

Planning Statement

Pakenham Arms, 1 Pakenham St, WC1

November 2016

Turley

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Client
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Our reference
GRAL2009

November 2016

1. Introduction

- 1.1 Turley is instructed by Pakenham Investments Limited to submit an application for the change of use of the Pakenham Arms from A4 to B1 or A1 at ground floor and basement.
- 1.2 The Pakenham Arms currently lies vacant following unsuccessful attempts to run a viable Public House in recent years and an unsuccessful marketing campaign.
- 1.3 The applicant wishes to find a sustainable commercial use for the vacant ground floor and basement floorspace in order to secure the future of this listed building.
- 1.4 The application includes a viability assessment and marketing report to demonstrate the running a Public House from the premises is no longer commercially viable over the short-medium term. Moreover, the Development Plan only protects Public Houses that have a community function and the Pakenham Arms when in operation did not exhibit these features and could not do so today, particularly given the limited size of the commercial floorspace.
- 1.5 An alternative commercial use for the premises represents the optimum solution in land use planning and heritage terms. The proposals comply with the Development Plan on the basis that the former Public House did not serve a community function and cannot any longer be operated in its original use.

2. Development Plan

2.1 Relevant Development Plan Documents within the London Borough of Camden comprise:

- London Plan (2015)
- Camden Core Strategy (2010)
- Camden Development Policies (2010)
- Policies Map

2.2 Additional material considerations include:

- National Planning Policy Framework
- National Planning Practice Guidance
- Camden Planning Guidance 5 – Town centres, retail and employment
- Draft Local Plan (submission draft) 2016 (submitted to the Secretary of State 24 June 2016 (and associated Policies Map). **This has limited weight prior to adoption.**

3. Proposed Development

- 3.1 Two planning applications have been submitted, for the following proposed developments:
- Change of use from Use Class A4 to Use Class A1
 - Change of use from Use Class A4 to Use Class B1
- 3.2 No physical changes requiring planning permission or listed building consent form part of the proposals.
- 3.3 The change of use relates to the ground floor and basement of the property, excluding the ground floor entrance to the residential units above.

4. Planning history

- 4.1 The most relevant planning history of the site is in relation to the change of use of the first floor and above to residential and the associated changes to the ground floor and basement levels of the retained A4 use (references below). Internal changes to the ground floor and basement permitted by this application comprised:
- Relocation of kitchen to ground floor from first floor
 - Relocation of WCs to basement, with wheelchair accessible WC at ground floor
 - Removal of basement office space
 - Insertion of corridor at ground floor within A4 space to provide access to residential units on upper floors
- 4.2 The site subject to an Article 4(1) direction pursuant to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), which removes Permitted Development rights for change of use to A1, A2, A3 or B1 either permanently or for a temporary period. (Appendix 1).
- 4.3 Turley submitted representations in relation to the immediate direction made in October 2015 (Appendix 2). We set out our view that the continued operation of Permitted Development rights would not be prejudicial to the proper planning or the area, did not constitute a threat to the amenities of the area and that the direction did not have a clear basis of support within the Development Plan. We submitted representations to the Secretary of State (Department for Communities and Local Government). The DCLG responded that it did not consider there to be a clear reason for intervention in this case.
- 4.4 It should be noted that the purpose of an Article 4(1) Direction is to require planning permission for development that would ordinarily be allowed under Permitted Development rights. The Direction should not cause a pre-determination of any future planning application. We have concerns that the attempted justification for the direction, as set out in the Council's report (Appendix 3) raises the risk that any planning application may have been pre-determined and could not therefore be assessed on its merits. It is important therefore that this application is assessed solely on its merits.

Table 4.1: Relevant planning history

Reference	Description	Decision	Date	Notes
PS9905143	Relocation of PH WCs to basement, general refurbishment to pub and basement cellar, relocation of existing kitchen to ground floor, formation of 2 flats at first floor & 2 flats at second floor and	Withdrawn	06/04/2000	

	construction of roof level conservatory, involving minor demolition.			
2014/5369/P	Amendment to planning permission (2013/6910/P) dated 10/03/2014 (for the change of use from ancillary residential above pub to create 1 x 2 bed, 2 x 1 bed, 1 x studio flat & associated alterations to include alterations to rear elevation and installation of glass balustrade at roof level), namely to raise part ground floor level, widen shower rooms (flats 2 & 4), relocate kitchen (flat 3), and associated alterations.	Approved	05/03/2015	
2014/2125/P	Change of use from ancillary residential above pub to create 1 x 2bed, 2 x 1bed and 1 x studio flats and associated alterations to include alterations to rear elevation and installation of glass balustrade at roof level.	Refused, Appeal dismissed	23/10/2014	And associated LBC 2013/2284/L
2013/6910/P	Change of use from ancillary residential above pub to create 1 x 2bed, 2 x 1bed and 1 x studio flats and associated alterations to include alterations to rear elevation and installation of glass balustrade at roof level.	Granted	06/11/2013	

5. Case law review

- 5.1 We have reviewed appeal cases to determine how the change of use from A4 has been addressed by the Planning Inspectorate in recent years.

Whether pub a community facility

- 5.2 A number of recent appeal decisions have found that the pubs in question did not form community facilities (this therefore underlines the importance of a site-specific approach):

5.2.1 The Alexandra, 98 Fortis Green (400-008-256): it was noted that the pub in question was not considered to comprise a community facility per se and that the fact that the venue offered a place for members of the community to meet was insufficient evidence of community facility status.

5.2.2 The Inspector noted that:

‘...whilst a significant section of the community clearly lament the closing of the pub, as it provided an opportunity to meet and socialise, it has not been clearly demonstrated that it provided a uniquely important facet of local distinctiveness or that it was universally valued by a wide cross-section of the community’.

5.2.3 Furthermore, there was no evidence (despite an Asset of Community Value in place) that:

‘The pub furthered the social wellbeing or social interests of the local community.’

5.2.4 The Royal Albion, Hounslow (DCS 100-079-082): the Inspector reasoned that the lack of community facilities, such as garden area, meeting room or performance space and the lack of evidence of the premises hosting local groups, clubs or organisations meant that the pub had *‘...little value as a meeting place or focal point for the local community’*.

5.2.5 The Eagle, Greenwich (DCS 400-003-241): the Inspector concluded that there was no evidence that the pub was a community facility, particularly given the presence of alternative pubs in the area that would serve a similar function and which were better located in terms of passing trade and in terms of accessibility to the community.

5.2.6 The Earl Derby, Kensington & Chelsea (DCS 200-000-422): the pub could not be considered a community facility because there was no evidence of use by community groups to any significant extent and the Inspector concluded that:

‘Overall, on the information before me, it does not appear that the appeal proposal would have any significant bearing on the ability of the community to meet its day to day needs or that it is a valued facility of the type referred to in Paragraph 70 of the Framework.’

- 5.2.7 Even in cases where there are available function rooms, communal gardens and significant public interest in the case, this is not considered to be of significant weight in all cases and particularly not when there were alternative premises available within the wider area. For example, refer to the Morden Tavern, DCS 100-079-167).
- 5.2.8 In a number of cases in which pubs were considered to be community facilities, it was clear that the definition of what constitutes a community facility should be defined with reference to policy. In some cases policy was clear that pubs in general are defined as community facilities within policy, and in those cases that proved sufficient to support the LPA's position. For example, The Swan, Hounslow (DCS 200-000-456), The Woodhouse Tavern, Waltham Forest.
- 5.2.9 However, where (as in this case) the adopted policy only protects those pubs which are demonstrably providing a community facility the deliberations on what constitutes a community facility are critical to the determination of the case.
- 5.2.10 A number of Inspectorate decisions have given weight to the existence of an Asset of Community Value designation, which has generally been considered to provide evidence of community significance. This was the case, for example, with the appeal relating to The Red Lion in Camden (PINS ref. 2218740). Whilst we do not consider that this is a sufficient basis without further evidence of community facilities operating from a premises, it should in any case be noted that there is no ACV in place for the subject premises.

Conclusions on how to define community facilities:

Within the case law on changes of use from A4 public house premises, it is apparent that the following are factors to be weighed in the balance with regards to whether a particular public house should be considered a community facility:

- The definition of community facility within the Development Plan and within the NPPF
- The presence of an ACV designation
- The extent of facilities to enable community interaction, such as meeting/function rooms, performance spaces, garden areas etc. coupled with evidence of local groups meeting within the venue
- Comparable alternative facilities within the area

- 5.3 Clearly notwithstanding the above considerations, decisions must be made in accordance with the Development Plan unless material considerations suggest otherwise. We therefore review development plan policies in the preceding section.

Viability of pub operation

- 5.4 There is limited available detail within recent appeal cases with regards to the viability of pubs; much of this information is not publically available. However, a number of key points can be determined from the Inspector's reports of recent cases in spite of this:
- 5.4.1 Marketing evidence is accepted as a means to demonstrate that a pub is not viable; this is on the basis that marketing allows prospective purchasers with experience of the market to assess whether the premises would be a sound investment, with regards to operating costs and likely income and draw conclusions on viability. Essentially a business cannot be considered viable if no company or individual wishes to acquire and run it.
 - 5.4.2 The number of competing pubs within a local area is a relevant consideration to viability, particularly where nearby establishments may be better located in terms of passing trade and accessibility.
 - 5.4.3 CAMRA's guide on demonstrating pub viability has been referred to (in once instance) (DCS 400-008-031). This is not however formal policy or guidance and represents the views of CAMRA.
 - 5.4.4 In this instance, the applicant has instructed Savills to undertake an objective viability assessment, which is submitted with this application.

6. Policy review

Policy designations

- 6.1 The subject site is within the Central Activities Zone and is within the Bloomsbury Conservation Area.
- 6.2 There is a nearby site allocation on Pakenham Street (site 26), which is allocated for either a new secondary school, a mixed-use scheme including residential and employment, or an employment led mixed-use scheme including residential.
- 6.3 The subject property is a Grade II listed building.

Policy protection of Public Houses

National Planning Policy Framework

- 6.4 Paragraph 70 sets out that planning 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*' and '*guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs*'
- 6.5 In this policy guidance it should be highlighted that the wording refers specifically to *unnecessary* loss and to facilities and services which are *valued*. The NPPF does not therefore require the blanket protection of all public houses.

Asset of Community Value

- 6.6 Whilst the subject site is not listed as an Asset of Community Value and the ACV regime does not constitute part of the Development Plan it may be instructive to consider how ACV's are defined by DCLG in order to illuminate further this point.
- 6.7 ACV's should have a current use that further the social wellbeing of the local community or a use that in the recent past has done so and has a reasonable prospect of coming back into that use within 5 years.

Development Plan

- 6.8 Local Development Plan Documents contain the following provisions with regards to Public Houses:

London Plan

- 6.9 Policy 4.8 protects 'valuable community assets, including public houses, justified by robust evidence
- 6.10 Where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses.

- 6.11 The London Plan therefore protects community assets, including public houses where these are demonstrated to be community assets and subject to local Development Plan policy.
- 6.12 London Plan policies 3.16 and 7.1 do not specifically identify public houses as social infrastructure nor therefore protect such uses.

Local Development Plan Documents

There is no specific protection of public houses or A4 uses within adopted local Development Plan documents.

Core Strategy

- 6.13 Policy CS7 refers to Camden's centres and shops.
- 6.14 Paragraph 7.19 of the Core Strategy notes that Public Houses and other similar uses are most appropriately located within commercial areas to minimise amenity impacts.
- 6.15 Paragraph 7.20 of the Core Strategy states that the Council recognises that small-scale food and drink uses outside larger centres can be important local facilities (and provide local meeting places); however, on this basis small-scale facilities (less than 100 sq m) are considered suitable within neighbourhood centres, provided there is no harm to amenity. There is no indication that such places would be acceptable in isolation.
- 6.16 These paragraphs are supporting text to policy CS7 – Promoting Camden's centres and shops. This policy does not protect existing pubs and would not support a new pub or other A4 use within this location.
- 6.17 Policy CS 10 supports the retention and enhancement of existing community, leisure and cultural facilities but this policy and its supporting text does not refer to public houses or drinking establishments.

Camden Development Policies

- 6.18 Policy DP15 protects existing community facilities and resists their loss unless the specific community facility is no longer required in its current use
- 6.19 Paragraph 15.7 sets out that the loss of local pubs *that serve a community role* [emphasis added] (for example by providing space for evening classes, clubs, meetings or other performances) will be resisted unless alternative provision is available nearby or it can be demonstrated to the Council's satisfaction that the premises are no longer economically viable for pub use:

'We will also resist the loss of local pubs that serve a community role (for example by providing space for evening classes, clubs, meetings or performances) unless alternative provision is available nearby or it can be demonstrated to the Council's satisfaction that the premises are no longer economically viable for pub use.'

- 6.20 This supporting text relates to policy DP15 – Community and leisure uses, which does not specifically refer to public houses or other A4 uses.

Emerging policy

- 6.21 The submission draft local plan contains a specific policy in relation to public houses – policy C4. This takes a similar approach to adopted policy in protecting public houses **of community value**. Heritage and townscape value is also referred to.
- 6.22 The emerging policy would require demonstration that the loss of a pub would not relate to a premises that is valued by the community or which makes a valuable contribution to the historic environment or character of the local area. The policy would also require demonstration of no reasonable prospect of the public house being able to trade within the next 5 years.
- 6.23 It is noted that a change of use would be required to retain features of historic or character value.
- 6.24 The draft policy text reads:

‘The Council will protect public houses which are of community, heritage or townscape value. The Council will not grant planning permission for proposals for the change of use, redevelopment and/or demolition of a public house unless it is demonstrated to the Council’s satisfaction that:

a. the proposal would not result in the loss of pubs which are valued by the community (including protected groups), or which make a valuable contribution to the historic environment or character of the local area;

b. equivalent premises capable of meeting the community needs served by the public house are available;

c. there is no interest in the continued use of the property or site as a public house;

d. there is no reasonable prospect of a public house being able to trade from the premises in the next 5 years.’

- 6.25 An additional policy requirement is mooted within the draft policy text, which is that where the loss of public house is agreed, the suitability for alternative community uses should be assessed before other uses are considered. We do take issue with this wording given the implication without logical basis that a public house would be considered a community use.
- 6.26 At this stage, this draft policy is subject to public examination and should therefore only be given limited weight.

Policy tests

- 6.27 Given the above, the Development Plan establishes the following protection in relation to Public Houses:
- Public Houses should be located within defined centres, including for small-scale operations a neighbourhood centre
 - Those pubs which specifically serve a community role are protected by the council

- Community role is described by the council as constituting premises which provide space for community functions such as evening classes, clubs and meetings.
- London Plan policy offers a level of protection subject to robust evidence of need, community asset value and viability in pub use.

Additionally, emerging policy may require the following tests to be addressed:

- Assessment of the contribution to the historic environment or character of the local area
- Assessment of equivalent premises capable of meeting the same community needs in the area (if relevant)
- Assessment of continue interest / reasonable prospects of the public house trading in the next five years

Additional material considerations

National Planning Policy Framework

6.28 The NPPF is a material consideration but does not constitute part of the statutory development plan. Paragraph 70 of the NPPF notes that shared space and community facilities can include public houses and local shops

6.29 It does not follow however that all public houses can be defined as a community facility nor that all shops could be so-defined. This is a matter of fact and degree based on the individual circumstances of the case. In relation to the proposed change of use, it should be noted that the proposed use could potentially be considered a community facility.

Camden Planning Guidance 5

6.30 Food, drink and entertainment uses should be located in areas where their impact can be minimised.

6.31 No policies referring to the loss of A4 uses.

7. Planning Assessment

Site location

- 7.1 The site is not within a town centre or neighbourhood centre.
- 7.2 The predominant land use within the area is residential.
- 7.3 The nearest designated centres within Camden are at the Brunswick Centre (650m to the west) and Lamb's Conduit Street (500m to the south-west). Exmouth Market, within the London Borough of Islington, is designated as a Local Shopping Area by that Borough. Exmouth Market lies 300m to the east.
- 7.4 Given the site location, planning policies would suggest that an A4 use would not be appropriate in land use terms given that such uses should be focused in designated centres. Notwithstanding this, the public house has been in existence for a long period of time.
- 7.5 There is a wide choice of drinking establishments within the surrounding area, including the following premises:
- The Calthorpe Arms (150 metres)
 - The Union Tavern (150 metres)
 - The Blue Lion (170 metres)
 - The Easton (220 metres)
 - The Apple Tree (240 metres)
 - The Exmouth Arms (310 metres)
 - In addition, there are a large number of pubs beyond the immediate vicinity, such as The Duke, The Lamb, The Perserverance, The Gunmakers, The Yorkshire Grey, The Wilmington Public House
- 7.6 Surrounding land uses include mainly residential properties, plus the following notable uses:
- UCL Eastman Dental Institute
 - Goodenough College
 - Great Ormond Street
 - Brunswick Estate

Community facilities

Pakenham Arms

- 7.7 The public house, when in operation, was not a community facility under the definition established within the Core Strategy and Development Management Plan.
- 7.8 It is noted from the Article 4 Direction report (Appendix 3) that LBC considers the premises, when in operation, to have served '*a valuable community function as evidenced by the petition submitted to the Council by local residents*'.
- 7.9 In actual fact there is no evidence within the submitted petition to suggest that the premises did operate as a community facility as defined in planning policy. Whilst it is not disputed that the signatories of the petition felt that the public house was valued by those signatories, this is not evidence of community facilities at the premises. All that the petition stated was:
- 'The Pakenham Arms is due to close on the 11th July; it has been there, on the corner of Calthorpe and Pakenham Street for over 150 years. It is a much loved part of the local community, with locals, regulars, tourists and new comers loving its relaxed atmosphere and its friendly staff!'*
- 7.10 No evidence is cited regarding the provision of community facilities at the premises. Community facilities are described within para. 15.7, which supports Policy DP15 and states that pubs serving a community role would be those which provide space for evening classes, clubs, meetings or performances.
- 7.11 Note that the Development Plan does not set out that all pubs are automatically considered to be community facilities and therefore any justification that the premises did operate as a community facility should go beyond the typical characteristics of a public house. It is not sufficient or compliant with the Development Plan to make generalised statements such as that set out in the Article 4(1) Direction report (Appendix 3) that '*like any pub, the Pakenham Arms is integral to the urban grain of its neighbourhood*' and that on this basis there is '*communal, cultural social and importance*'. A site specific assessment and justification needs to be provided to justify the resistance to a change of use and this must have a clear basis within the Development Plan.
- 7.12 We are not aware of any community facility activities that were carried out at the premises. The public house operated as a small public house. There is no evidence of functions such as musical performances, sporting clubs, or other clubs or meetings.
- 7.13 Furthermore, the premises is not of a scale or layout that could offer any community / function room.

Nearby community facilities

- 7.14 It is relevant to consider the availability of publically accessible meeting spaces because this may be considered relevant in relation to emerging policy. In this respect it is noted that the following premises offer space for public meetings, albeit that this is only one limited dimension of a potential community facility and we would not suggest that the

availability of meeting spaces would of itself be sufficient to confirm a property would be classed as a community facility:

- The Calthorpe Arms advertises availability for business meetings and parties on its website <http://www.rampubcompany.co.uk/visit-pubs/calthorpe-arms>
- Both the Holiday Inn and Travelodge provide rooms and conference facilities for hire
- Coram's Fields has a variety of spaces available for meetings, classes, conferences and parties. (400 m)
- Goodenough College has space available for meetings and conferences (280 m)

7.15 The following locations offer meeting room hire.

- 11 Guilford St, WC1N (zip cube.com)
- 2 John Street, WC1N
- 3-11 Pine Street, EC1R
- Sidmouth Street, WC1H (vrumi)
- Heathcote Street, WC1X
- Numerous available on Theobalds Road, John Street, Cockpit Yard, Great James Street WC1X

Viability of Public House use

7.16 The applicant instructed Savills (UK) Ltd to undertake a viability study of the premises. This is relevant with regards to emerging policy. It is not directly relevant to adopted policy given that we do not considered the premises to be a community facility and therefore the provisions of DP15 do not apply. However, consideration of viability can be be a material planning consideration with regards to the loss of an existing use.

7.17 The viability study reviews the property, site location and wider context, local market, available and projected accounts information for September 2012- May 2014 and assesses the likelihood of the premises achieving a Fair Maintainable Turnover (FMT) and Fair Maintainable Operating Profit (FMOP) for a Reasonably Efficient Operator (REO). The report also considers the fit out costs that would be required to return to the shell to an operating public house.

7.18 The report notes the following key points:

- The property is in good condition but lacks fixtures, fittings and equipment i.e. is in a shell condition
- The premises has been most recently operated (at a loss) by the Old Angel Pub Co on a profit share basis. The pub was run on the basis of a profit share rather

than rent being charged. In the last year of operation the landlord did not receive a profit share because of insufficient profits. Prior to this the Convivial Pub Company managed the premises.

- The location of the premises in a predominantly residential area and the growth of competing leisure uses, particularly around Exmouth Market, is considered likely to have had a detrimental impact on trade and viability.
- Wider market forces have led to a general fall in sales from public houses, as set out by dated from the British Beer and Pub Association and costs have risen including wage costs and duties.
- The financial modelling indicates that the premises would not make a Fair Maintainable Operating Profit.

- 7.19 The viability study concludes, with reference to actual accounts, projected accounts and a modelled FMOP that the public house is unviable i.e. that it is incapable of generating a profit on a sustainable basis in the long term. This report therefore addresses the requirement of emerging policy that the change of use of a public house should be undertaken in the context of a demonstration that there are not reasonable prospects of viable trading within the medium term.

Marketing report

- 7.20 The application submission documents also include a marketing report produced by Colliers International, which details marketing by Colliers and Hatton Real Estate (who were subsequently bought out by Colliers).
- 7.21 In summary, the property has been marketed since Q4 2015 and continues to be marketed. The premises was originally marketed for sale as a whole building but has subsequently been marketed just in relation to the ground and lower ground commercial space. The marketing report has been unsuccessful at attracting any series interest.
- 7.22 The lack of success in marketing the premises is a good indication that the commercial market does not view this as a viable prospect.

Policy support for A1 use

- 7.23 The Development Plan establishes the following support for A1 uses:
- Policy DP10 encourages the provision of small and independent shops and protects against the loss of shops outside designated centres.
 - Policy CS7 refers to the sequential approach but supports limited provision of small shops outside designated centres to meet local needs. Sequential testing for a unit of this scale would not be appropriate.
 - The Core Strategy does direct small shops to neighbourhood centres (paragraph 7.20); however, in this respect we note that the specific circumstances of the case are to find an alternative use for a defunct commercial use that has been proven to be unviable. Retail use would in our view be an appropriate alternative use for

the premises that would not be of a scale that would be harmful either to local amenity or to designated town centres. The application relates to finding a viable use to an existing premises and should therefore be supported.

- Core Strategy CS9 supports Central London as a focus for growth in homes, offices, shops and other uses.

- 7.24 Small shops are defined as comprising less than 100 sq m (as defined in the glossary); however, the ground floor of the subject premises, at 138 sq m, would still be considered under-sized for most mainstream retail uses and on this basis would be considered a small A1 unit. Most supermarket convenience operators, for example, would not be able to operate from a premises of this size.

Emerging policy

- 7.25 Draft policy TC3 would protect shops outside centres unless there is evidence of a lack of viability and local alternative provision. This includes protection for shops outside of neighbourhood centres.
- 7.26 Draft policy TC5 would support small and independent shops irrespective of location.

Policy support for B1 uses

- 7.27 Paragraph 13.1 of the Core Strategy notes that *'Having a range of sites and premises across the borough to suit the different needs of businesses for space, location and accessibility is vital to maintaining and developing Camden's economy.'*
- 7.28 Policy DP13 encourages alternative business use of existing business premises. We consider that this approach can be applied where appropriate to a change from one commercial use to another.
- 7.29 Policy DP13 also encourages premises suitable for new, small or medium enterprises, for which the property will be suitable given the limited size of the floorspace.
- 7.30 Core Strategy Policy CS8 promotes office growth within Central London and supports a mix of employment facilities including those suitable for small and medium sized enterprises and affordable workspace.
- 7.31 With regards to community facilities, change of use to office would allow the potential for public hire of meeting spaces outside of core business hours. This would be supported by policy DP15 which supports community facilities within the central London area.
- 7.32 Core Strategy CS9 supports Central London as a focus for growth in homes, offices, shops and other uses.

Heritage

- 7.33 The subject premises is grade II listed and the site is within the Bloomsbury Conservation Area.

- 7.34 It is noted that the Public House use when in operation made a contribution to the significance of the building as a heritage asset. The proposed retention of a commercial use for this floorspace will ensure that the ground floor continues to operate with an active use.
- 7.35 With regards to the listing, the proposals do not propose any physical changes. Any material changes to the appearance of the building would require listed building consent and will therefore be within the Council's control.
- 7.36 Turley has conducted a Heritage Statement and also previously advised in relation to the proposed (and approved) residential conversion to the upper floors.
- 7.37 The heritage statement concludes that securing an alternative viable use for the ground and basement floors of the premises is an appropriate means to ensure the long term conservation of the building and its significance in heritage terms and that it would not be appropriate to mothball the premises for the foreseeable future. It is acknowledged that continued public house use would be preferable in heritage terms but given the conclusions of the viability report an alternative use is supported. The report notes that:
- The uses proposed within the building could be achieved in a manner that sustains the significance of the building.
 - The proposed uses would introduce an activity and patterns of use that are reminiscent if not entirely consistent with the public house use.
 - 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.
 - 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.

Transport and Servicing

- 7.38 Servicing and refuse collection will be from the public highway as per the established A4 use.
- 7.39 Very limited servicing is anticipated to be associated with the proposed use, limited to light goods vehicles during working hours.
- 7.40 The premises will be operated on a car free basis.
- 7.41 The development will not generate any materially significant vehicle movements and as such is compliant with policies DP16, DP18 and DP20 of the Development Policies document.

8. Conclusions

- 8.1 The proposals will enable a continued commercial use of the vacant Public House, which will secure the long-term future of this listed building.
- 8.2 The proposals meet the tests of the adopted Development Plan and emerging policy, in the following respects:
- The Public House does not and did not form a specific community role and could not do so in the future given its limited floorspace. In any case, other premises in the vicinity offer community facilities.
 - The Public House is demonstrably unviable in its current use and marketing efforts have failed.
 - Finding an alternative commercial use of the premises is a positive outcome in both land use planning and heritage terms.
 - A small commercial use provides the opportunity for an SME / start-up business to locate within this part of the central London area within LB Camden.
 - Commercial use also offers the opportunity for the premises to offer a space for use by the local community outside of core business hours, which would be an additional benefit.
- 8.3 Ultimately, the Development Plan does not protect Public Houses unless they serve a demonstrable community role , which is not the case in this instance. Given the lack of viability to continue in the present A4 use, an alternative commercial use should be supported by the Council and planning permission should be granted accordingly.

Appendix 1: Article 4(1) Directions

Appendix 2: Representations to Article 4(1) Directions

Appendix 3: Council's report on Article 4(1) Directions

[Insert text here]

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Turley