

Delegated Report		Analysis sheet		Expiry Date:		02/02/2015	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		30/12/2014	
Officer				Application Number(s)			
Jennifer Chivers				2014/7001/P			
Application Address				Drawing Numbers			
Prince Arthur Public House 80 Eversholt Street London NW1 1BX							
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
The retention of the use of land at the corner of Eversholt Street and Phoenix Road, (86 Eversholt Street) for an outdoor seating area associated with the Prince Arthur Public House.							
Recommendation(s):		Grant Planning Permission subject to conditions.					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	49	No. of responses	3	No. of objections	2
Summary of consultation responses:	<p>The owner/occupiers of 5 Rochester Terrace has commented on the application on the following grounds:</p> <p>I recommend that an extra condition be imposed that no smoking is allowed in this space. Please will Camden's Planning Department consult the Camden Department of Public Health for advice/support on imposing this condition.</p> <p>Officer Comment: <i>If a condition was imposed to restrict smoking in the outdoor garden, this would result in patrons relocating to the highway and disposing of their cigarettes onto the street. If smokers are allowed to smoke within the beer garden it would result in the property having better control over the waste and use of the area. In addition, the Council would have no ability to enforce this condition. Furthermore, the objectors property is located approximately 1.2 miles from the subject site.</i></p> <p>The owner/occupiers of 87 Oakshott Court has objected to the application on the following grounds:</p> <p>This certificate of lawfulness fails to comply with policy DP24 of Camden development Policy – 'securing high quality design. I am not against a beer garden and think this is a good idea - however the boundary treatment should at least respect the surrounding buildings. These include the modernist St. Aloysius church - referenced in Pevsner's 'North London' series of architectural guides and the public house itself. The current fence erected is the type normally not seen on a busy main road through the borough and the design is normally associated with domestic rear gardens - not visible in the public realm. Eversholt Street is a prominent road in the borough and as such the council should demand a high standard of design. Allowing this style of fence to be approved will only make the street worse rather than an opportunity for improvement. On the basis of the design of the fence I object to this application. A simple black metal fence would be more appropriate than a household garden fence.</p> <p>Officer Comment: <i>This application is only for the retention of the beer garden and the use of the space. Council's enforcement officer has investigated the fence and subsequently had the fence reduced in height.</i></p> <p><u>Cllr Robinson ward Councillor for St Pancras and Somers Town Ward</u></p> <p>As one of the ward councillors for St Pancras and Somers Town I am of the impression that this piece of land is part of the St Aloysius Church and in any case if it is not then having a seating area for a public house right next to the Church is not acceptable.</p> <p>Officer Comment: <i>The church has not made any representation and it is understood that the land has had a long history of different uses.</i></p>					
CAAC/Local groups* comments: *Please Specify	No comments received					

Site Description

The application relates to a three-storey red brick Public House (use class A4) located on the east side of Eversholt Street, opposite the blank side of Euston Railway Station, approximately 300 metres from the main Euston Road. The property adjoins the Roman Catholic Church of St Aloysius (20 Phoenix Road). The only outdoor space is provided 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.

The site is not located within any conservation area but falls within the Central London Area and the Eversholt Street Neighbourhood Centre.

The surrounding area is commercial in character and with some residential.

Relevant History

PL850275/R1 – The use for a limited period of the forecourt adjacent to the immediate north of the public house as a sitting out area. Granted 9th May 1986 for a limited period expiring 30th April 1989

PL8900209 – To continue the use of the forecourt adjacent to the immediate north of the public house as a sitting out area – Granted 20th September 1989 for a limited period expiring 31st August 1994.

2004/3737/P – Retrospective application for the change of use of an existing car part to a commercial contract car park for 4 vehicles – Refused 24 November 2004.

2004/5159/P – Certificate of lawfulness for the existing use of the forecourt as a car park – Refused 15 February 2005.

2008/1488/P – 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.

Relevant policies

National Planning Policy Framework 2012

The London Plan March 2015, consolidated with alterations since 2011

LDF Core

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

CS7 - Promoting Camden's centres and shops

CS8 - Promoting a successful and inclusive Camden economy

CS9 - Achieving a successful Central London

CS14 - Promoting high quality places and conserving our heritage

Camden Development Policies

DP24 - Securing high quality design

DP26- Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011/2013

CPG1- Design

CPG6 - Amenity

Assessment

1.0 Background

- 1.1 Two previous planning applications have been granted for the use of this area in association with the public house. These were granted on a temporary basis 1986 and a subsequent approval in 1989 (expired in 1994).
- 1.2 An enforcement enquiry was received in relation to the installation of a 2 metre high wooden fence around the pub garden area in July 2014. This was investigated by officers and the breach was outlined to the owners. Subsequently the fence has been lowered to approximately 1.1 metres, retaining the wooden façade. It is noted that a fence of 1 metre in height could be constructed as permitted development, without the need for planning permission in this location.
- 1.3 It was subsequently discussed that the use of this space was unauthorised and required planning permission.
- 1.4 An application was refused in 2008 (2008/1488/P) for alterations and additions to the existing pub including erection of a terrace area including the provision of railings along the front elevation. This application is materially different to the current application as the erection of the terrace area was at first floor level requiring alterations to the pub façade. The reasons for refusal included the location and detailed design of the terrace and railings. There was no in principle objection identified to an outdoor garden area.

2.0 Proposal:

- 2.1 The application involves the retention of the use of the adjacent area to the existing pub as an outdoor pub garden.
- 2.2 The seated area measures 12.6 metres x 4.2 metres and can accommodate approximately 10 tables for customers.
- 2.3 The existing fence, which does not form part of this application, measures approximately 1.1 metres at its highest point (given the curved nature of the trellis).

3.0 Assessment:

- 3.1 The principal considerations material to the determination of this application are:
 - Principle of Use
 - Amenity
 - Transport

4.0 Principle of Use

- 4.1 Core Strategy policy CS7 states that food, drink and entertainment uses add to the diversity and vibrancy of Camden's centres and bring activity to them outside normal shop hours. These uses are important to the borough socially, culturally and economically, and contribute to Camden's image as a vibrant and attractive place. Food drink and entertainment uses, such as restaurants, pubs and bars are most appropriately located in commercial areas to minimise their impact on the amenity of local residents.
- 4.2 Additionally, the Council recognises that individual small-scale food and drink uses outside larger centres can be important local facilities, reducing the need to travel and providing community meeting places. It therefore considers that neighbourhood centres are suitable for small-scale food and drink uses which serve a local catchment, provided they do not cause harm to the surrounding area or residents.
- 4.3 Furthermore, Development Policy DP10 states that Camden has many individual shops, traditional pubs, cafés and small shopping and service parades, complementing the role of larger town and neighbourhood centres. These provide for the day-to-day needs of the local population, workers and visitors and help provide locally accessible facilities for people with mobility difficulties. They also play an important social role in the surrounding community, as well as contributing to the character and identity of the local area.
- 4.4 The land subject of the application has been a mix of uses over previous years and this application seeks to formalise the use and provide the opportunity to secure a greater degree of control over the use of the land in the future. In addition, the public house is located in an area that is mainly commercial in nature and is utilised by a number of local residents.
- 4.5 In order to support the future viability of the public house, the additional seating area is required as it is utilised by a number of patrons particularly over the summer months.
- 4.6 Therefore, the application is in accordance with Policies CS7 and DP10.

5.0 Amenity:

- 5.1 Core Strategy policy CS7 seeks to make sure that the impact of food, drink, entertainment and other town centre uses on residents and their local area is minimised. This is particularly important in Camden given the borough's wide range of bars, restaurants and entertainment venues, which are concentrated in our centres and central London, areas with significant residential communities.
- 5.2 This is supported by Policy DP12 which seeks to ensure that the development of food, drink and entertainment uses do not cause harm to the character, function and viability of a centre, the local area or the amenity of neighbours. In doing this, the Council will consider the cumulative impact of uses, including the number and distribution of existing and proposed uses, impact on nearby residential uses and amenity, parking and servicing, noise and vibration and potential fumes generated and the potential for antisocial behaviour.
- 5.3 Policy DP27 states that the Council will seek to ensure that noise and vibration is controlled and managed and will not grant permission for development likely to generate noise pollution or development sensitive to noise in locations with noise pollution, unless attenuation measures are provided.
- 5.4 The surrounding area is comprised of Euston train station to the west, commercial units to the south, with the church to the rear (east).
- 5.5 The nearest residential property is on the opposite side of Phoenix Road within St Richards House, 90-118 Eversholt Road. It would be approximately 20 metres from the outdoor garden area. The residential unit is located above an existing car servicing commercial unit and faces towards Euston Station.
- 5.6 The Council's Environmental Health team have confirmed that there have been no complaints regarding this venue for the last two years. This would coincide with the outdoor area being utilised since 2009 as a beer garden.
- 5.7 The opening hours of the pub are controlled by licensing and any noise complaints arising from the pub can be referred to the Environmental Health pollution team. However, the applicant has put forward proposed hours of operation for the outdoor area being from 10:00 – 22:00. It is considered these hours would help mitigate any potential harm that could arise. An appropriate condition would be applied to enforce this.
- 5.8 The area was enclosed by the timber fencing in order to ensure that customers did not cause disruption to pedestrians by spilling over to the public footpath. It also screens the garden from the busy road and traffic of Eversholt Street. The enclosed area also allows the public house to control patrons more easily, giving a defined space for use.
- 5.9 Therefore, the proposal complies with Council Policies CS7, DP12 and DP27.

6.0 Transport:

- 6.1 The site has a Public Transport Accessibility Level of (PTAL) 6b(excellent) and is located within a controlled parking zone. However, given the size and nature of the additional use there would be no adverse impact on the existing transport network.
- 6.2 The application does not propose to provide any off street cycle parking spaces in association with the use as the number of people employed and size proposed is under the thresholds set out in the London Plan 2015.

7.0 Conclusion

- 7.1 Based on the above, it is considered that the development would not result in any harm to the amenities of the area and therefore the application is in accordance with CS7 and DP10, DP12 and DP27.

Decision route to be decided by nominated members on Monday 8th June 2015. For further information please click [here](#)