



# Planning and Heritage Statement (including DAS)

Bull & Gate Public House, 389 Kentish Town  
Road, London, NW5 2TJ



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### APPENDIX 1 – PLANNING POLICY CONTEXT

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19/4567

## Executive Summary

This Statement has been prepared in support of a planning application and listed building consent at The Bull & Gate Public House in Kentish Town.

The Bull & Gate is a Grade II Listed property on Kentish Town Road, owned and operated by Youngs.

The proposals seek for operational development associated with a new external terrace area to the front of the public house at first floor level; new plant equipment, a new bin store and an access staircase to the rear of the public house.

The NPPF makes clear that Councils should plan positively for community facilities including public houses (paragraph 92) and it follows that public house owners and operators should be supported in their proposals to improve and reinvigorate public houses to ensure their future viability.

The proposals seek to provide an attractive external terrace area in order to attract more customers and improve the range of facilities available to patrons. The application has been submitted following a pre-application process and public consultation.

It has been demonstrated in this report that the proposals have been sensitively designed to ensure that there is no adverse impact on the listed building.

The noise report submitted in support of the proposals demonstrates that there will be no impact of the development on neighbouring amenity. This was confirmed at the pre-application stage.

In line with national, regional and local policy, the proposals will ensure that the public house continues as a valued community asset.

Public Houses have been particularly effected by the Covid closures and it considered that applications such as this should be supported to allow pubs to continue to trade in challenging circumstances.



## 1. Introduction

- 1.1. This Statement has been prepared by Planning Potential in support of works to the Bull & Gate Public House in Kentish Town. The proposals seek for operational development associated with a new external terrace area to the front of the public house at first floor level; new plant equipment, a new bin store and an access staircase to the rear of the public house. The application and listed building consent is submitted on behalf of our client, Young & Co.'s Brewery Plc (hereafter referred to as Young's).
- 1.2. The Bull & Gate is a Grade II Listed property on Kentish Town Road. The proposals have been designed carefully to ensure that they respect both the special architectural features and the historic interest of the Grade II listed building.
- 1.3. Overall it is considered that the proposals are considered to comply with relevant planning policy, and respond to the Council's Pre-application advice in respect of the proposals.

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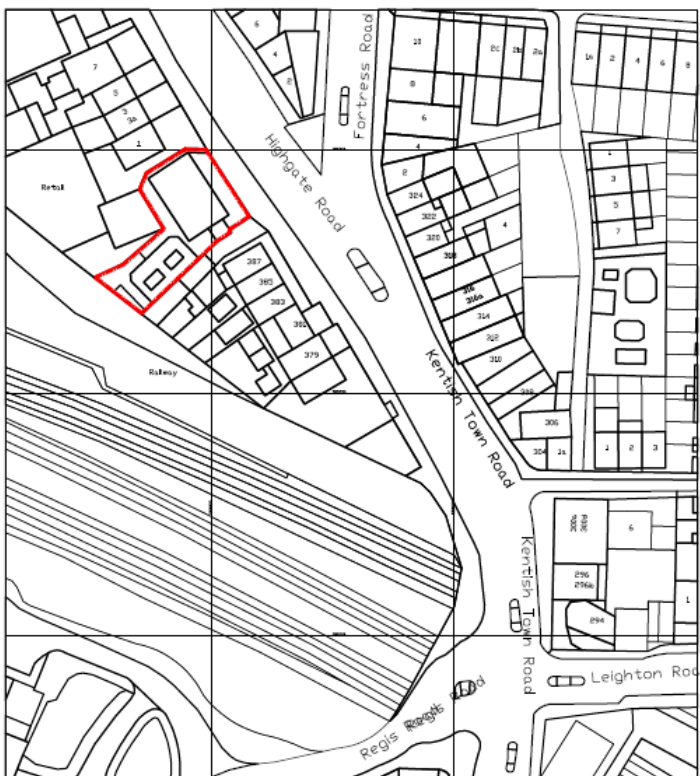
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## 2. Site Context and Planning History

### Site Context

- 2.1. The site comprises 'The Bull & Gate' Public House which is a part-three, part-two, part-single storey building located on the western side of Kentish Town Road and located at the junction with Fortress Road and east of Highgate Road.
- 2.2. The building lies north of the railway embankment and north of Kentish Town rail station and underground stations. The Site Location Plan can be viewed below.

### Site Location Plan



Source: LAP Architects

- 2.3. The building is Grade II listed but is not located within a designated Conservation Area. The listing description describes the property as:

*“A fine Victorian pub in the Gin Palace tradition with exuberant internal and external detailing (including a bull and gate illustrating the historic name) and a well surviving quality pub interior, that furthermore has group value, particularly with the Assembly Rooms pub (q.v.) at the same historic junction.”*

- 2.4. The proposals include for a new terrace at first floor flat roof level to the front of the public house and for the relocation of plant equipment to the rear of the public house.
- 2.5. The site is located in the lively area of Kentish Town and is surrounded by a number of commercial units including retail, takeaways, cafes, restaurants and bars such as 'Ladies and Gentlemen' (an underground cocktail bar) and 'The O2

The site comprises 'The Bull & Gate' Public House which is a part-three, part-two, part-single storey building located on the western side of Kentish Town Road and located at the junction with Fortress Road and east of Highgate Road

Forum', which is a live music venue. An image of the property viewed from Kentish Town Road can be viewed below:

Photo of the Front Elevation



Source: Planning Potential Research

Photo of the Rear Elevation



Source: Planning Potential Research

## Planning History

- 2.6. Relevant planning history specific to the site is set out below alongside roof terrace precedents that have been approved in Camden.

### *Site Specific*

- 2.7. In September 2010, Listed Building Consent was granted for new wooden flooring / skirting to the ground floor (reference: 2010/3734/L).
- 2.8. In 2013, applications were submitted for a number of works to the public house under application references: 2013/4816/P and 2013/4878/L. The applications proposed the demolition of derelict out-buildings in favour of a new single-storey extension at the rear ground floor level. Internal and external alterations to the existing building were also proposed including for the formation of new windows, replacement windows, and doors to front elevation at ground floor level, plus the installation of extraction duct / plant to existing public house building.

### *Roof Terrace Precedents*

- 2.9. We have undertaken research and listed a number of approved applications for terraces in Camden – details are listed below.

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- 2.10. **The Abbey Tavern, 124 Kentish Town Road.** This public house is located 0.4 miles south of the site. In September 2003 an application was approved for the formation of a roof terrace to the side of the public house facing the highway as well as external alterations. ref. 2003/1685/P.
- 2.11. **The Diner, 2 Jamestown.** This restaurant is located 0.9 miles south of the site, within Camden Town. In January 2011 an application was approved for external works to the roof terrace, which is located to the front and side of the restaurant, ref. 2010/2240/P. Within the officers report it is recognised that residents living within a heavily commercialised area, such as Camden Town Centre should accept to be subject to disturbance above the levels that would occur in primarily residential areas.
- 2.12. **The Carpenters Arms, 68-70 Whitfield Street.** This public house is located within Fitzrovia. In November 2006, an application was approved for external alterations and the use of the side terrace as a roof terrace, ref. 2006/3986/P. Within the officer's report, the Council state that the size of the roof terrace (4.2m x 4.4m) is minor and was not seen to have a perceivable impact on the area.
- 2.13. **The Grafton, Prince of Wales Road.** This public house is located 0.5 miles south of the Bull and Gate. Although, in 2012, an application was refused for external alterations to transform the first-floor roof area into a roof terrace, ref. 2012/6118/P, the application was subsequently allowed at appeal in 2013 as the appellant accepted a limit on the hours of use and the Inspector felt that the proposals would not impact on the character and appearance of the public house.

### 3. Proposals

- 3.1. The pre-application process was undertaken to seek feedback on our client's proposals for works to the property including operational development associated with a new external terrace to the front of the property; changes in access to the terrace; minor internal alterations; new plant equipment to the rear of the public house; a new access staircase and a new bin store.

#### Front Elevation - External Terrace

- 3.2. The external terrace area will provide an attractive outdoor dining facility for patrons of the public house. The terrace area would be accessed from the public house itself through a door which would mimic the existing window in terms of detailing.
- 3.3. In relation to the terrace area, the operational development would include for:
- A new door to access the terrace which would mimic the existing window detailing;
  - New wrought iron balustrading to the terrace area;
  - New decking;
  - New fixed seating; and
  - Fixed planting troughs.

#### Rear Elevation

- 3.4. To the rear, the proposals include for the removal of an existing window in favour of a fire exit door and a new metal escape staircase and fire rated enclosure below.
- 3.5. The proposals also include for the re-glazing of windows and the relocation of four existing condensers.

#### Pre-application Response

- 3.6. The pre-application response to the proposals accepted the rear elevation changes and considered there would be no harm to amenity. Concern were raised about the impact on the Listed Building of the presence of people and furniture on the roof terrace, this statement seeks to address those concerns.

The external terrace area will provide an attractive outdoor dining facility for patrons of the public house



#### 4. Planning Policy Summary

- 4.1. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material consideration indicates otherwise. The Development Plan for Camden Council comprises the following documents:
- Camden Local Plan (2017);
  - London Plan (2016).
- 4.2. The National Planning Policy Framework (2019), Design CPG (2019), Amenity CPG (2018) and Community Uses, Leisure and Pubs CPD (2018) are also material considerations in the determination of this application.
- 4.3. The Planning (Listed Buildings and Conservation Areas) Act 1990 is the primary legislation and foundation on which further policy and guidance relating to the conservation of the historic environment is built. Section 66 (2) of the Act states that “a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings”.
- 4.4. A full overview of the relevant planning policies can be found in **Appendix 1**.

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## 5. Planning and Heritage Justification

### Protection of an Important Community Facility and Local Business

- 5.1. The importance of public houses to local communities is recognised nationally and is currently high up on the Government's agenda. The NPPF makes clear that Councils should plan positively for community facilities including public houses (paragraph 92) and it follows that public house owners and operators should be supported in their proposals to improve and reinvigorate public houses to ensure their future viability.
- 5.2. Customers now expect public houses to provide good food and dining areas, as well as beer gardens / terraces so that food and drink can be enjoyed outside, particularly during summer months. This has become even more important since the onset of the Coronavirus and the need for social distancing. When pubs reopen they will need to trade flexibly and have every opportunity to allow for external seating.
- 5.3. The NPPF makes clear that Councils should plan positively for the provision of community facilities and services including public houses and to guard against their unnecessary loss and ensure they are able to modernise in a way that is sustainable. The Chief Planner has urged planners to be practical, pragmatic and to plan for the recovery.
- 5.4. Camden's local policy also seeks to protect community facilities like public houses. Policy C4 seeks to protect public houses which are of community, heritage or townscape value. Paragraph 4.70 associated with the policy recognises that pubs are closing every year across London and that pubs in residential areas are considered especially vulnerable due to high residential values. Paragraph 4.82 further recognises that public house garden areas can be particularly valued for providing communal open space in built-up areas.
- 5.5. The Council's SPD on Public Houses also states clearly at paragraph 4.2 that Pubs in the borough (even where they are well-used and trading successfully), are vulnerable to being lost due to the development value that conversion of the premises to other uses can realise.
- 5.6. The application proposals seek to ensure that the public house can continue to sell food from the premises, whilst ensuring the pub moves with the times, improving its popularity and customer base, and ultimately securing its long-term viability.

### Design and Heritage

- 5.7. The property is a Grade II listed and attractive part-two, part-three storey building comprising a brick-built pub, with a rendered ground floor which projects beyond the principal elevation. The upper storeys provide a further function area and staff accommodation which are ancillary to the pub.
- 5.8. The property is located within the mixed-use lively area of Kentish Town, and as noted within Chapter 2, comprises retail uses, takeaways, cafes, restaurants and bars such as 'Ladies and Gentlemen' (an underground cocktail bar) and 'The O2 Forum', which is a live music venue.

The importance of public houses to local communities is recognised nationally and is currently high up on the Government's agenda. The NPPF makes clear that Councils should plan positively for community facilities including public houses

Paragraph 4.82 further recognises that public house garden areas can be particularly valued for providing communal open space in built-up areas

The proposed replacement door would be sympathetic to the host building, mimicking the existing detailing of the window

- 5.9. It is proposed to provide a terraced area over the flat projecting ground floor roof to the front of the property. The terrace area would incorporate a wrought iron balustrade to ensure that the front of the building can be read. The area would encompass seating and planting troughs to improve the visual appearance of the area, and so, it is considered that there would be no harm to the significance of the building.
- 5.10. The proposed replacement door would be sympathetic to the host building, mimicking the existing detailing of the window and would not impact on the significance of the host building given the bottom of the window cannot be seen from any short or long views of the public house.
- 5.11. The alteration of the window is considered to have a 'negligible' impact on the appearance of the building. The window was designed as such at a time when the building was set back from the road and had a high degree of symmetry. The remodelling of the ground floor at the end of the 19th century brought the building closer to the pavement, reducing the symmetry and reducing the visibility of the first-floor windows.
- 5.12. Only the very top of the windows and the detailing above the openings is visible from the street. As a result of this, the alteration from a window to a door would not be immediately obvious and the current appearance from public views would remain the same.
- 5.13. It is considered that the proposed operational development associated with the terrace would add interest to what is currently a somewhat austere area above a flat ground floor roof. The proposals would provide for an attractive, interesting and sympathetically designed area in-keeping with the pub's existing features, its commercial requirements, and its status as a gathering place of community value.
- 5.14. The introduction of decking and fixed seating is considered to be appropriate and the introduction of planters will allow for an attractive customer area without detracting from the architectural significance of the building.
- 5.15. A glazed balustrade was originally proposed at the pre-application stage, it is now considered that a wrought iron style balustrade would be more appropriate and in keeping with the design of the balustrade of The Assembly House, which is noted in the Listing Description as part of the Group Value of the Listed pubs in Kentish Town.
- 5.16. The railing to The Assembly House is shown in the image below, it is considered that the introduction of a railing to The Bull & Gate would not harm its significance. There have been changes to the balustrade of The Bull & Gate over time and the current balustrade is not original.

It is considered that the proposed operational development associated with the terrace would add interest to what is currently a somewhat austere area above a flat ground floor roof

### The Assembly House, Kentish Town



Source: Alamy

- 5.17. Considering that the internal changes are minimal and in-keeping with the existing style internally and will not impact on the significance of the listed building, it is felt that the internal proposals are acceptable.
- 5.18. The rear elevation of the public house is clearly of lesser significance and the proposals will not impact on the significance of the heritage asset but provide much needed bin storage; and escape access to the rear of the property.
- 5.19. It is considered that the proposals would accord with NPPF paragraphs 127 and 185; London Plan policies 7.4 and 7.8; and local policy D1 and D2, which together seek to ensure good design and the protection of heritage assets.

## 6. Response to Pre-application Conservation Comments

- 6.1. The pre-application response on heritage matters was summarised as follows:
- 6.2. “Overall the proposed alterations to create the roof terrace are considered harmful to the special interest, appearance and fabric of the listed building and the setting of neighbouring listed houses to the north.
- 6.3. It is considered that, with reference to guidance in the NPPF, the harm to the listed building is considered to be ‘less than substantial’ and is not outweighed by any public benefit. No justification or marketing exercise has been submitted to clearly demonstrate that an outdoor seating area is important here to ensure the long term survival of the pub as a viable premises. Thus the proposal is unacceptable and would be resisted in design and heritage terms”
- 6.4. We are happy that any harm is considered to be less than substantial and consider justification has been provided to demonstrate why there would be public benefits that outweigh the harm.
- 6.5. Further comments were sought on heritage matters and are addressed as set out below:
- 6.6. A comment was made that roof terraces at pubs were atypical, we disagree, there are numerous examples of roof terraces at pubs, whether they are listed buildings or not is rather academic. It is not unusual to see external areas for food and beverage at pubs, so it is not by definition atypical and/or causes harm.
- 6.7. We provided an example of a very similar case in Westminster where a Listed Pub had a window replaced with a door to allow access to the first floor flat roof for customers. The Warrington Pub in Maida Vale. Whilst this was not an application determined by Camden, it remains a useful example of a flexible approach being taken to allow customers access to external areas. The fact that it is a Listed Buildings means the harm versus public benefits equation was assessed.
- 6.8. The Westminster example included a condition to control the style of external furniture. We would accept a similar condition. This is an entirely normal way of controlling such matters, and should not be considered unusual.
- 6.9. The reason for seeking an external area for customers is to support the long term viability of the pub. It does not require marketing to show this is desirable, nor should it need a pub to become vacant or derelict before the planning system supports its viability and ability to trade. The loss of summer trade at the Bull & Gate is not as a result of people going on holiday. Young’s operate pubs with outside space that do not show a similar drop in trade during the summer months. There are very limited opportunities in Kentish Town for al fresco dining. This proposal would support the pub and provide an opportunity for local people to enjoy the facility. A clear public benefit.
- 6.10. The Conservation comments note that the conservation of the special interest of the listed building has been given great weight – yet it is confirmed the harm is less than substantial. It is therefore the role of the planning system to weigh up this limited harm with the public benefits. This current application allows that exercise to be undertaken.

- 6.11. In summary it is considered that the pre-application process did not assess the benefits of the provision of external space to support the trade of a community pub, merely looking at the level of harm. The assumption was made that the loss of summer trade was due to people taking holidays – this is simply not the case.
- 6.12. The need for the planning system to support pubs has become even more acute following the lockdown and the need for social distancing. This should be weighed into the equation of harm versus benefits. The sector needs even more support than previously.
- 6.13. In addition the change from a glazed modern balustrade to a traditional design, as shown on the Assembly House – a Listed pub with Group Value should now be taken into consideration.
- 6.14. The application should be supported in heritage terms.

## 7. Amenity

- 7.1. It is noted that in line with local policy 6.3, protecting amenity is a key part of successfully managing Camden's growth and ensuring its benefits are properly harnessed. In this respect, the Council's Planning Guidance on Amenity (2018) has been reviewed in detail.
- 7.2. The public house is long-established use in a mixed-use area, where commercial activities are established. Kentish Town is home to many late-night bars, and the site is within close proximity to The Forum – an O2 music venue. However, consideration should be given to residents living in the area.
- 7.3. In this respect, and in line with local policy and guidance, our client has commissioned a Noise Report prepared by RBA Acoustics. The report has taken measurements of the existing background noise levels at the Bull and Gate in order to establish any potential impact from patrons on the terrace. The results predict just a low-level impact from the introduction of the terrace, equating to LOAEL and NOEL in relation to Camden Local Plan thresholds.
- 7.4. Although it is not necessarily required, as acoustically there is minimal impact up to 11pm, our client is willing to accept a condition restricting hours of operation of the terrace until 10.30pm.
- 7.5. Our client has also prepared an 'Outdoor Terrace Management Policy' which would be used by staff and shown how the area would be appropriately managed. The policy ensures that the criteria in the Council's Guidance is covered off in its entirety – opening hours, amplified music and restrictions on standing and seating have all been considered.
- 7.6. In regard to the plant equipment, it is noted that the noise emissions are within the criteria required by Camden and that NOAEL can be achieved. As such the proposed plant installations should be fully acceptable.
- 7.7. We note that the pre-application letter confirmed the position in respect of amenity as follows:
- "Given the context of the pub facing a busy main road, it is unlikely that the terrace as an amenity area for drinking and eating will cause a nuisance to neighbours opposite or on either side in terms of noise and disturbance during the day and early evenings. However late night drinking on this high level exposed roof terrace may cause a nuisance to residential habitable room windows immediately adjoining to the north due to their proximity and it is suggested that a condition be imposed to prevent its use as such beyond an evening time to be agreed between both parties"*
- 7.8. We have provided an Operational Management Plan and can accept a condition to match.

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The results predict just a low-level impact from the introduction of the terrace, equating to LOAEL and NOEL in relation to Camden Local Plan thresholds

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## 8. Design and Access

### Use, Amount, Scale and Design

- 8.1. The use of the building would remain as Class A4, as existing.
- 8.2. Internal and external alterations are proposed in connection with the refurbishment of an existing public house. The works do not propose any net increase in floorspace and therefore the scale will remain as existing.
- 8.3. The design seeks to provide a variety of traditional features which seek to positively contribute to the site's location and designation as a listed building.

### Appearance

- 8.4. The proposals have been designed to be respectful to the existing heritage asset allowing the building to make a better contribution, appropriate to its recognition as a public house of local value.

### Access

- 8.5. The main point of access to the building will remain as existing. However, the proposals provide an access to the terrace through a new door (to mimic the existing window in terms of design). The door would not be viewed from street level.
- 8.6. A new metal fire escape staircase is to be installed to the rear of the first floor, to make the property fully compliant with building regulations.



## 9. Conclusions

- 9.1. The NPPF makes clear that Councils should plan positively for community facilities including public houses (paragraph 92) and it follows that public house owners and operators should be supported in their proposals to improve and reinvigorate public houses to ensure their future viability.
- 9.2. The principle of development is entirely acceptable. The proposals seek to provide an attractive external terrace area in order to attract more custom and improve the range of facilities available to patrons.
- 9.3. It has been demonstrated that the proposals have been sensitively designed to ensure that there is no adverse impact on the listed building.
- 9.4. The noise report submitted in support of the proposals demonstrates that there will be no impact of the development on neighbouring amenity.
- 9.5. In line with national, regional and local policy, the proposals will ensure that the public house continues as a valued community asset providing a valuable venue for social interaction beyond its current capabilities.
- 9.6. In an era where many Public Houses are closing, it is considered that applications such as this should be supported. In addition, it should be noted that it has been demonstrated that the proposals comply with the relevant national, regional and local planning policies. A further material consideration is the need to support pubs to trade flexibly as the country emerges from the Coronavirus crisis, we would urge the Council to support this application.

In an era where many Public Houses are closing, it is considered that applications such as this should be supported. In addition, it should be noted that it has been demonstrated that the proposals comply with the relevant national, regional and local planning policies

## APPENDIX 1 – PLANNING POLICY CONTEXT

### National Planning Policy Framework (2019)

#### Paragraph 92 – Promoting healthy and safe communities

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a. plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, **public houses** and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b. take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c. guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d. ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering

#### Paragraph 124 – Achieving Well-designed Places

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

#### Paragraph 127 - Achieving Well-Designed Places

Planning policies and decisions should ensure that developments:

- a. Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

#### Paragraph 185 – Conserving and Enhancing the Historic Environment

Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

**London Plan (2016)**Paragraph 4.48A – Supporting a Successful and Diverse Retail Sector and Related Facilities and Services

The Mayor recognises the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses.

Policy 7.4 – Local Character

Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

Policy 7.8 – Heritage Assets and Archaeology

Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.

**Camden Local Plan (2017)**Policy C2 – Community Facilities

The Council will work with its partners to ensure that community facilities and services are developed and modernised to meet the changing needs of our community and reflect new approaches to the delivery services.

Policy C4 – Public Houses

The Council will seek to protect public houses which are of community, heritage or townscape value.

The Council will not grant planning permission for proposals for the change of use, redevelopment and/or demolition of a public house unless it is demonstrated to the Council's satisfaction that:

- a. the proposal would not result in the loss of pubs which are valued by the community (including protected groups) 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.

Paragraph 4.70

Pubs across London and nationally are under immense pressure from higher value uses, especially housing development, the availability of cheap alcohol in supermarkets and increasing operating costs. In the London region between 2008-2012 around 100 pubs closed every year (net). Pubs in residential areas are considered to be especially vulnerable to demolition or a change of use due to the high residential values

#### Paragraph 4.71

A related issue is the loss of part of an operating pub, such as beer gardens and ancillary residential accommodation. This can raise concerns about the impact of such changes on the pub's character and continuing ability to operate successfully. The loss of one or more elements of a pub may undermine its appeal or lead to negative impacts on the amenity of the surrounding area or conflict between incompatible uses.

#### Paragraph 4.82

Many pubs are valued for their architectural interest, historic fabric and contribution to the character and townscape value of the local area, for example through their distinctive signage, windows or fittings. They can also support the character and attractiveness of the wider townscape by supporting a diversity of uses and vitality in the local area. Pub gardens can be particularly valued for providing communal open space in the built-up area.

#### Policy A1 – Managing the Impact of Development

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant planning permission for development unless this causes unacceptable harm to amenity. We will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
- d. require mitigation measures where necessary.

The factors we will consider include:

- e. visual privacy, outlook;
- j. noise and vibration levels.

#### Paragraph 6.3 – Protecting Amenity

Protecting amenity is a key part of successfully managing Camden's growth and ensuring its benefits are properly harnessed. The Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts.

#### Paragraph 6.4 – Visual Privacy and Outlook

A development's impact upon visual privacy, outlook and disturbance from artificial light can be influenced by its design and layout. These issues can affect the amenity of existing and future occupiers. The Council will expect that these elements are considered at the design stage of a scheme to prevent potential harmful effects of the development on occupiers and neighbours.

### Paragraph 6.19 – Noise and Vibration

Noise and vibration can have a major effect on amenity.

### Policy A4 – Noise and Vibration

The Council will seek to ensure that noise and vibration is controlled and managed. Development should have regard to Camden's Noise and Vibration Thresholds. We will not grant planning permission for:

- a. development likely to generate unacceptable noise and vibration impacts; or
- b. development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.

### Policy D1 – Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- d. is of sustainable and durable construction and adaptable to different activities and land uses;
- e. comprises details and materials that are of high quality and complement the local character;
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
- g. is inclusive and accessible for all;
- h. promotes health;
- i. is secure and designed to minimise crime and antisocial behaviour;
- j. responds to natural features and preserves gardens and other open space;
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,
- l. incorporates outdoor amenity space;
- m. preserves strategic and local views;
- n. for housing, provides a high standard of accommodation; and

o. carefully integrates building services equipment. The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### Policy D2 – Heritage

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

#### **Camden Planning Guidance on Design (2019)**

##### Paragraph 2 – Design Excellence

Camden is committed to excellence in design and schemes should consider:

- The context of a development and its surrounding area;
- The design of the building itself;
- The use and function of buildings;
- Using good quality sustainable materials;
- Creating well connected public spaces and good quality public realm;
- Opportunities for promoting health and well-being;
- Opportunities for improving the character and quality of an area.

High quality design makes a significant contribution to the success of a development, of a place and the community in which it is located.

### Paragraph 3 – Heritage

- Camden has a rich architectural heritage and we have a responsibility to preserve, and where possible, enhance these areas and buildings;
- The Council will only permit development within conservation areas that preserves and where possible enhances the character and appearance of the area;
- Our conservation area statements, appraisals and management plans contain further information and guidance on all the conservation areas;
- Most works to alter a listed building are likely to require listed building consent;
- The significance of 'Non-Designated Heritage Assets' (NDHAs) will be taken into account in decision-making;
- Historic buildings can and should address sustainability and accessibility;
- Heritage assets play an important role in the health and wellbeing of communities

### Paragraph 5 – Alterations and Extensions in Non-Residential Development

Alterations should always take into account the character and design of the property and its surroundings. A harmonious contrast with the existing property and surroundings may be appropriate for some new work to distinguish it from the existing building; in other cases closely matching materials and design details are usually more appropriate to ensure the new work blends with the older parts of the building.

The following matters should also be considered when alterations are being proposed to ensure high design quality:

- The sustainability of materials;
- Weathering;
- Use of appropriate materials;
- Composition of materials.

### **Camden Planning Guidance on Community Uses, Leisure and Pubs (2018)**

#### Key Messages

- We will apply a presumption in favour of retaining pubs, and their associated facilities, where they meet the needs of the community or protected groups;
- Robust evidence will be required to demonstrate that all reasonable options have been thoroughly explored where the loss of pub floorspace is proposed;
- Proposals involving the partial loss of a pub will be carefully scrutinised to ensure this does not put at risk the ability of the retained pub to operate successfully.

#### Paragraph 4.2 – The Need for Protecting Pubs Through the Planning System

Pubs in the borough, even where they are well-used and trading successfully, are vulnerable to being lost due to the development value that conversion of the premises to other uses can realise. Pubs are often located in attractive, prominent locations in the heart of the community and operate from buildings distinguished by the quality of their architectural design and detail.

#### **Camden Planning Guidance on Amenity (2018)**

##### Section 2 – Overlooking, Privacy and Outlook

- Developments should be designed to protect the privacy of occupiers of both existing and proposed dwellings;
- Mitigation measures should be included to reduce overlooking;
- Public spaces benefit from overlooking as natural surveillance.

The Council will therefore expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking.

##### Section 6 – Noise and Vibration

- The Council will assess the impact of noise and vibration through the consideration of acoustic reports submitted by applicants;
- Noise mitigation (where appropriate) is expected to be incorporated into developments at the design stage;
- The Council will secure mitigation measures through planning condition or legal agreement where necessary.

Noise and vibration can have a significant impact on amenity, quality of life and wellbeing.

Plant, ventilation, air extraction or conditioning equipment and flues can cause disturbance to residential properties. The Council would therefore welcome the use of long-term maintenance agreements to ensure that equipment maintains acceptable noise levels over its lifetime and the use of timers to limit any unnecessary operation of the equipment.

Food, drink, entertainment and leisure uses can pose particular difficulties in terms of noise and disturbance, as their peak operating time is usually in the evening and late at night. Where such uses are proposed, access routes, outdoor standing/seating areas, smoking areas, pub gardens, etc. should be sited away from noise sensitive facades and/or effectively screened.

Principally, in order to manage food, drink, entertainment and leisure noise, the Council will consider the use of planning conditions to control aspects such as (but not limited to):

- Opening times;



- Amplified music (e.g. times when music can be played and maximum volumes); and
- Restrictions on times where outdoor standing/seating areas can be used