

Application ref: 2017/4134/P  
Contact: Charlotte Meynell  
Tel: 020 7974 2598  
Date: 9 August 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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Trowers & Hamblins  
Trowers & Hamblins  
3 Bunhill Row  
London  
EC1Y 8YZ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:  
**30-32 Albany Street**  
**London**  
**NW1 4EA**

Proposal: Change of use of first and second floors from ancillary kitchen, function room and landlord accommodation to public house (Class A4), to create 3 x 1-bed serviced apartments at first and second floor levels (Class C1) and 1 x 3-bed ancillary landlord accommodation (Class A4) at second and third floor levels; erection of three storey rear/side extension and insertion of new rear/side door to existing yard; installation of 3 x rear/side dormer windows; excavation of existing basement down by 0.45m and installation of new external metal staircase to front lightwell.

Drawing Nos: 240 01-00; 240 01-01; 240 01-02; 240 01-03; 240 01-04; 240 01-05; 240 01-06; 240 01-08; 240 01-09 A; 240 01-10 A; 240 01-11; 240 01-12; 240 02-01 D; 240 02-02 D; 240 02-03 C; 240 02-04 C; 240 02-05 Cx; 240 02-06 C; 240 02-08 A; 240 02-09 E; 240 02-10 C; 240 02-11 D; 240 02-12 A; 240 02-15 C; 240 02-18; Design and Access Statement (prepared by Tillman Architects, dated June 2017); Second Supporting Statement (prepared by Trowers & Hamblins Ltd, received 12/11/2018); Supporting Statement (prepared by Trowers & Hamblins Ltd, received 18/07/2017).

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans 240 01-00; 240 01-01; 240 01-02; 240 01-03; 240 01-04; 240 01-05; 240 01-06; 240 01-08; 240 01-09 A; 240 01-10 A; 240 01-11; 240 01-12; 240 02-01 D; 240 02-02 D; 240 02-03 C; 240 02-04 C; 240 02-05 Cx; 240 02-06 C; 240 02-08 A; 240 02-09 E; 240 02-10 C; 240 02-11 D; 240 02-12 A; 240 02-15 C; 240 02-18; Design and Access Statement (prepared by Tillman Architects, dated June 2017); Second Supporting Statement (prepared by Trowers & Hamblins Ltd, received 12/11/2018); Supporting Statement (prepared by Trowers & Hamblins Ltd, received 18/07/2017).

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

- 4 The development shall be constructed with an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  of at least 5dB above the Building Regulations value, for all floor/ceiling structures separating the public house and the C1 units above, and between different types of rooms/uses in the C1 units and landlord accommodation at first, second and third floor levels [e.g. living room and kitchen below bedroom of separate unit].

The sound insulation measures shall be installed prior to first occupation of the C1 units and landlord accommodation and shall be permanently retained thereafter.

Reason: To ensure that the amenity of occupiers of the development is not adversely affected by noise from elsewhere within the development, in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The noise level in C1 and ancillary landlord accommodation rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

Reason: To safeguard the amenities of occupiers of the proposed use, adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The C1 units and ancillary landlord

accommodation shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 7 Prior to occupation of the hereby approved landlord accommodation, details of a secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 8 Sample panels of the following shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced:

a) A panel of red facing brickwork for the front of the proposed extension, measuring no less than 1.5m x 1.5m, demonstrating the proposed colour, texture, face-bond and pointing.

b) A panel of London stock facing brickwork for the front of the proposed extension, measuring no less than 1.5m x 1.5m, demonstrating the proposed colour, texture, face-bond and pointing.

The development shall be carried out in accordance with the approval given. The approved panels shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 9 Detailed drawings in respect of the following shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Typical plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10.

The relevant part of the works shall then be carried in accordance with the approved details.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission

The application proposes the loss of the first floor ancillary restaurant space and the relocation of the commercial kitchen and landlord accommodation. Policy C4 states that where a partial loss of a public house is proposed, the Council will look at the effect of changes to the pub's layout and reduction in its trading area on its continuing ability to operate successfully. Furthermore, CPG Community uses, leisure facilities and public houses cautions that the loss of ancillary features can undermine a pub's long-term viability, its day-to-day ability to operate, its community role and appeal, and the character of the pub.

The applicant's supporting statements state that the ancillary restaurant space is rarely used and is not viable in its current form, as there is an over-proliferation of dining options in the immediate locality. The purpose of the proposal is therefore to generate a separate revenue stream to sustain the continued use of the pub at basement and ground floor levels, through the creation of 3 x new 1-bed serviced apartments at first and second floor level. The kitchen would be re-provided at basement level and the landlord accommodation would be re-provided at second and third floor levels. Given its infrequent use and relatively small size (40sqm), it is considered that the loss of this space would not adversely affect the operation of the public house.

Serviced apartments fall under use class C1 as they provide short-term accommodation similar to a hotel use. The applicant indicates that the serviced apartments would be available to business or leisure customers with a maximum stay of 28 days. Policy E3 recognises the contribution that tourism makes to the character of Camden and the way that it is perceived by those living outside the borough, and the substantial number of jobs it can provide. The serviced apartments would not lead to the loss of permanent residential accommodation and given the siting above a public house it is unlikely to be suitable for permanent residential. It is not considered that the proposal would harm the balance and mix of uses in the area. The applicant has also provided evidence of a number of other pubs offering guest accommodation in the local area. The site is considered appropriate for the proposed use given its location and high level of accessibility.

It is considered that the proposal would provide satisfactory living conditions for future occupants of the serviced apartments and the landlord accommodation on the upper floors without prejudicing the operation of the public house with reference to noise disturbance, subject to the installation of enhanced noise insulation between the ground, first, second and third floor ceilings and floors. This will be secured by condition. As such, it is considered that the proposed change of use would not have a detrimental impact on the long-term viability of the public house, and the principle is considered acceptable.

The proposed excavation of the basement down by 0.45m is considered to be de minimis and the submission of a Basement Impact Assessment was therefore not required. The excavation would allow for improved floor to ceiling height for the relocated kitchen. No details of the proposed new external extraction system for the kitchen were submitted as part of this application, and

so an informative will be added to remind the applicant that this will need to be approved in a separate planning application.

The proposed 3 x rear/side lead clad dormer windows would be of a modest size, and would appear as subordinate and architecturally sympathetic additions to the host building. The installation of a new black painted external metal staircase fire escape in the front lightwell and formation of a new entrance gate within a section of the existing railings would match the existing railings and is acceptable in design terms.

- 2 The proposed three-storey rear/side infill extension would sit forward of and partly above the existing single storey extension and would extend across the full-width of the access yard. The proposal would be set down 0.7m from the eaves of the host building, and set back 6.6m from the front building line along Longford Street, in line with the rear chimney of the adjacent Grade II listed property Nos. 108 Walton House. It would also be set away by 0.9m from the flank building line of the adjacent property Nos. 1-8, and the Council's Conservation Officer considers this to be a sufficient enough gap to allow for the continued the appreciation of the two buildings. Full details and samples of the proposed facing materials and windows and doors will be secured by condition to ensure that the materials are of a high quality. The proposed extension is considered to be a subordinate and historically contextual addition, which would not harm the character and appearance of the Regent's Park Conservation Area or the setting of the adjacent listed building.

The proposed three-storey rear/side extension would not have a detrimental impact on the residential amenities of neighbouring occupiers of Nos. 1-8 Walton House in terms of loss of daylight, sunlight, outlook and privacy, given the location of the proposed extension adjacent to the windowless flank elevation of Nos. 1-8. Although the northern-most proposed rear/side dormer window would face the flank elevation of the three-storey rear closet wing of Nos. 1-8, it would not facilitate direct views into habitable rooms, and would therefore not lead to a loss of privacy through overlooking. It is not considered that the proposed C1 use at first and second floor levels would result in an increase in noise to surrounding residents when compared to the existing A4 use.

Policy CC3 requires developments to be designed to be water efficient. To ensure that this development achieves this, a condition would be attached to ensure that internal water use is limited to 110 litres/person/day within the C1 units and landlord accommodation.

The site has a PTAL rating of 6a (excellent). The Council's Transport Planner has confirmed that all new C1 units will be required to be car-free and no parking permits will be allowed for future residents of the units, in order to comply with policy T2. This will be secured by a Section 106 Legal Agreement. The proposed landlord accommodation would be exempt from this requirement, as the same occupier would return to this unit upon completion. The provision of 2 x secure and covered cycle parking spaces for use by the landlord accommodation is required, and the submission of these details will be secured by condition.

As the proposed C1 units and new landlord accommodation would be self-contained with their own private access separate from the pub, three further Heads of Terms will be secured by a Section 106 Legal Agreement to ensure that the units are not converted to class C3 use, and if at any time planning permission is granted for C3 use, then an affordable housing contribution will be payable.

One objection and one comment from neighbouring occupiers were received prior to making this decision and their comments are addressed in the supporting consultation summary. The planning history of the site and surrounding area were taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving the special interest of the adjacent listed building, under s.72 and s.16 of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

- 3 As such, the proposed development is in general accordance with policies G1, H1, H6, H7, C4, C6, A1, A4, D1, D2, E3, CC1, CC2, CC3, CC5, T1 and T2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016; and the National Planning Policy Framework 2018.
- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 You are reminded that you will need to obtain separate planning permission for the installation of new external extraction systems for the kitchen at basement level.
- 7 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 8 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours

Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 9 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer