



# Planning Statement

The Constitution  
42 St Pancras Way, Camden  
London, NW1 0QT



London



Harrogate



Bristol

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**Planning Potential Ltd**

**London**

Magdalen House  
148 Tooley Street  
London SE1 2TU  
T: 020 7357 8000

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**Report Author: Sally Arnold**

Sally@planningpotential.co.uk

**Report Reviewer: Helen Cuthbert**

helen@planningpotential.co.uk

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## Executive Summary

This statement has been prepared on behalf of our client Young & Co Brewery PLC (hereafter referred to as 'Young's') in support of a full planning application to sensitively extend and enhance the existing public house at The Constitution Public House at 42 St Pancras Way, Camden. The application is submitted following extensive Pre-application discussion with Camden Council.

The public house is a four-storey building (including basement) with garden. It is identified as a 'Positive Contributor' in the Regents Canal Conservation Area. It is not Listed or identified as a designated heritage asset in its own right but does form an important townscape marker on the canal and the bend in St Pancras Way.

Young's purchased the premises in January 2020. The property is currently vacant and has declined over time. It is in a very poor state of repair both internally and externally, requiring significant refurbishment. It has a basement (providing a music venue), but no commercial kitchen and a limited trading area. The toilets and stairs are in a poor state of repair and there is no Accessible WC, and no level access to the popular and extensive external terrace which overlooks the canal.

The proposals seek to provide additional trading space and to rationalise and improve the existing space available. The attractive enclosed terrace is proposed in order to attract more customers and improve the range of facilities available to patrons. Specifically, the proposals seek for a sensitively designed extension, accessible toilets and men's toilets with an enclosed terrace and biodiverse roof above at first floor level. The upper floors will accommodate new ladies' toilets, a vastly improved commercial kitchen area and a plant room. New air source heat pumps will be installed at roof level, and a new bin store, and cycling facilities will be provided to the front of the pub. Importantly, the music venue and stage will remain at basement level.

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.

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 affected 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

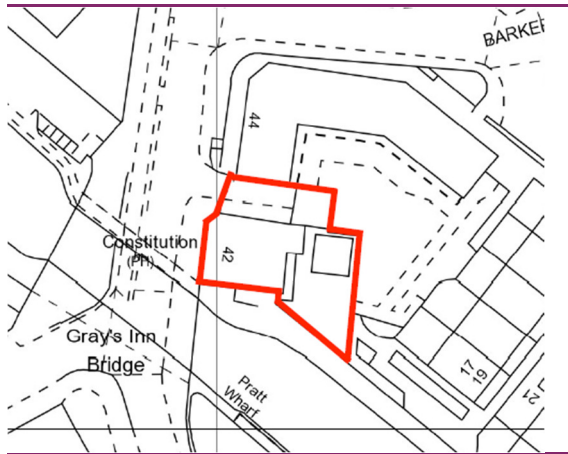
- 1.1. This Statement has been prepared by Planning Potential in support of works to The Constitution Public House in Camden. The proposals include for an extension to the public house with an enclosed terrace and biodiverse roof above at first floor level.
- 1.2. The public house is a four-storey building (including basement) with garden. It is identified as a 'Positive Contributor' in the Regents Canal Conservation Area. The pub is not Listed or identified as a designated heritage asset in its own right but does form an important townscape marker on the canal and the bend in St Pancras Way.
- 1.3. The additional space is proposed to improve the layout, customer toilets and the food offer available to patrons. The proposals have been designed carefully to ensure that they respect the existing building and surrounding area.
- 1.4. Alongside this statement we have submitted a host of supporting documents including a Heritage Statement; Noise report; FRA; Tree report; Daylight and Sunlight report; CEMP; Ventilation and Odour Statement and Design and Access Statement.
- 1.5. Overall, it is considered that the proposals comply with relevant planning policy and that planning permission should be granted accordingly.

## 2. Site Context and Planning History

### Site Context

- 2.1. The application site comprises 'The Constitution' Public House which is a four-storey public house (including basement) with garden, located on the eastern side of St Pancras Way and the northern side of the Regents Canal and Grays Inn Bridge.
- 2.2. The Public House (built in circa 1865) is identified as a 'Positive Contributor' within the Regents Canal Conservation Area. It is rectangular in plan and is of a simple classical design with stock brick walls, glazed tiling, stucco detailing and a curved north-western corner which incorporates the main entrance at street level.
- 2.3. Tall brick boundary walls (3 to 4 metres in height) lie to north and eastern boundary elevations which form boundaries with the nearest residential dwellings. To the rear of the premises is a C20th addition comprising a small toilet extension.
- 2.4. The site's location can be seen on the Site Location Plan below. Images of the site to the front and the side of the property (fronting the canal) can be seen below. The images demonstrate that the public house is currently in a very poor state of repair, reflecting a sustained period of underuse and neglect.

#### Site Location Plan



Source: Sampson Architects

**View of the Entrance to the Pub along St Pancras Way**



Source: Planning Potential Research

**View of the Pub's Terrace (Eastern Elevation) Fronting the Canal**



Source: Planning Potential Research

- 2.5. The Regents Canal Conservation Area Appraisal and Management Strategy (2008) states that the *'Constitution pub at Gray's Inn Bridge contributes positively to the conservation area although more could be made of its link to the canal towpath'*. The proposals seek to do this through opening up the existing wall and providing a clear route through to the canal path from basement level.

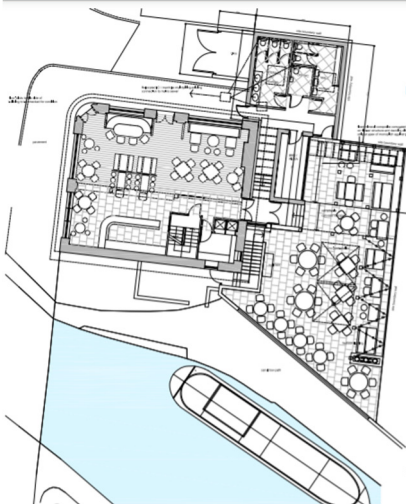
### Planning History

- 2.6. Relevant planning history specific to the site is set out below alongside rear extensions alongside surrounding applications of note.

#### Site Specific

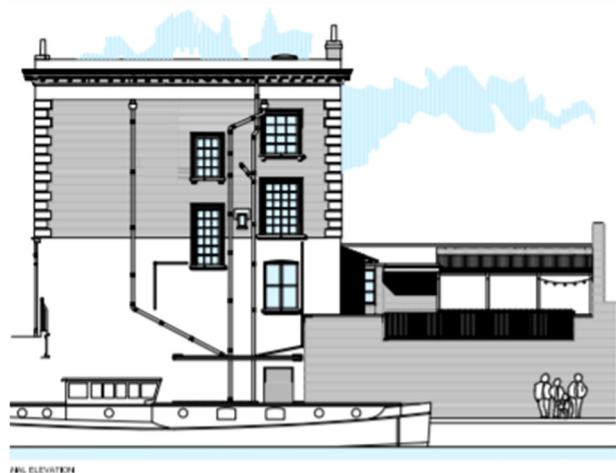
- 2.7. In 1985, an application was granted under reference: 8401789 for the demolition of a garage for the formation of the beer garden.
- 2.8. In 1988, an application was approved for the erection of a conservatory extension within the beer garden (reference: 8701402).
- 2.9. More recently in July 2015, permission was granted for the *"erection of a single storey rear extension to accommodate toilets and BBQ replacement of existing canopy roof to beer garden and the installation of kitchen ventilation extract to roof"*, under application reference: 2015/4955/P.
- 2.10. The proposals sought to demolish the existing rear single storey extension and replace with a larger extension to provide new toilets (including for disabled use), provide a new kitchen to the second floor with ventilation through the roof with ventilation through the roof screened by the parapet and provide a new bespoke BBQ area, bin store and replace the existing beer garden canopy with something 'more substantial'.
- 2.11. It is clear from the proposals that the applicant sought to alter the existing public house to enhance the commercial viability of the premises by improved internal and external drinking areas. The extension was however not implemented, as the investment required would not have improved the trading space and associated income.
- 2.12. The Officer's report is unavailable to view. However, the extent of the extension can be viewed within the images depicted below.

#### Approved Site Plan



Source: Public Access Camden

#### Approved Canal Elevation



Source: Public Access Camden

- 2.13. The current application proposals do not deviate far from the approved application but will provide for a slightly larger ground floor extension and an enclosed terrace overlooking the canal at first floor level.

### Pre-application Discussion

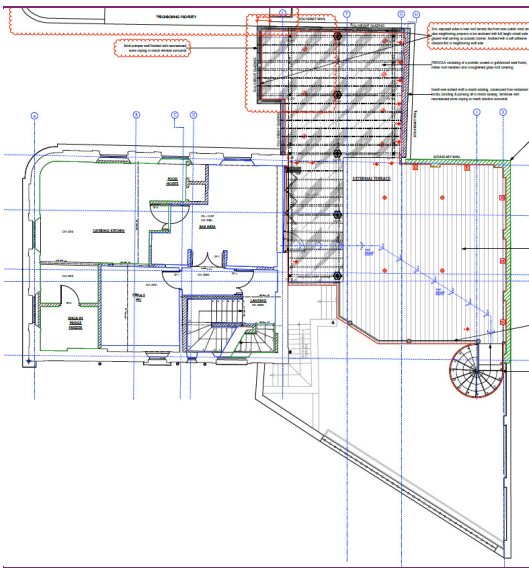
- 2.14. The proposals follow extensive pre-application discussions between our client and the Council. A pre-application was submitted in November 2020, which included for an external terrace that stretched the full extent of the proposed rear extension (depicted in **Image 1a**). The Council felt that the scale of extension was problematic and that the position of the glazed structure required further thought. An amended scheme was then submitted in January 2021 (please see **Image 2a**) which sought to bring the extension further towards



the pub and away from neighbours and provide a biodiverse/green roof over part of the extension acting as a buffer. However, the Council felt that a further reduction in size was required which has been noted by Youngs within the submitted scheme. Indeed, within the submitted scheme (shown in **Image 4a**), the terrace has been reduced in size by 49 sqm (almost half the size of the original pre-application submission) and re-orientated so that it is set back from the canal towpath, to be contained within the width of the existing garden area. This positioning significantly reduces the structures visual prominence in key views and is located on the least sensitive elevation of the pub. The extension would not be visible from the tow path due to the existing retaining wall and will be screened from St Pancras Road and Gray's Inn Bridge by the main building.

2.15. The style of extension has also evolved throughout the process. Originally the proposals included for a contemporary flat roof extension (see **Image 1b**), but at the pre-application meeting, the Conservation officer requested for a traditional 'Victorian style glazed veranda' (see **Image 2b**). After pre-application advice was issued via e-mail, the Council met with the client team on site and discussed the proposals in greater depth. Following the on-site meeting, 2 design options were submitted to the Council including a reduced enclosed terrace in either a traditional style, or an enclosed terrace in a contemporary style (see **Images 3a and 3b**).

**Image 1a (Pre-application Submission)**



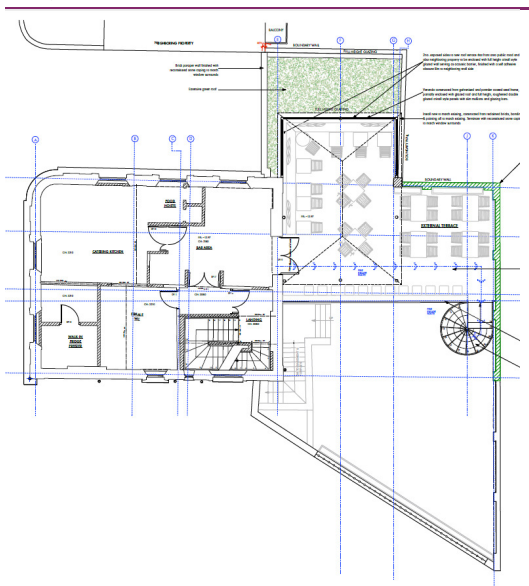
Source: Sampson Associates

**Image 1b (Pre-application Submission)**



Source: Sampson Associates

**Image 2a (Amended Submission)**



Source: Sampson Associates

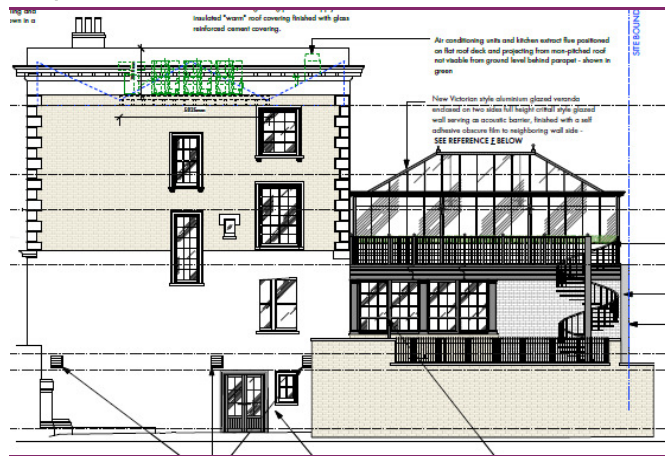
**Image 2b (Amended Submission)**



Source: Sampson Associates

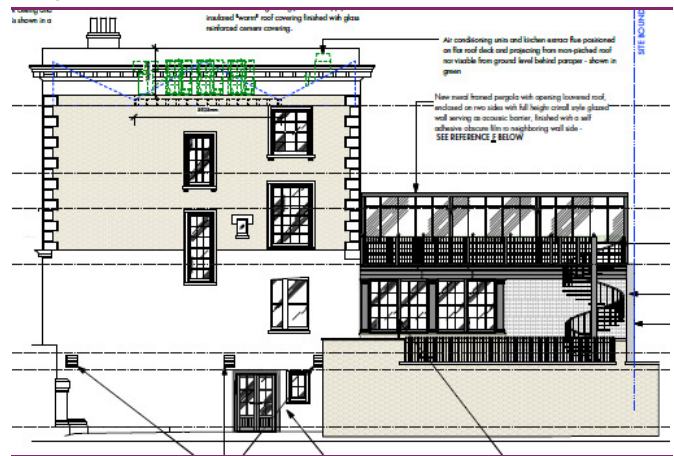
- 2.16. Within the feedback, the Council noted that the contemporary lightweight option would be preferable, and given the feedback, the current proposals (found within the submission drawings) depict a flat roof lightweight enclosed terrace which is subordinate to the main building and contemporary in nature providing a positive addition to the building (see **Image 4b**). It is considered that the contemporary lightweight extension has a soft appearance when considered against the pub's heavy materials. This reinforces its subservience whilst avoiding a pastiche approach.

Image 3a – Traditional Style



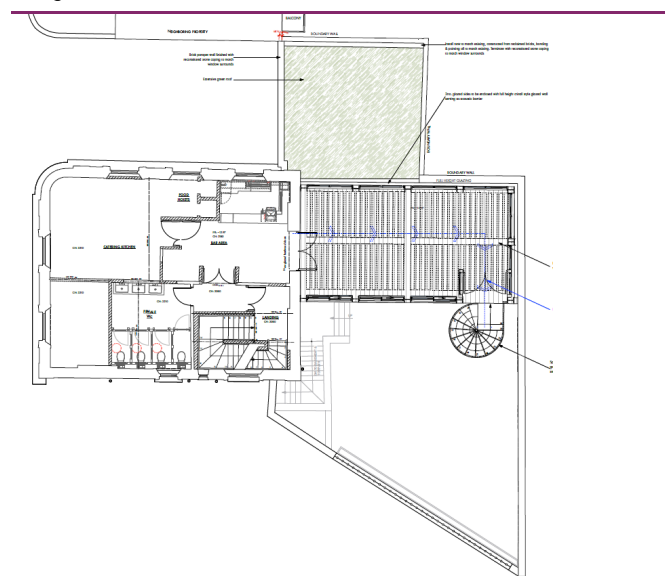
Source: Sampson Associates

Image 3b – Contemporary Style



Source: Sampson Associates

Image 4a – Submitted Scheme



Source: Sampson Associates

Image 4b – Submitted Scheme



Source: Sampson Associates

## Surrounding Applications

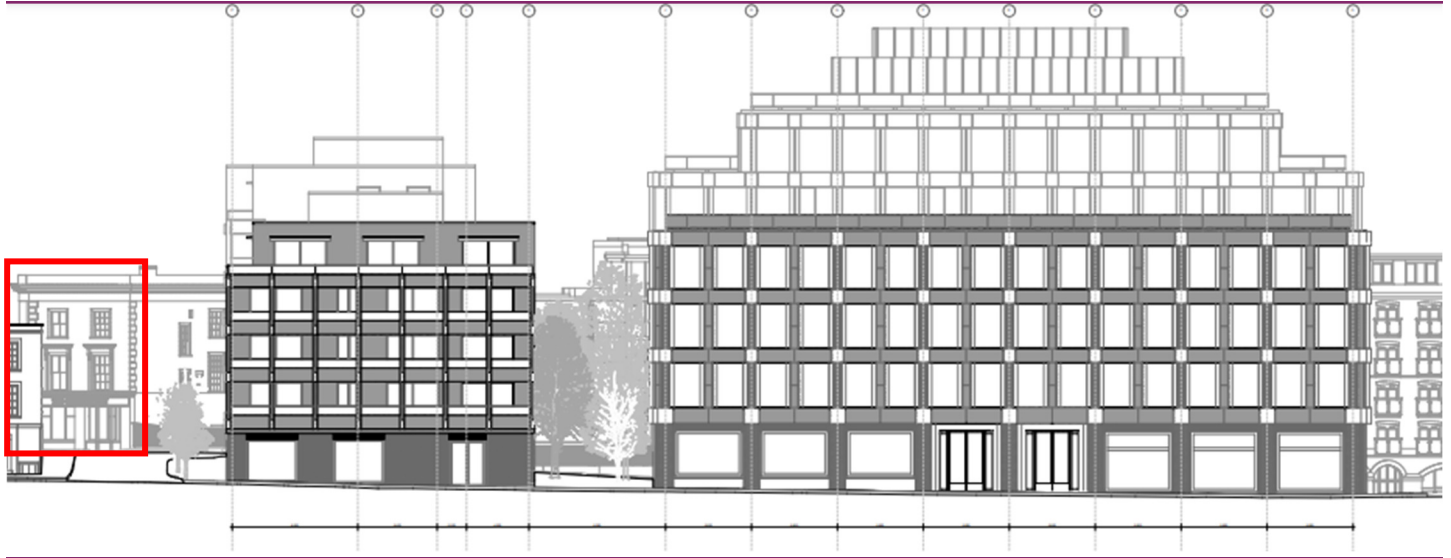
- 2.17. Various applications have been submitted for mixed-use regeneration schemes in the surrounding area, most notably the approved application at **'St Pancras Commercial Centre'** on Pratt Street as well as the refused application and dismissed appeal at **'Bangor Wharf'** on Georgiana Street. Another application is currently pending consideration at **'The Ugly Brown Building'** on St Pancras Way, south of The Constitution Pub.
- 2.18. The **St Pancras Commercial Centre** previously comprised 12 light industrial units which occupied a whole block bound by Pratt Street to the south, St Pancras Way to the east, Georgiana Street to the north and Royal College Street to the west.
- 2019/4201/P – An application was submitted in 2019 for the demolition of the existing buildings (Class B1c/B8); erection of 3 buildings ranging from 5 to 7 storeys and a single basement level. The proposal comprised a mixture of uses including light



industrial floorspace (B1c/B8), office floorspace (Class B1), 33 self-contained dwellings (Class C3), flexible retail floorspace (Class A1/A3); associated access and servicing, public realm, landscaping, vehicular and cycle parking, bin storage and other ancillary and associated works. The application was granted at committee.

- The scheme is currently under construction.
- The approved Royal College Street Elevation can be viewed below. The Constitution Pub can be seen to the left of the image, outlined in red.

**The Approved St Pancras Commercial Centre in relation to the Constitution (outlined in red)**



Source: Public Access Camden

2.19. **Bangor Wharf** formerly comprised a single and two storey office and storage building, a yard and vehicle parking. The site was vacated during October 2015 as it no longer met operational requirements.

- 2016/1117/P – An application was submitted in 2016 for the demolition of all buildings on-site and the erection of new buildings of 1-6 storeys in height to include 46 residential (C3) units (18 x 1 bed, 19 x 2 beds, and 9 x 3 beds) of which 30 would be market units and 16 affordable, new office (B1a) floorspace (604m) and associated works to highways and landscaping). The application was refused.
- APP/X5210/W/16/3165200 – Subsequently, an appeal was submitted in 2017 but dismissed in 2018. The Planning Inspector referenced the sense of anticipation and relief on reaching the Constitution pub, for a number of reasons, including the activity associated with the pub and its garden, which extends downstairs and also through a door to the towpath. The application was also seen to distract attention from the pub which is in direct line of sight to the proposal. The Planning Inspector's report also references the Regent's Canal Conservation Area Statement (RCCAS) which refers to the Constitution pub as making a positive contribution to the conservation area and representing 'the last remnants of 19<sup>th</sup> century development, enhancing the understanding of the original character of its context'. The proposal was seen to diminish the experience and the setting of the of the early to mid-19<sup>th</sup> century Grade II terraces on Georgiana Street combined with the Constitution pub.
- As the appeal was dismissed, it is expected that a revised application at Bangor Wharf will come forward in the future.

2.20. The existing **Ugby Brown Building** is split into 3 plots, one of which is largely vacant, the other two occupied by the Ted Baker PLC headquarters and a Verizon data centre. An application was submitted in June 2021 which is still in progress and awaiting submission

- 2021/2671/P – An application has been submitted to demolish the existing building and redevelop the site to provide a nine-storey building with two basement levels for flexible Class E and Sui Generis Use, a two-storey Pavilion for flexible Class E and Sui Generis Use, along with associated cycle parking, servicing, hard and soft landscaping, public realm, and other ancillary works alongside amendments to Plot C within planning permission 2017/5497/P, namely an increase in affordable housing provision.

- 2.21. The Planning Inspector for the Bangor Wharf appeal (APP/X5210/W/16/3165200) highlighted the significance of the Constitution and the positive contribution it has, creating a sense of anticipation and relief upon reaching it. The Inspector specifically references the activity of the pub and in its garden. The aim of the proposal is to sensitively enhance this positive contribution whilst maintaining a respectful relationship with the surrounding residents.
- 2.22. The Planning Inspector also noted that the Bangor Wharf application would distract attention from the pub demonstrating its importance to the streetscene and views. The proposals aim to refurbish and enhance upon the existing building to create of an attractive pub that is a popular destination. Bringing the vacant pub back into active use would work towards revitalising the area increase what is on offer along the adjacent canal, an area of high footfall.
- 2.23. Currently, there is a high amount of development being carried out surrounding the Constitution, demonstrating the push for redevelopment in the area. The proposed improvements to the Public House would serve the increasing commercial population as well as the existing residential population.
- 2.24. The applications mentioned demonstrate the level of importance the Planning Inspectorate puts on The Constitution and the subsequent need for reinstating its active use. The changes being experienced in the area, would only further enhance the offer it would bring to the area and the number of potential patrons.

### 3. Proposals

- 3.1. As a business, Youngs is constantly needing to adapt and diversify their business to keep up with patron demand and thrive. Many public houses have closed throughout London over recent years, and this trend is exacerbated significantly by the COVID pandemic. Youngs' goal is to invest sustainably and help to slow, if not reverse, this trend.
- 3.2. The pub is currently in very poor condition both internally and externally. There is no accessible toilet, no commercial kitchen, limited space to serve customers, and no level access to the external terrace. The proposals seek to extensively refurbish and extend the property. Internally this would include for an accessible toilet, new women's toilets, a vastly improved commercial kitchen area and a plant equipment room. The proposals also include for the installation of energy efficient air source heat pumps at roof level, as well as a new bin store and cycling facilities to the front of the pub. The music venue and stage at basement level will remain, ready to host new events once the pub is re-opened.
- 3.3. The proposals include for the sensitive extension of the pub, creating space for both accessible toilets and new men's toilets, as well as an enclosed dining terrace and a biodiverse green roof. The new extension would provide flexibility, allowing the area to be used within good and bad weather conditions. The extension will comprise a single storey brick/steel frame glazed structure, occupying a section of the existing rear external space, as well as the area to the side of the pub currently used as a storage yard. In the area currently occupied by the storage yard, a biodiverse green roof will be installed on top of the extension, creating an attractive green buffer between neighbouring properties and the rest of the pub.
- 3.4. Moving to the rear of the pub, which is currently occupied by a pergola, an enclosed dining terrace will sit on top of the extension, providing space for customers to enjoy a meal and a drink. The enclosed terrace, which is to be constructed with an exposed steel frame and sliding glazed windows, will feature obscured glazing on the northern elevation, further reducing the impact on neighbouring residents.
- 3.5. Specifically, and in summary the proposals include for:
- Internal and external extensive refurbishment programme including both garden and terrace upgrades;
  - A flat roof brick-built extension with partial biodiverse green roof above and partial 'enclosed terrace' with sliding windows and a retractable roof to the eastern elevation;
  - New plant deck behind the parapet at roof top level;
  - New cycle facilities and bin stores; and importantly
  - New and improved disabled access.
- 3.6. An image of the south elevation is depicted below.

#### Proposed South elevation



Source: Sampson Associates

## 4. Planning Policy Summary

### Brief Policy Overview

- 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 Framework is a material consideration in planning decisions. It also provides guidance on how to draw up Development Plans and policies.

### The National Planning Policy Framework

- 4.2. The overarching National Planning Policies comprise the National Planning Policy Framework (NPPF) (2021), supported by the National Planning Practice Guidance.

### Development Plan Policies

- 4.3. For the purpose of any area in Greater London the development plan is:
- The London Plan (2021) which sets out the spatial development strategy for the city; and
  - The Development Plan documents for Camden Council which have been adopted or approved. This comprises Camden's Local Plan (2017)

### Supplementary Planning Guidance

- 4.4. Supplementary guidance is used to support statutory development plans, not as an alternative. It cannot be used to make new policies. Statements made in supplementary guidance carry less weight than those in the development plan but may be material considerations. Relevant SPDs for Camden comprise:
- Amenity CPG (2021)
  - Design CPG (2021)
  - Community Uses Leisure and Pubs CPD (2021)
  - Trees CPG (2019)
  - Regent's Canal Conservation Area Appraisal and Management Strategy (September 2008)
  - Camley Street Neighbourhood Development Plan 'Made' (2019-2034) (September 2021)
  - Draft Canalside and Camley Street Supplementary Planning Document (2020). The SPD which was intended to be formally adopted on 19<sup>th</sup> November 2021, however at the time of submission of this application was not yet adopted.
- 4.5. A full overview of the relevant planning policies can be found in **Appendix 1**.

## 5. Planning Justification

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

- 5.1. The pub is currently closed and in a very poor state of repair both internally and externally. The Council's SPD on Public Houses states clearly at paragraph 4.2 that Pubs in the borough are vulnerable to being lost due to the development value that conversion of the premises to other uses can realise. Within the next paragraph (4.3) the Council highlight the number of pubs that have been lost through conversion to other uses. Youngs is seeking to significantly invest in the pub through the refurbishment / extension scheme therefore seeking to protect a valued and important community facility and local business within Camden.
- 5.2. The importance of public houses to local communities is recognised nationally and is currently high up on the agenda. The NPPF makes clear that Councils should plan positively for community facilities including public houses (paragraph 93) Government's 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.
- 5.3. The New London Plan (2021) states that boroughs should protect and support evening and night-time cultural uses and venues such as pubs (HC6), and in policy HC7, it is noted that boroughs should protect public houses where they have a heritage, economic, social or cultural value to local communities.
- 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.
- 5.5. As a business, Youngs is constantly trying to adapt to changes in demand to ensure the success of their operation. Customers now expect public houses to provide good food and dining areas internally, as well as outdoor areas so that food and drink can be enjoyed outside, particularly during summer months.
- 5.6. The existing building is constrained, and the proposals seek to provide valuable internal dining areas as well as outdoor areas. The enclosed terrace would provide a degree of flexibility, allowing the pub to trade all year around according to weather conditions. The pub does not contain a commercial kitchen and the proposals would ensure that the pub could sell food from the premises, ensuring the pub moves with demand, improving its popularity and customer base, and ultimately securing its long-term viability.

### Principle of Development

- 5.7. The proposal seeks to dramatically improve the appearance of the public house, which is currently closed and in a poor state of repair, seeking to attract patrons in winter and summer months. The pub is located within the Camley Street area which is an area of expected growth. The Canalside to Camley Street SPD states that the aim for the area is to create a more vibrant, attractive area and to enhance connectivity and the public realm and create new public spaces. The proposals meet the aims of the document as they seek to:
- Refurbish a tired and disused pub, improving the street frontage onto St Pancras Way and the towpath;
  - Maintain and enhance the employment role of the area by providing jobs for locals; and
  - Provide an element of greenery through the green/biodiverse roof.
- 5.8. As noted within Section 2.0. permission was granted for a single storey rear extension in 2015 (reference: 2015/4955/P). The proposals sought to demolish the existing rear single storey extension and replace with a larger extension to provide new toilets (including for disabled use), provide a new kitchen to the second floor with ventilation through the roof screened by the parapet and provide a new bespoke BBQ area, bin store and replace the existing beer garden canopy with something 'more substantial'. The proposals seek to provide a similar structure at ground floor providing space for additional dining space and WC toilets, given the history context it is considered that this is acceptable.
- 5.9. Pubs need to adapt to ensure their long-term survival. The Constitution has already permanently closed for business, meaning the need to evolve and adapt is particularly acute if the building is to retain its historic use. The proposed works seek to optimise the site's capacity through a design-led approach (in line with Policy D3). The proposals represent a considerable investment into the public house, and it is considered that they will significantly improve the pub's long-term viability through improving the facilities and bringing a considerable customer draw and benefit to the wider area. As noted within the Heritage Statement, the investment will also return



regular viable use to the building, allowing for sensitive repairs and refurbishment consistent with its long-term consideration. These are notable heritage benefits in the context of the challenges faced by historic pubs.

### Design, Heritage and Townscape

- 5.10. The proposal and particularly the extension has been designed to respond to local context and character in line with London Plan Policy D4 and local Policy D1. The proposals also seek to ensure that the proposals preserve and enhance the historic environment in line with Policy D2. As demonstrated in Section 2.0, the design has been through several iterations in discussion with the Council and it is considered that the current design is appropriate within the context of the surrounding area and importantly with the use and function of the building.
- 5.11. The ground floor extension does not rise higher than the existing boundary wall line and whilst slightly larger, follows a similar footprint to the approved 2015 extension. The ground floor extension will be built in matching brickwork to replace the informal and rear yard and bin storage area within the existing pub garden (this would be relocated and neatly screened from view). A green roof will lie over part of single storey extension which will improve the views into this area from the neighbouring residential dwellings and provide biodiversity benefits in line with Policy A3.
- 5.12. The enclosable extension above has been re-orientated, so it is set back from the canal tow path and contained within just part of the width of the garden area. As demonstrated within the drawing package and the visualisations in **Appendix 2**, the revised positioning of the structure is not prominent in key views and is located within the least sensitive elevation of the pub. Indeed, it is considered given the existing building is some four storeys high, that a two-storey extension can be accommodated whilst ensuring subservience in this context. The design however still seeks to unify the existing building with the extension, for example, the fenestration seeks to emulate the fenestration within the existing building providing a multiple paned approach in line with Policy D1 (e).
- 5.13. The plant necessary to support the new commercial kitchen which be housed within the roof area where a flat deck would be created. This would be discreet and concealed from view in line with Policy D1 (o). As noted within the supporting heritage statement, the proposals are located within the most appropriate area and would not *'harm the pub's townscape contribution to the Conservation Area'*.
- 5.14. As noted, the pub is in a poor state of repair externally and the proposals seek to ensure that much needed external alteration will take place to the facades ensuring that the building is more attractive within its setting in the conservation area attracting patrons to the public house, improving the appearance of the conservation area. Improvements to the garden area will also take place, ensuring that the area (which is currently unattractive) would entice customers to the pub.
- 5.15. In summary, the design is of a high quality and is appropriate within its context, respecting the surrounding townscape. The proposal provides for much more attractive facades when compared to the existing outdated facades. In turn, the proposals both preserve and enhance the character and appearance of the conservation area in line with Policies D1 and D2.

### Amenity

- 5.16. In line with policies A1 and A4, the development proposals have been designed to avoid detrimental impacts on neighbours. Our client has commissioned Noise Reports prepared by RBA Acoustics. The Patron report has taken measurements of the existing background noise levels at the Constitution public house, in order to establish any potential impact from patrons on the terrace, and the potential noise impact from proposed plant emissions.
- 5.17. The results are based on a worst-case scenario and demonstrate that noise levels in the area already exceed the criteria and therefore, the addition of a roof terrace cannot be deemed as the dominant source of exceedances, albeit providing a marginal increase. Additionally, it should be re-iterated that the proposals include for a retractable roof which means that noise levels can be significantly reduced compared to the worst-case scenario presented where it is completely open.
- 5.18. Notwithstanding, 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. The management strategy is successfully used by Youngs on all their pubs incorporating external drinking areas and is included within the submission package for completeness.

- 5.19. The plant has also been assessed in line with policy, and the noise report indicates that the atmospheric noise emissions from the plant are within the criteria required by the Council providing suitable mitigation measures are employed, as such, the plant proposals should be considered acceptable.
- 5.20. Daylighting and sunlighting have been assessed to six (6) surrounding residential properties. In total, 38 windows have been assessed using the Vertical Sky Component of which all 38 windows will satisfy the levels detailed in the BRE. Internal daylighting has been assessed to 38 rooms using the Average Daylight Factor and Daylight Distribution tests of which all rooms will satisfy the levels for both tests Average Daylight Factor and Daylight Distribution tests. This equates to a 100% pass rate. In summary, **the proposed development is suitable and does not injure the surrounding properties** for it to be considered inappropriate for the area.

#### Other Matters

- 5.21. In line with Policy D1 and A3, the proposal provides for a **biodiverse green roof**. The proposal has also been designed in line with Policy CC1 and CC2 to minimise energy use and **maximise energy efficiency** through the use of energy efficient, sustainable materials and low energy services.
- 5.22. It should also be noted that in line with Council advice, the applicants have consulted with the local police and external Security Consultants to advise on how to achieve a more **secure and safe site** for staff, customers and neighbours. A number of measures have been adopted which are set out within the DAS and on the drawings. These measures will help ensure the pub remains safe and the threat from vandalism is minimised.
- 5.23. Whilst trees require minimal pruning, there will be **no impacts on surrounding trees** and this is evidenced within the supporting Tree Report.
- 5.24. The main theoretical flood risk that has been identified is that from surface water flowing down the Regents Canal and entering the basement. However, in line with Policy CC3, the FRA submitted is clear in that **the proposals will not increase the risk** or consequence of such a scenario taking place.
- 5.25. Further details are set out within the Design and Access Statement but given the minor nature of proposals it is considered that the level of detail provided is sufficient.

## 6. Conclusion

- 6.1. The NPPF makes clear that Councils should plan positively for community facilities including public houses (paragraph 93) 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. Indeed, Camden's own guidance on Public Houses (2021) re-iterates the need to protect public houses through the planning system.
- 6.2. The principle of development is entirely acceptable, and the proposals would improve a vacant building which is currently falling into a state of disrepair. The proposals seek to extensively refurbish and extend the property and it has been demonstrated that the proposals have been sensitively designed to ensure that there is no adverse impact on the host building.
- 6.3. The noise and daylight and sunlight reports submitted in support of the proposals demonstrates that there will be no impact of the development on neighbouring amenity.
- 6.4. 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.
- 6.5. As noted within the Council's own guidance, 'many of Camden's pubs enhance the built environment and contribute to a strong sense of place. They can be familiar and distinctive local landmarks that help to reinforce local identity and provide a link back to the social and cultural history of an area'. In an era where many Public Houses are closing, it is considered that applications such as this should be supported.
- 6.6. 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.

# Appendix

## APPENDIX 1 – Planning Policy Context

### National Planning Policy Framework (2021)

The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies and how these should be applied.

#### *Promoting Healthy and Safe Communities*

**Paragraph 93** states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should 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.

#### *Achieving Well-Designed Places*

**Paragraph 126** states that the creation high quality, beautiful and sustainable 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 130** notes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and should be sympathetic to local character and history.

**Paragraph 132** states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

### New London Plan (2021)

**Policy D3 Optimising site capacity through the design-led approach** states that all development must make the best use of land by following a decision-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth.

Development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should deliver appropriate outlook, privacy and amenity as well as helping to prevent or mitigate impacts of noise and poor air quality. Indoor and outdoor environments should be comfortable and inviting for people to use.

**Policy D4 Delivering Good Design** highlights that development should achieve high quality design.

**Policy D13 Agent of Change** outlines the Agent of Change principle which places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.

New noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses. Development proposals should manage noise and other potential nuisances by:

- Ensuring good design mitigates and minimises nuisances generated
- Exploring mitigation measures early in the design stage
- Separating new noise-sensitive development where possible from existing noise-generating businesses and uses through distance, screening, internal layout, sound proofing, insulation etc.

**Policy D14 Noise** states that developments should reduce, manage and mitigate noise to improve health and quality of life by avoiding significant adverse noise impacts. Proposals should manage noise by mitigating and minimising the existing and potential adverse impacts



of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.

**Policy HC1 Heritage and Conservation and Growth** states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to their assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

**Policy HC6 Supporting the Night-time Economy** highlights that boroughs should develop a vision for the night-time economy, supporting its growth and diversification, in particular within strategic areas of night-time activity. Part 6 of the policy states clearly that boroughs should protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues.

**Policy HC7 Protecting Public Houses** highlights that boroughs should protect public houses where they have a heritage, economic, social, or cultural value to local communities, or where they contribute to wider policy objectives for town centres, night-time economy areas, Cultural Quarters and Creative Enterprise Zones.

### Camden's Local Plan (2017)

**Policy C2 Community Facilities** states that 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 to reflect new approaches to the delivery services.

**Policy C4 Public Houses** highlights the Council's desire 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 of Policy C4 states that 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 of Policy C4 goes on to highlight that 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 of Policy C4 states that 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** states that 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, the factors of consideration include the visual privacy and outlook of surrounding residents, sunlight and daylight and overshadowing, and noise and vibration levels.

Paragraph 6.3 of Policy A1 relates to protecting amenity, stating that it 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.

**Policy A3 Biodiversity** states that the Council will protect, and seek to secure additional, trees and vegetation.

**Policy A4 Noise and Vibration** states that 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 development likely to generate unacceptable noise and vibration impacts; or for 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** states that 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** states that 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.

Designated 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.

**Policy CC1 Climate Change Mitigation** requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.

**Policy CC2 Adapting to Climate Change** requires development to be resilient to climate change. All development should adopt appropriate climate change adaptation measures such as the protecting of existing green spaces and promoting new appropriate green infrastructure, incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate. The council will promote and measure sustainable design and construction ensuring development schemes demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation.

**Policy CC3 Water and Flooding** seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible.

**Policy CC4 Air Quality** ensures that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough.

**Policy CC55 Waste** seeks to make Camden a low waste borough.

#### Camden Planning Guidance on Amenity (2021)

Section 2 of the CPD states that developments should be designed to protect the privacy of occupiers of both existing and proposed dwellings. Mitigation measures should be included to reduce overlooking. The council will 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.

Balconies and roof terraces should therefore be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings.

Noise and vibration can have a significant impact on amenity, quality of life and wellbeing. Section 6 of the CPD states that 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.

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. Opening times, amplified music and restrictions on times where outdoor standing/seating areas can be used will be taken into account.

#### Camden Planning Guidance on Design (2021)

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 5 states that 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 sustainability of materials, weathering, use of appropriate materials and the composition of materials should be considered when alterations are being proposed, this is to ensure high design quality.

#### **Camden Planning Guidance on Community Uses, Leisure and Pubs (2021)**

The council 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 states 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. 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.

The Council wishes to see the long-standing cultural and social value of pubs and their benefit in shaping the identity and character of their area recognised through the planning process.

Many of Camden's pubs enhance the built environment and contribute to a strong sense of place. They can be familiar and distinctive local landmarks that help to reinforce local identity and provide a link back to the social and cultural history of an area. Many pubs were built to be the focal point of their locality, which holds true both for town centre pubs and those in residential streets. They are often among the most attractive and distinguished buildings in their area and represent a diverse and important stock of heritage assets.

#### **The Regent's Canal Conservation Area Appraisal and Management Strategy (2008)**

The document sets out the Council's approach to the preservation and enhancement of the Regent's Canal Conservation Area.

Roof extensions which fundamentally alter the roof form of buildings where visible from the canal will not normally be permitted, although each proposal will be considered on its own merits.

Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the conservation area. The proposal's general effect on neighbouring properties, the setting of the canal and the conservation area will be the basis of its suitability.

#### **Materials and Maintenance**

- In all cases, existing/original architectural features and detailing which contributes to the character and appearance of the conservation area should be retained and kept in good repair, and only be replaced when there is no alternative.
- Opportunities to enhance the appearance of the building through the restoration of missing features should be encouraged.
- Original detailing such as iron balustrades, timber framed sash windows, steel windows, doors, stone and brick copings (to both walls and the canal edge), bridge abutments and parapets add to the visual interest of the canal and adjacent properties. Where these have been removed in the past, replacement with suitable copies will be encouraged.
- The choice of materials in new work will be most important and will be the subject of control by the Council.
- Original materials should be retained wherever possible and repaired if necessary.
- Where replacement is the only possible option, materials should be chosen to closely match the original. Generally the use of the original (or as similar as possible) natural materials will be required, and the use of materials such as concrete roof tiles, artificial slate and UPVC windows will not be acceptable. Original stonework and brickwork should not be painted, rendered or clad unless this was the original treatment. Such new work, whilst seldom necessary, can have an unfortunate and undesirable effect on the appearance of the building and conservation area.

- This may lead to long term damage to original structural materials, and may be extremely difficult (if not impossible) to reverse once completed. The retaining walls and bridge parapets to the canal form an essential part of its character and their bonding patterns, pointing and mortar types should be either retained or repaired to match existing.
- Re-pointing if done badly can drastically alter the appearance of a building, and may be difficult to reverse. Cleaning of buildings to make them look lighter in colour should not normally be undertaken since it may involve the abrasive removal of the face of the brick or stone and can lead to increased water penetration.
- Some stone buildings cleaned for cosmetic reasons have then suffered much more serious damage due to corrosion of iron cramps connecting the stones. In addition, the patina of wear and weathering on many buildings in the conservation area, including canal side walls, is a particular element of the character of the conservation area and cleaning may harm that character. The cleaning of listed buildings may need listed building consent.

### **The Canal Side and Public Realm**

- The retaining walls to the canal and plinths to canal side buildings form an essential element of the character of the conservation area. There is a general presumption in favour of their retention. In some cases, use will be able to be made of existing openings which have been wholly, or part infilled in the past. In all cases it will be essential to maintain the solid masonry character of these walls and the openings formed within them should be kept to a minimum. Such openings should normally align with the openings found at higher level within the building.
- The detailing and materials used in forming the openings should have regard to existing details/materials found on historic canal side buildings. The towpath generally runs along a single side of the canal.
- The opposite side of the canal, the offside, has buildings built directly onto the canal side in some instances and in others they are set slightly behind the canal edge. New development should respond to the character of the particular section of canal and in particular it's existing sense of enclosure or open aspect. It is important that the need to preserve or enhance the historic character of the conservation area is recognised in the design and siting of all street furniture, including statutory undertakers and other services equipment and paving material.

The Constitution Pub and Camden Garden Centre (and associated café) currently act as 'social hubs' for the local community and are valued within the neighbourhood as vital community assets.

### **Camley Street Neighbourhood Development Plan 'Made' (2019-2034) (2021)**

The neighbourhood plan proposals aim to secure the delivery of a variety of shared and improved communal spaces including parks and gardens, libraries, bike parks, cafés and restaurants, and other community spaces that will encourage interaction, engender and sustain a sense of community. The proposals also aim to adopt and integrate measures ensuring that the development is at the forefront of sustainable design and minimises resource consumption through its operation.

**Policy CS DQ1 Responding to Places** ensures that the quality of the environment for existing residents is protected and enhanced. Any new development should be designed to avoid overshadowing, as far as possible, and an unacceptable provision/loss of sunlight, daylight or privacy.

The form, mass, and height of new development should be appropriate to the urban nature of the site and in keeping with the emerging context provided by development at King's Cross to the east, Maiden Lane to the north-east and Agar Grove to the north.

Developments should preserve and enhance the settings of existing heritage assets. Protect and enhance existing views.

All new proposals will be expected to conform to LB Camden Local Plan standards regarding energy efficiency, air-quality management and climate change mitigation. Opportunities to secure innovative sustainable design within both new residential and commercial buildings should be maximised.

### **Draft Canalside to Camley Street Supplementary Planning Document (2020)**

Camden's adopted Local Plan identifies the Camley Street area as an area of expected growth and identifies four key priorities. The aim is to create a more vibrant, attractive area, enhance connectivity and public realm, create new public spaces and greening of street environment and making more efficient and intensive use of land.



With closer regard to the site, the document outlines the following:

- St Pancras Way contains poor frontages and some incongruous uses next to residential uses and the canal.
- One of the document's objectives is to maintain and enhance the employment role of the area as a place to do business and have access to a range of job opportunities. New proposals should provide additional employment benefits and contribute to regeneration in neighbouring communities.
- Bangor Wharf, located opposite the site, is allocated for mixed-use residential and employment uses.
- The existing canal bridges at St Pancras Way (Grays Inn Bridge) and Camley St (Oblique Bridge), provide access points to the towpath, and offer important local views along the canal.

## APPENDIX 2 – Visualisations

### Visualisation of The Constitution's West Elevation



### Visualisation of The Constitution's Southern Elevation

