

# **Heritage Statement**

The Pakenham Arms PH, No.1 Pakenham  
Street, London. WC1X 0LA

November 2016

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# 1. Introduction

- 1.1 This Heritage Statement has been prepared by Turley Heritage on behalf of ARGO Real Estate Limited ('the applicant'). This report provides an assessment of the impact of the proposed change of use of the majority of the ground floor and basement of the existing building (a grade II listed building located within the Bloomsbury Conservation Area – referred to as 'the Site') from the existing A4 use to an alternative form of commercial use (A1 or B1).
- 1.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the local planning authority in determining applications for development, or works, that affect a listed building to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, with regard to determining applications for development within conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 1.3 This Heritage Statement should be read in conjunction with the Planning Statement, prepared by Turley; the Viability Study, prepared by Savills; and, the Marketing Study, prepared by Colliers. These reports provide the broader planning policy assessment context for the proposals (the Planning Statement); demonstrate the lack of commercial viability of the existing public house use of the lower floors of the listed building (the Viability Study); and, the efforts to market the public house to alternative operators (the Marketing Report).
- 1.4 The National Planning Policy Framework ('the Framework') provides the Government's national planning policy for the conservation of the historic environment. In respect of information requirements it sets out that:
- "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*<sup>1</sup>
- 1.5 Paragraph 129 then sets out that local planning authorities should identify and assess the particular significance of heritage assets that may be affected by proposals. They should take this assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 1.6 In accordance with these legislative and policy requirements, Section 2 of this report firstly identifies the relevant heritage assets within the Site and its vicinity that may be affected by the proposals.
- 1.7 Section 3 then provides proportionate statements of significance for each of the identified heritage assets, including the contribution made by setting to that significance,

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<sup>1</sup> DCLG, National Planning Policy Framework (NPPF) 2012 – para.128

having regard to the nature of the application, which entails no works of alteration or extension to the listed building. This assessment is carried out on the basis of the special architectural and/or historic interest of the heritage assets, and is undertaken using existing published information, on-site visual survey and archival research.

- 1.8 Section 4 provides an assessment of the impacts of the proposals on the heritage significance of the identified heritage assets. These are considered in light of the relevant statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy in the Framework and supported by National Planning Practice Guidance (NPPG) 2014, and local planning policy and guidance for the historic environment, as appropriate. The relevant legislative and policy context for heritage assets is set out in more detail at Appendix 3.
- 1.9 The findings of this report are summarised and concluded at Section 5.

## 2. The Heritage Assets

### Introduction

2.1 The Framework defines a heritage asset as:

*“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest<sup>2</sup>.”*

### Designated Heritage Assets

2.2 Designated heritage assets are those which possess a level of heritage interest that justifies designation and are then subject to particular procedures in planning decisions that involve them.

### Listed Buildings

2.3 The Pakenham Arms PH was included on the statutory list at grade II on 14<sup>th</sup> May 1974. The list description is included at Appendix 1 and is set out here for ease of reference:

*“Public house. Late C19. Red brick with rusticated stucco dressings. On a corner site, designed to match earlier terraces in Calthorpe Street. 3 storeys. 1 window, 1 window on bowed corner and 2-window return to Calthorpe Street. Public house frontage of red granite pilasters carrying entablature; entrance on corner with part glazed panelled door and similar panels to either side. 2nd and 3rd floor window bays stepped forward from corner, with rusticated quoins. 1st floor windows; outer bays architraved, tripartite sashes with cornices and segmental pediments; inner bays architraved sashes with cornices and triangular pediments. Moulded 2<sup>nd</sup> floor sill band. Architraved 2nd floor sashes, outer bays tripartite. Entablature and projecting cornice following the stepping of the bays. INTERIOR: not inspected.”*

2.4 The Site is located in close proximity to a number of grade II listed buildings, including:

- Nos. 2 & 3 Pakenham Street;
- Nos. 23-43 (odd) Calthorpe Street;
- Nos. 28-48 (even) Calthorpe Street;
- Nos. 45, 47 & 49 Calthorpe Street;
- No. 50 Calthorpe Street; and
- Nos. 11-20 Wren Street.

2.5 The nature of the application proposals is such that they would not give rise to any effect on the significance of these heritage assets. Accordingly, they are identified here for the sake of completeness only and not considered further as part of this report.

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<sup>2</sup> DCLG, National Planning Policy Framework (NPPF) 2012 - Annex 2: Glossary

### **Conservation Areas**

- 2.6 The Site is located within the Bloomsbury Conservation Area (Appendix 2), which was first designated in 1968, in recognition of the high quality Georgian (and earlier) phases of the area's development. There have been numerous subsequent extensions, which reflect later Victorian and Edwardian phases of development. The conservation area covers an area of approximately 160 hectares, extending from Euston Road in the north, to High Holborn and Lincoln's Inn Fields in the south, and from Tottenham Court Road in the west, to King's Cross Road in the east.
- 2.7 A Conservation Area Appraisal and Management Strategy was adopted in April 2011. The Site is located within sub-area 14 (Calthorpe Street/Frederick Street) of the conservation area.

### **Non-Designated Heritage Assets**

- 2.8 The Framework<sup>3</sup> identifies that heritage assets include both designated heritage assets and assets identified by the local planning authority (including local listing). The Council adopted a 'Local List' on 21<sup>st</sup> January 2015. There are no formally identified non-designated heritage assets that require assessment as part of this report.

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<sup>3</sup> DCLG, National Planning Policy Framework (NPPF) 2012 - Annex 2: Glossary

## 3. Significance of the Heritage Assets

### Introduction

- 3.1 The Framework defines the significance of a heritage asset as:

*“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting<sup>4</sup>”.*

- 3.1 Listed buildings are defined as designated heritage assets that hold special architectural or historic interest. The principles of selection for listed buildings are published by the Department of Culture Media and Sport<sup>5</sup> and supported by Historic England’s Listing Selection Guides for each building type<sup>6</sup>.
- 3.2 Conservation areas are designated if they are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance<sup>7</sup>. Historic England has published an advice note in respect of conservation areas and this provides a framework for the appraisal and assessment of the special interest and significance of a conservation area, and also provides advice on how to identify whether a building contributes positively to the character or appearance of a conservation area<sup>8</sup>.

### Assessment

- 3.3 The following assessment of the heritage significance of the designated heritage assets, and the contribution made by setting to that significance, has been undertaken on the basis of a proportionate review of existing published information, historical research and on-site visual survey. These assessments are proportionate to both the importance of the affected designated heritage assets and the likely impacts of the proposed development of the Site upon that significance; in this instance, restricted to the proposed change of use, with no works of alteration, extension or demolition forming part of the current application(s).

#### **The Pakenham Arms PH, No.1 Pakenham Street (Grade II Listed Building)**

##### ***Architectural Interest***

- 3.4 The existing building is a high quality, albeit typical, late 19<sup>th</sup> century former public house, located on the corner of Pakenham Street and Calthorpe Street. It is constructed of red brick with white painted render dressings. It is of Italianate style and three storeys in height, with a basement level. The scale, massing and character of the property is sympathetic to the earlier, classically derived terraces that characterise the area (see Figure 3.1).

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<sup>4</sup> DCLG, National Planning Policy Framework (NPPF) 2012 - Annex 2: Glossary

<sup>5</sup> DCMS Principles of Selection for Listing Buildings, 2010

<sup>6</sup> Historic England, Listing Designation Selection Guides (All Building Types), 2011

<sup>7</sup> HMSO, Planning (Listed Buildings and Conservation Areas) Act, 1990 – Section 69(1) (a)

<sup>8</sup> Historic England, Historic England Advice Note 1: Conservation Area Designation, Appraisal and Management, 2016



*Figure 3.1: Front elevation of the Pakenham Arms PH*

- 3.5 The front elevation is of principal architectural interest. The pattern of projecting end bays and recessed central 'corner' bay ensures that the building addresses the road junction and creates a traditional interface between the taller terraces on Calthorpe Street and the lower properties on Pakenham Street. The rich Italianate ornamentation provides a secondary order of visual interest and architectural detail with a clear hierarchy to the floors expressed via the level of external detailing, as evidenced by pedimented window openings at first floor level (see Figure 3.1). The deep cornice provides a strong horizontal termination to the existing building.
- 3.6 The street frontage of the listed building is of a traditional design with red granite pilasters (although these have been painted over – see Figure 3.2) carrying the entablature with the principal entrance located on the corner with part glazed panelled door and similar panels to either side (Figure 3.3). Historically, a secondary entrance was located to the Pakenham Street elevation (evidenced by an altered door), which is now used to access independent residential accommodation located at first and second floors.
- 3.7 The rear elevation of the property is of a more utilitarian design (as expected of properties of this date and type) and is constructed of yellow London stock brick. The rear elevation of the property has undergone a more significant degree of alteration with evidence of rebuilding of the upper levels (see the rebuilt parapet and modern roof form at Figure 3.4).
- 3.8 The existing roof coverings are of modern appearance, hidden behind a tall parapet addressing the street elevation. The roof is 'bookended' between substantial chimneystacks of the adjoining mid-19<sup>th</sup> century terraced properties, although these do not have a significant presence in the streetscene and do not form part of an important silhouette of the listed building in this instance.



*Figure 3.2: Photograph dated 1976*



*Figure 3.3: Pub frontage*



*Figure 3.4: Rear elevation of Pakenham Arms PH*

- 3.9 Internally, the building has been extensively altered and it is understood that there is no semblance of an overall traditional late Victorian pub plan form or intact, historic bar character. At upper levels, the plan form has been more altered through the history of ancillary bar features and later changes to residential accommodation. Whilst elements of the historic plan form and decorative elements remain legible at the upper floors, when taken as a whole, it has been eroded to the detriment of its contribution to the significance of the listed building. The extent of alteration is particularly evident at second floor level. The first and second floors of the listed building have recently been converted to self-contained residential accommodation, accessed independently from street level<sup>9</sup> with part of the ground floor bar area subdivided to facilitate this access.

#### ***Historic Interest***

- 3.10 The Pakenham Arms PH was constructed on land belonging to the Calthorpe Estate, between Gray's Inn Road and the Fleet River, which had been under development since the Georgian Period. Greenwood's 1827 map of London (Figure 3.5) shows the extent of development already constructed in the area, with residential terraces laid out along Grays Inn Road and Calthorpe Street toward the Site.
- 3.11 Following an economic depression caused by the Napoleonic Wars, development did not continue on the estate until the late nineteenth century. The Pakenham Arms PH was constructed as part of this later phase and first appears on the 1874 Town Plan of London (Figure 3.6). The position of the PH, adjacent to the earlier Georgian terraces

<sup>9</sup> Application refs.: 2013/6910/P / 2013/6984/L / 2014/6550/L / 2014/5499/L / 2014/5369/P



suggested that the PH may have been named after the prominent Pakenham family, although no evidence has come to light to substantiate any such connection.

- 3.13 Following construction, little external change appears to have occurred to the building during the later 19<sup>th</sup> century aside from some rationalisation occurring to the rear elevation and service yard of the building visible on the 1922 London Town Plan (Figure 3.7).



Figure 3.7: 1922 London Town Plan

#### ***Group Value***

- 3.14 Whilst the listed building is a later 19<sup>th</sup> century element within a largely earlier townscape it is of a complimentary character, scale and materiality and provides definition to a local street junction. These shared characteristics contribute positively to the aesthetic and historic value of the nearby listed buildings and forms the element of setting, which contributes positively to their significance. This group value is primarily expressed in its principal street frontages.

#### **Bloomsbury Conservation Area**

- 3.15 The Council have adopted a thorough assessment of the historic development of the conservation area and its character and appearance. Accordingly, a proportionate assessment is provided here so far as it is relevant to the consideration of the proposed development.

#### ***Historical Development***

- 3.16 Bloomsbury represents a period of London's early post-medieval expansion northwards, dating from Stuart times (around 1660), which continued through the Georgian and Regency periods to around 1840.
- 3.17 The first swathe of building created a mix of uses with houses, a market, commercial, cultural uses (the British Museum), hospitals and churches. Later expansion of the northern part of the conservation area was focussed on providing grander residential

districts for wealthy families. This was carried out speculatively by a number of builders, on leases from major landowners, and followed a consistent form with terraced townhouses constructed on a formal grid pattern of streets and landscaped squares.

- 3.18 The Victorian era saw the conservation area evolve with a movement of the wealthy to newly developing urban and suburban areas to the north. New uses emerged and existing ones expanded. Shops to serve the increased population appeared during the 19<sup>th</sup> century and many were inserted into existing domestic terraces.
- 3.19 This part of the conservation area comprises mainly terraced housing built on the Swinton and Calthorpe Estates, to the east of Gray's Inn Road; a historic route dating back at least to Medieval times. The northernmost part, around Swinton Street, was developed in the late 18<sup>th</sup> century, following the construction of New Road (now Euston Road) and a small suburb to the north of this area around Battle Bridge. The remainder of the area was developed over the period 1820 to 1850, by the builder, Thomas Cubitt, who had his yard in this area. A notable pattern is the progression of development from west to east and the gradual variation in the detailed treatment of the frontages. In the 1860s, the excavation for the new Metropolitan Railway cutting bisected Swinton Street and Acton Street towards their eastern end.
- 3.20 During the 20<sup>th</sup> century, this change and the expansion of hospital, academic, cultural and commercial uses continued, particularly around the university, hospitals, transport interchanges and main commercial thoroughfares. Bomb damage sustained during World War II led to the replacement of some older buildings with large scale new development such as the Brunswick Centre and Lasdun's Faculty of Education. The area has continued to evolve and change, with more recent developments from the later 20<sup>th</sup> century and the early 21<sup>st</sup> century, with some examples of national or even international architectural significance.

#### ***Character and Appearance***

- 3.21 There is much uniformity in the appearance of this part of the conservation area. The streets generally follow an east-west pattern and are of a generous width. Swinton Street and Acton Street are adversely affected by heavy vehicular traffic. This area is one of the few parts of the conservation area that has a noticeable fall from west to east, being on the west side of King's Cross Road, which follows the valley of the now culverted River Fleet.
- 3.22 The majority of terraced properties retain residential uses, and are interspersed with public houses. The use of yellow brick is widespread, together with increasing amounts of stucco from around 1820, which is evident in the rusticated ground floors.
- 3.23 The built environment is characterised by a fine urban grain of a homogenous character. The properties in long terraces have consistent plot widths, with a strong relationship to the street defined by basement areas and front boundary railings. Horizontal parapets emphasise the rooflines. The consistent character is derived from a pattern of vertically proportioned sash windows and arched doors, fanlights and ground floor windows. Other widely employed features include balconies, rubbed brick window heads, mansard roofs, dormer windows, chimney stacks and pots.

- 3.24 For the most part, these terraces adhere to a plainer form of classicism than the properties to the north. Whilst each terrace of houses has a consistent roofline, the street frontages as a whole reduce from three to two storeys on Wren Street and Pakenham Street and from four to three storeys on Calthorpe Street, moving away from Gray's Inn Road. Closer to Gray's Inn Road, the houses have simple brick facades with an increase in decoration moving east.
- 3.25 Pakenham Street continues the theme of two-storey terraces as found in Wren Street, but here the houses are topped by a broad band of brickwork at parapet level. School House workshops, at No 51 Calthorpe Street, is situated at the eastern end of the street on the northern side. The comparatively wide front is of two storeys and constructed from yellow stock brick, in keeping with neighbouring buildings. This building, which makes a positive contribution to the streetscape in terms of its physical presence and social history, is adjacent to the out-of-scale late 20<sup>th</sup> century Holiday Inn building (which is located outside the conservation area).
- 3.26 Wren Street was named Wells Street until 1937, after the former 18<sup>th</sup> century spa of Bagnigge Wells, which was situated in the area. The houses at the east end of the street are of three storeys with basements and attics, and plain classically proportioned facades. Beyond the junction with Gough Street, the principal storey heights drop down to two storeys. The easternmost terraces are characterised by a greater level of stucco ornament reflecting their later date, in particular stucco facings to the upper and lower ground floors, and stucco surrounds to the windows and doors. To the south of Wren Street, leading off the western side of Gough Street, a small-scale, brick built mews development by the architects Pollard Thomas and Edwards, sits comfortably behind the taller terraces.
- 3.27 The listed building is reflective of the historical development of the conservation area and of the character and appearance of the 19<sup>th</sup> century townscape of which it forms a part. It therefore makes a positive contribution to the significance of the conservation area.

## 4. Impact Assessment

### Introduction

- 4.1 In this section, the impact of the proposed change of use the majority of the ground and basement levels from public house use (A4) to an alternative commercial use (A1 or B1) on the significance of the identified designated heritage assets is considered.
- 4.2 There are no physical works of alteration, extension or demolition included within the current proposals, the focus being on the acceptability of an alternative use as a matter of principle. In addition, it is understood from the applicant that all recent works to the property have been undertaken in accordance with the recent approvals and are therefore authorised. For this reason, this Section considers the potential impact on heritage significance arising from the change of use of the majority of the ground floor and basement only.
- 4.3 Given the clear connections between the significance of the listed building and the conservation area in which it is located, where the proposals preserve the significance of one heritage asset then they will also preserve the significance of the other.
- 4.4 The relevant heritage policy and guidance context for consideration of the proposed development is set out in full in Appendix 3. This includes:
- the statutory duties of the Planning (Listed Buildings & Conservation Areas) Act 1990;
  - national policy set out in the Framework; and
  - local policy for the historic environment and other relevant material considerations.
- 4.5 In accordance with the requirements of the Framework, the significance, including the contribution made by setting to the significance of the identified heritage assets, has been described at Section 3.
- 4.6 The Framework sets out that local planning authorities should identify and assess the particular significance of heritage assets that may be affected by proposals. They should take this assessment into account when considering the effect of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.7 Importantly, account should be taken of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

- 4.8 The Framework also highlights that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to their conservation, and the more important the asset the greater the weight should be.

### **Proposed Change of Use**

- 4.9 It has been established in Section 3 that the existing public house use of the majority of the ground floor and basement contributes positively to the special interest of the listed building, being the use for which it was originally designed and strongly reflected in its architectural character. For similar reasons, the existing public house use also contributes positively to the character or appearance of the conservation area. It is also noted, for the sake of completeness, that the first and second floors already comprise authorised, self-contained residential accommodation, accessed from the street.

- 4.10 As the existing public house use contributes positively to the significance of the relevant heritage assets it can be regarded as the 'optimal use' of the listed building, with a general policy presumption in favour of its retention/continuation. This existing use does, however, have to be viable in order for it to be considered the 'optimal viable use', to ensure the conservation of the building's significance i.e. through regular maintenance.

- 4.11 In this instance, the applicant has commissioned a Viability Study, prepared by Savills, which concludes that the existing public house of the majority of the ground floor and basement is unviable.

- 4.12 From a heritage perspective, the cessation of a public house use at the majority of the ground floor and basement level is regrettable, as it will cease the original use for which the listed building was designed. If, however, it is accepted that the public house use no longer remains the optimum viable use for the lower floors of the listed building, then securing an alternative, viable and appropriate use to ensure the long-term conservation of the building's significance becomes necessary:

*"The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation."<sup>10</sup>*

- 4.13 The building is located on a prominent corner plot and has self-contained residential accommodation above. In these circumstances, it would not be appropriate to 'mothball' the two lower floors, with the inevitable perceived impacts arising from vacancy i.e. security from vandalism, squatting, arson and potential decline in the condition of building fabric, awaiting potential changes in market and local conditions, which may never occur, to determine whether a public house use occupying the majority of the ground floor and basement could become viable again.

- 4.14 As noted earlier in this report, the interior of the ground floor and basement contains limited fabric of heritage significance, albeit more of the utilitarian plan form survives at basement level. Whilst there are no physical works proposed as part of the current application(s), there is reasonable scope, as a matter of principle, for accommodating a

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<sup>10</sup> NPPG: Paragraph: 015 Reference ID: 18a-015-20140306

number of uses within these spaces in a manner that sustains the particular significance of the listed building and conservation area in which it is located. In this regard, subject to any matters of detailed design of any internal layout associated from an alternative form of use, there may be more than one optimum viable use.

- 4.15 In this instance, the proposed commercial uses (A1 and B1) are considered to be alternative viable uses that could be accommodated within the majority of the ground floor and basement level. These uses have the potential to provide activity and patterns of use that are reminiscent, if not entirely consistent with the existing public house use. In addition, the requirements for signage/advertising of such alternative commercial uses can be accommodated within the framework associated with a traditional public house, where such features would normally be expected to have an established presence (Figures 3.2 and 3.3).
- 4.16 Accordingly, subject to matters of final design relating to the interior, which can be secured via separate application(s) for listed building consent, given that the interior of these floors is not of particular heritage sensitivity, there is no impediment in heritage terms that would preclude these alternative uses in the absence of a viable pub use for the majority of the ground floor and basement. In that regard, these two alternative uses can be regarded as optimum viable uses (not precluding the potential for others to exist):

*“If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.*

*The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner<sup>11</sup>.”*

- 4.17 Overall, whilst the cessation of the established public house use of the lower floors of the building would be regrettable in heritage terms, it no longer remains viable. Accordingly, securing an alternative and appropriate use becomes necessary. In the context of the existing public house use of the ground floor and basement no longer being viable, the proposed alternative commercial use (A1 or B1) would, in heritage terms, be appropriate optimum viable uses that would ensure the long-term conservation of the listed building’s special interest. Moreover, such commercial uses would be consistent with the varied character of this part of the conservation area, where there are a range of commercial uses at lower ground floors, particularly at street corners where such locations were traditionally sited.

## **Summary**

- 4.18 The existing public house use at the majority of the ground floor and basement forms part of the building’s special interest and contributes positively to the character or

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<sup>11</sup> NPPG: Paragraph: 015 Reference ID: 18a-015-20140306

appearance of the conservation area. The Viability Study concludes that the public house use of the lower floors is no longer viable and that securing an alternative form of use, whilst regrettable, is necessary to maintain the building's particular heritage significance in the long-term. The nature of the building's interior at ground floor and basement is such that there is scope to accommodate a range of alternative uses, which, as a matter of principle, have the potential to preserve the particular significance of the heritage assets. Moreover, the proposed character of the uses is considered to be broadly appropriate when considered against that of the existing, unviable public house use.

- 4.19 Accordingly, when considered in the light of the unviable public house use of the majority of the ground floor and basement level, and the priority to keep listed buildings in an appropriate use, the proposed change of use will, overall, sustain the significance of the grade II listed building and conservation. The proposals are, therefore, consistent with the objectives of the Planning (Listed Buildings & Conservation Areas) Act 1990; paragraphs 131 and 132 of the Framework; policy 7.8 of the London Plan; policy CS14 of LB Camden's Core Strategy; policy DP25 of LB Camden Development Policies DPD; and, other relevant material considerations.

## 5. Summary and Conclusions

- 5.1 This Heritage Statement has been prepared by Turley Heritage on behalf of ARGO Real Estate Limited. This report provides an assessment of the impact of the proposed change of use of the majority of the ground floor and basement of the existing building (a grade II listed building located within the Bloomsbury Conservation Area – ‘the Site’) from the existing A4 use to an alternative form of commercial use (A1 or B1).
- 5.2 This Heritage Statement should be read in conjunction with the Planning Statement, prepared by Turley; the Viability Study, prepared by Savills; and, the Marketing Study, prepared by Colliers. These reports provide the broader planning policy assessment context for the proposals (the Planning Statement); demonstrate the lack of commercial viability of the existing public house use of the lower floors of the listed building (the Viability Study); and, the efforts to market the public house to alternative operators (the Marketing Report).
- 5.3 There are no physical works of alteration, extension or demolition included within the current proposals, the focus being on the acceptability of an alternative use as a matter of principle. In addition, it is understood from the applicant that all recent works to the property have been undertaken in accordance with the recent approvals and are therefore authorised. For this reason, this Section considers the potential impact on heritage significance arising from the change of use of the majority of the ground floor and basement only.
- 5.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the local planning authority in determining applications for development, or works, that affect a listed building to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is also a duty, with regard to applications within conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 5.5 Section 3 of this report assesses the significance of the heritage assets, including any contribution made by setting to significance.
- 5.6 At Section 4, it is acknowledged that the existing public house use at the majority of the ground floor and basement forms part of the building’s special interest and contributes positively to the character or appearance of the conservation area. The Viability Study concludes that the public house use of the lower floors is no longer viable and that securing an alternative form of use, whilst regrettable, is necessary to maintain the building’s particular heritage significance in the long-term. The nature of the building’s interior at ground floor and basement is such that there is scope to accommodate a range of alternative uses, which, as a matter of principle, have the potential to preserve the particular significance of the heritage assets. Moreover, the proposed character of the uses is considered to be broadly appropriate when considered against that of the existing, unviable public house use.
- 5.7 Accordingly, when considered in the light of the unviable public house use of the majority of the ground floor and basement level, and the priority to keep listed buildings

in an appropriate use, the proposed change of use will, overall, sustain the significance of the grade II listed building and conservation. The proposals are, therefore, consistent with the objectives of the Planning (Listed Buildings & Conservation Areas) Act 1990; paragraphs 131 and 132 of the Framework; policy 7.8 of the London Plan; policy CS14 of LB Camden's Core Strategy; policy DP25 of LB Camden Development Policies DPD; and, other relevant material considerations.

## **Appendix 1: Listed Building Entry**

## **PAKENHAM ARMS PUBLIC HOUSE**

### **List Entry Summary**

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

Name: PAKENHAM ARMS PUBLIC HOUSE

List entry Number: 1113240

### **Location**

PAKENHAM ARMS PUBLIC HOUSE, 1, PAKENHAM STREET

The building may lie within the boundary of more than one authority.

County: Greater London Authority

District: Camden

District Type: London Borough

Parish:

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 14-May-1974

Date of most recent amendment: Not applicable to this List entry.

### **Legacy System Information**

The contents of this record have been generated from a legacy data system.

Legacy System: LBS

UID: 477690

### **Asset Groupings**

This list entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

### **List entry Description**

#### **Summary of Building**

Legacy Record - This information may be included in the List Entry Details.

## **Reasons for Designation**

Legacy Record - This information may be included in the List Entry Details.

## **History**

Legacy Record - This information may be included in the List Entry Details.

## **Details**

CAMDEN

TQ3082SE PAKENHAM STREET 798-1/96/1262 (West side) 14/05/74 No.1 Pakenham Arms  
Public House

GV II

Public house. Late C19. Red brick with rusticated stucco dressings. On a corner site, designed to match earlier terraces in Calthorpe Street. 3 storeys. 1 window, 1 window on bowed corner and 2-window return to Calthorpe Street. Public house frontage of red granite pilasters carrying entablature; entrance on corner with part glazed panelled door and similar panels to either side. 2nd and 3rd floor window bays stepped forward from corner, with rusticated quoins. 1st floor windows; outer bays architraved, tripartite sashes with cornices and segmental pediments; inner bays architraved sashes with cornices and triangular pediments. Moulded 2nd floor sill band. Architraved 2nd floor sashes, outer bays tripartite. Entablature and projecting cornice following the stepping of the bays. INTERIOR: not inspected.

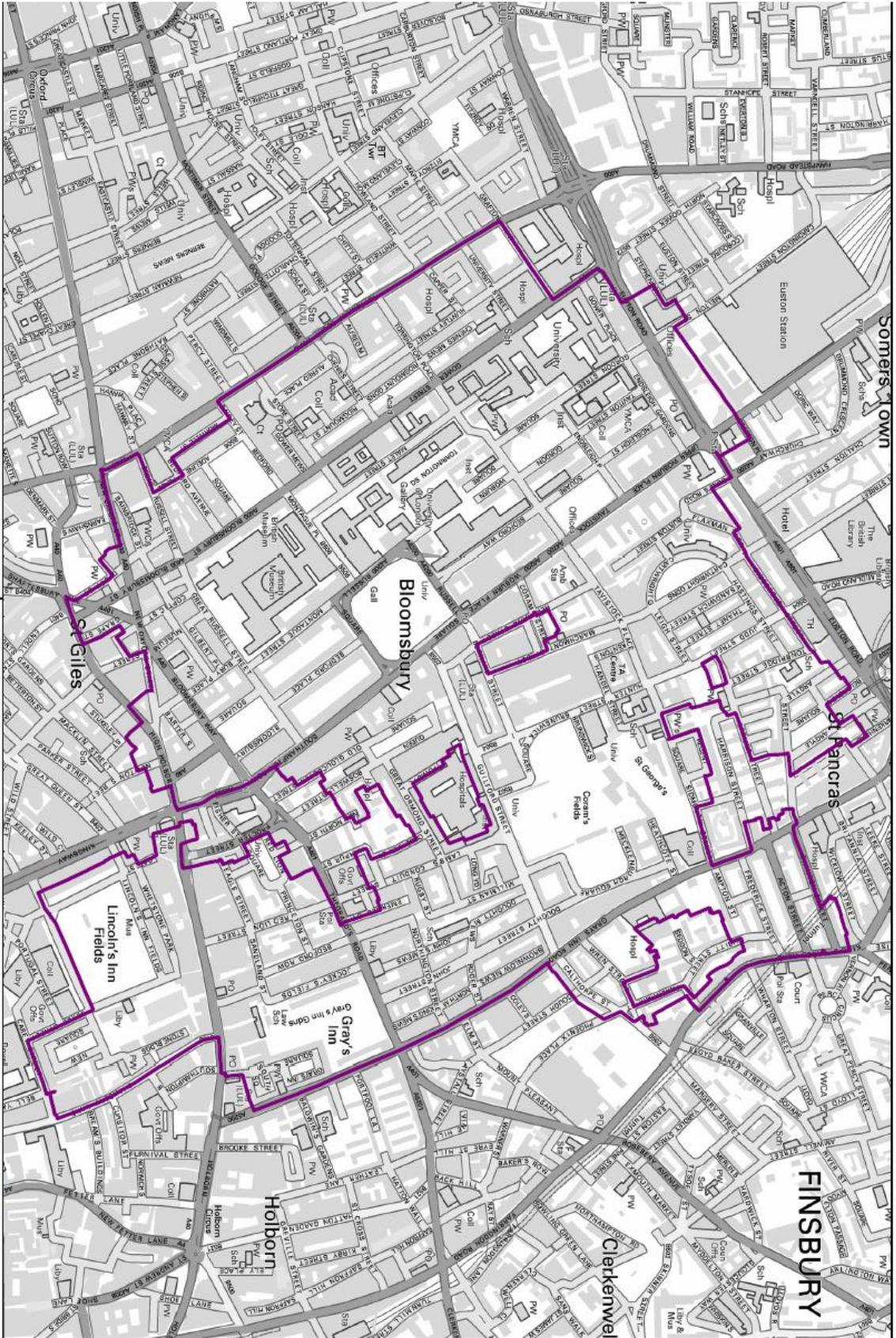
Listing NGR: TQ3090382416

## **Selected Sources**

Legacy Record - This information may be included in the List Entry Details

National Grid Reference: TQ 30903 82416

## **Appendix 2: Bloomsbury Conservation Area**



# Bloomsbury CA


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#Map for Internal Use Only#

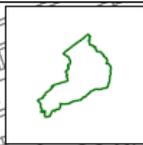
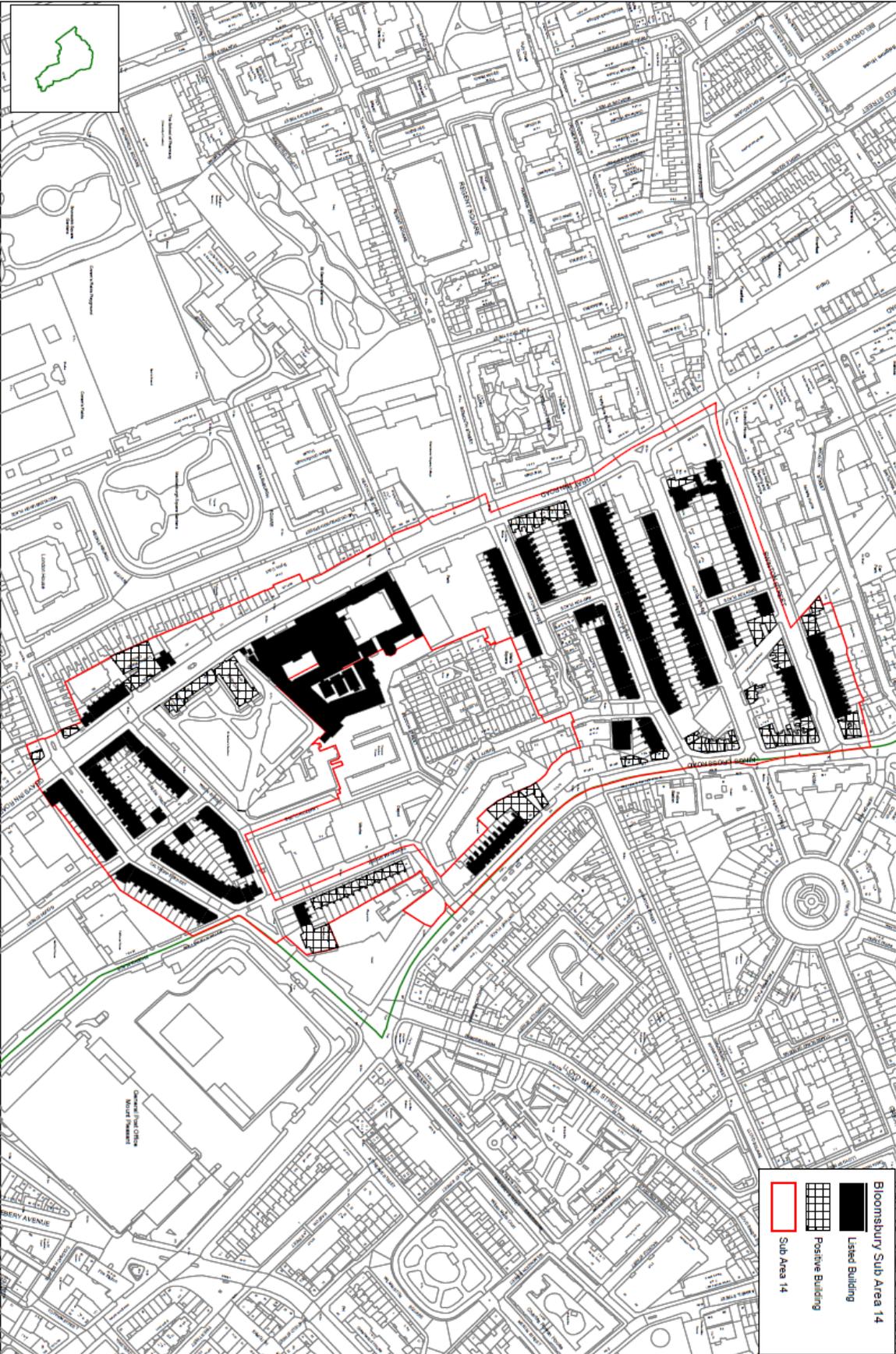
Print Date: 10/05/2013

Printed By: L.Smail


**Camden**

Map Ref No: 02/0832

Scale 1: Not London Scale



# Bloomsbury CA Sub Area 14 Townscape Appraisal



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Print Date: 08/12/2010  
 Scale 1: Not Usable Scale



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 Map Ref No: ad0903

**Bloomsbury Sub Area 14**

-  Labeled Building
-  Positive Building
-  Sub Area 14

## **Appendix 3: Heritage Legislation, Policy and Guidance**

## Statutory Duties

### The Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty with regard to the determination of listed building consent applications:

*“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 imposes a “General duty as respects listed buildings in the exercise of planning functions.” Subsection (1) provides:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

With regard to applications for planning permission within conservation areas, the Planning (Listed Buildings & Conservation Areas) Act 1990 outlines in Section 72 that:

*“s.72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Recent case law<sup>12</sup> has confirmed that Parliament’s intention in enacting section 66(1) was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings, where “preserve” means to “to do no harm” (after South Lakeland). Case law has confirmed that this weight can also be applied to the statutory tests in respect of conservation areas<sup>13</sup>. These duties, and the appropriate weight to be afforded to them, must be at the forefront of the decision makers mind when considering any harm that may accrue and the balancing of such harm against public benefits as required by national planning policy. The Secretary of State has confirmed<sup>14</sup> that ‘considerable importance and weight’ is not synonymous with ‘overriding importance and weight’.

## National Policy

### National Planning Policy Framework, 2012

The Framework was issued on 27<sup>th</sup> March 2012 and replaces PPS5: Planning for the Historic Environment. The Framework provides a full statement of Government's planning policies with regard to achieving sustainable development with the protection of the historic environment as an integral element of environmental quality, which should be cherished and allowed to thrive and grow.

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<sup>12</sup> Barnwell Manor Wind Energy Limited and (1) East Northamptonshire District Council (2) English Heritage (3) National Trust (4) The Secretary of State for Communities and Local Governments, Case No: C1/2013/0843, 18th February 2014

<sup>13</sup> The Forge Field Society v Sevenoaks District Council [2014] EWHC 1895 (Admin); North Norfolk District Council v Secretary of State for Communities and Local Government [2014] EWHC 279 (Admin)

<sup>14</sup> APP/H1705/A/13/2205929

Paragraph 128 outlines the information required to support planning applications affecting heritage assets, stating that applicants should provide a description of the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 129 sets out the principles guiding the determination of applications affecting designated and non-designated heritage assets, and states that:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.”*

Paragraph 131 elaborates that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, putting them into viable uses consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 regards the determination of applications affecting designated heritage assets. It outlines that great weight should be given to the asset's conservation when considering the impact of a proposed development on the asset's significance. The more important the heritage asset, the greater the weight should be.

Paragraph 132 goes on to specify that any harm or loss should require clear and convincing justification. It states that;

*“Substantial harm to or total loss of significance of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

Paragraph 133 outlines that Local Planning Authorities should refuse consent where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, unless it can be demonstrated that this is necessary to deliver substantial public benefits that outweigh such harm or loss or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by bringing the site back into use

Paragraph 134 concerns proposed development which will lead to less than substantial harm to the significance of a heritage asset. It outlines this harm should be weighed against the public

benefits of the proposal, including securing its optimum viable use. Policy outlined in paragraphs 132–134 of the Framework should be interpreted in light of the statutory duties relating to statutorily listed buildings and conservation areas as set out in the Planning (Listed Buildings & Conservation Areas) Act 1990.

## **The Development Plan**

The Development Plan for the London Borough of Camden comprises the Further Alterations to the London Plan 2016, the London Borough of Camden Core Strategy DPD 2010, the Development Policies DPD 2010, and Camden Planning Guidance SPD 2011.

### **The London Plan – Incorporating Further Alterations to the London Plan, 2016**

The London Plan was adopted by the Greater London Authority in July 2011 and sets out the Spatial Development Strategy for all Boroughs within Greater London. It replaces the London Plan (consolidated with alterations since 2004), which was published in February 2008. The Plan has been subsequently revised to ensure consistency with the Framework and other changes since 2011.

The plan has been amended through the publication of Revised Early Minor Alterations (October 2013) and Further Alterations to the London Plan (FALP) were published for consultation in January 2014. An Examination in Public (EiP) in respect of the FALP was opened on 1<sup>st</sup> September 2014. On 15<sup>th</sup> December 2014, the Mayor published the report of the planning inspector who undertook the EiP of the Draft FALP.

On 10<sup>th</sup> March 2015, the Mayor published (i.e. adopted) the Further Alterations to the London Plan (FALP). In addition, on 14<sup>th</sup> March 2016, the Mayor published the Housing Standards and the Parking Standards MALPs. From this date these alterations are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for London.

Policy 7.8 - Heritage Assets and Archaeology, states that:

#### *“Strategic*

*A London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.*

*B Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.*

#### *Planning decisions*

*C Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.*

*D Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.*

*E New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset ...”*

### **London Borough of Camden Core Strategy DPD, 2010**

The Camden Council Core Strategy was adopted on 8<sup>th</sup> November 2010. Core Strategy policy CS14 (Promoting High Quality Places and Conserving our Heritage) regards the conservation of Camden’s heritage. It outlines the objective of preserving and enhancing Camden’s rich and diverse heritage assets and their settings.

### **London Borough of Camden Development Policies DPD, 2010**

The Camden Council Development Policies DPD was adopted on 8<sup>th</sup> November 2010. Policy DP25 from Camden’s Development Policies DPD regards conserving Camden’s heritage and states that to preserve or enhance the borough’s conservation areas and listed buildings, Camden Council will:

*“A) Take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;*

*B) Only permit development within conservation areas that preserve and enhances the character and appearance of the conservation area;*

*C) Prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;*

*D) Not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and*

*E) Preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden’s architectural heritage.’*

*F) Prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention;*

*G) Only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the listed building;*

*H) Not permit development that it considers would cause harm to the setting of a listed building.”*

### **Other Material Considerations**

#### **NPPG: National Planning Policy Practice Guidance, 2014**

National Planning Practice Guidance 2014 has been issued by the Government as a web resource and living document, including a category on conserving and enhancing the historic environment. This is intended to provide more detailed guidance and information with regard to the implementation of national policy set out in the Framework.

The NPPG 2014 helps to define some of the key heritage terms used in the Framework. With regard to substantial harm, it is outlined that in general terms this is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special interest. Optimum viable use is defined in the NPPG as the viable use likely to cause the least harm to the significance of the heritage asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

Public benefits are also defined in the NPPG 2014, as anything that delivers economic, social and environmental progress as described in the Framework. Public benefits should flow from the proposed development, and they may include heritage benefits.

### **Department of Culture, Media and Sport Circular: Principles of Selection for Listing Buildings, 2010**

The Principles of Selection for listing buildings sets out the general criteria for assessing the special interest of a building in paras. 9 and 10, as below:

*“Architectural Interest. To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;*

*Historic Interest. To be of special historic interest a building must illustrate important aspects of the nation’s social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.*

*10. When making a listing decision, the Secretary of State may take into account the extent to which the exterior contributes to the architectural or historic interest of any group of buildings of which it forms part. This is generally known as group value. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages) or where there is a historical functional relationship between a group of buildings. If a building is designated because of its group value, protection applies to the whole of the property, not just the exterior.”*

In addition to the criteria and general principles set out in the guidance, a number of Selection Guides for different building types have been published by English Heritage (now Historic England) in 2011. These Selection Guides provide further information regarding each building type, and demonstrate what features are considered significant and likely to make a building of special architectural or historic interest when assessing each building type.

### **Historic England, Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment, 2015**

This document provides advice on the implementation of historic environment policy in the Framework and the related guidance given in the NPPG. For the purposes of this report, the advice includes: assessing the significance of heritage assets; using appropriate expertise; historic environment records; and design and distinctiveness.

It provides a suggested staged approach to decision-making where there may be a potential impact on the historic environment:

1. Understand the significance of the affected assets;
2. Understand the impact of the proposal on that significance;
3. Avoid, minimise and mitigate impact in a way that meets the objectives of the Framework;
4. Look for opportunities to better reveal or enhance significance;
5. Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change;
6. Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.

### **Historic England: Conservation Area Designation, Appraisal and Management: Historic England Advice Note 1, 2011**

This document sets out a series of conservation principles and guidance regarding the management of Conservation Areas. It outlines the fundamentals of designation, and, importantly, puts in place processes for character appraisals which may be used to manage development in the area moving forward. It sets an over-arching objective for character appraisals as documents which understand and articulate why the area is special and what elements within the area contribute to this special quality and which do not. Having done this, it outlines an approach to appraisals of special interest which uses desk and field-based inquiry.

### **Historic England, Conservation Principles: Policies and Guidance, 2008**

This guidance document sets out Historic England's approach to making decisions and offering guidance about all aspects of England's historic environment. The contribution of elements of a heritage asset or within its setting to its significance may be assessed in terms of its "heritage values":

*"Evidential Value: the potential of a place to yield evidence about past human activity.*

*Historical Value: the ways in which past people, events and aspects of life can be connected through a place to the present.*

*Aesthetic Value: the ways in which people draw sensory and intellectual stimulation from a place.*

*Communal Value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.' (Paras. 30-60)"*

**Camden Planning Guidance SPD, 2011**

The London Borough of Camden's planning guidance provides further information on the application and implementation of policies contained within the Development Plan. The guidance contained within this document is broadly compliant with the relevant policy framework and best practice outlined in this appendix and as such is noted here for the sake of completeness only.

**Bloomsbury Conservation Area Appraisal and Management Strategy, 2011**

The Bloomsbury Conservation Area Appraisal and Management Strategy was adopted in April 2011. The Bloomsbury conservation area appraisal and management strategy defines and analyses what makes the Bloomsbury conservation area 'special' and provides information to local residents, community groups, businesses, property owners, architects and developers about the types of alterations and development that are likely to be acceptable or unacceptable in the conservation area

**Turley Office**  
The Charlotte Building  
17 Gresse Street  
London  
W1T 1QL

T 020 7851 4010

**Turley**  
Heritage