

**Date:** 15/06/2018  
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**Your ref:** APP/X5210/W/17/3191354  
**Our ref:** 2016/6930/P  
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The Planning Inspectorate  
3N - Kite, Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Dear Sir/Madam,

**Town and Country Planning Act 1990**  
**Appeal submitted on behalf of Pakenham Investments Limited (prepared by Turley)**  
**Site Address: Pakenham Arms, 1 Pakenham Street, London, WC1X 0LA**

I write in connection with the above appeal against the Council's refusal to grant planning permission for the following:

*'Change of use from pub/drinking establishment (Use Class A4) to office (Use Class B1a) at basement and ground floor levels'*

The Council's case is set out primarily in the delegated officer's report (ref: 2016/6930/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of the relevant Local Plan policies and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

## **1. Summary of Case**

1.1. The appeal site contains a three storey (plus basement) property which was developed as and historically used as a public house (herein refer to as '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.

1.2. Planning permission was refused on 3<sup>rd</sup> October 2017 the following grounds:

*(1) The proposed development, by virtue of the office use, would fail to provide a suitable alternative community use which reflects this building's community, heritage and townscape value and the contribution it makes to the Bloomsbury Conservation Area, contrary to policies C4 and D2 of the Camden Local Plan 2017*

1.3. The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments as well as the associated files outlined in the appendices.

## **2. Relevant History**

### Appeal site history

2.1. A full summary of the planning history for the appeal site is outlined in the 'relevant history' section of the main officer's report. Since the issuing of this decision, the following additional determinations have however been made which form a relevant material consideration for the appeal:

**2016/6931/P** – Application for the proposed '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' was approved subject to conditions on the 04 October 2017.

As this application was submitted alongside the appeal scheme and should be given strong weight in the determination of the appeal, a copy of the officer's report and draft decision notice which were reviewed by elected Members prior to determination is included in appendix one of this statement. This scheme shall be referred to herein as the 'retail application'.

2.2. The above decision illustrates that, where it is established to the Council's satisfaction that there is no interest in the continued use of the property as a public house and no reasonable prospect of a public house being able to trade from the premises over the medium term; a change of use will be accepted subject to the replacement re-providing a community uses for which there is a defined need in the locality and appropriate to its heritage significance. Further comment in relation to this decision and its implications upon the appeal development will be outlined in the main statement below.

### Other relevant planning history

2.3. The Former Pakenham Arms site is immediately opposite the Mount Pleasant Royal Mail Sorting office site, which straddles the Borough boundary with LB Islington. Given that the subject of this appeal relates to addressing community needs it is pertinent to note that planning permission was jointly granted in 2015 after being called in by the Mayor for the comprehensive redevelopment of this site. Between planning applications 2013/4128/P (LB Camden) & P2013/1423 (LB Islington) a total of 681 new dwellings were approved as well 4,260sqm of office floor space and a mix of additional uses. Figure one below shows an overview of this site and its proximity to the appeal site.



Figure one: Ariel view of Royal Mount Pleasant Sorting Office site, with appeal site highlighted (yellow).

2.4. As pre-commencement planning obligations/conditions have been discharged and works to implement this permission (LB Camden) are understood to have commenced on site, the increase in local population in close proximity to the appeal site is a material consideration for the appeal. As a result of the redevelopment of the adjacent site, local facilities and services are likely to have an increased role in meeting future needs of the local population.

### **3. Status of Policies and Guidance**

3.1. On the 03<sup>rd</sup> July 2017, the Camden Local Plan (2017) was formally adopted. The Council's policies are recent and up to date. They do not differ from the National Planning Policy Framework (NPPF) policies in relation to this appeal.

3.2. With regard to supporting documentation in Camden Planning Guidance, the specific sections most relevant to the appeal are as follows:

CPG1: Design (2015, updated March 2018) Chapters:

- 3 – Heritage
- 9 - Designing safer environments
- 10 - Recycling and Waste Storage
- 11 - Building services equipment

CPG Community uses, leisure facilities and pubs (March 2018) Chapters:

- 2 – Community facilities
- 4 - Public Houses

CPG Employment sites and business premises (March 2018)

- Offices (pages 4-6)

3.3. The Bloomsbury Conservation Area Statement (adopted 2011) is also a relevant consideration in this assessment.

#### **4. Comments on the appellant's grounds of appeal**

4.1. Appellant's main Grounds of Appeal are summarised in bold italics and subsequently addressed below:

***“The proposed use will provide a viable use for the listed building and this will have heritage benefits for the listed building and the Bloomsbury Conservation Area”.***

4.2. The proposed office use may indeed represent a viable use for the listed building, however, as outlined in full in the main officer's report (paras.5.3 - 5.7) would in fact be considered harmful to the historic significance of the listed building and its contribution to the character and appearance of the Bloomsbury Conservation Area. The only heritage benefit for which the office uses could be claimed would be that it would involve the use and refurbishment of the currently vacant unit. Given that an alternative use (A1) has been permitted and no evidence has been submitted which might demonstrate that this, or any other appropriate alternative use would be unviable onsite, the suggested heritage benefits are considered negligible.

***“The existing premises did not provide a community use and there is no demonstrable need for a community use at the premises; there are alternative public houses in the area (providing alternative facilities to those which the subject premises provided i.e. a public house) and there are alternative premises in the area that offer public meeting space (notwithstanding that the subject premises did not and cannot offer meeting space)”***

4.3. Policy C4 of the Camden Local Plan builds on national and London planning policies that have also acknowledged the value provided by the public houses to local communities. The NPPF identifies pubs as community services which can enhance the sustainability of communities. It states that local planning authorities should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce a community's ability to meet its day-to-day needs” (para.70). The NPPF also advises that planning decisions should ‘promote opportunities for meetings between members if the community who might otherwise not come into contact with each other’ (para.69). London Plan policy 4.8(b) reinforces the position that pubs can represent valued local community assets. This position is strengthened in the emerging London Plan policy HC7 (Protecting Public Houses). In the supporting text to this emerging policy, the value of a particular public house to its local community is considered to derive from 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 (para.7.7.6)

4.4. Although this policy and supporting text is yet to be adopted, it is afforded weight in the planning assessment and indicates the growing acceptance that the role of an individual

public house to the local community can be constituted of a range of characteristics. The emerging London plan policy aligns with the adopted Local Plan policy C4 and supporting text, where acknowledgement is given to the broad range of characteristics that form the community value of an individual public house. This is also supported by chapter 4 of the recently adopted Community uses, leisure facilities and pubs CPG (2018).

- 4.5. The value and offer of the Pakenham Arms public house as a community facility is discussed in detail in the main officer's report (paras.4.6 – 4.13). Within the submitted appeal statement, the role of the lock-up pub in terms of its ability to allow for social interactions / cohesion between different demographic groups (inter alias, between local residents, advocates of real ale, sports fans, local workers and tourists / visitors to the area); or its provision of a food offer, outdoor seating, late night licence as well as screens showing televised sports are not disputed. These are all elements considered to contribute towards the role that the former public house, even in a lock-up form, held in the establishment and support of a sustainable community in the local area. In this instance, criterion a), b), c), f), and g) of the above were all true of the former public house, even in its lock up form. Criterion e) had also been true of the public house before the ancillary upper floors were permitted for conversion.
- 4.6. While it is true that the public house was never designated as an Asset of Community Value (ACV), it is inappropriate to suggest that this is evidence that the pub had no value to the local community. Such a nomination has to be submitted by a constituted local community group and requires a significant level of resources, knowledge and engagement in the system of local development. The absence of a submission from such a group of informed, engaged and resourced individuals is therefore not considered to suggest a lack of community value. Furthermore, the regulative framework for ACV nomination (Localism Act) was passed in November of 2011. Given that the pub was closed permanently in July 2014, and the new ACV mechanism / procedures took some time to percolate nationally and become common knowledge amongst local communities; even if such a group existed it would have only a limited time frame for the preparation and submission of a nomination. The suggestion that a lack of ACV status demonstrates a lack of community interest in the pub is therefore disputed.
- 4.7. It should also be noted that the appellant chose not to commission or submit a Community Survey, which could have evidenced the stated lack of interest in the continued operation of the public house if it existed. Introduced by the Local Plan (para.4.81) and consequently supported by the later adopted Pubs CPG (March 2018 – para.4.12), the onus is now firmly placed upon developers to complete and submit a Community Survey to evidence the level of interest in continued operation of a public house if a change of use is proposed. At the time of application submission, the Council's Local Area Requirement's list had not been updated / been through Cabinet sign off to include a Community Survey as a validation requirement for such proposed developments in line with the new Local Plan. As such the application was determined in the absence of such information, however this lack of quantified evidence should be noted.
- 4.8. Given the above, the submitted appeal statement is not considered to have altered the Council's position that the former public house was of community, heritage and townscape value and was consequently afforded protection under Local Plan policy C4. As such all requirements of the policy C4 (including para.5) are applied in the determination of the case.

4.9. Para.5 of policy C4 requires 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”*. As discussed in the main officer’s report, the proposed office use would not provide an alternative community use for which there is a defined need in the local community. Furthermore within the appeal statement, no evidence that the site is unsuitable for an alternative use for which there is a defined use has been presented other than a meeting room or public house. Conversely, in the approved retail application, the appellants have demonstrated that the site could be used for an alternative use for which there is a need (please see appendix one). The position is therefore maintained that the proposed change of use to office would fail to address this policy requirement.

***“The extant permission for change of use to A1 retail does not provide a community use and there is no basis therefore to resist B1(a) use as a result of the A1 planning permission”***

4.10. In their submissions, the appellants have applied a narrow definition of the term ‘community facilities’ to suggest that by allowing a replacement retail use, the Council has undermined its own policy. As a result they claim that there is consequently no basis to resist an office or (presumably) any other alternative use. In forming this position, they conclude that a retail use could not constitute a suitable alternative community use as it remains outside of the D1 use class, a list of uses outlined under the supporting text to Local Plan policy C2 or the LPA’s Community Infrastructure Levy Regulation 123 list.

4.11. For the purposes of policy C4, no definition of what constitutes a suitable alternative community use is given. This is for very good reason. The purpose of para.5 of policy C4 is to ensure that any proposed replacement use addresses a specific, local requirement based upon the individual circumstances of the local community. This must be based upon local need and cannot be prescribed from a list of options. This policy requirement does not seek to replicate the former community facility as the appellant suggests, via a requirement to reprovide meetings spaces or a bar. Instead, it seeks to ensure that the use of former public houses with community, heritage or townscape value are, in the first instance, retained in a use which would continue to help support the local community. In the same sense that public houses (use class A4) are acknowledged at national, regional and local levels to represent valuable facilities for communities, so too can a range of other facilities outside of the D1 use class or traditional ‘community uses’, depending upon the specific needs of that local area. In this instance, it is acknowledged in the main officer’s report that there are several other public houses in the local area, some of which feature meeting rooms and other services which had been offered by the former Pakenham Arms. The local area is however in deficit of other local services which still act to support a sustainable community, with retail or café uses (Use Class A1) being identified as having a particular under provision. The retail provision was consequently seen to address this need and was supported.

4.12. Contrary to the appellant’s statement, officers would suggest that small scale retail units serving a local catchment area play an integral role in establishing and supporting sustainable communities. In fact, local shops within a residential areas are regarded as important assets for local communities. For instance, para.70 of the NPPF includes ‘local

shops' within its list of 'community facilities' for which planning policies and decisions should deliver. Furthermore, Local Plan policy TC3 (Shops outside of centres) specifically seeks to protect small shops outside of centres due to their *"important social role in the surrounding community, as well as contributing to the character and identity of the local area"* (para.9.25). These small shops and cafes are considered to *"provide for the day to day needs of the local population, workers and visitors and help provide locally accessible facilities for people with mobility difficulties"* (para.9.25). Further to the numerous heritage benefits of a retail use for the listed building (please see paras. 6.1 – 6.4 of appendix one), such a provision would also help to address not only an existing deficit/need but one which is likely to be exacerbated by the redevelopment of the opposing Royal Mail site (see section 2).

- 4.13. Although, as aforementioned, a Community Survey was never undertaken for the appeal site, in light of the above officers took the view that the retail use proposed by the owners of the property would constitute a use for which there was an existing need and was consequently supported. Since this determination the appellants have not demonstrated that such a retail use would be unviable or that the local community would be better served by any alternative use for which there is also a defined need. The submitted appeal statement has therefore not altered the Council's position in this regard.

***"The planning benefits of the proposal are such that the application should be approved. The proposals comply with the Development Plan and relevant material considerations"***.

- 4.14. For the reason's set out within the main officers report, the proposed change of use to office is considered to be harmful to the listed building's community, heritage and townscape value and the contribution it makes to the Bloomsbury Conservation Area. While such harm would be considered less than substantial, in light with para.134 of the NPPF this harm should be weighed against the public benefits derived from the proposal. This assessment is outlined in full in paras.4.31 - 4.33 of the main officer's report. In summary however, in this instance the public benefits of the proposal would include: bringing the vacant unit back into use (and preventing further dilapidation); and the creation of 226sqm GIA (approx.170sqm NIA) of employment space. Given that the applicants have an extant permission to bring the unit back into retail use which has not been shown as unviable, the first of these benefits is given limited weight.

- 4.15. Given the limited size of the unit, the fact that the entire basement area features no natural light or ventilation, and that South of the local area is characterised by large scale employment site; the creation of a small scale private office is considered to represent only limited public benefit. As previously outlined, this is not considered to overcome the harm to the building's community, heritage and townscape value and the contribution it makes to the Bloomsbury Conservation Area. The appeal scheme is therefore still considered contrary to policies C4 and D2 of the Camden Local Plan 2017 and the tests of NPPF para.134.

***"Case Law Review"***

- 4.16. In support of the above grounds of appeal, the appellant has referenced numerous planning determinations across London which, it is claimed, demonstrates the importance of a site-specific approach in the consideration of whether a pub acts as a community facility. No dates, plans or detailed information is presented for any of these former decisions,

meaning the no direct comparison can be drawn against the appeal scheme. Notwithstanding this it should be noted that the Council does not dispute this statement and agrees that policy C4 should be applied on a site-by-site basis dependant on the specifics of each case. As aforementioned, the Council maintains its position however, that the Pakenham Arms was of community, heritage and townscape value and that the requirements of policy C4 are consequently applicable.

## **5. Conclusions**

- 5.1. Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable for those reasons set out within the original decision notice and remains contrary to the Council's policies.
- 5.2. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

## **6. Conditions: should the inspector be minded to allow the appeal**

- 6.1. If the inspector were mindful to overrule the Council's determination, it would be requested that conditions to secure various requirements are attached the decision. A list of suggested conditions is outlined in section 9 of the main officer's report.

Yours faithfully,

**John Diver**  
Senior Planning Officer  
Supporting Communities Directorate



**APPENDIX ONE –**

**Officer's Report and Final Decision for associated 'retail' application (2016/6931/P)**

<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> <li>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</li> </ol>			

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 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 as 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 closest 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 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**

4 October 2017

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**

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

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):





- 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):

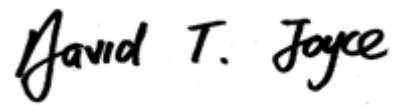
- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 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.
- 3 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.
- 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

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