



## **Town and Country Planning Act**

### **Supporting statement**

on behalf of Artichoke Heart Limited

in respect of the Queens Head and Artichoke, 30-32 Albany Street, Camden,  
London NW1 4EA

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## **1 Introduction**

- 1.1 This statement is produced on behalf of Artichoke Heart Limited (the **Applicant**) in support of its application for planning permission for development at the Queens Head and Artichoke, 30-32 Albany Street, Camden, London NW1 4EA (the **Property**). The Property is outlined in red on the site location plan attached to this application (the **Application**).
- 1.2 The Property has been operated by the Applicant since 2002. The Property is operated as a 'gastropub' style public house on the ground floor with the commercial kitchen and ancillary restaurant space on the first floor. The second floor is a single large dwelling in which the Applicant owners are resident.
- 1.3 The ancillary restaurant space on the first floor has been extremely difficult to make commercial use of for some time now and is very rarely used. The proliferation of other dining options in the area over the last 5 to 10 years has meant that Property is no longer viable in its current form. It is crucial that the Applicant identify another means of generating revenue from the Property in order to sustain the pub and restaurant business.
- 1.4 The Applicant will also shortly be hit with a significant increase in business rates with the rateable value increasing from £21,500 to £100,000. This Applicant will also be losing the benefit of small business relief. The Application represents an intensification of the use and to allow what is currently 'dead space' on the first floor to begin to generate revenue without which the Applicant is concerned that the Property will not be sustainable.
- 1.5 The Applicant is seeking to amend the layout of the Property, including making better use of the first floor by relocating the kitchen to the basement and using the space to create two self-contained apartments and converting the loft space. The Application will create three self-contained serviced apartments that can be commercially let supporting the Applicant's business and attracting tourism to the Capital.

## **2 Site location and Description**

- 2.1 The Property is a corner site three storey building plus basement and attic space that is bounded by a public highway at Albany Street to the west and a public highway at Longford Street to the south. The Property is adjacent to Grade II Listed buildings at both the north and east.
- 2.2 Currently the ground floor is used as a public house with a restaurant area. There is ancillary restaurant space and the commercial kitchen on the first floor. The second floor is a self-contained apartment although this is only accessible through the pub / restaurant. This makes the accommodation inappropriate for many people and is not secure. The current means of escape in the event of fire is also unsatisfactory.
- 2.3 17 people are currently employed in relation to the operation of the Property.
- 2.4 The upper floors are currently solely accessible via a central internal staircase making them inaccessible to those with mobility issues.

## **3 Planning History of the Property**

- 3.1 A search of Camden Council's planning portal has revealed two permissions relating to the Property:

- 3.1.1 **32212** – the erection of a roof over the rear yard to provide improved toilet facilities and the installation of a new frontage to part of the Longford Street elevation.
- 3.1.2 **9400670** - Alterations to the Longford Street elevation comprising the replacement of existing double doors with a new window in connection with the conversion of the side yard/store area to covered bar seating. These works were not carried out.
- 3.2 We understand that the Applicant had previously submitted two planning applications for similar purposes to the current Application (planning references 2016/6585/P and 2016/2192/P) but these have been withdrawn.
- 3.3 **Operation of the Property**
- 3.4 The Applicant operates the Property as a public house and restaurant. There is a commercial kitchen and ancillary dining space on the first floor. The owners live on the second floor.
- 3.5 The first floor dining space is rarely used, certainly less than once per month. The Applicant has marketed the space as being suitable for large group bookings and private hire although ultimately this has been unsuccessful. The second floor dining space is too small to be considered a restaurant in its own right and the fact that diners need to travel downstairs to collect drinks has proven unpopular in a 'gastro-pub' setting.
- 3.6 When the Applicant first took over the Property fifteen years ago there was considerably less competition for a comparable food offering. Following the completion of the Triton Square development permission was granted for three large bars and restaurants which has severely impacted on the Applicant's food trade and their ability to fill the first floor restaurant. There has also been a proliferation of small chain restaurants in the vicinity of the Property, and particularly Great Portland street itself, which has resulted in a marked decline in food trade at the Property.
- 3.7 The Applicant has found that although the Property has a good reputation and the ground floor bar and restaurant area enjoy brisk trade without the space on the first floor being put to effective use the business as a whole is unlikely to remain viable in the long term.
- 3.8 **The Property**
- 3.9 The Property is thought to have been built around 1900 and is within the Regents Park Conservation Area formed in 1985.
- 3.10 The current layout of the Property is not fit for purpose. The first floor currently houses the restaurant kitchen and it is not possible to expand and install larger preparation and cooking facilities. This space could be much more effectively used given its high ceilings and ample light from large sash windows.
- 3.11 The apartment on the second floor of the Property is accessed solely through the restaurant and pub; this arrangement is unsafe and untenable. Potential residents to the apartments are severely limited given that they need to be given access through the public house. The means of escape in the event of fire are also unsatisfactory.

## 4 The Application

4.1 The Application submitted is for planning permission for:

- 4.1.1 a change of use of the first floor from A3 (restaurant) to C1 (serviced apartments);
- 4.1.2 provision of self-contained residential accommodation: three new apartments at first and second floor levels;
- 4.1.3 extension of the existing residential accommodation into the attic in the form of with the addition dormer windows (resulting in no loss of C3 residential space); and
- 4.1.4 the installation of a new fire escape staircase and mini-lift within the existing yard.

4.2 Existing and proposed plans are enclosed with the Application. The works will allow the Property to operate at a sustainable profit and safeguard the future success of this important public house while adding three serviced apartments to the Borough without losing any residential floorspace. In ensuring the future viability of the Applicant's business 17 jobs will be secured. The Application will also provide a more suitable means of escape from the residential apartments.

4.3 By extending into the roof space the Application results in no loss of residential floorspace while also creating much needed guest accommodation in the area. The revenue created by the letting of these rooms will fund the renovation of the existing building and help to offset the cost of relocating the commercial kitchen to the basement.

4.4 The provision of a new fire escape staircase to the second floor will enable the continued use of the apartment as the primary residence of the Applicant and remove the need for guests to have to access rooms via the bar / restaurant area.

## 5 Legislation

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the **2004 Act**) provides that:

5.1.1 *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

5.2 In considering this application the London Borough of Camden (the **Council**) will have regard to the Camden Local Development Framework (the **LDF**), the Camden Development Policy (the **DP**), the London Plan and National Planning Policy Framework (the **NPPF**). Copies of the LDF and DP policies cited in this supporting letter are included at set out at Appendix 1. Any determination of this application must therefore be made in accordance with the development plan unless material considerations indicated otherwise.

### 5.3 **National Planning Policy Framework (NPPF)**

5.4 The NPPF constitutes the Government's current national guidance and policy regarding development, including development in the historic environment. It is a material consideration and includes a succinct policy framework for local planning authorities and decision makers.

5.5 Paragraph 14 of the NPPF states that a presumption in favour of sustainable development should be the "golden thread running through both plan-making and decision-taking". For decision-taking this means "approving development proposals that accord with the development plan without delay" and "where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits".

5.6 The NPPF at paragraphs 18-22 sets out that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system and support local businesses and the local economy.

5.7 Paragraph 21 of the NPPF sets out that investment in business should not be overburdened by the combined requirements of planning policy expectations. Planning policy should recognise and seek to address potential barriers to investment.

5.8 This doctrine needs to form the framework under which any planning decision is taken.

### 5.9 **DP Policies**

#### 5.9.1 **Employment**

Policy DP13 sets out the Borough's policy in relation to employment premises and sites. The Application is in line with this policy as it supports the continued business use of the Property and allows the ground floor to continue to operate as a community asset.

Camden Core Strategy Policy 8 also supports the importance of other employment generating uses including the Property's leisure use

#### 5.9.2 **Tourism**

Policy DP14 relates to tourism within the Borough. The Application accords with policy DP14 in that it supports new tourism development and visitor accommodation in Central London. Policy DP14 specifically requires accommodation to:

- (a) be easily reached by public transport;
- (b) provide any necessary off-highway pickup and set down points for taxis and coaches;

- (c) not harm the balance and mix of uses in the area, local character, residential amenity, services for the local community, the environment or transport systems.

The Property is extremely well connected to public transport (as set out below). The Application will not result in any loss of services to the local community or impact on residential amenity.

The Applicant would be happy to accept a restriction on occupation for longer than 90 days should the Council consider this desirable.

Camden Core Strategy policy CS9 supports an increase in hotel (including serviced accommodation) use in Camden.

### 5.9.3 **Transport**

The Property is situated in a major transport hub, with guests serviced by a wealth of different train, tube and bus routes. There are also significant cycle hire facilities within the area. The Property's use as serviced apartments is clearly supported by policy DP16 which states:

*"The Council will seek to ensure that development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links."*

Given the Property's excellent connection to the public transport network and the nature of tourists visiting London (who have often flown or used the Eurostar and are therefore without a car) any increase in traffic to the Property as a result of the change in use is negligible.

## 5.10 **London Plan policy 4.5**

5.10.1 London Plan policy 4.5 states that Borough's should:

- (a) support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London.
- (b) seek to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible.

5.10.2 The will contribute towards the 40,000 net additional hotel bedroom target and will add to the range and quality of hotel provision within the Borough. The Property is in a suitable location.

5.10.3 The rooms created by the Application will be provided as serviced apartment 'apart-hotels' type accommodation as called for by the London plan. This accommodation would be appropriate for both business and leisure guests.

5.10.4 The three new rooms will cater for those with mobility issues with access via the lift to be installed.

## **6 Other material considerations in support of the Application**

- 6.1 The first floor is currently used as the restaurant kitchens which will be moved to the basement, and therefore there is no loss of community value in respect of this part of the property. There is no loss of residential floorspace as the reduction of C3 floorspace on the second floor is mitigated by the development of residential floorspace in what is currently the basement.
- 6.2 The Application will therefore safeguard the future use of the Property as a public house; a position supported by the British Beer and Pub Association. The British Beer and Pub Association confirm that, across the UK, many of these hubs of local life are closed at a detriment to the local economy and community. This is a position that the Applicant wishes to avoid.

## **7 Conclusion**

- 7.1 The Application under consideration is crucial to the future viability of the Property and the retention of the Public House use. Without the capacity for additional residential dwellings the business is likely to close. In doing so the Council will lose a valuable community asset which attracts valuable tourist revenue to the area, provides employment to local people and makes the Public House a sustainable business for the use of local residents.
- 7.2 As set out in the NPPF, the local planning authorities should support sustainable development and seek to promote sustainable diversified and balanced economies. The application should be approved without delay unless there are any adverse impacts that would significantly and demonstrably outweigh the benefit.
- 7.3 The Application entirely accords with the principles of the NPPF and section 38(6) of the 2004 Act. It is therefore submitted that planning permission should be granted.

## Appendix 1

### 1 National Planning Policy Framework

#### 1.1 Para 14:

*14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For plan-making this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*
  - *specific policies in this Framework indicate development should be restricted*

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or*
  - *specific policies in this Framework indicate development should be restricted*

#### 1.2 Para 18 – 22

*18. The government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.*

*19. The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*

*20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.*

*21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:*

- *set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth*
- *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period*



- *support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances*
- *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries*
- *identify priority areas for economic regeneration, infrastructure provision and environmental enhancement*
- *facilitate flexible working practices such as the integration of residential and commercial uses within the same unit*

*22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

## **2 Camden Development Policies – DP13**

### **2.1 Policy DP13 - Employment premises and sites**

*The Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business unless:*

- a) it can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; and*
- b) there is evidence that the possibility of retaining, reusing or redeveloping the site or building*
  - 1. for similar or alternative business use has been fully explored over an appropriate period of time. Where a change of use has been justified to the Council's satisfaction, we will seek to maintain*
  - 2. some business use on site, with a higher priority for retaining flexible space that is suitable for a variety of business uses. When it can be demonstrated that a site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses, except in Hatton Garden where we will expect mixed use developments that include light*
  - 3. industrial premises suitable for use as jewellery workshops. Where premises or sites are suitable for continued business use, the Council will consider redevelopment proposals for mixed use schemes provided that:*
    - c) the level of employment floorspace is maintained or increased;*
    - d) they include other priority uses, such as housing and affordable housing;*
    - e) premises suitable for new, small or medium enterprises are provided;*
    - f) floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses or for offices in premises that are suitable for other business uses;*
    - g) the proposed non-employment uses will not prejudice continued industrial use in the surrounding area. The Council will support the provision of live/work premises provided they do not:*
      - h) result in the loss of any permanent residential units; or*
      - i) result in the loss of sites in business or employment use where there is potential for that use to continue.*

### **2.2 Policy DP14 - Tourism development and visitor accommodation**

*The Council will support tourism development and visitor accommodation by:*

- a) *expecting new, large-scale tourism development and accommodation to be located in Central London, particularly the growth areas of King's Cross, Euston, Tottenham Court Road and Holborn;*
- b) *allowing smaller scale visitor accommodation in the town centres of Camden Town, Kilburn, West Hampstead, Kentish Town and Finchley Road/Swiss Cottage;*
- c) *considering tourism development outside of the areas listed above that has a local or specialist focus and that would attract limited numbers of visitors from outside the borough. All tourism development and visitor accommodation must:*
- d) *be easily reached by public transport;*
- e) *provide any necessary off-highway pickup and set down points for taxis and coaches;*
- f) *not harm the balance and mix of uses in the area, local character, residential amenity, services for the local community, the environment or transport systems. The Council will protect existing visitor accommodation in appropriate locations.*

### 2.3 Policy DP16 – The transport implications of development

*The Council will seek to ensure that development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links. We will resist*

*development that fails to assess and address any need for:*

- a) *movements to, from and within the site, including links to existing transport networks. We will expect proposals to make appropriate connections to highways and street spaces, in accordance with Camden's road hierarchy, and to public transport networks;*
- b) *additional transport capacity off-site (such as improved infrastructure and services) where existing or committed capacity cannot meet the additional need generated by the development. Where appropriate, the Council will expect proposals to provide information to indicate the likely impacts of the development and the steps that will be taken to mitigate those impacts, for example using transport assessments and travel plans;*
- c) *safe pick-up, drop-off and waiting areas for taxis, private cars and coaches, where this activity is likely to be associated with the development.*

## 3 Camden Core Strategy 2010 – 2025

### 3.1 CS8 - Promoting a successful and inclusive Camden economy

*The Council will secure a strong economy in Camden and seeks to ensure that no-one is excluded from its success. We will:*

- a) *promote the provision of 444,000 sq m of permitted office floorspace at King's Cross as well as in the range of 70,000 sq m of office provision at Euston with further provision in the other growth areas and Central London to meet the forecast demand of 615,000 sq m to 2026;*
- b) *support Camden's industries by:*
  - *safeguarding existing employment sites and premises in the borough that meet the needs of modern industry and other employers;*
  - *safeguarding the borough's main Industry Area; and*
  - *promoting and protecting the jewellery industry in Hatton Garden;*
- c) *expect a mix of employment facilities and types, including the provision of facilities suitable for small and medium sized enterprises, such as managed, affordable workspace;*
- d) *support local enterprise development, employment and training schemes for Camden residents;*
- e) *recognise and encourage the concentrations of creative and cultural businesses in the borough as well as supporting the development of Camden's tourism sector*

- whilst ensuring that any new facilities meet the other strategic objectives of the Core Strategy;*
- f) *recognise the importance of other employment generating uses, including retail, markets, leisure, education, tourism and health.*

### 3.2 CS9 - Achieving a successful Central London

*The Council will support and promote the Central London area of Camden as a successful and vibrant part of the capital to live in, work in and visit. We will:*

- a) *recognise its unique role, character and challenges;*
- b) *support Central London as a focus for Camden's future growth in homes, offices, shops, hotels and other uses;*
- c) *seek to ensure that development in Central London, in the growth areas of King's Cross, Euston, Tottenham Court Road and Holborn and beyond, contributes to London's economic, social and cultural role while meeting the needs of local residents and respecting their quality of life;*
- d) *support residential communities within Central London by protecting amenity and supporting community facilities;*
- e) *seek to secure additional housing and affordable homes, including as part of appropriate mixed use developments;*
- f) *take into account the specific identity of the areas within Central London when taking decisions on planning applications and in relevant initiatives and works;*
- g) *promote and protect areas of specialist activity, such as the Museum Street area and Hatton Garden;*
- h) *support the concentration of medical, educational, cultural and research institutions within central London;*
- i) *preserve and enhance the area's historic environment;*
- j) *seek to improve the quality of the area's streets and places, the connections between them and the ease of movement into, and through, the area;*
- k) *continue to designate Central London as a Clear Zone Region to reduce congestion, promote walking and cycling and improve air quality;*
- l) *promote improved community safety;*
- m) *manage the location and concentration of food, drink and entertainment uses and their impact;*
- n) *allocate sites within Central London for appropriate uses, including offices and housing, in the Camden Site Allocations document.*

## 4 London Plan Policy 4.5 – London's visitor infrastructure

A *The Mayor will, and boroughs and relevant stakeholders should:*

a *support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London*

b *seek to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible*

c *ensure that new visitor accommodation is in appropriate locations:*

- *beyond the Central Activities Zone (CAZ) it should be focussed in town centres and opportunity and intensification areas, where there is good public transport access to central London and international and national transport termini*
- *within the CAZ strategically important hotel provision should be focussed on its opportunity areas, with smaller scale provision in CAZ fringe locations with good*

*public transport. Further intensification of provision in areas of existing concentration should be resisted, except where this will not compromise local amenity or the balance of local land uses*

- *It may be appropriate to locate visitor accommodation related to major visitor attractions of sub-regional or greater significance in locations other than those set out in this paragraph, but only where it can be shown that no suitable site in one of these locations exists and that there is a clear link in scale, nature and location (particularly demonstrating sufficient proximity to minimise the overall need to travel and maximise walking and cycling) between the accommodation and the attraction being served.*

*d support provision for business visitors, including high quality, large scale convention facilities in or around the CAZ*

*e recognise the need for apart-hotels in the context of the broader policies of this Plan.*

*f promote, enhance and protect the special characteristics of major clusters of visitor attractions including those identified in Strategic Cultural Areas in Map 4.2.*

### **Planning decisions**

*B Developments should:*

*a contribute towards the hotel provision target and ensure that at least 10 per cent of bedrooms are wheelchair accessible*

*b be consistent with the strategic location principles set out above*

*c not result in the loss of strategically important hotel capacity<sup>[2]</sup>*

### **LDF preparation**

*C LDFs should:*

*a seek to ensure that all new visitor accommodation meets the highest standards of accessibility and inclusion and encourage applicants to submit an accessibility management plan with their proposals*

*b promote high quality design of new visitor accommodation so that it may be accredited by the National Quality Assurance Scheme*

*c identify opportunities for renovation of the existing visitor accommodation stock*

*d promote and facilitate development of a range of visitor accommodation, such as hotels, bed and breakfast accommodation, self-catering facilities, youth hostels and camping and caravan sites*

*e support and encourage development of good quality budget category hotels, especially in outer London.*

*Grant Thornton. Accessible Hotels in London. GLA, 2010*

*Strategically important hotel capacity will depend on local circumstances, but typically comprises development exceeding 100,000 m<sup>2</sup> in the City, 20,000 m<sup>2</sup> in Central London and 15,000 m<sup>2</sup> outside Central London.*