

LDC (Proposed) Report		Application number	2013/4719/P
Officer		Expiry date	
Jason Traves		19/09/2013	
Application Address		Authorised Officer Signature	
The Sir Richard Steele Public House 97 Haverstock Hill London NW3 4RL			
Conservation Area		Article 4	
Proposal			
Conversion of first and second floors to 10 accommodation rooms ancillary to public house (Class A4).			
Recommendation:		Refuse 'Proposed' Cert. of Lawfulness	

Application Site

The application site is the Sir Richard Steele PH. It is a 3 storey end of terrace property and benefits from an additional basement level. A fenced and walled outdoor seating area is located to the side. The ground floor is bar and seating area as well as supporting areas including kitchen and toilets. An internal staircase rising to first floor which is a further bar area, and rooms currently used for storage and an office. The 2nd floor is occupied as accommodation for staff, with its own kitchen, bathroom, living room and bedrooms. These uses of different floors were confirmed as part of a site visit on 10 September 2013. Note that the basement was not inspected as it is marked as storage and there are no changes associated with this.

History

It is noted that there is a separate application being considered for change of use of the first and second floors from public house (Class A4) to create 2 x 1 bedroom and 2 x 2 bedroom flats (Class C3) (LB Camden ref: 2013/4715/P).

Assessment

The proposal is to convert the first and second floor to accommodation, being 10 ensuited accommodation rooms, which is proposed as being ancillary to the public house.

According to the application documents, the proposal would result in approximately 201sqm being retained as public house at ground floor and the upper floors which totals 320sqm including the staircase or 266sqm excluding the staircase, would be the 10 ensuited accommodation rooms.

The supporting information does not specify what the rooms are for and who will benefit from them especially given the 2nd floor is already serving an accommodation purpose for the ph being comprising 3 bedrooms, kitchen, bath, living room flat with access via the bar. Only the following is made clear:

“The second floor of the building is a flat. This is used as living accommodation for the existing Pub Manager. It is not a separate planning unit and can only be accessed through the pub at first floor level.”

“The objective of this certificate is to confirm that the first and second floors of the application site can be converted from their existing public house (Class A4) use to ancillary accommodation rooms without the need for planning permission.”

“The applicant is the owner of the entire building. As such, both the pub and accommodation rooms will be part of the same building and use from a planning, property ownership and day to day management perspective.”

In addition, although the supporting Iceni letter dated 24.07.13 says *“The premises would not be changed at all at ground floor level”*, the proposed plans received show various changes at ground floor, including the sectioning off of the accommodation staircase from the rest of the PH and using an exist doorway through the garden.

In consideration of whether or not the accommodation rooms would be ancillary, Circular 03/2005: Changes of use of buildings and land, states:

“Mixed uses

13. Where the primary use of land or premises is a mixture of different uses, such mixed use does not fall into any of the classes set out in the amended Order. The use will therefore be sui generis.”

It further states:

“THE CLASSES OF THE AMENDED ORDER

...

Class C1: Hotels

59. The C1: Hotels use class remains unchanged from the original 1987 Order (as amended by SI 1994/724 which removed hostels from this classification). The C1: Hotels class includes not only hotels, but also motels, bed and breakfast premises, boarding and guest houses. These are premises which provide a room as temporary accommodation on a commercial, fee-paying basis, where meals can be provided but where residential care is not provided. In addition, short-term (i.e. purchased at a nightly rate with no deposit against damage being required) self-contained accommodation, sometimes called Apart-Hotels, will also fall into this class.”

Because of the extent of the floor area given over to accommodation, it consider that it is not ancillary the public house and would make the site a mixed use, or *sui genrris* development. It would be made up of the public house element (Class A4) as well as the accommodation component (Class C1). In addition, a change of use to *sui generis* is not permitted development having regard to the Town and Country Planning (General Permitted Development) Order 1995.

It is further noted that the submitted plans show the division of pub use and accommodation access at ground floor. The accommodation rooms would benefit from their own exclusive entrance via the garden, thereby negating the need for users to pass through the ground floor

bar area. It is possible that this may be a discrepancy given what is said in the Iceni letter. However, this would not change the view that the proposal constitutes a mixed use development.

As such, the council cannot grant the certificate which is otherwise dependant upon on the accommodation being ancillary to the use as a PH.

Recommendation: Refuse 'Proposed' Cert. of Lawfulness.