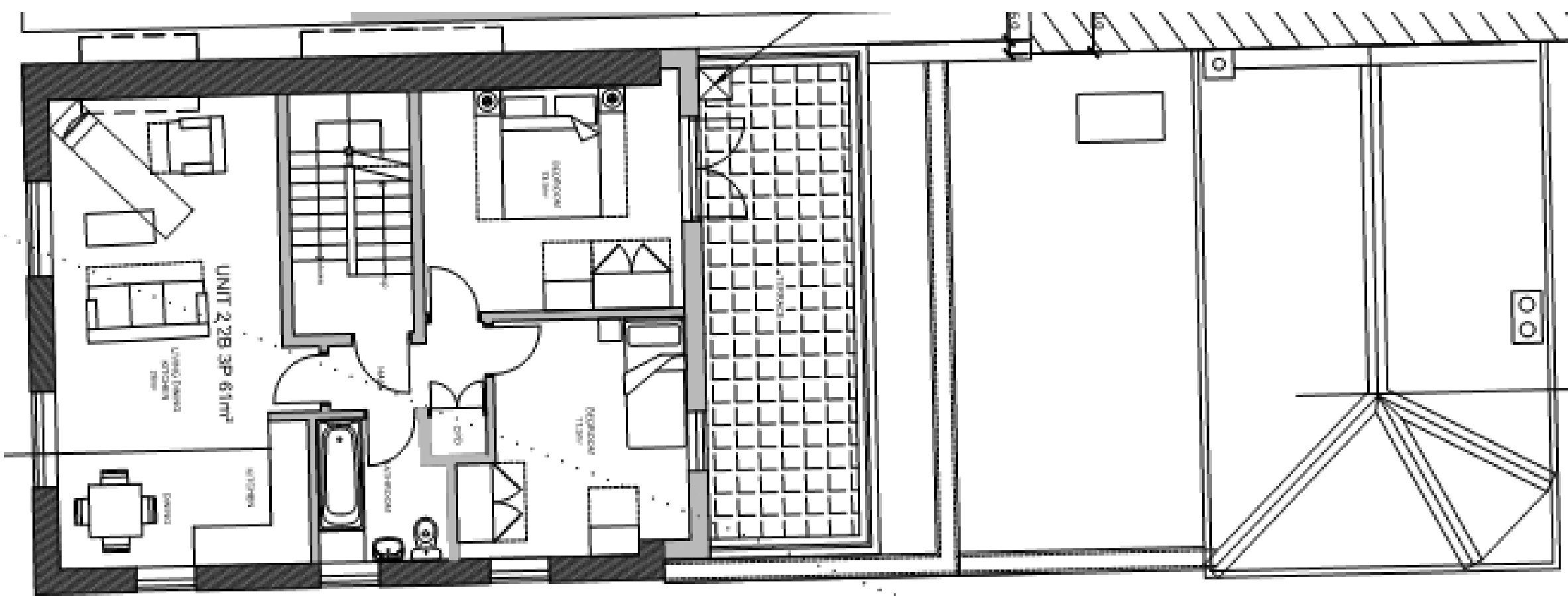
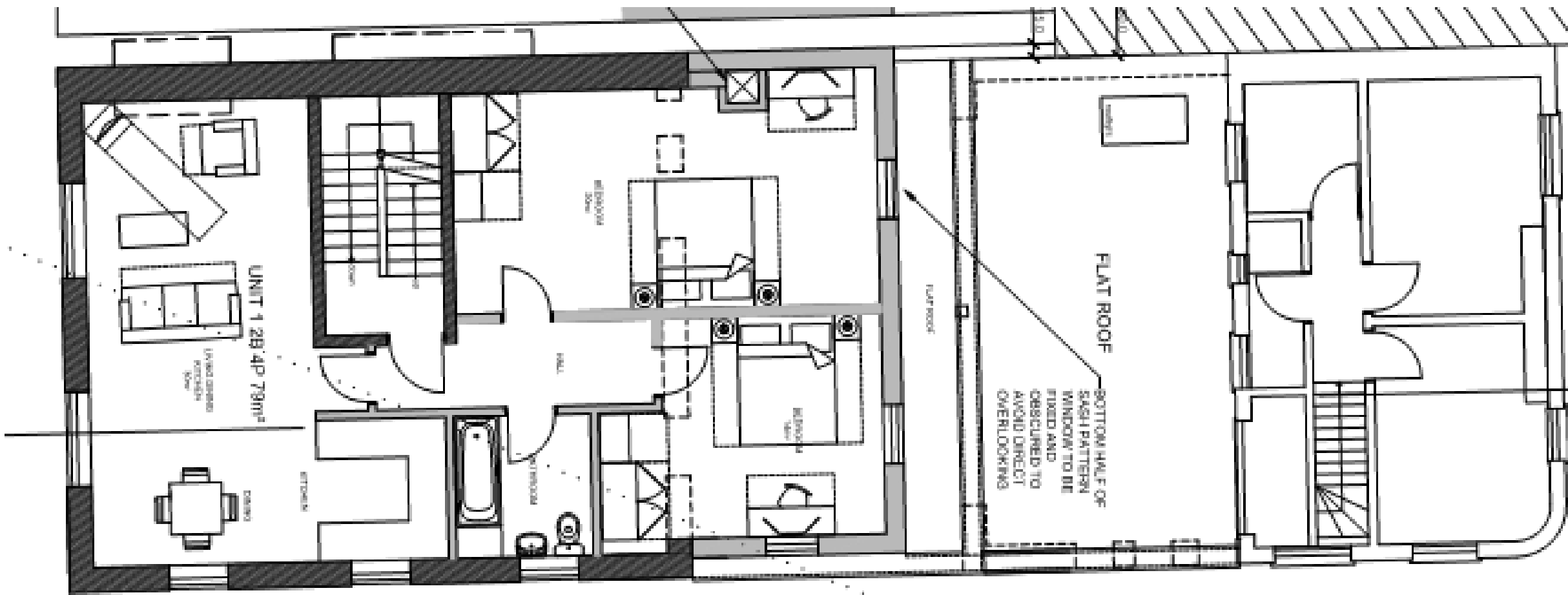
Left: Existing ground floor plan



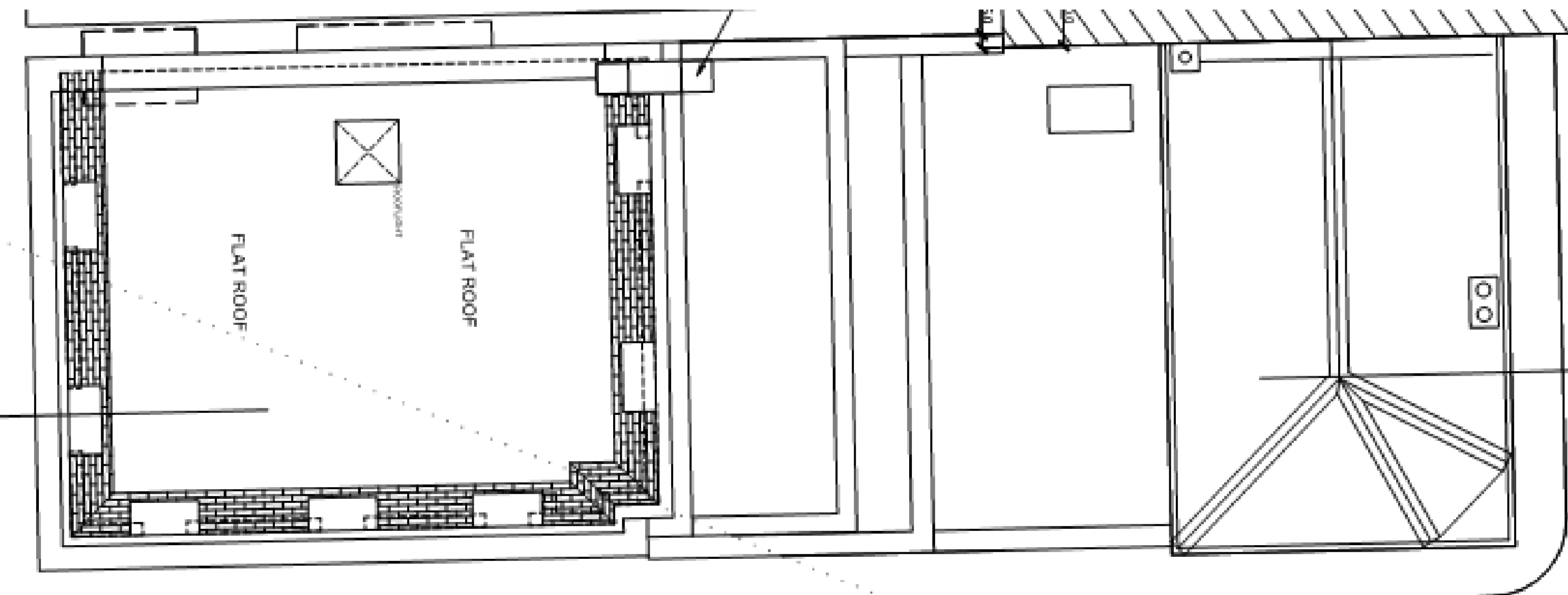
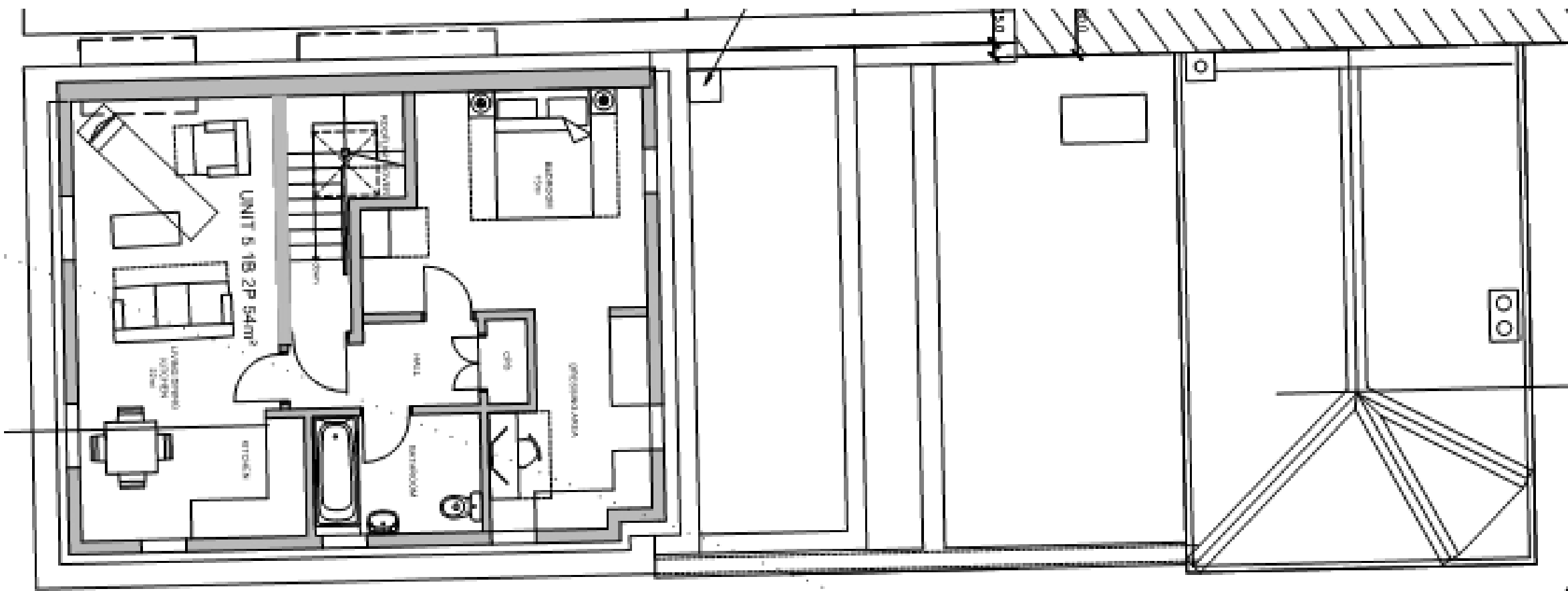
Left: Proposed ground floor plan



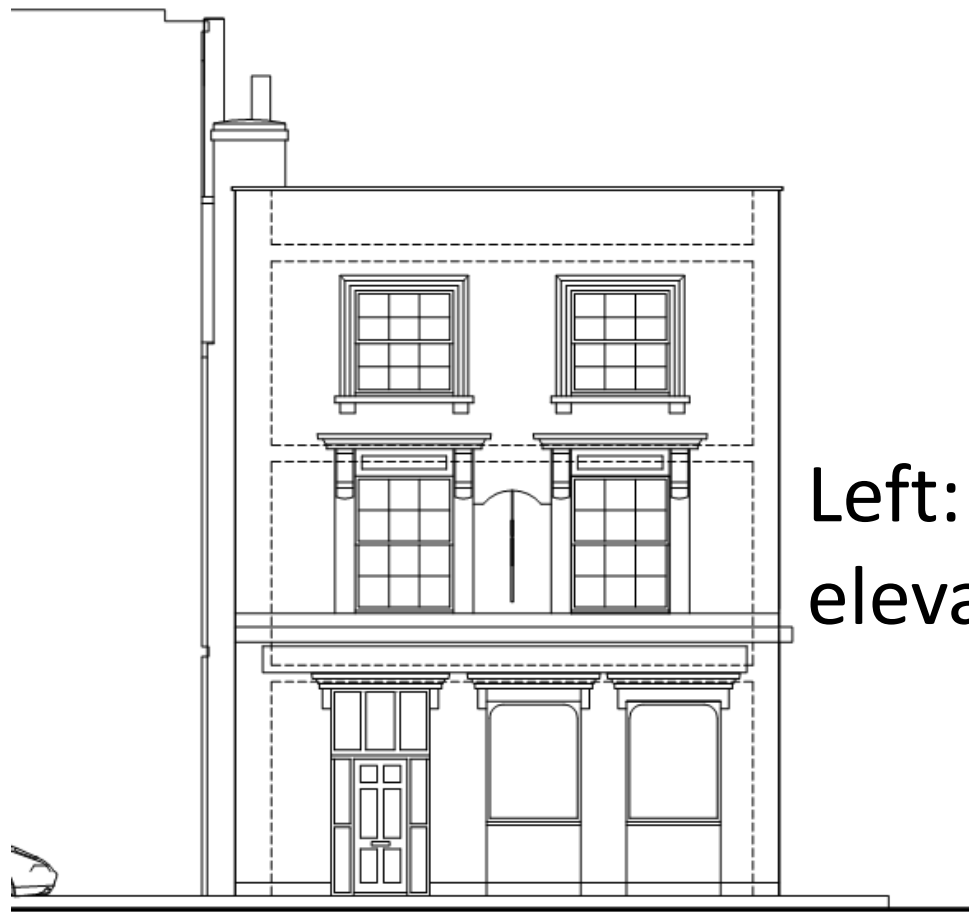
Above: Existing first and second floor plans



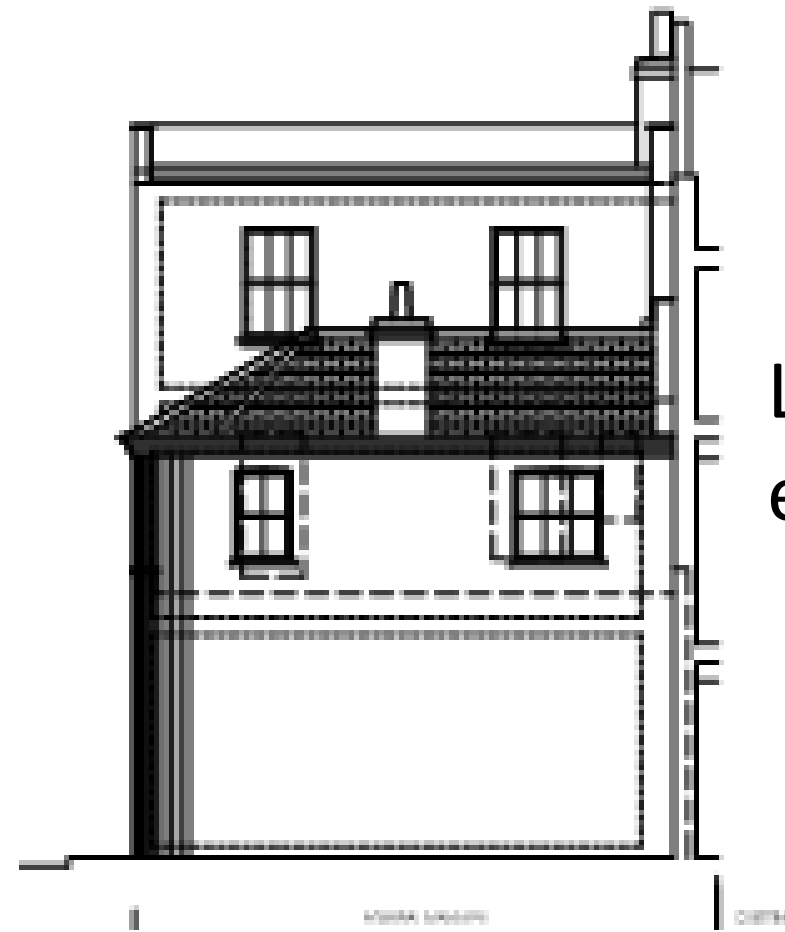
Above: Proposed first and second floor plans



Above: Proposed third floor and roof plans



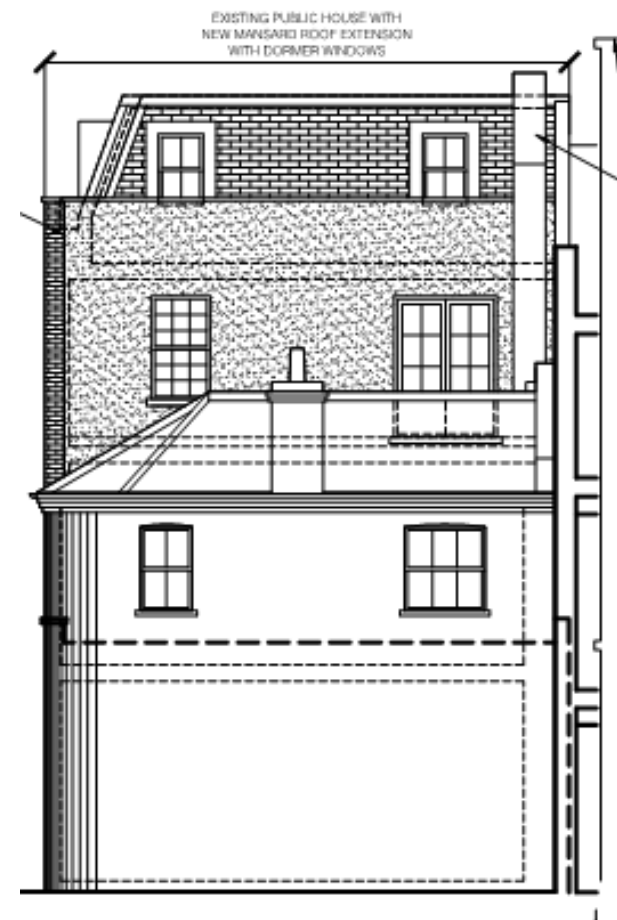
Left: Existing front elevation



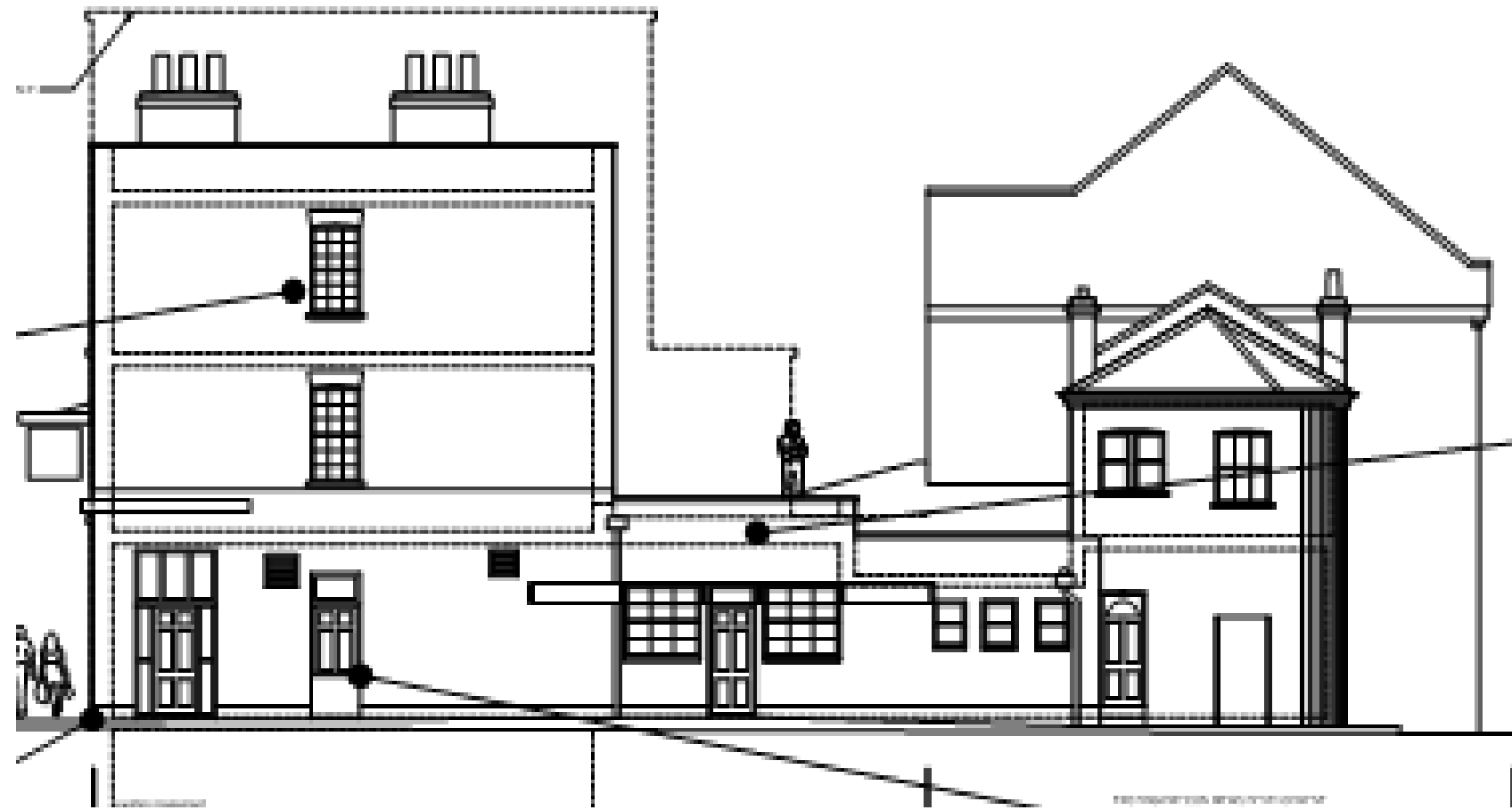
Left: Existing rear elevation



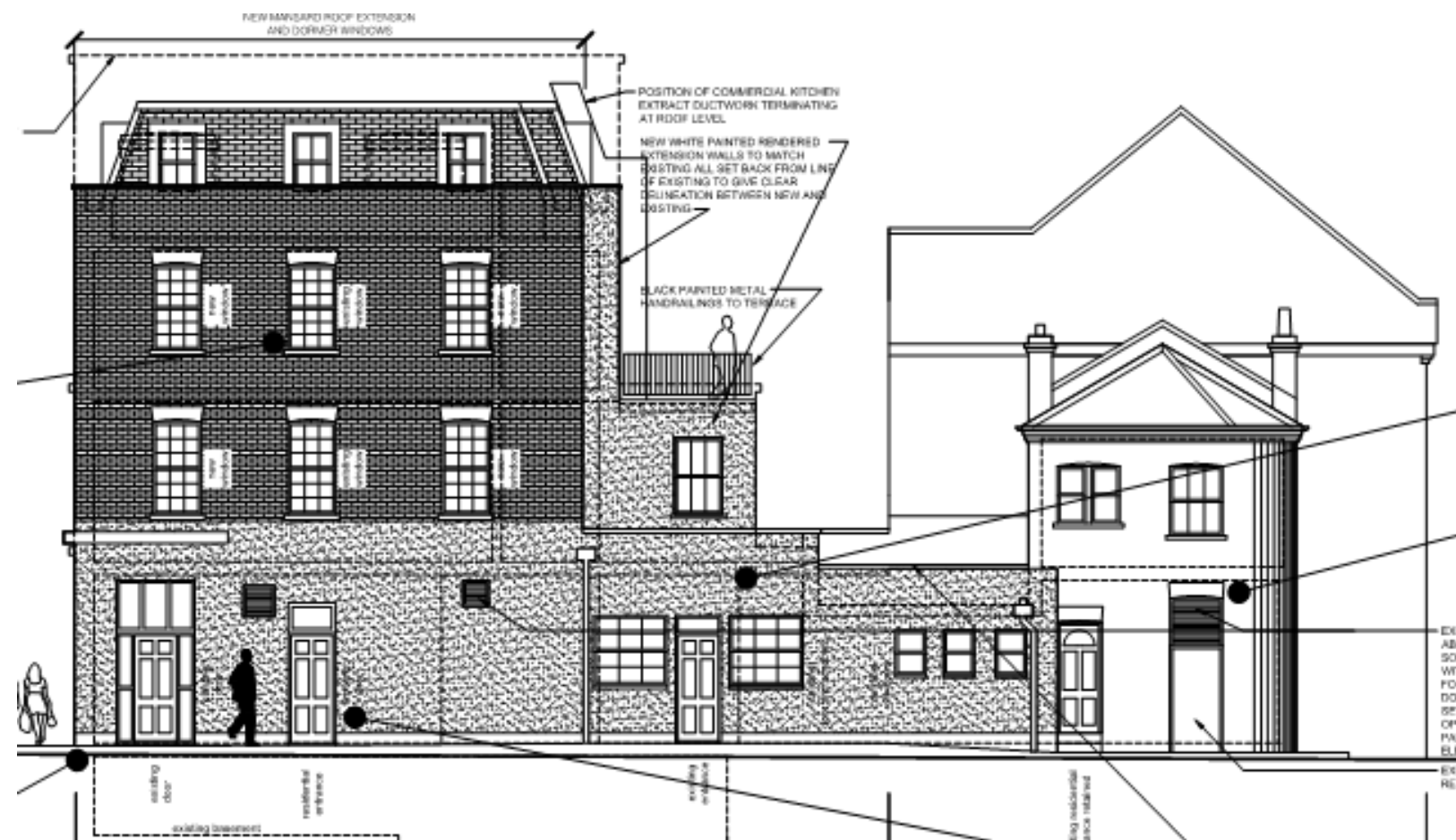
Left: Proposed front elevation



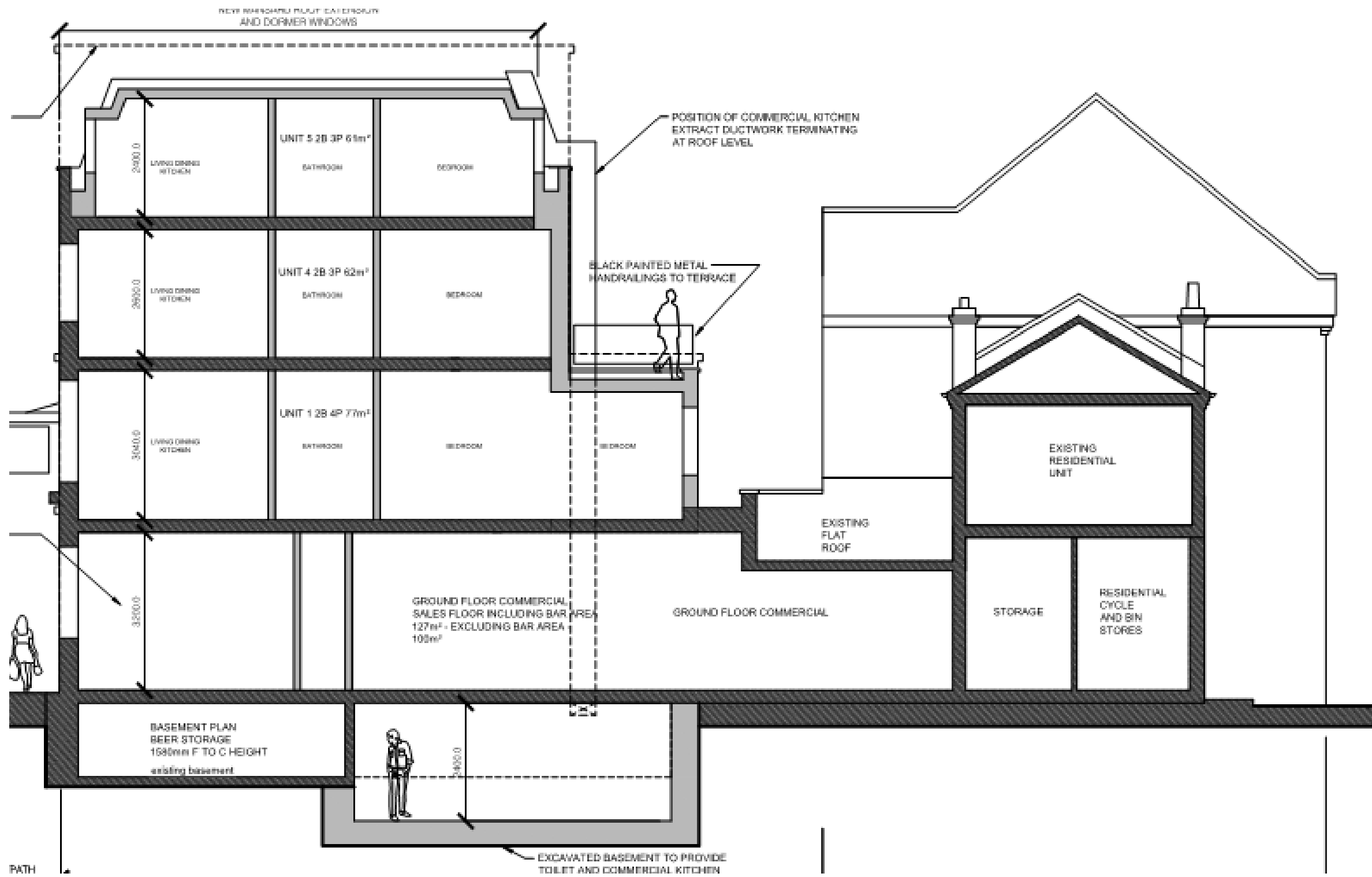
Left: Proposed rear elevation



Left: Existing side elevation



Left: Proposed side elevation



Above: Proposed side elevation