

Retention of pub garden / seating area  
Land Adj. Prince Arthur Public House,  
80-82 Eversholt Street, LB Camden

Planning Statement

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## 1.1 INTRODUCTION

- 1.1.1 This planning application proposes the retention of the use of the land adjoin the Prince Arthur Pubic House as a seating area used by patrons of the Prince Arthur Pub at 80-82 Eversholt Street.
- 1.1.2 The lessee of the public house (Mr Niksar) has been using the land for a considerable period of time. Recent correspondence with Camden Council Planning Enforcement officer (Cilpa Beechhook) advised that the use was unauthorised, and after discussion with the relevant officer it was agreed that a planning application would be submitted to regularise the matter.
- 1.1.3 Arc planning has been appointed to prepare and submit the planning application. This short statement forms one element of that submission. Also submitted are;
- Location Plan 1:1250
  - Block Plan: 1:200
  - Photographs of land (see Appendix A)
  - Application forms, certificates and Notices
  - Application Fee (£385)

## 1.2 THE SITE AND SURROUNDINGS

- 1.2.1 The Prince Arthur Pub is located at the Corner of Eversholt Street and Phoenix Road, Somers Town, some 300 metres from the main Euston Road (A501) facing onto the blank side elevation of Euston Station. The property adjoins the Roman Catholic Church of St Aloysius (20 Phoenix Road).
- 1.2.2 The Prince Arthur Pub is a three storey red brick building with an attractive timber and glazed frontage at ground floor and timber sash windows to upper floors.
- 1.2.3 It is a popular and busy pub which also provides accommodation. The only outside space to the pub is located to the north in a hard surfaced area set back from the road and forward of the flank wall of the St Aloysius Catholic Church.
- 1.2.4 The seating area measures 12.6 metres x 4.2 metres and accommodates approximately 10 tables for customers.

## 1.3 BACKGROUND TO THE PLANNING APPLICATION

- 1.3.1 Previously enclosed by a low timber rail it became necessary to enclose the seating area to ensure customers did not cause disruption to pedestrians by spilling over to the public footpath. It also provides a pleasant environment for customers to sit and drink screened from the bust road and high level of traffic on Eversholt Street in particular.
- 1.3.2 Following discussions with the Councils Enforcement Officer, the height of fencing adjoining the highway is currently being altered to a below 1 metre in height to accord with Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

- 1.3.3 A subsequent discussion with the Councils Enforcement Officer identified that the use of the land was unauthorised and that it was necessary to submit a planning application to regularise the situation.

#### 1.4 THE DEVELOPMENT

- 1.4.1 The Block Plan shows the area of land used for outdoor seating. The proposed development is for;

***The retention of the use of land at corner of Eversholt Street and Phoenix Road, for outdoor seating area associated with the Prince Arthur Public House, 80-82 Eversholt Street, London NW11BX***

#### 1.5 PLANNING HISTORY

- 1.5.1 The area of land the subject of this application has an extensive planning history, of relevance to the proposals contained in this application and is summarised in the table below.

Reference No	Address	Description	Decision / Date
CA.1222	86 Eversholt Street	Two non-illuminated hoarding panels, both having an overall height of 14'0" and length of 25'6".	Consent Granted 19/02/1969
PL/850275/R1	Prince Arthur Public House, 80-82 Eversholt Street, NW1	The use for a limited period of the forecourt adjacent to the immediate north of the public house as a sitting out area.	Granted 09 May 1986 for limited period expiring 30 <sup>th</sup> April 1989
PL/8900209/	Prince Arthur Public House, 80-82 Eversholt Street, NW1	To continue the use of the forecourt adjacent to the immediate north of the public house as a sitting out area	Granted 20 <sup>th</sup> September 1989 for a limited period expiring 31 <sup>st</sup> August 1994.
2004/3737/P	86 Eversholt Street, London NW1 1BX	Retrospective application for the change of use of an existing car park to a commercial contract car park for 4 vehicles	Refused 24 November 2004
2004/5169/P	Land located at 86 Eversholt Street, London NW1 1BX	Certificate of lawfulness for the existing use of the forecourt as a car park,	Refused 15 February 2005
2008/1488/P	80 Eversholt Street, London NW1 1BX	Alterations and additions including relocation of external stairs, erection of a terrace area including the provision of railings along the front elevation of the public house for use as a terrace and installation of metal security gates at front ground floor level.	Refused 22 May 2008

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- 1.5.2 It can be seen from the above, that a part of the area of land included in this application has previously been granted planning permission for use as a sitting out area in connection with the Prince Arthur Public House. This was subsequently renewed and although this expired in August 1994, has been in place since this date. It is therefore lawful. It is considered appropriate to include this area within the current application in order to regularise the use of this land.
- 1.5.3 The planning history above also reveals that the use of the land has been the subject of applications for use as a commercial car park area for Euro Car Parks (owners of the site). The planning application was refused for 3 reasons;
1. The proposed contract car park by virtue of its Central London location, permanent nature and negative impact of pedestrian and road safety is contrary to policies TR15, TR19 and TR21 of the adopted London Borough of Camden Unitary Development Plan 2000.
  2. The scheme would introduce additional traffic movements onto and off Phoenix Road. Additional vehicle movements onto and off this busy road could be detrimental to Highway Safety. As such this is contrary to policy TR19 of the adopted London Borough of Camden UDP 2000.
  3. The location of the parking spaces and the consequent car movements necessary across the pedestrian footway, would be hazardous to pedestrians and would reduce the quality of the pedestrian environment around the site, contrary to policy TR21 of the adopted London Borough of Camden UDP 2000.
- 1.5.4 None of these issues and reasons for refusal would be present in this proposal. There is no car parking proposed on the site that could introduce additional vehicle movements. The existing pedestrian footway is retained and there is no impact upon the movement of pedestrians in the area.
- 1.5.5 Finally it is also apparent from previous photographic evidence (see appendix A) that the site has consistently been enclosed and used for various purposes, including as an area of land behind large advertisement hoardings (Photo A), enclosed amenity area (Photo B), car parking area (Photo C), and more recently as a seating area in association with the Prince Arthur Public House (Photo D). This application seeks planning permission to make lawful the existing use of the land and thereby also provide the Council with a greater degree of control in the future over its use.

## 1.6 PLANNING POLICIES

- 1.6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The section below provides a brief summary of relevant policies in this case and demonstrates that the proposals are in compliance with those policies.

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#### THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 1.6.2 The National Planning Policy Framework set out the Government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions
- 1.6.3 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.
- 1.6.4 Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.
- 1.6.5 Paragraph 70 states that;

*"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

*To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*...ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;"*

- 1.6.6 The National Planning Policy Framework (NPPF) therefore identifies pubs as important community facilities, and makes it clear that their unnecessary loss should be resisted.

#### THE LONDON PLAN

- 1.6.7 In July 2011 the Mayor published the replacement of the spatial development strategy for London – known as the London Plan. The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications by councils and the Mayor.
- 1.6.8 Revised Early Minor Alterations to the London Plan October 2013 On 11 October 2013, the Mayor published Revised Early Minor Alterations to the London Plan (REMA). From this date, the REMA are operative as formal alterations to the London Plan
- 1.6.9 Further Alterations to the London Plan January 2014 - On 15 January 2014, the Mayor published Draft Further Alterations to the London Plan (FALP) for a twelve-week period of public consultation.

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## LB CAMDEN DEVELOPMENT PLAN DOCUMENTS

- 1.6.10 Along with the London Plan, the existing development plan for LB Camden currently comprises the following documents;
- Camden Core Strategy 2010-2025
  - Camden Development Policies Adopted November 2010
- 1.6.11 The Council is preparing a new draft Local Plan which will replace the Core Strategy and Development Policies documents. The Council intends on publishing the draft of the Local Plan for comment in early 2015.
- 1.6.12 **Core Strategy Policy CS7** – Promoting Camden’s centres and shops is most relevant to this case. It states that the Council will;
- promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors by;*
- ... f) providing for, and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice;*
- 1.6.13 **Core Strategy Policy CS9** – Achieving a successful Central London states that the Council will;
- “support and promote the Central London area of Camden as a successful and vibrant part of the capital to live in, work in and visit. We will:*
- b) support Central London as a focus for Camden’s future growth in homes, offices, hotels, shops and other uses;...*
- c) seek to ensure that development in Central London, in the growth areas of King’s Cross, Euston, Tottenham Court Road and Holborn and beyond, contributes to London’s economic, social and cultural role while meeting the needs of local residents and respecting their quality of life;...*
- m) manage the location and concentration of food, drink and entertainment uses and their impact;*
- 1.6.14 **Development Policy DP12** builds on Core Strategy policy CS7 and the advice contained in national Planning Policy Statement (PPS) 6 – Planning for town centres (and any subsequent guidance) by setting out detailed approach to managing the impact of food, drink and entertainment uses and other uses suitable for centres.
- 1.6.15 It is therefore important to refer to Core Strategy policy CS7 and PPS6 (now the NPPF) alongside policy DP12. Policy DP12 states that;
- The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. We will consider:*

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*... b) the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;*

*c) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;*

*d) parking, stopping and servicing and the effect of the development on ease of movement on the footpath;*

*e) noise and vibration generated either inside or outside of the site;...*

*g) the potential for crime and anti-social behaviour, including littering;*

- 1.6.16 Policy DP12 recognises that the use of planning conditions or obligations can be beneficial in ensuring that any remaining impact is controlled. To manage potential harm to amenity or the local area, Policy DP12 states that the Council will, in appropriate cases, use planning conditions and obligations to address the following issues:

*h) hours of operation;*

*i) noise/vibration, fumes and the siting of plant and machinery;*

*j) the storage and disposal of refuse and customer litter;*

*k) tables and chairs outside of premises;*

*l) community safety;*

- 1.6.17 Camden Planning Guidance (CPG) provides advice and information on how we will apply our planning policies. We have prepared the Camden Planning Guidance to support the policies in our Local Development Framework (LDF).

- 1.6.18 **CPG 5 Town Centres, Retail and Employment**, Chapter 6 refers to Food, drink and entertainment uses. It indicates that Food, drink and entertainment uses should be located in areas where their impact can be minimised and that planning conditions and legal agreements will be used to control the impact of food, drink and entertainment uses.

- 1.6.19 For all applications for such uses the Council will assess the potential impacts of the proposal on local amenity, the character and function of the area and its overall mix of uses.

- 1.6.20 Planning conditions and legal agreements will be used wherever the Council considers they are needed to ensure that food and drink uses and licensed entertainment do not, individually or cumulatively, harm the character of an area.

- 1.6.21 Controls that may be used by the Council include tables and chairs. The CPG recognises that tables and chairs placed outside buildings can be beneficial in providing alternative facilities for dining and drinking and contributing to the vibrancy and character of an area.

- 1.6.22 However the guidance suggests that outdoor seating areas may also generate negative impacts in terms of;

- expanding or intensifying food and drink uses,
- users generating noise leading to a loss of residential amenity,



- obstructing the footway, particularly for people with disabilities, creating an impediment to street cleaning and rubbish collection, and
- providing areas of opportunities for crime and anti-social behaviour like begging and theft.

1.6.23 For planning applications in designated town centres the Council may attach a condition which limits the hours of operation for tables and chairs. This may be up until 11.00pm depending on the individual circumstances of the planning application.

## 1.7 COMPLIANCE WITH POLICY

1.7.1 From the above policy analysis it is clear that the following matters are the principal considerations in the determination of this application

- *Does the use of the land as a seating out area in association with the Public House cause harm to the character, function, vitality and viability of the local area or the amenity of neighbours by reason of;*
  - *the cumulative impact of food, drink and entertainment uses*
  - *the impact of the development on nearby residential uses and amenity*
  - *parking, stopping and servicing and the effect of the development on ease of movement on the footpath*
  - *noise and vibration generated either inside or outside of the site*
  - *the potential for crime and anti-social behaviour, including littering*
- *Can the use of planning conditions address any of the above issues*

### CUMULATIVE IMPACT

1.7.2 There are only a limited number of food and drink uses within the area, including some 4 small cafes / restaurants stretching along the Eversholt Street frontage north to Aldenham Street and South to Doric Way. It is not therefore considered that the additional seating area would result in a cumulative impact arising from existing uses.

### IMPACT UPON RESIDENTIAL AMENITY

1.7.3 It is of note that planning permission for outside seating areas at the site was previously granted on two occasions on a temporary basis. There has been no record of noise and disturbance arising from the use of the site during this time.

1.7.4 The nearest residential properties in relation to the site are those flats at 201 Eversholt Street, at the corner of Phoenix Road and Eversholt Street. There is no evidence of any noise and disturbance arising from the use of the seating area that has been in operation for some 5 years.

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#### PARKING AND SERVICING

- 1.7.5 The site does not form part of the public highway, but is on private land. No part of the development affects parking, servicing or pedestrian movement along the footpath on Eversholt Street or Phoenix Road. Indeed the site is enclosed to ensure that any customers using the area do not encroach upon the footpath and will not inconvenience pedestrians.

#### NOISE, ANTI-SOCIAL BEHAVIOUR AND LITTERING

- 1.7.6 It is recognised that conflicts can arise from activity from food and drink establishments, due to the borough's densely developed, mixed use nature. However the proposed seating area is not in close proximity to residential properties that might otherwise be affected by night-time activity. The nearest residential properties in relation to the site are those flats at 201 Eversholt Street, at the corner of Phoenix Road and Eversholt Street. There is no evidence of any noise and disturbance arising from the use of the seating area that it is believed to have been in operation since 2009.

#### THE USE OF CONDITIONS

- 1.7.7 There are currently conditions and restrictions on the use of the premises as set out in the premises licence as regulated by Camden Council as regulating authority (See Appendix B).
- 1.7.8 It is suggested that a number of planning conditions can be imposed to supplement these controls to help minimise the effect of the proposed use on the amenity of any nearby residents, including;
- **Hours of operation** – It would be reasonable to limit the hours of use of the area to 11pm
  - **Tables and Chairs** – It would be reasonable to limit the number of tables to 10
  - **Contribution to litter / refuse facilities** – The pub already takes measures to ensure that no litter is created by customers outside the site.

#### BENEFITS OF THE PROPOSAL

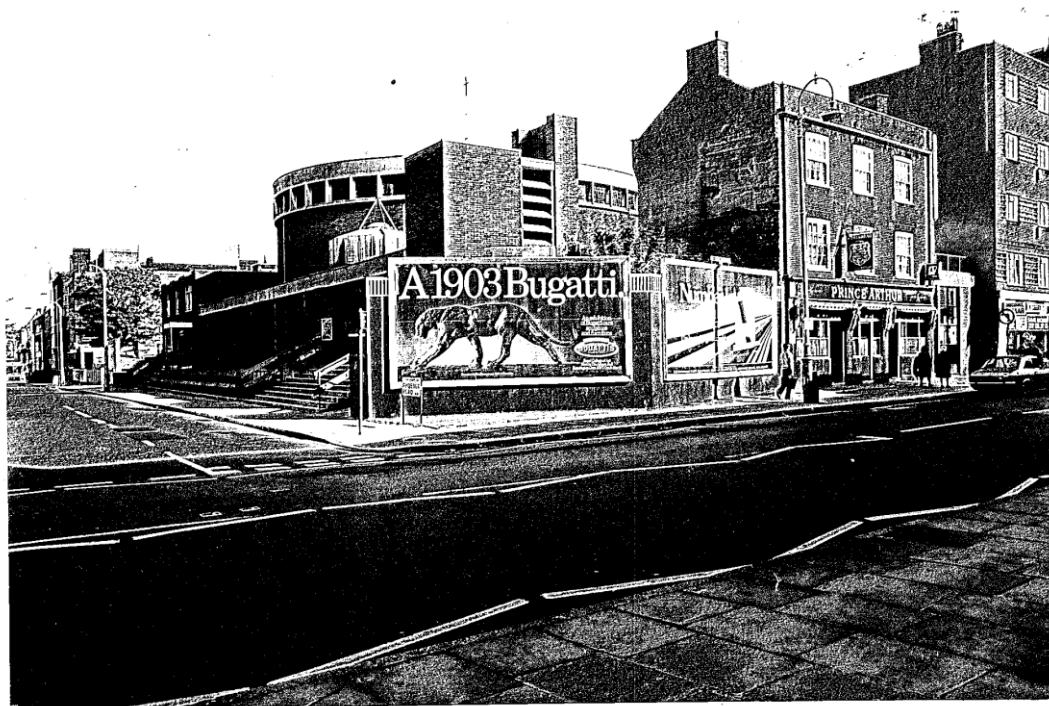
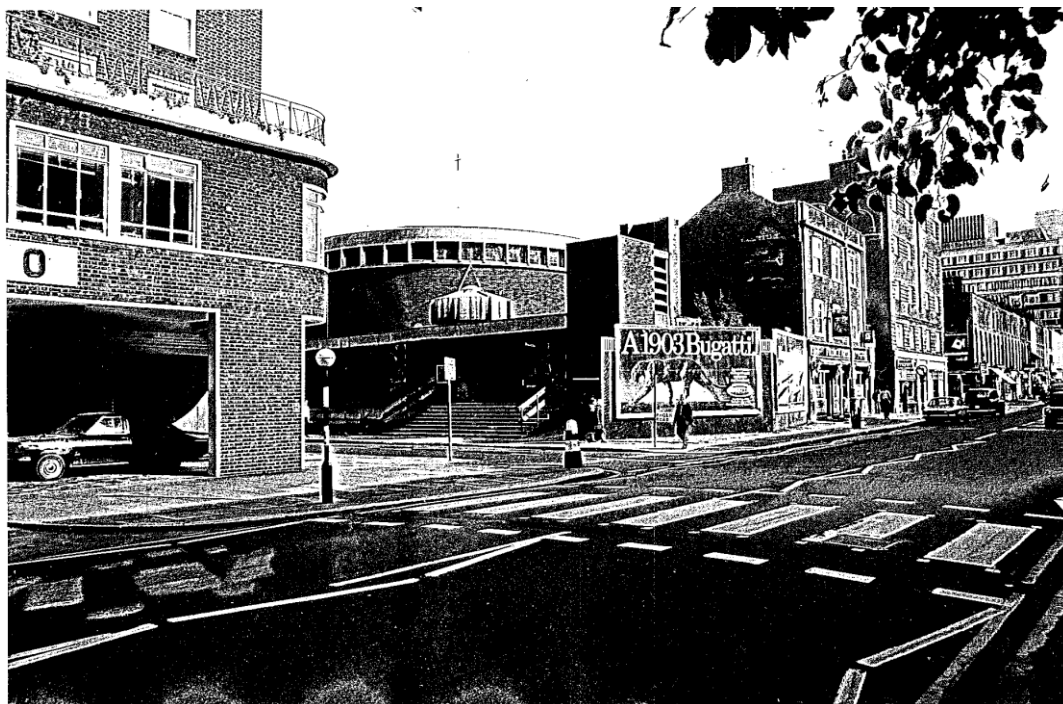
- 1.7.9 The additional seating area for the Prince Arthur Public House will contribute to the vibrancy and attractiveness of the borough.
- 1.7.10 Camden's image as a dynamic and attractive place is in part due to the number and quality of restaurants, bars and entertainment venues in the Borough, and these play an important part in the night time economy of Camden and of London, socially, economically and in terms of job provision. The seating area will add to that vibrancy of Eversholt Street. This is especially important given the long, blank unanimated face of Euston Station on the opposite side of the road.

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- 1.7.11 The additional seating area is critical to the future economic viability of the Prince Arthur Public House, especially in the summer months, when customers wish to enjoy drinking outside. The retention of the seating area is important to ensure that the role of the pub as an important community facility is safeguarded.
  - 1.7.12 The pub currently employs 5 staff working in the bar during a week, increasing to 7 during the summer time because of the increased activity generated significantly by the presence of the beer garden.

## 1.8 SUMMARY AND CONCLUSIONS

- 1.8.1 The additional seating area for the Prince Arthur Public House proposed within this application will contribute to the vibrancy and attractiveness of the borough. The public house plays an important part in the night time economy of Camden, socially, economically and in terms of job provision.
- 1.8.2 The seating area is critical to the economic viability of the pub, and attracts a significant number of customers especially in the summer months.
- 1.8.3 The application is retrospective, and the Council have not provided any correspondence that indicates that there has been any local opposition or compliant over the use of the land over the time which the outside seating area has been in place.
- 1.8.4 The land the subject of this application has been in a mix of uses over previous years and this application seeks to formalise the use and provides the Planning Authority with an opportunity to secure greater degree of control over the use of the land in the future, through the imposition of planning conditions.
- 1.8.5 With these conditions in place it is considered that the proposals can operate without harm to residential amenity or with any impact upon anti-social behaviour. The proposals are in accordance with policies CS7, CS9 of the Camden Core Strategy policy DP12 of the Development Policies.
- 1.8.6 The proposals would assist in securing the long term future of this important community facility in accordance with para. 70-of the National Planning Policy Framework.

## Appendix A - Photographs of the Site



*Photo A: Advertisement Hoardings (1969)*



*Photo B: Fenced Area 1986*



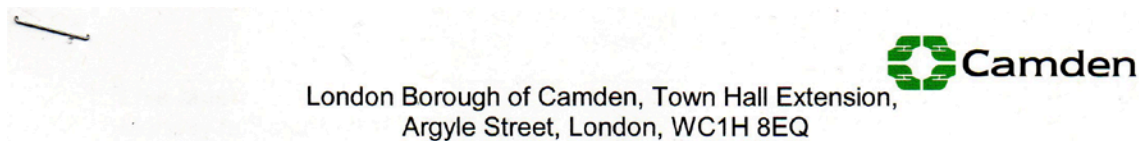


*Photo C: Euro Car Parks Area 2004/5*



*Photo D: Fenced Seating Area, Prince Arthur Pub (2009)*

## Appendix B Premises Licence



**Premises Licence**  
London Borough of Camden Licensing Authority

**Premises licence number** PREM-LIC\2313

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Prince Arthur  
80-82 EVERS Holt STREET  
LONDON  
NW1 1BX

**Telephone number** 020 7387 2165

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol  
Live Music  
Recorded Music  
Performances of dance  
Anything of a similar description to live and recorded music and performances of dance  
Provision of facilities for making music  
Provision of facilities for dancing  
Provision of facilities for anything of a similar description to making music and dancing  
Indoor Sporting events

**The times the licence authorises the carrying out of licensable activities**

**Sale by Retail of Alcohol:**

Monday to Thursday: 10.00-01.00  
Friday to Saturday: 10.00-02.00  
Sunday: 12.00-00.00

**Alcohol seasonal variations:**

Sunday of any public holiday weekend: 12.00-02.00 with a 60 minute drinking up time.  
Christmas Eve and Boxing Day: 10.00-03.00 with a 60 minute drinking up time.  
Christmas Day and New Year's Day: 12.00-15.00 and 17.00-23.00 with 30 minutes drinking up time.

consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: 1/2 pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

## **Annex 2 - Conditions consistent with the operating schedule**

12. The tills of the premises shall face the bar to enable staff to view the premises at all times.
13. Regular glass collection shall be undertaken by staff.
14. The premises shall only have 1 amplifier unit and two speakers on site.
15. The speakers shall have limiters fitted in them, preventing high levels of volume.
16. All windows and curtains shall be closed by 11pm.
17. The bass level on the amplifier shall be turned down at 11pm.
18. The amplifier unit shall remain under the control of the premises at all times to ensure no noise outbreak occurs.
19. The fence shall remain well maintained at the north to prevent noise outbreak.
20. Entry into the pub shall only be permitted for persons aged 21 years and over, and any person who does not appear to be 21 years or older will be asked for identification.
21. That any well known trouble makers shall be identified and shall be barred from the premises.
22. That CCTV shall be in operation, maintained regularly, and of good working order at the premises.
23. All electrical and gas items on the premises shall be inspected and certified as safe.
24. A pest control log shall remain on site, and shall be updated whenever appropriate.
25. Fire extinguishers shall remain positioned on every floor.
26. An accident log book shall remain on site, and will be updated when appropriate.
27. The fire exit on the first floor of the premises shall be maintained, and kept in







. chartered town planning .

Christopher Bean BA (Hons) MRTPI MAUD, 34b York Way, Kings Cross, London N19AB

Tel: 01279 833451 Mobile: 07534138851 Email: [chrisbean@arcplanning.co.uk](mailto:chrisbean@arcplanning.co.uk)

<http://arcplanning.co.uk/>

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