
The Magdala Tavern
2A South Hill Park, London, NW3 2SB
London Borough of Camden
Planning Statement

Prepared on behalf of Mulberry One Capital Limited

December 2018

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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared in support of a Full Planning Application by Mulberry One Capital Limited ("The Applicant"), submitted to the London Borough of Camden ("LB Camden) for the Magdala Tavern, at 2A South Hill Park, London, NW3 2SB ("the Application Site").

1.2 This Full Planning Application is for:

"The change of use of the first floor function room (Class A4) into a 2 bed residential dwelling with associated access, refuse and cycle parking; and internal alterations to the retained public house (Class A4) at ground and basement levels" ("the Proposed Development").

1.3 This Planning Statement describes the Application Site and surrounding area, details the Proposed Development, sets out the relevant planning policy framework and provides an assessment against this framework.

1.4 In addition to this Planning Statement, the following planning application documents have been submitted, in support of this Application:

1. Application Form, Covering Letter and Notifications
2. Planning Statement
3. Existing Architectural Drawings
4. Proposed Architectural Drawings
5. Design & Access Statement
6. Acoustic Report
7. Marketing Report
21. CIL Additional Information Form

2.0 THE APPLICATION SITE AND SURROUNDING AREA

- 2.1 This section provides a brief description of the Application Site and the surrounding area.

The Application Site

- 2.2 The Magdala Tavern was constructed as a purpose-built public house (A4 Class Use); comprising the public house itself at ground floor level with toilets, storage and a small food preparation area in the basement. On the first floor is a function room of 49sqm with associated function and office storage space; and staff accommodation was located at the second floor level.
- 2.3 The building is period in construction, comprising a tiled façade at ground floor level with red brick construction on the upper levels. In keeping with the period character of the wider area, the level on detail on the façade is high, with leaded and stained glass windows at ground floor level into the public house and sash windows segmented by ornate pilasters on the upper levels.
- 2.4 The building is located in an end of terrace position towards the southern end of South Hill Park Road, presenting its flank elevation to the street. Whilst it has a prevailing height of 3 storeys, there is a single storey projection to its southern end which provides further access to the public house itself and to a small area of outdoor space.
- 2.5 It is understood that the Magdala closed its doors in September 2014. Subsequently, following a submission by residents' group "The South End Green Association", the Magdala was nominated as an Asset of Community Value (ACV) by LB Camden on 29th September 2014. Whilst the specific documentation to support this nomination have not been able to be located, online resources indicate that the pub and meeting room are considered to be of significant value to the community.
- 2.6 As will be discussed further in the next section, on 30th March 2015, LB Camden approved a Full Application (LPA Ref: 2014/6588/P) for the conversion of the second floor staff accommodation into a 2 bed residential unit; alongside the erection of a third floor mansard to facilitate the creation of a second 2 bed residential unit. As part of this application, the ground floor rear of the pub space was rationalised to provide better access to the stair core. The remaining small rear garden space was

proposed to contain the residential cycle and bin stores. We understand these works are currently being implemented.

- 2.7 Whilst not listed, the building is located in the South Hill Park Conservation Area. The associated Conservation Area Statement notes that, whilst not subject to a statutory listing, the Magdala Tavern is a building that makes a positive contribution to the character and appearance of the area.

Surrounding Area

- 2.8 The immediate locality of South Hill Park Road is residential in nature, comprising a mix of self-contained houses, flatted conversions and purpose-built mansion blocks. Approximately 50 metres away however is South End Road which, for a small length around the junction of South Hill Park Road, is designated as a Neighbourhood Centre. This portion of South End Road features an attractive period high street of 3 to 4 storey properties comprising commercial ground floors with residential and office uses above.
- 2.9 Beyond South Hill Park Road to the north and east is Hampstead Heath which is a designated Area of Open Space and a Site of Importance for Nature Conservation (Metropolitan Importance). Directly opposite the site is the World Peace Garden - which was designed as a landscaped community relief space. This garden is a designated area of Open Space and a Site of Importance for Nature Conservation (Borough Importance)
- 2.10 The Site has PTAL 4, which is good. Hampstead Heath Station (Overground) is located less than 50 metres away; Belsize Park Underground Station (Northern Line) is located less than 800 metres away; and 5 bus routes pass within 500 metres of the Application Site.

3.0 PLANNING HISTORY AND BACKGROUND

- 3.1 This section sets out the relevant historic planning applications for the Site along with any notable planning background details:
- 3.2 Application Ref: PW9802316 – The demolition of two existing side and rear extensions, the erection of a single storey rear extension incorporating fire escape and staircase and new ventilation duct on rear elevations, the insertion of two windows on the flank wall and erection of a fence to the side. APPROVED on 17th July 1998.
- 3.3 Due to the age of this application, no drawings or submitted documents could be found online. However, the description suggests that this application consented the rear extension and access stairs that would subsequently be removed as part of the proposal outlined below.
- 3.4 Application Ref: 2014/6588/P – Mansard roof extension to creation an additional floor; the creation of 2 self-contained 2 bedroom flats; ground floor rear extension to create addition pub (A4) space; new residential access, pathway and associated bike and refuse store. APPROVED on 30th March 2015.
- 3.5 The Committee Report for this application states that:

"The Magdala PH was nominated as an ACV because the pub and function room furthers the social and cultural well-being of the local community."

- 3.6 The Council's consideration thusly was that the mansard proposed would be a feature in keeping with the context of the area whilst the conversion of the second floor ancillary pub accommodation to self-contained residential was not considered to prejudice the pub's role as a community asset.
- 3.7 As part of this application, the first floor function room (which the committee report notes "serves a community role") would be retained "with no change to the amount of available floorspace". As part of configurations to the ground floor, the lower quality rear extensions consented under LPA Ref: PW9802316 were to be removed and reconstructed for easier accessibility and to ensure sufficient space in the garden for the requisite refuse and cycle stores. The proposal was therefore considered acceptable in principle.

- 3.8 Alongside the above applications, Full Application Ref: 2016/1398/P is also relevant. Proposing a new external flue extract up the corner of the southern flank, this was approved on the 6th July 2016. It will be installed with a view to allowing for the future provision of a better equipped kitchen area in the basement.

4.0 PRE-APPLICATION CONSULTATION

- 4.1 Given this proposal involves the reconfiguration of an Asset of Community Value, transparent consultation with the local residents was fundamental in the preparation of proposals for the reopening of the Magdala. Accordingly, the applicant and architects met with members from the South End Green Association, which is a local residents group, on 17th January 2018 and 29th March 2018 to present to them the emerging plans and to provide details of potential interested tenants.
- 4.2 At both meetings, residents were very positive and enthusiastic about the plans. It was accepted that an isolated function room on the first floor of the building was no longer desirable on the open market and was one of the reasons why the Magdala did not seem to be selling – hence its conversion to residential in favour of the additional funding going towards the creation of a more advanced kitchen with a higher quality food provision was accepted.
- 4.3 With the loss of the function room on the first floor being proposed, residents were still keen to ensure an element of the proposal included the provision of an informal function space, so plans have evolved to contain this on the ground floor. Accordingly, discussions were also held with local residents with regards to how this space could work; the likely frequency of its use and how its shape would allow for maximum seating layouts. This would ensure that the pub's longevity, both as a viable business and as a community space would be safeguarded into the future.
- 4.4 Since these meetings there has been a continuing dialogue with key local residents to keep them updated on the scheme.

5.0 THE PROPOSED DEVELOPMENT

Introduction

5.1 This section provides full details of the Proposed Development being sought as part of this Application. The Applicant is seeking Full Planning Permission for:

“The change of use of the first floor function room (Class A4) into a 2 bed residential dwelling with associated access, refuse and cycle parking; and internal alterations to the retained public house (Class A4) at ground and basement levels” (“the Proposed Development”).

5.2 As is set out below and in the submitted Marketing Report, a major reason for the Magdala’s continued closure is the undesirability of the first floor function room. Accordingly, and fundamentally, the primary work proposed as part of this Application is the change of use of the function room into a new residential unit.

5.3 This new unit would then provide the funding necessary to enable the ground floor and basement to be reconfigured, a new higher specification kitchen installed and the interior of the public house itself enhanced.

5.4 These works will cumulatively maximise the potential of the Magdala to be reopened and operated by an interested party in a way that responds to the local market pressures and community demands.

5.5 The Proposed Development is described in more detail below through a series of headings.

Residential Provision

Size

5.6 A new self-contained residential dwelling for market sale is proposed on the first floor of the Application Site, where the existing 49sqm function room and associated function and office storage space is located. Following the change of use and erection of internal walls, the size of the new unit would be 82sqm, wrapping around the stair core and allowing for a triple aspect unit.

Access

- 5.7 The unit would utilise the same access as the existing approved residential units on the second and third floors of the block – a central stair core accessed from a rear amenity space.

Open Space

- 5.8 By virtue of the constraints of the existing building and its presence in a conservation area, no new balconies are proposed. The residents would have access to the garden area to the rear of the property however, and the Site itself is opposite the "World Peace Garden" Open Space and within very close proximity to Hampstead Heath – which is an Open Space with a value of Metropolitan Importance.

Transport

- 5.9 Given the Site constraints and general good accessibility to public transport, no car parking is proposed for the new residential unit. Accordingly, within the garden of the property there is sufficient space within a secure store for up to 7 cycles. If more space is needed however then there is capacity within the garden for a further 4 additional cycle spaces to be provided - a total of up to 11 spaces.

Amenity Impacts

- 5.10 The building is sufficiently set back from private gardens and existing sensitive windows to ensure that the introduction of the new residential use on the first floor would not prejudice their privacy.
- 5.11 In terms of noise from the public house itself, the level and degree of insulation in the ceiling between the public house and the new first floor residential unit would be as such to ensure that there would be no undue noise leakage.

Commercial Alterations

- 5.12 The Marketing Report submitted with this application demonstrates that a major reason for the Magdala not being sold is the presence of the first-floor function

room. Operators do not wish to take on the premises if the function room is included as it is considered an abortive cost with no certainty of a financial return. Thusly, excluding the first-floor function room from the offer and reducing rates proportionality was seen as the first step towards getting the Magdala open again.

- 5.13 With the first floor function room identified as an undesirable feature, as above, the opportunity was identified to change its use into a new residential unit. This work would allow for the generation of sufficient funds to allow for internal reconfigurations to both the basement and ground floor of the pub. As part of these works, a wheelchair accessible toilet would be provided on the ground floor and a high specification kitchen is proposed in the basement. These would be provided by the applicant and would ensure the Magdala has maximum desirability on the open market.
- 5.14 In terms of ventilation and extraction, the improved kitchen would utilise the flue that was consented under Full Application Ref: 2016/1398/P. This flue has not yet been constructed – though will be built out to coordinate with the kitchen reconfiguration now proposed.
- 5.15 The installation of a kitchen of this nature was something very much supported by local residents who, whilst keen to ensure the public house (Class C4 Use) remained as such, saw the benefit of a much-improved food provision. This would enable the Magdala's appeal to be significantly broadened and reinforce its position within the local and wider community.
- 5.16 On the ground floor of the Magdala, a new disabled toilet would be constructed to the rear. This would allow patrons and members of the community who have mobility impairments to still be able to take full advantage of the facilities the Magdala offers. This is something that was not otherwise possible when the function room was on the first floor.
- 5.17 Notwithstanding market conditions, through discussions with the local residents it was clear that there was still a neighbourhood desire for a function room within the Magdala. Accordingly, as part of this application an informal space is being proposed on the ground floor suitable to host community functions and events. This space will be designed and built out in a way to ensure that when events are being held it remains private – and when not, the space can be returned to normal pub usage.

5.18 The frequency and nature of use of this space will be a matter for negotiation between members of the community and the future operator. This will ensure that, whilst the pub's use as a community facility can be safeguarded, the Magdala as a viable business is not prejudiced.

6.0 CONFORMITY OF THE PROPOSED DEVELOPMENT WITH PLANNING POLICY

Introduction

- 6.1 This section sets out relevant policy and material considerations and demonstrates how the Proposed Development complies with relevant national, regional and local planning policy.

National Planning Policy

- 6.2 The publication of the National Planning Policy Framework ("NPPF") in March 2012 resulted in the immediate deletion of the Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS) that previously formed the national planning policy context. In addition, the government published the national Planning Practice Guidance (PPG) on the 6th March 2014 to complement the NPPF.

In response to the previously consulted on "Housing White Paper", the "Planning for the Right Homes in the Right Places" document and the Budget 2017, the NPPF has since been revised to incorporate changes to planning policy and legislation, with the new NPPF being adopted in July 2018.

- 6.3 One of the main principles at the heart of the new NPPF (much like the NPPF 2012) is the 'presumption in favour of sustainable development' (paragraph 10). This means that development proposals which accord with an up-to-date development plan should be approved by the determining authority without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.4 Further to this, paragraph 38 notes that LPAs should approach decisions on proposed developments in a positive and creative way, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 6.5 The NPPF requires the achievement of high quality and inclusive design for all development. Section 12 sets out in detail the importance good design has in the creation of sustainable and successful developments that contribute towards the public realm. In the interest of achieving good design that works for everybody, this

section reinforces the benefits of an applicant closely engaging with those affected by their proposals in order to evolve a scheme that take into account their views.

Development Plan Policy

6.6 In accordance with Part 3, Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004, this Planning Application will be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Planning Applications submitted to LB Camden will therefore be determined in accordance with their Development Plan. Alongside the London Plan 2017, the draft London Plan 2018 and the National Planning Policy Framework (NPPF), this comprises:

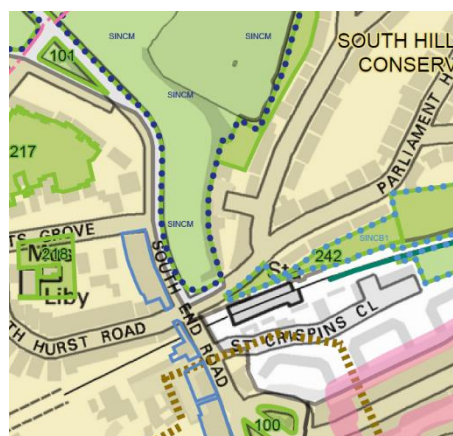
- LBC Local Plan (2017);
- Site Specific Allocations Document (2013);
- Hampstead Neighbourhood Plan 2018; and
- Relevant Supplementary Planning Documents.

6.7 In the event of a conflict between the provisions of the two documents, and in accordance with Part 3 of the PCPA, such conflict must be resolved in favour of the most recently published or adopted document.

Site Designations

6.8 As illustrated in LB Camden's Policies Map excerpt adjacent, the Site is located within the South Hill Park Conservation Area.

6.9 Opposite the Site (the World Peace Garden) is a Site of Importance for Nature Conservation (SINC) of borough importance, and to the rear behind no. 2b South Hill Park is the entrance to Hampstead Heath – designated as a SINC of Metropolitan importance.



Principle of Development

6.8 The crux of this proposal rests on the considered acceptability of the loss of the first floor function room of the Magdala, and its more informal reprovision on the ground floor. In this respect, draft London Plan Policy HC7 is relevant. Introduced

in response to a recent increase in the loss of London's public houses, this policy states that public houses should be protected where they have a heritage, economic or cultural value to local communities. It should be noted in this instant that there is no intention to remove the Magdala Tavern. Its role as an Asset of Community Value is respected and is intended to be built upon as part of this proposal.

- 6.9 Draft Policy HC7 continues, noting that the change of use to residential of ancillary pub spaces, such as function rooms, can limit the operational flexibility of the pub; make it less attractive to customers and to the local community; and introduce noise-sensitive uses (residential) within close proximity to a noise-generating source, which can result in increase complaints. This would therefore be contrary to draft Policy D12 – the Agent of Change.
- 6.10 In Camden's Local Plan, Policy C4 also specifically concerns public houses. It reinforces the stance of the draft London Plan, noting that the Council will seek to protect public houses which are of community value. Where a partial loss of a public house is proposed, the supporting text outlines the Council's concerns that such changes could lead to a pub becoming less profitable and, as a consequence, more vulnerable to development.
- 6.11 Accordingly, in determining whether the partial loss of pub floorspace is acceptable, Policy C4 notes that the Council will take into account the effect of any changes to the pub's layout; reduction on trading area; impacts on local community; and the likelihood of any complaints relating to noise as a result of the introduction of noise-sensitive uses into the pub's envelope.
- 6.12 Camden's "Community Uses, Leisure Facilities and Pubs" Supplementary Planning Guidance (2018) provides further details on the matter of the loss of pub facilities. This document discusses the benefits and value a public house can have within the local community, in providing a hub for meetings, celebrations and recreation. With regards to the partial loss of a pub, the guidance raises its concern that such proposals may "erode" the character of the pub.
- 6.13 With such applications therefore, the guidance requires the submission of a robust package of mitigation measures in order to ensure that the pub could continue to be able to trade successfully and viably without prejudicing any new or existing land uses.

- 6.14 With regards to the Magdala Tavern, its role within the wider community is fully appreciated. This was evident throughout the community consultation discussions where there was widespread enthusiasm about getting the public house operational again.
- 6.15 In this respect, whilst the value of the first floor function is recognised, the Magdala has been closed for a prolonged period of time with marketing undertaken (Marketing Report submitted as part of this application) revealing that this separate space is a factor in the reason it has not yet sold. Accordingly, the intention is to convert the function room into a self-contained residential unit and use proceeds to reconfigure the existing ground floor and basement. This would improve the pub offer, both to operators and to the wider community.
- 6.16 In terms of mitigation, all future residents in the new first floor dwelling will be made fully aware of the licensing hours of the public house prior to purchase. Residents will also be subject to a non-objection clause. These will be secured as part of the S106 Agreement.
- 6.17 Submitted as part of this application is an Acoustic Report. This report calculates the likely maximum noise levels that would emanate from the ground floor public house – and the subsequent level of acoustic insulation required to protect the new first floor residential use from undue noise levels. This will ensure that these new residents are fully protected from such noise.
- 6.18 In terms of ensuring the loss of the first floor function room would not adversely impact on the wider community provision, as part of this application it is sought to provide an informal function space on the ground floor of the Magdala. With a Community Management Plan to be agreed between the community and future pub operator as part of the future S106 Agreement, this space could play host to community meetings and events in the same way the existing first floor function room was. Then, when not in use, it would operate as part of the normal pub floorspace.
- 6.19 Alongside the provision of a function space on the ground floor of the Magdala, Marketing Report submitted as part of this application contains details of public houses with separate function and venue hire facilities within the immediate area that are still operable. The community facilities identified in the Hampstead

Neighbourhood Plan Policy HC2 should also be a consideration – many of which are located within close proximity to the application site.

- 6.20 Accordingly, we consider the loss of the first floor function room and its informal reprovision on the ground floor would cement the Magdala's position within the wider community; enhancing its food provision; providing an accessible toilet; and providing longevity to the public house as a whole.

Residential Provision

Principle

- 6.21 The local area is largely residential in context, comprising a mix of houses, flats and mansion blocks. Within the application site itself, the approval of Full Application Ref: 2014/6588/P established the precedent of residential uses on the Magdala's upper floors. Accordingly, subject to the acceptability of the loss of the function room, a new self-contained first floor residential unit would be context compatible.

Unit Quality and Layout

- 6.22 The unit would be designed and laid out to a high quality. At 82sqm in size for a 2 bed unit, it would exceed the minimum National Space Standards and be configured to reflect the approved residential units above. The resulting stacking will ensure that there would be no adverse noise impacts between residential floors.
- 6.23 The Mayor's Housing SPG sets out the standards that units must comply with in order to be considered acceptable. Within the context of the South Hill Park Conservation Area; adjacent to Hampstead Heath; where the proposed residential unit will be provided as a result of a conversion with no associated external alterations; all relevant standards in the SPG are complied with. The unit proposed is spacious, has good access to sunlight and daylight and does not adversely impact the privacy of surrounding neighbours.

Car and Cycle Parking

- 6.24 Given the application site's good accessibility to public transport and in accordance with Camden's Local Plan Policy T2, the new residential unit proposed as part of this application will be car-free.

6.25 In terms of cycle parking, draft London Plan Policy T5 requires 2 bed residential units to be provided with a minimum of 2 cycle spaces. There is currently capacity in the Magdala garden for storage for 7 cycles – with capacity to increase this to 11 if required. The new residential unit proposed as part of this application would result in a total of 3 x 2 bed flats within the application site. The minimum provision of 7 cycle spaces is therefore policy compliant and includes capacity for the needs of the new unit now proposed.

Amenity Impacts

6.26 Draft London Plan Policy D12 introduces the Agent of Change principles. In locating new noise-sensitive uses (such as residential) alongside existing noise generating uses (such as public houses), this policy puts the onus of noise mitigation on the new residential use. The Council must therefore be given sufficient comfort that measures will be taken to safeguard the noise amenity of future residents.

6.27 As discussed above, as part of this application we have submitted an Acoustic Report which details the nature of sound insulation that will be installed above the ground floor public house to provide an acoustic obstruction from the new residential use.

6.28 Camden's Local Plan Policy A1 requires new developments to protect the amenity and quality of life of existing and future residents. Accordingly, in determining any new development the Council will seek to ensure that factors such as overlooking and privacy; daylight and sunlight; noise and vibration; and odour are appropriately considered.

6.29 Accordingly, as illustrated in the submitted Acoustic Report and the floorplans, the new residential unit proposed on the Magdala Tavern's first floor has been designed and oriented to ensure that its future residents will be subjected to the highest quality living environment.

Draft Heads of Terms

6.30 This section sets out a considered list of Heads of Terms which would support the compilation of the S106 Agreement pursuant to this proposal:

6.31 Community Management Plan: This will be compiled as part of a coordinated approach with the key members of the local community and any future operator of the Magdala Tavern. This plan will set out the management arrangements for the use and operation of the proposed ground floor function space.

6.32 Mitigation measures to ensure the longevity of the public house:

- Scheme of Acoustic Works: This will detail the acoustic insulation to be installed to serve as a sufficient sound barrier between the existing public house and the new first floor residential unit.
- Commitment to communicate details of the Magdala Tavern's licensing hours to all future residents in the new first floor residential unit.
- A non-objection clause: This will prohibit future residents of the new first floor residential unit from submitting any complaints pursuant to noise or vibration from the ground floor public house.

7.0 CONCLUSIONS

- 7.1 The Proposed Development is in material conformity with planning policy at the National, Regional and Local level. Through the conversion of the first floor function room into a new residential unit, it will ensure that the Magdala Tavern is reconfigured into a premises that has maximum desirability – both on the open market to future operators; and to members of the local community who are keen to see the premises reopen.
- 7.2 The first floor residential unit proposed would be spacious, of a high quality, and will be supplemented with a number of mitigation measures to ensure that it will not prejudice the continuing operation of the Magdala Tavern.
- 7.3 The new first floor unit would generate sufficient funds to allow for the reconfiguration of the basement and ground floor of the public house, allowing for a higher specification kitchen and an accessible toilet. This will broaden the appeal of the Magdala Tavern within the local community.
- 7.4 On the ground floor an informal function space is proposed to reprovide that lost from the first floor. The schedule of use for this function space will be compiled as part of ongoing discussions between the local community and any future operator, however, its implementation will be secured via a legal agreement. When this function space is not in use, it will operate as part of the public house.
- 7.5 In all, it is considered that the works proposed as part of this application will support the reopening of the Magdala Tavern and protect its future as an asset central to the local community.