

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	16/03/2018
		N/A / attached	<b>Consultation Expiry Date:</b>	15/02/2018
<b>Officer</b>			<b>Application Number(s)</b>	
Charlotte Meynell			2017/7055/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
105 King's Cross Road London WC1X 9LR			Refer to draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Change of use of the first and second floors from public house (Class A4) to create 1x2 bed flat at 1st floor level and 1x3 bed flat at 2nd floor level; erection of mansard roof extension to create 1x3 bed flat (Class C3) and associated works (part retrospective).				
<b>Recommendation(s):</b>		Refuse Planning Permission and Warning of Enforcement Action		
<b>Application Type:</b>		Full Planning Permission		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>0</b>	No. of responses	<b>1</b>	No. of objections	<b>1</b>
<b>Summary of consultation responses:</b>	<p> <u>A site notice was displayed on 24/01/2018 and expired on 14/02/2018.</u>  <u>A press notice was advertised on 25/01/2018 and expired on 15/02/2018.</u> </p> <p>           In response to the proposal, an objection was received from the former licensee of the Carpenter’s Arm Public House.         </p> <p>           Objections were made on the following grounds:         </p> <ul style="list-style-type: none"> <li>           As the last licensee of the Carpenters Arms PH I am making this statement to support the supporters of the Carpenters Arms in their effort to keep the pub at the centre of the local community. I was the landlord of the Carpenters for over twenty years and prior to that for many years a regular customer. When the lease came on the market in 1996 I did not hesitate and acquired a ten year lease with Vanguard the landlords of the pub. For me it was a dream come true, the chance to run one of the best pubs in the local area, however dreams rarely reflect reality and for quite a few years we struggled to keep the bar open, but with the support of the local community we began to turn the pub around and in 2006 took out a new 10 year lease this time with Punch pub company who had acquired Vanguard a few years earlier         </li> <li>           The Carpenters Arms has always been a major part of the community in Kings Cross and over the time I was the landlord the locals have celebrated engagements, weddings, christenings and sadly funerals. Over the years many fund raisers were held to help local and national charities, it has been a meeting place, a place to go to if you needed help regardless of race, religion, age or gender an oasis in the hustle and bustle of Kings Cross. There has been a lot of fun, a little heartache, all of which has added to the strength of the community. Mendoza ltd purchased the pub from Punch pub co in 2014 and from the start made it quite plain there intensions were to close the bar and convert the upper floors to luxury apartments, then rent out the ground floor space at a rent that would exclude anyone trying to keep the community pub alive The local pub will be lost if Mendoza ltd do not restore the pub and protect the uniqueness of a truly traditional local London pub. The Carpenters Arms in Kings Cross Road was a public house serving the local community for over 140years, during this time it has undergone many updates but has always remained a public house with the local community at its heart.         </li> <li>           There has always been dart teams playing for the pub in local dart leagues, there were six teams playing in the local leagues Tuesday nights there was the ladies bullseye darts league, in which the pub has a ladies team registered, the league runs from September through to June the following year. Wednesday nights we had an early team who play in a long and established Trafalgar darts league, also on Wednesdays we had two mixed dart teams that played in the Wednesday mixed darts league where the seasons run October to March and September to June respectively. Thursday night we had         </li> </ul>					

two mens teams that played and have for 19 years in the Caledonian and Barnsbury darts league, again the season running from September until June. If required the committees running the relevant leagues are willing to give written confirmation of the Carpenters Arms participation in those leagues.

- For the last 19 years live bands and karaoke session have been performing every weekend normally on Saturday nights which were always popular with the local residents and tourists. The pub had the required PRS and PPL licenses to stage these music sessions, copies of which can be supplied if required. In order for locals to know what entertainment is on week to week there was a Carpenters Arms facebook page and website [www.carpenterskingcross.co.uk](http://www.carpenterskingcross.co.uk) where the listings for the music nights for the whole year can be viewed. This site is now closed. Also an A-board was placed outside daily advertising the coming weekends entertainment.
- The Carpenters Arms regular customers and passing trade has in the past been very active in raising funds and donations for local and national charities as follows:
  - The Marie Curie annual daffodil appeal.
  - The Marie Curie Hospice Hampstead.
  - Great Ormond Street Hospital.
  - Children with Leukaemia appeals.
  - British Legion appeals throughout the year including the annual poppy appeal.

The funds for the charities were raised by holding charity karaoke nights, quiz nights, darts matches playing against teams from the local mounted police unit, the Peel Centre and other pubs in the local area although a good number of these have now disappeared. Some of our more active regulars have taken part in numerous charity walks and bike rides to raise funds. We can if required ask the charities to send confirmation letters verifying donations.

- Local fund raising events for local appeals were also taken on, we have raised monies to purchase a wheelchair for an elderly disabled gentleman living in the local warden controlled flats so that he was able to leave the confines of his home. We have also raised funds to help send a local disabled child to Disneyland and to purchase colouring books and crayon for a local children's nursery. These are just a few of the good local causes the regulars have helped in the past and would have continued to help in the future.
- Proposed changes to the basement:  
The basement is in need of renovation but the proposed alterations to the basement would mean a much reduced space for the toilets in comparison to the current toilets on the ground floor, a cold room where the barrels of beer can be stored and dispensed to the bar area is not indicated on the proposed plan, something that would be essential if the bar was to be retained after renovation.
- Proposed changes the ground floor bar:  
The stage prior to it being removed was on the left side front of the bar area, when not used for darts or entertainment had a seating area for six people, the position of the stage is also situated so that it is in clear view from any position in the bar. The proposed area for the relocation of the stage is ill conceived as it has been placed next to the bar, the noise level would create problems for the barstaff hearing the customers orders, it would also interfere with the access to the proposed disabled toilet, there would also be a restricted view of the stage for thirty percent of the customers. The total floor area of the

bar as it was originally and in comparison with the proposed plan are almost identical but if you refer to the proposed floor plan attached the area marked in a red grid would have to be kept clear for wheelchair access and as such will reduce the amount of seating and the availability of standing room in the bar. The plan to move the commercial kitchen to the area that was originally the gents toilet is also flawed, they could not fit the kitchen shown on the plans into the space available, although this could be redesign to fit the space.

- Proposed changes to the first floor:

The first floor of the Carpenters Arms originally consisted of a commercial kitchen with wash-up area, toilet and storage area along with a function room all still currently covered as A4 use. As the licensee of the Carpenters Arms I did not use the function room for functions there was not any demand for it when I first took on the lease of the pub, so it was used as an office and a rest area for staff on their breaks. The kitchen however was used for purpose over the years, producing food for the darts teams on game nights and the many functions held throughout my tenancy at the pub. However this does not prevent the next licensee from using the function room, possibly as a dining room with the kitchen adjacent it would work very well.

- Current usage:

The Carpenters Arms public house is now known as the Racketeer Cocktail and craft beer bar. Although the Mendoza planning application shows a kitchen and disabled toilet facilities on the Ground floor they actually were never installed.

<p><b>Carpenter's Arms Public House Supporters comments:</b></p>	<p>The Carpenter's Arms Public House Supporters have objected to the proposal on the following grounds:</p> <ul style="list-style-type: none"> <li>• The supporters of the Carpenters Arms PH fully support Camden Council planning department in their decision to reject the planning application by Mendoza Ltd in order to protect the Carpenters Arms status as a local community public house.</li> <li>• If the appeal against the refusal of planning permission is upheld it will be the end for another community asset that has served the local area for over 140 years turning the area into a sterile community with no focal point, no place to meet friend and relax for a few hours. Pubs like the Carpenters Arms have long been established at the heart of communities and are often a focal point for social interaction. They also offer employment opportunities for people within the local community. Pubs also contribute to the local tourist industry providing a safe, friendly environment for tourists to interact with the local community and the chance to be part of any local events happening at the time of their visit, which adds to the attractiveness of the area.</li> <li>• In recent years pubs like the Carpenters Arms have come under pressure because of the increase in value of residential property. Pubs can be purchased very easily, if the developers get a change of use they can make a substantial profit with no regard to the local community. In order to stem the rapid disappearance of local pubs the government through the localism act gave more powers to local councils and introduced the "ACV" (asset of community value) so that local communities could apply to the councils to get the protection of an "ACV" order, the Carpenters Arms has such an order in force.</li> <li>• The government department for community and local government through their strategies to support local shops are encouraging local communities to use their local shops, bars and cafe`s and by doing so keep the life and spirit of the area alive.</li> <li>• With regard to the current planning application and appeal the local residents and pub regulars who submitted objections were told by Mendoza Ltd in their responses to those objections that if they are given the planning permission the pub itself would not lose its function and would continue to be an asset to the community. However as early as September 2016 Mendoza Ltd`s lease for the bar and basement was being advertised by the Restaurant Property letting agency as a possible restaurant with A4 use.</li> <li>• It seems to us that represent the local community through the Carpenters Arms PH supporters, Mendoza Ltd have no regard for Camden planning department or their reasons for not granting planning permission, no regard to the fact the pub is protected by an "ACV" and give no regard at all to the local community whatsoever. This statement is made with the knowledge that Mendoza Ltd have already carried out the conversion of the upper floors into bedsits which does not tally with there planning application, also the bar has been leased as a lock up bar again the work carried out in the bar does not tally with the planning application, there is no kitchen on the ground floor or any facilities for the disabled.</li> </ul>
<p><b>Bloomsbury CAAC comments:</b></p>	<p>The Bloomsbury CAAC have no comments on the application.</p>

## Site Description

The subject site is a three storey building with basement located on the western side of King's Cross Road, on the corner of King's Cross Road and Frederick Street. The site was previously in use as a public house (The Carpenter's Arms) which consisted of a storage area at basement level, a ground floor bar area with stage, a commercial kitchen and an inactive function room at first floor level; there was ancillary residential accommodation on the second floor.

The first and second floors of the building were converted into self-contained housing (2 x studio flats at first floor level and 1 x 3-bedroom flat at second floor level) in late 2016/early 2017. The basement and ground floor of the building are currently in use as a cocktail bar (The Racketeers).

The property is not listed but is located within the Bloomsbury Conservation Area. The Conservation Area Appraisal and Management Strategy notes that the built environment in this area is characterised by a fine urban grain of a repetitive nature; the building on this site would appear to date from the late eighteenth/early nineteenth century. The properties in the long terraces have consistent plot widths, with a strong relationship to the street defined by basement areas and front boundary railings. Horizontal parapets emphasises the rooflines. Mansard roofs are widely employed. At the eastern end of Acton Street, and to the north and south of the junction with King's Cross Road, are a number of uniform terraced 19<sup>th</sup> century properties with ornate stucco detailing and curved corners. The Bloomsbury Conservation Area Appraisal and Management Strategy identifies the site as making a positive contribution to the character and appearance of the conservation area and the ground floor shopfront is recognised as a shopfront of merit.

The premises is also designated as an Asset of Community Value (ACV).

## Relevant History

### Site history:

**2016/0759/P** – Change of use of the first and second floors from public house (Class A4) to create 1x2 bedroom and 1x3 bedroom flat (Class C3); erection of mansard roof extension to create 1x3 bedroom flat (Class C3) and associated works. **Refused 18/04/2016.**

**Appeal APP/X5210/W/16/3153219 against refusal dismissed 04/04/2017.**

The main issues considered at appeal were:

- i. whether the proposal would prejudice the long term retention of the public house which is an Asset of Community Value (ACV); and
- ii. whether the proposal would provide satisfactory living conditions for future occupants of the upper floor flats or prejudice the operation of the public house with particular reference to noise disturbance.

In respect of the first point, which related to the first reason for refusal, the Inspector considered that the proposal would result in the loss of part of the premises that contribute to the functioning of the pub and that the development would therefore prejudice the long term retention of the public house which is an ACV, contrary to the overall aims of Policy CS10 of the Core Strategy, Policy DP15 of the Development Plan, emerging Policy C4 of the Local Plan and the Framework which seek to safeguard the community benefits that may arise from public houses.

In respect of the second point, which related to the second reason for refusal, at the Hearing the Council confirmed that the revised Noise Impact Assessment by KP Acoustics dated 24 May 2016 overcame the original concerns regarding noise levels within the building, and that external noise could be controlled through conditions. As such, the Inspector considered that the proposal would provide satisfactory living conditions for future occupants of the upper floor flats without prejudice to the operation of the public house with particular reference to noise disturbance, and therefore the proposal would accord with the provisions of Policy CS5 of the Core Strategy and Policy DP26 of the Development Plan. However, the Inspector noted that this would not outweigh the harm identified regarding the long term retention of the public house which is an ACV.

## **Appeal overturned by a High Court judgement No. CO/2318/2017 on 17/10/2017.**

The judgement concluded that the Inspector had erred in law in not properly considering evidence about a potential lease and that the appeal should be heard again.

The Council's reasons for refusal were:

1. The proposed residential flats would result in loss of space within the existing public house which would prejudice the long term retention of the public house which is an important local community facility contrary to policy CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of Camden's adopted Local Development Framework.
2. The applicant has failed to demonstrate that the proposed co-location of residential units and the public house would not cause harm to the residential amenity of the future occupants of the upper floor flats, or prejudice the operation of the public house, due to noise disturbance, contrary to policy CS5 (Managing the impact of development) and CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) and policy DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.
3. The proposed development, in the absence of a legal agreement to secure car-free housing for the residential units would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
5. The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would fail to secure adequate provision for and safety of pedestrians and protect their amenity, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

**2015/5840/P** – Change of use of the first and second floors from public house (Class A4) to create 1x2 bedroom and 1x3 bedroom flat (Class C3); erection of mansard roof extension to create 1x3 bedroom flat (Class C3) and associated works. **Refused 21/12/2015**

The Council's reasons for refusal were the same as the reasons for refusal noted above for application ref. 2016/0759/P, as application ref. 2016/0759/P was an identical re-submission of

application ref. 2015/5840/P.

**9100700** – Alterations to the elevations including the formation of new openings and the formation of a rear fire escape at first floor level as shown on drawing number 91917 01 and 91917 02 A. **Granted 01/10/1991**

**8402082** – The erection of a timber staircase from rear first floor level to the flat roof of the single storey rear extension together with the installation of a new door-way at rear first floor level. (As shown on drawing numbered 3). **Granted 30/01/1985**

**8401067** – The erection of a single storey rear extension to provide additional toilet accommodation to the existing public house. (As shown on drawing no: 2TP). **Granted 22/08/1984**

**Similar Applications:**

**Packenham Arms, 1 Packenham Street, London, WC1X 0LA**

**2016/6930/P** – Change of use from pub/drinking establishment (Use Class A4) to office (Use Class B1a) at basement and ground floor levels. **Refused 03/10/2017**

The Council's reason for refusal was:

1. The proposed development, by virtue of the office use, would fail to provide a suitable alternative community use which reflects this building's community, heritage and townscape value and the contribution it makes to the Bloomsbury Conservation Area, contrary to policies C4 and D2 of the Camden Local Plan 2017.

**9 and 9A Hargrave Place, London, N7 0BP**

**2016/7069/P** – 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). **Refused 05/07/2017; Appeal APP/X5210/W/17/3189659 under consideration**

The Council's reasons for refusal were:

1. The proposed development, by virtue of the loss of ancillary space to serve the public house and proposed restrictions on amplified music, would materially change the character of an existing use designated as an Asset of Community Value and compromise the long-term viability and future of the public house which provides an important local community facility. It would therefore fail to support social wellbeing, strengthen community cohesion and encourage social diversity. Thus, the proposal is contrary to Policy C4 (Public Houses) of the Camden Local Plan June 2017, paragraph 70 of the National Planning Policy Framework 2012 and Policy 4.8 of the London Plan 2016.
2. Insufficient information has been submitted to fully demonstrate the compatibility of the proposed uses, that the co-location of residential units and the public house would not cause harm to the amenity of future occupants of the proposed flats, or prejudice the continuing operation of the public house, through disturbance caused by normal activity associated with a public house use and the likelihood of complaints relating to noise and nuisance from the prospective occupiers of the non-ancillary uses directly above it. Thus, the proposal is contrary to Policies A1 (Managing the impact of development), A4 (Noise and vibration) and C4 (Public Houses) of the Camden Local Plan June 2017, paragraph 70 of the National Planning Policy Framework 2012 and policy 4.8 of the London Plan 2016.
3. The proposed development, in the absence of a legal agreement to secure a financial contribution towards affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of



affordable housing) of the Camden Local Plan June 2017, policies 3.8, 3.10, 3.11 and 3.12 of the London Plan 2016 and paragraphs 47, 50 and 173 of the NPPF 2012.

4. 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 policy T2 (Parking and car-free development) of the Camden Local Plan June 2017.
5. 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 A1 (Managing the impact of development) of the Camden Local Plan June 2017.

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

**2013/4793/P** – Retention of public house at basement and part ground floor level (Class A4) and change of use from public house (Class A4) at part ground and first, second and third floor levels to provide 4 (3x2, 1x3 bed) residential units (Class C3), erection of three storey (including roof level dormer) extension on north (Pratt Street) elevation, extension at basement level, alterations to provide ground floor entrances on Pratt Street elevation, and associated alterations. **Refused 25/06/2014; Appeal APP/X5210/A/14/2218740 dismissed 02/10/2014**

The Council's reasons for refusal were:

1. The existing local public house, in its current form, is considered to serve the needs of the local community and is registered as an asset of community value in accordance with the requirements of the Localism Act 2011. Its proposed reconfiguration and modification would harmfully compromise and undermine the use of the existing public house. 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, paragraphs 69 and 70 of the National Planning Policy Framework 2012 and policy 4.8 of the Draft Further Alterations to the London Plan January 2014.
2. The proposed roller shutters, by reason of their location, materials, method of opening and lack of detailed drawings indicating inappropriate design, would be detrimental to the character and appearance of a building which is considered to be a non-designated heritage asset, contrary to policy CS14 (Promoting high quality places and conserving 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.
3. The proposed development, in the absence of a legal agreement to secure car-free housing for the four residential units proposed, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London

Borough of Camden Local Development Framework Core Strategy and policies DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

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

**2012/1444/P** – Change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to residential (Class C3) to provide 2x 2-bedroom units and 1x 1 bedroom unit with rear roof terraces at first and third floor levels and a rear balcony at second floor level, alterations to windows and doors on side and rear and creation of refuse and cycle stores for flats at ground floor level. **Refused 16/05/2012; Appeal APP/X5210/A/12/2184317 dismissed 04/03/2013**

The Council's reasons for refusal were:

1. The pub and restaurant use at first floor level is considered to serve the needs of a specific and local community, therefore its loss without a replacement facility or evidence provided to demonstrate that the facility is no longer required, is contrary to policies CS3 (Other highly accessible areas), CS7 (Promoting Camden's centres and shops), CS10 (Supporting community facilities and services), DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) and DP15 (Community and leisure uses) of Camden's Local Development Framework.
2. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policy CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
3. The application fails to adequately demonstrate whether the residential flats would experience an acceptable level of internal noise contrary to policies CS5 (Managing the impact of growth and development), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise & vibration) of Camden's Local Development Framework.

**Sir Richard Steele, 97 Haverstock Hill, London, NW3 4RL**

**2016/1189/P** – Change of use of the first and second floors from public house (Class A4) to residential (Class C3) to provide 4 self-contained flats (Class C3) (2x1 bedroom and 2x2 bedroom flats), demolition of existing toilets and kitchen and erection of new single storey ground floor rear extension to provide new function and community room, relocation of existing kitchen extraction flue and associated external works. **Granted subject to a Section 106 Legal Agreement 23/11/2017**

**2014/1367/P** – Change of use of the first and second floors from public house (Class A4) to create 2x1 bedroom and 2x2 bedroom flats (Class C3); extension and relocation of existing kitchen extract flue and associated works. **Refused 26/11/2014; Appeal APP/X5210/W/15/3003396 dismissed 22/07/2015**

The Council's reasons for refusal were:

1. The proposed development would harmfully compromise and undermine the services and facilities that the existing public house and its garden provide in supporting the needs of the local community and its ability to contribute to Camden's cultural heritage, 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 paragraph 70 of the National Planning Policy Framework 2012 and policy 4.8 of the Draft Further Alterations to the London Plan January 2014.

2. The applicant has failed to demonstrate that the proposed co-location of residential units and the public house would not cause harm to the residential amenity of the future occupants of the upper floor flats, contrary to policy CS5 (Managing the impact of development ) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
3. The proposed development, in the absence of a legal agreement to secure car-free housing for the residential units would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

#### **Relevant policies**

##### **National Planning Policy Framework (2012)**

##### **Draft National Planning Policy Framework (2018)**

##### **London Plan 2016**

##### **Draft New London Plan 2017**

##### **Camden Local Plan 2017**

G1 Delivery and location of growth

H1 Maximising housing supply

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

A1 Managing the impact of development

A4 Noise and vibration

C4 Public Houses

C6 Access for all

D1 Design

D2 Heritage

D3 Shopfronts

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

CC4 Air quality

CC5 Waste

DM1 Delivery and monitoring

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T4 Promoting the sustainable movement of goods and materials

##### **Camden Planning Guidance**

CPG1 Design (2015) – Sections 4, 5, 7

CPG2 Housing (2015) – Section 4

CPG3 Sustainability (2015) – Section 4, 8, 12  
CPG5 Town Centres, Retail and Employment (2013) – Section 6  
CPG6 Amenity (2011) – Sections 2, 4, 6, 7, 8  
CPG7 Transport (2011) – Sections 5 and 9  
CPG8 Planning Obligations (2015) – Section 10

**Interim Camden Planning Guidance November 2017 – CPG Documents are being reviewed in the first phase to support the effective delivery of the Camden Local Plan (adopted July 2017)**

CPG Amenity – Sections 2, 3, 5, 6  
CPG Housing (Partial Review) – Section 4  
CPG Community uses, leisure facilities and pubs – Section 4

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

## **Assessment**

### **1. Proposal**

1.1 The application seeks planning permission for the following:

- Change of use of the first and second floors from public house (Class A4) to residential (Class C3) to create 1 x 2 bedroom (62sqm) and 1 x 3 bedroom (77sqm) flats. The flat at first floor level would replace the pre-existing kitchen which served the pub and the room labelled as 'lounge' which was previously been used as a function room. The proposed flat at second floor level would replace the pre-existing ancillary residential accommodation. Internal works to convert the first and second floors of the public house into self-contained housing were undertaken at the end of 2016. The first floor of the building is currently in use as 2 x studio flats, with the second floor in use as 1 x 3 bedroom flat. All flats were occupied at the time of the site visit on 31 January 2018.
- Erection of a mansard roof extension (ceiling height 2.5m with a roof slope of 70 degrees) with associated fenestration to create 1 x 3 bedroom flat (68sqm);
- Alteration of the ground floor shopfront to provide a private entrance to the residential units on the upper floors. A private entrance has already been installed; however, the proposal would alter the situation further;
- Replacement of front and rear windows with double glazed timber-framed replacements;
- Replacement of window and door to rear fenestration of existing ground floor rear extension with timber-framed double doors.

1.2 This application is identical to two earlier applications; application ref. 2015/5840/P which was refused on 21/12/2015 and application ref. 2016/0759/P which was refused on 18/04/2016 (see Relevant History section above). The Camden Local Plan was adopted in July 2017; however, it was a material consideration in refusal of previous application ref. 2016/0759/P. An appeal against application ref. 2016/0759/P was dismissed on 04/04/2017; however, the appeal was overturned by a High Court judgement on 17/10/2017 which concluded that the Inspector had erred in law in not properly considering evidence about a potential lease and that the appeal should be heard again.

1.3 Following the High Court judgement, the Council issued an Enforcement Notice on 12/12/2017 in respect of the change of use of the first and second floors of the public house from C4 use to C3 use as self-contained residential housing. The Enforcement Notice took effect on 23/01/2018 and requires the owner, within a period of four months, to do the following:

- Permanently cease the use of the first and second floors as self-contained flats; and
- Reinstate the original shopfront removing the new door that gives separate access to the upper floors.

## 2. Assessment

2.1 The main planning considerations in the assessment of this application are:

- Principle of change of use;
- Design;
- Standard of residential accommodation;
- Residential amenity;
- Transport;
- Affordable housing;
- Community Infrastructure Levy.

## 3. Principle of change of use

### *Loss of public house floor space*

- 3.1 Public houses are considered to play an important community and cultural role. As places where members of the community meet and gather, they support social well-being and strengthen community cohesion. They sometimes provide important community meeting space and host local meetings, events and entertainment. Many pubs contribute to local culture and identity and this is often closely related to a pub's long-standing presence in the locality. The closure of a pub can lead to the loss of an area's vibrancy as well as its diversity and interest. Some pubs are additionally important as they are heritage assets and architecturally distinguished.
- 3.2 Pubs also have an important economic function in contributing to the vitality of town or neighbourhood centres and providing a hub for the surrounding neighbourhoods. Pubs support local employment and entrepreneurship, provide valuable work experience for young people and support jobs in the wider economy through the pub supply chain. They provide an important outlet for breweries in Camden and London to sell their products.
- 3.3 Furthermore, some of the most interesting and unique pubs attract customers from a wide catchment area and may be important in terms of their tourism value or to a protected group defined under the Equalities Act 2010.
- 3.4 Policy C4 of the Camden Local Plan seeks to protect public houses which are of community, heritage or townscape value. Policy C4 states that "Applications involving the loss of pub floorspace, including facilities ancillary to the operation of the public house, will be resisted where this will adversely affect the operation of the public house." This is further reinforced in paragraph 4.83 of the supporting text which states that "the partial loss of a pub and ancillary facilities may be detrimental to its character, community value or future viability". It goes on to comment that "these changes can lead to a pub becoming less profitable and as a consequence, more vulnerable to further redevelopment, potentially leading to a pub being lost altogether". The introduction of non-ancillary uses is also recognised: "In some cases the loss of part of a pub may lead to its continuing operation being undermined by the greater likelihood of complaints relating to noise and nuisance from occupants of new non-ancillary uses".
- 3.5 A major issue for pubs is the loss of part of their operating space such as beer gardens, function rooms, commercial kitchens and ancillary accommodation for managers, other staff members and/or guests. This can impact a pub's character and continuing ability to operate. The loss of one or more elements of a pub may undermine its appeal or lead to negative impacts on the amenity of the surrounding area or conflict between incompatible uses.
- 3.6 Prior to the unauthorised change of use of the first and second floors of the public house to self-contained residential units in 2016, the upper floors of the application site contained a catering kitchen, function room, and ancillary accommodation for the manager of the Carpenter's Arms public house.

3.7 The former landlord of the Carpenter's Arms has objected to this application and noted that whilst the first floor function room was not used for events, *"the kitchen was used for purpose over the years, producing food for the darts teams on game nights and the many functions held throughout my tenancy at the pub"*. The value of the regular darts games which were held at the pub throughout the year was highlighted in the objections received for both this application and the previous refused applications and appeal. These darts games are noted in the Council's decision to grant the pub its Asset of Community Value (ACV) status as furthering social and sporting interests of the local community (see ACV section of report below).

3.8 It is considered that this operational space is a major part of the functioning of the public house, and the removal of this space and the internal access link to the first and second floors would greatly restrict the operations of the public house at basement and ground floor level, reducing its quality. In particular, it is considered that the removal of the catering kitchen would limit the pub's ability to cater for such events, thereby reducing the ability of the pub to host such regular events throughout the year.

3.9 As such, it is considered that the loss of both operational space and direct access to the upper floors would make the premises less attractive to potential tenants and would reduce its capacity to function as an ACV with a wide range of activities for local residents. The proposal is therefore contrary to policy C4 of the Camden Local Plan 2017 and is considered unacceptable.

#### *Asset of Community Value (ACV)*

3.10 An Asset of Community Value (ACV) is a building or piece of land which currently, or in the recent past, furthers the social wellbeing or cultural, recreational or sporting interests of the local community and is expected to do so in the future. The Council formally registers an asset subject to certain criteria. If it does, if and when the owner decides to sell the asset, a local group can trigger a six month moratorium on the sale giving them time to raise the funds to purchase it (sometimes referred to as a 'right to bid'). Owners have to consider bids but they do not have to accept them. The Council, when determining planning applications for community facilities, treats the listing of an ACV as an indicator of local support and evidence that it furthers the social wellbeing and interests of residents.

3.11 Prior to its conversion, the Carpenter's Arms was nominated as an Asset of Community Value (ACV) on 24 February 2015. The applicant challenged the listing, but the Council resolved that sufficient evidence had been submitted in line with the Localism Act 2011 to demonstrate that the premises provide a recognised community function.

3.12 The Council stated the following in their decision letter giving the reasons why the pub was considered to meet the definition of an ACV:

*"We found that the Carpenter's Arms does further the social interests of the local community, particularly sporting interests. It is an important darts venue with five teams based at the pub and darts being played four nights a week. This is corroborated by a number of independent websites and blogs e.g. <http://bachelorofdarts.com/london-darts-pubs/kings-cross>. There is also evidence of regular live music and charitable activities at the pub which contribute to the recreational interests of the local community.*

*We recognise that the Carpenter's Arms is a traditional English pub in an area where many similar pubs have shut down and as such provides an environment distinctive from other drinking establishments in the area. Online reviews stress that it is a friendly neighbourhood pub popular with locals. While this could be taken as evidence of lack of demand for this kind of pub, we are satisfied that it has a relatively healthy customer base as locals are supplemented by workers from local businesses and tourists."*

3.13 In determining the planning appeal (against the Council's refusal of application ref. 2016/0759/P) for an identical same scheme to create 1 x 2 bedroom and 2 x 3 bedroom residential

units at first, second and third floor levels), the Inspector gave significant weight to the ACV nomination. The Inspector concluded in paragraph 32 of the appeal report *“The proposal would result in the loss of part of the premises that contribute to the functioning of the pub and that the development would therefore prejudice the long term retention of the public house which is an ACV. Consequently, the proposal would be contrary to the overall aims of the of Policy CS10 of the CS, Policy DP15 of the DP, emerging policy C4 of the LP and the Framework which seek to safeguard the community benefits that may arise from public houses.”*

3.14 Overall, it is therefore considered that the proposed modification and loss of ancillary floor space at first and second floor levels would harmfully compromise and undermine the use of the existing public house and prejudice its long-term retention. 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 C4 of the Camden Local Plan 2017.

#### *Proposed residential flats*

3.15 Permanent residential use is the priority use in Camden’s Local Plan 2017, and Policy H1 states that the Council will seek to maximise the supply of homes in the borough. Accordingly, the principle of residential use is acceptable in this location subject to a suitable mix of unit sizes and standard of accommodation for future occupants.

## **4. Design**

4.1 Policy D1 aims to ensure the highest design standards for developments. Policy D1 paragraph 7.2 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building. Policy D2 states that within conservation areas, the Council will only grant permission for development that ‘preserves or, where possible, enhances’ its established character and appearance.

#### *Roof extension*

4.2 Paragraph 5.7 of CPG1 (Design) states that additional storeys and roof alterations are likely to be acceptable where there are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.

4.3 The host building is situated within Sub Area 14: Calthorpe Street/Frederick Street of the Bloomsbury Conservation Area. The Bloomsbury Conservation Area Appraisal and Management Strategy notes in paragraph 5.245 that there is much uniformity in the appearance of the sub area, and paragraph 5.246 states that the built environment is characterised by a fine urban grain of a repetitive nature. It goes on to state that the horizontal parapets emphasise the rooflines and that the repetitive character is derived from a pattern of vertically proportioned sash windows and arched doors, fanlights and ground floor windows. It notes that the buildings are generally of three or four storeys with basements and attics, and mansard roofs and dormer windows are highlighted as features which are widely employed in the area.

4.4 The host building occupies a corner plot and both adjoining neighbouring buildings feature mansard roofs, which are considered to be part of the established character of the terrace. As such, it is considered that the proposed introduction of a mansard roof extension to this site would instate a consistency in roof form which would preserve and enhance the terrace appearance of this part of the Bloomsbury Conservation Area. The proposed timber-framed dormer windows would be aligned with the windows below and are considered proportionate in terms of size. In terms of materials, the choice of slate for the roof and lead-cast timber dormer windows is considered appropriate. The proposed mansard roof extension is therefore considered acceptable.

### *Alterations to shopfront*

- 4.5 Policy D3 states that the Council will expect a high standard of design in new and altered shopfronts. CPG1 (Design) provides guidance on the design of shopfronts and advises that insensitive shopfront design can cause harm to the appearance and character of buildings and shopping areas.
- 4.6 The shopfront is recognised as a shopfront of merit and has a harmonious frontage with full-height windows and doors with stallrisers and fanlights above, with decorative pilasters separating alternating groups of two and three panes of glazing. In order to facilitate the conversion of the first and second floors of the building to residential use, internal works have been undertaken to create a new staircase which gives separate access to the residential units from the street. The shopfront has been altered to replace one full-height window pane and stallriser in a group of three to the northern edge of the site adjacent to 107 King's Cross Road with a black-painted flush timber door.
- 4.7 The proposal would alter this arrangement further by removing the entirety of this grouping of three window panes, stallrisers and fanlights, with a wider entrance door to the upper flats and one full-height window with stallriser in the same style as the existing installed in its place. The proposed full-height window would be the same width as the existing fanlight and significantly wider than the existing window panes within the frontage, as would the proposed door. The proposed access door to the upper flats appears to be flush with no panelling, glazing or joinery details; however, detailed drawings of the proposed alterations to the frontage and details of the proposed materials have not been submitted.
- 4.8 It is considered that the proposed alterations to the shopfront at ground floor level would erode the distinctive uniformity of the frontage and would harm the character and appearance of the shopfront, which is recognised as a shopfront of merit and of making a positive contribution to the Bloomsbury Conservation Area. The proposed alterations are therefore considered contrary to policies D1 and D2 of the Camden Local Plan.

### *Other alterations*

- 4.9 New double glazed timber-framed white-painted sash windows in the same style as the existing are proposed to the front and rear of the building. The rear fenestration of the existing ground floor rear extension has also been altered to replace the single door and window with full-height timber-framed double doors. It is considered that these alterations would respect and preserve the character and appearance of the host building and the Bloomsbury Conservation Area, and they are therefore considered acceptable.

## **5. Standard of residential accommodation**

- 5.1 Policy 3.5 of the London Plan 2016 promotes high quality design of housing development that takes into account its physical context, local character, density, tenure and land use mix and relationship with, and provision for public, communal and open spaces taking into account the needs of children and older people.
- 5.2 Policy H7 of the Camden Local Plan 2017 sets out priorities for dwelling sizes in Table 1. This seeks to ensure that all residential development contributes to the creation of mixed and inclusive communities by securing a range of homes of different sizes. The proposed development would create 1 x 2 bedroom and 2 x 3 bedroom units. Two and three bedroom market housing dwellings are considered a high priority within Camden.
- 5.3 New residential units should provide a high standard of living accommodation for the prospective occupiers whilst maintaining the amenities of the neighbouring residential properties. Draft CPG Housing (Partial Review) states under the general principles for new homes that a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area (GIA) is required as set out in



the Nationally Described Space Standard. The table below compares the proposed floorspace for each respective unit against the Nationally Described Space Standard introduced in March 2015.

Proposed Unit	Proposed Floorspace (sqm)	Required Floorspace (sqm)
First floor: 2b3p	61.6	61
Second floor: 3b4p	76.8	74
Third floor: 3b4p	68.4	74

5.4 The proposed 2-bedroom 3-person and the 3-bedroom 4-person units at first and second floor levels respectively, are considered to be an acceptable size. However, the proposed 3-bedroom unit at third-floor level fails to meet the national space standard requirements for such a unit by approximately 6sqm. This is due to the slope of the mansard roof's impact on the level of floorspace. Paragraph 4.11 of CPG2 (Housing) states that any floor area where the ceiling height is less than 1.5m will not count towards the habitable floorspace. Therefore, as a result of the 70 degree slope of the mansard, part of the floor area cannot be counted towards the total floorspace for the unit. However, it is considered that as the unit would provide a high quality of accommodation in that it would be dual aspect with floor to ceiling heights of 2.5m rising to 2.7m, the unit is considered to be an acceptable size in this instance. As such, all of the proposed units are considered to comply with the requirements of policy H6.

## 6. Residential Amenity

6.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight.

### *Noise*

6.2 Further to policy A1, policy A4 states that the Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for development likely to generate unacceptable noise and vibration impacts; or development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.

6.3 As this application proposes the creation of noise sensitive receptors above a public house at ground floor level, the applicant has submitted a Noise Impact Assessment prepared by KP Acoustics dated May 2016. An earlier version of this report was submitted as part of the previous application ref. 2016/0759/P, and was considered to be insufficient as it had not made any reference to the current noise levels from within the ground floor public house or any possible future use of the public house in terms of recorded/live music. As a result, officers were not satisfied that the amenity of the future occupiers of the proposed flats would be protected, and the failure to demonstrate that the proposed co-location of residential units and the public house would not cause harm to the residential amenity of the future occupants of the upper floor flats, or prejudice the operation of the public house, due to noise disturbance was included as a reason for refusal of application ref. 2016/0759/P.

6.4 However, the Noise Impact Assessment was revised and submitted as part of the appeal against the refusal of application ref. 2016/0759/P, and the Council and the Inspector accepted that the revised Noise Impact Assessment prepared by KP Acoustics dated May 2016 overcame the original concerns regarding noise levels from within the building (paragraph 33 of Inspector's report). The Inspector concluded in paragraph 35 of the Inspector's report that the proposal would provide satisfactory living conditions for future occupants of the upper floor flats without prejudice to the operation of the public house with particular reference to noise disturbance. However, the

Inspector considered that this did not outweigh the harm identified regarding the long term retention of the public house, which is an ACV.

6.5 The version of the Noise Impact Assessment which was submitted as part of the appeal has been submitted as part of this application, and it has been assessed by the Council's Environmental Health Officer. The Council's Environmental Health Officer has confirmed that the principle of development would be acceptable in environmental health terms, subject to conditions.

6.6 If the development were deemed acceptable, a condition would be required to ensure that prior to the use of the flats as self-contained housing, a scheme of sound attenuation works would be installed and permanently retained, to ensure that there is adequate resistance to sound between the residential and commercial units, in accordance with policies A1 and A4 of the Camden London Plan 2017.

6.7 Furthermore, if the development were considered acceptable, a condition would be required to ensure that details of a validation testing strategy would be submitted to and approved in writing by the Council prior to first residential occupation and after installation and commissioning of the acoustic mitigation measures, to ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from entertainment sources, in accordance with policies G1, D1, A1 and A4 of the Camden Local Plan 2017.

#### *Privacy, outlook and daylight and sunlight*

6.8 As a result of the proposal, it is not considered that the levels of privacy or overlooking would be materially different to what currently exists. The proposed change of use of the first and second floors, together with the creation of a new mansard roof for residential use is not considered to create any concerns in terms of loss of privacy through overlooking.

6.9 By reason of the location of the mansard roof extension, it is not considered that there would be any adverse impact on the amenity of the occupiers of neighbouring properties in terms of loss of daylight, sunlight or outlook.

6.10 Furthermore, it is considered that the proposed residential units would receive sufficient light to accord with policy A1 of the Camden Local Plan.

#### *Air quality*

6.11 The application site is situated in an area of poor air quality. The Council requires all proposals for new housing in such areas to submit a basic air quality assessment for consideration by the Council's Sustainability Officer. The air quality assessment should include a review of air quality around the development; an assessment of the impact on air quality during the construction phase and detailed mitigation methods for controlling dust and pollution emissions associated with plant and vehicles; and an outline and justification of mitigation measures associated with the design, location and operation of the development in order to reduce exposure of new residents to poor air quality. An air quality assessment has not been submitted as part of this application; however, were the application considered to be acceptable, given the small number of units which would be created and as they would all be dual aspect, it is considered that the submission of an air quality assessment and the installation of appropriate mitigation measures could be secured by condition.

## **7. Transport**

7.1 The site has a Public Transport Accessibility Level PTAL score of 4b (excellent), which means it is highly accessible by public transport, and it is located on the Transport for London Road Network (TLRN), for which Transport for London (TfL) is the highway authority. Access to and from the site is therefore likely to be difficult during certain times of day, especially during peak periods. The Council needs to ensure that the development can be implemented without being detrimental to

amenity or the safe and efficient operation of the highway network in the local area. The Council's Transport Planner has assessed the proposal and has considered that the proposed works would not generate a significant volume of construction traffic on a daily basis, and so a Construction Management Plan does not appear necessary on this occasion.

7.2 In line with policy T2, in order to reduce car use and encourage walking and cycling, all new residential development within the Borough is to be designated as car-free, i.e. no off-street parking is provided and the future occupants are prevented from obtaining on-street parking permits from the Council. As a Section 106 Legal Agreement has not been entered into to secure car-free development, the proposal would be unacceptable in this regard. This could be overcome if the proposal were otherwise acceptable.

7.3 The Council's Transport Planner has confirmed that the provision and retention of 2 easily accessible, covered, secure and fully enclosed cycle parking spaces within the site would be required for each new residential unit. As three new residential units are proposed, a total of 6 cycle parking spaces would be required. The proposed first floor plan shows that five cycle parking spaces would be provided within a communal store on the first floor. This level of provision would not meet the requirements of policy T1 and would fail to fully comply with CPG7 (Transport) guidance due to the lack of step-free access. Given that space for fully compliant cycle storage facilities is not available at ground floor level, the proposed cycle store is considered acceptable in this instance.

## **8. Affordable housing**

8.1 Policy H4 advises that additional residential units created where the floorspace is over 100sqm is liable for an affordable housing contribution. The sliding scale, 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 100sqm (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.

8.2 The proposed development includes three additional residential units with an uplift of 206.8sqm (GIA) of floorspace. A financial contribution towards affordable housing would therefore be required on the following basis:

- Based on a GIA of 206.8sqm the percentage target would be 4% (capacity for 2 units based on there being 200sqm of housing so  $2 \times 2\% = 4\%$ )
- The existing PIL figure (subject to change) is £2,650 per sqm, based on GEA
- As per the calculations in the Draft CPG Housing (Partial review), the proposed GEA has been calculated at GIA, in this case  $206.8\text{sqm} \times 1.25 = 258.5\text{sqm}$
- GEA floorspace target is  $4\% \times 258.5\text{sqm} = 10.34\text{sqm}$
- Financial contribution calculated as  $10.34\text{sqm} \times £2,650 \text{ per sqm} = £27,401$

8.3 A payment in lieu contribution for affordable housing of £27,401 would therefore have been required to be secured via legal agreement if the proposal were otherwise acceptable.

## **9. Community Infrastructure Levy**

9.1 If supported, the proposal would have been liable for both the Mayor of London's and Camden's own Community Infrastructure Levy (CIL), as residential units are sought to be created. The CIL would have been collected by Camden after the scheme had been implemented and could have been subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative Policy TC4 seeks to ensure the storage and disposal of refuse is managed to safeguard the amenity of the surrounding area.

## **10. Conclusion**

10.1 The 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 also demonstrated its value by securing its inclusion on the list of Assets of Community Value. As such, it is considered that the proposed loss of the first and second floor kitchen facilities, function room and ancillary residential floorspace within the public house would prejudice the long-term retention of the public house, and adversely affect its ACV status. The applicant has sub-divided building into a public house at ground and first floor level and three residential units at first and second floor levels despite the proposal being refused planning permission twice before and an appeal against the refusal being dismissed. In the absence of a section 106 legal agreement securing car-free development, a financial contribution for the provision of 6 off-site cycle parking spaces and an Affordable Housing contribution, the proposed development is considered unacceptable.

## **11. Recommendation**

11.1 Refuse Planning Permission

11.2 Authorise enforcement action. An Enforcement Notice was issued by the Council on 12/12/2017 and took effect on 23/01/2018, because it appears that there has been a breach of planning control, under Section 171 A (1) (a) of the Town and Country Planning Act 1990 (As amended by the Planning and Compensation Act 1991). Within a period of four months of the Notice taking effect, the owner of the property is required to do the following to secure compliance with the Notice:

- Permanently cease the use of the first and second floors as self-contained flats; and
- Reinstate the original shopfront removing the new door that gives separate access to the upper floors.