



Appeal Decisions

Site visit made on 19 February 2008

by **C J HOILE** MA(Oxon) MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
29 February 2008

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Appeal A Ref: APP/X5210/A/07/2056174
100-102 Arlington Road and 16-18 Delancey Street, London NW1 7HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by The I H Barclay Discretionary Settlement against the decision of the Council of the London Borough of Camden.
- The application Ref: 2006/5312/P, dated 23 November 2006, was refused by notice dated 21 March 2007.
- The development proposed is described in the decision notice as demolition of the Crown and Goose public house and the snooker hall and erection of a new part 3-storey, part 4-storey building to create 1 x A3 unit at ground floor level and 10 x residential units on upper floors.

Appeal B Ref: APP/X5210/E/07/2056173
100-102 Arlington Road and 16-18 Delancey Street, London NW1 7HP

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by The I H Barclay Discretionary Settlement against the decision of the Council of the London Borough of Camden.
- The application Ref: 2006/5766/C, dated 19 December 2006, was refused by notice dated 21 March 2007.
- The demolition proposed is that of the Crown and Goose public house and the snooker hall.

Decision

1. I allow Appeal A. I grant planning permission for the demolition of the Crown and Goose public house and the snooker hall and erection of a new part 3-storey, part 4-storey building to create 1 x A3 unit at ground floor level and 10 x residential units on upper floors at 100-102 Arlington Road and 16-18 Delancey Street, London NW1 7HP, in accordance with the terms of the application, Ref: 2006/5312/P, dated 23 November 2006, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. No development shall take place until samples of the materials to be used in the construction of all external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

3. No persons/customers shall be on the premises in connection with the A3 use between midnight and 0800 hours the following day on Mondays to Saturdays, and between 2300 hours and 0900 hours on Sundays and Bank Holidays, and no sound emanating from these premises shall be audible within any adjoining premises between these hours.
 4. No music shall be played on the premises at any time of year in such a way as to be audible within any adjoining premises or on the adjoining highway.
 5. The A3 use hereby permitted shall not begin before full details of the scheme for the ventilation of and the extraction of fumes from the premises to an adequate outlet level, including details of sound attenuation for any necessary plant, have been submitted to and approved in writing by the local planning authority, nor until the works thereby approved have been carried out in accordance with that approval, unless subsequently otherwise approved in writing by that local planning authority.
 6. No development shall take place until: (a) the appellants have submitted a programme of ground investigation for the presence of soil and ground water contamination and landfill gas for approval by the local planning authority; and (b) the investigation has been carried out in accordance with the approved details and the results and remediation measures have been submitted to and approved in writing by the local planning authority, and the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved in writing by that local planning authority.
 7. Noise levels at a point 1 metre external to the nearest adjoining façades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(a), when all plant/equipment are in operation. If the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (e.g. whine, hiss, screech, hum) and/or if there are distinct impulses (e.g. bangs, clicks, clatters, thumps) then the noise levels from that piece of plant/equipment at a point 1 metre external to the nearest adjoining façades shall be at least 10dB(A) below the LA90, expressed in dB(A).
2. I allow Appeal B. I grant conservation area consent for demolition of the Crown and Goose public house and the snooker hall on the development site at 100-102 Arlington Road and 16-18 Delancey Street, London NW1 7HP, in accordance with the terms of the application Ref: 2006/5766/C, dated 19 December 2006, and the plans submitted, subject to the following conditions:
1. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and all details required by conditions of the planning permission granted in these decisions for the redevelopment for which the contract provides have been approved by the local planning authority.
 2. No works shall take place until the appellants have secured the implementation of a programme of recording and historic analysis which considers building structure, architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of

investigation submitted by the appellants and approved by the local planning authority.

Main Issue

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Camden Town Conservation Area, within which the appeal site lies. From what I have seen and read, I consider that the main issue in these appeals is whether there are strong planning or design reasons why the proposed mix of uses should not replace what exists on site at present.

Reasons

4. I have read the policies mentioned in the Council's decisions, from the adopted 2006 Replacement Unitary Development Plan and find the intentions of all of them relevant and worthy of support. I have also read and taken into account the Camden Town Conservation Area Statement, Food and Drink Entertainment Uses Supplementary Planning Guidance, and other background documentation in the evidence.
5. The site contains three structures. On the Arlington Street frontage there is: (i) a visually undistinguished infill building dating from the 1980s - No. 102; (ii) the C20th public house - No. 100; and (iii) the double height, single storey hall on Delancey Street, said to be of very late C19th date, which has had a number of uses in its lifetime. This is the third set of proposals for the site. The Council refused previous applications in 2003 and 2005, both of which sought a Class 3 use at ground floor level and residential upper floors. The second application went to appeal, and the decision was to dismiss the appeal – concerning a part 3-, part 4-storey building for a café/restaurant on the ground floor and 10 residential units above – on grounds of detailed design only; the Inspector did not raise concerns about the bulk and massing of the scheme, or the principle of demolition.
6. The present appeal scheme would have an A3 Use (café or restaurant) on the ground and basement floors, and the 10 residential units would be 4 x 1-bed, 5 x 2-bed, and 1 x 3-bed. The elevations would be faced with London stock brickwork, with timber windows and doors.
7. The Council's decision notices on the planning and conservation area consent applications contain no reason criticising the design, height or massing of the development proposed. Like Council Officers in their report on the application I consider that the present scheme consciously addresses the criticism of the Inspector in his 2005 decision, about detailed design, notably in not overstating its presence in relation to the fine Grade II listed tram shed at No. 104 Arlington Road.
8. I note that in the 2006 Revised Camden Town Conservation Area Statement Consultation Draft, which I am told has now been adopted, the public house and the hall are designated as making a positive contribution, whereas previously they had been considered to make a neutral contribution. However, the Officers' report on the application makes it clear that the such designation is not akin to any kind of statutory protection, and that the buildings "are at

the more neutral end of such a scale of assessment and have been primarily acknowledged as making a positive contribution on the basis of their association by historic use". I see this as a very tepid endorsement of the architectural or townscape merits of the existing development on site. The public house is a no more and no less than a decent visual component of the present streetscape, but lacks any real visual distinction. The snooker hall building has an elevation to Delancey Street of some visual interest; it retains most elements of a design subdividing the rendered wall surface into bays by means of applied classical ornament of a debased kind, with ugly later elements inserted into it. Its interior is without any elements of real interest. Though not very well maintained, it appeared, on the evidence of a necessarily brief visit, not to be actually decrepit.

9. My site visit convinces me that the proposed scheme, well designed and incorporating amendments following discussions with Council officers and the CAAC, would actually enhance the character or appearance of this part of the Camden Town Conservation Area to a small but significant degree; thus, I find no strong or convincing argument in the representations to justify dismissing the appeal to retain existing buildings. I note that the Officer's report on the application also found that the new scheme would enhance the character and appearance of the Conservation Area.
10. The snooker club on site is a facility with 1-pool and 7-snooker tables. Reason for refusal 1 in the planning application decision says there has not been information given to justify the loss of the snooker club on site, and that the proposals do not replace it. Of course, as an activity falling within the Class D2 use, a snooker facility is only one of a number of possible uses of the premises, though practical considerations suggest to me that, of the uses set down, only a gymnasium or other indoor sport or leisure use – which might, as the appellants state, be an amusement arcade – would be realistic possibilities to replace it at the existing premises.
11. The appellants have provided a full background on this matter, while the Council's evidence in its Appeal Statement – that "it is evident from the representations received that there is a strong demand for the existing club" – verges on the anecdotal in its scantiness. Of course, I have read all the third party representations made at the application and appeal stage, but these also are unhelpful in assessing the viability or real popularity of the commercial snooker club use.
12. In an appeal based on written representations only, which the two main parties have opted for here, I am restricted to considering written evidence only, untested by cross-examination or other purposeful questioning. The appellants' substantial written evidence tells of the operator of the Club up to 2006 being only able to pay a rent well below market level, because of viability problems, and of the subsequent operator being unable to pay anything more. Although I cannot be sure what will happen, it is said the present lease will expire in June 2008 and the premises' use as a snooker club will terminate.
13. I accept the thrust of evidence produced by the appellants that shows a decline in the trend for playing snooker and other cue sports in public. Snooker clubs appear to be sparsely dispersed across central and north London, but the evidence is that there are two clubs within 2 miles of the appeal premises, and

seven within 4 miles, which suggests that those who want to play could still find alternatives without undue difficulty.

14. I have paid careful attention to the wording of Policy C4A and the relevant supporting text about the protection of leisure activities. "Leisure activities" is an extraordinarily wide category. The only specific activity in the category to be mentioned is theatre. Snooker and kindred commercially operated table games are activities dependent on a public willing to pay an economic price for them, and in this part of London land and premises are not cheap. In the particular circumstances of this case, I find no sound planning case has been made to justify forcing the appellants to continue such a use on this site, given that other outlets exist within relatively easy travelling distance. They appellants intend to provide an alternative leisure use of the site which I see as being suitable for this particular locality.
15. A completed Unilateral Undertaking of 18 December 2007 has been submitted by the appellants. By this, they covenant that the housing will be always occupied by persons knowing that they will not be granted residents' parking permits. It also ensures: payment of the appropriate educational and Public Open Space contributions; the implementation of a servicing management plan; that the dwellings will be designed to lifetime home standards; a construction management plan; a sustainability plan; and a renewable energy plan. I find it deals adequately with the matters set out in reasons for refusal 2-6 in the planning application decision.
16. My decision incorporates the gist of those conditions suggested by the Council which, given the existence of the Unilateral Undertaking, are necessary, relevant to planning and the development permitted, reasonable, precise and enforceable.

Conclusions

17. For the reasons given above I conclude that both appeals should be allowed.

C J HOILE

INSPECTOR