

Flat 27 Shepherd House  
York Way Estate  
London  
N7 9QB

25<sup>th</sup> September 2015

Dear Mr McClue

**RE: 2015/4456/P site of Admiral Mann PH, London N7 0BP**

*Please keep this private*

I hope you are well. So the deadline for filing objections to the above planning application falls on this day. Thank you for taking the time to read them and post them up on the Camden Planning portal. As you can imagine there has been real strength of feeling over what is an emotional issue in our neighbourhood.

While I recommend the application is refused for the reasons outlined in my own and the other objections, I want to pre-empt a possible granting of the application. Should the applicant be granted permission to part-demolish the building and build his flats, can I suggest the following Planning conditions are applied:

1. That not a single new dwelling is occupied before the new pub is open for business. A Long Lease must be signed on pub and cellar with publican PRIOR to any letting of flats
2. That the very highest specification acoustic-insulation is installed to protect the residents from potential noise that the pub might generate.
3. That the ground floor and basement is subject to a Moran Condition, to remove any Permitted Development rights. For reference, I attach as an Annex further information on a Moran Condition.
4. I recognise that the Asset of Community Value (ACV) status which the Admiral Mann holds has, since April 2015, provided meaningful planning protection for the pub. However the current ACV status runs out after 5 years and needs to be renewed; and ACV status can be revoked if the pub were to be sold under certain circumstances. The Council has a duty to provide long term protection of the community pub use and a Moran condition is a very effective way of achieving this. As a Moran Condition is effectively the same as an Article 4 Direction, it is a simple but powerful Planning condition; with some genuine teeth, as a failure to comply can lead to rapid enforcement action being taken.

We wait in anticipation for your decision and ask if you could please keep in touch about anything of relevance to us. In particular, date/venue of any forthcoming public hearing.

Thanks again.

Regards



Richard Lewis

### **The "Moran Condition"**

This example covers a proposal to demolish an existing pub and replace with a mixed-use building but is equally applicable to proposals to build flats in upper stories with pub use and the ground/basement level. This was the wording used in Campaign for Real Ale (CAMRA)'s submission:

"Any replacement building must contain a designated A4 space that occupies at least the same amount of space as that currently occupied (ground floor, basement and terrace) and not a square foot less. As a condition of granting permission, should it do so, the Council must insist that the replacement space is for A4 purposes, which by definition will be able to incorporate all the current community facilities. So if the Council were minded to approve the application, notwithstanding the objections detailed above, they should attach planning conditions as follows.

A condition attached to the consent which removes the permitted development rights which would assist in ensuring the long-term survival of the public house use on the premises. This is very common place where the removal of permitted development rights is needed to achieve a valid planning objective (in this instance protecting the pub as a community facility and as an asset within a Conservation Area). There is a standard form of words for such a condition as follows:

"Notwithstanding the provision of the Town and Country Planning General Development Order 1988 (or any Order revoking and re-enacting that Order), planning permission shall be required in respect of development constituting a change of use to uses within Use Classes A1, A2 or A3 to the Second schedule to the Order, or for any proposal to change the use temporarily to B1 business use under the extension of Permitted Development enacted in 2013. In addition, planning permission shall be required for any demolition which would otherwise constitute permitted development."

There is ample precedent for this. In the case of The Wenlock Arms in Hackney, the local Council allowed the development of the upper stories (into private flats) with the imposition of a Moran Condition The approved scheme, with its Moran Condition (removal of the permitted development rights, effectively an Article 4 Direction), has, CAMRA believes, now secured a proper refurbishment and repair programme with new facilities to secure and maintain the pub's long-term survival. Indeed initial work on improvements to the ground floor and basement have taken place and the pub is successfully trading again.

This does not mean that CAMRA accepts the principle of the loss of the existing building or its present community use, but is our position if Brent are otherwise to recommend approval for a scheme of replacement, whether that currently proposed or any other requiring demolition of the present building.

We also insist that the developers must get professional valuations on the pub premises and offer them at a fair market rent, in priority to the existing tenants. This is to avoid an over-pricing of the rent on the lease, failing to get tenants and then saying "we tried our best, we can't get any pub tenants, so please give us permission to convert it to A3 etc". This is an example of such wording

"A planning obligation requiring an independent commercial rental valuation for the pub, ground floor/basement/cellar/terrace as a single unit carried out by a chartered surveyor agreeable to both parties with expertise in the valuation of licensed leisure premises. In order to ensure that a viable rental is set for the pub premises and to preserve the pub use protected by local, regional and national planning policy."

"A planning obligation requiring that none of the residential flats may be occupied until a tenant has been secured by means of a signed lease for the public house premises and that the conditions relating to rental valuation, and tying the basement, terrace and ground floor uses together have been met, as well as the removal of PDR (Condition 1). To secure the pub use as above."

[Campaign for Real Ale]