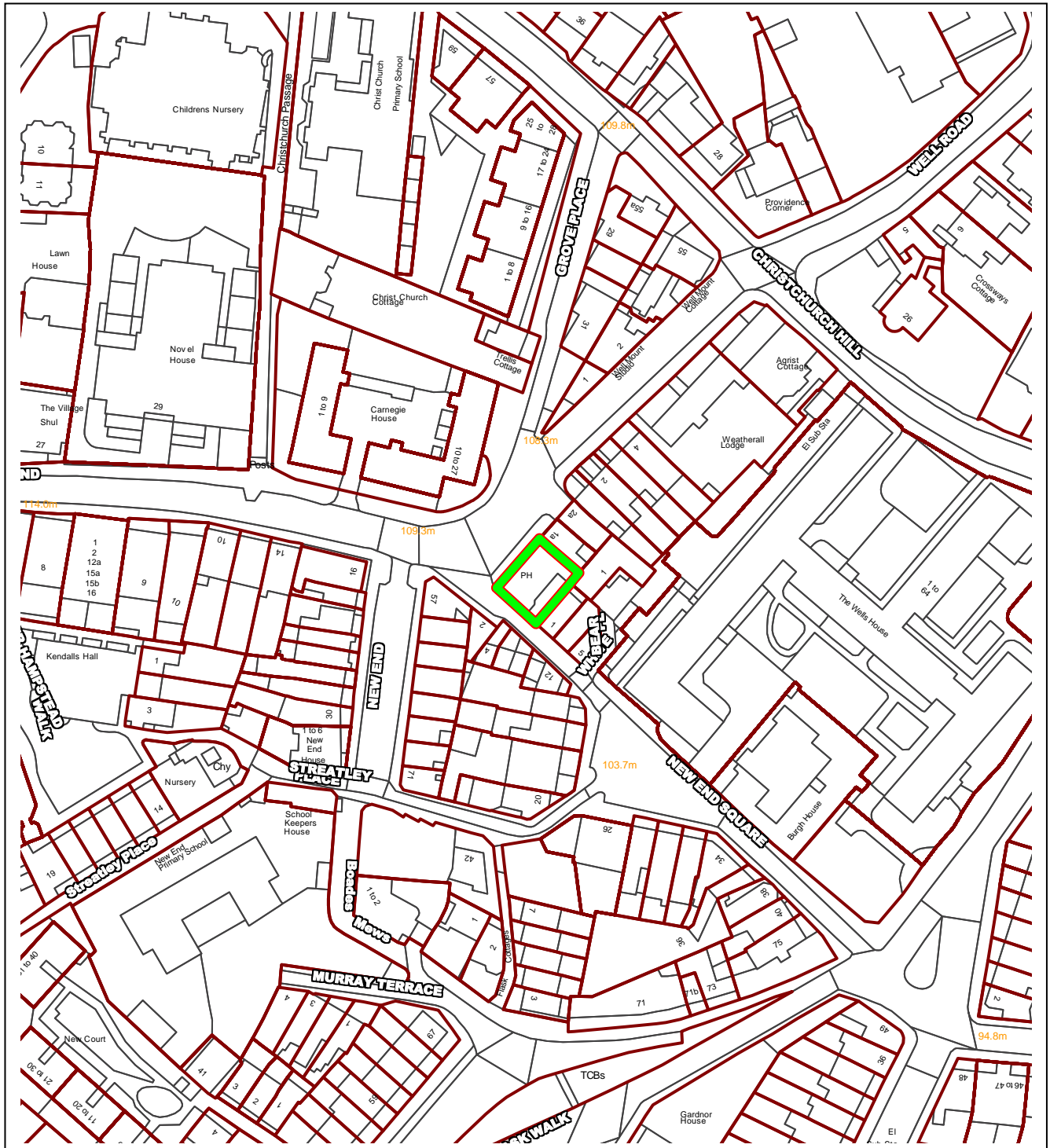


The Olde White Bear, Well Road 2022/2806/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



Figure 1: Application site, known as, Olde White Bear pub.



Figure 2: Existing Sui Generis entrance.



Figure 3: Gated entrance to Class E, F1 and Sui Generis uses off New End Square



Figure 4: Gated entrance to Class E, F1 and Sui Generis uses off New End Square



Figure 5: Ground Floor dining area of existing Pub



Figure 6: Ground floor of existing Pub



Figure 7: First Floor classroom (currently vacated)



Figure 8: Second Floor classroom (currently vacated)

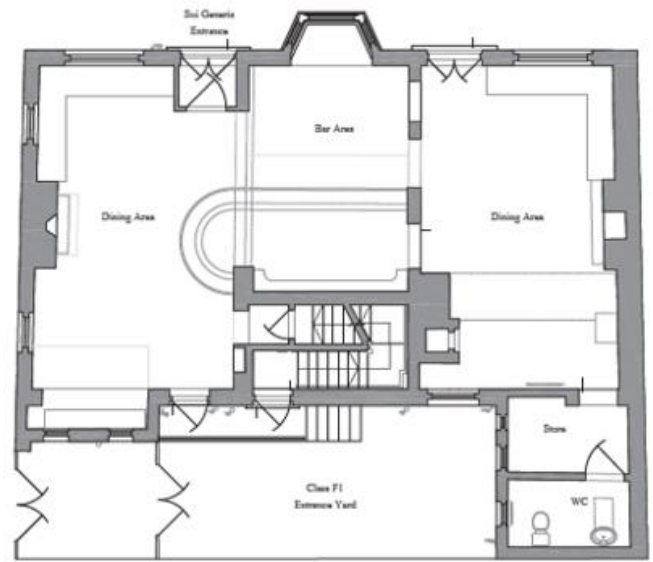
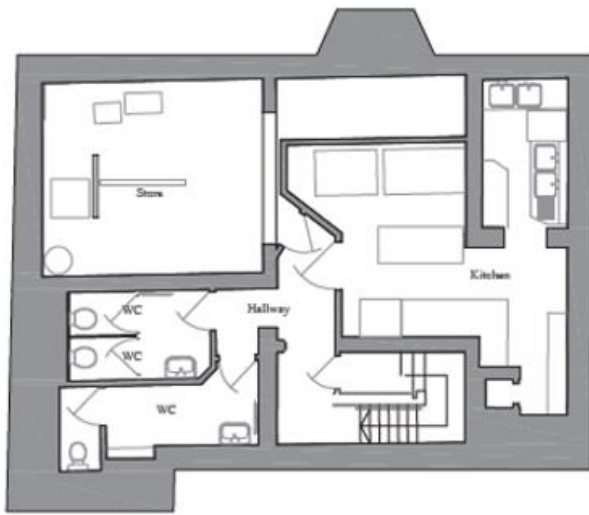


Figure 9: Existing Basement and Ground Floor Plans of Pub

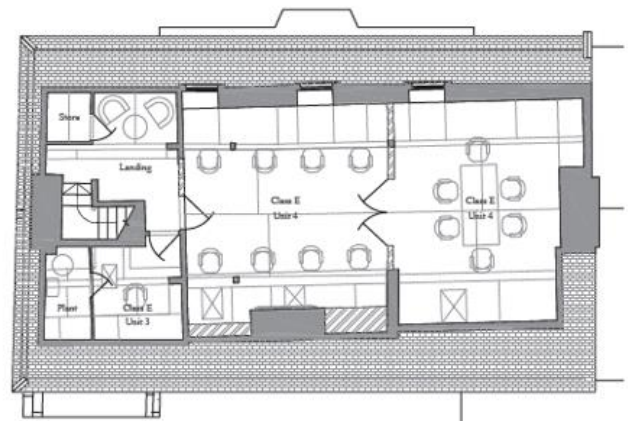
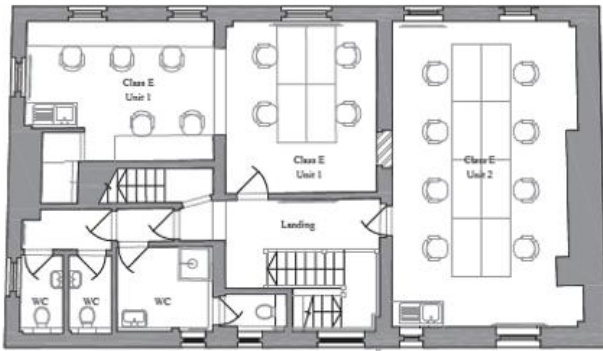


Figure 10: Option 1 - Proposed First and Second Floor (Class E)

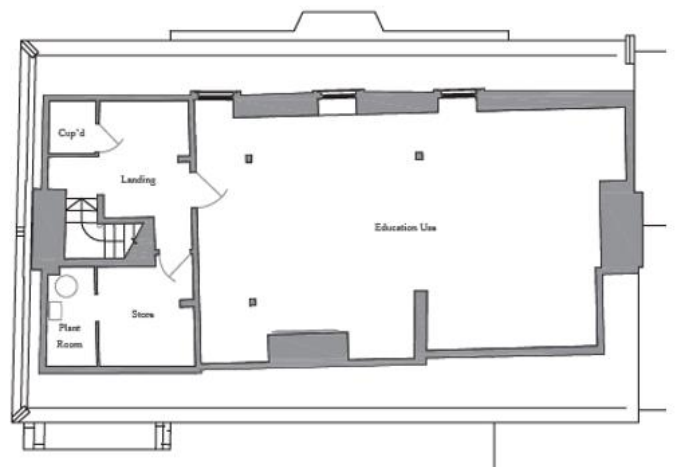
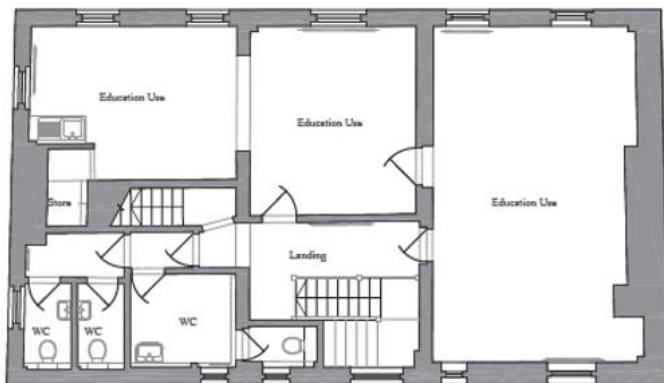


Figure 11: Option 2 - Proposed First and Second Floor (Class F1)

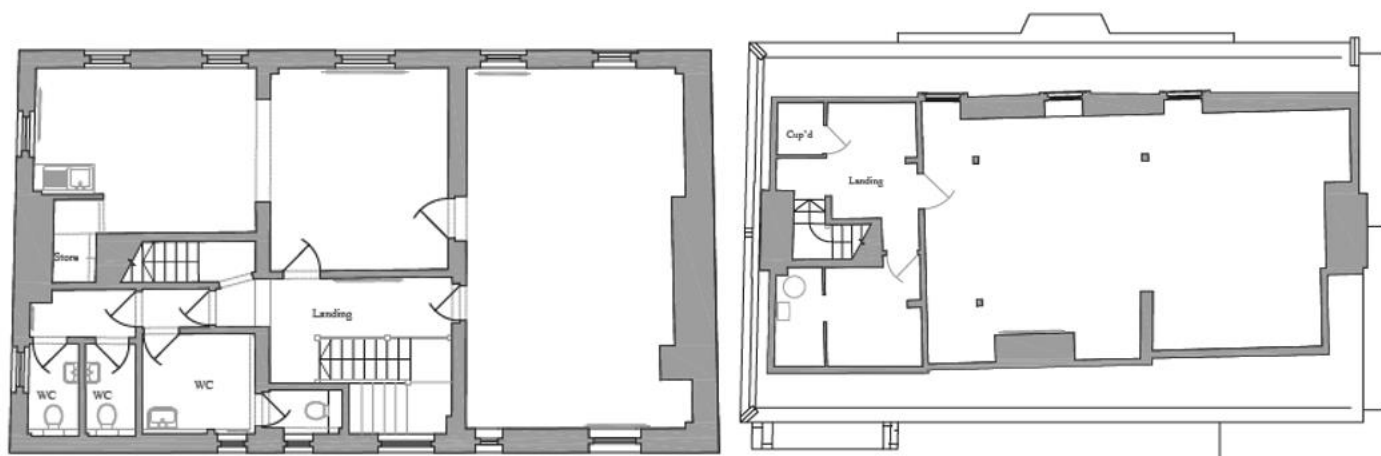


Figure 12: Option 3 - Proposed First and Second Floor (Sui Generis)

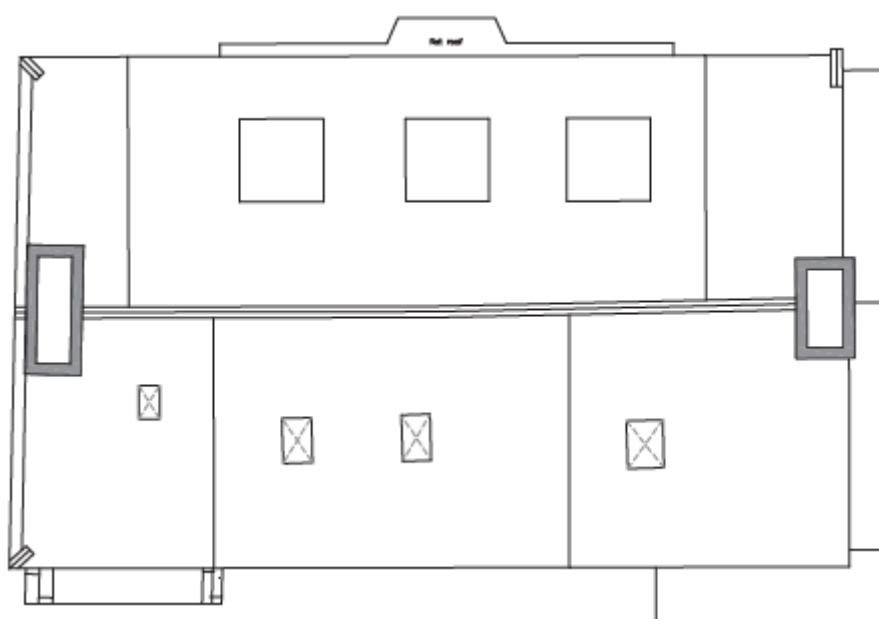


Figure 13: Existing & Proposed Roof Plan (No changes)

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	26/08/2022
		N/A		Consultation Expiry Date:	28/08/2022
Officer				Application Number(s)	
Alex Kresovic				2022/2806/P	
Application Address				Drawing Numbers	
The Olde White Bear, School and Premises 1st And 2nd Floor Well Road London NW3 1LJ				Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD		Authorised Officer Signature	
Proposal(s) Change of use of first and second floor to flexible education use (Class F1), office use (Class E), and public house (Sui Generis).					
Recommendation(s):		Grant Conditional Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	0	No. of objections	0
Summary of consultation responses:	<ul style="list-style-type: none">A press advert was published on 04/03/2022 (expiry 28/08/2022)A site notice was displayed on 03/03/2022 (expiry 27/08/2022) <p>No responses were received from neighbouring occupiers.</p>			
Save the White Bear Community Group	<p>Two objections were received from the Save the White Bear Community Group, as summarised below:</p> <ul style="list-style-type: none">By seeking Class C3 residential within the range of permitted users, the proposal offends the very rationale for the award in 2014 of Asset of Community Value (ACV) status for the pub (A4) Officer's response: <i>The residential component from the scheme has been removed.</i>Loss of the first-floor community use and second floor ancillary accommodation for pub staff. Officer's response: <i>The proposed continuation of the educational use would be materially different to an ancillary pub use, but would still be a community use, and would only occur during the day and during term time. As such it is not considered to have a harmful impact on the operation of the pub. It is noted, the educational use on the first and second floor was granted in 2016 under planning permission 2016/6345/P. It is considered that the alternative uses being proposed, Sui Generis (Public House) or Use Class E (Office), would also not be harmful to the ongoing operation of the pub.</i>There is no rationale and evidence for dual use of the first and second floors. Officer's response: <i>The dual use at the application site has been in operation since the granting of planning permissions 2015/3764/P and 2016/6345/P without any such issues. The use of the first and second floors are of community value and will assist in the operations of the pub.</i>Curtailing the pub's ambit to the lower and ground floor will restrict the pub's scale of operation and limit any future options it may have to sustain and improve its viability/profitability. Officer's response: <i>The application seeks a flexible permission for which would include the use Sui Generis (Public House) on the first and second floors.</i>			

Site Description

The application site is located on the southern side of Well Road, at the corner with New End Square. The property comprises a three-storey brick building, including a pitched roof. The building has been used as a Public House since c. 1704, with the basement and ground floor used as a pub, and the upper floors were originally used as ancillary landlord accommodation.

The upper floors have evolved to provide various community/educational uses and was last used as an educational use for the Heathside School during the daytime and during term time. It is noted that the first and second floors are currently vacant.

The site is located within Hampstead Conservation Area and is not listed. The building is noted as a 'Building which make a positive contribution' within the Conservation Area Appraisal. The pub was listed as an Asset of Community Value in January 2019. The site is also located within the Hampstead Neighbourhood Plan area.

Relevant History

APPLICATION SITE:

Application	Address	Description	Status
2016/6345/P	The Olde White Bear	Retention of public house (Use Class A4) at ground floor and basement; change of use of first and second floors from ancillary pub accommodation (Class A4) to dual educational use (Daytime - Monday to Friday) and ancillary pub use at all other times (Sui Generis); installation of a replacement side access gate (access from New End Square) to provide a dedicated access for the educational use from the rear of the building	Granted 10/01/2017
2015/3764/P	The Olde White Bear	Use of first and second floor for community use ancillary to the existing public house (Class C4). Certificate of Lawfulness	Granted 03/09/2015

Relevant policies

National Planning Policy Framework (2021)

London Plan 2021

Camden Local Plan 2017

G1 Delivery and location of growth
A1 Managing the impact of development
C2 Community Facilities
C4 Public Houses
E1 Economic Development
D1 Design
D2 Heritage
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development

Hampstead Neighbourhood Plan (HNP) 2018

HC2 Community facilities
DH1 Design
DH2 Conservation areas and listed buildings
TT4 Cycle and car ownership

Camden Planning Guidance

Community uses, leisure and pubs CPG (January 2021)
Amenity CPG (January 2021)
Design CPG (January 2021)
Transport CPG (January 2021)

1.0 Proposal

- 1.1 The applicant seeks permission for flexible use for either continued use of the first & second floor for Class F1 (education use), or alternative use as either public house use (Sui Generis) or office use (Use Class E).
- 1.2 The breakdown of the proposed uses is split into the below:
- 1.3 Class F1 (education use): Operate without any changes as granted under planning permission 2016/6345/P on the 10th of January 2017.
- 1.4 Class E (office use): The first floor would comprise three small office units and the second floor would comprise two office units with a smaller single office and a breakout meeting space. W/C facilities and a shower would be located at first floor level. Cycle storage and refuse storage would be located within the external yard space at the rear of the public house. This is an existing space which is secured by a gate. The total gross internal area (GIA) for an office use would be circa 159.7sqm.
- 1.5 Sui Generis (Public House): The upper floors as sui generis allows the pub to use the space as they need (as event space or landlord accommodation for the pub).
- 1.6 The ground and basement floors will be retained as a public house (Sui Generis) as existing, and this application relates to the first and second floors only.

2.0 Revisions

2.1 During the course of the application, the agent has submitted a revised scheme which deleted a proposed residential component from the upper floors due to the fact that the loss of the upper floors as ancillary space, with an ACV status, would not be supported for residential development.

3.0 Assessment

Loss of Existing Use

3.1 Policy C4 of the Local Plan states that applications involving the loss of pub floorspace, including facilities ancillary to the operation of the public house, will be resisted where this will adversely affect the operation of the pub. Local Plan Policy C2 states that the Council will ensure existing community facilities are retained recognising their benefit to the community unless; a replacement facility of a similar nature is provided that meets the needs of the local population or its current or intended users, or the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area.

3.2 The applicant has confirmed that the first and second floors were originally used as ancillary landlord accommodation, and consent was granted in 2015 to turn the space to a community use ancillary to the pub. Since then, the use of the upper floors have evolved to accommodate overspill from the Heathside Prep School adjacent, for use as temporary classrooms while undergoing construction works. It is noted the school has vacated the upper floors, however, with this permission, the school would be able continue the operations on the first and second floor, should the need to use the space become apparent.

3.3 Should the use of the first and second floors be used as a class E (office), this would not impact the operations of the pub and the space would be accessed via a separate entrance which was constructed when the school occupied the upper floors.

3.4 Should the use of the first and second floors be used as sui generis (public house), this would be as a result of the successful operations of the pub and an overspill of customers, and can be used for event functions, and/or be used for landlord accommodation for the pub, as initially was the case when the pub opened in 1704.

3.5 The pub will continue to operate at basement and ground floor levels and will not be impacted by the subject application. It is therefore considered that the use of the first and second floors will not impact the current or future operation of the pub and is likely to assist with the long-term operation of the pub at a more viable level. It is considered that the application is in accordance with Policy C2 and C4.

Design and Conservation

3.6 Policy D1 'Design' states that the Council will seek to secure high quality design in all cases. This policy states that in order to demonstrate high quality, developments should meet several criteria including: respecting local context and character; be sustainable and durable and comprise details and materials that are of high quality and complement the local character. It continues to state that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy D2 'Heritage' states that to maintain the

character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

3.7 The Hampstead Neighbourhood Plan (HNP) states at Policy DH1 that development proposals should demonstrate how they respect and enhance the local context of the relevant character areas by:

- a. Ensuring that design is sympathetic to established building lines and arrangements of front gardens, walls, railings or hedges.
- b. Incorporating and enhancing permeability in and around new developments to secure safe and convenient access for pedestrians and cyclists and avoiding lockable gates and fencing that restricts through access.
- c. Responding positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings.
- d. Protecting the amenity and privacy of neighbouring properties.
- e. Demonstrating how the proposal protects and enhances the views.

3.8 The existing building is a positive contributor to the character and appearance of the conservation area. The application proposals do not propose any external changes, and no additional floorspace is proposed. The Council's Conservation Officer has confirmed that they do not have any concerns relating to the proposals, as such it is considered there would not be any harm to the Hampstead Conservation Area and therefore comply with policy D1 and D2 of the Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan.

3.9 Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Principle of Proposed Uses

3.10 Office Use – One of the flexible uses proposed for the upper floors is Office use (Class E). Policy E1 of the Local Plan states that the Council will support the introduction of businesses of all sizes, including start-ups and small to medium sized enterprises.

3.11 The application drawings submitted indicate that the space would accommodate a number of small business units either for one business or a number of SME's or start-ups. The site is located just outside of the Hampstead town centre and is in an accessible area. The introduction of office use is considered to be complementary to the surrounding uses. A condition would prevent the site being used for alternative uses within Class E (such as retail/restaurant use) if planning permission is granted.

3.12 The application proposes an alternative use, that being, sui generis (public house) which would complement the site as it already in operation as a pub. Therefore, no concerns are raised should the entirety of the site be used as a pub.

3.13 Should the site continue to operate, without any changes, then it would continue as per the planning permission granted 2016/6345/P on the 10th of January 2017.

Amenity

3.14 Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. This is supported by CPG Amenity.

3.15 Given that the proposal does not incorporate any external changes or modifications, it is not considered that the development will have an impact on neighbouring amenity in terms of outlook or daylight/sunlight, nor result in a loss of privacy. The proposed flexible uses are similar to the existing uses at the site and are not considered to materially increase impact on neighbouring residents or result in undue noise disturbance compared to the existing situation. Therefore, the proposal is considered in accordance with policy A1 of the Local Plan.

Transport

3.16 The application proposes to provide five (5) long stay cycle parking for the upper floor uses. The cycle parking is proposed to be without any lifting (i.e., no vertical or wall racks) and is acceptable, however further detail is required. A condition has been included to secure such details. As such the application would comply with policy T1 and T2 of the Camden Local Plan 2017.

4.0 Conclusion

4.1 Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 26th June 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2022/2806/P
Contact: Alex Kresovic
Tel: 020 7974 3134
Email: Alex.Kresovic@camden.gov.uk
Date: 20 June 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE
Phone: 020 7974 4444
planning@camden.gov.uk
www.camden.gov.uk

Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**The Olde White Bear
School And Premises 1st And 2nd Floor
Well Road
London
NW3 1LJ**

DECISION

Proposal: Change of use of first and second floor to flexible education use (Class F1), office use (Class E), and public house (Sui Generis).

Drawing Nos: 0500-Site Location Plan, 0501-Block Plan, 0999-Existing Basement Floor Plan, 1000- Existing Ground Floor Plan, 1001-Existing First Floor Plan, 1002-Existing Second Floor Plan, 1003-Existing Roof Plan, 1999-Proposed Basement Plan, 2000-Proposed Ground Floor Plan, 2001-Proposed First Floor Plan, 2002-Proposed Second Floor Plan, 2001_E-Proposed First Floor Plan, 2002_E-Proposed Second Floor Plan, 2007-Proposed First Floor Plan, 2008-Proposed Second Floor Plan, 2003-Proposed Roof Plan.

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 shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

0500-Site Location Plan, 0501-Block Plan, 0999-Existing Basement Floor Plan, 1000- Existing Ground Floor Plan, 1001-Existing First Floor Plan, 1002-Existing Second Floor Plan, 1003-Existing Roof Plan, 1999-Proposed Basement Plan, 2000-Proposed Ground Floor Plan, 2001-Proposed First Floor Plan, 2002-Proposed Second Floor Plan, 2001_E-Proposed First Floor Plan, 2002_E-Proposed Second Floor Plan, 2007-Proposed First Floor Plan, 2008-Proposed Second Floor Plan, 2003-Proposed Roof Plan.

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

- 3 Before the development commences, details of secure and covered cycle storage area for five (5) 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 any 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.

- 4 Notwithstanding the provisions of Class E of the Schedule of the Town and Country Planning (Use Classes) Order 2015 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the proposed Flexible Class E/F1/Public House (Sui Generis) use hereby approved at first and second floor shall not be used for any purposes within Class E other than as an office.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises or immediate area by way of noise or disturbance, in accordance with policies G1, A1 and A4 of the Camden Local Plan 2017.

Informative(s):

- 1 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 2 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 3 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).
- 4 Under part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent amendments, the first and second floors can change between the education use (Class F1), office use (Class E), or public house use (Sui Generis) as shown on the floorplans hereby approved for 10 years without further planning permission (notwithstanding the provisions of condition 4 restricting class E use). The actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.

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 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer