

TM/P08408
27 June 2022

Planning and Development
London Borough of Camden
2nd Floor, 5 Pancras Square
Town Hall, Judd Street
London
WC1H 9JE

Dear Sir/Madam,

The Old White Bear, 1 Well Road, London, NW3 1LJ
Change of use of the first and second floors to either; continued Class F1 (education) or, Class E (office), or Class C3 (residential).

Planning Portal ref: PP-11351726

On behalf of our client, The Max Barney Pub Company Limited (the applicant) we write in support of a planning application for the change of use of the first and second floors from a dual educational use (Class F1) and pub use (Sui Generis) to a flexible use either; continued Education (Class F1) or, C Office (Class E) or Residential (Class C3) to create two dwellings.

The following documents have been submitted as part of the planning submission:

- Planning Brochure prepared by Studio Kyson Architects
- Acoustic Report
- CIL form

Application site

The site is located on the southern side of Well Road at the corner with New End Square. The property comprises a two-storey brick building with dormer windows within the pitched roof. The building has been used as a public house since circa 1704. The ground floor is used as a pub and the upper floors were originally ancillary landlord accommodation. The upper floors have since been used for various community/educational uses and ancillary pub storage. The current use of the first and second floors are as an overspill classroom for the Heathside School during the daytime and ancillary pub accommodation all other times, however it has only been used as temporary classrooms. The public house operates from the basement and ground floors only, as a 'lock up' pub. The upper floors are not required or let to the publican.

The immediate area is predominantly residential comprising a mix of terraced housing and post war residential blocks. To the east of the site adjoining the building are two 3 storey townhouses with dormer windows. Opposite the site to the northwest is a 5-storey post war residential building. The site is located within walking distance of Hampstead Town Centre.

Architecture Planning Interiors

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The site has a Public Transport Accessibility Level of 3, on a scale of 1-6b, 6b being the best. This indicated good access to public transport. The site is within a 5 minute walk to Hampstead station.

The site is located within Hampstead Conservation Area, the building is not listed but is located in close proximity to a number of listed buildings. The building is noted as a 'Buildings which make a positive contribution' within the Conservation Area Appraisal. The pub was listed as an Asset of Community Value in January 2019.

Planning History

Planning Application ref:2016/6345/P approved on the 10th January 2017 for the '*Retention of public house (Use Class A4) at ground floor and basement; change of use of first and second floors from ancillary pub accommodation (Class A4) to dual educational use (Daytime - Monday to Friday) and ancillary pub use at all other times (Sui Generis); installation of a replacement side access gate (access from New End Square) to provide a dedicated access for the educational use from the rear of the building*'. It is noted that this planning permission was intended to be temporary whilst the schools building was refurbished.

Certificate of Lawfulness for Proposed use ref:2015/3764/P approved on the 3rd September 2015 for the '*Use of the first and second floor for community use ancillary to the existing public house (Class A4)*.'

Planning application ref:2013/7438/P refused on the 10th February 2014 for the '*Change of use from public house (Class A4) to 6 bedroom dwelling house (Class C3)*.'

The Proposal

The application proposes the change of use of the first and second floors only from Class F1 (education) and ancillary pub space (Sui Generis) to a flexible use either continued Class F1 (education), Class E (office) or Class C3 (residential). The ground and basement floors will be retained as a public house (Sui Generis) and this application relates to the first and second floor only.

The existing first floor comprises classrooms and W.C facilities and the second floor comprises a classroom and a store.

Class E use

Indicative layouts are provided within the application brochure to show the layout of the potential Class E use. The first floor would comprise three small office units and the second floor would comprise two office units with a smaller single office and a breakout space. W/C facilities and a shower is located at first floor level.

Cycle storage and refuse storage is located within the external yard space at the rear of the public house. This is an existing space which is secured by a gate.

The total GIA for an office use would circa 159.7sqm.

Residential use

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The residential use will provide two new dwellings comprising; 1x 3 bedroom 5 person flat, 1 x 1 bedroom 2 person flat. The first floor (Flat 1) comprises two double bedrooms and a single bedroom and the second floor flat (Flat 2) comprises a spacious one bedroom apartment.

Cycle storage and refuse storage is located within the external yard space at the rear of the public house.

The total GIA for the residential use would be 166.2sqm.

The education use currently utilises a separate rear entrance and yard space and the rear of the pub. The proposed use will also utilise this rear entrance yard for access and for cycle storage. There are no amendments to the external of the building proposed. There is no additional floorspace proposed.

Planning Considerations

The Development Plan for Camden comprises the London Plan (2021) and the Camden Local Plan (2017).

The site is located within a conservation area but has no other site specific policies.

Land Use

Loss of Ancillary Pub Accommodation

Policy C4 of the Local Plan states that applications involving the loss of pub floorspace, including facilities ancillary to the operation of the public house, will be resisted where this will adversely affect the operation of the pub.

The upper floors of the pub were originally used as ancillary landlord accommodation. In 2015 a certificate of lawful use was granted for the change of the upper floors to a community use ancillary to the pub. Planning permission was then granted to change of the upper floors to overspill accommodation for Heathside Preparatory School during the daytime and to be used as ancillary pub space (Sui Generis) all other times. It is understood that the school required the use of these floors whilst parts of the school buildings underwent construction works, the letting of the upper floors would also make the opening of the ground floor pub viable following a period of vacancy.

Over the years the pub has had long and short periods of vacancy, in order to assist the re-opening of vacant pub it was listed as Asset of Community Value in 2019. The pub has now been let and is trading as a 'lock up' pub operating only on the ground and basement floors. The upper floors are no longer used as rooms or sleeping accommodation and the school no longer require these as additional classrooms. It is evident from the vacancy levels that leasing the entire building as a pub isn't a particularly viable option. The removal of the unnecessary and unused floorspace at first and second floor means the overheads for the pub operator are reduced and the pub can operate more viably. The change of use of the first and second floors from ancillary pub accommodation will not impact the current or future operation of the pub and is likely to assist with the long-term operation of the pub at a more viable level. It is considered that the change of use a dual ancillary pub accommodation is in accordance with Local Plan Policy C4.

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Loss of temporary educational use

This application seeks to provide flexibility for the first and second floors to allow for either a continued educational use (Class F1), Offices (Class E) or Residential (Class C3). Although an educational use (Class F1) is included within the flexible use option, the implementation of the office or residential use could result in the loss of educational use on the site.

London Plan Policy S3 states that development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no ongoing or future need. Local Plan Policy C2 states that the Council will ensure existing community facilities are retained recognising their benefit to the community unless; a replacement facility of a similar nature is provided that meets the needs of the local population or its current or intended users, or the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area.

The upper floors were originally used as pub accommodation, in 2015 we understand that a local theatre group used the upper floors for a production, it was then used by a preparatory school as ancillary classroom space whilst the school underwent building works. It was intended that the use of the upper floors as classrooms would be a temporary use. It is also understood that allowing the school to let the upper floors during the daytimes would assist with the viability of the pub at ground floor and allow an operator to reopen the pub. The school no longer require the rooms at first and second floor and are vacating the premises at the end of the school year (August). As noted above, the pub is now operated as a 'lock up' pub and they do not require the use of these floors. The application proposes to either retain the educational use if this is required, or use the floors as either offices or residential comprising two flats. The existing user no longer requires the use of the floors and this was a temporary use, the potential loss of the educational use is therefore considered to be in line with Policy C2.

Principle of Office

One of the flexible uses proposed is for offices (Class E). The indicative layouts within the planning brochure show a number of smaller units which would be suitable for either one business or a number of smaller businesses, SMEs or start-ups. The site is located just outside of Hampstead town centre and is in an accessible area, the provision of small-scale office floorspace in this location would be in line with Policy E1 of the Local Plan.

Office floorspace would also be a complementary use to the surrounding uses which are predominantly residential. The offices would be used in the day and would create no additional noise than the existing school use or pub use would.

Principle of residential

As stated within Policy H1 self-contained housing is the priority land use of the Local Plan. The site is surrounded by residential uses and the original use of the upper floors was for residential accommodation. It is considered that a residential use would be in keeping with the host building and the surrounding area.

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The scheme could deliver two new flats within the first and second floor comprising; 1x 3 bedroom 5 person flat and 1x 1 bedroom 2 person flat. Both flats will meet the national technical housing standards and have good aspect and outlook. The flats will have a dedicated separate entrance from the rear of the pub which currently exists for the educational use.

A noise survey has been undertaken to ensure that the future residential occupiers will enjoy a good level of amenity on the site and to ensure the pub can operate as existing. The recommendations of the noise surveys will be incorporated into the design of the flats.

Dedicated refuse storage is to be provide within the entrance yard at the rear of the pub. This is an existing yard space for the upper floors and will not detract from public house space. This also provide an easy route to present bins on street for collection. 5 semi-vertical cycle spaces are also provided in this space.

Conclusion

This application proposes a change of use of the upper floors from the existing dual use comprising education (Class F1) and ancillary public house floorspace (Sui Generis) to a flexible use comprising either continued Education (Class D1), Office (Class E) or Residential (Class C3). As detailed within this covering letter, the pub has re-opened and operates as a lock up pub, letting the basement and ground floors only and they no longer need the upper floors. The upper floors were used by a school as classrooms and were let on a temporary basis until construction works at the school had finished. The school no longer need the site for classrooms and are vacating the site this summer and the upper floors will become vacant. In order to ensure the upper floors are not left vacant for periods of time, the application proposes flexible uses of either continued education, office or residential.

The change of use of the first and second floors from ancillary pub accommodation will not impact the current or future operation of the pub and is likely to assist with the long-term operation of the pub at a more viable level. The proposed office or residential uses will be in keeping with the site's location close to Hampstead town centre and will be complementary use to the immediate area, which is predominantly residential. The pub will continue to operate separately from the upper floors as it does currently, and the flexibility of the proposal will help ensure that the upper floors are not left vacant. The application is considered to be in line with the priorities of the Local Plan.

We trust you have sufficient information to determine this application positively; however should you require any further information please do not hesitate to contact the undersigned.

Yours sincerely

Ben Church

For and on behalf of
Rolfe Judd Planning Limited