PLANNING APPLICATIONS	Date	Classification		
COMMITTEE	13 January 2015	For General R	elease	
Report of		Wards involve	Wards involved	
Operational Director Development Planning		Maida Vale		
Subject of Report	Carlton Tavern, 33A C	Carlton Vale, Londor	n, NW6 5EU	
Proposal	Demolition of existing public house and redevelopment to provide a building comprising of basement, ground and four upper floors to provide a public house (Class A4) at ground floor and basement level and 10 residential units from basement to fourth floor levels; associated landscaping works and cycle parking.			
Agent	KR Planning			
On behalf of	CLTX Ltd			
Registered Number	14/05526/FULL	TP / PP No	TP/11621	
Date of Application	10.06.2014	Date amended/ completed	06.07.2014	
Category of Application	Major			
Historic Building Grade	Unlisted			
Conservation Area	Maida Vale			
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone			
Stress Area	Outside Stress Area			
Current Licensing Position	Not Applicable			

1. RECOMMENDATION

Refuse permission - failure to provide affordable housing.





CARLTON TAVERN, 33 CARLTON VALE, NW6

2. SUMMARY

The application relates to an unlisted public house located on the southern side of Carlton Vale. The site is located adjacent to the entrance to Paddington Recreation Ground, in a predominantly residential area.

The proposal seeks consent for the demolition of the existing public house building and the erection of a new building comprising basement, ground and four upper floors to provide a public house (Class A4) at ground floor and basement level and 10 residential units from basement to fourth floor levels; associated landscaping works and cycle parking.

The application raises the following key issues:

- Whether the loss of the existing public house and the proposed mixed use development including a smaller public house with residential accommodation is acceptable in land use terms:
- Whether adequate provision is made for affordable housing;
- Whether the loss of the existing building and the proposed replacement building are acceptable in design and townscape terms;
- The impact of the proposals in terms of the amenity of neighbouring residents;
- The impact of the proposals in highways terms including car parking;
- The impact of the proposals in terms of landscaping including the loss of the existing trees
 on the site.

The proposal is considered acceptable in principle in land use terms due to the particular circumstances of the case, however, the application fails to make adequate provision for affordable housing. The loss of the existing building and the proposed replacement building are considered, on balance, to be acceptable in design and townscape terms. The proposals are considered acceptable with regard to amenity, highways and trees.

3. CONSULTATIONS

COUNCILLOR JAN PRENDERGAST

Objection. Design is visually disturbing, very ugly and unexceptional. Any new build schemes should be of the highest quality and this does not fit such a criteria. Not in a conservation area but the building is of historical interest, dating back to the Victorian era. Impact on Paddington Recreation Ground and parking.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection. Please take neighbours views into consideration.

ARBORICULTURAL MANAGER

Initial response:

Three Sycamore trees to be removed, one is decayed, however, the other two do not have any significant defects; removal of trees may be acceptable given their location and partially suppressed crowns, however, no space for new tree planting so it will represent a net loss of tree numbers. Financial contribution should be sought to fund new tree planting in the vicinity of the site. The proposed basement excavation may impact on root protection areas of one of the Trees of Heaven within the Recreation Ground.

Updated response (following receipt of additional information from applicant): Applicant's offer to contribute towards tree planting elsewhere is a reasonable alternative in this case. Do not consider that incursion into the root protection area of Tree of Heaven will cause any long term damage provided other tree protection measures are in place.

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BUILDING CONTROL

Structural method statement considered acceptable; common lobby will need smoke control system; natural ventilation will require external wall vents of smoke shaft in common lobby; access to refuse storage chambers should not be sited adjacent to escape routes or final exits or near to windows of flats.

CLEANSING MANAGER

Objection, the Eurobins are in the wrong orientation and would be more difficult for residents to open; sliding doors to waste store would not provide minimum free width and would be susceptible to damage.

ENVIRONMENTAL HEALTH

Holding objection; acoustic report should be submitted detailing the noise sensitive areas and the plant to be installed.

HIGHWAYS PLANNING MANAGER

Undesirable on transportation grounds but could be considered acceptable. Car parking levels on street in the vicinity are below the stress levels therefore any additional on-street parking can be absorbed into the surrounding street network. Residential cycle parking acceptable, cycle parking for commercial unit/visitors should be secure/weatherproof. Servicing acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 159; Total No. of Replies:2.

Two letters of objection received, on some/all of the following grounds:

Land Use:

- Only large function room in the area which was used very often but the current landlord will not let it for public use as he is trying to run the pub down.
- If pub is demolished there will most definitely not be another replacing it.
- Object as a neighbour and local who has used this beautiful pub for 15 years.

Design:

Such a lovely building of historic interest.

Highways:

 Parking already difficult for residents on Carlton Vale, concern that addition of 10 more flats will make it worse.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The proposed development site is a public house of basement, ground, first and second floor levels located on the southern side of Carlton Vale, adjacent to the entrance to Paddington Recreation Ground which wraps around the rear of the site. The site is not located within a conservation area, however, the Maida Vale Conservation Area is located immediately to the south of the site at Paddington Recreation Ground.

To either side of the site are buildings owned by Westminster City Council; Keith House to the west forms one of the blocks of Citywest Homes flats in the area whilst the former lodgekeepers house for the Recreation Ground is located to the east (approval has recently been granted to use this building as a dwelling for people on the housing waiting list). To the north of the site on the opposite side of Carlton Vale are another lower block of flats Peebles

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House and the residential care home Carlton Dene, with the Grade I listed St Augustine's Church further north.

The character of the surrounding area is predominantly residential, and the application site is the only commercial building located in the immediate vicinity.

4.2 Relevant History

A Certificate of Lawfulness in respect of the use of the premises was refused in October 2012 as it was considered that the existing use of the premises at that time comprised a mixed public house and shisha smoking establishment (sui generis) and therefore did not comprise a use falling within the lawful Class A4 use. A subsequent appeal was dismissed by the Planning Inspectorate.

Permission was granted in November 2011 for external alterations to windows and doors, new ramped access, replace external lighting, new metal gates to beer garden, new external landscaping and lighting within the beer garden.

Permission was granted in April 1984 for change of use of land adjoining the premises from garage to beer garden.

5. THE PROPOSAL

The scheme involves the complete demolition of the existing building and the erection of a new building of basement, ground and four upper floors, stepping down towards the side/rear. The new building would comprise a commercial Class A4 unit at part ground and basement floor levels with 10 residential units located to the rear of the commercial unit and at the upper floors.

Access to the flats would be via a dedicated residential entrance to the right hand side of the commercial unit, with bin and cycle storage immediately adjacent. Visitor cycle spaces are situated to the other side of the building. All of the units would benefit from either a garden or balcony/terrace. PV panels and green and brown roofs are proposed, and the side and rear of the site would be re-landscaped.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The building is currently in use as a public house, the Carlton Tavern (Class A4), and the proposed redevelopment is for commercial (Class A4) and residential purposes (Class C3) to provide 10 flats.

6.1.1 Loss of Existing Public House

The City Council has policies which aim to protect traditional public houses which provide a valuable service to the local community. Given the location of this site outside of the Central Activities Zone, the designated shopping centres and NWEDA, Policies S13 of the City Plan and SS8 of the Unitary Development Plan (UDP) are relevant. Policy S13 states that these areas will be 'primarily for residential use with supporting social and community provision. Retail and other appropriate town centre uses will be directed towards the Major, District and Local Shopping Centres.' Policy SS8 (B) states that 'Loss of non-A1 retail uses, to residential, B1 or other uses which do not serve visiting members of the public, will only be permitted in isolated shop-type units.' The supporting text goes on at 7.98 to advise that 'Traditional public houses are generally considered to add to the character and function of a locality and their loss will only be acceptable if they have been vacant and marketed for at least 18 months without success.'

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In this case, the existing public house is not vacant, however, the recent history includes a number of planning enforcement issues, including the use of the rear beer garden for shisha smoking. The applicant also advises that the Hampstead and Westminster Hockey Club use the basement level for changing facilities and the upper floors appear to have been used for some ad hoc residential use (albeit not authorised in planning terms). The proposed scheme will involve the provision of a replacement Class A4 unit, which will have a smaller floorspace than the existing (194m2 GIA when compared with 347m2 as existing), however, in this peripheral location the loss of floorspace is considered acceptable. Policy S13 advises that this location is for primarily residential use with supporting facilities and that retail-type uses will be directed towards the designated shopping areas. As such overall, taking into account the recent history of the site, its location and the fact that a Class A4 premises is being reprovided, whilst the loss of the existing traditional public house is regrettable, it is not considered to warrant refusal in this particular case.

One letter of objection has been received to the loss of the existing public house, however, in the circumstances, as outlined above, it is not considered that a refusal on this ground is warranted.

Notwithstanding the fact that the site is currently in public house use, it is considered prudent given the proposed residential use on the upper floors to control the hours of use of the replacement Class A4 unit to between the hours of 09.00 and 23.00 on Mondays to Saturdays and between 10.00 and 22.30 on Sundays.

6.1.2 Provision of Residential

Given that no objection is raised to the loss of the existing public house and the reduction in floorspace for the proposed replacement Class A4 unit, the principle of residential use on the remainder of the site is acceptable in land use terms in accordance with Policy H3 of the UDP and S14 of the City Plan.

The proposal seeks to create 10 new residential units comprising of 3 x 1 bed, 2 x 2 bed, 4 x 3 bed and 1 x 4 bedroom units. This provision of 50% family sized unit accommodation exceeds the requirements of Policy H5 of the UDP and S15 of the City Plan. The size of the proposed units and the bedrooms will meet the minimum London Plan standards. The units will meet the minimum daylighting standards for Average Daylight Factor (ADF) recommended under the BRE guidance.

Policy S14 of the City Plan also seeks to optimise housing delivery. It is considered that the number of units has been maximised, taking into account the need to provide a good mix of unit sizes and adequate natural daylight and ventilation. The scheme involves the provision of a number of duplex units and one triplex unit, and all units will have at least two aspects. Overall it is considered that the units will provide a good standard of accommodation with adequate access to daylight, and the provision of gardens, terraces and balconies for external amenity is welcomed.

Affordable Housing

The proposal would result in a housing development in excess of 1,000m2 of gross external floorspace and with 10 units. As such, Policy S16 of the City Plan expects a proportion of the floorspace to be provided as affordable housing. It is noted that recent Government guidance suggests that schemes of 10 units will no longer be required to provide affordable housing, however, only where the floorspace is 1,000m2 or below. As such, this scheme still generates a requirement for affordable housing.

It is expected that affordable housing be provided on-site in accordance with Policy H4 and Policy S16. In this case, based on the total residential floorspace of 1,120m2 (GEA) and the City Council's Interim Guidance Note on Affordable Housing, there is a requirement for 80m2

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of affordable housing (or one unit based on an average unit size of 80m2) to be provided. This equates to a financial contribution of £271,000 towards the affordable housing fund based on the current unit sum of £251,000, should it be accepted that the other options in the policy cascade are not appropriate.

The applicant is not proposing to provide any affordable housing on site, or off site in the vicinity. They advise that Registered Providers will not normally take on individual units in a block due to the practical and management issues and the applicant does not appear to own other sites in the vicinity where affordable housing could be provided. As such, it is appropriate to seek a financial contribution towards the affordable housing fund in lieu of provision.

As outlined above, the scheme generates a requirement for a contribution of £271,000 towards the affordable housing fund. The applicant submitted a viability appraisal which indicated that such a contribution would not be viable. This appraisal was assessed independently by Lambert Smith Hampton (LSH) on behalf of the City Council. LSH have advised in their initial draft report that a full policy-compliant contribution would be viable. The applicant is in the process of reviewing the LSH report and are expected to provide further evidence in support of their case which will be reported verbally to Committee, however, as it stands, the application is considered unacceptable due to the failure to provide affordable housing on the basis that the independent viability consultant considers that a full policy-compliant contribution to the affordable housing fund is viable.

6.2 Townscape and Design

6.2.1 Existing building and site

The building currently occupying the site is a purpose built public house which dates from earlier in the 20th century. The building retains its original pub frontage to ground floor level which is attractive in itself and contains much original detailing such as the tiled fascias with integral lettering advertising the pub's name, and also leaded transom lights above the windows and other features of interest. The upper floors are not considered so successful in design, with a relatively small proportioned pediment to the front parapet somewhat overwhelmed in scale by the large and awkwardly proportioned gable to the side elevation which flanks the mansard to the roof, which in itself contains an asymmetrically located chimney stack. The building is not protected by a status as a listed building or location within a conservation area (although the Maida Vale Conservation Area includes the Paddington Recreation Ground to the south of the site). The applicant also advises that the building is in poor condition.

When constructed, the public house formed the end building in a run of traditional terraced houses. Since its original construction however, the surrounding area has been comprehensively redeveloped, and the building is now set within a townscape dominated by mid 20th century buildings with, aside from St Augustine's Church located approximately 100m to the north, all the original buildings replaced by modern styled blocks of flats. Carlton Vale itself appears to have been partly re-aligned at the time of this transformation, and the public house no longer follows the line of the road, but instead juts out at an angle to its western end, exposing an unattractive party wall to view from the west. The character of the wider area is also being further transformed with the very large scale redevelopments currently underway to the Brent side of Kilburn Park Road in relatively close proximity to the application site.

Overall the building retains a generally attractive appearance and some fine detailing, and is a rare traditional building in an area now defined by more modern buildings. Whilst the qualities of the existing building are noted and as such its loss is regrettable, given that it is not a listed building and is located outside of a conservation area, given the transformation of its original setting and relationship to Carlton Vale, and given also the form and layout of the building not

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allowing for a readily achievable extension and conversion for other uses, the loss of the building could potentially be considered acceptable subject to a replacement building of comparably high quality.

6.2.2 Building Lines

As set out above, the front elevation of the existing building lies in an orientation which followed that of the Victorian terraced properties which have since been demolished to its west side, and which followed the then line of Carlton Vale. Since the re-alignment of Carlton Vale, and the setback of the 1960s building to the west side (Keith House) much further from the pavement than the original terraced buildings, the west elevation of the existing pub now has its brick party wall, which was formerly enclosed within the adjoining terraced house, prominently jutting out into townscape views from further to the west. This is not an attractive feature of the existing building.

The front elevation of the new building proposed in this scheme steps back from the existing building line by 0.4m to the east end of the front elevation, and by 1.5m to the west end of the front elevation. This both helps align the new building better to Carlton Vale, and also sets it further back from the pavement edge to more closely follow the new building line established in the 1960s. The side elevation of the building presents one defined bay in the section of elevation forward of the line of Keith House, which will give a considered finish to the new view of the building from the west. The greater set back of the front elevation and the building line of the new development will more accurately follow the current line of the street which is a welcome benefit of the scheme in townscape terms.

6.2.3 Architectural Quality and Materials

The new building proposed in place of the existing public house building is a striking modern building designed with a visually strong concrete framework repeating across the elevations. This framework subdivides each elevation into a series of horizontally proportioned bays and within which are set the window glazing, solar shading fins and coloured solid infill panels which make up much of the character of the building. Though this gives a strong modular character to the elevations, there is nonetheless variation to the architectural approach across the elevations, principally through the massing of the building as it responds to its differing contexts on each side and also to differing heights to the ground floor and top floor, though still within a controlled framework of standard design features and a standardised palette of materials which gives an overall unity to the design of the building as a whole. Whilst contrasting starkly with the early 20th century design of the existing building, in this area of 1960s and more recent developments, the modern styling of the building is considered acceptable on balance.

The front elevation facing onto Carlton Vale is designed as a sheer elevation in a three bay wide composition which rises from ground floor up through the elevation, with only a series of balcony structures, balanced to either side of the central bay on the upper floors, breaking forward of the line of the elevation. This gives this front elevation a more formal townscape quality considered appropriate for fronting onto the principal street of Carlton Vale. The framework to the elevation incorporates a higher height to the ground floor to give a subtle distinction and greater presence to the base to the composition, and also a higher height to the top floor as it steps up to accommodate the parapet to the roof and in doing so gives a strong termination of the elevation. Overall, with the heights of the middle floors being subtly less, this gives a base, middle and top character to the composition which is considered attractive and appropriate. Particularly when seen from the west, the horizontal elements of the concrete frame will be seen in context with the horizontal banding of white coloured concrete which is the most prominent design element of the surrounding 1960s buildings and there are some efforts to integrate the building into the wider street scene. The edges of the balconies match the material, colour and width of the main framework to the elevation, and they thus integrate well with the design of the building, appearing as an extrusion of the main

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concrete frame rather than an add-on to the design. The safety screen to the balconies is formed in frameless glazing, without a handrail, to maintain the clarity of the architectural form.

To the rear of the building which faces towards Paddington Recreation Ground and the Maida Vale Conservation Area, the building does not continue the formality of the front elevation but instead its massing is broken up and it both steps down in height towards the park in a series of tiers, and also steps in from the east to follow the angled line of the approach road into the Recreation Ground. The flat roofs of each tiered floor level are used for terracing looking out towards the trees of the Recreation Ground. The impression of the building changing from the formal elevation to the street into a much more informal massing as it addresses the trees of the park is considered both an attractive design approach and also one which reduces the bulk of the building and allows for significant external amenity space for the flats.

The side elevation facing Keith House is almost fully enclosed by infill panels so as not to allow for overlooking or adversely affect the redevelopment potential of the adjacent site, with one complete bay visible beyond the line of Keith House giving a far more considered approach to views of the site from the west than the existing party wall of the former terraced house.

The roof will be significantly covered in photovoltaic panels, with a brown roof and the lift overrun covering the remaining areas. All these features sit below the height of the parapets and thus will not be visible from surrounding buildings and will not therefore clutter the roofline of the building.

In terms of the height of the building, the front elevation rises to fourth floor level, and its front elevation rises only marginally above the parapet line to Keith House which sits adjacent to the application site to the west. Though a much larger and bulkier building than the existing public house, in this context, and given the significant width of Carlton Vale, the height is considered appropriate in views from Carlton Vale. In views from Paddington Recreation Ground to the south, the building would not be visible above the tree line from almost all views with the exception of views from the access road and parking area of the Recreation Ground which are located immediately adjacent to the application site, and with the exception of a view across the sports pitches to the north west corner of the park from where there is a gap in the trees though the building will follow the building height of the adjacent Keith House and will not give rise to any significant increased bulk in views out from the park. As with Keith House adjacent, the new building will not break the tree line in principal views from the Recreation Ground and will not block vistas to the spire of St Augustine's Church to the north. The proposals are therefore considered in line with UDP Policy DES 12 (A) (4) which states that permission will only be granted for proposals adjacent to parks which will not project above existing tree or building lines, and the clear views possible from the access road and parking area adjacent to the application site, and the more limited view across the sports pitches, are not considered critical to a consideration of the visual impact of the new building under Policy DES 12.

The cladding materials of the building are, along with the overall styling, distinctly modern in character. The main frame will be in a light coloured concrete, with the main infill panels also in coloured concrete though sandblasted to give a greater impression of texture to the panels within the frame. The coloured panels are the most striking element of the building, and are chosen in a series of lighter and darker browns, with an accent colour in a red/brown colour. The exact finished materials would be secured by condition. The applicant has advised that it is the intention for the colours chosen for each panel to lighten as they rise up the building, which will give a rationale to the breakdown in the massing of the building. Concrete is a modern material and it is notable that surrounding buildings from the mid 20th century all use brickwork as a principal facing material, which has generally weathered well and gives a relatively mellow character to those buildings. The concrete facing proposed will certainly give the new building a different and more striking character, though notwithstanding their use of brick, the surrounding buildings do together give a modern character to the area and in these

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circumstances, and given the rationale for its use across the elevations as set out above, the use of concrete as a facing material and the approach to the use of colours set out in the submission is considered acceptable in balance.

Policy DES 7 in the UDP encourages the incorporation of public art into new developments, however, none has been offered as part of this development proposal. The applicant has been encouraged to bring forward a provision of any public art, however, no specific proposals have been brought forward. Though it is regrettable that the scheme does not include a specific public art contribution, to a relatively modestly scaled new building, it is not considered a reason to withhold permission in this case.

6.2.4 Conclusion

As outlined above, the existing building presents an attractive appearance, and retains an original and largely intact ground floor frontage with characteristic tiling and other attractive decorative work. The loss of this building would also represent the loss of the remaining historic building to this section of Carlton Vale. It is considered therefore that, notwithstanding the modern surroundings and the location outside of a conservation area, a relatively high quality new building would be required to fully compensate for the loss of the existing building.

The proposed new building does not incorporate comparable elements of fine quality decorative detailing in the manner of the tiling or other decorative works found in the existing building, but instead presents a relatively simply-detailed building formed of a regular framework of concrete framing with coloured panels, fins and glazing. Some striking visual interest will come from the inclusion of the coloured concrete panels set within a number of the bays, with the coloured panels generally lightening as they rise up the elevation, and with an element of texture to the elevations coming from their sandblasted form. The new building also has an attractive and well considered modeling to its overall form, with a main elevation fronting Carlton Vale and with transition to the more irregular massing to the rear of the site facing the park handled carefully. Also of note is the greater set back and stricter adherence to the line of Carlton Vale, which is a benefit of the current proposals.

Overall, notwithstanding the concerns raised by the local Ward Councillor, the building is considered of appropriate character and architectural quality for its context and notwithstanding the merits of the existing building the new development is considered acceptable in townscape and architectural terms.

6.3 Amenity (Daylight and Sunlight/Sense of Enclosure/Privacy/Noise and Disturbance)

Daylight and Sunlight

The proposed development is surrounded by residential buildings to the west, north and east.

UDP Policy ENV13 seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Regard is had to the Building Research Establishment (BRE) guidelines.

The applicant has submitted a Daylight and Sunlight Survey by Price and Myers in respect of the potential impact of the proposed development on the daylight and sunlight received by surrounding properties. The survey is based on the guidance set out in the BRE's "Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011).

6.3.1 Daylight

In assessing daylight measuring the Vertical Sky Component (VSC) is the most commonly

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used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The 'No Sky Line' method can also be used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. In this case the applicant has relied on the VSC test for daylight.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6m2) are of more concern than loss of light to non habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

45 Carlton Vale (Carlton Dene)

All tested windows will retain VSC levels in excess of 27% as a result of the proposed development as recommended by the BRE guidance, thereby retaining good levels of daylight and as such, any loss of daylight does not need to be examined.

Peebles House

All tested windows will retain VSC levels in excess of 27% as a result of the proposed development as recommended by the BRE guidance, thereby retaining good levels of daylight and as such, any loss of daylight does not need to be examined.

Keith House

A number of the tested windows currently have daylighting levels below 27% (i.e. windows on the north side of the building with values ranging from 11.51% to 13.22%), however, the daylighting levels will not be affected by the proposed development and as such, the proposal complies with the BRE guidance (which allows for losses of up to 20% of existing values in such circumstances).

Carlton House (former lodgekeepers house for Recreation Ground)

One window faces the application site and this window will retain a VSC level in excess of 27% as a result of the proposed development as recommended by the BRE guidance, thereby retaining good levels of daylight and as such, any loss of daylight does not need to be examined.

6.3.2 Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

45 Carlton Vale (Carlton Dene)

The sunlight results meet the recommended guidance.

Peebles House

The sunlight results meet the recommended guidance.

Keith House

The sunlight results meet the recommended guidance.

Carlton House (former lodgekeepers house for Recreation Ground)

Due to the orientation of the windows and the location of the application site, the sunlighting levels do not need to be tested in accordance with the BRE guidance.

6.3.3 Impact on external amenity areas

The applicant has assessed the potential impact of the new building in terms of sunlight to and overshadowing of external amenity areas for neighbouring buildings. In the case of both the nearest garden to the rear of Keith House and the garden for Carlton House, the amount of sunlight received as a result of the new building on the application site would comply with and exceed the requirements of the BRE guidance. Whilst the applicant has not assessed the impact on the Recreation Ground, given the results for the adjacent gardens and as the main Recreation Ground is some distance away, it is not considered that the proposal would have any significant impact in this regard.

6.3.4 Sense of Enclosure

The proposed new building on the site would be of an increased height, bulk and scale than the existing, in particular the profile adjacent to Keith House would change, as the new building would extend much deeper into the plot than the existing. As such, it has the potential to impact on the sense of enclosure to neighbouring windows.

The new building would extend much deeper into the plot than the existing, however, the bulk would be broken up by the stepping of the building to the rear and in from the boundary with Keith House. Given the separation between the buildings it is not considered that the proposed additional bulk would result in any significant increased sense of enclosure to habitable room windows at Keith House. The building is located a sufficient distance away from windows at 45 Carlton Vale, Peebles House and Carlton House.

6.3.5 Privacy

The proposals include garden areas, terraces and balconies at various levels.

The courtyards and gardens at basement and ground floor levels to the side and rear would be well contained by boundary walls and would not result in overlooking to neighbouring properties.

At rear second, third and fourth floor levels roof terraces are proposed over the stepped elements. The terraces are set in from the boundaries and due to their location and the orientation of the buildings, they will not allow for direct overlooking to windows at either Keith House or Carlton House. Balconies are proposed to the front and side of the building at various levels. The balconies to the right hand side of the front elevation would be located in relatively close proximity to Keith House and would be forward of that building, however, given the separation and the oblique angle it is not considered that the relationship is so detrimental as to warrant refusal.

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Windows, some with Juliet balconies, are proposed to all four elevations. Those to the front, east side and rear would not result in any potential for overlooking given the distance to neighbouring buildings and as the rear elevation would overlook the Recreation Ground.

The most sensitive elevation is the western elevation facing Keith House. The extent of glazing to this elevation has been kept to a minimum in order to protect privacy and so as not to unduly compromise the ability to redevelop the neighbouring site. A small number of windows are proposed, however, and these are dealt with in turn. At ground floor level windows will serve the lobby area and stairs for Flats 1-3; these windows are non-habitable and will be largely contained behind the boundary treatment. At first floor level a window and glass balustrade for Bedroom 2 within Flat 3 is proposed and a similar arrangement is proposed for Flat 2 beyond. These windows are set away from the boundary and will not directly overlook windows at Keith House; whilst they may allow for some overlooking of the amenity to the rear of that building it is not considered that this would be so significant as to warrant refusal. At second floor level a secondary window with glass balustrade serving the main living room and kitchen for Flat 2 would face towards the boundary with Keith House; again this window would not allow for direct overlooking to windows within Keith House due to its location facing the blank flank wall. The other windows to the western elevation are slot windows which do not raise amenity concerns.

Devices such as vertical fins are proposed to avoid overlooking between the new residential units. The inter-relationship between the units is considered acceptable.

6.3.6 Noise and disturbance

The applicant has provided an acoustic report detailing the measures to be undertaken to ensure that the Council's residential internal noise standards are met with regard to external noise sources (i.e. traffic), however, they have not provided details of the attenuation between the commercial unit at ground floor level and the residential accommodation above. Were the scheme otherwise considered acceptable, conditions would be recommended to require a supplementary report and to set the internal noise levels.

The application does not include the provision of external plant or machinery for either the commercial or residential units. Were such plant to be required, a new planning application would be required and full acoustic details provided. An Informative would be attached were the scheme otherwise considered acceptable to bring this to the applicant's attention.

On this basis, the proposals do not raise noise concerns.

6.4 Highways, Servicing and Parking

6.4.1 Car Parking

UDP Policy TRANS 23 requires a maximum of one parking space per residential unit. The scheme as submitted does not include provision for on-site car parking.

The Highways Planning Manager advised that, on the basis of the most recent parking surveys, the on-street parking stress in the area is below the 80% threshold and as such, the parking requirements associated with any additional residential units could be absorbed into the surrounding network. The stress levels are as follows: 85% at night (reducing to 65% using single yellow lines) and 61% by day.

The applicant has agreed to provide the Council's standard financial contribution of £1,000 per unit towards monitoring of parking levels in the area. Were the scheme considered acceptable in other respects, this could be secured by a legal agreement.

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The site is located within a Controlled Parking Zone which means that anyone who drives to the site will be subject to these controls.

6.4.2 Cycle Parking

The scheme includes the provision of 15 residential cycle spaces within the residential entrance. This is welcomed and would be secured by condition. The Highways Planning Manager has raised concern regarding the lack of cycle parking for the commercial unit (i.e. staff). The drawings indicate the provision of eight external spaces to the eastern side of the building and although they are not covered, it is not considered that it would be reasonable to refuse permission on this basis.

6.4.3 Waste and Recycling Storage

A residential bin store is proposed within the residential entrance. The Cleansing Manager initially raised concern about the layout of the bin storage area as the bins were shown in the wrong orientation and the sliding doors would not provide sufficient space and would be susceptible to damage. A condition could be attached requiring a revised plan to be provided were the scheme otherwise considered acceptable.

6.4.4 Servicing

The Highways Planning Manager has advised that as the servicing needs of the Class A4 unit will be similar to or less than the existing Class A4 unit, and as such, they do not raise any significant concerns. The largest regular vehicle expected to visit the residential element is expected to be a refuse vehicle, which will service the property in a similar manner to the existing use.

6.5 Economic Considerations

It is recognised that the proposals would deliver economic benefits to the area generally and make a positive contribution to the economy. The application involves issues of financial viability which are discussed elsewhere in this report.

6.6 Equalities and Diversities (including disabled access)

The proposed development will be designed to meet the requirements of the Equality Act 2010 and Building Regulations Part M and Approved Document M (2004), and incorporates the principles of inclusive design.

6.7 London Plan

The proposal does not raise strategic issues. Detailed matters are dealt with elsewhere in this report.

6.8 National Planning Policy Framework (NPPF)

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. The relevant policies in the

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City Plan which has replaced the Core Strategy have been discussed in this report and other policies in the previous report have not changed significantly. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.9 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject.

Were the application to be considered acceptable in all respects, a S106 legal agreement would be required to cover the following:

- Financial contribution towards parking surveys to monitor the on-street parking levels in the vicinity of the site (payable on commencement of development).
- Provision of a contribution towards street planting in the vicinity of the site (which may include street trees to the front of the site, including costs associated with the necessary highway approvals etc.) up to a cost of £6,000 index linked.

The proposed development is also liable for a Mayoral CIL payment.

The level of S106 financial contributions is in accordance with the City Council's adopted SPG on Planning Obligations, City Plan and London Plan policies. It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies, were the scheme to be considered acceptable in all other respects.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

6.10.1 Sustainability

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

Be Lean-Use less energy.

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- 2. Be Clean-Supply energy efficiently.
- 3. Be Green-Use renewable energy.

Policy 5.2 E of the London Plan states that where specific targets cannot be fully achieved onsite, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policy S39 of the City Plan states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least a 20% reduction in carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considered it not appropriate or practical due to site-specific considerations. However, it should be noted that the London Plan seeks 40% carbon reductions over the 2010 Building Regulations (equivalent to 35% carbon reductions over Part L of the 2013 Building Regulations – Target Emissions Rate).

The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles. With regard to a connection to a district energy network, the applicant advises that the site is located outside of the area covered by the South Kilburn heat network. It is unclear if any such network is planned in this area.

The scheme aims to deliver Code for Sustainable Homes Level 4 with a score of 74.99%, as evidenced by the pre-assessment standard. Were the scheme considered acceptable in other respects, a condition would be recommended to require the submission of a post construction certificate.

The scheme will meet the London Plan requirement for carbon reduction of 35% beyond the 2013 Building Regulations. The proposal involves the provision of the following sustainability features:

- Photovoltaic panels on the roof (for the residential element); and
- Air Source Heat Pumps (for the commercial unit).

It is considered that the proposed measures are acceptable and would be secured by condition.

6.10.2 Biodiversity including Trees

The rear of the site is currently occupied by a garden area (used as a beer garden) and includes a number of trees. The proposed excavation to provide basement level accommodation and the new development above ground will result in the loss of the three existing trees within the site. There are a number of trees adjacent to the boundary of the site within Paddington Recreation Ground.

The Arboricultural Manager initially advised that he had concerns regarding the potential impact of the excavation on the trees within the Recreation Ground due to the proximity of the excavation to the root protection areas of the trees. The applicant has provided further information and as such, the Arboricultural Manager is satisfied that the relationship will be acceptable, however, detailed conditions would be required were the scheme considered acceptable in other respects.

The loss of the existing trees within the site is regrettable and there is no scope for substantial replanting within the site itself due to the layout of the proposed development. However, the

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applicant has agreed to provide a contribution to allow for replanting to take place elsewhere in the vicinity, which may include new street tree(s) on the pavement to the front of the site, up to a cost of £6,000 index linked. Were the scheme otherwise acceptable, this could be secured by legal agreement.

The proposal involves the provision of a brown roof at main roof level and a green roof over the third floor flat roof to the eastern side of the building. This is welcomed and details of the installations could be secured by condition.

6.11 Other UDP/Westminster Policy Considerations

Construction Impact

In order to mitigate the impacts of the construction works on the site, a Construction Management Plan scoping document has been provided (as the contractor has not been selected and a further detailed plan will be prepared at a later stage).

The plan advises that the applicant intends to start work on site in early 2015 and estimates that works would take approximately 18 months. Two preliminary drawings have been provided to show the suggested routing of construction traffic via Kilburn Park Road and Carlton Vale, and showing the location of hoardings. The hoardings will be partially located on land owned by Westminster City Council and as such, separate approval will be required for this.

The Council's standard hours of works condition would apply, which would prevent basement works on Saturdays and all works on Sundays and Bank Holidays.

The submitted CMP is helpful, however, it is not fully detailed and as such, a more detailed plan would be required were the scheme otherwise considered acceptable. Notwithstanding this, it would not be reasonable to refuse permission on grounds relating to the construction phase.

Comments made by Building Control with regard to means of escape and ventilation etc relate to the Building Regulations.

6.12 Conclusion

Overall, the proposed redevelopment of the site for mixed commercial and residential use is considered acceptable in broad land use terms, however, the failure to provide affordable housing or a contribution in lieu to the affordable housing fund is not acceptable. The proposal is considered acceptable in terms of design, highways, amenity and sustainability. As such, the application is recommended for refusal.

BACKGROUND PAPERS

- 1. Application form.
- Email from Councillor Jan Prendergast dated 15 September 2014.
- 3. Response from Paddington Waterways and Maida Vale Society dated 31 August 2014.
- 4. Memoranda from Arboricultural Manager dated 30 October 2014 and 18 December 2014.
- 5. Memorandum from Building Control dated 14 August 2014.
- 6. Memorandum from Cleansing Manager dated 03 September 2014.
- 7. Memorandum from Environmental Health dated 28 August 2014.

- 8. Memorandum from Highways Planning Manager dated 11 August 2014.
- 9. Email from occupier of 56 Dibdin House dated 14 August 2014.
- 10. Email from occupier of 1 Helmsdale House, 43 Carlton Vale (on behalf of resident management organisation) dated 19 August 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT CLARAGH MULHERN ON 020 7641 2535 OR BY E-MAIL – cmulhern@westminster.gov.uk

DRAFT DECISION LETTER

Address: Carlton Tavern, 33A Carlton Vale, London, NW6 5EU

Proposal: Demolition of existing public house and redevelopment to provide a building

comprising of basement, ground and four upper floors to provide a public house (Class A4) at ground floor and basement levels and 10 residential units from basement to fourth floor levels; associated landscaping works and cycle parking.

Plan Nos: 001, 010, 011, 012, 031, 032, PH01 (for info), PH02 (for info), PH03 (for info), 109

F, 110 H, 111 G, 112 G, 113 G, 114 G, 115 F, 201 G, 202 A, 203 A, 204A, 301 G, 302 G, 303 G, 304 G. Planning Statement dated June 2014, Design and Access Statement dated May 2014, Construction Management Plan Scoping dated June 2014, Arboricultural Report dated 23 May 2014, Code for Sustainable Homes Pre-Assessment Report dated 06/06/2014, Energy Strategy Report dated 06 June 2014, External Noise Assessment dated 21 May 2014, Daylight and Sunlight Assessment dated 27 May 2014, Schedule of Areas, Servicing and Deliveries Report dated June

2014, Structural Methodology Statement (for info only).

Case Officer: Claragh Mulhern Direct Tel. No. 020 7641 2535

Recommended Reason for Refusal:

Reason:

Your development fails to make adequate provision for affordable housing, contrary to Policy S16 of Westminster's City Plan: Strategic Policies adopted November 2013 and Policy H4 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.























