

Delegated Report		Analysis sheet	Expiry Date:	22/05/2018
		N/A / attached	Consultation Expiry Date:	08/06/2018
Officer			Application Number(s)	
Laura Hazelton			2018/1516/P	
Application Address			Drawing Numbers	
40-42 Mill Lane London NW6 1NR			Please refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Conversion of ancillary accommodation to existing Class A4 use at 1st & 2nd floors, mansard roof extension, first and second floor rear extension to create 7 flats (4 x 2 bed, 1 x 1 bed and 2 x studio), associated alterations (including cycle and refuse/recycle storage at lower ground floor level accessed from Ravenshaw Street and new entrance to residential accommodation from upper ground floor level on Mill Lane frontage); retention of existing public house (Use Class A4) at upper and lower ground floors (scheme two).				
Recommendation:		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	05	No. of objections	04
Summary of consultation responses:			No. electronic	00		
	<p>Site notices were displayed between 18/05/2018 and 08/06/2018.</p> <p>Four objections were received from neighbouring residents at 2 Gondar Mansion, Mill Lane, 101 Forwych Road, 5 Sington House, Mill Lane, and 45 Ravenshaw Street, a summary of which is provided below:</p> <p><u>Design</u></p> <ul style="list-style-type: none"> • I object to the 3rd floor extension. The building is already one of the tallest buildings on the road, and the mansard roof extension and increase in height would set a bad precedent for the road, paving the way for further height increases. • The mass of the roof will impose an unacceptable heavy skyline vs what exists. • The pub is already one of the most imposing buildings on this section of Mill Lane and increasing the height of the mansard will increase the bulk and will set an unwelcome precedent for other building extensions in Mill Lane in the future. There will also be detrimental massing and bulk on the Ravenshaw Street elevation. • I think that the proposed frameless glass balustrade to the terrace above the pub doors is incongruous and not relevant to the style of this attractive building. • The proposed height of the mansard roof is out of proportion with surrounding buildings and it too high. It also does not comply with the local neighbourhood plan. It would destroy the beautiful original roofline and Victorian features. <p><u>Neighbouring Amenity</u></p> <ul style="list-style-type: none"> • The addition of another floor and 4 additional windows will impact neighbouring privacy. • The increased height and bulk will impact the skyline and views from neighbouring properties. <p><u>Impact on existing pub</u></p> <ul style="list-style-type: none"> • The new front entrance/staircase further erodes the pub floorspace. • A proposed balcony above the entrance to the pub is likely to be a trouble spot in the future when pub users stand outside and noise spills upwards. • It appears that the access staircase to the upper floors takes up more space on these plans than was consented to in April 2017 – it appears to be wider and longer. <p>One comment was received:</p> <ul style="list-style-type: none"> • I would like an assurance that there will not be any parking permits issued for the new flats. It is sometimes impossible to park in this area. • There seems to be very little is any control over ensuring the building companies are considerate to the neighbourhood or environment. Surrounding developments have resulted in many work vans being illegally parked on Ravenshaw Street. 					

Fortune Green and West Hampstead's Neighbourhood Development Forum (NDF) submitted the following objections:

- The vents from the kitchen of the pub would impinge on new residents, putting the operation of the pub at risk.
- The CGI shows improvements to the building facades, but there is no commitment to complete these improvements.
- The proposed height is higher than neighbouring buildings, contravening the neighbourhood plan.
- The application appears to propose a wider entrance from Mill Lane than approved, which would lose further pub floorspace. This is unacceptable.
- The application claims that the mansard will only add half a metre above the existing roof ridge. We are not convinced this will actually be feasible.
- The front terrace is likely to cause clashes in amenity between the residents upstairs and pub users downstairs.

Fordwych Residents Association submitted the following objections:

- We fully support all of the objections raised from West Hampstead NDF. The Alliance pub is a landmark building on Mill Lane and in the local area and received Asset of Community Value (ACV) status a few years ago, due to the fact it is a valued asset in our local community and is used by many local groups for meetings and functions.
- We have concerns about the design, bulk and scale of the proposed mansard roof extension. The artist's impression drawing shows no proposed detail and looks distorted.
- We share the concerns of West Hampstead NDF that the mansard roof might be very much larger than is indicated in the plans and drawings. There are glass wall verandas proposed on the front of the building, which we would encourage the planning officer to refuse.
- We object on the extra height above the existing roof and have issues with the ventilation for the pub kitchens, which might compromise the pub in the future. More details on the pub soundproofing between the new flats and the pub below would also be needed.
- The NDF has raised concerns that the staircase appears twice the size of what was approved. The new proposed staircase clearly takes more bar space, so needs to be revised. The ACV protects the pub and we have concerns that the larger staircase would mean the floor area of the pub is reduced.

**Local groups
comments:**

Site Description

The application site comprises a three storey building with lower ground floor. The public house 'The Alliance' occupies the ground floor, with ancillary space and accommodation on the upper floors. It is designated an Asset of Community Value.

The subject site is situated on the southern side of Mill Lane, and is adjacent to a junction with Ravenshaw Street to the west. The natural ground levels drop from north to south (dropping away from the Mill Lane frontage). The site forms part of a terrace of properties fronting Mill Lane comprising No's 32 – 42 (evens). All have a commercial use at ground floor level with two floors of residential accommodation above.

The property is not within a conservation area and it is not listed but it is within the Fortune Green and West Hampstead neighbourhood area.

The existing building on the site has almost 100% site coverage. There is no off-street car parking available nor is there any cycle parking associated with the existing premises.

Relevant History

2018/1515/P - Conversion of ancillary accommodation to existing Class A4 use at 1st & 2nd floors, mansard roof extension, first and second floor rear extension to create 7 flats (5 x 2 bed, 1 x 1 bed and 1 x studio), associated alterations (including cycle and refuse/recycle storage at lower ground floor level accessed from Ravenshaw Street and new entrance to residential accommodation from upper ground floor level on Mill Lane frontage); retention of existing public house (Use Class A4) at upper and lower ground floors (Scheme one). Pending determination.

2016/2661/P - Convert ancillary accommodation to existing Class A4 use at 1st & 2nd floors to create 3 x 1-bed and 2x 2bed flats with roof and second floor rear extension, associated alterations and retain existing public house (Use Class A4) at basement and ground floors. Granted subject to S106 Legal Agreement 16/12/2016.

2005/3655/P - Alterations to the ground floor Mill Lane elevation to include replacement of two windows with sliding/folding glazed doors and alterations to one single entrance door to improve disabled access to the Public House. Granted 15/11/2005 (new doors not implemented).

2007/0754/P - Alterations to the public house including the erection of three awnings and retention of two replacement windows and an access ramp at ground floor level on the front elevation. Granted 01/06/2007.

2007/3587/P - Installation of balustrading and replacement of window with door at rear ground floor level to facilitate creation of a roof terrace and installation of a retractable canopy over all in connection with the existing public house (Class A4). Refused 12/10/2007.

2008/4942/P - Erection of raised timber decked area in rear yard with roof over (to provide a smoking area), installation of door to provide access and balustrading to enclose the terrace all in connection with existing pub (Class A4). Refused 24/12/2008.

No.36 Mill Lane

2017/2062/P - Erection of an additional floor by way of a mansard roof extension above 36 Mill Lane – Approved 08/06/2017

No.34 Mill Lane

2017/5147/P – Erection of a mansard roof extension – Approved 18/07/2018.

Relevant policies

National Planning Policy Framework 2018

The London Plan March 2016

Camden Local Plan 2017

Policy G1 Delivery and location of growth
Policy H1 Maximising housing supply
Policy H4 Maximising the supply of affordable housing
Policy H6 Housing choice and mix
Policy H7 Large and small homes
Policy C2 Community facilities
Policy C4 Public Houses
Policy A1 Managing the impact of development
Policy A4 Noise and vibration
Policy D1 Design
Policy CC1 Climate change mitigation
Policy CC2 Adapting to climate change
Policy CC3 Water and flooding
Policy CC4 Air quality
Policy CC5 Waste
Policy T1 Prioritising walking, cycling and public transport
Policy T2 Parking and car-free development
Policy T4 Sustainable movement of goods and materials

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 1: Housing
Policy 2: Design and Character
Policy 5: Public Transport
Policy 8: Cycling

Camden Planning Guidance

The Council is reviewing and updating its Camden Planning Guidance documents to support the delivery of the Camden Local Plan following its adoption in summer 2017. The update is being carried out in two phases to manage the amount of material to be consulted on at any one time and ensure that relevant revised CPG documents take into account changes to the London Plan and to national planning policy.

The following guidance is relevant to this proposal:

CPG Housing (interim) 2018
CPG 2 Housing May 2016 updated March 2018
CPG Amenity 2018
CPG Community uses, leisure facilities and pubs 2018
CPG 1 Design (July 2015 updated March 2018)
CPG 3 Sustainability (July 2015 updated March 2018)
CPG 6 Amenity (September 2011, updated March 2018)
CPG 7 Transport (September 2011)
CPG 8 Planning obligations (July 2015, updated March 2018)

Assessment

1.0 Background

1.1 Planning permission was previously granted at the site in December 2016 (reference 2016/2661/P) to convert the ancillary public house accommodation (C4 use) at 1st & 2nd floors to residential use to create five residential units (3 x 1 bedroom and 2 x 2 bedroom flats). The proposals included the erection of a roof and second floor rear extension and associated alterations. This proposal also retained the existing public house (C4 use) at basement and ground floors. This application was determined under the previous Development Policies Document when there was no policy requirement for the applicant to provide affordable housing or a payment in lieu of affordable housing.

1.2 The current application is similar to the previously approved scheme, however, the proposals include the erection of a larger flat-topped mansard roof extension and the creation of an additional two flats (to provide a total of seven flats). The retained pub at upper and lower ground floor levels would be as previously approved.

1.3 A second application has been submitted alongside the current application (reference 2018/1515/P) for the following works:

Conversion of ancillary accommodation to existing Class A4 use at 1st & 2nd floors, mansard roof extension, first and second floor rear extension to create 7 flats (5 x 2 bed, 1 x 1 bed and 1 x studio), associated alterations (including cycle and refuse/recycle storage at lower ground floor level accessed from Ravenshaw Street and new entrance to residential accommodation from upper ground floor level on Mill Lane frontage); retention of existing public house (Use Class A4) at upper and lower ground floors (Scheme one).

1.4 The two applications are very similar in nature; however, scheme one involves a slightly different mix of dwelling sizes (but the same total number of dwellings), and increased massing at first to third floor levels.

2.0 Proposal

2.1 Planning permission is sought for the following:

- Retention of existing public house at upper ground and lower ground floor levels.
- Erection of rear extensions at first and second floor levels.
- Mansard roof extension.
- Use of the first, second and third floors as 7 self-contained residential flats (4 x 2 bed, 1 x 1 bed and 2 x studio).
- New entrance to the Mill Lane frontage to access the upper floor flats.
- Creation of new cycle and refuse/recycle storage to the rear lower ground floor level.

Revisions

2.2 During the course of the application, the proposed first floor terrace serving flat 1 was removed from the proposals after officers advised that the existing public house below may result in unacceptable noise disturbance to users of the terrace.

3.0 Assessment

3.1 The principle considerations in the determination of the application are as follows:

- Land Use
- Affordable Housing
- Housing Mix
- Standard of accommodation
- Design
- Impact on neighbouring amenity
- Transport
- Energy and sustainability
- Air quality
- S106/CIL

4.0 Land Use

Loss of ancillary public house (C4) floor space

- 4.1 The development proposes the change of use of the upper floors of the public house which contain ancillary staff accommodation. Local Plan Policy C4 states that applications involving the loss of pub floorspace, including ancillary facilities, will be resisted where this will adversely affect the operation of the public house. The CPG on public houses states that the loss of supporting elements of a pub such as ancillary staff accommodation can undermine its long term viability, its day-to-day ability to operate or its community role and appeal.
- 4.2 The application involves no further loss of public house floorspace than was previously approved on 16/12/2016 under application reference 2016/2661/P. The Officer's report noted that the use of the upper floors for residential accommodation was supported as these do not form part of the day to day running of the pub and are currently an under-utilised space.
- 4.3 The principle of the loss of ancillary C4 floorspace has been established by the extant planning permission, on which works have already started on site. Works undertaken to date involve external alterations including the new entrance arrangements for the flats and pub, and internal alterations in respect of both new entrances. Considering the extant planning permission involves the same loss of ancillary public house floorspace, officers do not object to the loss of ancillary public floorspace proposed as part of the current application.
- 4.4 However, Local Plan Policy C4 has strengthened the Council's stance on applications involving public houses, and states that where the Council considers that self-contained accommodation should be permitted, a robust package of mitigation measures will be sought which take account of the pub's ability to be able to continue to trade successfully. As a minimum, the Council expects all future occupants of any self-contained accommodation to be made aware of the pub's licensing hours prior to the purchase (or letting) of the property. The Council may also seek additional assurances from the developer that future occupants of the accommodation are subject to non-objection clauses, removing their right to object to noise or vibration emanating from the pub. In line with the 'Agent of Change' principle, the Council will expect developers to bear the financial responsibility for undertaking works to ensure that occupants of new self-contained accommodation are not affected by unacceptable levels of noise or odour. The mitigation must take full account of the range of activities held within the pub and its licensing hours. This package of measures would be secured by S106 legal agreement if the proposals were considered acceptable in all other regards.

Creation of residential dwellings

- 4.5 The proposals involve the creation of seven new residential dwellings at the site. The principle of additional residential floor space is strongly supported as a priority land use under policy H1 and the Council seeks to maximise the supply of new housing in the borough. Likewise, Policy 1 of the Fortune

Green and West Hampstead Neighbourhood Plan states that the focus of development shall be to provide new housing to meet the needs of a growing community. The principle of housing on the site therefore complies with policy and is welcomed.

Land use conclusion

- 4.6 Given the extant planning permission for the change of use of the same quantum of ancillary pub floor space, which is in the process of being implemented, the Council does not object to the proposed change of use. New residential units are the priority land use in the borough and would comply with Policy H1 of the Local Plan and Policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan. As such, the proposals are considered acceptable in this regard.

5.0 Affordable Housing

- 5.1 Policy H4 aims to maximise the supply of affordable housing. This is reflected in policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan. The Council expects a contribution towards affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity.
- 5.2 The current application proposes the creation of 408.4sqm (GIA) residential floorspace, which would trigger an affordable housing contribution in line with Policy H4. The sliding scale in this instance would require a provision equal to 8% of the total C3 floorspace (expressed in GEA). For developments with capacity for 10 or more additional dwellings, the affordable housing should be provided on site. However, in the case of proposals with capacity for fewer than 10 additional homes (1,000sqm GIA), the Council will accept a payment-in-lieu of affordable housing. Payments-in-lieu are considered appropriate for these minor schemes as the affordable housing required would rarely be equivalent to a whole dwelling.
- 5.3 The Council's current adopted multiplier for calculating a payment-in-lieu within market residential schemes is £2,650 per sqm (based on GEA). This provides an overall requirement of £108,226.00 based on the creation of 510.5sqm of residential floorspace (GEA using the 1.25 multiplier – see Housing CPG paragraphs IH2.29 & IH2.30) (8% of 510.5sqm = 40.84 x £2650 = £108,226.00).

Viability

- 5.4 Policy H4 states that the Council will negotiate the development of individual sites to seek the maximum reasonable amount of affordable housing and in doing so will take into account the economics and financial viability of the development including any particular costs associated with it.
- 5.5 The application is accompanied by a viability assessment produced by Argent Blighton Associates (ABA) dated 21/03/2018, which has been submitted on a confidential basis in connection with the proposed scheme to attempt to justify a lower payment in lieu of affordable housing than required. Separate viability assessments were submitted for the two proposed schemes. An initial report dated 21/03/2018 concluded that the development (scheme two) would result in a deficit of £119,000.00, and as such, cannot support the provision of a financial contribution to affordable housing.
- 5.6 The viability assessment has been independently assessed by a viability expert (BPS Chartered Surveyors) for the Council. They produced one report dated 29/06/2018 which assessed the cost and value inputs within the financial appraisals for both schemes in order to determine whether the conclusions were justified.

Benchmark Land Value

- 5.7 The ABA report uses a mixed approach to value the Benchmark: The Existing Use Value (EUV) of the Alliance public house on site; and the Alternative Use Value (AUV) of the extant consented development of the upper floors of the public house to provide 5 residential units (approved under reference 2016/2661/P). ABA use an average value of £2,800,000.00 as their benchmark (based on two valuations prepared by Davis Coffey Lyons and Sanderson Weatherall of £2,900,000 and £2,700,000 respectively). No Landowner's premium has been added, although ABA suggest this could be 10%.
- 5.8 BPS highlighted that there were inconsistencies in the approach taken by the applicant's respective advisors as the public house's capital value in the AUV and both of the proposed schemes are valued at different levels. The principal reason for this difference is the inclusion of a 10% profit allowance on the proposed scheme valuation but not on the AUV, which acts to constrain the proposed scheme's viability position. There is no clear justification for this discrepancy.
- 5.9 In order to determine whether the benchmark value stated by ABA was reasonable, BPS assessed the value of the consented scheme using consistent inputs with their valuation of the proposed development. This generated a total Benchmark Land Value of £2,316,000.00.

Development value

- 5.10 The proposed schemes were valued based on advice from Goldschmidt Estate Agents who propose a total residential value of £3,920,00.00 (£891psf) for scheme two. BPS noted that there were discrepancies within the two schemes' valuations, with units of the same size and layout being valued lower in scheme one than two; however BPS viewed the values proposed within scheme two to be in line with market value.
- 5.11 BPS identified new-build and second-hand evidence from the area surrounding the development site and generally viewed the values proposed within scheme 2 to be in line with market value and arrived at the same total value as ABA for the proposed units of £3,920,00.00.
- 5.12 The ABA report assigned ground rents at £300 per flat and the income was capitalised at 4%. BPS were satisfied that this is a reasonable approach.
- 5.13 BPS reviewed the proposed value for the commercial space and assessed the current lease. They viewed the rent payable from July 2019 of £82,500p.a. to represent a realistic market rent.
- 5.14 BPS did not include the value of the public house within their appraisals of the proposed developments, but instead added its value to the residual of the proposed flats development, as they are of the opinion that the public house should not attract a profit allowance given it will continue to function in its existing use with some minor loss to floorspace. BPS valued the public house at £1,327,000.00.
- 5.15 BPS' cost consultant reviewed the cost plans for the proposed scheme prepared by ABA and concluded that the build costs are broadly reasonable. In addition, BPS considered other costs such as planning fees, sales agent and legal fees.
- 5.16 BPS's resulting viability position gave a Residual Land Value of £2,727,000.00, a Benchmark Land Value of £2,314,000.00, to result in a surplus of £413,000.00.
- 5.17 The principal area over which BPS disagree with ABA is in respect of the Benchmark Land Value, and they conclude that the scheme would be able to contribute towards affordable housing given the above surplus.

Applicant's response

- 5.18 In response to the BPS report, the applicant submitted a response note on 09/07/2018 addressing each of the areas of difference; namely, the residential sales value, public house value, public house leaseholder compensation and remedial works, and Benchmark Land Value. BPS responded in turn, and these are discussed further below.

Sales values (residential)

- 5.19 With regard to the difference in values between the two schemes as undertaken by Goldschmidt Agents, ABA claimed that a bespoke assessment was undertaken for each scheme rather than using a 'flat rate', which would not be appropriate as the size and aspect of the units in each scheme varies.

Public house value

- 5.20 ABA stated that the valuations were undertaken on a prudent and cautious basis for a funder of the project and are considered to be conservative. Although the two independent valuers did not make an adjustment for a 10% profit return in their valuation, this was because the valuation was prepared for a funder to determine that the asset was of appropriate value to secure funding for the development.

Public house – leaseholder compensation and remedial works

- 5.21 Since the time of the report ABA carried out further enquiry of building contractors and established that opening hours would be prejudiced to a greater extent than first thought (leading to a compensation of circa £200,480), and remedial decoration works which could exceed £150,000.

Benchmark Land Value

- 5.22 ABA argued that the proposed value of £2,800,000.00 was wholly justified, and that BPS's valuation of the upper floors in the consented scheme is too low. However, BPS's valuation was higher than both the Sanderson Weatherall and Davis Lyon Coffey's values, and their appraisal largely differed on build costs which are consistent with their assessment of the costs for the proposed schemes, and have been calculated by BPS's cost consultant.
- 5.23 BPS's response dated 12/07/2018 concluded that as ABA did not provide any additional information, BPS did not update their conclusions and their position on the Benchmark Land Value was changed only by the addition of the newly provided leaseholder compensation and remedial costs. BPS maintain that there needs to be consistency between any valuation of the consented scheme and the proposed schemes, given their similarities. In light of the updated leaseholder compensation and remedial costs, BPS updated their viability position to the following:

Residual land value = £2,436,000.00

Benchmark land value = £2,014,000.00

Surplus = £422,000.00

- 5.24 In response to this, ABA submitted an additional note on 17/07/2018 and again concluded that it would not be viable to provide a financial contribution. Nevertheless, they proposed to offer a contribution of £25,000 towards affordable housing. BPS reviewed the ABA note on 26/07/2018, taking account of subsequent revisions to the proposal by way of the removal of the roof terrace from unit 1, and concluded that ABA's note again does not provide any additional evidence or information. BPS accepted that there would be a limited impact on the scheme's viability as a result of the removal of a roof terrace; however, they concluded that the proposed contribution of £25,000 would remain significantly below what could be sought from the scheme.

Affordable Housing Conclusion

5.25 Following an assessment of the applicant's viability report (and subsequent response notes) by an independent chartered surveyor, BPS, the Council does not accept that it would not be viable to provide a contribution towards affordable housing. Although the applicant made a revised offer of a £25,000 contribution, the Council considers this to be significantly below what could be provided. As such, the proposed development would not comply with policy H4 of the Local Plan or Policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan which would form a reason for refusal of the application.

6.0 Housing Mix

6.1 Local Plan Policy H7 seeks to ensure that all housing development contributes to meeting the priorities set out in the Dwelling Size Priorities Table; and includes a mix of large and small homes. The Dwelling Size Priorities Table states that 2 and 3 bedroom units are high priority in the borough and 1 bedroom units are lower priority. The supporting text to this policy states that we will expect proposals to include some dwellings that meet the high priorities wherever it is practicable to do so. Likewise, Policy H1 of the Fortune Green and West Hampstead Neighbourhood Plan seeks a range of different unit sizes, including three and four bedroom homes, where appropriate.

6.2 The proposals includes the creation of seven self-contained flats (4 x 2 bedroom, 1 x 1 bedroom and 2 x studios). The planning statement submitted in support of the application argues that the location of the residential flats above a public house with no external garden or large terrace areas means that the site is not suitable for family sized (3 bedroom) units. It also states that consideration needs to be given to the extant permission which proposed five units with a higher proportion (three of the five flats) of 1 bedroom units. This argument is accepted; this location and the lack of external amenity space mean that the site is not highly suitable for the provision of family sized three bedroom units and the extant permission, which included no three bedroom units, is a material consideration. Given that four of the seven units (57%) would be a high priority dwelling size, the proposed housing mix is considered acceptable.

7.0 Standard of accommodation

7.1 With regard to the quality of the proposed accommodation, the proposed flats would comply with the nationally described space standards as set out in the table below. Built in storage would be provided for all flats, and outside amenity space in the form of roof terraces for flats 3, 5 and 7.

Flat number	Number of bed spaces/persons	Requirement (sqm)	Proposed (sqm)
1	2 bedroom 4person	70	71.7
2	1 person studio	37	38.4
3	1 bedroom 2 person	50	57.2
4	2 bedroom 4 person	70	72.6
5	2 bedroom 4 person	70	83.2
6	2 bedroom 3 person	61	61.7
7	1 bedroom studio	37	37

7.2 The internal layout would be constrained in some areas, including the single aspect studio unit (flat 2) at

first floor level and the narrow kitchen/living rooms in flat 3 at first floor level. However, the internal layout would meet the standards in the Council housing SPG and overall, are considered to provide an acceptable standard of residential accommodation for future occupiers.

Noise disturbance from existing public house

- 7.3 A Noise and Sound Insulation Report has been submitted in support of the application which included a Noise Exposure Assessment Report dated 3rd August 2016 and a Summary of Recommendations for Acoustic Treatment dated 10th August 2016 which were prepared for the extant planning permission reference 2016/2661/P. The reports discuss necessary enhanced sound insulation and mitigation measures between rooms in adjoining dwellings and the ground floor public house. The report proposes two options for dealing with the separating ceiling between the ground floor public house and proposed first floor residential use. Because access to upgrade the existing ceiling will not be possible (option 1), it is proposed to adopt option 2 for the sound insulation mitigation works to be undertaken from above without disturbing the existing ceiling below the floor.
- 7.4 A set of appended recommendations related to the enhanced sound insulation performance of the party floor demonstrate that the two options included in the report will achieve values of 10dB above building regulations. To ensure there is adequate sound insulation afforded to the building element i.e. ceiling/floor separating the public house from prospective residents above, the report recommended a 10dB uplift in the airborne sound insulation performance for walls, floors and stair for rooms for residential purposes, as quoted by Approved Document E (ADE) of the Building Regulations. This equates to an airborne sound insulation performance of at least $DnTw + Ctr$ 53 dB, which would be comparable with an uncorrected performance in the region $DnTw$ 60-65 dB.
- 7.5 The recommendation to enhance the level of sound insulation between commercial and residential units complies with Sections 6.23 & 6.24 of Camden's Amenity CPG.
- 7.6 The building fabric assessment was undertaken to ensure the transmission of ambient noise through the building envelope promotes acceptable noise levels in internal rooms via sound insulation. The assessment demonstrates noise levels in internal rooms comply with BS8233 (2014) and Policy A4 of the Camden Local Plan.

Potential Areas of Environmental Concern for Prospective Residents

- 7.7 Officers have reviewed the site's complaints status and confirmed the public house does not have a history of complaints. However, new residents may find certain aspects of public house operations such as extended hours of operation disturbing or worthy of complaint. These aspects could include the following:
- Odour complaints – if the public house operates a commercial kitchen/kitchen extraction system.
 - Noise or vibration complaints if the public house has exhaust ducting that routes through or adjacent to residential premises associated with this application.
 - Noise or vibration complaints – if the public house utilises M&E plant i.e. boilers, pumps, HVAC units, ducting & fans.
 - Noise complaints due to patrons congregating outside the public house, smoking or vacating the premises
 - Noise complaints - amplified sound due to noise breakout.
- 7.8 The Council's Environmental Health Officer has confirmed that in principal, the information submitted to address and prevent the intrusion of unwanted environmental and neighbourhood noise impacting prospective residents associated with the application site is considered acceptable. The applicant has made a number of recommendations to promote adequate sound insulation between the commercial and

residential components. In line with these recommendations, if planning permission is granted, the following conditions would be secured:

Before the use commences, full details including relevant drawings of the external building element including the glazing component recommended by the Clement Acoustics, Noise Exposure Assessment Report (11384-NEA-01), dated 3 August 2016, shall be submitted to the Local Planning authority for approval in writing. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Before the use commences, full details including relevant drawings and specifications of the proposed scheme of sound insulation designed to prevent the transmission of excessive airborne noise between the existing commercial premises and the proposed residential use shall comply with the Clement Acoustics Report (Ref 11384-ADR- 01), and be submitted to and approved in writing by the Local Planning Authority. The airborne sound insulation performance of the separating building element shall comply with the Clement Acoustics Report (Ref 11384-ADR- 01) and achieve as a minimum a 10 dB increase in the minimum requirements of Approved Document E of the Building Regulations. The sound insulation shall be installed and maintained only in accordance with the details so approved. Before commencement of the use is permitted a test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required has been met and the results submitted to the Local Planning Authority for approval.

Odour

- 7.9 Although specific details of kitchen extraction have not been provided as part of the application, the Council's Environmental Health Officer does not object to the development subject to a number of conditions securing details of the kitchen extraction system, an odour management plan, plant vibration, and a noise management plan.

8.0 Design

- 8.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Camden's Development Policies Document is supported by CPG1 (Design) and the Fortune Green and West Hampstead Neighbourhood Plan.
- 8.2 The existing building steps down in height at each floor level, matching the sloping ground level along the Ravenshaw Street elevation. The building features a hipped roof which sits behind a decorative parapet. The proposals involve the erection of a mansard roof extension and infill extensions at ground, first and second floor level to provide seven new residential units at the site spread over first to third floor level.

Mansard roof extension

- 8.3 The application building sits on a prominent corner plot at the end of a parade of five units which displays a degree of uniformity in terms of design/fenestration, hierarchy, size and height. The subject site has a hipped roof making it higher than the flat roofs of the rest of the terrace and is considered to be a separate type of property on the same parade.
- 8.4 The proposed mansard extension would be flat-topped, measuring a maximum of 14m wide, 12m deep, and 2.7m high. It would be finished in natural Welsh slate to match the existing roof with three dormer windows to the front elevation, three to the side and four to the rear (one of which is a door to an external terrace), all finished in lead cladding. The dormer windows would be white painted timber framed sliding sash windows to match the existing windows.

- 8.5 It is acknowledged that a roof extension was previously approved at the site; however, this did not involve an increase in height and maintained the front roof pitch and ridge. The existing roof form was largely retained, extending the roof over the extended second floor. In contrast, the proposed mansard would have a height and scale which would make it the highest building on the terrace. It would be noticeably higher than the other buildings on the terrace, including the approved mansard roof extension at no. 36 (which would only project 2m above existing parapet level). It would also project to the rear above the proposed first/second floor rear extensions which would increase the scale of the extension and its visual impact. It is noted that this rear projection would be similar to the previously approved application, however that scheme was for a lower crown roof at second floor level which did not result in the same scale or visual impact. It is also noted that the proposed mansard is not just a modification of the existing pitched roof to form a mansard; it would be an entire additional floor. The existing second floor level, which is partly within the roofspace would be altered to form an additional storey and the mansard would be built above.
- 8.6 The proposed mansard would therefore have an excessive height and scale and would appear as a prominent and incongruous addition to this building and terrace, which is on a prominent corner site with long views along Mill Lane, Ravenshaw Street and Gondar Gardens. It would be an overly dominant addition which would harm the appearance and character of the streetscene and wider area.
- 8.7 Furthermore, the proposed mansard would be contrary to paragraph 5.8 of the Council's CPG1 which states that a roof alteration or addition is likely to be unacceptable in the following circumstances where there is likely to be an adverse effect on the skyline, the appearance of the building or the surrounding street scene:
- Buildings that are already higher than neighbouring properties where an additional storey would add significantly to the bulk or unbalance the architectural composition;
 - Where the scale and proportions of the building would be overwhelmed by additional extension.
- 8.8 Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan also states that roof extensions should fit in with existing rooflines and be in keeping with existing development (paragraph A14). As such, the excessive size of the proposed mansard extension is not considered to comply with policy D1 of the local plan or policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.

Rear extensions

- 8.9 The development proposes rear infill extensions at lower ground, first and second floor level. At lower ground floor level, a small area of external space (approximately 16sqm) would be built over to create a refuse and recycling store. At first floor level, an area measuring approximately 5.5sqm would be infilled in between the existing first floor projections. The bulk of the rear extensions would be at second floor level, with an extension measuring approximately 50sqm. The extension would sit behind the existing raised parapet at this level, which would be extended rearwards by 0.83m and up by 3m. The proposed extensions would be the same footprint as those previously approved by the extant planning permission. The extensions would be constructed of matching brickwork and would replicate the design, detailing and fenestration of the existing building.
- 8.10 CPG1 advises that rear extensions should be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing; should respect and preserve the original design and proportions of the building; and should respect and preserve the historic pattern and established townscape of the surrounding area (paragraph 4.10). It goes on to say that the height of new extensions should respect the existing pattern of rear extensions where they exist, and that in most cases, extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projection and nearby extensions, will be strongly discouraged. In this

instance, the second floor extension would sit at the same height as the parapet above, behind which the mansard sits, contrary to Camden's guidance. It is acknowledged that no.32 Mill Lane features a large closet wing extension of the same height as the roof, this is a historic development which there are no planning records for. As such, it is considered harmful development and would not set a precedent for similar development on the remainder of the terrace.

- 8.11 The prevailing pattern of development to the rear of the terrace is for closet wings to sit approximately half a storey below the roof eaves. Given the excessive width and height of the proposed second floor extension, it is considered overly large and would not be subordinate to, or respect the existing proportions of the host building.
- 8.12 It is acknowledged that the first and second floor extensions would be no larger than those previously approved under application reference 2016/2661/P, however, in combination with the proposed mansard roof extension, the proposals are considered to be overdevelopment of the site, and would not appear as a subordinate or subservient extensions to the host building. Together, the rear extensions and mansard roof extension would almost completely remove the design hierarchy of the building and its stepped massing following the sloping ground levels of Ravenshaw Street. The additional massing proposed as part of the current application would appear as an incongruous and excessively prominent addition to the building, contrary to policy D1 of the Local Plan and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.

Other alterations

- 8.13 The proposals include the creation of a new front entrance door to provide access to the residential units on the upper floors. It would sit next to the existing door on the front elevation and would match its design, materials and details. It would constitute a minor alteration which would preserve the character and appearance of the host building.
- 8.14 At second floor level, the existing partial front parapet would be re-built, raised and extended along the entire front elevation with one new window introduced to match the size of the existing windows. Four new decorative gables would be introduced to match those on the side elevation at the same level. The proposed alterations would preserve the appearance of the building and are considered acceptable.

9.0 Impact on neighbouring amenity

- 9.1 Policies A1 and A4 seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

Daylight/Sunlight

- 9.2 In order to assess the potential impacts of the proposed extensions on the levels of natural light enjoyed by neighbouring occupiers, a Daylight and Sunlight Report has been submitted in support of the application.
- 9.3 The report has tested the impact of the development on the daylight and sunlight to neighbouring windows in accordance with the BRE report 'Site layout planning for daylight and sunlight: A guide to good practice', most commonly known as "the BRE guidelines".
- 9.4 In order to assess the impact of the development on the daylight in neighbouring buildings, the Vertical Sky Component (VSC) test was used. The Vertical Sky Component is expressed as a ratio of the maximum value of daylight achievable for a completely unobstructed vertical wall. If the VSC is greater than 27%, enough sunlight should be reaching the existing window (in a suburban environment). Any

reduction below this level should be kept to a minimum. Windows to some existing rooms may already fail to achieve this target under existing conditions. In these circumstances it is possible to accept a reduction to the existing level of daylight to no less than 80% of its former value.

- 9.5 The No Sky Line (NSL) test was also used to assess daylight distribution. This test separates those areas of the working plane than can receive direct sunlight and those that cannot. The BRE guidelines suggest that if, following the construction of a new development, the no sky line moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, this will be noticeable to occupants and more of the room will appear poorly lit.
- 9.6 The Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) were assessed for each affected neighbouring window to determine the impact on sunlight levels. The BRE sunlight tests should be applied to all main living rooms which have a window which faces within 90 degrees of due south. The guide states that kitchens and bathrooms are less important, although care should be taken not to block too much sunlight. Sunlight availability may be adversely affected if the centre of the window:
- receives less than 25% of APSH, or less than 5% of APSH between 21 September and 21 March, and
 - receives less than 0.8 times its former sunlight hours during either period, and
 - has a reduction in sunlight received over the whole year greater than 4% of APSH.
- 9.1 The nearest residential properties to the site are nos. 1 and 2 Ravenshaw Street, 29-31, 38, and 44-46 Mill Lane, which were all included in the daylight/sunlight assessment.
- 9.2 The VSC analysis demonstrated that all windows tested would retain over 80% of their current daylight levels, compliant with BRE guidelines. As such, the proposed development would not result in a significant impact to neighbouring daylight levels.
- 9.3 BRE guidance states that only windows which face within 90 degrees due south need to be assessed for sunlight provision. In this instance, 16 of the assessed windows have been tested for annual and winter probable sunlight hours. The results show that all windows would retain in excess of 80% of current levels, in compliance with BRE guidelines.

Privacy

- 9.4 The proposed first and second floor rear terraces are similar to previously approved in terms of size and position, and are considered acceptable. Although an additional terrace is proposed at third floor level, this is in a similar position as the terraces on the floors below and does not raise any new amenity concerns.
- 9.5 1 Ravenshaw Street features side facing windows to the rear extensions at ground and first floor level. Although new windows would be introduced to the rear of the host building facing the neighbouring windows, the proposed first floor window would be angled such as to prevent direct rearwards views, and the second floor windows would be sufficiently set back away from the rear elevation to prevent direct views into the neighbouring windows. Likewise, the positioning of the proposed terraces would prevent views back into the rear windows of no.38.

Outlook

- 9.6 The bulk of the development would be located to the east of the longer of the two first floor extensions, where it would face the side flank elevation of no.1 Ravenshaw Street which does not feature any windows. Furthermore, the proposed extensions at first and second floor level would match those

previously approved under reference 2016/2661/P. The new mansard roof extension would be angled away and set back from the rear elevation slightly which would reduce its visibility from the neighbouring property. As such, the proposals are considered no more harmful than the existing arrangement, or the extant planning permission.

- 9.7 Although the proposed extensions would be visible from the rear windows of no.38, the principle south-facing views from the neighbouring windows would not be affected.

Noise

- 9.7 The proposed development does not include any new items of plant or extraction associated with the new residential units. Although new residential units would be introduced to the site, given the residential character of the surrounding area, this is not considered to cause undue disturbance to existing neighbouring occupants. As such, the proposed development is not considered cause harm to neighbouring amenity by way of noise or odour disturbance.

Amenity conclusion

- 9.8 The proposed development is not considered to cause substantial harm to neighbouring amenity by loss of daylight/sunlight, privacy, outlook or noise disturbance. As such, the proposed development would comply with policies A1 and A4 and are considered acceptable in this regard.

10.0 Transport

Car parking

- 10.1 Policy T2 of the Camden Local Plan states that the all new developments in the borough must be car-free. No off-street car parking is currently provided and none is proposed. In order to prevent future occupants from obtaining on-street parking permits, the Council would require the development to be car free. This would be secured by a Section 106 Agreement, if the development were considered acceptable in all other regards.

- 10.2 Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Cycle parking

- 10.3 Policy T1 of the Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and the design requirements outlined in CPG7. The London Plan requires 1 parking space per studio/one bedroom unit and 2 spaces per all other dwellings. This generates a requirement for 12 parking spaces to be provided for the proposed development.

- 10.4 The proposals include a secure bicycle store at lower ground floor level with direct, step free access on Ravenshaw Street with space for 13 cycles, in accordance with the requirements of the London Plan and CPG7. If the development were considered acceptable in all other regards, a condition would secure the installation and retention of the cycle parking.

Construction Management

- 10.5 Policies A1 and T4 relate to construction management and how development impacts the highways

network and neighbouring amenity. They state that the Council may require Construction Management Plans to be secured by S106 legal agreement to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process.

10.6 The Council's Transport Officer has reviewed the proposals and confirmed that the scale of works proposed are relatively modest and would not require a Construction Management Plan to be secured by S106.

11.0 Energy and sustainability

11.1 Pursuant to London Plan policies 5.2, 5.3, 5.6, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15 and 5.17, and Camden Local Plan policies CC1, CC2, CC3, CC4 and CC5, all developments in Camden are required to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions, and contribute to water conservation and sustainable urban drainage.

Energy

11.2 For minor residential schemes (5 or more dwellings), applicants are required to submit an energy statement showing how the development will meet the following policy requirements:

- Follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies (be lean, be clean, be green) set out in the London Plan (2011) Chapter 5 (particularly Policy 5.2) to secure a minimum 19% reduction in regulated CO2 emissions below the maximum threshold allowed under Part L 2013.
- CC1 requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible, and this should be demonstrated through the energy statement

11.3 The scheme is targeting a 39.6% Co2 saving across the refurbished and extended parts. This meets the 19% overall requirement.

11.4 The Be Green stage falls short of the 20% requirement, with only a 14.1% stage reduction. This would be achieved through 16 m² of solar PV (3.2 kWp system generating 2,764 kWh pa.) on the flat roof. If the proposals were considered acceptable in all other regards, a condition would be imposed requiring further details of the proposed PV panels (including additional panels as there appears to be space for more panels at roof level) in order to endeavour to make up the shortfall.

11.5 Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Sustainability

11.6 A Domestic Refurbishment Pre-assessment has been undertaken for the converted/new-build residential parts. This targets 72.23% Excellent, with section credits targeted as follows:

Energy - 72.41% - meets 60% requirement
Water - 70.03% - meets 60% requirement
Materials - 70.83% - meets 40% requirement

11.7 The Council's Sustainability Officer has confirmed that a BREEAM Non-Domestic Refurbishment is not required in this instance given the borderline total floor area in respect of the 500sqm threshold, i.e. the

development would not exceed the threshold if the bike and waste store area were not included; and the limited nature of the commercial refurbishment.

- 10.1 If the proposals were considered acceptable in all other regards, a condition would be secured requiring details confirming how a maximum of 105 litres per person per day internal water consumption is to be achieved for the residential parts. Likewise, a Section 106 legal agreement would be required to secure a commitment to BREEAM for Domestic Refurbishments 'excellent' rating, as indicated in a pre-assessment and post-construction review. Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Sustainable Urban Drainage (SuDS)

- 11.8 The application site lies within the Sumatra Road Local Flood Risk Zone. Policy CC3 states that development involving the refurbishment/conversion and extension of existing buildings should seek to avoid increasing pressure on the combined sewer through making use of SuDS opportunities and water efficiency measures where possible, maximise flood risk protection to the property, and demonstrate no increase in flood risk on or off site as a result of the scheme.
- 11.9 Although this is not primarily a new build scheme, with the extensions it involves a presumed increase in impermeable area and increase in water consumption (and strain on the combined drainage infrastructure) as a result of new residents.
- 11.10 The proposed development does not appear to identify any measures relating to flood risk or sustainable drainage, although 2.5 out of 3 available credits are targeted in the BREEAM pre-assessment. If the proposed development were considered acceptable in all other regards, a condition would be secured requiring the submission of additional details demonstrating the proposed SuDS, internal water efficiency and/or water recycling equipment to ensure that the development will pose no additional strain on adjoining sites or the existing drainage infrastructure; and the proposed measures to ensure the development has been designed to cope with potential flooding and cause no increase in flood risk.

12.0 S106/CIL

- 12.1 If the proposals were supported, the following heads of terms would need to be secured by S106 Legal Agreement to make the development acceptable.
- Car free Development
 - Energy Efficiency and Renewable Energy Plan
 - Sustainability Plan
 - Affordable Housing Contribution

- 12.2 The proposal would be liable for the Mayor of London's Community Infrastructure levy (CIL) and the Camden CIL as it involves the creation of over 100sqm floorspace and new residential units.

13.0 Conclusion

- 13.1 Although the proposed development would provide seven new residential units, which is a priority land use in Camden, the proposed rear extensions and mansard roof extension which would provide the necessary floorspace would appear as an incongruous and excessively prominent addition to the building, contrary to policy D1 of the Local Plan and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan. Furthermore, the affordable housing contribution offered by the application is substantially lower than what the proposed scheme is considered to be able to deliver, contrary to policy

H4 of the Camden Local Plan and policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan. Therefore, it is recommended that the application is refused.