



Appeal Decision

Site visit made on 14 July 2025

by **JJ Packman MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/K5600/W/25/3362286

Prince Albert Public House, 11 Pembridge Road, London, W11 3HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mitchells & Butlers Plc against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/24/02262.
 - The development proposed is change of use comprising conversion of first-floor theatre space to customer trade area. External and internal alterations to include alteration to window openings and changes to internal layout.
-

Decision

1. The appeal is allowed and planning permission granted for change of use comprising conversion of first-floor theatre space to customer trade area. External and internal alterations to include alteration to window openings and changes to internal layout at 11 Pembridge Road, London, W11 3HQ in accordance with the terms of the application Ref PP/24/02262 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (354P-103); Existing and Proposed Block Plan (354P-107); Proposed Ground Floor Plan (354P-104); Proposed First Floor Plan (354P-105); Proposed Elevations (354P-106).
 - 3) The development shall be undertaken and thereafter operated in accordance with the measures and management arrangements set out in the submitted Planning Fire Safety Strategy (PFSS). Any variation to those measures shall be submitted to and approved in writing by the local planning authority prior to implementation, and the development shall thereafter be carried out in accordance with the approved details.
 - 4) No development shall commence, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include:
 - a) a construction programme and anticipated duration;
 - b) contact details for the site manager and a community liaison procedure;
 - c) hours for site operations and for deliveries/collections;
 - d) the maximum size and number of construction and delivery vehicles, with a booking system to avoid on-street queuing;
 - e) vehicle routing to and from the site, avoiding sensitive streets where

practicable and maintaining unobstructed access and emergency egress to Bulmer Mews at all times;

f) details of on-site loading/unloading, storage of plant and materials; and
g) any temporary traffic and pedestrian management measures, including protection of footways and retained access.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan. A one-page summary of the requirements of the approved CTMP shall be affixed to the frontage of the site for the duration of the works at a location where it can be read by members of the public.

- 5) All work and work of making good shall be finished to match the existing exterior of the buildings in respect of materials, colour, texture, profile and, in the case of brickwork, facebond and pointing, and shall be so maintained.
- 6) The windows and doors hereby approved shall be framed in painted timber and so maintained.

Preliminary Matters

2. Following the Council's decision, the appellant submitted additional evidence comprising (i) a further Marketing Report and (ii) a Planning Fire Safety Strategy (PFSS). I am satisfied that this information can be taken into account at appeal without prejudice to the Council or interested parties, who have had an opportunity to comment. The submitted information does not fundamentally change the nature of the proposal.
3. The site lies within the Ladbroke Conservation Area; there is no dispute that the external works are modest and that the proposal would continue to preserve the character and appearance of the building and wider Conservation Area.

Main Issues

4. The main issues are:
 - whether the proposal accords with the sequential approach set out within the development plan;
 - whether the proposal would be acceptable in terms of fire safety.

Reasons

Sequential Approach

5. The proposal concerns a long-established public house on Pembridge Road within the Notting Hill Gate District Centre. The proposal would bring the vacant first-floor accommodation—formerly occupied by The Gate Theatre until 2022—back into active use as customer trading and ancillary space to the pub, together with modest external and internal alterations.
6. Policy SI1 of the Royal Borough of Kensington and Chelsea (RBKC) New Local Plan Review (July 2024), the 'Local Plan', applies a sequential approach to existing social and community uses. Step 1 seeks re-use for the same, similar or related use. If that cannot be achieved, Step 2 permits a change to another social and community use where it predominantly serves, or provides significant benefits to,

borough residents and where there is a greater benefit to the Borough from the change.

7. The appeal proposal is for a change from a 'cultural' use to a 'valued' use, as defined in the Local Plan. It follows the departure of The Gate Theatre from the first floor in 2022 after an extended period of operation. The theatre space is physically constrained: there is no formal stage, limited back-of-house accommodation, no dedicated storage, access arrangements are shared with the pub, and step-free access is not provided. As a result, the space is ill-suited to modern theatre operation.
8. The appellant's marketing evidence details an active campaign targeted at same, similar or related arts/cultural operators. I have had regard to reports of expressions of interest from would-be theatre operators and to the strong local desire to see a theatre return. However, no firm, deliverable proposal is before me, and interest has not translated into a viable re-occupation within a reasonable timescale.
9. Overall, no viable re-use has emerged. I have no substantive evidence to contradict the explanation for the lack of interest, which is consistent with the functional limitations described above. I therefore find that Step 1 of Policy SI1 has been addressed and is not achievable in this case.
10. Turning to Step 2, a public house is a social and community use. The appeal scheme would return long-vacant space to active use as part of a well-established community facility within a district centre. This would support the vitality and viability of the centre and sustain the communal, cultural and social value associated with public houses. On the evidence before me, the first-floor trading area would predominantly serve Borough residents and provide a greater benefit than the present vacancy.
11. I note that the Council has raised concerns about the quality of the marketing evidence provided, in particular the level of detail, length of marketing period and lack of 'sequential' approach to marketing.
12. The appellant's marketing report identifies the marketing span (Nov 2024 onward). I consider the provision of exact start/stop dates and daily activity logs are details that would not alter the central conclusion of the evidence provided. Up to the final comments stage, evidence of 7 months of marketing has been provided. Whilst this is not the 12 month period required, the appellant has provided an example where the Council has accepted shorter periods of marketing.
13. Furthermore, in this instance, I do not consider it necessary to follow a strict marketing sequence because of the characteristics and constraints of the property with shared facilities, a lack of self-contained access, and operational conflicts with an existing pub use. Given this, I consider that sufficient marketing effort has been expended, and further stages of marketing are unnecessary. Overall, I consider the requirements of Policy SI1(D) have been proportionately met.
14. It is understood from information provided in the Council's Statement of Case (SoC) that the 'site' was nominated as an Asset of Community Value (ACV) in 2023 and the appellant was informed of this during the planning application site visit. A number of interested parties have also made reference to the designation, which has been acknowledged within the appellant's final comments.

15. The designation is a material consideration reflecting community value, but it does not of itself preclude planning permission where development plan policies are otherwise satisfied. The scheme would retain and enhance a designated community facility (the pub) and return vacant space to active use; on this basis the ACV designation does not lead me to a different conclusion.
16. Accordingly, the proposal accords with the sequential approach set out in Policy SI1 of the RBKC Local Plan.

Fire Safety

17. Policy CD16 requires development to demonstrate the highest standards of fire safety. The Council's second reason for refusal arose from the absence of a PFSS at application stage. Interested parties have raised concerns regarding evacuation into Bulmer Mews and the adequacy of detail. A PFSS has now been submitted. It addresses means of escape, evacuation strategy, fire detection and alarm, compartmentation, access for firefighting and ongoing management. The Council has not identified any specific deficiency in the submitted document. Matters of detailed capacity and licensing fall to other regimes.
18. Subject to a condition securing compliance, I am therefore satisfied that the proposal would be acceptable in terms of fire safety. It accords with Local Plan Policy CD16.

Other Matters

19. Interested parties have raised concerns relating to increased noise and disturbance, late-night activity and loss of privacy. The proposal would bring the first-floor accommodation back into use as trading/ancillary space to the established public house; it does not include any external terrace, and the external works are modest. Activity would remain internal and of a type already associated with the lawful use of the ground floor.
20. With the ancillary-use condition in place (preventing a separate planning unit) and noting that operational matters such as hours and noise management are also controlled through the premises licensing regime, I am satisfied the development would not have an adverse effect on living conditions.
21. Concerns have also been raised about construction-phase impacts, including vehicle routing and potential obstruction of Bulmer Mews. The works are predominantly internal and of limited scale and duration, but I consider a proportionate Construction Traffic Management Plan is nevertheless necessary to minimise the short-term effects. Subject to that condition, I am satisfied the scheme would not give rise to unacceptable construction-phase amenity or highway safety impacts.

Conditions

22. A condition specifying the relevant plans is necessary as this provides certainty. I have also included a condition requiring the development to be operated in accordance with the submitted PFSS. I have imposed the two conditions suggested by the Council relating to materials, windows and doors to ensure the building is preserved or enhanced in accordance with Local Plan policies and Conservation Area objectives.

23. It is considered that a pre-commencement CTMP condition is required to suitably mitigate short-term effects of construction on living conditions and highway safety.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

JJ Packman

INSPECTOR