



**PLANNING SERVICES**

**TOWN & COUNTRY PLANNING ACT 1990 (as amended)**

**WRITTEN REPRESENTATIONS  
STATEMENT OF CASE**

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**APPEAL SITE**

9 and 9A Hargrave Place, London, N7 0BP

**APPELLANT**

Mr Josh Moore  
Woodham Properties Ltd

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**SUBJECT OF APPEAL**

Appeal against refusal of planning permission (ref: 2016/7069/P) on 5<sup>th</sup> of July 2017 for:

‘Redevelopment of the site including multiple storey rear extensions, a basement extension (to include toilets and a commercial kitchen), mansard roof addition and associated works to 9 Hargrave Place; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 3 residential flats (C3).’

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**COUNCIL REFERENCE:** 2016/7069/P

**PLANNING INSPECTORATE REFERENCE:** APP/X5210/W/17/3189659

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## **1.0 SUMMARY**

- 1.1 The appeal site consists of the Admiral Mann pub and a one bed flat at 9 and 9A Hargrave Place. The buildings are both locally listed under separate entries. The Admiral Mann is listed as an Asset of Community Value (ACV) and was closed in August 2014.
- 1.2 Planning permission was refused for 'Redevelopment of the site including multiple storey rear extensions, a basement extension (to include toilets and a commercial kitchen), mansard roof addition and associated works to 9 Hargrave Place; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 3 residential flats (C3)' on 05/07/2017.
- 1.3 The main reasons for refusal are:
- 1) The loss of ancillary space to serve the public house and proposed restrictions on amplified music would materially change the character of an existing use designated as an Asset of Community Value and compromise the long-term viability and future of the public house which provides an important local community facility. It would therefore fail to support social wellbeing, strengthen community cohesion and encourage social diversity.
  - 2) Insufficient information was submitted to fully demonstrate the compatibility of the proposed uses, that the co-location of residential units and the public house would not cause harm to the amenity of future occupiers of the proposed flats, or prejudice the continuing operation of the public house, through disturbance caused by normal activity associated with a public house use and the likelihood of complaints relating to noise and nuisance from the prospective occupiers of the non-ancillary uses directly above it.
- 1.4 The remaining reasons for refusal are regarding the absence of a legal agreement to secure a financial contribution towards affordable housing, car-free for the new residential units and a highways contribution. These reasons for refusal could be overcome with a Section 106 Legal Agreement.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The appeal site includes the Admiral Mann Public House (Use Class A4) located at 9 Hargrave Place and a one bedroom unit located at 9a Hargrave Place. The host property includes two separate buildings that are linked at ground floor. The building at no. 9 is 3 storeys (plus basement) with a flat roof and single storey rear extensions. To the rear lies no. 9a which is 2 storey red brick structure with a hipped roof. Both buildings are included on Camden's Local List (January 2015) under separate listings. No. 9 is listed under reference 477 for its

architectural, historical townscape and social significance. No. 9a is included under reference 478 on the local list for its historical and townscape significance.

- 2.2 The appeal site is located on Hargrave Place - a small cul-de-sac leading from Brecknock Road. Hargrave Place finishes at a gated entrance to Brecon Mews, which houses a small residential estate. A number of residential properties surround the application site and local businesses are located within a retail parade along Brecknock Road. Immediately to the east of the site at 1-7 Hargrave Place is a 4 storey building. It has recently implemented planning permission for light industrial on the ground floor and 6 residential flats above. The residential units are now occupied.
- 2.3 The pub contains a cellar providing beer storage, the ground floor has a front bar, lounge bar, toilets and storage, and the upper floors (first and second) of 9 Hargrave Place contain ancillary space for the pub.
- 2.4 The Admiral Mann was listed as an ACV on 30/10/2014. It was nominated by the Save the Admiral Mann Committee. The Admiral Mann closed in August 2014 and met the two criteria for an ACV:
- there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
  - it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- 2.5 Over 750 people (at the time of the designation) signed an online petition to save the pub and the testimonies of regulars submitted to the Council and in media articles show how important this pub is socially to the local people that use it. A website has been created to 'Save the Admiral Mann' and can be found here: <http://theadmiralman.co.uk>

### **3.0 RELEVANT PLANNING HISTORY**

#### Application site:

- 3.1 **3210:** Planning permission was granted for refurbishment works and a single storey rear extension on 12/06/1981.
- 3.2 **2015/0906/P:** A planning application was withdrawn for the partial demolition and redevelopment of the buildings to retain part of the public house on the ground floor and basement and to create 6 residential flats on 02/07/2015.

- 3.3 **EN15/0332:** An enforcement case was opened regarding the use of the public house. Enforcement Officers visited the premises and decided not to take formal enforcement action. No further action has been recommended following a site visit and initial investigation in April and May 2015.
- 3.4 **2015/1814/P:** A Certificate of Lawfulness for an Existing Use or Development (CLEUD) was refused for the use of the ground floor and basement of the pub (A4) as a retail unit (A1) on 22/07/2015.
- 3.5 **2015/6922/P:** A Certificate of Lawfulness for an Existing Use or Development (CLEUD) was approved for the use of the first floor of the building at 9A Hargrave Place as a self-contained residential dwelling on 21/01/2016.
- 3.6 **2015/4456/P:** Planning permission was refused for the demolition of the building at 9A and partial demolition of 9 Hargrave Place to provide a 3 storey building to the rear; multiple storey rear extensions, a basement extension and mansard roof addition to 9; conversion of part of the ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 5 residential flats (3x2 bed and 2x1 bed) on 17/02/2016. The main substantive reasons for refusal were:
- 1) The pub's modification and loss of ancillary space would harmfully compromise and undermine its use and prejudice its long-term retention
  - 2) The demolition of no. 9A would result in the loss of a non-designated heritage asset and the replacement building would be of insufficient design quality and inappropriate height, scale and massing
  - 3) Harm to the residential amenity of the future occupiers of the development due to noise disturbance
  - 4) Unit 5 would provide a sub-standard quality of living accommodation
  - 5) The cycle storage's location would discourage ownership and use of cycles

Following the refusal the application was appealed (ref: APP/X5210/W/16/3147248) and ultimately dismissed after an informal hearing with the final decision made on 12/10/2016. The appeal decision is attached as Appendix 3. When considering the above reasons for refusal the Inspector came to the following conclusions (summary):

- 1) Due to the proposed first and second floors being converted from ancillary staff accommodation to self-contained residential flats, the opportunity to provide food from the kitchen in the managers flat would be lost which would restrict the function of the pub, particularly if it were to resume hosting community events at which

food would normally be provided. Therefore, the proposed pub would not function to the same degree as that which the Admiral Mann did, due to the lack of the ability to provide food, meaning that it would fail to serve the needs of the local community adequately.

- 2) The proposed development at 9A would be significantly higher, deeper and have a greater bulk than the existing locally listed building. This would result in the character and appearance of 9A being detrimentally affected and its historic and townscape significance being wholly lost.
- 3) It would be difficult to effectively control amplification equipment used within the pub and no method to control general noise was put forward. Any acoustic insulation could only reduce the volume of the noise heard from within the flats, not limit the volume of the source of the noise. As such, the Inspector was not convinced from the evidence provided that noise would be satisfactorily mitigated. Furthermore, it was considered that acoustic insulation would not mitigate the noise generated from outside the pub by the coming and going of customers or customers smoking and drinking outside. The submitted Noise Impact Assessment did not properly assess the site's quiet backstreet location and the impact of outdoor noise on prospective occupiers.
- 4) While Unit 5 is identified on the plans as a 1 bedroom flat, it has a sizeable study which could readily be used as a single bedroom. The Government's Technical housing standards advise that the minimum internal floor area for a 2 bedroom unit is 61m<sup>2</sup> with the proposal only providing 54m<sup>2</sup>. Therefore, flat 5 would fail to meet the nationally described space standards and would fail to provide satisfactory living space for future occupiers of the development.
- 5) The proposed cycle storage area would be located within a room which is also identified as the waste bin store. Any odour from the bins would make the room undesirable for cycle storage and the potential for overspill waste or for the bins to be moved around the room in front of the cycle storage area might make access to the cycle store area difficult.

Similar applications within the borough:

*Golden Lion Public House, 88 Royal College Street*

- 3.7 **2012/6655/P:** Planning permission for change of use from public house to 8 flats and a 3 storey extension was refused on 12/03/2013. A subsequent appeal under APP/X5210/A/13/2199667 was dismissed on 12/12/2013.

**2013/4793/P:** Planning permission for change of use from public house at part ground and first, second and third floor levels to provide 4 residential units and associated extensions was refused on 25/06/2014. A subsequent appeal under APP/X5210/A/14/2218740 was dismissed on 02/10/2014.

*The Black Cap, 171 Camden High Street*

- 3.8 **2012/1444/P:** Planning permission for change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to provide 3 residential flats and associated extensions was refused on 16/05/2012. A subsequent appeal under APP/X5210/A/12/2184317 was dismissed on 04/03/2013.

*Sir Richard Steele, 97 Haverstock Hill*

- 3.9 **2014/1367/P:** Planning permission for change of use of the first and second floors from public house to 4 residential flats and associated extensions was refused on 26/11/2014. A subsequent appeal under APP/X5210/W/15/3003396 was dismissed on 22/07/2015.

#### **4.0 PLANNING POLICY FRAMEWORK**

##### **National Policy Documents**

- 4.1 On the 27<sup>th</sup> of March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications. Paragraphs 12, 14, 17, 56-66, 69, 70 and 126-141 are most relevant.

- 4.2 The draft revised NPPF was published in March 2018. Consultation on the draft text will take place between 05/03/2018 and 10/05/2018. Given the status of the document, it only has limited weight at this stage.

##### **Local and Regional Planning Policy Framework**

- 4.3 The Development Plan for the area comprises the London Plan 2016, and the Camden Local Plan 2017.

- 4.4 The London Plan Policies most applicable to the appeal include policies 3.1, 3.16, 4.8, 7.4, 7.6 and 7.8.

- 4.5 The London Plan – Draft for public consultation – December 2017 was published on 29/11/2017. The current 2016 consolidation Plan is still the adopted Development Plan. The New London Plan (NLP) is a material consideration in planning decisions and currently holds limited weight, it will gain more weight as it moves through the process of adoption. Policy HC7 of the NLP (part C) states:

*‘Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.’*

##### **Camden Local Plan 2017**

- 4.6 The Local Plan was adopted by the Council on 03/07/2017 and has replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions. It is noted that at the time the Committee Report was written, the Core Strategy and

Development Policies were adopted policy; however, the Local Plan was given substantial weight as the plan had been found 'sound' subject to modifications. By the time the application was determined following the Planning Committee, the Local Plan had full weight. Therefore, the reasons of refusal reference the Local Plan.

4.7 The relevant policies as they relate to the reasons for refusal of the application are:

- C4 (Public Houses)
- A1 (Managing the impact of development)
- A4 (Noise and vibration)
- H4 (Maximising the supply of affordable housing)
- T2 (Parking and car-free development)

4.7 The full text of each of the policies has been sent with the questionnaire documents.

Supplementary Guidance (Camden Planning Guidance)

4.8 The Council will also, where appropriate, rely on supplementary planning guidance as set out in the Camden Planning Guidance (CPG) insofar as it is material.

- CPG1 (Design) 2015
- CPG2 (Housing) 2015
- CPG3 (Sustainability) 2015
- CPG4 (Basements and lightwells) 2015
- CPG5 (Town Centres, Retail and Employment) September 2013
- CPG6 (Amenity) 2011
- CPG7 (Transport) 2011
- CPG8 (Planning Obligations) 2015

4.8 A copy of the above Camden Planning Guidance documents were sent with the questionnaire.

## 5.0 REASONS FOR REFUSAL

5.1 Planning application **2016/7067/P** was refused on the 5<sup>th</sup> of July 2017 for the following 5 reasons:

*1. The proposed development, by virtue of the loss of ancillary space to serve the public house and proposed restrictions on amplified music, would materially change the character of an existing use designated as an Asset of Community Value and compromise the long-term viability and future of the public house which provides an important local community facility. It would therefore fail to support social wellbeing, strengthen community cohesion and encourage social diversity. Thus, the proposal is*



*contrary to Policy C4 (Public Houses) of the Camden Local Plan June 2017, paragraph 70 of the National Planning Policy Framework 2012 and Policy 4.8 of the London Plan 2016.*

*2. Insufficient information has been submitted to fully demonstrate the compatibility of the proposed uses, that the co-location of residential units and the public house would not cause harm to the amenity of future occupants of the proposed flats, or prejudice the continuing operation of the public house, through disturbance caused by normal activity associated with a public house use and the likelihood of complaints relating to noise and nuisance from the prospective occupiers of the non-ancillary uses directly above it. Thus, the proposal is contrary to Policies A1 (Managing the impact of development), A4 (Noise and vibration) and C4 (Public Houses) of the Camden Local Plan June 2017, paragraph 70 of the National Planning Policy Framework 2012 and policy 4.8 of the London Plan 2016.*

*3. The proposed development, in the absence of a legal agreement to secure a financial contribution towards affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan June 2017, policies 3.8, 3.10, 3.11 and 3.12 of the London Plan 2016 and paragraphs 47, 50 and 173 of the NPPF 2012.*

*4. The proposed development, in the absence of a legal agreement to secure car-free housing for the residential units, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policy T2 (Parking and car-free development) of the Camden Local Plan June 2017.*

*5. The proposed development, in the absence of a legal agreement securing necessary contributions towards highway works, would fail to make provision to restore the pedestrian environment to an acceptable condition after the construction works, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan June 2017.*

## **6.0 THE COUNCIL'S STATEMENT OF CASE**

### Assets of Community Value (ACV)

- 6.1 An ACV is a building or piece of land which currently, or in the recent past, furthers the social wellbeing or cultural, recreational or sporting interests of the local community and is expected to do so in the future. The Council formally registers an asset subject to certain criteria. If it does, if and when the owner decides to sell the asset, a local group can trigger a six month moratorium on the sale giving them time to raise the funds to purchase it (sometimes referred to as a 'right to bid'). Owners

have to consider bids but they do not have to accept them. The Council, when determining planning applications regarding community facilities, treats the listing of an ACV as an indicator of local support and evidence that it furthers the social wellbeing and interests of residents.

- 6.2 The Admiral Mann was listed as an ACV on 30/10/2014 following a nomination by the Save the Admiral Mann Committee. The Council considered that there was ample evidence that the pub played an important social role for the members of the local community. The Save the Admiral Mann Committee provided evidence that the pub was used by sports teams, for charitable activities/events, live music, it had its own ladies football team, was host to several mixed darts teams and hosted social occasions such as birthdays, wedding parties, anniversaries and wakes which helped to bring the local community together. Admiral Mann was also one of the few North London pubs that would permit Arsenal and Tottenham fans in the same venue. It allowed a separate bar and TV to be reserved for each set of fans.
- 6.3 The pub was used by long term local residents of all social classes who are not well served by other public houses in the area which tend to serve a younger, more transient population. There have been closures of similar pubs in the local area in recent years and Admiral Mann was the only pub of its kind left in the local area. A number of articles have been published which support the pub's importance for the social wellbeing of local people. These include publications in the Camden New Journal (CNJ), Islington Gazette, Islington Tribune, the Kentish Towner and a comprehensive article in Vice (see Appendix 6).
- 6.5 Persuasive evidence of the pub's contribution to community value has also been derived from the strength of support from the local community since its threatened and actual closure. 875 people have signed an online petition to save the pub (online petition on change.org - [http://www.change.org/en-GB/petitions/mcmullen-sons-ltd-and-a-property-developer-save-the-admiral-mann?utm\\_medium=email&utm\\_source=notification&utm\\_campaign=new\\_petition\\_recruit#share](http://www.change.org/en-GB/petitions/mcmullen-sons-ltd-and-a-property-developer-save-the-admiral-mann?utm_medium=email&utm_source=notification&utm_campaign=new_petition_recruit#share)); testimonies from regulars have been submitted to the Council and in media articles and the Save the Admiral Mann Committee have arranged several events including a gathering of 50 former patrons outside the premises in the heavy rain on 23/08/2015. Objections to the planning application were received from the Community Campaign to Save the Admiral Mann; 2 representatives (John Cryne and James Watson) from Campaign for Real Ale (CAMRA) objections and 43 individuals. The Committee have a dedicated website which explains some of their achievements (<http://theadmiralman.co.uk>). They also have a dedicated Facebook page (<https://www.facebook.com/groups/admiralman/about/>). The above demonstrates how important this ACV is socially to the local people that used it.

### Public Houses (Pubs)

- 6.6 Pubs play an important community and cultural role in Camden by providing places where members of the community meet and gather, supporting social wellbeing and strengthening community cohesion. They can provide important community meeting space and host local meetings, events and entertainment. Some pubs support social diversity by providing a valuable support function for minority groups. Community pubs provide the main public space for socialising with friends, making new contacts, exchanging ideas, celebrating important occasions and staging large gatherings including live music, theatre and comedy nights.
- 6.7 Many pubs contribute to local culture and identity and this is often closely related to a pub's long-standing presence in the locality. The closure of a pub can lead to the loss of an area's vibrancy as well as its diversity and interest. Some pubs are additionally important as they are heritage assets and architecturally distinguished.
- 6.8 Pubs have an important economic function in contributing to the vitality of town or neighbourhood centres and providing a hub for the surrounding neighbourhood. Some of the most interesting and unique pubs attract customers from a wide catchment area and may be important in terms of their tourism value or to a protected group defined under the Equalities Act 2010. Pubs support local employment and entrepreneurship, provide valuable work experience for young people and support jobs in the wider economy through the pub supply chain. They provide an important outlet for breweries in Camden and London to sell their products.
- 6.9 Pubs across Camden, London and nationally are under immense pressure from higher value uses (especially housing development), impacts on consumers due to the global recession and increasing operating costs. In the London region during 2008 and 2012 around 100 pubs closed every year (net figure, taken from Camden Local Plan 2017). Pubs in residential areas are considered to be especially vulnerable to demolition or change of use due to the high residential values.
- 6.10 A major issue for pubs is the loss of part of their operating space such as beer gardens, function rooms, commercial kitchens and ancillary accommodation for managers, other staff members and/or guests. This can impact a pub's character and continuing ability to operate. The loss of one or more element of a pub may undermine its appeal or lead to negative impacts on the amenity of the surrounding area or conflict between incompatible uses.
- 6.11 In April 2015, changes were made to the Town and Country Planning Act (General Permitted Development) Order to give protection to pubs nominated by the local community as an ACV. Since the creation of the

Order, planning permission is required for any change of use or demolition of a public house registered as an ACV.

6.12 There are numerous appeal decisions available which discuss matters relating to the interpretation of relevant parts of the NPPF, including discussions on assets of community value, which support the Council's refusal of the appeal proposal. The ACV designation is considered to be material in the consideration. This has been recognised by a number of local planning authorities and planning inspectors across the country. For more details please see Section 8 below.

6.13 The NLP has a pub specific policy (HC7 – attached as Appendix 8), which seeks to protect them, support new facilities and resist developments that would compromise the operation or viability of public houses. While it is emerging policy with limited weight, it is an indicator of the Mayor's thinking. The policy recognises that pubs are under threat from closure and redevelopment pressures, and the Greater London Authority (GLA) released a document analysing the loss of them: 'Closing time: London's public houses' attached as Appendix 7. The document stresses that *'Public houses have long formed a central role in the UK social scene. However they have come under increasing pressure for survival from a number of factors.'* The data reveals that the number of public houses and bars in London has fallen in all but three years between 2001 and 2016, with a 25% overall decline and a total loss of 2,296 pubs (equivalent to a loss of 81 pubs per annum). Camden is noted as having the fourth largest absolute net loss (70 pubs) of all London boroughs.

Impact on long-term viability and future of pub (reason for refusal 1)

6.14 Whilst it is acknowledged that a public house use would be retained at basement and ground floor level, consideration needs to be given as to how the reconfigured pub use compares in qualitative terms with the existing use which benefits from two upper floors of ancillary pub space and no restrictions on amplified music. The consultation responses indicate that the first floor was used for a wide range of local community functions and meetings including, but not limited to, wedding parties, wakes and charity fund raising events. The upper floors have also been used as ancillary accommodation by manager's and staff members who resided above their place of employment, and crucially the first floor kitchen has been used to provide food for users of the pub and special events.

6.15 Pubs traditionally offer managers and staff on-site accommodation due to the long and late working hours of such establishments, the need to be on hand in the case of emergencies and they act as a buffer between pub and residential uses improving the compatibility of the two. The loss of the ability to provide manager's/staff accommodation would make employment at the pub less attractive to prospective future managers and thus negatively affect the viability of the pub. Furthermore, there would be no ancillary space for the pub to provide a function room or any other facilities.

- 6.16 Internal changes at the lower levels would also affect the function of the pub. There would be a loss of storage space on the ground and basement floors in terms of quantum. Other detrimental changes include the creation of a staircore to the basement which would reduce the bar serving area and would cause an obstruction to this space. The toilet facilities for the pub would worsen as a result of the proposed reconfiguration. The current facilities are above ground and have a generous floor to ceiling height. In contrast, the proposed toilets would be located within the basement with no natural light and a low floor to ceiling height of only 2 metres. They would be less convenient to access and would be lower in quality. This would also result in accessibility issues for less able and older patrons who would have difficulty accessing the basement floor level. Whilst the reduction in the quality of the toilets may not justify the refusal of the appeal proposal in their own right, they add to the cumulative impacts on the pub.
- 6.17 A commercial kitchen is proposed within the basement, to compensate for the loss of the kitchen at first floor level that was used to serve patrons, especially during events. While the principle of a commercial kitchen is welcomed, no evidence has been put forward that it would be an adequate replacement in terms of its size, function and amount of storage space.
- 6.18 The cellar storage (annotated as 'Beer Storage' on the existing and proposed basement plans) is currently 60m<sup>2</sup> in area, with the proposed storage only 32.28m<sup>2</sup> (a loss of 27.72m<sup>2</sup> or 46.25%). This loss of storage space would adversely affect the operation of the public house, as there would be less space to store alcohol and other items.
- 6.19 The appeal proposal also includes the loss of two storage areas on the ground floor. These rooms have a floor to ceiling height of 3.1m and have a combined floor area of 20.52m<sup>2</sup>. The larger storage room (17.97m<sup>2</sup>) has direct level access externally meaning it could be used for refuse and to provide convenient access for outdoor furniture. The loss of such a large area of storage space is considered to further harm the continued operation and viability of the pub.

- 6.20 The above proposals (i.e. the reduction in cellar storage and ground floor storage with highway access) would also significantly affect commercial waste storage and collection. Limited details of the proposed waste storage have been put forward, other than that it would continue to operate as per the existing pub. It is noted that no evidence of how the former pub operated for this purpose has been put forward. The Appellant claims that the former pub operated an ad hoc procedure regarding the collection and disposing of commercial waste. According to the Appellant they used an area within the building for the storage of bottles and some waste (mostly within the cellar/beer store) in addition to the use of bins/recycling within Hargrave Place. The Appellant suggests that they would use the same arrangements. It is noted that the amount of storage within the building is being significantly reduced, as is the direct access from storage to the highway, and the Council's Environmental Services division stated that all the nearby bins within Hargrave Place are street bins or housing bins for residential properties. If these were to be used, the pub could potentially break the law and fail to meet their duty of care. The Council's Environmental Services division recommend an internal bin store at street level with adequate space to store waste and recycling for collection. This is not being provided in the appeal scheme and there is limited scope to do so due to the amendments proposed. Based on the above, the appeal proposal would compromise any future operators by harming their ability to adequately store and dispose of waste and recycling.
- 6.21 The previous pub had no planning restrictions on amplified music and it benefits from having ancillary uses above, rather than flats. The appeal proposal includes the introduction of self-contained residential units immediately above the ground floor public house, which compromise the ability of it to operate. A noise impact assessment has been submitted by the Appellant and it outlines that a significant amount of interventions would be required as well as substantial restrictions on the pub. The sound insulation and noise mitigation installations include a system noise limiter and an acoustic noise limiter; upgrades to the party floor between the pub and residential units; wall insulation; new glazing with sound insulation performance and an alternative ventilation unit for all habitable windows. An automatic noise control device would be required to be fitted to all amplified sound equipment. It would be set so the volume of any amplified sound emanating from the premises does not cause a public nuisance. Even with all of the above measures, the Council considers that having residential units above the pub would limit its functionality. Furthermore, the number of conditions on the pub use would make it unattractive for potential pub landlords and would mean that it could not operate to the same capacity as before.
- 6.22 Overall, the resulting pub would not provide as good a facility as the existing facility. This is due to the cumulative impact from the following proposals:

- Loss of upper two floors of ancillary pub space. The resulting pub would not benefit from being able to use this for function space, visitor or staff accommodation or any other purpose to serve its function and operation
- Obstructions to height and area of bar serving area
- Lower quality toilet provision, in terms of light, floor to ceiling height and no longer located at ground floor level adjacent to pub area
- No evidence that the commercial kitchen would be a satisfactory replacement for the existing first floor facility. Concerns around its size, ability to operate and the capacity for storage of cooking materials and food
- Significant reduction in storage area within the cellar/basement and storage removed from ground floor
- No provision of commercial waste storage and collection and loss of ability to provide an internal bin store at street level
- Restrictions on amplified music and onerous conditions on pub making it unattractive for pub landlords, as well as the introduction of residential units directly above to limit functionality

6.23 The above impacts would harmfully compromise and undermine the use of the existing pub, to the detriment of the ACV. It is noted that the resulting public house would be of lesser quality than the previous one, which was ultimately not successful. Paragraph 70 of the NPPF (bullet points 1 and 3) specifies that planning decisions should plan positively for the provision and use of community facilities (public houses are identified) to enhance the sustainability of communities, and ensure that established facilities are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community. It also advises that planning decisions should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other.

6.24 Camden Local Plan policy C4 seeks to protect public houses which are of community, heritage or townscape value. It states that *'Applications involving the loss of pub floorspace, including facilities ancillary to the operation of the public house, will be resisted where this will adversely affect the operation of the public house.'* Para 4.83 goes into further detail regarding the partial loss of a public house.

6.25 The above is supported by the Further Alterations to the London Plan 2014, whereby paragraph 4.48a states that Council's should bring forward policies to maintain, manage and enhance pubs. With this in mind, the ACV would not be maintained or enhanced by compromises made as described above.

- 6.26 While the Council acknowledges that a pub would be retained on the appeal site, and notes that the Appellant has made steps to improve the previous scheme by including a commercial kitchen and more details regarding noise restrictions and insulation, it is a significant issue within the Borough where ACV public houses are granted planning permission for the conversion of ancillary spaces into self-contained flats only for the pubs to remain vacant or be converted into an alternative use. Therefore, clear evidence exists that the retention of the pub use at lower level is not sufficient to guarantee that the pub will remain in use/be brought back into use. A number of comparable case studies are briefly outlined below.
- 6.27 Leighton Arms, 101 Brecknock Road – planning permission was granted on appeal (our ref: 2014/4554/P and PINS ref: APP/X5210/W/15/3095242) for the retention of the pub at lower levels and the conversion of the upper levels to create 5 residential flats. The pub is permanently closed and has been converted into a retail shop (Use Class A1). An enforcement case is being investigated under EN17/0004; however, at this stage the pub has been lost to an alternative use.
- 6.28 Pakenham Arms, 1 Pakenham Street – change of use from ancillary residential above the pub into 4 flats was granted under 2013/6910/P. These upper floors had previously comprised of a large kitchen, a staff room as well as ancillary residential accommodation (for live-in landlords). The works included the installation of a new entrance stair and ground floor entrance, which necessitated some loss of ground floor pub space. Within the officer's report for the approval it was stated that the proposed change would not cause any detrimental impacts to the long term viability of the pub, which would then operate as a 'lock-up' pub (ground floor and basement levels only). Following the approval, the developer chose to implement the upper floors only whilst stripping the fixtures and fittings at ground floor level as consented but not restoring/refitting it for pub use. The public house is now permanently closed. An application was approved under 2016/6931/P (see Appendix 9 for Officer Report) for the change of use of the ground floor and basement pub to retail (A1). The applicant maintained that the pub continued to be vacant following unsuccessful attempts and an unsuccessful marketing campaign. They claimed that the existing property could no longer be viably operated in its original use, due to the works undertaken approved by the previous planning permission, and therefore an alternative commercial use was put forward. The planning application was supported by a commercially sensitive viability report concluding that a 'lock-up' public house operation at ground and basement floors only would not be viable. The Council considers that the appeal proposal has similar circumstances as it proposes to remove ancillary floors and create a 'lock-up' pub. The decision at Pakenham Arms was approved in 04/10/2017, so is a material consideration that has evolved since the previous appeal decision and the refusal of the subject appeal.



- 6.29 The Magdala, 2A South Hill Park – permission was given under 2014/6588/P for the conversion of the second floor to residential units and an additional floor of flats above. The works to the flats are well implemented but the pub remains permanently closed and unrestored.
- 6.30 The Albert, 11 Princess Road – planning permission was approved under 2014/2533/P for the conversion of the ancillary upper level accommodation into 2 self-contained residential flats. The pub has remained permanently closed since 2015 and the residential permission has been implemented.
- 6.31 Annie’s Bar, 180 Kentish Town Road – permission was granted under 2006/3605/P for the conversion of ancillary pub space into 5 x residential flats. The residential development was implemented and the public house was permanently closed and left vacant for 2 years. Following this, planning permission was approved under 2015/6246/P to convert the retained basement and ground floor pub into a restaurant (A3).
- 6.32 Carpenter’s Arms Public House, 105 King’s Cross Road – the former pub was an ACV and had planning permission refused under 2016/0759/P for the conversion of the upper ancillary floors to residential. An appeal was dismissed under APP/X5210/W/16/3153219; however, it was subsequently quashed in the courts as the Inspector failed to consider some of the information correctly. The works have been undertaken despite there not being a permission in place and is subject to enforcement under EN16/1037. The ACV pub was an important community facility, a significant darts venue and had regular live music and charitable activities. The public house has been lost and is now an independent neighbourhood cocktail bar: <https://www.theracketeer.co.uk/>. Formal enforcement application is likely to be undertaken and a revised application has been submitted under 2017/7055/P. It is likely that the resubmission will be refused and appealed. The Council is hopeful that the building can be returned to its former use as a community pub.
- 6.33 The above public houses have all been granted planning permission (or presumed so in the case of the Carpenter’s Arms) for the loss of ancillary space and introduction of residential above. At the time of them being granted permission, the full impacts caused by of the loss of ancillary spaces to pubs and the introduction of residential were not realised. Development of this kind has in many cases (including above) resulted in the loss of public houses in their entirety where it was later discovered that the lock-up pub model was not viable in particular settings. The loss of ancillary spaces and introduction of residential has caused a detrimental impact upon the long-term viability of the pub and led to a reduced offer in terms of its ability to provide for the local community.

- 6.34 The above demonstrated that there has been a recent trend in Camden for similar developments to the appeal proposal resulting in pubs becoming permanently closed or converted into an alternative use. These schemes have been what some in the community call 'Trojan horse' applications. They are aimed at diminishing the quality of the pub so they are no longer attractive as a consequence. It is considered that the appeal proposal is a similar proposition, and the Council wants to prevent a repeated incident that is occurring all over the Borough, London and the UK.
- 6.35 On this basis, the appeal proposal is contrary to policy as it would not support the retention and enhancement of an existing community facility.

Compatibility with Residential Use and Impact of Living Conditions

- 6.36 The appeal proposal would introduce three further residential units, including a self-contained flat on the first floor which would be immediately above the pub's main trading area.
- 6.37 Insufficient information has been submitted by the Appellant to fully demonstrate the compatibility of the proposed self-contained residential and public house uses. The co-location of the uses would be likely to harm the amenity of future occupants of the proposed flats as well as prejudice the continuing operation of the public house. This would result from the disturbance caused by normal activity associated with a public house use and the likelihood of complaints relating to noise and nuisance from the prospective occupiers of the non-ancillary uses directly above it.
- 6.38 The Council has sought advice from its new Noise Officer, Camilo Castro-Llach, who has reviewed the documentation of the appeal scheme and the previous Noise Officer's comments (Edward Davis). His main concerns are outlined below:
- **Noise Breakout** - No Consideration has been given to amplified music breaking out from the façade of the public house and then breaking in to the proposed new flats. The public house is expected to operate beyond 23:00hrs and it is not unreasonable to expect future residents to sleep with the bedroom window open during the summer months. Peak noise levels from amplified music have the potential to cause sleep disturbance and could generate noise complaints.
  - **Patron Noise** - The noise predictions undertaken by the Appellant to assess patron noise do not present a worst case scenario for the night-time period (23:00-00:00hrs). Patrons smoking or leaving the public house at night are likely to have loud conversations and/or shout. Although this could potentially be managed to some degree under a premises license, it is important to note that public houses have less control over patrons once they are outside the premises (and intoxicated).

- **Noise Transfer through the separating partition** - Weighted standardised level difference ( $D_{nTw}$ ) is specified between dwellings or commercial uses when low frequency is unlikely to be an issue. In this case, amplified music will have substantial energy in the very low frequency range. Since the sound insulation of separating floors is typically weak in the lower frequencies, using  $D_{nTw}$ , it is not appropriate as noise is likely to travel freely within the building.
- 6.39 The noise generated from the pub would be likely to create noise and general disturbance for the residents above who in turn would make complaints, which would threaten its continued use. Little regard has been had to the external environment of the pub, which would be difficult to control with significant noise and disturbance created from the gathering of people outside of the pub for drinking, smoking, eating, socialising and movements to and from the premises. The appeal proposal does not include on-site accommodation for a manager or staff member's which would further exacerbate the issue.
- 6.40 The appeal proposal includes considerable interventions to the fabric of the building and restrictions on the residential and pub uses. The measures include acoustic glazing, sound insulation of the party floor between pub and residential flats, use of a fixed PA system, structurally isolated loudspeakers with a noise limiter and a noise sensing limiter. These significant interventions and restrictions indicate that the uses are not compatible and both the potential occupiers of the pub and flats would be impacted.
- 6.41 Furthermore, the building is accessed from a quiet residential street. Noise would be created from the comings and goings and gathering of pub patrons, which would undoubtedly lead to noise complaints. This would harm the living conditions of the prospective occupiers and compromise the functioning of the pub. To mitigate this likely harm, the appeal proposal includes glazing to the habitable residential rooms to achieve a minimum sound insulation performance. In addition, a ventilation unit would be installed to ensure that windows would not have to be opened. Placing such a restriction would limit the quality of living accommodation for prospective occupiers. While these measures may ensure adequate sound insulation and ventilation, they would restrict the ability of residents to open their windows (for fresh air, especially on warmer summer evenings) and for Unit 2 to use their large second floor level terrace.
- 6.42 The potential co-location issues from residential occupiers directly above the pub are indicated by the objections received from the majority of residents at the neighbouring development at 5 Hargrave Place. Objections from these residents and the 5 Hargrave Residents Association include (in summary):
- None of the residents want to live next to an operating pub

- They objected to the opening of a pub due to loud noise and disturbance that living next to an operating pub brings
- Uncomfortable with people standing outside the pub and 5 Hargrave Place smoking and drinking. Increase in anti-social and drunk and disorderly behaviour
- The residents who purchase units above the pub will have the same concern regarding noise. Licensing of pub will become extremely contentious

6.43 The Council considers that if the residents that have recently moved into the building adjacent to the appeal site have such strong in principle objections, that prospective occupiers directly above any pub use are also likely to object to its operation. The combination of these likely objections and the restrictions placed on the public house would compromise its continued operation and result in a community facility of lesser quality than existing. The appeal proposal would alter the attraction of, and number of customers to the premises.

6.44 It is considered in this instance that the factors detailed above would compromise and undermine the existing public house use. Therefore the proposal, as a recognised community asset, would harmfully compromise and undermine the use of the existing public house. It would fail to be developed and modernised in a way that is sustainable, and retained for the benefit of the community, which in turn would fail to enhance the sustainability of communities in line with the proactive emphasis of the NPPF in particular.

Affordable Housing (Section 106 Reason for Refusal)

6.45 As outlined in paragraphs 9.5-9.9 of the Committee Report, policy H4 of the Local Plan requires a contribution to affordable housing from all developments providing one or more additional residential units with an increase in floorspace of 100m<sup>2</sup> (GIA) or more. Schemes providing between 1-9 units will be expected to make a payment in lieu (PIL) of affordable housing. This is subject to viability and the Appellant has not put forward any viability evidence. Therefore, a full PIL would be required if this appeal were to be upheld. Based on the floor areas provided by the Appellant, the financial contribution is calculated as £25,948.80 (see para 9.8 of the Committee Report). The Appellant has not contested this and subject to a S106 being agreed with an appropriately worded head of term, the appeal proposal would conform to policy H4.

Other Section 106 Reasons for Refusal

6.46 Reasons for refusal 4 and 5 were based on the failure to secure the appeal proposal as a car-free development and for securing a contribution towards highways works under a S106 legal agreement. The Council provides evidence below to demonstrate that the requirements are justified against relevant planning policy and meet the tests laid out in the Community Infrastructure Levy (CIL) Regulations 2010 in particular Regulation 122(2) which require that for a planning obligation to constitute a reason for granting planning permission it

must be (a) necessary to make the development acceptable in planning terms, (b) directly related to the development, and (c) fairly and reasonably related in scale and kind to the development, and the National Planning Policy Framework (particularly paragraphs 203-206).

- 6.47 Car-free - The Council requires this obligation to facilitate sustainability and to help promote alternative, more sustainable methods of transport. Considering the site has moderate links to public transport, introduces three new residential units and is located within a Controlled Parking Zone which is considered to suffer from parking stress, the three additional units would need to be secured as car-free via a covenant under s.16 of the Greater London Council (General Powers) Act 1974 and other local authority powers if the appeal were allowed.
- 6.48 This is in accordance with key principle 4 of the National Planning Policy Framework, Promoting sustainable transport, and policy T2 of the Local Plan requires all developments in the Borough to be car-free. This means no car parking spaces should be provided within the site (other than essential spaces) and that occupiers are not issued with on-street parking permits.
- 6.49 A planning obligation is considered the most appropriate mechanism for securing the development as car-free as it relates to controls that are outside of the development site and the ongoing requirement of the development to remain car-free. The level of control is considered to go beyond the remit of a planning condition. Furthermore, the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as “Car-Free”. The Council’s control over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property. The Council’s control is derived from Traffic Management Orders (“TMO”), which have been made pursuant to the Road Traffic Regulation Act 1984. There is a formal legal process of advertisement and consultation involved in amending a TMO. The Council could not practically pursue an amendment to the TMO in connection with every application where an additional dwelling needed to be designated as car-free. Even if it could, such a mechanism would lead to a series of disputes between the Council and incoming residents who had agreed to occupy the property with no knowledge of its car-free status. Instead, the TMO is worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a “Car-Free” Section 106 Obligation. The TMO sets out that it is the Council’s policy not to give parking permits to people who live in premises designated as “Car-Free”, and the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as “Car-Free”.
- 6.50 Use of a Section 106 Agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car

free and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

- 6.51 CIL Compliance: The Car-free requirement complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the development as identified under the Development Plan for developments of the nature proposed. This supports key principle 4 of the National Planning Policy Framework: Promoting sustainable transport. It is also directly related to the development and fairly and reasonably related in scale and kind as it relates to the parking provision for the site and impact on the surrounding highway network.
- 6.52 Highways contribution - The Local Plan states that works affecting Highways are expected to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development. The Council will undertake highway works connected to a development proposal at the developer's expense in accordance with paragraph 6.11 of the Local Plan. A cost estimate for highway works of £5,369.77 has been received from the Council's Highways Delivery Team.
- 6.53 The Council maintains that a payment for highways work should be secured through a Section 106 legal agreement, which will also combine as an agreement under Section 278 of the Highways Act 1980. CPG8 – Planning Obligations states that public highways works on Borough Roads are to be undertaken through a Section 106 or 278 obligation. The guidance also states that the Council will secure payment for required works by preparing an estimate (including fees) for the scheme that the developer will be required to pay before commencing development (paragraph 5.14). The most effective way of both securing sufficient payment and ensuring the works are carried out to the Council's procedures and standards is for a financial contribution to be paid by the developer on commencement of the development and secured by an obligation under Section 106 legal agreement. It is not possible to secure a financial contribution for highway works by condition as it relates to land outside the application site and is not under the control of the applicant. The Planning Practice Guidance advises that financial contributions cannot be secured by condition (PPG, Using Planning Conditions, paragraph 5 –Appendix 8).
- 6.54 CIL Compliance: The contribution is considered to be CIL compliant. It is necessary in planning terms as identified in the development plan to mitigate against the increased impact that will be generated by the development. The contribution has been calculated taking into account the particular characteristics of the development, it is directly related to the development and is fairly and reasonably related in scale and kind

to the development as it will provide for the new residents and mitigate impacts of the development.

#### Planning Balance

- 6.55 Reasons for refusal 1 and 2 are considered to be sufficient to justify the refusal of the appeal proposal in their own right for the detailed reasons set out above. In combination they represent a scheme which does not accord with national, regional and local policy and would not represent sustainable development. The appeal proposal would compromise the existing community facility (a loss of public benefit) and produce residential units that would be affected by the interventions required and the operation of the pub use below.
- 6.56 The merits of the appeal proposal are recognised and include that the development would create three private residential units and a PIL of affordable housing, which are priorities of the development plan. While the appeal proposal would provide some public benefit, it is not considered that these benefits would outweigh the harm outlined above.
- 6.57 Based on the above, the appeal proposal is considered to fail on the three dimensions of sustainable development – economic, social and environmental – as specified in paragraph 7 of the NPPF. The appeal proposal is not considered to be sustainable and while there would be some public benefit from 3 additional residential units and PIL towards affordable housing, it would be outweighed by the demonstrable harm outlined within this Statement of Case and the reasons for refusal in the Decision Notice.

#### Conclusion

- 6.58 The Council has set out above the reasons why the planning application was refused and why it upholds the reasons for refusal on the grounds of harm to the community facility and the incompatibility of the proposed uses that would lead to a compromised public house and disturbance for perspective occupiers.
- 6.59 The Inspector is therefore respectfully requested to dismiss the appeal against the refusal of planning permission 2016/7069/P.

### **7.0 APPELLANT'S GROUNDS OF APPEAL**

- 7.1 In support of the appeal the Appellant has submitted a Statement of Case. It includes a number of appendices, most notably a 'Marketing History' document dated 06/11/2017 by AG&G Chartered Surveyors and a 'Technical Statement' dated 06/09/2017 by 24 Acoustics. The Council notes that it was only forwarded the appendices by PINS on the evening of 14/03/2018, giving limited time to adequately assess them. Third parties have also been significantly compromised as the

documents were only placed online on 15/03/2018. The documents were not available to them when the notification letters were sent.

- 7.2 The matters raised in the Appellant's 'Statement of Case', and supporting documents, are largely covered in sections 5 and 6 of this appeal statement. The below paragraphs respond directly to specific points.

Comments in Response to the Statement of Case

- 7.3 Para 6.1 makes reference to substantial areas of common ground. The Council notes that these are presumptions by the Appellant and not agreed formally through a Statement of Common Ground (SoCG). A number of the bullet points are disputed. With particular relevance to the appeal proposal are the claims that no amenity objections relative to neighbours are raised and that there are no development control issues. Amenity objections have been extensively raised by residents at 5 Hargrave Place and the Council has objected on noise and general disturbance grounds for the perspective occupiers.
- 7.4 The Appellant mentions within the fourth bullet point in para 6.2 that the appeal proposal would include updated facilities. This may be the case in some respects, but as detailed above many of the facilities are either diminished or lost (including upper floors, ground floor storage and cellar storage).
- 7.5 The Statement of Case makes reference (para 6.4) to appeal decisions being a significant material consideration unless there is a material change in circumstance or policy. The current Local Plan has replaced the planning policy in place at the time of the previous appeal decision, meaning that the development plan has materially changed. In addition, the emerging NLP is also a material consideration. Since the previous appeal, there has also been a material change in circumstances as the adjacent building at 5 Hargrave Place has since been occupied. The new residents in this building have raised a number of objections to the subject appeal scheme, which were not in front of the Local Planning Authority or the Inspectorate as part of the previous appeal. Furthermore, a number of pubs has remained closed or been converted into alternative uses in recent times. Most notably is Pakeham Arms discussed at para 6.28 (also see Appendix 9). These recent cases are further material changes in circumstances since the previous appeal.
- 7.6 It is noted that para 4.71 of the Camden Local Plan states (**emphasis added**):

*'A related issue is the loss of part of an operating pub, such as beer gardens and **ancillary residential accommodation**. This can raise concerns about the impact of such changes on the pub's character and continuing ability to operate successfully. The loss of one or more elements of a pub may undermine its*



*appeal or lead to negative impacts on the amenity of the surrounding area or conflict between incompatible uses.'*

- 7.7 The above was not adopted policy when the Inspector made his decision on the previous appeal, nor was it when the Committee Report was written and presented to Members.
- 7.8 Para 6.8 of the Statement of Case claims that there is no change of use to the ground floor of the pub. This is incorrect. The rear of the pub, including the area under 9a Hargrave Place, would be converted from public house into residential. Approximately 22.6m<sup>2</sup> of pub space, currently shown as toilets and storage, would be lost to residential cycle and bin stores.
- 7.9 The appellant makes reference to kitchen facilities that would be provided within an enlarged basement. No supporting evidence has been put forward as to whether it could effectively function and provide food in the capacity as the previous pub. The Council has concerns due to the size of the kitchen and the lack of storage facilities in particular.
- 7.10 In response to para 6.24 of the Appellant's case, it is not considered that the reasons for refusal can be overcome by planning conditions. The appeal proposal seeks to introduce residential directly above the pub, which would lead to noise and general disturbance issues for the prospective occupiers. This would result in complaints against the public house and further restrictions on it, further compromising its use.
- 7.11 The Marketing History document states in the second paragraph on page 3 that *'it is considered that installing a trade kitchen could assist pubs potential to draw-in customers with a food offer'*. It is noted that the pub already includes a food offer, with a first floor kitchen, and that no assessment has been made of the quality of the kitchen included with the appeal proposal. While a kitchen in principle could provide food, it is no guarantee that it would be of suitable quality or that sufficient space is included to accommodate it and the necessary storage. Para 5 of the same page refers to feedback regarding the pub. No details or evidence of the feedback is included. On page 4 a reference is made that *'improving the offer of the pub to include a good offer should increase its appeal to local customers.'* This fails to recognise that the previous pub did offer food. The conclusion goes on to say that the *'subject premises as laid out is unattractive to pub operators'*. The Council considers that the appeal proposal would be worsening the current premises by removing the upper floors, reducing the amount of storage and introducing residential above. If the existing pub is unattractive then surely a reduced/compromised one is worse.

## **8.0 Relevant Appeals**

- 8.1 See Appendix 4 for the full text of the decisions outlined below. All of the non-Camden appeal decisions are from Kensington & Chelsea, which is considered to be comparable to Camden in that it is an inner London borough with similar pressures on non-residential buildings.

8.2 Sir Richard Steele Public House

**APP/X5210/W/15/3003396**

Decision Date: 22/07/2015

Address: 97 Haverstock Hill, London, NW3 4RL

Description: Change of use of the first and second floors from public house (Class A4) to create 2 x 1 bedroom and 2 x 2 bedroom flats (Class C3); extension and relocation of existing kitchen extract flue and associated works.

Important Inspector Quote: *“The government’s Community Right to Bid: Non-statutory advice note for local authorities October 2012 advises that it is open to the local planning authority to decide whether listing as an ACV is a material consideration, taking into account all the circumstances of the case. I regard the request for such as listing to be an indicator of the local support for premises which further the social wellbeing or social interests of the local community. Although the ACV listing has not been confirmed, I attach some weight to it.”*

Officer Comment: Weight was attached to the ACV status of the pub in the above appeal even though the site was only nominated with the listing waiting confirmation. The subject appeal site (Admiral Mann) has been formally designated as an ACV. The Council consider that this is a material planning consideration. As such, weight should be given to its status.

Important Inspector Quotes: *“Furthermore, the mere retention of an A4 use would not, in my opinion, be sufficient to satisfy the general expectations of policies broadly seeking to safeguard the community benefits of public houses. The effect of the proposed development on the remaining public house is a relevant consideration.”*

And

*“Having considered all the submissions I consider the proposal would result in the loss of part of a premises that provides community facilities and that development would compromise and undermine the value of the existing A4 use as a community facility. Consequently, the proposal would be contrary to the underlying aims of CS Policy CS10, DP Policy DP15 and the Framework which seek to safeguard the community benefits that may arise from public houses.”*

Officer Comment: The above Inspector considered that the retention of the pub use alone is not sufficient and that the loss of part of the premises would undermine the value of the pub as a community facility. The appeal proposal here is also considered insufficient as it would result in the loss of the first and second floors which have community value.

8.3 Golden Lion Public House  
**APP/X5210/A/14/2218740**

Decision Date: 02/10/2014

Address: Golden Lion, 88 Royal College Street, London NW1 0TH

Description: Change of use from public house (Class A4) with ancillary accommodation to public house and function area at ground and lower ground floors respectively and 4 flats (3 x 2 bedroom/3 person and 1 x 3 bedroom/5 person)(Class C3); erection of a 3 storey extension (at 1st and 2nd floors and within the roofspace) on the Pratt Street frontage; lowering of existing basement by 600mm.

Important Inspector Quote: *“The government’s Community Right to Bid: Non-statutory advice note for local authorities October 2012 advises that it is open to the local planning authority to decide whether listing as an ACV is a material planning consideration, taking into account all the circumstances of the case. I find the designation to be relevant to the particular circumstances of this appeal and I apportion it a reasonable degree of weight as an indication of the significance of the current use to the local community.”*

Officer Comment: The subject appeal site (Admiral Mann) has been formally designated as an ACV. The Council consider that this is a material planning consideration. As such, weight should be given to its status.

Important Inspector Quote: *“Mere retention of an A4 use, however, would not, in my opinion, be sufficient to satisfy the general expectations of policies broadly seeking to safeguard the community benefits of existing public houses. The extent, configuration and overall quality of the replacement facility are all relevant considerations and, in these regards, I find that the scheme has a number of significant shortcomings.”*

Officer Comment: The appeal proposal would result in the loss of the first and second floors which have been used as function areas and staff accommodation in the past and could be utilised as such in the future. Adequate re-provision would not be made and therefore the appeal proposal would fail to safeguard community benefits.

Important Inspector Quote: *“In particular, in order to accommodate a first floor flat, the existing function room at first floor level would be replaced by a facility at basement level. The existing room is of attractive character and provides a relatively open, light space with windows affording outlook across the local area. The replacement facility would be confined to the basement, would have no windows or outlook, and would lose the relative charm of the existing facility. Whilst noting the operational benefits identified, I am not satisfied that the replacement facility would be of comparable quality in terms of community benefit. The previous appeal decision also noted that the existing function room is an important part of the community value of the premises.”*

Officer Comment: The Golden Lion appeal failed even though the Applicant was providing replacement facilities on the site. In this case, insufficient replacement facilities are being provided to compensate for the loss of the upper floors of the pub. There would be no provision elsewhere for a community/function room or staff/manager accommodation.

#### 8.4 **APP/X5210/A/13/2199667**

Decision Date: 12/12/2013

Address: Golden Lion, 88 Royal College Street, London NW1 0TH

Description: Conversion of existing public house (Class A4 use) to 8 self-contained flats (Class C3 use) comprising 1 x 3-bedroom unit, 4 x 2-bedroom units and 3 x 1-bedroom units and associated alterations to the existing third floor dormer extension and extension of part of existing cellar to create new lightwell comprising glazed blocks plus metal grille enclosure at ground floor level at Pratt Street frontage.

Important Inspector Quote: *“Public meetings are precluded by the terms of the lease but the first floor function room offers space for classes, clubs or meetings as specifically highlighted in the DP. The stairs to it are quite long and steep so it would not be suitable for some but nevertheless it has recently served as a useful meeting place for the pool league, residents association and War Memorial association. Even if this area has been used for other purposes in the past it offers an ancillary community function and the private upper accommodation can be shut off. Irrespective of the application to register The Golden Lion as an Asset of Community Value it is a local pub that serves a community role.”*

Officer Comment: It is clear that it is not necessary for a pub to be formally listed as an ACV to serve a community role and that public houses can be community uses. The appeal scheme is unacceptable regardless of the Admiral Mann’s formal status as an ACV, as it has been demonstrated that it is a local pub that serves a community role.

8.5 Le Colombier  
**APP/K5600/A/13/2199870**

Decision Date: 10/12/2013

Address: Le Colombier, 145 Dovehouse Street, London SW3 6LB

Description: Change of use of upper floors of restaurant to residential.

Important Inspector Quote: *“The loss of a considerable part of the operational space would significantly reduce the scale of the restaurant facility, which is a community facility. This would reduce the availability of services to meet the community needs. Therefore, I consider this loss would be to the detriment of the character of the surrounding Conservation Area and to its sense of place.”*

Officer Comment: While the above proposal relates to loss of restaurant space, as opposed to public house space, the precedent set is that loss of part of a community facility reduces the ability of such assets to meet community needs. In the case of the current appeal scheme the reduction in the scale of the public house by the loss of use to the upper floors and storage would reduce the availability of services to meet the community needs.

8.6 Britannia Tap Public House  
**APP/K5600/A/12/2180954**

Decision Date: 10/01/2013

Address: Britannia Tap, 150 Warwick Road, London W14 8PS

Description: Change of use from public house (Use Class A4) to 4 No. self-contained flats (Use Class C3) also erection of rear extensions at basement, ground, 1st and 2nd floors and alterations to front elevation at ground floor level.

Important Inspector Quote: *“The change of use would remove a community facility that contributes to the social, recreational and cultural facilities of the area...The Borough has completed consultation on a draft planning policy for the protection of public houses... The emerging policy, which according to the Council has reached examination stage, seeks to resist the loss of public houses and other drinking establishments (Class A4) throughout the Borough; and other uses which provide a wider social role. The supporting text builds on the CS. It notes that well over a third of public houses in the Borough have been lost since 1980 and that the trend is set to continue because of the higher land value that attaches to residential use.*

*Whilst the weight that can be attached to this emerging policy must be less than that which would apply to an adopted policy because of the stage it has reached, it clearly follows on from a concern expressed in the CS. Moreover, paragraph 70 of the National Planning Policy Framework (NPPF) of March 2012 is also a material consideration; it advises that planning policies and decisions should plan positively for the provision and use of various community facilities including public houses, to enhance the sustainability of communities and residential environments. Accordingly I consider that in policy, the change of use of pubs to residential is resisted in principle.”*

## **9.0 Community Infrastructure Levy (CIL)**

- 9.1 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1<sup>st</sup> of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100m<sup>2</sup> of new floorspace or a new dwelling will need to pay the CIL charge.
- 9.2 The proposal would be CIL liable for Mayoral and Camden charges if it were considered to be acceptable. The CIL would be calculated based on the total gross internal floor space. As the proposal is below 10 dwellings (or 1000m<sup>2</sup>) and located within Zone B (Rest of Camden), the appellant would be required to pay £500 per square metre in addition to the Mayoral CIL charge of £50 per square metre.

## **10.0 CONCLUSION**

- 10.1 On the basis of information available and having regard to the entirety of the Council's submissions, including the contents of this Statement of Case, the Inspector is respectfully requested to dismiss the appeal.

## **11.0 LIST OF APPENDICES**

Appendix 1 – Suggested conditions for 2016/7069/P

Appendix 2 – Decision Notice for 2016/7069/P

Appendix 3 – Appeal decision for 2015/4456/P (PINS ref: APP/X5210/W/16/3147248)

Appendix 4 - Relevant Appeal Decisions

Appendix 5 - Written Statement - Monday 26 January 2015 by Kris Hopkins

Appendix 6 - Vice article - The Last Piss-Up at One of London's Doomed Local Pubs dated August 22<sup>nd</sup> 2014

Appendix 7 - 'Closing time: London's public houses' GLA Economics April 2017

Appendix 8 – New London Plan Policy HC7

Appendix 9 – Pakenham Arms Officer Report ref: 2016/6931/P

**Council Contacts:**

**Lead Officer – Jonathan McClue**

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Telephone: 020 7974

## **Appendix 1 – Suggested conditions for 2016/7069/P**

- 1) The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans (GAL 220 (PC)) 001 Rev A; 002 Rev C; 003 Rev A; 004 Rev A; 005 Rev H; 006 Rev E; 007 Rev B; 008 Rev H; 009 Rev D, Design and Access Statement (ref: GAL 220/IB/ib) dated 09/12/2016, cover letter (ref: L/MISC/AM) dated 22/12/2016 by KR Planning, cover letter (ref: 14286/JM170124) dated 24/01/2017 by Lyons O'Neil Structural Engineers and Assessment of Potential Noise Impact (ref: Technical Report: R6701-1 Rev 1) dated 21/12/2016.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3) Notwithstanding the provision of the Town and Country Planning General Development Order 2015 as amended (or any Order revoking and re-enacting that Order), planning permission shall be required in respect of development constituting a change of use to any use including those within Use Classes A1, A2 or A3 to the Second schedule to the Order, or for any proposal to change the use temporarily to B1 business use or any other use. In addition, planning permission shall be required for any demolition which would otherwise constitute permitted development.

Reason: To ensure that the existing public house (A4), which is a community facility, is protected for changes of use and demolition which do not require planning permission in accordance with policy C4 (Public Houses) of the Camden Local Plan 2017, paragraphs 69 and 70 of the National Planning Policy Framework 2012 and policy 4.8 of the London Plan 2016.

- 4) Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
  - a) Details including sections at 1:10 of all windows (including jambs, head, cill and materials), ventilation grills, louvred panel, railings, external doors and gates;
  - b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).



c) Details including 1:10 elevation and section drawings of proposed new dormer windows within the proposed mansard roof.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works. All other new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

- 5) Prior to the commencement of the development, a Construction Method Statement (including details of demolition and construction) should be submitted outlining how the locally listed buildings at 9 and 9A Hargrave Place would be protected during the construction process. This should include details of the basement extension, removal of the back wall of No. 9 and the removal and replacement of the internal floors. The Statement should be submitted to and approved in writing by the local planning authority with all development works being carried out in accordance with the approved details.

Reason: To safeguard the locally listed buildings which together contribute to the architectural, historical, townscape and social significance to the Borough in accordance with policies D1 and D2 of the Camden Local Plan 2017 and the National Planning Policy Framework 2012.

- 6) Prior to the commencement of the development, a programme setting out the features of the facade of 9 Hargrave Place that will be reinstated/retained shall be submitted to and approved in writing by the local planning authority. The features to be retained are expected to include the hanging sign fixtures and lanterns and those to be reinstated include the previous pub signage (the fascia sign and hanging sign) and flower pots. The works shall be carried out in accordance with the approved programme and all other external work to the façade shall be carried out in materials that resemble, as closely as possible, the colour and texture of the existing façade.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

- 7) Prior to the occupation of the residential (Class C3) units, details of secure and covered cycle storage area for 8 cycles (as shown on drawing no. GAL 220 (PC) 005 Rev H) shall be submitted to and approved by the local planning authority in writing. The approved facility shall thereafter be provided in its entirety prior to the first

occupation of any of the new units, and thereafter permanently retained.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the Camden Local Plan 2017.

- 8) Prior to commencement of the development, details shall be submitted to the Council for approval of proposed sound insulation of the building envelope (walls/glazing) and floor/ceiling separation, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve a daytime 07:00-23:00 internal noise level of NR20 and night time 23:00-07:00 internal noise level of NR15 in all habitable rooms. A post completion assessment shall be carried out where as required to confirm compliance with the noise criteria and additional steps.

The sound insulation and noise mitigation installations shall include the measures outlined with the Assessment of Potential Noise Impact by 24 Acoustics Limited:

- installation of a system noise limiter and an acoustic noise limiter
- upgrades to the party floor between the pub and residential units
- wall insulation
- new glazing with sound insulation performance and an alternative ventilation unit for all habitable windows

No alteration to the development shall be made which would result in the specified internal noise levels being exceeded. (Noise Rating curves should be measured as a 5 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz). An appropriate automatic noise control device must be fitted to all amplified sound equipment. The device must be:

- (a) Set so that the volume of any amplified sound emanating from the premises does not cause a public nuisance. A Compliance Certificate must be supplied to the planning authority for the installation of the unit before any regulated entertainment is carried out.

The installation must be carried out by a competent/qualified person and submitted to planning authority for approval. The compliance certificate must contain the following.

- (i) 5 minute LAEQ
- (ii) Full Spectrum Frequency analysis

- (b) The devices must be fitted to all power outlets to the premises (i.e. to the main distribution unit controlling power outlets)

Reason: To safeguard the amenities of the upper residential floors and the area generally in accordance with the requirements of policies A1 and H6 of the Camden Local Plan 2017.

- 9) Details, including technical specifications of all externally located mechanical plant and ventilation equipment, together with an accompanying acoustic report, shall be submitted to and approved by the local planning authority prior to first installation of this plant. The plant shall not be operated other than in complete accordance with such measures as may be approved. Machinery/plant system and associated ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of occupiers of the proposed use, adjoining premises and the area generally in accordance with the requirements of policy A4 of the Camden Local Plan 2017.

- 10) Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

- 11) The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the Camden Local Plan Submission 2017.

- 12) Details of a terrace privacy screen on the second floor terrace shown on drawing no. GAL 220 (PC) 006 Rev E hereby approved shall be submitted to and approved in writing by the local planning authority before the development commences. The screens shall be erected on the proposed rear terrace prior to the commencement of the use of the roof terrace and shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 13) The flat roof at first floor level, as shown on drawing no. GAL 220 (PC) 005 Rev H, shall not be used as a terrace by any of the prospective occupiers.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 14) The lower half of the sash window of the larger bedroom of unit 1 on the first floor, as shown on drawing no. GAL 220 (PC) 005 Rev H, shall be obscurely glazed and fixed shut prior to the occupation of the development and thereafter permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 15) Prior to operation, any machinery, plant or equipment or extract/ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration generally in accordance with the requirements of policies A1 and A4 of the Camden Local Plan 2017.

- 16) The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the Camden Local Plan 2017.

- 17) Before the development commences, details of the location, design and method of waste storage and removal including recycled materials for the commercial public house use, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the used and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5 of the Camden Local Plan 2017.

- 18) Before the development commences, details of the location, design and method of waste storage and removal including recycled materials for the existing and proposed residential uses, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the used and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5 of the Camden Local Plan 2017.

**Appendix 2 – Decision Notice for 2016/7069/P**

Kieran Rafferty  
KR Planning  
183 Seafield Road  
Bournemouth BH6 5LJ  
United Kingdom

Application Ref: **2016/7069/P**  
Please ask for: **Jonathan McClue**  
Telephone: 020 7974 **4908**

5 July 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Refused**

Address:  
**9 and 9A Hargrave Place**  
**London**  
**N7 0BP**

Proposal: Redevelopment of the site including multiple storey rear extensions, a basement extension (to include toilets and a commercial kitchen), mansard roof addition and associated works to 9 Hargrave Place; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 3 residential flats (C3).

Drawing Nos: (GAL 220 (PC)) 001 Rev A; 002 Rev C; 003 Rev A; 004 Rev A; 005 Rev H; 006 Rev E; 007 Rev B; 008 Rev H; 009 Rev D, Design and Access Statement (ref: GAL 220/IB/ib) dated 09/12/2016, cover letter (ref: L/MISC/AM) dated 22/12/2016 by KR Planning, cover letter (ref: 14286/JM170124) dated 24/01/2017 by Lyons O'Neil Structural Engineers and Assessment of Potential Noise Impact (ref: Technical Report: R6701-1 Rev 1) dated 21/12/2016.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

#### Reason(s) for Refusal

- 1 The proposed development, by virtue of the loss of ancillary space to serve the public house and proposed restrictions on amplified music, would materially change



the character of an existing use designated as an Asset of Community Value and compromise the long-term viability and future of the public house which provides an important local community facility. It would therefore fail to support social wellbeing, strengthen community cohesion and encourage social diversity. Thus, the proposal is contrary to Policy C4 (Public Houses) of the Camden Local Plan June 2017, paragraph 70 of the National Planning Policy Framework 2012 and Policy 4.8 of the London Plan 2016.

- 2 Insufficient information has been submitted to fully demonstrate the compatibility of the proposed uses, that the co-location of residential units and the public house would not cause harm to the amenity of future occupants of the proposed flats, or prejudice the continuing operation of the public house, through disturbance caused by normal activity associated with a public house use and the likelihood of complaints relating to noise and nuisance from the prospective occupiers of the non-ancillary uses directly above it. Thus, the proposal is contrary to Policies A1 (Managing the impact of development), A4 (Noise and vibration) and C4 (Public Houses) of the Camden Local Plan June 2017, paragraph 70 of the National Planning Policy Framework 2012 and policy 4.8 of the London Plan 2016.
- 3 The proposed development, in the absence of a legal agreement to secure a financial contribution towards affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan June 2017, policies 3.8, 3.10, 3.11 and 3.12 of the London Plan 2016 and paragraphs 47, 50 and 173 of the NPPF 2012.
- 4 The proposed development, in the absence of a legal agreement to secure car-free housing for the residential units, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policy T2 (Parking and car-free development) of the Camden Local Plan June 2017.
- 5 The proposed development, in the absence of a legal agreement securing necessary contributions towards highway works, would fail to make provision to restore the pedestrian environment to an acceptable condition after the construction works, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan June 2017.

Informative(s):

- 1 You are advised that reasons for refusal 3-5 could be overcome by entering into a s106 agreement.

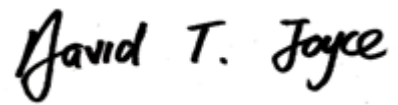
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>



Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce  
Director of Regeneration and Planning

**Appendix 3 – Appeal decision for 2015/4456/P (PINS ref:  
APP/X5210/W/16/3147248)**

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## Appeal Decision

Hearing held on 14 September 2016

Site visit made on 14 September 2016

**by Andrew Owen BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 October 2016**

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**Appeal Ref: APP/X5210/W/16/3147248**  
**9 and 9a Hargrave Place, Camden, London N7 0BP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Woodham Enterprise Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/4456/P, dated 3 August 2015, was refused by notice dated 17 February 2016.
  - The development proposed was originally described as "partial demolition and redevelopment of the buildings to create a mixed use scheme including retention of the existing PH with landlord's accommodation and 5 residential flats."
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The address given on the application form was 9 Hargrave Place, excluding the dwelling at No 9a which is within the site. The address I have used above more accurately reflects the site and was that used by the Council on their decision letter.
  3. The appeal is made by Woodham Enterprise Ltd, but the original application was made by Woodham Properties Ltd. However the same person, Mr Josh Moore, is identified on both the appeal and application forms.
  4. The description of the development was given on the Council's decision letter as being "Demolition of building at 9A and partial demolition of 9 Hargrave Place and redevelopment of the site including a new 3 storey building to the rear; multiple storey rear extensions, basement extension, mansard roof addition and associated works to main building at 9; conversion of part of ground floor and upper floors from Public House (A4) to residential (C3) use and the creation of 5 residential flats (3x2 bed and 2x1 bed)". This was also the description given on the appeal form. Accordingly I shall consider the proposal on this basis.
  5. A completed planning obligation was submitted at the Hearing which sought to address the reasons for refusal relating to car free housing and a contribution to highway works. I address this below.
-

## **Main Issues**

6. The main issues are:

- i. The effect of the proposal on the character and appearance of the locally listed buildings;
- ii. Whether the proposal would provide satisfactory living conditions for future residents of the development with respect to noise or disturbance and living space;
- iii. The effect of the proposal on the future function of the public house;
- iv. Whether the development would provide satisfactory cycle storage.

## **Reasons**

### *Character and appearance of the locally listed buildings*

7. The site is made up of two parts. The first part is the former Admiral Mann PH at No 9 which is currently vacant at ground floor level but is occupied as a residential unit on the first and second floors. The second part is a dwelling at No 9a which is primarily at first floor level, above the store rooms and disabled toilet at the Admiral Mann, but has its own pedestrian access from Hargrave Place.
8. Nos 9a and 9 are both locally listed buildings identified separately in the Council's local list. Policy SP25 of the Camden Development Policies (2010) (CDP) relates to the borough's heritage but makes no reference to non-designated heritage assets. At the Hearing the Council advised this was because the borough's local list post-dates this policy. Nonetheless, because of its lack of reference to locally listed buildings, I can give only limited weight to this Policy. Notwithstanding this, I give significant weight to paragraph 135 of the National Planning Policy Framework (the 'Framework') which advises that the significance of a non-designated heritage asset should be taken into account.
9. The Council confirmed at the Hearing that No 9a has historical and townscape significance only and not also architectural and social significance as stated in the Council's decision letter. In respect of its historical significance the building is one of the few remaining 19<sup>th</sup> century workers cottages in the area. Its small size and proportions, distinctive curved wall and shallow pitched roof contribute to its townscape significance.
10. I consider that the small scale and modest proportions of the building, indicative of its age, are its greatest characteristics and, juxtaposed with the modern, taller, and larger neighbouring development at Brecon Mews and No 1 Hargrave Place, the historical and townscape significance of the building is emphasised. No 2 Hargrave Place is also similarly older than its surrounding development, but it is the contrast in scale of No 9a with the adjoining modern developments that, in particular, accentuates its significance.
11. An annotation on drawing GAL 220 (PC) 008 Rev E states "existing curved brickwork detail to be retained and extended". It is disputed by the parties as to whether this means the curved wall would be demolished and rebuilt like for like, or retained. In any event, it is clear that the proposal involves the provision of a building on this part of the site which, whilst it would remain

smaller than that at No 9, would be significantly higher, deeper, and therefore have a greater bulk than the existing building at No 9a. This would result in the character and appearance of No 9a being detrimentally affected and its historic and townscape significance being wholly lost. Furthermore, although the property is not on a major road, the development would be visible from a large number of properties on the Long Meadow estate and from Brecon Mews and therefore would affect the property's townscape significance in the wider context.

12. I acknowledge the parties agree that the alterations to No 9 would not harm the character and appearance of that locally listed building. Nonetheless, the development would considerably harm the character and appearance of No 9a which would detrimentally affect its significance as a non-designated heritage asset. As such the proposal would be contrary to the aforementioned advice in paragraph 135 of the Framework. The development would also be contrary to Policy CS14 of the Camden Core Strategy (2010) (CCS) and DP24 of the CDP which require all development to be of the highest standard of design.

*Living conditions - noise*

13. The development would provide a PH at ground floor with five dwellings above. The Noise Impact Report (22207/NIA Rev 3) submitted with the application estimates that noise from a PH would be around 75dB  $L_{Aeq}$  and that sufficient acoustic insulation could be provided and secured by a planning condition, to ensure noise from the PH would not affect the living conditions of the residents above. Although the Council considers that this underestimates the likely noise, no evidence has been provided to suggest what a realistic level of noise would be.
14. Notwithstanding this, the Report suggests that in order for resident's living conditions to be protected, equipment to amplify music or speech "should only be used at a low level" and I was advised at the Hearing by the appellant's agent that such equipment exists which will 'cut out' at a specified limit. The Report is also based on the assumption that the PH ceases to operate at 23:00hrs and that habitable rooms in the flats are at least 14m<sup>2</sup>.
15. A new license would need to be obtained for the proposed PH, and this, with a planning condition, could limit opening hours so that the PH closes at 23:00hrs. However one of the bedrooms directly above the PH would be 13.5m<sup>2</sup>, contrary to the assumptions in the Report. Also it would be difficult to effectively control amplification equipment used within the PH. Additionally, there is no method to control general noise from the PH to ensure it would not adversely affect the residents above as any acoustic insulation could only reduce the volume of the noise heard from within the flats, not limit the volume of the source of the noise. As such, I am not convinced, from the evidence provided, that noise from the PH could be satisfactorily mitigated.
16. At the Hearing, the Council agreed that a condition proposed by the appellant which had been used in an allowed appeal<sup>1</sup>, which proposed housing above The Leighton PH in Camden, would satisfactorily ensure noise from the PH would not adversely affect the living conditions of the residents of the flats above. However, the condition suggested by the appellant only ensures the acoustic insulation is of a specific standard and would not ensure noise to the flats

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<sup>1</sup> APP/X5210/W/15/3095242

would be sufficiently mitigated. Were future occupants of the flats to consider that noise from the PH did adversely affect their living conditions, any formal complaints could result in the operations of the PH being restricted, which may affect the successful operation of the PH.

17. Additionally one of the clauses of the completed planning obligation requires the PH unit to be occupied before any of the dwellings above, and requires the marketing details and the leases for the flats to include details of the licensed hours of the PH and details of the entertainment provided therein. This means that any potential residential occupiers would already be aware of the presence and operational details of the PH use before they decided to occupy the dwellings. However, I do not consider this would necessarily prevent future occupiers from making complaints regarding noise from the PH if they considered their living conditions were being harmed.
18. I acknowledge the planning permission granted on appeal at The Leighton PH noted above, and I have been presented with officer's reports for the Richard Steele PH and the Magdala PH which both relate to the provision of flats above a PH and which both recommend approval on the basis that noise from within the PHs can be mitigated for by a condition. I accept that it may be possible to mitigate for noise from a PH and that in these other cases the evidence presented may have demonstrated this. However I am not persuaded by the evidence before me in this appeal that this would necessarily be the case here.
19. Furthermore, any acoustic insulation works would not mitigate the noise generated from outside the pub by the coming and going of customers or customers smoking and drinking outside. Although the pavements outside the property are not deep, so do not provide the opportunity for outdoor seating, and the PH is not of such a size that it would be likely to attract vast numbers of customers simultaneously, it is not unreasonable to consider it would generate a regular amount of outdoor noise. Whilst some mitigation would be provided through the quality of the glazing in the flats, this would only be effective when the windows are closed. Additionally, the site's location on a quiet backstreet would mean that outdoor noise would mostly be likely to come from customers of the PH and in this respect the development differs from The Leighton PH. Notwithstanding this, the Noise Impact Report makes no assessment of this aspect and I do not agree that it would be sufficient to control this through a premises license as suggested in the Report. The available evidence does not satisfy me, on the balance of probabilities, that such noise would be within acceptable limits.
20. Accordingly I am unable to find that noise from the proposed PH would not harm the living conditions of the future occupiers of the development. Therefore the development would fail to accord with Policy CS5 of the CCS which aims to protect the amenity of local residents, and Policies DP26 and DP28 of the CDP which seek the same with specific reference to noise.

*Living conditions – living space*

21. Unit 5 is identified on the plans as a 1 bedroom flat though it has a sizeable study which the Council suggest could be used as a bedroom, hence rendering the unit a 2 bed flat. The Government's Technical housing standards<sup>2</sup> advise that a minimum internal floor area for a 2 bedroom unit is 61 square metres

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<sup>2</sup> DCLG. 2015. Technical Housing Standards – nationally described space standard.

and for a 1 bedroom, two person flat is 50 square metres. The plans identify flat 5 as being 54 square metres.

22. I acknowledge that the use of a room within a dwellinghouse for any domestic purpose is beyond the control of the planning regime, and I recognise the appellant's intentions to market the unit as a 1 bedroom flat. However I also consider that it would circumnavigate the intentions of the standards to label rooms as to be used other than as bedrooms in order to manipulate the occupancy of the unit. Indeed, paragraph 6 of the Technical housing standards advises that the standards do not imply occupancy or define the use of any room for a specific purpose.
23. Were the study too small to be able to be used as a bedroom, or were this room labelled as a room fundamental to the occupation of the unit, for example as its living room, I would be satisfied that the unit would be a 1 bedroom flat. However this is not the case and the room could readily be used as a single bedroom. Indeed, flat 3, directly below flat 5, has a very similar layout and similarly sized rooms to flat 5 and identifies the room below the study in flat 5 to be a single bedroom.
24. Accordingly I consider flat 5 would fail to meet the nationally described space standards and therefore would fail to provide satisfactory living space for future occupiers of the development. As such, whilst the development would contribute to the Council's housing target as set out in Policy CS6 of the CCS, it would fail to provide a quality home, also as required by this policy, and as supported by part c) of Policy CS5 of the CCS and Policy DP24 of the CDP. It would also fail to accord with criteria h) of Policy DP26 of the CDP which requires development to provide acceptable standards of accommodation.

*Function of the public house*

25. The Admiral Mann was listed as an Asset of Community Value (ACV) in 2014. In order to be identified as such, the Council considered at the time that the PH had furthered the social wellbeing of the local community and that within five years from the date of the listing it was realistic to consider that the building could again further the social wellbeing of the community. The ACV designation allows for a community interest group to bid to purchase the property should it be put up for sale. It was agreed by the parties at the Hearing that no such bid had emerged and as such the property is currently for sale to the open market. Nonetheless, despite the lack of a bid by the community, the ACV designation still applies and I have had some regard to it.
26. The ACV listing extends as far as the public areas of the Admiral Mann. It is not disputed that when the PH was last operational the first and second floors were used as ancillary staff accommodation, though in the past there had been a function room at first floor level. However, from many of the representations received it appears that, despite the lack of a function room in recent times, the PH still hosted events such as wakes, parties, events celebrating national celebrations and was home to sports teams including its own darts team.
27. At the Hearing I also heard, from the former manager, that the kitchen at first floor, whilst primarily was for his own domestic use, was also used to provide food for customers of the PH including for the aforementioned events and sports teams. However I also heard from the appellant's agent that no license

to sell food had been in place at the PH and that the 'What pub' website<sup>3</sup>, did not indicate that food was available. Nonetheless, I have no doubt that food was provided at the Admiral Mann, albeit on an informal basis, and that this may have contributed to the attraction of the PH to customers.

28. The proposal would not provide staff accommodation and therefore the opportunity for food to be provided, even informally, would be lost which would restrict the function of the PH, particularly if it were to resume hosting events at which food would be normally be provided.
29. From the evidence before me, there are a number of other PHs in the area where staff accommodation is not provided on site. As such I do not consider it would be essential for staff to live at the site, and the lack of staff accommodation in the development would not necessarily affect the attractiveness of the PH to potential managers. Indeed if a manager wished to live on site it is not unfeasible that one of the flats could be made available to them, particularly if the PH would be occupied before the flats above.
30. The proposal would provide a larger seating area at ground floor level, principally by relocating the existing toilets to the basement with the exception of a disabled toilet. Although I consider this alteration would make the toilets marginally less appealing, I do not consider they would be inadequate and basement toilets are not uncommon in PHs. As such in this respect the proposal accords with Policy DP29 of the CDP which seeks to promote fair access.
31. Overall, whilst it is clear that a PH use would be retained on the site with a larger ground floor seating area, and I note Policy DP15 of the CDP does not require the retention of ancillary facilities such as a kitchen, I consider that the proposed PH would not function to the same degree as that which the Admiral Mann did, due to the lack of the ability to provide food. As such, the proposed PH would fail to serve the needs of the local community adequately.
32. Furthermore as identified in paragraph 18 above, were it not possible to satisfactorily mitigate for noise from the PH being heard by the occupiers of the flats above, this could result in complaints from the residents which in turn could result in restrictions being placed on the PH which would further restrict its function and threaten its viability.
33. Consequently the development would fail to accord with Policy DP15 of the CDP and Policy CS10 of the CCS which seek to protect existing community facilities. It would also fail to accord with paragraph 4.8 of the London Plan which also seeks to prevent the loss of valued local community assets including public houses, and Paragraph 70 of the Framework which guards against the loss of valued facilities where this would reduce the community's ability to meet its day to day needs.
34. Policy C4 of the emerging Camden Local Plan also guards against the loss of pub floorspace including facilities ancillary to the operation of the public house where this would adversely affect the operation of the public house. This policy is yet to be examined, but has been subject of public consultation so I afford it some weight. Due to its lack of ability to provide food for customers of the PH, the development would conflict with this draft policy.

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<sup>3</sup> [www.whatpub.com](http://www.whatpub.com)



### *Cycle storage*

35. The proposed cycle storage area would be located within a room which is also identified as the waste bin store. Whilst the room would be physically large enough to accommodate both cycles and bins, any odour from the bins would make the room undesirable for cycle storage and the potential for overspill waste or the potential for the bins to be moved around the room in front of the cycle storage area, might make access to the cycle store area difficult. Also it would not be easy for residents to store bikes within their flats due to the stair access to all flats. I do accept the cycle and bin storage room could be made secure, but this would not address the poor environment the bikes would be kept in.
36. Consequently, the proposal would not encourage cycle use and so would be contrary to Policy CS11 of the CCS which seeks to promote sustainable travel, and Policy DP18 of the CDP which, in its explanatory text, advises that cycle parking should be convenient and easy to use. The development would also conflict with the Camden Planning Guidance 7: Transport which advises that cycle parking should be easily accessible in that a cycle can easily be stored and removed.

### **Other matters**

37. A completed bilateral planning obligation was submitted at the Hearing. As well as seeking to address the issues of the relationship between the flats and the use of the PH as noted in paragraph 17 above, it also seeks to ensure the development is car free and that a contribution towards highway improvement works is made. In view of my conclusions on the main issues identified above it is not necessary for me to give this obligation any further consideration.
38. My attention was drawn at the Hearing to Policy CS6 of the CS and in particular paragraph e) which states that housing is the 'priority land use'. Whilst I acknowledge this, I do not consider that the benefit of the provision of the additional dwellings in the development outweighs the harm that the proposal would cause as identified above.

### **Conclusions**

39. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

*Andrew Owen*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT

Josh Moore	Appellant
Kieran Rafferty	KR Planning (Appellant's agent)
Ian Barden	Genesis Architects Ltd

FOR THE LOCAL PLANNING AUTHORITY

Jonathan McClue	Principal Planning Officer
Sarah Freeman	Conservation Officer
Jagdish Akhaja	Planning Technician

INTERESTED PERSONS

Richard Lewis	Chair of 'Save the Admiral Mann'
John Cryne	CAMRA (North London Branch)
Mick Todd	Former manager of the Admiral Mann PH
Cllr Georgia Gould	Ward Councillor
George Hanna	Local resident
Dee Searle	Local resident
Henrietta Nasmyth	Local resident

**DOCUMENTS SUBMITTED AT THE HEARING**

Completed Statement of Common Ground  
Completed S106 agreement  
Current marketing details for the Admiral Mann

## **Appendix 4 - Relevant Appeal Decisions**



## Appeal Decision

Hearing held on 1 July 2015

Site visit made on 1 July 2015

**by S Stevens BSc (Hons) MSc DipTP DMS MCMi MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 July 2015**

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**Appeal Ref: APP/X5210/W/15/3003396**

**97 Haverstock Hill, LONDON, NW3 4RL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Faucet Inn Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2014/1367/P, dated 19 February 2013, was refused by notice dated 26 November 2014.
  - The development proposed is a change of use of the first and second floors from public house (Class A4) to create 2 x 1 bedroom and 2 x 2 bedroom flats (Class C3); extension and relocation of existing kitchen extract flue and associated works.
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### Decision

1. The appeal is dismissed

### Procedural matters

2. A signed and dated S106 Obligation was submitted before the Hearing to provide a contribution towards highway works and to ensure the development would be car free. I consider the Obligation further below.
3. Prior to the Hearing the appeal premises was included in the list of Assets of Community Value (ACV) under Part 5 Chapter 3 of the Localism Act 2011. However, the appellants have requested a review of the decision to list the property as an ACV. Therefore at the time the appeal was determined the inclusion of the public house in the list of ACVs has not been confirmed. I will consider this further below.

### Main Issues

4. The main issues are:
  - whether the proposal would, or would not result in the loss of a community facility;
  - whether the proposal would, or would not provide satisfactory living conditions for the occupants of the proposed residential units; and
  - whether mechanisms are necessary to a) secure car-free housing and b) contributions towards highway works.

## Reasons

### *Community facilities*

5. The appeal property comprises a 3 storey end of terrace building with basement and adjoining garden area. It is located on a busy road and is sited at the edge of a retail and commercial parade within a predominantly residential area.
6. The premises are in use as a public house (Use Class A4) which is known as the Sir Richard Steele Public House. The ground floor contains the main bar and seating areas, kitchen and toilets and has a number of interesting features including wooden panelling and a painted ceiling. On the first floor is a function room with a bar plus an office and storage and the second floor is used to provide accommodation for staff with its own bedrooms, kitchen, living room and bathroom. The basement is used as a cellar, cold store and storage. Access to all floors is via internal staircases and there is also an additional separate external staircase and delivery hatch to the cellar. Adjacent to the building is a beer garden accessed from the ground floor bar area.
7. The proposal is to convert the first and second floors to 4 residential units. The proposal would retain the ground floor and basement as a public house. The garden area would be turned into amenity space for the proposed residential units with a smoking shelter for customers of the public house located in the north western corner of the site.
8. The parties disagree whether a public house constitutes a community facility. In early 2015 the public house was listed as an Asset of Community Value (ACV) under the Localism Act 2011. However, the appellant is currently challenging the listing and at the time this appeal was determined its status as an ACV has not been confirmed. The Localism Act defines an ACV to be an actual current use of a building or other land that is not an ancillary use and which furthers the social wellbeing or social interests of the local community.
9. The government's *Community Right to Bid: Non-statutory advice note for local authorities* October 2012 advises that it is open to the local planning authority to decide whether listing as an ACV is a material consideration, taking into account all the circumstances of the case. I regard the request for such as listing to be an indicator of the local support for premises which further the social wellbeing or social interests of the local community. Although the ACV listing has not been confirmed, I attach some weight to it.
10. The appellant relies on Policy CS10 of the Camden Core Strategy 2010 (CS) which it argues does not contain any reference to public houses amongst the community facilities mentioned. This is correct but there may be many types of facilities that are not mentioned that perform a community function and I do not view the omission of a specific reference to public houses in the policy to mean that they can not be a community facility. A community facility provides an opportunity for people, amongst other things, to meet and socialise which is an important function of a public house.
11. Furthermore, the supporting text to CS10 refers to Policy DP15 in the Camden Development Policies (DP) where paragraph 15.6 of the supporting text includes reference to local pubs that serve a community role for example by providing space for evening classes, clubs, meetings or performances. From the written

submissions and evidence given at the Hearing it is clear the ground and first floor of the appeal premises have performed this function until recently when they were stopped by the appellant.

12. In any event the CS predates the National Planning Policy Framework (the Framework) which advises that planning decisions should promote opportunities for meeting between members of the community who might not otherwise come into contact with each other. It also states that decisions should plan positively for the provision and use of community facilities such as public houses in order to enhance the sustainability of communities and residential environments.
13. My attention was also drawn to the emerging Local Plan (LP) which provides additional protection to public houses. However, the LP is in the early stages of preparation and I shall give it very limited weight. Nevertheless, given the Framework, CS10 and DP15 I conclude that a public house is a community use. Consequently, the Framework and these policies are relevant and seek to protect and enhance community, leisure and cultural activities and to resist their loss unless alternative provision is available nearby or it can be demonstrated that that the premises are no longer economically viable for pub use.
14. The appellant's submissions state the upper floors of the premises do not provide a community use and in any event the public house on the ground floor would remain. Therefore, if the public house is a community use such a use would not be lost. The second floor is used for accommodation for staff of the public house and in that respect this floor does not itself provide a community use albeit it serves to support one. However, the first floor comprises a substantial, high ceiling room that is accessed via two separate staircases, one being the fire escape. At the time of my visit the room contained a number of small tables, a raised area that could act as a small stage, an unstocked bar and various pieces of equipment including a projector, screen and loud speakers. The room and the rest of the floor appeared quite dated and shabby in appearance but nevertheless could still be used for meetings, social events and performances.
15. The public house has a web site which includes a section on bookings and includes reference to parties and private functions in one of the function rooms. It also includes photographs of the first floor function room. Submissions by interested parties at the Hearing indicated the first floor function room had been regularly used for events up until the end of 2014 when the public house stopped any further events. Uses included a weekly comedy club and a language club that would have entailed some organisation prior to the event and could not be regarded as very informal uses. I consider such events to be community uses providing local residents and others with social and educational activities and, from the submissions, such events ceased due to the decision of the appellant rather than due to lack of demand.
16. The appellant suggested that these uses could relocate to either the existing ground floor or basement. I am not persuaded that this would be practical as this would interfere with the bar area and cellar/storage area below and the configuration of ground floor and basement would not be suitable for larger gatherings and events. Very limited information is available on alternative local accommodation and this means I am unable to conclude whether any is available.
17. It was emphasised that the proposal retains the public house on the ground floor but the Council and interested parties expressed concerns regarding the impact

of the development on the remaining public house and consequently its long term survival. As the CS and Framework seek to retain community facilities I consider this to be a material consideration. Furthermore, the mere retention of an A4 use would not, in my opinion, be sufficient to satisfy the general expectations of policies broadly seeking to safeguard the community benefits of public houses. The effect of the proposed development on the remaining public house is a relevant consideration.

18. The proposal would result in the loss of the beer garden would be turned in to amenity space for the proposed residential units. This area is a popular attraction and used for regular BBQs which were being advertised. In my opinion the loss of the beer garden, especially in an inner city area, would result in the loss of a valued community facility.
19. The operational management plan submitted by the appellant sets out the current licensing restrictions for alcohol sales, recorded and live music and dancing. These conditions would remain in effect if the appeal were to be allowed but the management plan notes that there would be the opportunity for the Council to further restrict activities to protect the amenities of the future residents. Indeed the plan indicates that in order to protect the amenities of residents above live music and dancing would be prohibited. This could alter the attraction of, and number of customers to the premises.
20. No submissions were made regarding the impact of the proposed development might have on the remaining public house on the ground floor. When questioned, the appellant said some analysis had been done but was unable to provide any details. In the absence of any documentation regarding the effect of the proposal on the public house I can not conclude with any certainty what the impact might be. Nevertheless, I share the concerns regarding the consequential impact of the loss of the function room, beer garden and possible licensing restrictions on the future viability of the public house.
21. My attention has been drawn to a number of recent appeal decisions relating to the conversion of public houses to other uses and the matter of what constitutes a community facility<sup>1</sup>. I do not have the full details of all of these cases and the nature of the developments do not all replicate this appeal proposal. However, they do indicate a public house and their function rooms can be considered to be a community facility. In any event I have had regard to the submissions made and the specific circumstances relating to this appeal.
22. In support of the proposal the appellant also argued that the London Plan and the recently adopted Further Alterations to the London Plan indicated a substantial increase in the capital's population and consequently an acute requirement to make the best possible use of available land to create new homes. The Council stated it could meet its housing targets without the conversion of this site. Whilst the proposal would result in 4 additional residential units which would make a small contribution towards the supply of housing I also consider the retention of community facilities to be important for the social wellbeing local communities. I do not consider the provision of additional housing outweighs the harm that would result to the provision of community facilities in the locality.

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<sup>1</sup> APP/X5210/A/14/2218740, dated 2 October 2014, APP/X5210/A/13/2199667, dated 12 December 2013, APP/K5600/A/13/2199870, dated 10 December 2013, APP/K5600/A/12/2180954, DATED 10 January 2013 and APP/K5600/A/12/2172342, dated 17 September 2012.

23. Having considered all the submissions I consider the proposal would result in the loss of part of a premises that provides community facilities and that development would compromise and undermine the value of the existing A4 use as a community facility. Consequently, the proposal would be contrary to the underlying aims of CS Policy CS10, DP Policy DP15 and the Framework which seek to safeguard the community benefits that may arise from public houses.

*Living conditions*

24. The appellant argues that the existing use of the second floor as staff accommodation demonstrates the upper floors can co-exist harmoniously with the public house. This accommodation is ancillary to the public house and it is reasonable to assume that the occupants would be involved with the operation of the public house during opening times. Occupants of the proposed units may be expected to be within their accommodation during opening hours and I therefore do not consider the present ancillary accommodation demonstrates that satisfactory living conditions would automatically result from the proposal.
25. It was agreed by the parties that the proposed residential units would meet the Council's housing space and amenity area standards and I have no reason to take a different view.
26. The residential use would be above the public house and such arrangements exist elsewhere. A noise assessment submitted with the application indicates that internal sound insulation would be required that would exceed building regulation requirements in order to safeguard the amenity of the proposed occupants. This could be dealt with by way of a condition. The licence forbids customers to drink outside the premises on the pavement and even if the windows of the upper floors are opened the noise from the public house would be limited, especially when compared against the noise from traffic on the nearby road.
27. The existing beer garden would be converted to provide private amenity space for the occupants of the proposed flats. However, the access to the cellar is within the proposed garden area and beer deliveries would have to be brought into the amenity space. In addition, the waste storage for the public house is located to the rear of the site and would need to be brought to the front of the site, via the amenity space, in order that it could be collected.
28. Furthermore, the public house has a number of large windows and doors that face the amenity space. Although the public house doors would be closed and only used for emergencies the customers of the public house would be able to look out over the amenity space. A smoking shed for customers of the public house would also be located in the corner which would be accessed from the street. Although it would be separated from the amenity space users of the garden would be aware of people using it which would add to the lack of privacy.
29. Consequently, whilst the external space may satisfy the area standards I consider it would be overlooked and its users disturbed by deliveries and waste disposal. In the circumstances I consider it would provide a poor standard of outdoor amenity for the proposed occupants of the flats.
30. However, having considered the matters raised I conclude on balance the proposal would not cause a degree of harm to the living conditions of the proposed occupants that would justify the dismissal of the appeal. The proposal



would therefore comply with CS Policy CS5 and DP Policy DP26 but this does not outweigh the harm identified regarding the loss of a community use.

*S106 Obligation*

31. A signed and dated planning Obligation was submitted prior to the Hearing and the Council agreed that the third and fourth reason for refusal had been satisfactorily addressed. However, the Obligation does not overcome the harm identified in terms of the loss of a community facility. Accordingly, it is not necessary to assess the content of the Obligation against the relevant tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 or the accompanying guidance.

*Other matters*

32. The site lies within the Eton Conservation Area and I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The building is not listed but is identified in the Conservation Area Statement as making a positive contribution to the character and appearance of the conservation area.

33. The external elevations of the building would remain unaltered and the only change would be to the extract flue. The existing flue is a substantial and unsightly metal structure fixed to the rear of the building. The proposed flue, although taller, would be encased in matching brickwork and would be visually less obtrusive. Consequently, I consider the proposal would preserve or enhance the character or appearance of the conservation area in accordance with the Act.

**Conclusion**

34. For the reasons given above I conclude that the appeal should be dismissed.

*Sarah Stevens*

INSPECTOR

## **APPEARANCES**

### **For the appellant:**

Mr Stephen Cox	Faucet Inn Ltd
Mr Stuart Walburn BA Hons MTP MRTPI	Iceni Projects
Mr Kieron Hodgson BA (Hons) MTP MRTPI	Iceni Projects

### **For the Local Planning Authority:**

Mr Alex McDougall BAsc (Hons) MURP	Senior Planner, London Borough of Camden
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### **Interested persons:**

Cllr Jonny Bucknell	Elected member, London Borough of Camden
Mr Martin Besserman	
Ms Dale Ingram MSc CHE	Planning for Pubs Ltd

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. A list of application plans agreed by appellant and Council (Document 1)



## Appeal Decision

Hearing held on 3 September 2014

Site visit made on 3 September 2014

**by Peter Rose BA MRTPI DMS MCMi**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 October 2014**

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**Appeal Ref: APP/X5210/A/14/2218740**

**Golden Lion, 88 Royal College Street, London NW1 0TH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Norreys Barn Ltd against the Council of the London Borough of Camden.
  - The application Ref 2013/4793/P is dated 4 September 2013.
  - The development proposed is change of use from public house (Class A4) with ancillary accommodation to public house and function area at ground and lower ground floors respectively and 4 flats (3 x 2 bedroom/3 person and 1 x 3 bedroom/5 person)(Class C3); erection of a 3 storey extension (at 1st and 2nd floors and within the roofspace) on the Pratt Street frontage; lowering of existing basement by 600mm.
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for a partial award of costs has been made by Norreys Barn Ltd against the Council of the London Borough of Camden. This application is the subject of a separate Decision.

### Procedural Matters

3. The Council has stated that, had it still been in a position to do so, it would have refused planning permission for the reasons formally set out in its notice titled 'Notification of decision when an appeal has been made' and dated 25 June 2014.
4. A copy of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and dated 1 September 2014 was submitted to the Hearing. This seeks to address the Council's concerns in relation to local parking conditions and pedestrian safety. I am satisfied that no interests would be prejudiced by having regard to the agreement in this appeal.
5. The appellant submitted revised drawings to the Hearing by email dated 21 July 2014. The drawings indicate a replacement of the previously proposed roller shutters within the Pratt Street frontage by security folding/collapsible doors. I do not consider that the scheme would be so changed by this modification such that any interests would be prejudiced by having regard to these drawings as part of this appeal.

## **Main Issues**

6. The main issues are the effect of the proposed development upon:
  - a) the availability of community facilities in the local area;
  - b) the character and appearance of the host site and surrounding area, with particular regard to the design of the proposed roller shutters/folding doors;
  - c) local parking conditions;
  - d) pedestrian safety.

## **Reasons**

### *Community facilities*

7. The appeal site comprises a late nineteenth century four-storey public house with basement located at the junction of Pratt Street and Royal College Street. The building is of attractive traditional design and is a prominent and imposing feature within the local townscape. The surrounding area is of mixed use and contains buildings of varying forms and quality. The Council identifies the site as a non-designated heritage asset and it is proposed for inclusion within the Council's emerging list of buildings of local interest.
8. The premises comprise a main A4 trading area at ground floor, a function room at first floor, and other ancillary facilities within the basement and at second and third floor levels, including ancillary storage facilities and kitchen, a disused dumbwaiter between floors, and residential accommodation. The building is a purpose-designed, traditional public house and its predominant character arises from that physical form and heritage.
9. The Golden Lion was also designated as an Asset of Community Value (ACV) in December 2013 under the Localism Act, 2011. I note that decision was reviewed and reaffirmed in March 2014. The Localism Act defines an ACV to be an actual current use of a building or other land that is not an ancillary use and which furthers the social wellbeing or social interests of the local community. The definition also requires that it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community. The government's *Community Right to Bid: Non-statutory advice note for local authorities* October 2012 advises that it is open to the local planning authority to decide whether listing as an ACV is a material planning consideration, taking into account all the circumstances of the case. I find the designation to be relevant to the particular circumstances of this appeal and I apportion it a reasonable degree of weight as an indication of the significance of the current use to the local community.
10. The National Planning Policy Framework (the Framework) advises that planning decisions should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. It further states that decisions should plan positively for the provision and use of community facilities such as public houses in order to enhance the sustainability of communities and residential environments.

11. London Plan Policy 3.1 states that proposals involving the loss of facilities that meet the needs of particular groups and communities without adequate justification or provision for replacement should be resisted. Policy 3.16 further states that proposals which would result in a loss of social infrastructure in areas of defined need without realistic proposals for reprovision should be resisted. The supporting text to Policy 4.8 of the recent Draft Further Alterations to the London Plan January 2014, whilst of only limited weight, advises that where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to maintain, manage and enhance public houses.
12. Policy CS10 of the London Borough of Camden Core Strategy 2010-2025 Local Development Framework, 2010 (the Core Strategy) seeks to support the retention and enhancement of existing community, leisure and cultural activities. Policy DP15 of the London Borough of Camden Development Policies 2010-2025 Local Development Framework, 2010 (the Development Policies) states that the Council will protect existing community facilities by resisting their loss unless a replacement facility that meets the needs of the local population is provided. The supporting text to DP15 further advises that the Council will resist the loss of local pubs that serve a community role, for example, by providing space for clubs, meetings etc., 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.
13. The appellant maintains that the proposal is compliant with these policies by seeking to retain an A4 use, and I accept there would, in principle, be no loss of a public house as such. Further, the scheme both acknowledges and responds to a previous appeal decision Ref APP/X5210/A/13/2199667 dated 12 December 2013. This decision related to an application which included conversion of the appeal site into 8 self-contained flats but with no retention of A4 use. The relevant Hearing pre-dated formal designation as an ACV but the decision concluded that The Golden Lion was a local pub that served a local community role and that its somewhat old-fashioned charm appealed to those who go there. The evidence suggested that the premises were popular with and cherished by a good many people as offering something different. I am in no doubt from the strength and depth of support expressed at this further appeal that the public house remains highly valued as an important local community asset, not just in terms of its licensed trade but also as a broader community meeting facility.
14. Nevertheless, all businesses must progress and evolve in order to survive, and the issue is whether the proposals before me take forward the premises without compromising its undoubted value as a community asset. The proposal seeks to retain an A4 use as part of a mixed development of the site involving four self-contained flats and I appreciate that the scheme is packaged to buck the wider trend of public house closures. The scheme would offer significant benefits in terms of A4 use, including improved toilet and kitchen facilities and better access. The appellant also refers to the premises as being dated and in need of renovation and has provided significant expert commercial justification for the detailed form of the A4 accommodation proposed. I have noted that some improvements have been made to the premises in recent years but accept that further upgrading is required.

15. Mere retention of an A4 use, however, would not, in my opinion, be sufficient to satisfy the general expectations of policies broadly seeking to safeguard the community benefits of existing public houses. The extent, configuration and overall quality of the replacement facility are all relevant considerations and, in these regards, I find that the scheme has a number of significant shortcomings.
16. In particular, in order to accommodate a first floor flat, the existing function room at first floor level would be replaced by a facility at basement level. The existing room is of attractive character and provides a relatively open, light space with windows affording outlook across the local area. The replacement facility would be confined to the basement, would have no windows or outlook, and would lose the relative charm of the existing facility. Whilst noting the operational benefits identified, I am not satisfied that the replacement facility would be of comparable quality in terms of community benefit. The previous appeal decision also noted that the existing function room is an important part of the community value of the premises.
17. I am also concerned that, in order to accommodate self-contained access to the upper floor flats and basement and to accommodate incidental storage, part of the main ground floor public trading area, which would form the focus of the commercial operation, would be lost. Whilst facilities such as darts, a piano and a pool table could still theoretically be accommodated, this area is already fairly limited in size and shape and would be further constrained in those regards. Further, the entire premises currently comprise one single A4 planning unit. The proposed scheme would compress the overall extent of the A4 use and would compartmentalise the remaining trading area and function room components into separate, physically confined spaces, thereby losing the wider flexibility and character offered by the existing form and layout.
18. I consider that the sum total of these shortcomings would be to compromise the overall value of the site as a community asset which, in terms of extent, would become a secondary element to the predominant and unrelated use of the site as separate residential accommodation. From the evidence before me, there is a distinction to be drawn between the likely community benefits of the replacement A4 use and the community benefits undoubtedly already conferred by the existing public house. I am not satisfied that the physical composition of the proposed A4 accommodation would be adequate to provide a sustained level of community benefit comparable to the existing facility. In turn, the scheme would carry significant risk in terms of the possible future failure of the site as a community facility and potential loss of the existing community benefits.
19. I have also had regard to the availability of a number of other public houses in the surrounding area. Each public house has a different character and function and I have little basis to conclude that they would offset the particular ambience and community benefits of The Golden Lion.
20. I therefore conclude that the proposed development would compromise and undermine the value of the existing A4 use as a local community facility. Accordingly, the development would be contrary to the underlying aims of Policy CS10 of the Core Strategy, of Policy DP15 of the Development Policies, and to the aims of the London Plan and of the Framework which generally seek to safeguard the community benefits arising from public houses where appropriate.

### *Character and appearance*

21. The Pratt Street elevation is an important feature of the building and of the local townscape. Whilst the building is not statutorily listed, the ground floor element is relatively ornate and comprises a mixture of glazing, timber, tiling and stone with vertical pilasters. The detailed ground floor design forms an integral part of the overall traditional public house elevation and is an important contribution to the distinctiveness of the setting.
22. The scheme would involve points of access within the Pratt Street elevation to be enclosed by either roller shutter doors or by other folding doors. These would appear as relatively random features with contrasting detailed forms and appearance. In either form, this aspect of the scheme would introduce visually discordant elements into an otherwise attractive decorative public house frontage and would fail to respect the wider integrity of the elevation.
23. The Framework advises that, in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. I find that less than substantial harm would be caused to the non-designated heritage asset but that would not be out-weighed by overall public benefits otherwise arising from the proposal.
24. I therefore conclude that the proposed development would be harmful to the character and appearance of both the host building and the surrounding area. Accordingly, the scheme would be contrary to Policy CS14 of the Core Strategy and to Policies DP24 and DP25 of the Development Policies. These seek, amongst other matters, to promote high quality design, to conserve the Borough's heritage, and to ensure that development has regard to the character of the existing building and its setting. The Framework also places great importance upon high quality design and upon local distinctiveness.

### *Local parking conditions and pedestrian safety*

25. The planning agreement does not overcome the harm identified in terms of the role of the appeal site as a community facility, or the harm arising from the proposed works in terms of character and appearance. Accordingly, it is not necessary to assess the content of the agreement against the relevant tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, 2010 or with regard to accompanying guidance.

### **Other Matters**

26. Whilst there are questions about the general economic plight of public houses, and this was not a matter for detailed consideration as part of the appeal, I note that the existing publican described the public house as a successful operation and it remains a continuing use.
27. Although questions were raised at the Hearing regarding the viability of the proposed A4 arrangement, I noted the responses given and this has not been a determining factor in my decision.
28. General reference was also made at the Hearing to the appellant's own research of local opinion but full and appropriate details were not formally submitted for consideration in accordance with the relevant appeal procedures and timescales and I attach little weight.

29. I have also noted the presence of development sites in the vicinity of the appeal site as indicated in the Council's Site Allocations Development Plan Document, and the possible implications for the scale of change in the local area.
30. Regard has been given to various references to other appeal and planning decisions. Whilst full details of each of those schemes are not before me, the circumstances of each site and of each development will be different, and I am considering the specific planning merits of this particular appeal proposal.
31. The Council raises no objection to the four flats proposed, or to other associated works contained within the application, and has confirmed that the development is otherwise acceptable. The scheme would also make a contribution towards additional local housing and I apportion limited weight as a benefit in favour of the proposals.
32. I have also had regard to the Mayor of London's Revised Early Minor Alterations to the London Plan published on 11 October 2013.
33. A note was passed to me at the end of the Hearing on behalf of an interested third party, Jessica Francis. The note explained her perceived need to leave the Hearing but I do not consider this matter had any bearing upon the evidence presented or upon the planning merits to be considered.
34. None of the other matters raised are of such significance, either individually or collectively, that they would outweigh the considerations that have led to my conclusions on the main issues.

### **Conclusion**

35. For the above reasons, and with regard to all other matters raised, I conclude the appeal should be dismissed.

*Peter Rose*

INSPECTOR



## **APPEARANCES**

### FOR THE APPELLANT:

Paul Stinchcombe QC

Carolyn Apcar

Alan Sherman

Phil Briscoe

Peter Lerner

Graeme Bunn

Leo Murphy

Mark Sanderson

Apcar Smith Planning

BuildTech Building Surveyors

Bellenden Community Research

Peter Lerner Consultancy

Fleurets Leisure Property Specialists

The Arizona Group

Heritage Advisory Consultancy

### FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Markwell

Alan Wito

Principal Planning Officer

Senior Planner, Conservation and Design

### INTERESTED PERSONS:

Councillor Roger Robinson

Tom Copley

Will Blair

Dale Ingram

Dave Murphy

Shaun Pollard

Pat Logue

James Cantwell

Henry Conlon

Jim Clack

Phillip Stein

Local Councillor

London Assembly Member

Parliamentary Candidate for

Holborn and St Pancras 2015

Planning For Pubs Ltd

Publican, The Golden Lion

Chairman, Save The Golden Lion Committee

Camden Pub Watch

Supporter of The Golden Lion

Supporter of The Golden Lion

Supporter of The Golden Lion

Supporter of The Golden Lion

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Copies of Hearing notifications
2. Copy of an agreement made under section 106 of the Town and Country Planning Act 1990 dated 1 September 2014
3. Appeal decision APP/X5990/A/14/2215985 dated 8 July 2014 relating to 43 Linhope Street, London NW1 6HL
4. Indicative menu
5. Indicative layouts
6. Floorspace figures
7. Legal Submission by Paul Stinchcombe QC relating to Westminster City Council v SSCLG and Mrs Marilyn Acons [2013] EWHC 690 (Admin)

8. Response of the London Borough of Camden to the appellant's application for costs

9. Undated note from Jessica Francis



## Appeal Decision

Hearing held on 12 November 2013

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2013

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**Appeal Ref: APP/X5210/A/13/2199667**

**Golden Lion, 88 Royal College Street, London, NW1 0TH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Norreys Barn Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2012/6655/P, dated 13 December 2012, was refused by notice dated 12 March 2013.
  - The development proposed is conversion of existing public house (Class A4 use) to 8 self-contained flats (Class C3 use) comprising 1 x 3-bedroom unit, 4 x 2-bedroom units and 3 x 1-bedroom units and associated alterations to the existing third floor dormer extension and extension of part of existing cellar to create new lightwell comprising glazed blocks plus metal grille enclosure at ground floor level at Pratt Street frontage.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal would lead to the loss of a community facility;
  - The effect of the proposed solar panels on the character and appearance of the building;
  - Whether the proposed flats would be adequate for future occupiers having regard to the needs of the less mobile, outlook, internal space and aspect; and
  - The effect of the proposed lightwell on the street scene, highway safety and pedestrian movement.

### Preliminary Matters

3. A planning obligation signed by both parties was submitted before the hearing. This agreement contains provisions regarding car free housing, an energy efficiency and renewable energy plan, a sustainability plan and contributions towards education, highways and public open space. As a consequence and taking account of updated information on energy and sustainability, the Council confirmed that reasons for refusal 5-10 have been overcome.
4. The development plan includes the Core Strategy (CS) of 2010 and the Development Policies (DP). These prefixes are used in the relevant policies and

are relied upon to identify which document they are taken from. Furthermore, revised Camden Planning Guidance (CPG) was adopted in September 2013.

## **Reasons**

### ***Whether the proposal would lead to the loss of a community facility***

5. Paragraph 10.6 of the DP refers to the important social role of traditional pubs but Policy DP10 and Policy CS7 are concerned with shops and are therefore not relevant. Policy CS10 nevertheless seeks to support community facilities and services generally and Policy DP15 establishes that their loss will be resisted unless a replacement facility is provided or the facility is no longer required in its current use. However, there is no specific reference to public houses and the policy follows a list in paragraph 15.2 which does not mention them.
6. Paragraph 15.7 of the DP nonetheless confirms that the loss of local pubs that serve a community role will be resisted unless alternative provision is available nearby or it can be demonstrated that the premises are no longer economically viable. This text follows on from further justification in support of community facilities that reflects the wording of Policy DP15 more closely. Consequently my reading of the DP is that pubs are in a category of their own and that the tests in paragraph 15.7 should be applied to determine whether there is compliance with the development plan or not. This means, for instance, that there is no expectation to provide a replacement facility in cases of this kind.
7. The provisions of paragraph 15.7 therefore give rise to 3 separate questions to be addressed in turn.

### *Is The Golden Lion a local pub that serves a community role?*

8. In short, the answer to this question is 'yes'. Paragraph 70 of the National Planning Policy Framework refers to public houses as a community facility so that in principle they can fulfil this role. At The Golden Lion particular activities undertaken are the regular musical performances (including Irish folk nights); 2 pool and darts teams (both men and women) and meetings held by various private organisations. In addition, there are the less tangible aspects of pub life which allow people to meet and interact in a convivial and, by all accounts, safe atmosphere. In so doing, there is an opportunity for meetings between members of the community who might not otherwise come into contact with each other.
9. The importance of The Golden Lion was emphasised in the representations made both orally and in writing. It was described by the Ward Councillor as "vital" and others referred to its role in assisting charities and other social projects and their long-standing affinity with the establishment. The appellant questioned whether the status of the pub had been exaggerated as part of the campaign to save it but that is not the impression I gained. Moreover, it is apparent that it primarily serves a 'local' function as opposed to other premises nearby which cater for tourists and visitors. Although there is no disabled access the pub attracts a wide age range.
10. Public meetings are precluded by the terms of the lease but the first floor function room offers space for classes, clubs or meetings as specifically highlighted in the DP. The stairs to it are quite long and steep so it would not be suitable for some but nevertheless it has recently served as a useful meeting place for the pool league, residents association and War Memorial

association. Even if this area has been used for other purposes in the past it offers an ancillary community function and the private upper accommodation can be shut off. Irrespective of the application to register The Golden Lion as an Asset of Community Value it is a local pub that serves a community role.

*Is alternative provision available nearby?*

11. There are existing community centres in the wider locality and the London Irish Centre and the Saint Pancras Community Centre are around 800m away from the appeal site. There is limited information about the nature of the facilities available but, in theory, they could host the community events that take place at The Golden Lion. However, there is a world of difference between centres such as this and public houses. In particular, it was highlighted that they have no bars and no regular staff at night. Moreover, the ambience is likely to be completely different. Therefore these centres do not provide alternative provision to compensate for the loss of a local pub.
12. In general, it is reasonable to expect the number of public houses serving a community role to be greater in a densely populated part of London such as this. Public houses tend to have their own identity and the somewhat old-fashioned charm of The Golden Lion presumably appeals to those that go there. The evidence suggests that the premises are popular with and cherished by a good many people as offering something different. Of course, the way that the pub is run and the clientele it attracts could change and it is suggested that this is inevitable in order for The Golden Lion to be viable. However, in this respect, I have to deal with the current situation.
13. Although some have closed there are still a good many pubs remaining in Camden. However, those along the High Street are geared towards a different market. The Grand Union, for example, is said to cater for a younger crowd with loud music and a resident DJ. The Prince Albert is very close by along Royal College Street but has a restaurant on the first floor. Within a short distance to the east is The Constitution. This has many of the hallmarks of a 'local' with ales and beers, pool table, dartboard, jukebox, fruit and quiz machines. Food is served and it also has the benefit of a beer garden next to the canal. The lease has recently been renewed.
14. On the face of it, Golden Lion customers could patronise The Constitution if the former were to close as it is within easy walking distance. However, there is nothing to indicate that this alternative has a function room which is an important part of the community value of the existing premises. In other words, it would not replace the facilities currently found at the appeal site. The Prince Albert appears to be a more 'up-market' establishment. The Framework indicates that decisions should guard against the unnecessary loss of valued facilities and services but this is what would occur if the proposal went ahead.

*Are the premises no longer economically viable for pub use?*

15. A profit of over £9,000 was made in 2007/2008 and the publican observed that the situation was rosier before then. However, the business only made £55 in 2011/2012 and there was a loss the previous year. There are also dilapidation liabilities to attend to. Furthermore, the latest set of accounts show that only a small salary was taken and rents have not been formally reviewed since 2002. It was said that the rising cost of living and the smoking ban had made things more difficult.

16. At the hearing I was given evidence that The Golden Lion is not fit for purpose in a commercial sense. Relevant factors include the small trading area, the outdated WCs with no disabled facilities and the absence of a trade kitchen. Moreover, it is in a weak, secondary location and requires investment. The tenant complained that since 2011 the finances of the business have been hampered in various ways. However, whilst there is conflicting evidence about rent levels the barrellage sold between 2008 and 2011 fell by nearly a quarter. Judged by this measure the pub has been in decline since before 2011.
17. The landlord is keen to try other initiatives to boost trade but is inhibited by the current planning position. A large student development is under construction in St Pancras Way and the recently adopted Site Allocations Development Plan Document includes 3 other residential and related development sites nearby. These may come forward in the medium term but it is not clear whether they would positively affect the fortunes of The Golden Lion. On the other hand, the scale of change in the area gives added importance to the community of familiar and long-standing facilities.
18. Public houses are businesses and from a purely economic standpoint the prospects for The Golden Lion do not look particularly good. There was limited interest from the leisure industry prior to its sale in 2011. However, the fact is that the pub is still running and over £40,000 has been invested this year in improvements and renovations. In these circumstances it would seem strange to declare that the use is not viable. Furthermore, it was acknowledged that there is continual structural change in the industry and there may also be other ways of running the business that have not yet been explored.
19. At some point the view may be taken that The Golden Lion has no future. Based on past trends the portents are not good but from a 'glass half full' perspective this could change. Certainly the level of support received and articulated at the hearing makes me reluctant to say at this stage that the on-going venture is bound to fail. Hence I cannot conclude that the premises are no longer economically viable for pub use.

#### *Other considerations*

20. There are 'permitted development' rights to change from Use Class A4 (drinking establishments) to Use Classes A1 (shops), A2 (financial and professional services) and A3 (restaurants and cafes). However, there is no evidence that this would be likely to occur in the event that the appeal failed. Moreover, all of these uses would, to a degree, meet the day-to-day needs of the community albeit in a different way to The Golden Lion.
21. Planning permission was given for the conversion of a public house in Plender Street to 5 flats in November 2011. Although the decision pre-dated the Framework many of the considerations were similar to those in the appeal. In that case the first floor function room was said to be used only intermittently and local support was limited. In any event, that outcome does not have to be followed here. Indeed, given its physical proximity, the loss of that pub could reasonably be said to have increased the significance of The Golden Lion.
22. Both parties referred to appeal decisions that have dealt with the loss of public houses and I have taken them all into account. Those cited by the appellant preceded the Framework apart from the one at Eastbourne which was concerned with a change to Class A1 retail. Of the others, the premises in

Wolverhampton and Stroud were found to not be viable with other accessible facilities nearby whilst there were no policies supporting the retention of public houses in Southwark. They can therefore be differentiated from the proposal.

*Conclusion on this issue*

23. The Golden Lion is a local pub that serves a community role. If it were to be supplanted by the 8 proposed flats there would be no suitable alternative provision available nearby. Moreover, it has not been satisfactorily demonstrated that the premises are no longer economically viable for pub use. As a result there would be a loss of a community facility and there would be a conflict with the broad intentions of Policy CS10 and with the specific provisions of Policy DP15. These findings are not outweighed by any other considerations.

***The effect of the proposed solar panels on the character and appearance of the building***

24. The Golden Lion was largely rebuilt in the 1890s and has a striking and characterful exterior with an eclectic mix of architectural styles. It stands as a focal point on the corner of Royal College Street and Pratt Street. The building is included in a recent public consultation on Camden's Local List but, in any event, is agreed to be a non-designated heritage asset. Although the sustainability benefits expected by the Council could be achieved without the proposed panels they nevertheless form part of the proposal as submitted.
25. The principle ornate facades of the building are on the northern and western sides. In contrast the southern and eastern elevations where the panels would be located are much plainer. So whilst they would evidently be modern additions the panels would not detract from the intrinsic qualities of the public house. They would be ephemeral and inconsequential against the bold design of the building. Long views of the panels would be possible from the south but owing to the existing parapet they would be from some distance. They would be more apparent from the east but well contained within the roof slope in a position where they would not compete with the main attributes of the asset.
26. There are no objections in relation to the wider street scene owing to the mixed nature of the locality and the panels would not affect the setting of the Regents Canal Conservation Area. The Council seeks to find inconspicuous locations for renewable energy installations which would be achieved in this case. Indeed, the proposal would not have a detrimental effect on the significance of the heritage asset or harm the character and appearance of the building. Moreover, there would be no conflict with Policies CS14, DP24 and DP25 which together seek to promote high quality places and conserve heritage.

***Whether the proposed flats would be adequate for future occupiers having regard to the needs of the less mobile, outlook, internal space and aspect***

27. Policy DP6 is unequivocal in that all housing development should meet lifetime homes standards. However, paragraph 6.5 acknowledges that in some cases it will not be possible to meet every element. This is particularly likely to be the case in conversion schemes such as this. Indeed the Council has accepted that the criteria relating to stairs and window handle heights cannot be met. Nevertheless, I endorse the principle that the standards that can be achieved should be achieved especially where the internal works are all new.

28. Of the matters raised there is no scope to provide a shallow ramp within the site but the use of a step is accepted. There is insufficient clear space to the leading edge of some doors but the shortfall is minor and could be increased. The entry doors for Units 7 and 8 could be recessed slightly to provide an adequate landing. With changes to the internal layout the necessary WC facilities could be provided in Units 1 and 2 and the bathrooms should be dimensioned to ensure compliance. These changes could all be secured by a condition requiring a revised detailed layout and sections. In that scenario although it would not wholly comply with the strict wording of Policy D6 the development would meet the needs of the less mobile as far as it can. Providing adaptable accommodation in this way outweighs the policy conflict.
29. Unit 8 would have a floor area of 55 sq m which would be below the standard for a 2 bedroom unit of 61 sq m in The London Plan and CPG2. Although referred to as a minimum paragraph 4.14 of the CPG indicates that this should *normally* [my emphasis] be met or exceeded. In this case, the rooms are of good shape and proportion and there would be adequate circulation space. The flat would be useable without any practical drawbacks notwithstanding its slightly small size. Furthermore, it would contribute to the supply of 2-bedroom market units which are a priority according to Policy DP5.
30. The basement level bedrooms for Units 1 and 2 would have a very limited outlook towards the vertical wall of the lightwell. Outward views would also be restricted by the glazed blocks and metal grille. However, notwithstanding the recent changes to CPG2, outlook is not listed as one of the 4 key considerations for basement rooms. In particular, it has been established that daylight would be adequate having regard to recognised standards. Indeed, this type of arrangement is illustrated at Figure 4 of CPG4 and is similar to that permitted at Plender Street.
31. That said, the internal environment would not be ideal. However, the flats in question would be split over 2 floors so that the living rooms would be lit by windows at ground floor level. Bedrooms also generally need less of an outlook because of their primary use for sleeping. Whether the 3-bedroom unit would actually be occupied by a family is a matter of conjecture. On the other hand, the basement area forms a significant proportion of the overall floorspace of both flats. Nevertheless, my misgivings about this part of the proposal are assuaged by the fact that it does not transgress the detailed guidance in the CPG or recent decisions by the Council.
32. Four of the proposed units would be single aspect only and their windows north facing. Paragraph 4.23 of CPG2 expects that each dwelling should have at least one habitable room with a window facing within 30 degrees of south in order to make the most of solar gain through passive solar energy. This is clearly desirable but will be easier to achieve for new developments than for conversions when the orientation of the building is fixed. In any case, this minimum requirement is concerned with avoiding the unacceptable loss of daylight and/or sunlight and there is no criticism of the scheme on that score.
33. The Housing Supplementary Planning Guidance of The London Plan refers to the home as a place of retreat and emphasises the inherent benefits of openings on more than one side. The provision of dual aspect dwellings should be maximised where possible and north facing single aspect dwellings should be avoided. Although there is no definitive evidence both the Party Wall Act



and stringent Building Regulations are likely to limit the scope for windows on the southern and eastern sides because the building is or would be tight to those boundaries. It may, however, be feasible to have a third floor window in the east elevation if the solar panels were removed.

34. The Council's position is that a combination of the drawbacks referred to above would compromise the overall quality of the accommodation for future occupiers. However, I have found that the outstanding lifetime homes criteria could be addressed by condition; that Unit 8 would provide satisfactory living space; that the limited outlook from the basement bedrooms is not a compelling objection and that dual aspect units have been maximised with one exception. The Framework indicates that a good standard of amenity for future occupants should always be sought and, at the end of the day, the overall standard of the flats for future occupiers would be adequate.
35. As a result the proposal would not be contrary to Policy DP26 which is concerned with the impact of development on occupiers and specifically with criteria b) and h) which refer to outlook and providing an acceptable standard of accommodation. In turn, there would be no conflict with the wider provisions of Policies CS5 and CS6 regarding managing the impact of development and quality homes.

***The effect of the proposed lightwell on the street scene, highway safety and pedestrian movement.***

36. CPG4 anticipates the use of lightwells and of grilles above them provided that they sit flush with natural ground level and there is nothing in the development plan that precludes them. They have also recently been approved as part of the scheme in Plender Street. There can therefore be no objection in principle on the grounds that such installations would create potential difficulties in terms of long-term maintenance and the accumulation of rubbish. It can also be assumed that there is nothing inherently dangerous about walking across a suitably designed grille irrespective of the numbers that might do so.
37. The plans contain some discrepancies in terms of dimensions but it is intended that the proposed glass blocks and metal grille would be on private land. They would replace the existing tables and benches along Pratt Street and would improve the area available for pedestrians. The footway here is of reasonable width and so movement would not be hindered. Street clutter would be reduced and there is no evidence that highway safety would be affected. The precise finish and apertures of the grille (and confirmation that the lightwell would not project into the public highway) could be secured by condition.
38. As the lightwell would cause no harm the proposal would accord with the criteria for development connecting to the highway network in Policy DP21 and with the aim in Policy CS11 of promoting sustainable and efficient travel.

**Other Matters**

39. The planning obligation does not overcome the objection relating to the loss of a community facility. In view of this it is not necessary to assess it against the tests in the Community Infrastructure Levy Regulations and the Framework.
40. In the appeal at The Cross Keys in Kensington and Chelsea the Inspector found that continued use as a public house was an important part of its value and significance as a heritage asset (Ref: APP/K5600/A/12/2172342). The Golden

Lion has been used in this way for well over 100 years but, as indicated in the entry for consultation on the Local List, its significance mainly relates to its architectural and townscape value. If the building were to be used for other purposes its past history would not be eradicated. Therefore the proposed use would conserve the non-designated heritage asset in a manner appropriate to its significance. The other appeal decisions referred to by the Council, including The Cross Keys, also all involve sites within Conservation Areas.

### **Conclusions**

41. There are no objections to the physical components of the conversion scheme including the solar panels and lightwells and living conditions for future occupiers would be adequate. More fundamentally there would be the loss of a community facility contrary to the development plan and this is the overriding consideration. Therefore, for the reasons given, the appeal should fail.

*David Smith*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Ms C Aparcar	Apcar Smith Planning
Mr G Bunn	Fleurets
Mr A Sherman	Buildtech Building Surveyors
Mr S Knight	Code Consultancy
Mr S Kelly	Metropolis Green

### FOR THE LONDON BOROUGH OF CAMDEN:

Mr J Markwell	Principal Planning Officer
Mr A Wito	Senior Planner - Conservation
Ms M Horn	Access Officer
Ms Z Trower	Transport Planner

### INTERESTED PERSONS:

Mr D Murphy	
Ms D Ingram	Conservation Works UK Ltd
Cllr R Robinson	Ward Councillor
Mr S Pollard	Chair, Save The Golden Lion
Mr McDonald	
Mr S Grange	
Mr J Cantwell	
Mr H Conlon	
Dr Griffin	
Mr G Gauci	
Ms Hester	

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# Appeal Decision

Site visit made on 18 November 2013

by **J L Cheesley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 December 2013

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**Appeal Ref: APP/K5600/A/13/2199870**

**Le Colombier, 145 Dovehouse Street, London SW3 6LB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Morad Arefin for DOW Properties Limited against the decision of the Council of the Royal Borough of Kensington and Chelsea.
  - The application Ref /PP/12/03220, dated 29 August 2012, was refused by notice dated 11 January 2013.
  - The development proposed is the erection of an additional storey and creation of three No. one bedroom residential units including internal and external alterations.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appellant has submitted a signed and dated Unilateral Undertaking with regard to on-street parking and local infrastructure. The Council has confirmed that this undertaking addresses the third and fourth reasons for refusal. As I have dismissed the proposal on other matters, it is not necessary for me to consider this matter further.

## Main Issues

3. I consider the remaining main issues to be

the effect of the proposal on the character and appearance of the host building and the Chelsea Park Carlyle Conservation Area; and

the effect of the proposal on the availability of services to meet the community needs.

## Reasons

4. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
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5. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The appeal site lies within the Chelsea Park Carlyle Conservation Area, a designated heritage asset. The Conservation Area comprises a mix of development including the large Royal Brompton Hospital premises adjacent to the appeal property and characteristic terraces of residential properties.
7. The appeal property is an inter-war former public house at the corner of Dovehouse Street and South Parade. The Chelsea Park Carlyle Conservation Area Proposals Statement refers to the building as sitting *oddly though effectively between two older gables*. This statement and Policies CD44 and CD45 in the in the Kensington and Chelsea Unitary Development Plan (UDP) 2002 (revised 2007) resist additional storeys and roof level alterations, particularly on buildings that already have a mansard.
8. In this particular instance, I consider that these policies are broadly in accordance with the Framework as far as they meet the Framework's core principles; particularly that planning should be seeking to ensure high quality design.
9. The appeal property is significantly lower in height than the adjacent buildings. The proposal includes the removal of the existing roof and replacement with a vertical rise at second floor level, with a mansard roof above. The resultant building would not reach the height of adjacent buildings or the retained gable end of the former building on the site. It would have the same number of floors above ground level as the adjoining terrace in Dovehouse Street, but the fenestration and roof height would not accord with, or align with, this adjoining terrace.
10. The proposed extension would appear as an incongruous addition and the distinct contrast between the larger buildings either side and the appeal property would be lost. In addition, the resultant increase in bulk would overwhelm the scale of the existing building and would be an unacceptably prominent addition in this corner location. This would be to the detriment of the character and appearance of the building and would not preserve the character or appearance of the Conservation Area, but this would be less than substantial harm as set out in the Framework.
11. Revised Core Strategy Policy CK2 resists the loss of restaurants outside Higher Order Town Centres as part of the Council's policy to 'make life local' throughout the Borough. Revised Policy CL3 seeks to resist the change of use of any building where the current use contributes positively to the character of the surrounding area and to its sense of place in a Conservation Area. These policies were part of a partial review of the Royal Borough of Kensington and Chelsea Core Strategy (2010) and have been found sound at a recent Examination in May 2013. Therefore, I have attributed considerable weight to these policies in my determination of this appeal.
12. At my site visit, I viewed each floor of the property and it was clearly apparent that all available space was being used as part of the restaurant business. The proposal would confine a restaurant to the ground floor and basement, with part of the ground floor providing access to the proposed flats above. Whilst

there would be similar dining space and the basement would be excavated to a greater depth, the preparatory space and storage areas would be severely curtailed. It may be possible for a restaurant to function in such limited preparatory space, but a business on the scale of the existing restaurant would be severely restricted.

13. The size of a restaurant business cannot only be determined by the number of covers. Due to the reduced scale in the floor area for the restaurant business, the proposal would constitute the loss of a restaurant and its replacement with a smaller restaurant and residential accommodation. This would be a material change of use of the building, which would not accord with revised Policy CK2.
14. The quality of a restaurant depends to a large extent on the operator rather than the size of the establishment. There have been a number of representations objecting to the possible loss of the existing Le Colombier restaurant business, if this appeal were to be allowed. That is a commercial matter outside of my jurisdiction. However, it is clear that a similar restaurant facility would require the use of the whole building.
15. The loss of a considerable part of the operational space would significantly reduce the scale of the restaurant facility, which is a community facility. This would reduce the availability of services to meet the community needs. Therefore, I consider this loss would be to the detriment of the character of the surrounding Conservation Area and to its sense of place. As such, the proposal would be contrary to revised Policy CL3.
16. The proposal would provide a restaurant and residential accommodation and therefore would provide a small level of public benefit. Having regard to the Framework, I find that the harm I have identified above would not be outweighed by any public benefit.
17. In reaching my conclusion, I have had regard to all other matters raised upon which I have not specifically commented. I conclude that the proposal would be to the detriment of the character and appearance of the building and would not preserve the character or appearance of the Conservation Area and would reduce the availability of services to meet the community needs.
18. For the above reasons, the proposal would be contrary to guidance and policies already referred to above and contrary to Core Strategy Policies CL1, CL2, and C05 where these latter policies refer to a requirement for development to take opportunities to improve the quality and character of buildings and the area. In this particular instance, I consider that these policies are broadly in accordance with the Framework as far as they meet the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area and should be seeking to ensure high quality design.

*J L Cheesley*

INSPECTOR



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# Appeal Decision

Site visit made on 19 December 2012

**by Paul Jackson B Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 January 2013**

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**Appeal Ref: APP/K5600/A/12/2180954**

**Britannia Tap, 150 Warwick Road, London W14 8PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Ripley against the decision of Council of The Royal Borough of Kensington & Chelsea.
  - The application Ref PP/12/01775, dated 14 May 2012, was refused by notice dated 11 July 2012.
  - The development proposed is change of use from public house (Use Class A4) to 4 No. self contained flats (Use Class C3) also erection of rear extensions at basement, ground, 1<sup>st</sup> and 2<sup>nd</sup> floors and alterations to front elevation at ground floor level.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the proposed change of use and alterations and extensions would preserve or enhance the character or appearance of the Edwardes Square, Scarsdale and Abingdon Conservation Area.

## Reasons

3. The Britannia Tap is a public house on Warwick Road at the western edge of the conservation area. It forms part of a short terrace of buildings including a restaurant and another larger pub, the Warwick Arms. The terrace faces a busy road and is surrounded by more recent development, in particular the adjacent Council waste and recycling depot, which is not in the conservation area and has a negative impact. With regard to pubs, the Conservation Area Proposals Statement (CAPS) for the Edwardes Square, Scarsdale and Abingdon Conservation Area advises that the area is fortunate in the visual standards of its pubs all of which have colour and vitality without garishness. The appeal premises is not visually prominent on a corner but terminates a terrace alongside a bland utilitarian building. Nevertheless, its hanging sign (now removed) and different elevational treatment punctuates the terrace, enhances the character of the conservation area and contributes to its significance as a heritage asset.
4. At ground floor, the scheme would replicate the proportions of the upper floor fenestration and would be sympathetic to the appearance of adjacent similar buildings, but would not generate a similar level of visual interest. The rear alterations would not detract from the appearance of the area. The loss of the pub would detract from the character of the conservation area, but that if there

are other compelling reasons for allowing the change of use, whilst the loss of visual interest would be a negative factor, I consider that there could be circumstances in which the alterations would not, on balance, harm the appearance of the conservation area.

5. The change of use would remove a community facility that contributes to the social, recreational and cultural facilities of the area. The 2010 Royal Borough of Kensington and Chelsea's Core Strategy (CS) recognises at paragraph 30.3.7 that pubs are a form of social and community use. Such uses are protected under policy CK 1. The explanatory text goes on to say that out of 113 traditional public houses, only 6 have been lost to residential use; because of this, at the time of adoption, there was 'too little evidence to resist their loss at the present time' but that the situation would be kept under review. However, since then, the position has changed. The Borough has completed consultation on a draft planning policy for the protection of public houses and this is referred to in the reason for refusal. The emerging policy, which according to the Council has reached examination stage, seeks to resist the loss of public houses and other drinking establishments (Class A4) throughout the Borough; and other uses which provide a wider social role. The supporting text builds on the CS. It notes that well over a third of public houses in the Borough have been lost since 1980 and that the trend is set to continue because of the higher land value that attaches to residential use.
6. Whilst the weight that can be attached to this emerging policy must be less than that which would apply to an adopted policy because of the stage it has reached, it clearly follows on from a concern expressed in the CS. Moreover, paragraph 70 of the National Planning Policy Framework (NPPF) of March 2012 is also a material consideration; it advises that planning policies and decisions should plan positively for the provision and use of various community facilities including public houses, to enhance the sustainability of communities and residential environments. Accordingly I consider that in policy, the change of use of pubs to residential is resisted in principle.
7. Importantly, I have no evidence of any marketing of the premises as a public house which might ensure its continuing use. Only very basic financial information for the 2 years up to March 2011 has been provided; notwithstanding the general perception that pubs are in decline, this is insufficient to indicate a firm trend as far as the appeal property is concerned. Even between 2010 and 2011, on declining turnover, gross profit rose (albeit acknowledged to be insufficient to survive on comfortably). No snacks or food are indicated as being sold in 2009-10, which in itself raises some doubts, because food is generally recognised to be important in attracting customers. I am advised that the tenants tried Thai food and Pie and Mash but it is unclear to what extent these activities took place or when.
8. There can be many reasons why an enterprise fails to provide a good return. It has not been shown that in the current situation, given a fresh start, the premises would attract no interest. Whilst undoubtedly small and close to another pub, that situation has remained the same for many years. Without further information and testing in the market, these matters are of sufficient concern to weigh against change of use, which would be permanent.



### **Other matters**

9. Prior to the site visit, a signed and dated Section 106 (S106) Unilateral Undertaking was submitted that makes provision for contributions to community facilities, education and health and restricts the availability of residential parking permits to future residents of the proposed development. The Council has confirmed by email dated 16 October 2012 that this overcomes the second and third reasons for refusal.
10. I have given consideration to the proposed financial contributions having regard to policies of the CS, extracts from the Council's Supplementary Planning Document (SPD) *Planning Obligations* of 2010 and the Planning Obligations Statement. The relevant Annexes advising the level of contributions have not been provided and I am unable to assess whether the figures for community facilities, education and health are correct for this development of single bedroom flats, 2 of which would only accommodate 1 person. The provisions of the Undertaking related to not permitting car parking permits with respect to the occupants of 3 of the dwellings conform to the advice in the 2008 SPD *Transport* and are directly related to the proposed development, fairly and reasonably related in scale and kind, and if I was otherwise minded to allow the appeal, would be necessary to make the development acceptable. However, overall, only limited weight can be given to the Undertaking.
11. I have taken account of all the other matters raised including the benefits of 3 new small dwellings, the consultation undertaken with the Council; and the advice in June 2012 that a new policy was being consulted upon that would play a part in the Council's refusal. However I have to make a decision based on the policy position and the evidence presented at the current time.

### **Conclusion**

12. It has not been shown that the proposed change of use has been adequately justified. The loss of the Britannia Tap would detract from the character of the building, the terrace of which it is part and the conservation area as a whole. As such it would conflict with the aims of CS policies CO 5, CK 1, CL 1 and CL 3; emerging policy and national policy objectives. For these reasons, the appeal must be dismissed.

*Paul Jackson*

INSPECTOR



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# Appeal Decision

Hearing held on 24 July 2012

Site visit made on 24 July 2012

**by Christopher Bowden MA (Oxon)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 September 2012**

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**Appeal Ref: APP/K5600/A/12/2172342**

**The Cross Keys, 1 Lawrence Street, London SW3 5NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by CKPH Ltd against the decision of the Council of the Royal Borough of Kensington and Chelsea.
  - The application Ref. PP/11/01917, dated 13 June 2011, was refused by notice dated 9 December 2011.
  - The development proposed is: *change of use of existing building from Class A4 (drinking establishment) to Class C3 (single family dwelling). Addition of new basement, erection of a roof extension, demolition of existing rear extensions at ground-floor level, erection of new ground-floor rear extension, and reinstatement of garden to the rear.*
- 

## Decision

1. The appeal is dismissed.

## Procedural matters

2. As discussed at the Hearing, the description of the development proposed is taken from the decision notice. I consider that it describes the proposal more accurately than the one given in the application form.
3. At the Hearing, the Council confirmed that the decision notice had omitted in error reference to Core Strategy (CS)<sup>1</sup> Policy CL 3 (*Heritage Assets – Conservation Areas and Historic Spaces*). The inclusion of this policy would not prejudice any interests in this appeal and I have proceeded accordingly.
4. The decision notice mentions Planning Policy Statement 5 *Planning for the Historic Environment* (PPS 5). This has since been replaced by the National Planning Policy Framework (the Framework), published in March 2012. The PPS and the development plan policies cited in the notice (including CS Policy CL 3) are consistent with the thrust of the Framework. Comments made on the Framework by the Council and the appellant and by third parties have been taken into account in determining the appeal.
5. The appellant submitted a signed unilateral undertaking dated 16 July 2012 relating to parking permits and contributions towards community facilities, education and health amounting to £3999 (including monitoring fee). This is considered further below.

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<sup>1</sup> Local Development Framework (LDF) Core Strategy for the Royal Borough of Kensington and Chelsea with a Focus on North Kensington Development Plan Document, adopted in 2010

6. My attention has been drawn to a number of decisions allowing or dismissing appeals relating to conversion of public houses for residential purposes. While I have taken these into account I have determined this appeal on its own merits.

### **Main issue**

7. This is the effect of the proposed change of use on the value and significance of the Cross Keys public house as a heritage asset and on the character and appearance of the Cheyne Conservation Area.

### **Reasons**

8. The Cross Keys is a four-storey (including basement) mid-terrace building that operated until May 2012 as a public house and restaurant within Use Class A4 (drinking establishments). It has now ceased trading and the premises are vacant. The surrounding area is predominantly residential. The site lies within the Cheyne Conservation Area (CA).
9. The appeal scheme seeks to change the use of the property to a five-bedroom single-family dwelling (Use Class C3). This involves a number of alterations and additions to the building but the Council does not object to these, subject to suitable conditions.

### *Policy and principle*

10. There is no dispute that public houses constitute a social and community use. The Council seeks to protect such uses in general by way of Policy CK 1 in support of a broader strategic objective (Policy CO 1) for "Keeping Life Local". However, while noting concern about the loss of public houses to residential use, the related text indicates that the Council considers that there is too little evidence to resist their loss "at the present time" (the CS was adopted in December 2010) but that this will be kept under review. In the decision notice, the Council did not rely on this policy but on policies in the London Plan 2011 dealing with such matters as protection of community facilities and social infrastructure and access to services and facilities at neighbourhood level. These form part of the development plan and are more recent than policies in the CS.
11. As regards the CS itself, the Council has cited Policies CL 1 and CL 3 (both supporting the strategic objective (Policy CO 5) for "Renewing the Legacy"). While the focus of these policies and the identified delivery mechanisms is on the built environment, including design aspects, I accept that the character of buildings and their contribution to the wider area, including a conservation area, may include their historic and current use as well as matters of physical form. I therefore agree that these policies are relevant to consideration of the main issue in this appeal.
12. As noted above, the Framework was published after the decision was issued. It is not part of the development plan but it is a material consideration in planning decisions. The Framework includes guidance on "promoting healthy communities". It says (paragraph 70) that to deliver the social, recreational and cultural facilities the community needs, planning policies and decisions should (among other things) 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. The paragraph makes clear that community facilities include public houses.

13. At the Hearing, the Council tabled two draft CS policies on which a period of public consultation had just concluded. They sought to resist the loss of public houses (and certain other Class A uses) providing a wider social role and the change of use of any building where the current use contributes to the character and significance of the surrounding area, and to its sense of place. Their development followed a unanimous Council resolution expressing concern about the loss of community public houses, especially historic ones in conservation areas, and consultation on an "issues and options" paper on protection of public houses in the Borough. It was reported that some 75% of respondents to the recent consultation supported a policy protecting public houses (with 84% support in the earlier consultation).
14. The Council said at the Hearing that these draft policies were already being used for development control purposes. The basic thrust of the public house protection policy in particular appears broadly consistent with paragraph 70 of the Framework but there have been a number of comments on the draft, including some significant objections which it may be premature to consider resolved, even though the Council has prepared responses to them. At this stage of the process, and having regard to paragraph 216 of the Framework, I give the draft policies themselves no more than limited weight in the context of this appeal.
15. It appears that, since the CS was adopted, three more public houses have been lost in the Borough. The Council said at the Hearing that there have been three planning applications involving the loss of public houses since March 2012, with pre-application inquiries for another four. This provides some evidence that the pressure on public houses is increasing. Moreover, while it remains the case that there are public houses within 10 minutes walk in the Borough, I accept that a simple spatial distribution is not of itself a reliable guide to the value placed on public houses by local communities.
16. Overall, therefore, while the draft CS policies carry limited weight at this stage, I consider that the Framework carries significant weight as the adopted CS is in conflict with it in relation to protection of public houses and the Framework is more recent.

*Value of the Cross Keys to the local community*

17. It is clear that, before it closed, the Cross Keys contributed to meeting the needs of the local community through provision of facilities and as a place of social interaction, for example. There is no dispute that there are other premises to eat and drink in particular lying within 10 minutes' walk of the site – less in the case of the Pig's Ear in Old Church Street, for example. However, even if they were considered, on this basis, to have the potential to contribute to the community's ability to meet its day-to-day needs in place of the Cross Keys, this does not mean that they are equivalent to the Cross Keys in terms of community value. It is evident from the substantial volume of representations in this case that the public house is much valued by the local community as a neighbourhood resource and meeting place and for its contribution to the vibrancy of the local streets, described by one local resident as "eerily quiet" since the Cross Keys closed. It is also clear that it is valued by local people for its heritage associations, not simply as a structure but in relation to its use. This is considered further below.

### *Viability*

18. The appellant represents that the use of the premises as a public house is unviable and would remain so if it were still open, as elaborated in the detailed viability assessment carried out by a registered valuer. The report says that, despite improvements made since the current owner acquired the Cross Keys in 2009, losses have continued. Reference is made to competition with other establishments, lack of passing trade in the premises' non-corner position and the demographics of the area, against a background of general trends in the public house sector. A separate feasibility appraisal was commissioned by third parties, also carried out by a registered valuer, which concludes that the public house is viable on the basis discussed below.
19. The appellant's assessment focuses on accounts for 2010 and 2011, supplemented by the first few months of 2012. This seems a relatively brief period on the basis of which to judge the Cross Keys viable or otherwise as a public house after many years of trading. I note that the application for change of use to residential was submitted less than half way through 2011 and nearly a year before the public house closed. The minutes of the Council's Planning Applications Committee meeting<sup>2</sup> record the applicant as saying that the public house was breaking even when he took it over in 2009.
20. Be that as it may, there is no dispute that the public house would indeed be profitable<sup>3</sup> if operating with conventional gross profit and labour margins. There is, however, disagreement as to handling of bank charges, interest and depreciation, the inclusion or exclusion of which appears to be a key factor in determining whether, on the figures presented, the operation is viable assuming a "reasonably efficient operator". There is concern that the picture is skewed by the purchase price for the property of £3m in 2009 (or a current estimate of it), that such a figure is too high for the property as a public house, and that it is therefore of limited assistance in assessing whether the Cross Keys is fundamentally viable or not as a public house.
21. Either way, it is clear that the Cross Keys has not been marketed by the appellant as a public house. At the Hearing, it was suggested that this was because the demand for it in such use was not there and there was no underlying viability. However, I share the view that this would be best tested by letting the market itself decide so that the outcome of such an exercise could inform a judgement as to whether, in terms of Framework policy, the loss of a facility valued by the community is "necessary". It also seems that a number of other establishments cited as competitors, which I saw during my visit to the area, are located on relatively quiet streets with limited passing trade yet apparently trading successfully.
22. In the light of the above, I am not persuaded that it has been demonstrated conclusively that the Cross Keys is unviable in public house use.

### *Heritage assets: significance and contribution*

23. There appears to have been public house use of the site for some 300 years, although the present building is probably late nineteenth century. The building is not listed. An application for listing was recently rejected by English Heritage

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<sup>2</sup> On 6 December 2011 (at which the scheme was refused)

<sup>3</sup> On the basis of Earnings Before Interest Tax Depreciation and Amortisation (EBITDA)

(EH) as not meeting the relevant criteria but its assessment noted that the Cross Keys is "of clear local significance and high townscape interest."

24. The decision notice refers to the Cross Keys as a heritage asset. The Framework definition of such assets does not preclude those which are not designated or otherwise previously identified by way of local listing, for example. At the Hearing, it was confirmed that the Council does not maintain a local list, although the 1983 CA Proposals Statement mentions it as a "building of note". While the definition of a heritage asset concerns building rather than use, it is in terms of the building having a degree of significance meriting consideration in planning decisions because of its historic interest. 'Significance' itself is defined as "[t]he value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic..."
25. The appellant does not dispute that the physical fabric of the building has (local) architectural and historic interest. That interest in itself gives the building a degree of significance as a non-designated heritage asset. However, its heritage value to the local community goes beyond matters of physical form. EH guidance on conservation principles<sup>4</sup> identifies a range of heritage values, including historic and communal ones, which should be taken into account in decisions on heritage assets. In the case of the Cross Keys, use of the building for its original purpose (ie continued use as a public house) contributes to the community's view of the historic value of the asset as well as to its social value. This includes its value as a building in communal use and its contribution to a sense of identity in a part of "Old Chelsea" in which the Cross Keys is something of a landmark. These factors, together with the building's acknowledged aesthetic value and lesser evidential value (related to archaeological potential), underline that the overall heritage value of the Cross Keys is substantial, deriving from its use as well as its appearance.
26. As noted previously, the property lies in the Cheyne Conservation Area, a designated heritage asset. Focused around the old centre of Chelsea village the CA has a range of building ages, styles and materials, and a pattern of streets, reflecting the area's historical development from which its significance derives. It is predominantly residential. There are some other uses, including public houses and other Class A uses, that add vibrancy to the CA. However, these are concentrated along the King's Road, with some groups of small shops in Old Church Street, thereby enhancing the contribution of the remaining scattered uses.
27. The Cross Keys itself contributes positively to the character and appearance of the CA not only because of the building itself but also because of its use. The exterior and its original architectural detailing add variety and visual interest to this part of the CA. The building also illustrates the historical development of the site and the wider area. The use of the building as a public house (until its recent closure) also contributes significantly to the character of a part of the CA in which domestic use predominates by bringing activity and vitality to the neighbourhood.

#### *Effect of proposal on heritage assets*

28. As regards the Cross Keys as a non-designated heritage asset, the proposal would maintain and to some extent enhance its architectural and historical

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<sup>4</sup> *Conservation Principles* Policies and Guidance for the Sustainable Management of the Historic Environment 2008

significance insofar as it relates to the physical form of the building. This would, however, be outweighed by the substantial harm to the significance of the asset that is derived from continuing use of the building as a public house, as discussed above. Retention of former public house use through retention of features such as "The Cross Keys" sign at parapet level would not overcome this. Although the building is currently vacant, I am not persuaded that its use as a public house is not viable, on the basis considered previously. I do not therefore consider that this proposal would enable the building to remain in active and viable use, or ensure long-term conservation of the heritage asset, in comparison with public house use.

29. Similarly, as regards the Conservation Area as a designated heritage asset, the proposal would maintain and to some extent enhance the architectural and historic contribution of the Cross Keys to its significance in terms of the building's physical form. Residential use of the building would accord with the residential character of this part of the CA. However, loss of the public house use would seriously damage what vibrancy and diversity it has and this would harm the character of the CA as a whole. The fact that there are some other drinking and/or eating establishments, and a few other uses, in the CA would not alter this.
30. I recognise that the property has the benefit of permitted development rights to change to Class A1 (retail), A2 (financial and professional services) and A3 (restaurant and café) use. However, each would have the potential to serve the local community to a greater or lesser extent and to contribute more to the vibrancy of the area than residential use of the building.

### *Conclusions*

31. The proposed change of use was not refused, in terms, on the basis of the loss of the Cross Keys as a community facility but that role – specifically, its continued use as a public house – is clearly an important part of its value and significance as a heritage asset and of its contribution to the CA. On the basis discussed above, the proposal would be detrimental to the character of this part of the CA and would thus fail to preserve or enhance the character or appearance of the CA as a whole.
32. I conclude that the proposed change of use would have a materially harmful effect on the value and significance of the Cross Keys as a heritage asset and on the character and appearance of the Cheyne Conservation Area. As such, and on the basis considered previously, it would conflict with the objectives of the Framework and of development plan policies including LP Policies 3.1, 3.16 and 4.8 and CS Policies CL 1 and CL 3.

### **Other matters**

33. The proposal would add one family-sized home to the Borough's housing stock in a sustainable urban location. While the Council acknowledges that it is behind target in provision of housing, I do not consider that this benefit would outweigh the harm identified above. Although there have apparently been some recent complaints about noise nuisance, the building is in long-standing public house use and there is support for retaining it from people living close to the premises. In principle, the proposal could reduce pressure on on-street parking but it seems likely that many public house customers would not be reliant on the car and, at the Hearing, it was said that closure of the Cross Keys had made no difference to parking problems nearby.

34. As noted above, the appellant submitted a unilateral undertaking relating to financial contributions towards education and other matters. As I propose to dismiss the appeal for other reasons, and the undertaking does not address those objections, I do not consider that a further assessment of it would be justified.

**Conclusion**

35. For the reasons given above and having regard to all other matters raised, including third party representations, I conclude that the appeal should be dismissed.

*Christopher Bowden*

INSPECTOR



**Appendix 5 - Written Statement - Monday 26 January 2015 by Kris Hopkins**

## Written statement to Parliament

### Community pubs

**From:** Department for Communities and Local Government (<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>) and **Kris Hopkins MP** (<https://www.gov.uk/government/people/kris-hopkins>)

**Delivered on:** 26 January 2015

**Location:** Parliament

**First published:** 26 January 2015

**Part of:** Localism (<https://www.gov.uk/government/policies/localism>)

## This speech was published under the 2010 to 2015 Conservative and Liberal Democrat coalition government

Statement by Community Pubs Minister Kris Hopkins.



Pubs play an important role in our local communities. They provide valuable local hubs that strengthen community relationships and encourage wider social interaction, with each pub also being estimated to contribute £80,000 to the economy annually.

We have demonstrated our continued commitment to community pubs through the introduction of a broad range of financial and wider support including:

- scrapping the beer and alcohol duty escalators
- cutting beer duty
- funding business partners to help deliver more community-owned pubs and pubs which provide community-focussed services
- removing red tape that hindered pubs holding live music
- doubling small business rate relief, and increasing the temporary business rate discount for pubs with rateable values below £50,000 from £1,000 to £1,500 for 2015 to 2016
- cutting corporation tax and National Insurance for employers
- giving pubs greater flexibility over weights and measures, allowing beer and wine to be served in different sizes
- giving publicans tied to pub companies new rights under a new statutory code of practice

My hon. Friend the Minister for Communities (Stephen Williams) and I are today announcing that we want to go further than this, and increase protections to prevent the loss of those pubs that provide the most community benefit.

Through the Community Right to Bid (<https://www.gov.uk/government/policies/giving-people-more-power-over-what-happens-in-their-neighbourhood/supporting-pages/community-right-to-bid>), we have invited communities to nominate buildings and land which add most value to the local community, to be listed as assets of community value, giving them a greater stake in the future of those assets. We welcome the fact that people across the country have come together to nominate over 600 pubs, making pubs the most listed type of asset. Listing triggers a moratorium on any sale, enabling local people to develop a bid to buy the pub and ensure its continued contribution to their community. We urge communities to consider which pubs they wish to see protected before they are at risk.

The government will also be undertaking a post-implementation review of the Localism Act's Right to Bid during 2015, to see how we can further improve and streamline the nomination process in light of its successful implementation. A third of all listed assets have been pubs.

National permitted development rights are an important part of the planning system; providing flexibility, reducing bureaucracy and allowing the best use to be made of existing buildings. However, the passion for community pubs as demonstrated by the significant numbers listed as assets of community value highlights the need to enable local communities to consider planning applications for the change of use of a pub of particular local value.

We therefore plan to bring forward secondary legislation at the earliest opportunity so that in England the listing of a pub as an asset of community value will trigger a removal of the national permitted development rights for the change of use or demolition of those pubs that communities have identified as providing the most community benefit. This provides the right balance between protecting valued community pubs, but avoiding blanket regulation which would lead to more empty and boarded up buildings. Blanket regulation could also have adverse consequences on the asset value of pub buildings, harming the financial viability of the pub industry. This government recognises the economic, environmental and social benefits of allowing redundant buildings to be converted into productive uses without excessive red tape.

This will mean that in future where a pub is listed as an asset of community value, a planning application will be required for the change of use or demolition of a pub. This then provides an opportunity for local people to comment, and enables the local planning authority to determine the application in accordance with its local plan, any neighbourhood plan, and national policy. The local planning authority may take the listing into account as a material consideration when determining any planning application.

Local and neighbourhood plans should be consistent with and reflect the strong support for pubs in the National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework-2>). This encourages local planning authorities to plan positively to support the sustainability of communities. This includes plans to deliver the social, recreational and cultural facilities and services the community needs, and to promote strong rural economies through the retention and development of local services and community facilities in villages, including pubs.

These changes mark the next step in our ongoing support for those pubs that are so very important to local communities. We believe it will provide greater protections for pubs, and give communities a say in their preservation. But the planning system can only do so much: planning rules cannot keep pubs open which are not making money. Our broader strategy of lower taxes, less regulation and a growing economy are the best way to support a thriving and diverse pub sector.

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**Appendix 6 - Vice article - The Last Piss-Up at One of London's Doomed  
Local Pubs dated August 22<sup>nd</sup> 2014**

print

UNITED KINGDOM



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# The Last Piss-Up at One of London's Doomed Local Pubs

By Clive Martin, Photos: Tom Johnson

August 22, 2014



(whatsapp://send?  
text=http://www.vice.com/e  
last-piss-up-at-the-  
admiral-mann)



London is a city defined by its boozers. More than just places to get pissed in, more than places to stay out of the cold, they're living pieces of history; stately homes with fruit machines, Cockney chateaux with West Ham graffiti in the lavs. You've only got to

visit one of those tourist trap pubs – **The Sherlock Holmes**

**(<http://www.sherlockholmespub.com/>)** in Westminster, or the brilliantly named

**London Pub**

**([http://www.beerinevening.com/pubs/s/51/5197/London\\_Pub/Bloomsbury](http://www.beerinevening.com/pubs/s/51/5197/London_Pub/Bloomsbury))** off

Russell Square – to realise that boozers are a large part of why outsiders come to London; the same kind of draw as Parisian cafe culture or the street markets of Marrakech. And for London's residents, they've provided a much-needed sense of sanctuary in a city that doesn't often stop to think what its grand plans mean for the people who actually have to live there.

The majority of London's most famous residents have had their own local – **Dickens**

**(<http://now-here-this.timeout.com/2011/12/22/get-drunk-with-charles-dickens/>)**,

**De Gaulle ([http://en.wikipedia.org/wiki/The\\_French\\_House,\\_Soho](http://en.wikipedia.org/wiki/The_French_House,_Soho))**, **Dr Johnson**

**(<http://www.londontaverntrails.com/trails/Fleet-Street.html>)**, **"Mad" Frankie**

**Fraser ([http://www.mirror.co.uk/news/uk-news/mad-frankie-fraser-reveals-](http://www.mirror.co.uk/news/uk-news/mad-frankie-fraser-reveals-handed-1955559)**

**handed-1955559**, **Suggs ([http://www.lovecamden.org/suggs-goes-mad-camden-](http://www.lovecamden.org/suggs-goes-mad-camden-town)**

**town**): they've all got an outstanding tab somewhere. The best provide London – or any community, for that matter – with a sense of continuity. The prices go up but the decor stays the same. The ghostly barflies, photos of better times and hard-as-fuck landladies become constants in our lives. London pubs may often be dank, overpriced, piss-sprayed hovels that veer constantly between states of catatonia and extreme violence, yet even the worst are imbued with a sense of escapism that the sober world, with all its "realities" and "facts", just can't provide.

*Continued below.*

## **RECOMMENDED**

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But in recent years, the pubs of London have found themselves stranded before the smoking barrels of the city's nu-capitalist overlords. The fact is that most pubs are big properties on main roads that don't make nearly enough money to compete with London's runaway market economy. Developers look at them in the same way undertakers look at everyone: as cash yet to be made. The unfashionable ones, without their "sliders" and obscure Pilsners, sit at the fringes of the London experience, their presence untenable amid the forces of real money, waiting to be ripped apart and turned into some kind of tech-yuppie hive-nest.

One of the most notable of this year's casualties was The Grosvenor in Stockwell, which was **turned into flats (<http://www.brixtonbuzz.com/2014/08/the-last-ever-saturday-night-at-the-stockwell-grosvenor-in-photos/>)**. (East London's famous George Tavern is currently **threatened with the same fate (<http://www.standard.co.uk/news/london/celebrities-line-up-to-join-campaign-to-save-600-year-old-east-end-pub-9165170.html>)**.) The previous few saw The Intrepid Fox **shafted by Crossrail (<http://www.theguardian.com/music/musicblog/2014/feb/27/london-metal-venue->**

**the-intrepid-fox-announces-imminent-closure**) and Islington's **The Wenlock Arms** ([http://en.wikipedia.org/wiki/The\\_Wenlock\\_Arms](http://en.wikipedia.org/wiki/The_Wenlock_Arms)) only narrowly avoid closure. The UK seems to be turning into a graveyard for pubs – nationwide, the number closing each week is estimated to be 26. No doubt London alone makes up a decent chunk of that.

And for the locals? Tough cheese; no hard feelings; learn to like Peroni or fuck off to Margate. Little consideration is given to the people who've lived and loved in these places; just another reminder of what the will of the people means in Britain today.



The latest victim of this miserably, typically Borisian trend is **The Admiral Mann** ([http://www.beerintheevening.com/pubs/s/13/1322/Admiral\\_Mann/Kentish\\_Town/](http://www.beerintheevening.com/pubs/s/13/1322/Admiral_Mann/Kentish_Town/)), a small family pub tucked away somewhere between Kentish Town and Holloway. The pub has been standing in its current location since 1881, becoming part of the **McMullen's** (<http://www.mcmullens.co.uk/>) family brewery in 1923, where it's stayed ever since. Since the pub was founded, the neighbourhood's been a stomping ground for people like **Joe Meek** ([http://www.joemeeksociety.org/?page\\_id=590](http://www.joemeeksociety.org/?page_id=590)) and **Michael X** (<http://darkestlondon.com/2013/06/17/michael-x-and-the-black-house-of-holloway-road/>), Amy Winehouse and **the Camden Ripper**



<http://www.dailymail.co.uk/news/article-202812/Camden-Ripper-jailed-life.html>),

N-Dubz and [Idi Amin's dickhead gangster son](#)

<http://www.theguardian.com/uk/2007/aug/04/ukcrime.sandalaville>). Granted, they

probably didn't all drink there – definitely not all at the same time – but it gives you a feel for the area.

The pub itself withstood the Zeppelin airship attacks of World War I and the onslaught of the Blitz, which wrought havoc locally. In the time The Admiral Mann has been there, the neighbourhood's gone from suburbia, to ghetto, to bohemia. [Jack Hawkins](#)

<http://www.imdb.com/name/nm0370144/>), the *Zulu* and *Ben Hur* actor, used to drink

here. As did [Charlie George](http://en.wikipedia.org/wiki/Charlie_George) ([http://en.wikipedia.org/wiki/Charlie George](http://en.wikipedia.org/wiki/Charlie_George)), the

Arsenal legend whose signed shirt hangs proudly in the pub.

But now, it faces a sad, sudden, whimpering death, as McMullen's have opted to sell the property to developers looking to build – you guessed it – private flats. In protest, a group of locals and regulars [have started a campaign to save The Admiral Mann](#)

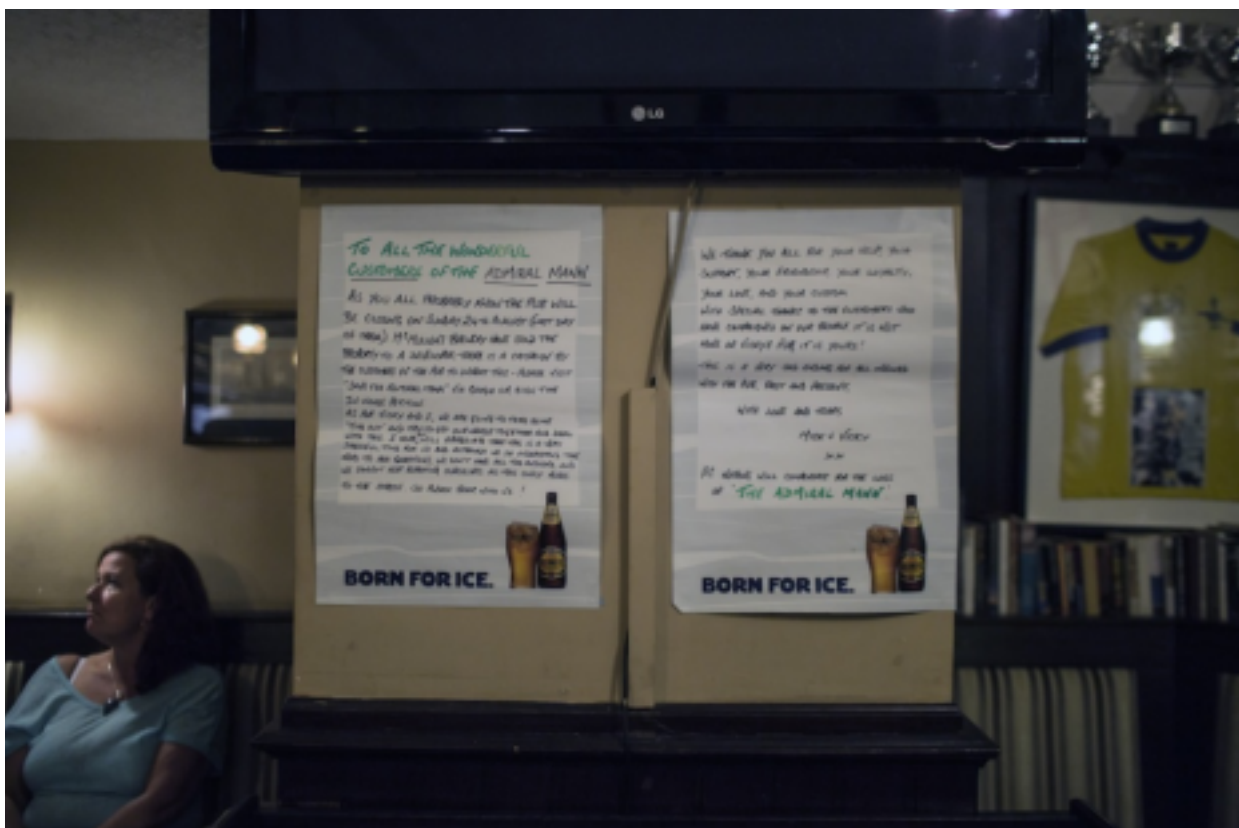
[http://www.change.org/en-GB/petitions/mcmullen-sons-ltd-and-a-property-](http://www.change.org/en-GB/petitions/mcmullen-sons-ltd-and-a-property-developer-save-the-admiral-mann)

[developer-save-the-admiral-mann](http://www.change.org/en-GB/petitions/mcmullen-sons-ltd-and-a-property-developer-save-the-admiral-mann)), and last Sunday a small party was organised to

gather support, and commemorate its place in the lives of its regulars.

Making my way down the Brecknock Road, one of those grand old roads that cuts across North London, lined with white Victorian houses, red brick estates, no-frills pizza shops, workers' cafes and branches of Costcutter, I was reminded that despite its proximity to Camden Town, this is still a resolutely "local" part of town. Many of the businesses have been here for years; you suspect many families have, too, resisting the forces that have turned Kentish Town into little-Highgate and Camden into *Blade Runner* with a Pret.

It's an area that manages to be both traditional and diverse. Unlike other parts of London, these residential North London neighbourhoods – a multitude of mini-suburbs crammed into the gridlines of the city – are still demographically unclassifiable, and the essence of the area is perhaps more psychological or sociological than racial or religious.



<http://assets.vice.com/content-images/contentimage/177474/-MG-2476.jpg>

*Click to enlarge*

News of the plan to shut the pub has filtered through in the last few weeks. When the campaign to save it kicked into action, the brewery kindly responded by moving the closure date forward from mid-November, to last Sunday, the 17th of August.

Presumably this was to stall the campaign's momentum, and to make sure there wasn't enough time to lobby for the pub to be registered as an **asset of community value** (<http://www.parliament.uk/business/publications/research/briefing-papers/SN06366/localism-act-assets-of-community-value>), which might have saved it.

With the property rumoured to be worth something in the region of £4 million, it seems clear that the small Hertfordshire brewery (who claim their **company motto is "respect"** (<http://www.mcmullens.co.uk/about-us>)) want to sell up as quickly, and with as little fuss, as possible. The astonishingly short notice means that many of the pub's longest serving regulars won't get to give their local a proper send off. So far, all the brewery have offered by way of explanation is a muttered something about the **government and taxation** (<http://www.camdennewjournal.com/Admiral-Mann-pub-petition>).



Shortly after Sunday's party was announced, another week's extension was granted to the landlords, which – while being good news – left the place in a strange state of existential limbo. At the time of publishing, the last day of trading is officially this Sunday, the 24th of August, but that could well change, either for the sooner or the later.

With this sense of terminal uncertainty hanging in the air, a decision was made to go ahead with the party anyway. A number of locals from across the generations came along, as well as non-regulars who just wanted to rail against another community pub closure. The Pearly King and Prince of Finsbury were there, too. It made for a peculiarly elegiac Sunday piss-up.

It's not easy to explain who the **Pearlies (<http://pearlies.org.uk/>)** are, or what they do. I remember asking my dad when I was a kid and he couldn't really offer much of an explanation beyond "they just sort of go to things", but perhaps the best way of describing them would be as mascots for Cockney culture; community activists, fundraisers, cheerleaders and spokespeople for a London almost lost. Amnesty International for people who pronounce the word "fuck" with an "A" in it.

Stepping inside for a pint of Kronenbourg (£3.10, btw) the mood seemed chipper, defiant but also somewhat nostalgic. There was a sense of people trying to remember the good times, to say a kind of preliminary goodbye to a place that has served many as a second living room for decades. They gathered at the bar, the different crews ordering their usuals, talking about pub legends like **Pete Stanley (<http://www.youtube.com/watch?v=utEeihZOWfc>)**, the famous bluegrass banjo player who drinks red wine there most weeks.



John Walters (no, **[not that one \(http://www.youtube.com/watch?v=3XDCmbx753s\)](http://www.youtube.com/watch?v=3XDCmbx753s)**), AKA the Pearly King of Finsbury, AKA the man with the biggest hands I'd ever seen, had appointed himself the evening's chief entertainer in the grand tradition of his forefathers, singing the songs of old (along to a mix CD).

His set started with "**[I'm Henry the XIII I Am \(http://www.youtube.com/watch?v=gkbE4URVcKY\)](http://www.youtube.com/watch?v=gkbE4URVcKY)**", a Cockney classic about the crisis of masculinity suffered by a man who marries a widow, only to find out she's had seven other husbands, all called Henry. It ended with Dame Vera Lynn's proto-slow jam "**[We'll Meet Again \(http://www.youtube.com/watch?v=cHcunREYzNY\)](http://www.youtube.com/watch?v=cHcunREYzNY)**", which is basically "Birthday Sex" for the Blitz generation.

John wasn't Luther Vandross. He sung loud, flat, but proud, and as he serenaded this girl with his show-stopping finale, I remembered my Nan singing "**[Knees Up Mother Brown \(http://www.youtube.com/watch?v=UdRxWZ5-mvg\)](http://www.youtube.com/watch?v=UdRxWZ5-mvg)**" around her flat; the strange lyrics, full of slang and puns and quadruple entendre, and never quite understanding what these songs were or who they were for. Here, the penny finally dropped that they are essentially folkloric, a way of passing on stories and eulogising your own culture.



Whether under attack from poverty, cholera, Hitler, slumlords or political apathy, London's working class have pretty much always been having a shitty time of it, and these songs, sung in pubs like The Admiral Mann, have been there to help steer them through. If no one else is going to create a legend for the way you live, then you do it yourself. As this guy dabbed at his eyes with his handkerchief, I wondered if it would be possible for the regulars to do that over the sound of a ukelele orchestra, or some Brick Lane support slot dickhead's godawful deep house SoundCloud mix.

At the bar I met Bob, who runs the greengrocers on Brecknock Road and has lived in the area for most of his life. "I've been to a few pubs, and nothing comes close to this one," he told me. "Now it's gone I don't know where I'm going to go; the closest thing we've got to this is one up in Holloway, but it's not the same.

"I'm in here every day. I get up about 3AM to get to the market, finish up at the shop in the afternoon, have a drink and a chat here, and then back home for dinner and bed again. This place is my life, basically."

I asked him if he thought the pub had any chance of surviving. "Well, they managed to **save the Wenlock** (<http://londonist.com/2012/01/wenlock-arms-saved.php>) off City Road after a campaign, and maybe we can do the same. That's our hope."



Dave, another long-time regular, who for years has been bringing his guitar into the pub to entertain the faces, seemed particularly angry about the plans. "Greed, nothing but absolute greed, the lot of 'em," he kept saying. "We all get on so well here, and there's never any trouble. We book holidays, coach trips, that kind of thing. They've got no interest in maintaining this community."



It's not just the older folk who are conscious of this erosion of community. Outside the front, these two asked why we were taking pictures. I explained that the pub was being closed, and that some people had gathered to try to save it.

"Why are they doing that?" they replied. "I've lived on the estate my whole life, this pub's always been here."

Others told me that they'd become regulars at the Admiral after their previous locals had already closed down or lost all sense of being a pub, rather than a burger restaurant with draft beers.

**The Unicorn (<http://gkpubs.co.uk/pubs-in-camden-town/unicorn-pub/>)** – a pub at the end of the road that caters mainly to the Camden rock and metal community, with bands playing six nights a week – didn't seem to cut the mustard for most of them. They came to the Admiral to talk to their mates and watch Arsenal and Tottenham games, not to watch shit bands covering "Smoke On the Water".



I'm a firm believer that you can't resist change forever; keeping London stuck in the past isn't good for anyone. Cities need to stay modern, otherwise they'd all end up like Paris. Demographics change, and pubs do fail, but The Admiral Mann is still a profitable, vital pub. One customer – and this is the kind of pub where the customers would be privy to this kind of information – tells me they were never doing less than ten grand a month here, even with the relatively cheap bar prices. The pub still serves a wide demographic of people, many of them the kind of age that most pubs see as their core customer base.

But the fact is that some pubs in Camden will do ten grand in one good night, the kind of places where you can't even get a seat on a Tuesday evening, and in the face of that The Admiral Mann's locals were always going to lose out. Where they'll go next is a matter of debate, but the fact everyone's saying different things is further proof that this North London micro-community has been smashed by the city's **out-of-control housing market** (<http://www.bbc.co.uk/news/business-28850292>).

What I'm talking about here isn't just the demise of one pub, it's a vivid example of modern-day gentrification in action. All realised at a speed that never gave anyone a chance.



This grand plan to raze London and rebuild it in the image of the rich spells disaster for the minutiae of people's lives. Take The Admiral Mann's darts pedigree, for instance, which stretches back to the pub's earliest days. Simply put, the new London has no room and no time to allow something like that to exist. But for London darts people, the Admiral – with its rarely seen, East End-style "Fives" board, its A, B, youth and all-conquering ladies teams, its array of trophies – is sacred ground.

The argument in support of this kind of thing is often that London is full of pubs. But all pubs are different; they have different attributes, different communities, different darts, even. London's "pop-up, fuck off" Illuminati are the enemies of that difference.

The reason people come to London and buy flats like the ones that are going to replace the Admiral, is to experience that lurid mess of cultures which defines modern London. Yet all those different communities are facing the **sharp end of Boris's capitalist vision** (<http://www.economist.com/blogs/blighty/2014/04/gentrification-london>), and in the process London is losing everything about itself, becoming a sterile zone of Tesco Expresses and stone-baked Pizza Pubs stretching out towards the Thames Barrier.



For all the gloomy talk of closure, people were still defiant. The extra week had given them hope, but while everyone was no doubt passionately in favour of saving the place, and willing to do whatever they could to make that happen, there was an air of crushing inevitability about the proceedings.

It was in essence, a goodbye. John the Pearly King had semi-jokingly suggested some kind of sit-down protest in the road, but for all the success with the fight to save the Wenlock, the sheer amount of shuttered up pubs across London acts as a bleak prognosis on the pub's future.



As darkness fell, the guard began to change, as if the punters were working some kind of shift rota. Those who'd worked early on the markets were heading home in the cooling North London twilight, a new late crowd replacing them.

The thing that unites almost all newer, hipper or more commercial drinking dens, from Wetherspoons to the latest snide 'tache Clapton cocktail joint, is that primarily, people are there to get pissed up. As pissed as possible, in the place with the clientele they stand the most chance of having sex with. But pubs like the Admiral serve a different purpose. Of course, people are getting pissed, maybe some are having sex. But without wanting to sound like some sentimental Trade Unionist, these places are about community, integration, reflection – family, even.

They aren't just places to get wrecked on Disarrono and Cokes, they're places where you're meant to feel at home, and for a lot of those people who live in the uncertainty of social housing (many in the estate directly behind), the Admiral is surely a place that will feel more part of them than the places the council have begrudgingly given them to live in.

Richard Lewis, a younger regular who's acting as the chairman of the campaign committee, summed it up pretty well. "To me the pub represents a kind of quintessential London, which is usually neglected and overlooked. I think it represents the very best aspects of our culture and community. It's a traditional pub but it's warm-hearted and welcoming.

"Community spaces in the capital are decreasing, and those that use The Admiral Mann will be hit hard by its closure. People of all ages, regulars and newcomers, all find genuine warmth and friendship in this increasingly alienating city. With the pub being a viable and profitable business, it's my hope that it continues to be so. I ask the current or future owners of the property to consider keeping this pub open."



Looking at the photos that lined the corkboards in the lounge, I thought about the roles that pubs play in our lives. For many of us they're where some of our fondest, funniest and lowest moments have occurred. Places not just for inebriation, but for ceremony, sorrow and contemplation. From first dates to Champions League away wins, to birthday parties, break-up pints, weddings and wakes, they're the theatres in which we play out some of the most important moments of our lives.

Think of the most important things that've happened in your life. How many of them happened in your living room, and how many happened among others, in public, amid all the noise and confusion?

With every pub gone, London becomes a more insular, lonelier city.



What are all those memories worth? A few more ludicrously expensive flats built for people who have no interest in this city, people who live here because that £50k salary demands it. People who are looking for an investment rather than a love affair; a place in Zone 1 they can whack on Airbnb when they're off to NYC on business trips. People who are here for the sliders.

London is now a city built for these dullards, and not for the people of The Admiral Mann. Not for anyone whose idea of existence doesn't hinge around a lust for competition and ripping off the guy next to you, while looking as cool as possible doing so. "If anyone's a bit short on cash, it's no problem here," one local tells me. "If anyone needs to borrow a score, we'll chip in. It's a family."

Not something you'd hear at **The Advisory** ([http://www.vice.com/en\\_uk/read/the-great-british-gentrified-pub-crawl](http://www.vice.com/en_uk/read/the-great-british-gentrified-pub-crawl)), or the "Bump Cave" in South London where they serve **fake cocaine with cocktails** (<http://www.thrillist.com/venues/bump-caves-se1-2up>), I'm sure. Maybe the Admiral Mann could've done more to attract *the Evening Standard* crowd than it has, but perhaps putting on fussball and Jaegerbombs would kill everything that made it what it is.





All in all, the closure of The Admiral Mann is indicative of not just everything that's wrong with Boris' London, but of our culture as a whole. A lack of interest in the things that define it, and a fetishisation of the things that will come to destroy it. A bullshit economy based on ripping each other off rather than building for the better that's come to ruin so much for so many people.

It isn't just the Admiral, other old boozers, or **pie "n" mash shops** ([http://www.vice.com/en\\_uk/read/dont-bulldoze-our-pie-and-mash-shops](http://www.vice.com/en_uk/read/dont-bulldoze-our-pie-and-mash-shops)) that are under threat, it's everything that isn't obsessed with making as much money as possible. Everything that isn't run by a total bastard, basically.

First to go will be the old pubs, then the Turkish social clubs, the Polish shops, the West African community centres, the churches, whatever. We'll be left with absolutely none of the variety that keeps this city alive. The whole place will look like Stratford Westfield. And then it won't be London any more, just everywhere else in Britain, a whole country precision-designed for maximum profit and minimum character, contactless payment and joyless pursuits.

Places like The Admiral Mann represent the best not just of Cockney culture, but all culture. And whether you drink, or whether you like football, or even pubs doesn't really matter. The Admiral Mann is Britain without the bastards, and we should do everything we can to save it, because those flats sure as fuck aren't for you.

Sign the **[petition \(http://www.change.org/p/mcmullen-sons-ltd-and-a-property-developer-save-the-admiral-mann\)](http://www.change.org/p/mcmullen-sons-ltd-and-a-property-developer-save-the-admiral-mann)** *here*.

See more of Tom's photography **[here \(http://www.tom-johnson.co.uk/\)](http://www.tom-johnson.co.uk/)**.

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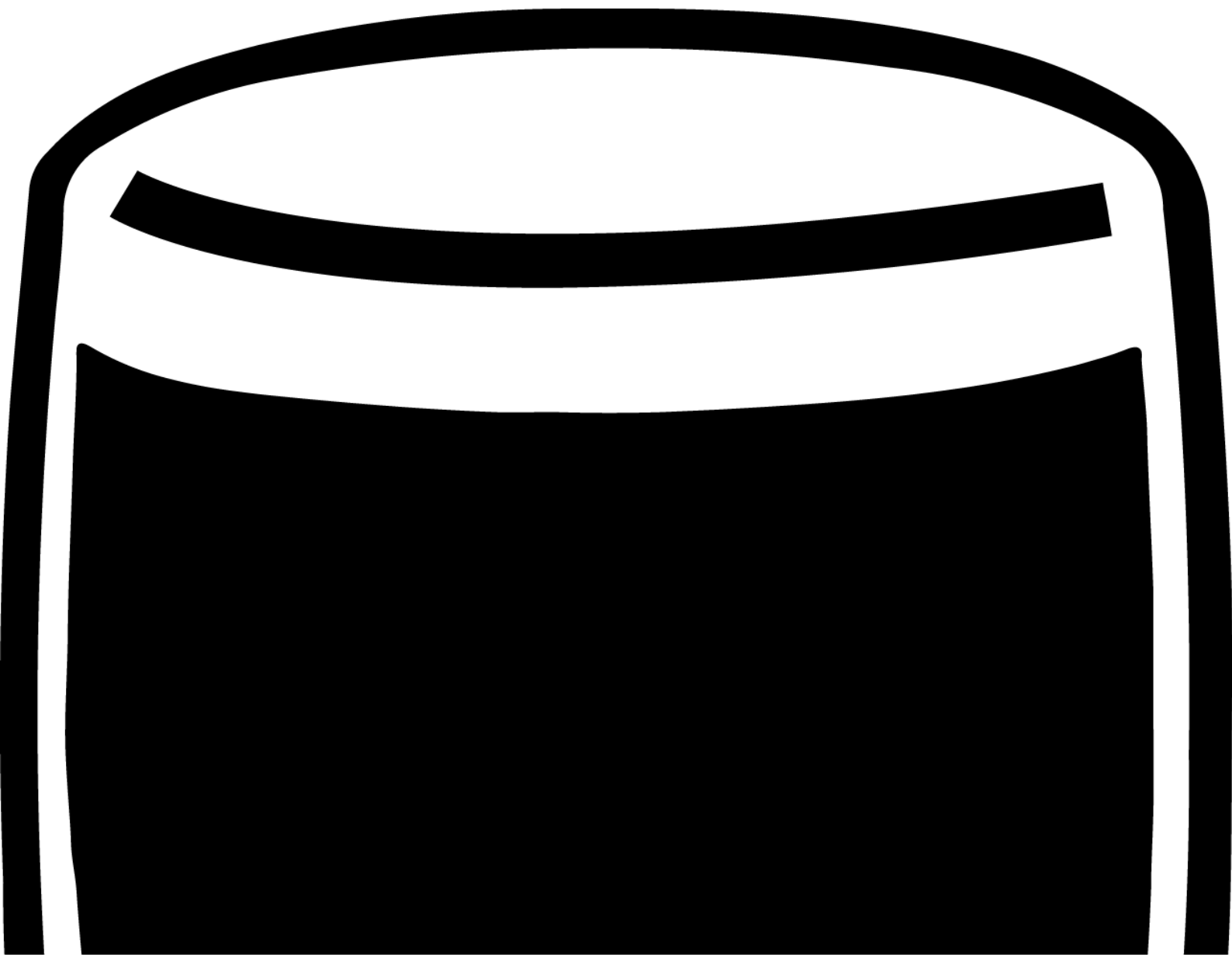
**Appendix 7 - 'Closing time: London's public houses' GLA Economics  
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# Closing time: London's public houses

Melisa Wickham and Nye Cominetti

April 2017



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## Executive summary

Public houses have long formed a central role in the UK social scene. However they have come under increasing pressure for survival from a number of factors. This work assesses some of the data available to understand what has been happening to the number of pubs, and employment therein, in London.

There are a number of potential data sources that could be used to assess the position of pubs in London. For the purposes of this report we have used the Inter-Departmental Business Register (IDBR) – this is a comprehensive list of businesses used for administrative purposes by central Government. However, this data is 'restricted commercial' and so cannot be used in a way which would allow identification of any particular business or workplace. For the purposes of more geographically detailed analysis we have thus used an alternative dataset – data from the Campaign for Real Ale (CAMRA).

Data from the IDBR suggests that the number of public houses and bars workplaces in London has fallen in all but three years between 2001 and 2016, with a 25 per cent overall decline during that period (equivalent to a *net* loss of 81 pubs per annum). By 2016 the number of pubs and bars in London stood at 3,615. Losses were seen in all but one London borough (Hackney).

IDBR data also provides information on employment in pubs and bars in London. This data shows that since 2001 employment in pubs in London has grown by 3,700 (an average of 247 per annum) to reach 46,300 in 2016. Most of this growth, however, was concentrated in the last five years with particularly strong growth in 2012 and 2015.

Taking together the trends in workplaces and employment, the average employment in pubs in London has grown from 8.8 persons in 2001 to 12.8 in 2016.

As might be expected, CAMRA data shows that central London has a high concentration of pubs, but it also shows outer London boroughs also have a large number of pubs. The CAMRA data also allows for an analysis of pub closures between 2000 and 2016 (although it should be noted that some of these will have been replaced by new pub openings). Over this period a total of 2,295 pubs closed in London – an average of 135 per annum. Many of these closures were concentrated in wards in central London and to the west and south of London. Looking at closures as a proportion of current pub stock across boroughs, Newham, Tower Hamlets, Barnet and Southwark have seen a relatively large number of closures over the last 17 years.

## **Introduction**

Public houses (pubs) have long formed a central role in the UK social scene with people using them as places to meet, eat and drink. They can be particularly important in city outskirts areas where there are not an abundance of places to socialise. This is no different in London. Indeed, given the spread of people across the capital and high rents restricting people to smaller properties with less space to socialise they can play a more pronounced role in facilitating social cohesion.

However pubs and bars have come under increasing pressure from a number of areas, including the pressure for more housing and the tax system. This note assesses available data to better understand what has happened to pubs in London. The publication begins by looking briefly at the potential data sources one could use. It then looks at data on workplaces and employment from the ONS Inter-Departmental Business Register (IDBR) before looking at more geographically detailed information and information on pub closures using data from the Campaign for Real Ale (CAMRA).

This work makes no assessment of the economic costs or benefits of observed trends but merely aims to shed light on London's cultural pub assets



## Potential sources of data

Source	Description	Regularity	Estimate of London pubs	Quality / other notes	Links
<b>Inter-Departmental Business Register</b>	IDBR is a list of businesses used for administrative purposes by central Government.	Updated continually, with snapshots taken in March each year	3,615 (2016).	IDBR only includes PAYE and/or VAT registered business although this is unlikely to be a significant issue for pubs. Businesses are classified by the main activity of the business and according to the 2007 UK Standard Industrial Classification. As such, some pubs may not be registered as pubs (e.g. hotel bars/pubs). Data is 'restricted commercial' and so cannot be used to identify specific locations	IDBR accessed via Office for National Statistics. Further information available at: <a href="https://www.ons.gov.uk/aboutus/whatwedo/paidservices/interdepartmentalbusinessregisteridbr">https://www.ons.gov.uk/aboutus/whatwedo/paidservices/interdepartmentalbusinessregisteridbr</a>
<b>CAMRA</b>	Campaign for Real Ale maintain their own pubs database based on surveys from branch members. Used for 'Good Pub Guide' and other products.	Updated continually, ad hoc snapshots available.	4,057 (March 2017)	Data is maintained by branch members, who are volunteers. Quality of data gathering may therefore vary by branch, however CAMRA aim to cover all pubs. Detailed geographic information available. CAMRA use own definition of 'pub', though dataset includes some licensed premises that fall outside of this definition (e.g. clubs, bars). CAMRA's aim is that all pubs have been surveyed within at most the past three years, although this is relaxed to five years for pubs that do not serve real ale (which CAMRA estimate is typically around 20 per cent of pubs).	CAMRA made data available to GLA following request.
<b>VOA</b>	Valuation Office Agency's operational database.	Annual	3,980 (September 2016)	Data is available at regional level. Definitions are not consistent with the SIC codes used in the IDBR, and also differ from CAMRA's definition. The most detailed classification used by the VOA are their 'Special Category' codes, which describe property usage. There are 369 such codes. The relevant ones for pubs are: 'Public Houses/Pub Restaurants' and 'Public Houses/Pub Restaurants (Inc. Lodge)'.	See table CL7L in the ' <a href="#">NDR stock of properties</a> ' sheet. Sep 2016 data available following a <a href="#">Freedom of Information request</a> .
<b>Food Standards Authority</b>	List of businesses and the result of their food/hygiene inspection	Updated continually, ad hoc snapshots available.	4,523 (March 2017)	Would only include pubs selling food. Potentially long (2 year) gap between inspections (inspection gap varies by 'risk' of premises).	FSA website: <a href="http://ratings.food.gov.uk/open-data/">http://ratings.food.gov.uk/open-data/</a> Data also available at ' <a href="#">Get the Data</a> '.
<b>Commercial datasets</b>	Several private companies provide business datasets	Many continually updated i.e. ad hoc snapshots available.	NA.	Many commercial datasets are based on publicly available administrative datasets and are supplemented with additional information largely using desk-based research but sometimes based on in-person surveys of premises.	Example: ' <a href="#">FAME</a> ' Example: ' <a href="#">Local Data Company</a> ' Example: ' <a href="#">CGA Strategy</a> '.
<b>Licensing data</b>	Datasets of licensed premises maintained by licensing authorities. In London these are boroughs.	Snapshots available ad-hoc	NA.	Figures are likely to be accurate and up-to-date since premises must pay for licenses, and boroughs must enforce licensing conditions met. May not be possible to distinguish 'pubs' from other licensed premises such as restaurants.	Specific to each borough.

## Change in the number of and employment in public houses and bars in London

The Inter-Departmental Business Register (IDBR) provides a comprehensive list of UK businesses used by government for statistical purposes. The two main sources that feed into the IDBR are the Value Added Tax (VAT) system from HMRC (Customs) and Pay As You Earn (PAYE) from HMRC (Revenue). As such some very small businesses (those without employees and with turnover below the tax threshold) and some non-profit making organisations are not included in the dataset.

The IDBR contains data on businesses/enterprises (defined as the smallest combination of legal units that is an organisational unit producing goods or services, which benefits from a certain degree of autonomy in decision-making, especially for the allocation of its current resources) and their workplaces/local units. In some instances the business is the workplace. However, some businesses will have a number of workplaces, for example JD Wetherspoon plc will have many pubs. The analysis below is based on a snapshot of the IDBR of (a) workplaces/local units that fall under the ONS 2007 UK Standard Industrial Classification 56.30/2 'Public Houses and Bars' and (b) employment in those workplaces (comprising of both employees and self-employed).

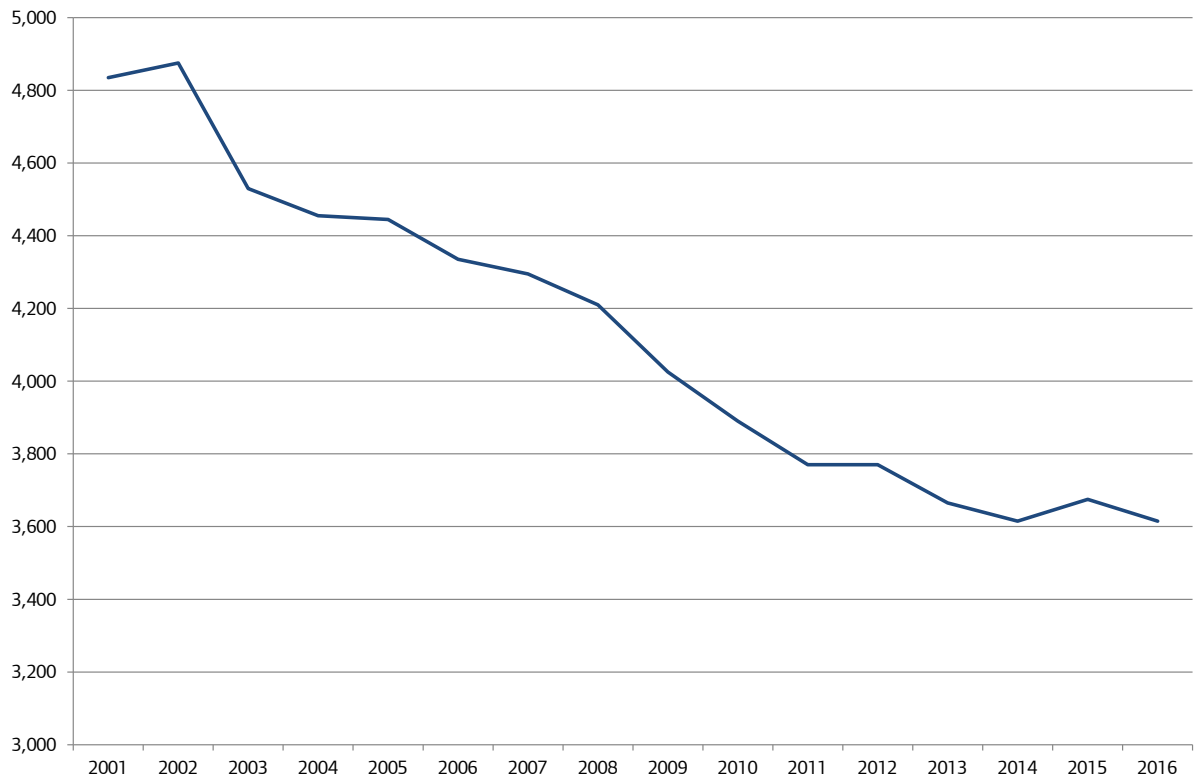
### Number of public houses and bars workplaces in London, 2001-2016

The number of public houses and bars in London<sup>1</sup> has seen a net decline in all but three years since 2001 (Figure 1). In 2001 there were 4,835 pubs in London. By 2016 this had fallen by 25 per cent to 3,615. This amounts to an average net loss of 81 pubs per annum. The largest decline was seen in 2013 when the number of pubs fell by 345. Only one borough, Hackney, saw a net increase over the fifteen years to 2016 and that increase was only marginal (3 per cent) (Figure 2). The greatest *percentage* decline was in Barking and Dagenham (56 per cent) followed by Newham (52 per cent). Other badly-affected boroughs include Croydon (45 per cent), Waltham Forest (44 per cent), Hounslow (42 per cent) and Lewisham (41 per cent). The largest *absolute* net loss in pubs between 2001 and 2016 was in Croydon, Tower Hamlets and Westminster (-75 each) followed by Camden (-70). Despite the relatively large reduction in the numbers of pubs in Westminster, the proportion of London's total in the borough grew from 10.7 per cent to 12.2 per cent – a 1.5 percentage point increase.

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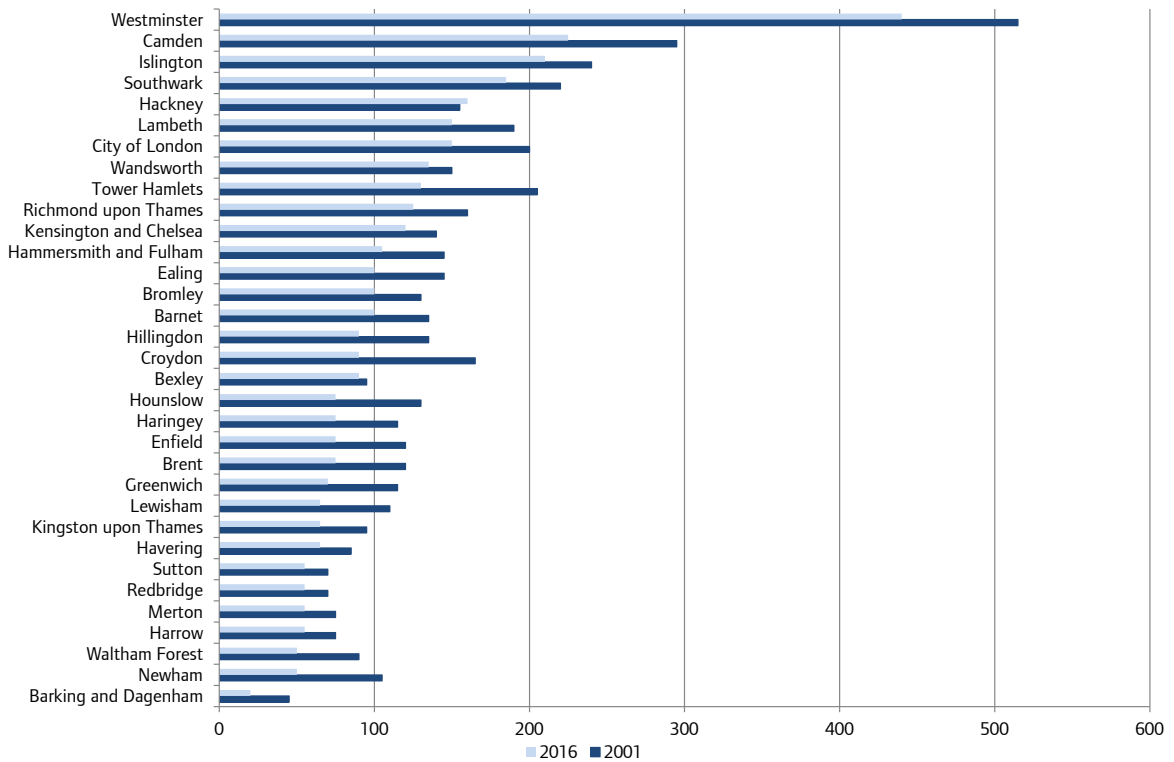
<sup>1</sup> Figures are based on estimates rounded to the nearest 5

**Figure 1: Number of public houses and bars workplaces in London, 2001-2016**



Source: IDBR

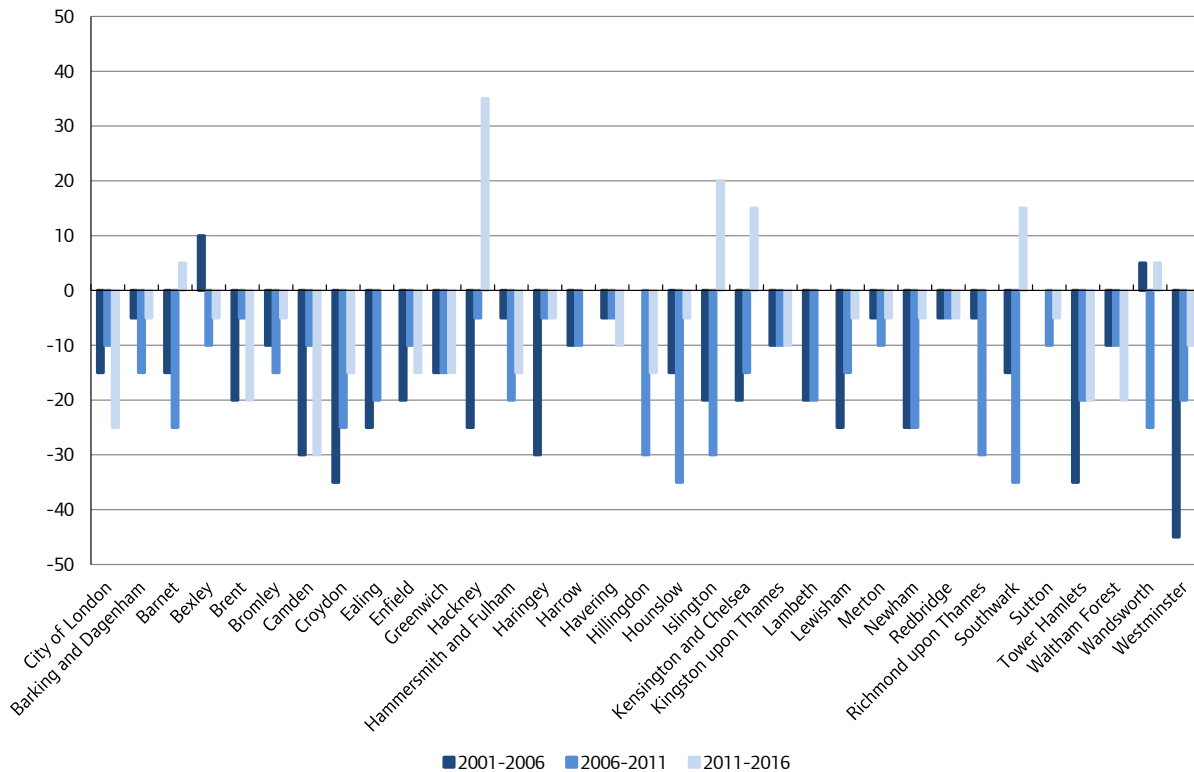
**Figure 2: Number of public houses and bars in London boroughs in 2001 and 2016**



Source: IDBR

Figure 3 looks at how the net change in pubs and bars in London boroughs has changed within sub-periods of the last decade and a half. Only Bexley and Wandsworth saw growth between 2001 and 2006 with a total London loss of 500 (of which 9 per cent was in Westminster alone, followed by 7 per cent in both Tower Hamlets and Croydon). Between 2006 and 2011 (when there was a total 565 net loss of pubs in London) no borough saw growth in numbers. In the last five years, however, the rate of net loss of pubs in London declined to an average per annum loss of 31, with growth seen in six London boroughs.

**Figure 3: Change in the number of public houses and bars in London boroughs, 2001-2006, 2006-2011, 2011-2016**



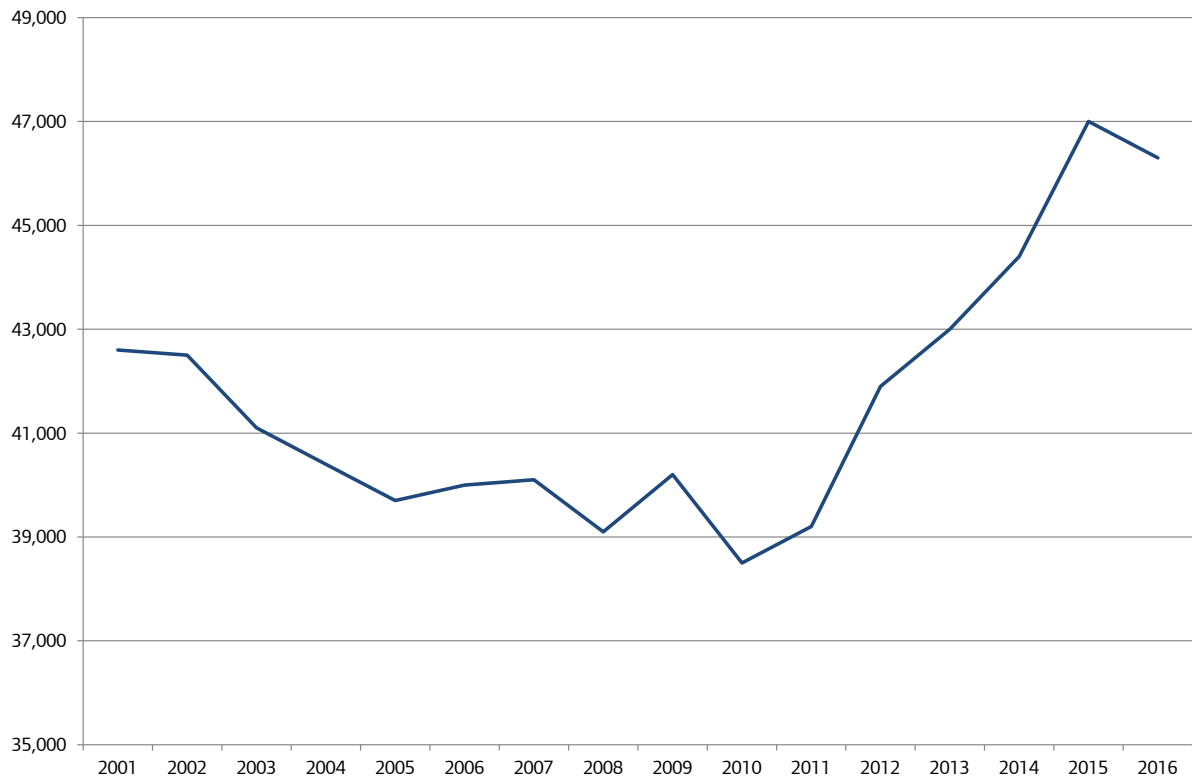
Source: IDBR

### Employment in public houses and bars workplaces

Since 2001 net employment in pubs in London<sup>2</sup> has grown by 3,700 (an average of 247 per annum) to reach 46,300 in 2016 (Figure 4). This is equivalent to an 8.7 per cent increase or a 0.6 per cent year-on-year percentage increase. However, most of this growth occurred in the last five years alone with particularly strong growth in 2012 and 2015 (when employment grew by 2,700 and 2,600 respectively).

<sup>2</sup> Figures are rounded to the nearest 100

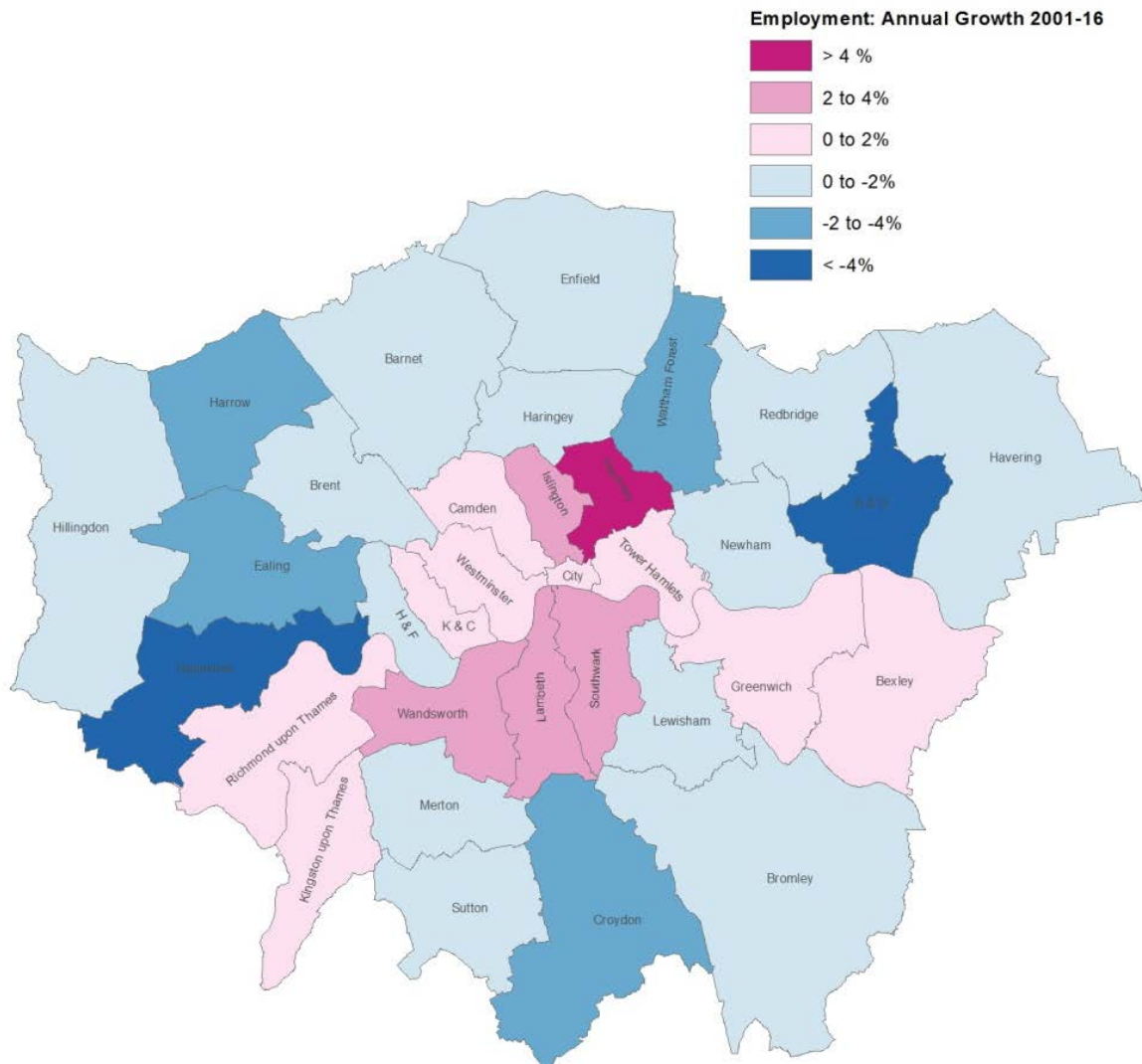
**Figure 4: Employment in London's public houses and bars workplaces, 2001-2016**



Source: IDBR

However, growth in employment in London's pubs and bars has varied significantly across boroughs - between 2001 and 2016, net employment in pubs in Hackney grew on average by 6.9 per cent per annum whilst Barking and Dagenham saw a 5.9 per cent per annum average decline. Map A shows how year-on-year percentage growth in pub employment has varied across boroughs over the last 15 years.

**Map A: Compound annual growth rate of employment in London's public houses and bars workplaces, 2001-2016**

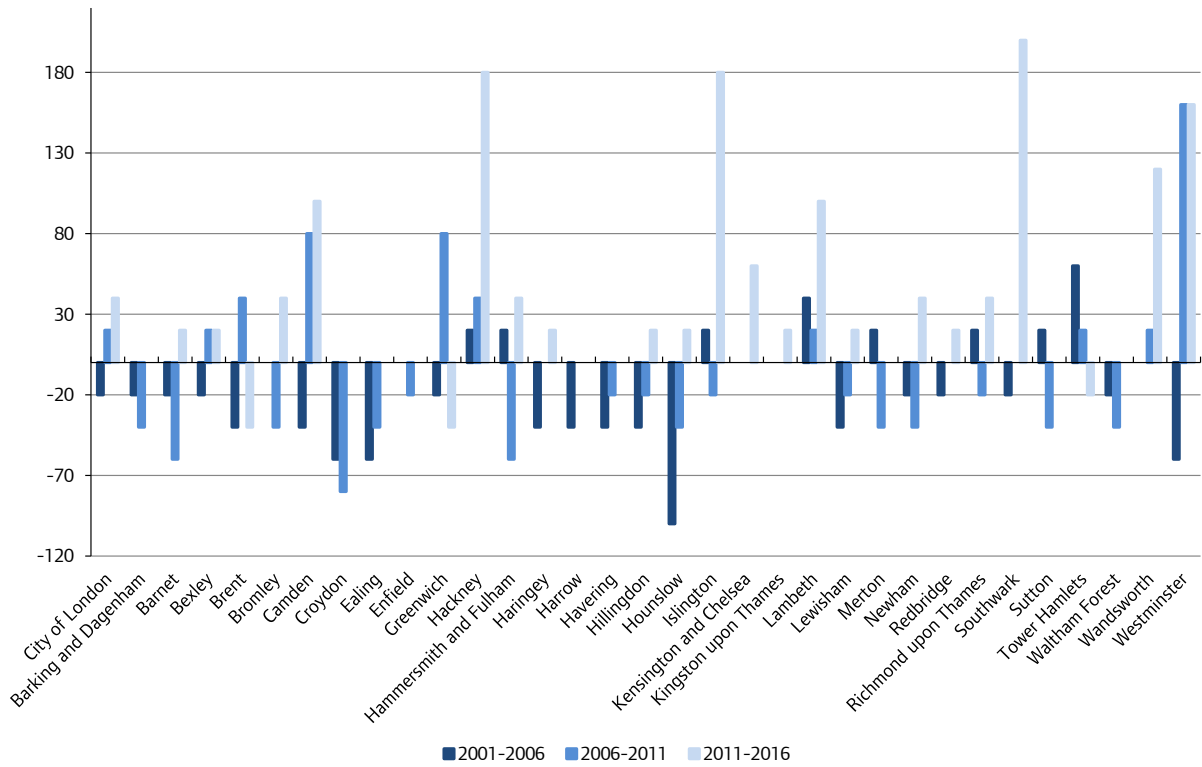


Source: IDBR

Figure 5 shows how the total numbers employed in pubs across boroughs has changed within sub periods between 2001 and 2016. Although some boroughs saw marginal growth in 2001-2006 and some growth in 2006-2011 there was much stronger growth in 2011-2016 particularly in Southwark, Hackney, Islington and Westminster.

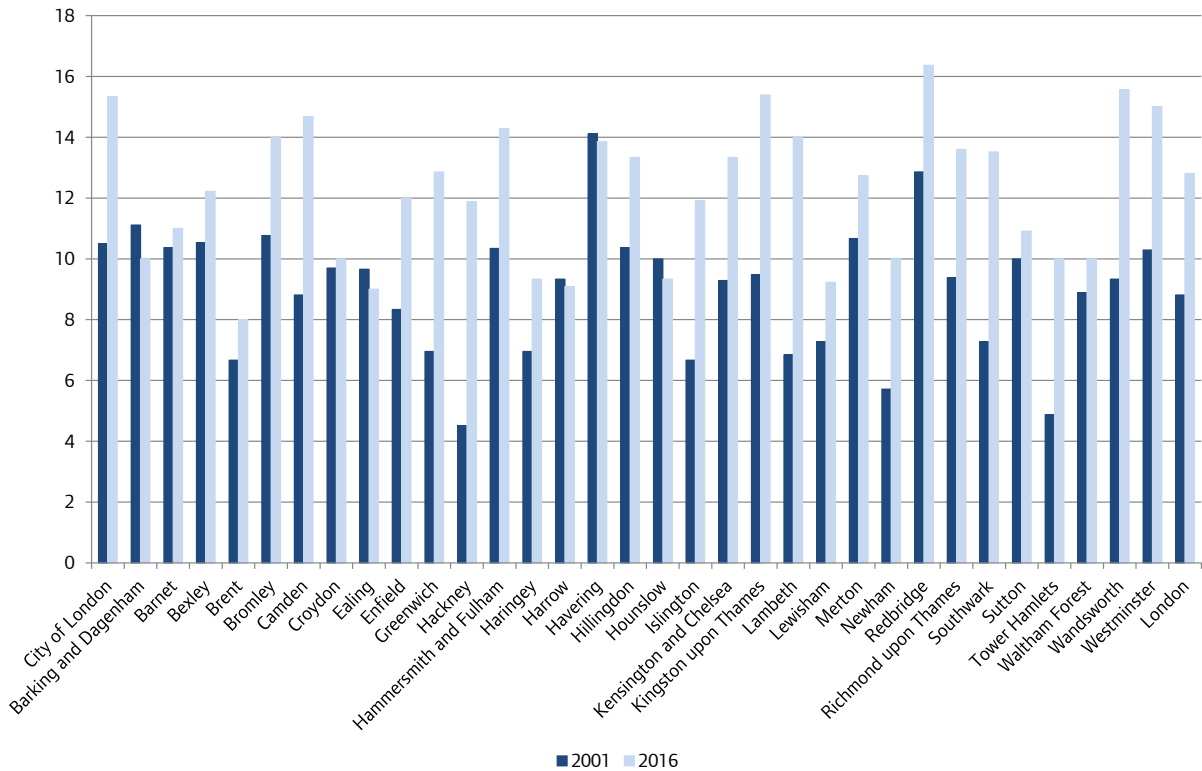
Given that the particularly strong growth in employment in pubs in London has not been matched by a growth in the number of workplaces the average employment per pub has increased from 8.8 persons in 2001 to 12.8 in 2016 (Figure 6). This trend has been seen in all but five boroughs (Barking and Dagenham, Hounslow, Ealing, Havering and Harrow) and has been particularly strong in Hackney, Lambeth, Southwark, Wandsworth, Greenwich, Kingston upon Thames and Camden.

**Figure 5: Change in the employment numbers in public houses and bars in London boroughs, 2001-2006, 2006-2011, 2011-2016**



Source: IDBR

**Figure 6: Change in average employment per public house and bar in London boroughs between 2001 and 2016**



Source: IDBR

## Location of pubs within London

All data on the IDBR are treated as RESTRICTED COMMERCIAL. This means that cuts of the data that allows for specific companies or workplaces to be identified are restricted and cannot be published. The IDBR is thus not a viable data source to map the location of individual pubs in London. For this we look at data provided by the Campaign for Real Ale (CAMRA).

CAMRA maintain a database of pubs to use for products such as their annual 'Good Beer Guide'. CAMRA aim to collect data on all pubs, not just those featured in their guides. Data is collected by members of local CAMRA branches and pubs are surveyed on a regular basis. CAMRA provided a snapshot of their data in March 2017 – all data in this section refers to this dataset.

Before setting out results from this data it is important to note some ways in which the dataset differs from the IDBR.

- CAMRA define a pub as meeting four criteria. Pubs:
  1. *Are open to the public without membership / residency*
  2. *Serve draught beer or cider without requiring food be consumed*
  3. *Have at least one indoor area not laid out for meals*
  4. *Allow drinks to be bought at a bar (i.e. not only table service).*

This definition does not match onto the SIC code 56.30/2 (which includes all bars), used in the IDBR analysis. CAMRA includes hotel bars (if they meet the above criteria), which the IDBR would normally count as hotels. It may also include gastropubs which may be counted in the IDBR as restaurants. Conversely, bars which, for example, don't serve draft beer or cider (for example, a cocktail bar) or which charge entry fees wouldn't make the CAMRA definition but are in SIC 56.30/2 and so would be included in the IDBR count.

- The CAMRA database is a list of buildings/premises not of businesses like the IDBR.
- The CAMRA database is compiled by volunteers. The IDBR is from various admin data sources.
- Pubs too small to qualify for the VAT threshold may not be on the IDBR but may appear in the CAMRA data.

For these reasons we would not expect the two databases to produce identical estimates of pub numbers in London. However, the difference is in fact fairly small. IDBR suggests there were 3,615 pubs/bars in London in 2016, whereas the CAMRA figure is 4,057 (the CAMRA figure is 12 per cent higher).

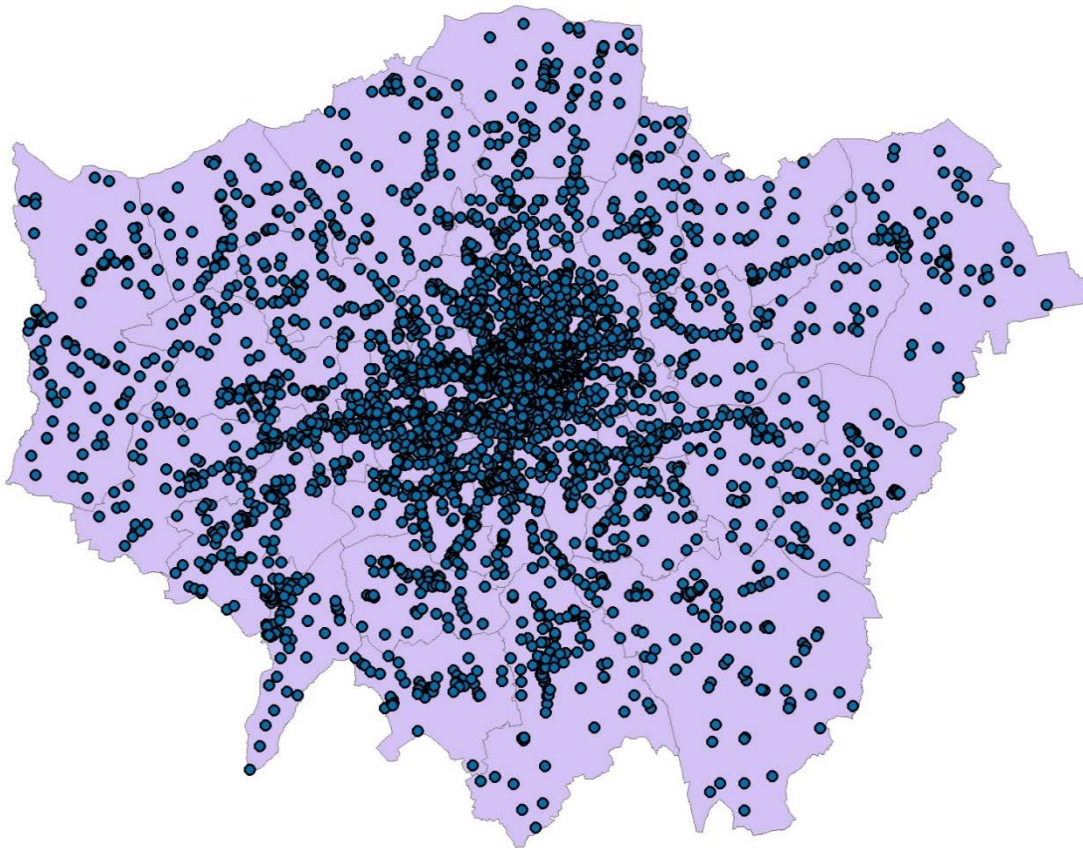
GLA Economics analysed the CAMRA database by using the postcode information, and matching these to boundaries for London boroughs and wards. The CAMRA database includes an additional 766 open establishments in London which are licensed premises but not pubs – including clubs, cafes and hotels. These were not included in the analysis below.

### Number of pubs in London in March 2017 according to CAMRA data

As stated above, CAMRA's dataset includes 4,057 pubs in London as of March 2017. Map B shows the location of these. Unsurprisingly, pubs are clustered centrally in inner-London boroughs, although there are also many outer London areas with relatively high concentrations.



**Map B: Location of open pubs (CAMRA database, snapshot March 2017)**



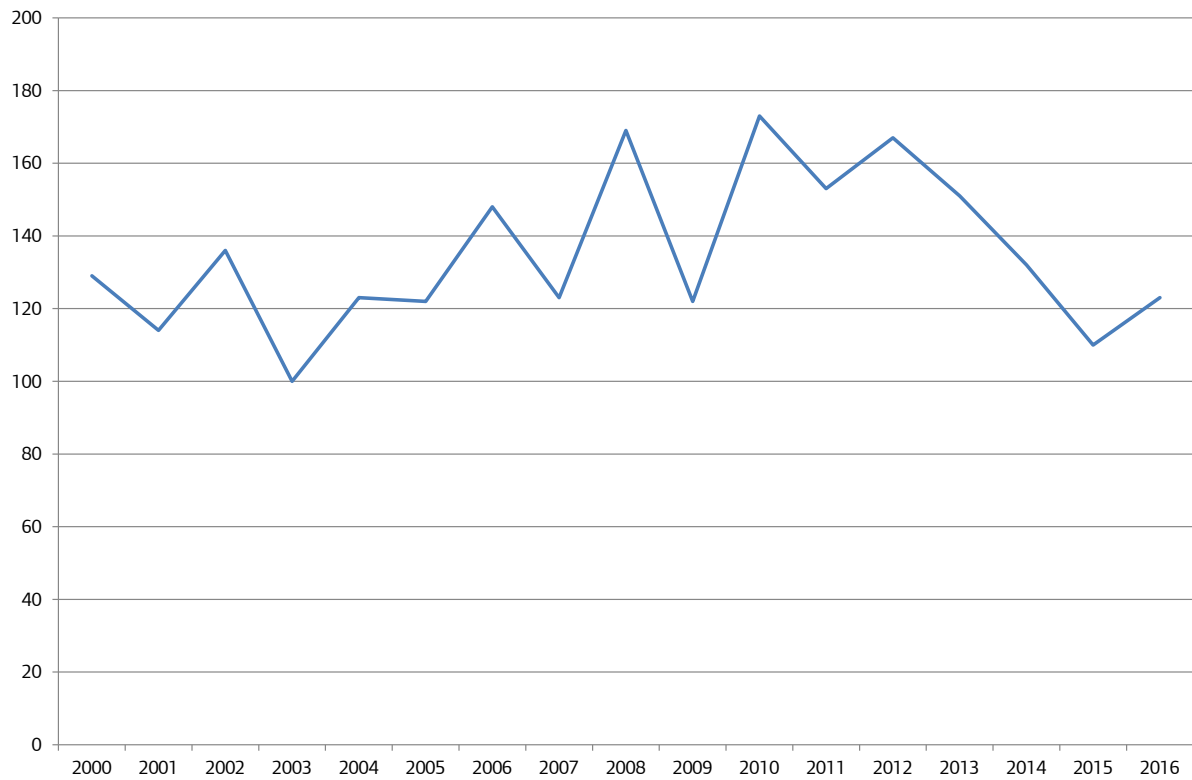
Breaking these down by borough, Westminster is the borough with the most pubs (at 459). It has almost twice as many as Camden, with the second most pubs (263). At the other end of the scale are Barking and Dagenham (with 28 pubs) and Redbridge (with 35). The median borough is Greenwich, which has 103 pubs.

**Pub closures**

Helpfully, CAMRA's database includes pubs that have closed. The majority of these include a closure date, which allows temporal analysis. Unfortunately, however, the database does not include information on when pubs opened. This means in any given historical year it is not possible to know which were open and which were closed, so we cannot evaluate net change in pub numbers year to year (i.e. *net* change taking into account both openings and closures).

Therefore temporal analysis is limited to counting the number of closures in a given year. These are presented in Figure 7, which shows pub closures in London over the period 2000 to 2016. CAMRA's dataset includes 2,295 closures over this period, at an average of 135 per year. The number of pub closures in London has been fairly steady. There was some increase (albeit with fluctuations) from 2005 to 2012, but a decrease thereafter.

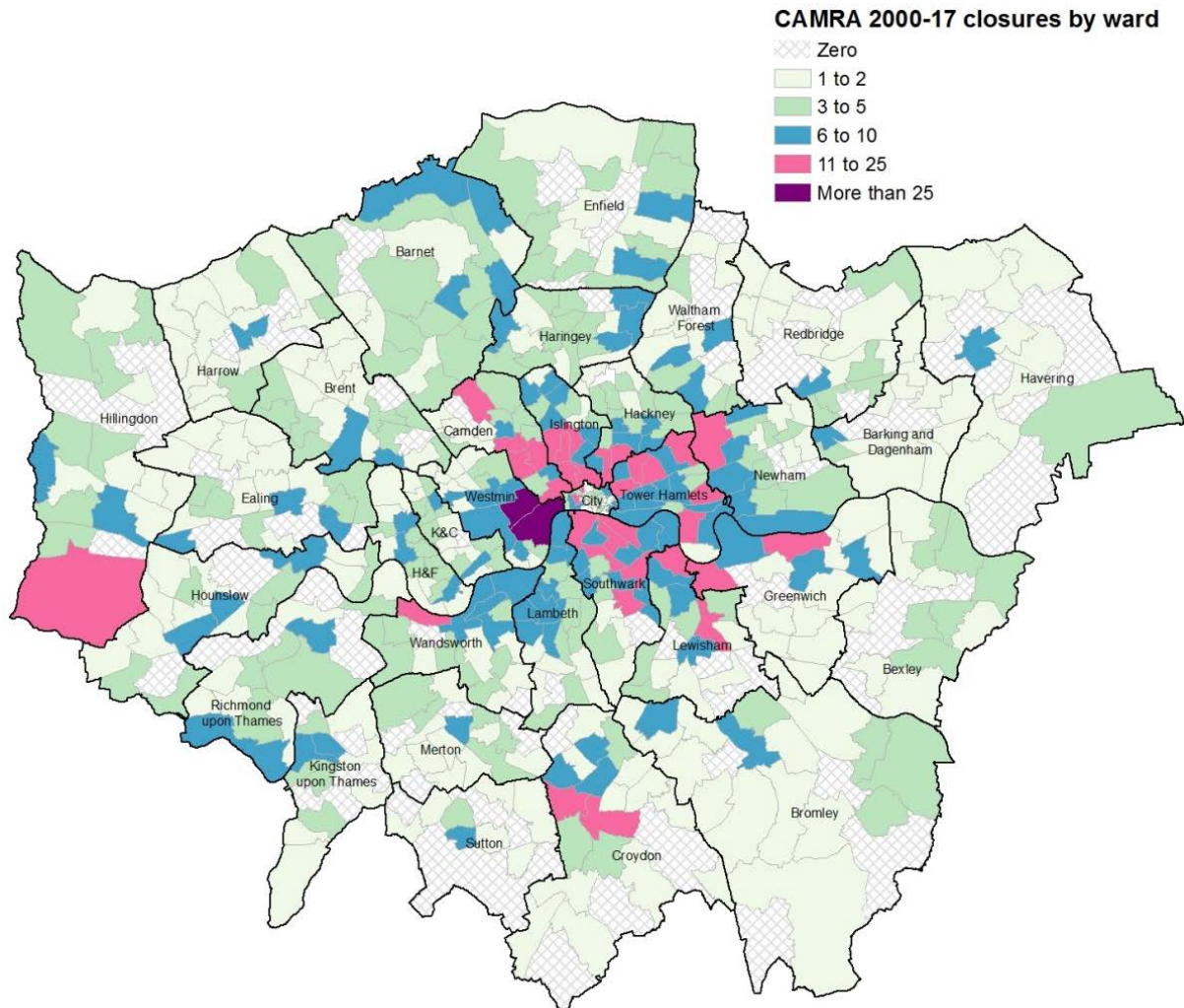
**Figure 7: Pub closures in London 2000 to 2016 (CAMRA data)**



Source: CAMRA, March 2017

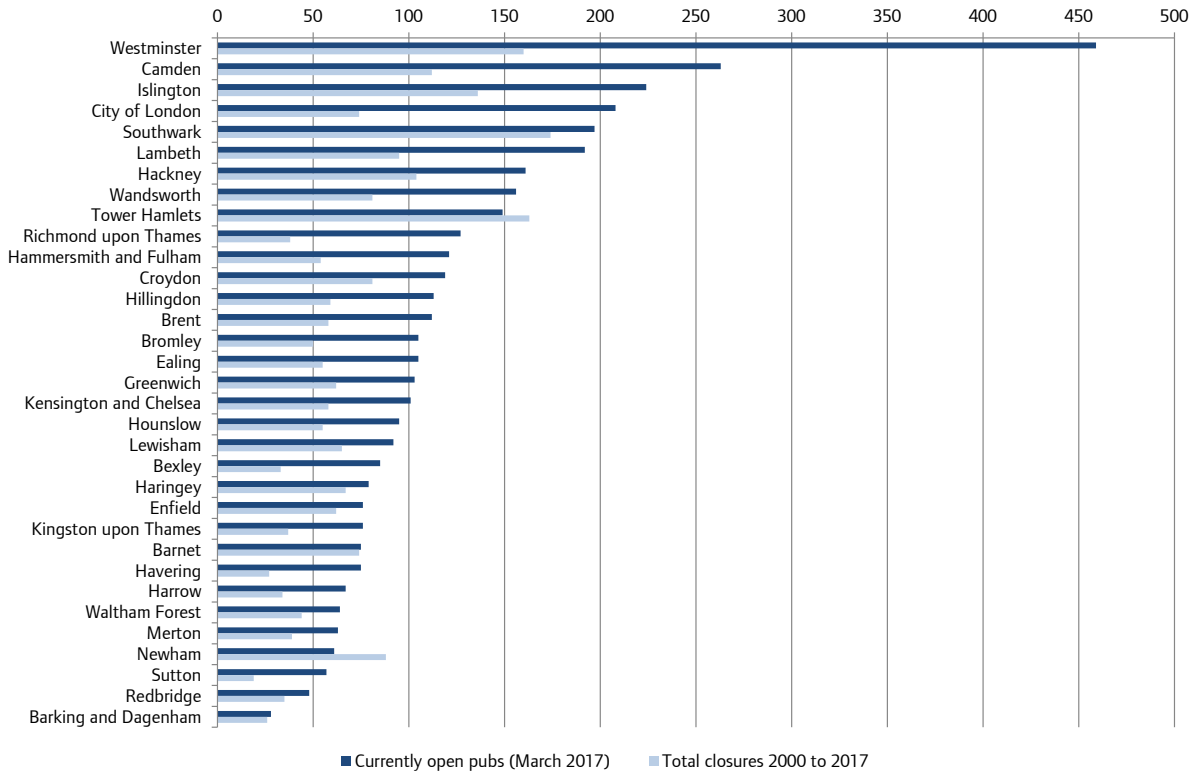
The CAMRA dataset also allows for an analysis of the location of these pub closures. Map C shows the total closures by London ward over the period 2000 to 2017. The pink and blue areas have had relatively high number of closures, green and pale green areas have seen fewer closures. Cross-hatched areas have not seen any pub closures. Indeed, from the size of the cross-hatched areas, it is clear that quite a few wards of London, mainly in outer boroughs, have not seen any pub closures over the 17 year period. The map also indicates that many pub closures have been concentrated centrally, with the largest number of closures in Westminster wards. Additional concentrations of closures are in the west (Hillingdon) and south (Croydon).

Map C: Total pub closures by ward, 2000 to 2017



To a large extent, the picture of closures simply shows the areas with the most pubs; it does not indicate a higher *rate* of closure per se. Therefore it is useful to place this geographical picture in some context. As outlined above, we cannot show net closures, or, with this dataset, closures as a percentage of the relevant historical pub population. As an alternative, Figure 8 compares the number of closures over the 17 year period to the number of pubs currently open in each borough. A few boroughs are notable. Westminster has few closures relative to its large current pub stock, whereas Newham, Tower Hamlets, Barnet and Southwark are boroughs with large numbers of closures relative to their size of pub stock.

**Figure 8: Number of pubs currently open (March 2017), and the number of pub closures over period 2000-17, by London borough. Boroughs are ordered by the number of current pubs**



Source: CAMRA, March 2017.

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**MAYOR OF LONDON**

## **Appendix 8 – New London Plan Policy HC7**

## Policy HC7 Protecting public houses

- A Boroughs should:
- 1) protect public houses where they have a heritage, economic, social or cultural value to local communities, and where they contribute to wider policy objectives for town centres, night-time economy areas and Creative Enterprise Zones
  - 2) support proposals for new public houses to stimulate town centre regeneration, cultural quarters, the night-time economy and mixed-use development, where appropriate.
- B Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- C Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.

- 7.7.1 **Pubs are a unique and intrinsic part of British culture.** Many pubs are steeped in history and are part of London's built, social and cultural heritage. Whether alone, or as part of a cultural mix of activities or venues, pubs are often an integral part of an area's day, evening and night-time culture and economy. An individual pub can also be at the heart of a community's social life often providing a local meeting place, a venue for entertainment or a focus for social gatherings. More recently, some pubs have started providing library services and parcel collection points as well as food to increase their offer and appeal to a wider clientele.
- 7.7.2 Through their unique and varied roles, pubs can contribute to the regeneration of town centres, Cultural Quarters and local tourism, as well as providing a focus for existing and new communities, and meeting the needs of particular groups, such as the LGBT+ community. However, **pubs are under threat from closure** and redevelopment pressures, with

nearly 1,200 pubs in London lost in 15 years<sup>100</sup>. The recent changes to the Town and Country Planning Act (General Permitted Development Order) (England) (2015) have however, removed permitted development rights that previously allowed pubs and bars to change planning Use Class to shops, financial and professional services, restaurants and cafés without prior planning approval. This change in legislation offers greater protection for pubs and also incorporates a permitted development right that allows pub owners to introduce a new mixed use (A3/A4) which should provide flexibility to enhance a food offer beyond what was previously allowed as ancillary to the main pub use.

- 7.7.3 Many pubs are popular because they have intrinsic character. This is often derived from their architecture, their long-standing use as a public house, their history as a place of socialising and entertainment catering for particular groups, their ties to local sports and other societies, or simply their role as a meeting place for the local community. In developing strategies and policies to enhance and retain pubs, boroughs should consider the **individual character of pubs** in their area and the broad range of characteristics, functions and activities that give pubs their particular value, including opportunities for flexible working.
- 7.7.4 **New pubs**, especially as part of a redevelopment or regeneration scheme can provide a cultural and social focus for a neighbourhood, particularly where they offer a diverse range of services, community functions and job opportunities. However, it is important when considering proposals for new pubs that boroughs take account of issues such as cumulative impact zones, the Agent of Change principle (see [Policy D12 Agent of Change](#)) and any potential negative impacts.
- 7.7.5 Boroughs should take a positive approach to designating pubs as an **Asset of Community Value** (ACV) when nominated by a community group. Listing a pub as an ACV gives voluntary groups and organisations the opportunity to bid for it if it is put up for sale. The 'right to bid' is not a right to buy and although owners of the asset have to consider bids from community groups, they do not have to accept them. An ACV listing does, nevertheless, give communities an increased chance to save a valued pub or other local facility.

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<sup>100</sup> Closing time: London's public houses, GLA Economics, April 2017 - <https://www.london.gov.uk/sites/default/files/closing-time-pubs-final.pdf>

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- 7.7.6 When **assessing whether a pub has heritage, cultural, economic or social value**, boroughs should take into consideration a broad range of characteristics, including whether the pub:
- a. is in a Conservation Area
  - b. is a locally- or statutorily-listed building
  - c. has a licence for entertainment, events, film, performances, music or sport
  - d. operates or is closely associated with a sports club or team
  - e. has rooms or areas for hire
  - f. is making a positive contribution to the night-time economy
  - g. is making a positive contribution to the local community
  - h. is catering for one or more specific group or community.
- 7.7.7 To demonstrate authoritative **marketing evidence** that there is no realistic prospect of a building being used as a pub in the foreseeable future, boroughs should require proof that all reasonable measures have been taken to market the pub to other potential operators. The pub should have been marketed for at least 24 months as a pub at an agreed price following an independent valuation and in a condition that allows the property to continue functioning as a pub. The business should have been offered for sale locally and London-wide in appropriate publications and through relevant specialised agents.
- 7.7.8 Many pubs built on more than one floor include ancillary uses such as function rooms and staff accommodation. Potential profit from development makes the conversion of upper pub floors to residential use extremely attractive to owners. Beer gardens and other outside space are also at risk of loss to residential development. The **change to residential use** of these areas can limit the operational flexibility of the pub, make it less attractive to customers, and prevent ancillary spaces being used by the local community. It can also threaten the viability of a pub through increased complaints about noise and other issues from new residents. Boroughs are encouraged to resist such proposals or ensure developers put in place measures that would mitigate the impacts of noise for new and subsequent residents.
-

**Appendix 9 – Pakenham Arms Officer Report ref: 2016/6931/P**

# Pakenham Arms, 1 Pakenham Street, London, WC1X 0LA

## Planning applications - 2016/6931/P



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# Pakenham Arms, 1 Pakenham Street, London, WC1X 0LA

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## Site Photographs:

(1) Aerial photo (from South East)



(2) Aerial photo (from North West)



(3) Model of local area (from South)



(4) Front elevation #1



(5) Front elevation #2



(6) Ground floor unit current condition #1



*(7) Ground floor unit current condition #2*



*(8) Ground floor unit current condition #3*



(9) Retained listed fenestrations



(10) Former public house operational July 2008





(11) Former public house operational June 2012



(12) Former pub operational May 2014



(13) *Public house closes in preparation for works to commence (July 2014)*



(14) *Works commence (April 2015)*



(15) *Upper floor conversions completed July 2016, GF vacant*



<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>10/02/2017</b>
<b>(Members' Briefing)</b>		N/A	<b>Consultation Expiry Date:</b>	<b>23/02/2017</b>
<b>Officer</b>			<b>Application Number(s)</b>	
John Diver			2016/6931/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Pakenham Arms 1 Pakenham Street London WC1X 0LA			<i>See draft decision notice</i>	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Change of use from pub/drinking establishment (Use Class A4) to retail (Use Class A1) at basement and ground floor levels of GII listed property.				
<b>Recommendations:</b>		Grant conditional planning permission		
<b>Application Type:</b>		Full Planning Permission		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Summary of consultation:</b>	<p>Multiple site notices were displayed near to the site on 31/01/2017 (consultation end date 21/02/2017)</p> <p>The development was also advertised in the local press on 02/02/2017 (consultation end date 23/02/2017)</p>			
<b>Adjoining Occupiers:</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>	<p>One letter of objection was received on behalf of the owners/occupiers of 10 Sneyd Road, NW2. The comments raised can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Marketing period and reduced offer [from loss of ancillary accommodation] has reduced attractiveness to potential landlords; the upper floors should never have been approved for conversion</li> <li>2. Lock-up pubs have higher insurance costs, difficulties with delivery arrangements and are commercially difficult.</li> <li>3. Sequence of events (conversion of upper floors and resultant loss of viability) a familiar pattern. The Pakenham has been “well and truly Trojaned and there is no alternative but to lodge an objection to this final proposed nail in the Pub's coffin”</li> </ol> <p><u>Officer's response:</u>  1 – 2: Please see section 4 of the main report.  3: Please see section 2 of the main report.</p>			
<b>Bloomsbury CAAC:</b>	<p>A letter of objection was also received from the Bloomsbury Conservation Area Advisory Committee. The comments raised can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1. The loss of the public house in this location is a great pity, especially in view of the planned developments in the area which will certainly provide many more clientele and make such a facility viable and highly valuable as a factor in local amenity and social cohesion.</li> </ol> <p><u>Officer's response:</u>  1 – Please see section 4 of the main report.</p>			
<b>CAMRA (London Region):</b>	<p>A further letter of objection was received on behalf of CAMRA (Campaign for Real Ale) London Region. The comments raised can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1. This is a very depressing and regrettable situation all round.</li> <li>2. We are pleased that the Council has finally come to realise the very real danger of ‘Trojan Horse attacks’, which all too often will spell the end of an historic pub but fear that it may be too little too late, as substantial damage has already been done.</li> </ol>			

3. Pakenham Arms was a “simple fuss free boozier with great beer, a decent affordable food offer, a good welcome and a nice mixed crowd”. It had a 2am licence and a good choice of decent beer. The outdoor spaces were well used and the pub was loved by locals as well as nearby postal workers at the end of their shift from Mount Pleasant.
4. With the exception of a handful of successful ‘lock up’ pubs, the usual case is that following the conversion of upper floors, you rarely get a pub use continued below, and if you do it resembles little of the former pub with ancillary accommodation as it necessarily has to be a different business model to meet the rental demands from the new owners
5. This is a classic case whereby a pub is sold to developers at speculation-fuelled prices and developers then get permission for ‘Trojan horse’ conversions of upper floors on the basis that the lower parts will remain a pub; instead they take the money and run, leaving the gutted pub unviable pending eventual application to turn that into more flats if they can’t find a supermarket or estate agent who’d like to move in.

*Officer’s response:*

*1-2: Please see section 2 of the main report.*

*3-5: Please see section 4 of the main report.*

## Site Description

The application site is located on the western corner of the junction between Pakenham Street and Calthorpe Street, within the Kings Cross ward of the Borough. The application site contains a three storey (plus basement) property which was developed as and historically used as a public house (pub). The property was developed in the late 19C and is of red brick construction with rusticated stucco dressings and features fenestrations and entrances that respond to its intended public house use. The application property is Grade II listed, being first listed on the 14<sup>th</sup> May 1974 (list entry no. 1113240). The property is also located within the Bloomsbury Conservation Area.

There are also a number of other GII listed properties within the local vicinity including nos.2 and 3 Pakenham Street which form a terrace with no.1 (list refs. 1113241 & 1113242 respectively), 50 Calthorpe Street (opposite the site to the South – ref. 1244315) as well as the terrace of 45, 47 and 49 Calthorpe Street (opposite site to the North East – ref. 1244314). To the East of the site is the Mount Pleasant Mail Centre forecourt and loading area set behind a perimeter wall and fence.

As will be detailed within the subsequent history section, approval was granted in 2014 for the conversion of the upper floors of the pub to form 4x self-contained residential units. Since the implementation of this permission, the property no longer remains a single planning unit. As such this application relates to the ground and basement floor levels only which had been retained under A4 (drinking establishment) use. The upper floors of the property are currently in use as residential apartments (C3) and would be retained as such.

## Relevant History

The site has the following planning history:

**2013/6910/P & 2013/6984/L** – Planning and listed building consent Granted Subject to a Section 106 Legal Agreement on the 10/03/2014 for the ‘Change of use from ancillary residential above pub to create 1 x 2bed, 2 x 1bed and 1 x studio flat and associated alterations to include alterations to rear elevation and installation of glass balustrade at roof level’.

**2014/2125/P & 2014/2284/L** - Planning and listed building consent was refused on the 23/06/2014 for the ‘Change of use from residential floorspace on upper floors, ancillary to public house below, to create 3 x 1 bed, 1 x 2 bed and 1 x 3 bed flats, plus the erection of a 3rd floor mansard roof extension with 7 dormer windows, following demolition of existing 2nd floor mansard, and alterations to rear elevation’. A subsequent Hearing Appeal was Dismissed on the 23/10/2014.

*Reasons for refusal:*

- 1) The proposed mansard roof, by virtue of its scale, height and location, would appear over dominant and disrupt the relatively unaltered roofscape to the detriment of the host building, the setting of the adjacent listed buildings on Calthorpe Street and Pakenham Street and the character and appearance of Bloomsbury Conservation Area...*
- 2) The replacement of the rear mansard roofslope by a sheer wall, by virtue of loss of an original mansard roof form, would harm the character of the host building, setting of the adjacent listed buildings on Calthorpe Street and Pakenham Street and character and appearance of Bloomsbury Conservation Area...*
- 3) In the absence of an appropriate EcoHomes assessment and of a legal agreement requiring a post-construction sustainability review, would fail to ensure proper standards of sustainability in the development...*
- 4) In the absence of a legal agreement for securing contributions for public open space*

*provision, would be likely to contribute unacceptably to pressure and demand on the Borough's existing open space facilities...*

*5) In the absence of a legal agreement for securing contributions to educational provision, would be likely to contribute unacceptably to pressure and demand on the Borough's existing educational facilities...*

*6) In the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area...*

**2014/5369/P** – Non-material amendment application was granted on the 11/03/2015 for '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), namely to raise part ground floor level, widen shower rooms (flats 2 & 4), relocate kitchen (flat 3), and associated alterations'.

**2016/6930/P** – Application submitted for the proposed 'Change of use from pub/drinking establishment (Use Class A4) to office (Use Class B1a) at basement and ground floor levels of GII listed property'. At the time of writing no determination had been made.

## **Relevant policies**

### **National Planning Policy Framework (2012)**

#### **The London Plan (2016)**

Policy 3.16 - Protection and enhancement of social infrastructure

Policy 4.5 - London's visitor infrastructure

Policy 4.7 - Retail and town centre development

Policy 4.9 - Small shops

Policy 7.4 - Local character

Policy 7.5 - Public realm

Policy 7.6 – Architecture

Policy 7.8 - Heritage assets and archaeology

Policy 7.9 - Heritage-led regeneration

Policy 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

#### **Camden Local Plan (2017)**

G1 - Delivery and location of growth

C4 - Public houses

C5 - Safety and security

C6 - Access for all

A1 - Managing the impact of development

A4 - Noise and vibration

D2 - Heritage

TC1 - Quantity and location of retail development

TC5 - Small and independent shops

T1 - Prioritising walking, cycling and public transport

T2 - Parking and car-free development

#### **Camden Planning Guidance:**

CPG1: Design (2015) Chapters:

8 - Advertisements, signs and hoardings

9 - Designing safer environments

10 - Recycling and Waste Storage

11 - Building services equipment

CPG 5 Town centres, retail and employment (2013) Chapters:

2 - Retail uses

4 - Central London Area food, drink and entertainment, specialist and retail uses

5 - Small shops

CPG6: Amenity (2011) Chapters:

4 - Noise and vibration

9 - Access for all

12 - Planning for healthy communities

CPG 7 Transport (2011) Chapters:

7 - Vehicle access

8 - Streets and public spaces

9 - Cycling facilities

## **Bloomsbury Conservation Area Appraisal and Management Strategy (2011)**

### **Assessment**

#### **1. Introduction / Proposal**

- 1.1. Planning permission is sought for the change of use from a public house (Use Class A4) to retail (Use Class A1) at ground and basement floors levels of the host property. The scope of the proposed change extends to the remaining GF and basement pub only and excludes the existing upper floor flats and ground floor entrance way.
- 1.2. This application has been submitted in order to establish the permitted use of the GF/basement only and no operational development is hereby proposed. This is evidenced by the fact that submitted existing and proposed plans show there to be no physical changes proposed. Despite the property being listed, listed building consent is not required at this stage. The applicant has been reminded that should any internal works later be required to fit out the unit for a new use (should a change of use be permitted), the statutory requirement to obtain listed building consent prior to the commencement of works would remain.

#### **2. Background to application**

- 2.1. As outlined above, planning and listed building consent applications 2013/6910/P & 2013/6984/L cumulatively granted permissions of the upper floors of the host property to be converted from spaces ancillary to the pub (A4) to no.4 self-contained residential units. These upper floors had previously comprised of a large kitchen, a staff room as well as ancillary residential accommodation (for live-in landlords). The works also included the installation of a new entrance stair and ground floor entrance, which necessitated some loss of GF floor space (approximately 12sqm).
- 2.2. Within the officer's report for these applications, it was stated that the proposed change would not cause any detrimental impacts to the long term viability of the pub which would then operate as a 'lock-up' pub (ground floor and basement levels only). Indeed, supporting documents submitted by the applicant had, at the time, described the works as allowing for the sustained continuation of the pub on a lock-up basis. As outlined within the former officer's report, at the time of the site visit



these upper floors were not be publicly accessible and as such a view was taken that their loss/change would not imping upon the ability of the pub to provide a community role or maintain a financially sustainable business. This permission was not subject to a formal viability assessment nor were restrictive conditions or heads of terms within a legal agreement secured to ensure that the pub use was reprovided in a let-able condition prior to first occupation of the consented units.

- 2.3. Unfortunately, in the absence of such requirements, the developer had no obligation to fully implement the development as shown on proposed plans and consequently chose to implement at upper floors only, stripping the fixtures and fitting at ground floor level as consented but not completing works to restore/refit. While the upper floors levels of the property have now been converted to a seemingly high specification, the ground floor has remained vacant and in poor condition since the commencement of works in 2014 (please see photographs 6 - 8).
- 2.4. Since 2014, the full impacts caused by of the loss of ancillary spaces to public houses and the subsequent impact upon long term viability of pubs have been felt and fully appreciated by the Council as well as Local Authorities across the region. Development of this kind has in many cases resulted in the loss of public houses in their entirety where it was later discovered that the lock-up pub model was not viable in particular settings and this had not been fully scrutinised at the planning stage. This has led to a clear divergence in policy stance. Consequently, policies at the local level (via the adopted Camden Local Plan 2017) as well as at a region level (via the 2016 London Plan) have acted to afford additional protections for public house uses in recognition of their unique role in forming sustainable communities. In light of the new policy context, the loss of upper floors of pubs would now only be permitted where it was categorically demonstrated that the loss of these spaces would not cause detrimental impact upon the long-term viability of the pub, nor lead to a reduced offer in terms of its ability to provide for the local community. In light of this it should be noted that the works permitted in 2014 would therefore not have been supported under the current policy context unless very comprehensive reporting were submitted.
- 2.5. Notwithstanding the above, the Council may not retrospectively apply new planning policies or previous decisions and the former permission has already been substantially implemented on site. In accordance with statutory requirements, this application must be assessed upon its own merits in accordance with the most up-to-date policy requirements.

### **3. Assessment**

- 3.1. The principal considerations material to the determination of this application are as follows:
- Principle of change of use (land use) – section 4;
  - Design and heritage– section 5;
  - Impact on the amenity of adjoining occupiers – section 6;
  - Transport / Planning Obligations – section 7.

### **4. Land use**

#### Loss of public house (Use Class A4)

##### *Policy background*

- 4.1. Public houses (pubs) are considered to play an important community and cultural role. As places where members of the community meet and gather, they support social wellbeing and strengthen community cohesion. They sometimes provide important community meeting space and host local

meetings, events and entertainment. Many pubs contribute to local culture and identity and this is often closely related to a pub's long-standing presence in the street scene. The closure of a pub can lead to the loss of an area's vibrancy as well as its diversity and interest. Some pubs are additionally important because they are heritage assets and architecturally distinguished.

- 4.2. Paragraph 70 of the NPPF (2012) enshrined an acknowledgement of the importance of the role that pubs can play for local communities at a national level by recognising that public houses, along with other community facilities, enhance the sustainability of local communities. Paragraph 70 also states that Local Authorities should act to *“guard against the unnecessary loss of valued facilities [including pubs] and services, particularly where this would reduce the community's ability to meet its day-to-day needs”*, but also to *“ensure that established shops, facilities [including pubs] and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community”*.
- 4.3. The above is upheld by the London Plan (2016) policy 3.16 which states that *“Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered”*. Policy 4.8 of the London Plan continues to state that Councils *“should take a proactive approach to ... maintaining, managing and enhancing local and neighbourhood shopping and facilities [including public houses] which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence”*. Policy 3.1B also requires LPA's to *“protect and enhance facilities and services [including pubs] that meet the needs of particular groups and communities”* and that *“Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted”*.
- 4.4. As evidenced by the above, pubs are increasingly under pressure from development, particularly in Central London. In light of the above, the Council's recently adopted Local Plan includes a new policy which specifically relates to Public Houses (C4). This policy states that:

*“The Council will seek to protect public houses which are of community, heritage or townscape value” [and] “...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) unless there are equivalent premises available capable of meeting the community's needs served by the public house; or*
- b. there is no interest in the continued use of the property or site as a public house and no reasonable prospect of a public house being able to trade from the premises over the medium term”*

- 4.5. This policy continues to state that *“Where it has been demonstrated to the Council's satisfaction that a public house can no longer be retained, the suitability of the premises for alternative community uses for which there is a defined need in the locality should be assessed before other uses are considered. If the pub is a heritage asset, it should be conserved in a manner appropriate to its heritage significance”*. In line with the NPPF and London Plan requirements, Policy C4 therefore applies a presumption in favour of the protection of public houses but also allows flexibility by supporting development where it would not be contrary to the interests of the economy, historic environment or community and is supported by robust evidence.

### *Value and offer of the public house as a community facility*

- 4.6. Prior to its conversion, the Pakenham Arms had been well regarded as a choice destination for real ale fans, with weekly rotations on kegs and also received good reviews for its food offer and affordability. It featured several plasma TVs which would show sporting events and consequently also attracted sports fans. Online reviews describe the pub as being characteristic of a traditional 'local' public house and as such was popular with local residents as well as visitors to the area staying at the close-by Travelodge Hotel (please see appendix one of this report for examples of public reviews). The pub also featured a late night licence (until 2am at weekend) which made it unique in the local area in terms of later night venues. With a South Western aspect to the front outdoor seating area, reviews would also indicate that the ability to sit outside, in the sun on a relatively quiet residential street in Central London was also a particularly cherished feature for the former public house. Submitted comments as well as online reviews also note that this Pakenham Arms was also the preferred choice for workers of the nearby Mount Pleasant Postal Centre (the largest employer in the local area) for after works drinks and events.
- 4.7. In response to national changes to permitted rights for the conversion of public houses to alternative uses (as set out within the General Permitted Development Order - GPDO), and Article 4(1) Direction was made on 7<sup>th</sup> October 2015 by the Council for the Pakenham Arms. This directive acted to remove permitted development rights for changes of use outlined in Part 3, Schedule 2 of the GPDO in order to protect the existing A4 use. The issuing of the directive was subject to public consultation as well as the notification of relevant interested parties and the Secretary of State.
- 4.8. The Council sought to issue the Article 4 in this instance because the existing public house was considered to be of particular value to the local area and community, not only due to the "*physical worth of the listed building*" but also due to its "*communal, cultural and social importance*". The officer's report for the directive states that "*the Pakenham Arms is integral to the urban grain of its neighbourhood, and so forms a crucial part of the character and appearance of the conservation area. In this sense, the value of the fabric of the building and its use are inseparable*". The value of this former public house to the local community was at this point, evidenced by a petition which was received by the Council signed by 149 people (plus 20 more online), the majority of whom indicated their postcode as being within the local area. In response, objection was raised by the owner of the property directly to the secretary of state, disputing the community value of the public house. These comments were later dismissed by the SoS who, in response to this objection, responded to say that "*after carefully considering the issues raised, the Department does not consider that the clear reasons for intervention at Government level are presented by this case...it is now for the London Borough of Camden to proceed with the matter as it sees fit*". This direction was subsequently confirmed on 06 April 2016.
- 4.9. The application site is currently vacant at ground floor and basement levels and has been since 2014. Despite being currently vacant, the property maintains its permitted A4 use at these levels as well as the extant consent for the refurbishment of these floors to form a lock-up pub as was previously approved. Should the proposed change of use be resisted, the applicant does benefit from the 'fall-back' option of fully implementing this permission and restoring a pub/drinking establishment use and as such an assessment of the value of the permitted lock-up pub would be a material consideration in this assessment.
- 4.10. As permitted in 2014 and shown on approved drawings, the consented lock-up pub would have featured an open plan bar and seating area at ground floor level along with a disabled toilet. The pub would maintain a kitchen at GF level and as such would continue with its food offer. The pub would feature a GF area of 70sqm (excluding the island bar /serving area), although due to

access requirements it is noted that much of this area could not be used for tables and chairs. At basement level toilets, a beer cellar as well as storage would be provided. As the demise of the pub includes an area of footway to the front with a depth of 1.9m, this space (approximately 35sqm) could continue to be used for outdoor seating as had previously been provided.

- 4.11. The pub also remains particularly important in townscape, architectural and heritage terms, not only being recognised to be of significant historic, social and architectural merit (via its listed status), but also making a positive contribution to the character of the Bloomsbury Conservation area. As well as the physical worth of the listed building, as a pub the Pakenham Arms has communal, cultural and social importance. The Pakenham Arms is integral to the urban grain of its neighbourhood, and so forms a crucial part of the character and appearance of the conservation area. In this sense, the value of the fabric of the building and its use for community / publicly accessible uses are inseparable. The use of this site as a pub entails comings and goings, and fixtures and fittings that contribute strongly to the character and appearance of the conservation area and the special interest of the listed building.
- 4.12. Since the works to convert upper floors in 2014, the pub has lost its ability to provide a games, function or dining room at 1<sup>st</sup> floor level (should the staff room had been converted under different management). As aforementioned the pub as operating prior to 2014 had also benefited from a late night opening license, however, given the proximity to the newly consented units above it is considered that a licence of this kind would be unlikely to be permitted for the lock-up pub.
- 4.13. For the above reasons, the public house (as retained in its lock-up form) is still considered to represent a local facility which was and (if reopened (subject to viability)) would still be a valued asset to the community. It is still considered to represent an important feature of the local area, allowing for social interactions / cohesion between different demographic groups including but not limited to, local residents, advocates of real ale, sports fans, local workers and tourists / visitors to the area. Although now of notably smaller size, the pub could still provide patrons with a food offer, outdoor seating as well as televised sports were screens installed. The pub is also still considered to be of importance in townscape and heritage terms, not only for its architecture, design and remaining historic details but also by virtue of its use as a publicly assessable and inviting premise in accordance with its original architectural intent.

*Evidence to justify loss*

- 4.14. The applicant maintains that the ground and basement floor levels currently lie vacant following unsuccessful attempts to run a viable Public House in recent years and an unsuccessful marketing campaign. They claim that the former public house did not serve a community function and that the existing property cannot any longer be viably operated in its original use. They therefore suggest that an alternative commercial use for the premises (in this case for retail purposes – A1) represents the optimum solution in land use planning and heritage terms.
- 4.15. In accordance with criterion (a) of policy C4, before the loss of the pub use is entertained, an analysis of the local area is required in order to demonstrate whether there are equivalent premises available capable of meeting the local community’s needs. Within a 400m radius of the Pakenham Arms, 8 other public houses were found. The table below details these public houses as well as their comparative provision:

<b>Name of Public House</b>	<b>Food?</b>	<b>Outdoor seating?</b>	<b>Sports?</b>	<b>Function room?</b>	<b>Late night?</b>	<b>Cask Ale selection?</b>
Calthorpe Arms	Y	Y	Y	Y	N	Y
The Blue Lion	Y	N	Y	N	Y	Y
The Union Tavern	Y	Y	N	Y	N	Y

The Exmouth Arms	Y	Y	N	N	Y	Y
The Easton	Y	Y	N	N	N	Y
The Wilmington	Y	Y	N	N	N	Y
The Apple Tree	Y	N	N	Y	N	Y
The Duke	Y	N	N	N	N	Y

4.16. In light of the above, it is considered that were the public house use to be lost at the Pakenham Arms, there would still be an adequate provision of other public houses in the local area which would be capable of meeting the same provision for the local community's needs.

4.17. Where it is found that adequate public house provision would still remain in the local area, in accordance with criterion (b) of policy C4, the applicants must then demonstrate that the existing business use is unviable. The applicants must therefore demonstrate that there is no interest in the continued use of the property or site as a public house and no reasonable prospect of the public house being able to trade from the premises over the medium term. In order to justify the loss of the public house use in line with this policy requirement, reports have been submitted detailing the marketing campaign as well as a viability assessment for a continued A4 business.

4.18. The submitted marketing report, undertaken by Hattons Real Estate (later acquired by Colliers) details a marketing campaign for the pub that included:

- marketing brochures;
- paid advertisements in the Estates Gazette;
- erecting a marketing board;
- utilising City Agents Club & West End Agency Society agent's portals to inform the property market of the availability of the property; and
- using their own website to conduct send outs.

4.19. This campaign sought to either dispose of or to let the public house element of the property. The commercial elements of the property were marketed at a rate of £30 per sq ft between the 3<sup>rd</sup> quarter of 2015 – 1<sup>st</sup> quarter 2016. During this period, only 8 viewings of the property were completed from a range of pub operators. The marketing report states that none of these viewings resulted in any continued pursuance of the business, stating that reasons including the limited area of the site and its location away from areas of high footfall were key factors in this.

4.20. By way of demonstrating that there is no reasonable prospect of the public house being able to trade from the premises over the medium term, the applicants have also submitted a viability assessment undertaken by Savills. This report includes an audit of the state of repair of the unit; the likely fit-out costs required to reopen the pub; a review of historic accounts (2012-2014); a profit and costs exercise; market commentary as well an analysis of competition for any future business.

4.21. The report concludes that a 'lock-up' public house operation at ground and basement floors only would not be viable in the medium term. They conclude that the prime inhibiting factors which limit the viability of the unit include:

- Its small size, limited space for seating and reduced kitchen facility offer.
- As a result of the above, the subsequent reliance upon a 'wet-led' business model (where the majority of trade derives from the sale of drinks rather than food)
- Low levels of footfall due to its siting / the character of the local area
- The high level of costs required to fit the unit out to be reopened as a public house
- The scale of the unit meaning that it would be unattractive to national wide 'pubcos'
- Increased levels of competition, particularly from the nearby Exmouth Market but also from well established local public houses.

4.22. In order to be confident of the scrupulousness of the above findings, an independent chartered surveyor (BPS) was instructed to provide a written audit of these reports at the applicant's expense. This exercise was completed in accordance with the requirements of policy C4, particularly in order to scrutinise the costs and value assumptions and market commentary that have been applied in the Savills viability study in order to determine whether their conclusions are sound. Following some discussions and the request for additional details in relation to the predicted fit-out costs to reprovided the pub use, BPS concluded that the findings of the submitted report were sound and agreed that the unit would not be suitable for a viable public house business operation in the medium term. In particular, they found that limiting factors including the low footfall of the area; the reduced service offer of the lock-up pub; the high fit out costs required and the reliance of any future business to focus upon a 'wet-led' business model.

*Conclusions relating to loss of public house use (A4)*

4.23. In light of the above it is considered that, whilst highly regrettable, the loss of the drinking establishment use to this unit would not result in a deficit of premises within the local area that are capable of meeting the local community's needs. The loss is therefore in line with criterion (a) of policy C4.

4.24. Following the audit of the report, the instructed 3<sup>rd</sup> party surveyors have concluded that the findings within the submitted Savills report are sound and that the continued operation of the pub business in this location is unviable in the medium term. This was in part found to be due to the reduced offer and size of the 'lock-up' pub, the subsequent reliance upon 'wet-led' trade but comparable low footfall as well as the high cost to fit out the unit for any prospective landlord. The surveyors also found that the additional pressure upon late night operation due to the proximity of consented units above had acted to the detriment of future viability. The details submitted of the unsuccessful marketing campaign act to confirm these findings. It is therefore considered that the evidence submitted remains in accordance with criterion (b) of policy C4.

4.25. It is therefore concluded that in this instance the loss of the A4 use would not be objectionable. This is however subject to an assessment of the acceptability of the proposed replacement use which will now follow.

Proposed replacement use (Retail – Use Class A1)

4.26. Policy C4 states that where the loss of a public house has been fully justified in accordance with criterion (a) and (b) and an alternative use is sought, "*the suitability of the premises for alternative community uses for which there is a defined need in the locality should be assessed before other uses are considered*". This clause also states that "*If the pub is a heritage asset, it should be conserved in a manner appropriate to its heritage significance*".

4.27. In this instance, the application site is a designation heritage asset and is located within a conservation area. The area surrounding area is characterised by residential development to the South, West and North. To the East and South East are more commercial uses such as the Travelodge and the Mount Pleasant sorting office and museum however these uses are also considered to contribute towards the formation of the 'community need' due to their importance to the local area.

4.28. Despite its proximity to the busy thoroughfares of Gray's Inn Road and Kings Cross Road, the local area is therefore predominately characterised by residential uses. Partly because of this prevailing residential character, within the local area there is a deficit of retail units particularly for convenience shopping or (for instance) cafes. This means that for occupiers of the surrounding

residential streets, the closet retail unit would be found South along Gray's Inn road (some 300m from the application site), or South East along Farringdon road (approx.400m). It is therefore considered the unit would have the potential to provide a retail use that would cater to the needs of the local community in a manner that other uses would not. A retail use would also still allow for people to linger within the unit and meet other members of the local community, particularly if the end users of the unit included some café space / seating.

- 4.29. It terms of the heritage significance of the unit and its implication for the proposed use, the listed public house was designed and built to provide a publicly accessible space for the local community. Its intention was to provide for the sale of goods (food and drink), to allow for significant comings and goings and also to allow for people to linger and increase social cohesion.
- 4.30. The retail use hereby proposed would retain a character of the unit being for public use and would retain the sense of providing a service for the local community. The A1 use class is broad, however all business models permitted under this class by definition rely upon members of the public (in this setting predominately local residents) calling into the unit to either purchase convenience or comparison goods, or make use of a local service. Units in A1 uses therefore attempt to coax customers inside with attractive window displays and by openly exhibiting the internal spaces, activities and displays. A retail use would therefore contribute towards maintaining an active street frontage and animating the local streetscene to the benefit of the conservation area. A retail use would also not require any alterations to the existing listed entrances or fenestrations or any internal subdivisions due to the fact that the original use was designed to function in a similar manner (to deal with many comings and goings and provide an open, publicly accessible space).
- 4.31. The conversion of the unit into a retail use would also align with adopted policy TC1 (Quantity and location of retail development). Although this policy does seek to focus significant new retail provision within the Boroughs designated centres, it does make allowances for *"limited provision of small shops outside centres to meet local needs"*. As in this case the proposed unit would be of small scale and would be located within a residential area, its main clientele would be local residents and the unit would not result in any detrimental impact upon any designated retail centre. Due to the small scale of the unit, its location within a residential area and its listed status; it is deemed likely that any future occupier would be for an independent business rather than a national operator. This would therefore remain in line with policy TC5 (Small and independent shops) which seems to promote *"encourage the occupation of shops by independent businesses and the provision of affordable premises"*.
- 4.32. Overall it is considered that a proposed retail use would appropriately provide for the local community in a manner than other uses could not and also to remain sensitive to the listed building, its historic character and significance as well as the wider conservation area. The development is therefore considered to remain in accordance with policies C4, TC1 and TC5.
- 4.33. The General Permitted Development Order provides deemed consent for the conversion of units within Use Class A1 to a range of alternative uses without planning permission. In order to ensure that the requirements of policies C4, TC3 and D2 in terms of ensuring that the use of the former pub provides for a communities need as well as remains appropriate for the heritage asset as outlined above, a condition is recommended to remove these permitted rights.

## **5. Neighbouring amenity**

- 5.1. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. This policy seeks to ensure that development protects the quality

of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight. Policy A4 aims to ensure that noise and vibration is controlled and managed and sets out the Council's thresholds for noise and vibration so as not to result in any detrimental impact.

- 5.2. As no external alterations to the property are proposed, the development would not give rise to impacts in terms of levels of natural light, outlook or privacy. The main consideration regarding the impact on the amenity of neighbouring occupiers therefore remains the potential impacts in terms of noise and disturbance.
- 5.3. Due to the proposed change of use resulting in the loss of a drinking establishment and its replacement with a retail use, it is considered that the likely impacts in terms of noise and disruption associated with the use of the unit would be reduced as a result of the proposed change. Notwithstanding this, as an A1 use could include convenience shopping which would require the delivery of fresh produce and the removal of waste on a regular basis within this residential area, a condition is recommended regarding the hours for deliveries and servicing the unit. Subject to this condition it is considered that the proposed use would remain in accordance with policies A1 and A4 of the Local Plan. In a similar fashion, a further condition is recommended that no music shall be played from within the unit in such a way that it would be audible within adjacent residential units.

## **6. Design and heritage**

- 6.1. The application site is within a grade II listed building as well as the Bloomsbury Conservation Area. The Council therefore has a statutory duty outlined in Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character, appearance and significance of these heritage assets. The host building was listed due to its unique architectural contribution as well as its importance in terms of townscape and social history.
- 6.2. As aforementioned this planning application seeks consent for the use of the unit only and does not include any internal or external alterations. As listed building consent had previously been granted for the ground floor strip out (without its replacement being conditioned), listed building consent nor retrospective consent is not required for the proposed change of use. As such, the only assessment in terms of design and heritage for the change of use application is therefore whether or not the use proposed would remain sensitive to the listed building and would remain in keeping with the character and appearance with Bloomsbury Conservation area.
- 6.3. As detailed in the previous section, where the loss of the drinking establishment is accepted, it is considered that a retail use would be the most appropriate alternative use for the unit in terms of heritage. This is due to the resulting improvements to the streetscene and creation of active and engaging frontages/window displays as well as the reduced requirement for further intervention into the listed building that would likely result from alternative uses. A retail use would remain 'outward looking' use with would rely on attracting passers by into the unit rather than shutting itself off to the street to allow for private activities to occur inside. A retail use would therefore not require the use of screening or obscure glazing to provide privacy for employees or users of the unit.
- 6.4. Given the circumstances, the proposed retail use would be considered appropriate in terms of design and heritage. It should be noted that should any internal works later be required to fit out the unit for a new use (should a change of use be permitted), the statutory requirement to obtain listed building consent prior to the commencement of works would remain.



## **7. Transport / Servicing**

- 7.1. The submitted transport statement states that due to the scale of the unit and the level of public transport accessibility of the site (6b), the proposed retail use would generate a negligible number of 'new' trips to the area. The unit would require servicing a maximum of once per day with Lights Goods Vehicle which is the same level as the existing A4 use (no HGV requirements). As such the proposed change of use is not considered likely to result in any detrimental impacts upon local traffic conditions or highways safety.
- 7.2. As detailed in section 5 of this report, the servicing of the proposed retail use was of some concern in amenity grounds due to the level of nearby residential properties. In order to ensure that this issue does not result in detrimental impacts to surrounding residents, a condition is recommended that servicing and deliveries shall not take place within reasonable hours. In this instance, it is considered that deliveries should be restricted to be within the following times: 07:00-22:00 Monday-Saturday, and 08:00-21:00 Sundays and bank holidays.
- 7.3. Although the change of use would usually necessitate the provision of either 1 or 2 cycle parking spaces in accordance with London Plan standards, due to the listed status of the property the lack of a dedicated cycle store is not in this instance objectionable. This is also due to the high PTAL level of the site. Due to the scale and internal layout of the unit, adequate provision could easily be made for refuse within one of the existing stores and as such no concern is raised in this regard.
- 7.4. Subject to the secured timings, the level of comings and goings required to service the unit is such that it is not likely to give rise to any significant impact upon local traffic conditions. The proposed use of the site is consequently not considered to give rise to any concern in terms of impact to local traffic conditions or through disturbances to residents from the servicing of the unit, remaining in accordance with policies A1, A4, TC4, T1 and T4.

## **8. Recommendation:**

- 8.1. Grant conditional permission

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 2 October 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Mr Oliver Jefferson  
Turley  
The Charlotte Building  
17 Gresse Street  
London  
W1T 1QL

Application Ref: **2016/6931/P**  
Please ask for: **John Diver**  
Telephone: 020 7974 **6368**

26 September 2017

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:  
**Pakenham Arms**  
**1 Pakenham Street**  
**London**  
**WC1X 0LA**

# DECISION

Proposal:  
Change of use from pub/drinking establishment (Use Class A4) to retail (Use Class A1) at basement and ground floor levels of GII listed property.

Drawing Nos: (Prefix: 13/808/) Loc01, CS11, CS12.

Supporting documents:

Marketing Report prepared by Colliers International; Viability Study prepared by Savills (UK) dated Sep 2016; Transport Statement prepared by Caneparo Associates dated Nov 2016; Planning Statement prepared by Turley Associates dated Nov 2016; Heritage Statement prepared by Turley Associates dated Nov 2016.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

Executive Director Supporting Communities



- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(Prefix: 13/808/) Loc01, CS11, CS12.

Supporting documents:

Marketing Report prepared by Colliers International; Viability Study prepared by Savills (UK) dated Sep 2016; Transport Statement prepared by Caneparo Associates dated Nov 2016; Planning Statement prepared by Turley Associates dated Nov 2016; Heritage Statement prepared by Turley Associates dated Nov 2016.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 Servicing for the unit shall not take place outside of the following times: 07:00-22:00 Monday-Saturday, and 08:00-21:00 Sundays and bank holidays.

Reason: To safeguard amenities of adjacent premises in accordance with the requirements of policies A1 and T4 of the London Borough of Camden Local Plan 2017.

- 4 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4, TC3 and TC5 of the London Borough of Camden Local Plan 2017.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 3 of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the use of the unit as one which responds to an identified community need and remains sensitive to the significance of the heritage asset in order to ensure compliance with the requirements of policies C4, D2, TC1, TC3 and TC5 of London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 4 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning) or the Camden Contact Centre on Tel: 020 7974 4444 or email [env.devcon@camden.gov.uk](mailto:env.devcon@camden.gov.uk).
- 5 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 6 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

**DRAFT**

**DECISION**

**Appendix One –**  
**Pakenham Arms former Public House online reviews**

Website	Date	(User) Name	Review
www.tripadvisor.co.uk	12 Dec 2014	'VivaMiVida'	<i>"I think this pub is no more, seeing as its now surrounded by cladding and definitely not open. Tried to show my boyfriend on Wednesday night what a great place it was. I lived in the UCL halls round the corner and this place became our lock-in. At some point, we all worked there, drank there, celebrated birthdays and smoked too many cigarettes on the corner. The staff were so friendly, there was always space for us and no one cared if you turned up at 2am in your PJs. RIP Pakenham Arms, you'll be missed"</i>
www.tripadvisor.co.uk	29 Jul 2013	Debbieg777	<i>"This was my favorite pub during our last trip to London. Kyle, the pub owner, is so friendly! I got the fish and chips and a half pint of cider and I enjoyed it. Me and my friends came here several times to use the wi fi and because it was right next to our hotel (The Holiday Inn). I'd recommend this pub to visitors."</i>
www.tripadvisor.co.uk	23 Nov 2012	'GianniB Good'	<p><i>[The] "Pakenham is not on everyone's travel map, but it should be if you like a relaxed pub atmosphere updated to the 21st century, and good beers/ ales with great food at good prices. A nice selection of contemporary music is played at not unreasonable volume.</i></p> <p><i>The interior of the pub, which has a southeast exposure, and therefore warm sun (on a sunny day!) is cosy but open, with high ceilings and a variety of old furniture that invites you to settle down. Service might be a bit idiosyncratic, but what else do you expect in your local? When we arrived just before noon, it was not crowded and the woman behind the bar was happy to answer questions about the drinks available and even offered us samples to make sure we would like what we asked for.</i></p> <p><i>Settled at a table with our Triple A ales, we ordered from the daily specials list: one of us took the pan-fried pork chop with sauteed kale and crushed new potatoes (GBP 9), the other the corned beef has with eggs (GBP 8). The food was attractively prepared and presented, the volume was good, and the taste absolutely of the freshest. We could see why, by 1 PM, the pub was full of young people, and a few oldsters at the bar itself.</i></p> <p><i>Highly recommended for a relaxed lunch with friends who like an unpretentious atmosphere with character and comfortable surroundings"</i></p>
www.yelp.co.uk	15 Jun 2012	'Ed S.'	<i>"This is your typical around-the-corner pub - well-run, nice place, but nothing outstanding. They do have a good selection of lagers and ales, but most importantly, I think, it's one of the few pubs open after 11 during the week in this area"</i>
www.fancyapint.com	08 Jun 2011	'First_Tuesday'	<p><i>"The Pakenham Arms is one of those London Treasures. Its beer is always good, the food excellent and clientele amiable. It is how a pub should be!</i></p> <p><i>We spent a pleasant and comfortable evening there with the televised football match only on the screen in the far side of the</i></p>

*bar from us. As a pleasant aside, the loos were clean and hygienic and spacious - always a bonus.*

*The annual guided tour of the cellars under the pub was a surprise as we were unaware it was scheduled. However, the link to the old Royal Mail underground railway tunnels running through Mount Pleasant, across the road, was a real treat! It was only a shame about the American tourist who seemed to lose her head when shown the covered canal of the old Fleet River and the reptilian life forms therein - still she was warned it was not a trip for the faint hearted!  
All in all, an excellent pub!"*

www.fancyapint.com	05 Jun 2011	'Normie'	<p><i>"Great little pub just off Grays Inn Road, called in for lunch on Friday. Staff very friendly, with a great selection of real ales and beers.</i></p> <p><i>Food wise, had The Pakenham Burger, home made, served with bacon, cheese, onion rings and relish, and wait for it home made chips, partner had the Caesar salad, with fresh chicken, and even home made dressing - gotta be honest, wasn't sure what to expect but this wasn't it, it was fantastic - one of the best pub meals I've had for ages.</i></p> <p><i>Great atmosphere, and made to feel very welcome. Nice buzzy crowd of office workers as well as three very friendly dogs, which were just what the doctor ordered after a really hassly morning in the office</i></p> <p><i>Can't recommend highly enough"</i></p>
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www.yelp.co.uk	5 May 2010	'Patrick F'	<p><i>"A really pleasant boozier with a few different faces. Often, the bar is propped up by posties from the shockingly misnomered Mount Pleasant sorting office across the road; or it's heaving with a crowd of football fans, largely gooners; or a couple of locals will bring their dog in for a drink and a chat, or to get some 'work' done using the free wifi...</i></p> <p><i>It's easy to see why it appeals to such a range: friendly staff, good selection of ales and lagers, a good ol' pub grub menu, interesting 'local history' decor on the walls not entirely overwhelmed by the multiple tv screens so the punters can watch several broadcasts at once, and outdoor tables for the smokers with views</i></p> <p><i>From the menu, the chips deserve a special mention. Hand cut, skin still on (not wedges but thin cut), golden fried and served with a wholegrain mustard mayonnaise... to die for."</i></p>
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www.yelp.co.uk	24 Oct 2008	'MartyF'	<p><i>"Great Pub, blinding atmosphere and Doom Bar to boot. Popped in for a pie at lunchtime and have to agree with the previous reviewer, the place is like a postman pat appreciation society. No wonder the mail is always late.the postmen are all quaffing ale here.</i></p> <p><i>There are 2 big screens for Sport, a substantial menu, poker on Sundays and opening hours to suit even the hardest of drinkers. Well worth the 10 minute walk from Russel Sqr Tube".</i></p>
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