

**Kristina Smith**

London Borough of Camden  
Camden Town Hall  
Judd Street  
WC1H 9JE.

By email only: [planning@camden.gov.uk](mailto:planning@camden.gov.uk)

Re: Planning Application No. 2023/0842/P for the erection of mansard roof extension and two to three storey rear extensions with landscaped terraces in association with the change of use from office at upper floors to provide aparthotel accommodation with ancillary office space; relocation of plant equipment

Dear Ms. Smith,

We write to you as the owner and operator of the Jazz Café at 5-7 Parkway, the adjoining building to 9 Parkway, Camden.

We wish to object to Planning Application No. 2023/0842/P (**Current Application**) on the following basis:

1. There is a lack of detail around the protection of the fire escape from 5-7 Parkway to 9 Parkway during the construction phase of the development. It is essential that our fire escape remains available throughout the construction process,
2. The potential impact of the construction of the development on the continued operation of the Jazz Café, given it is an important cultural facility for the Borough. Specifically, we are concerned about the protection of the fire escape and the impact of construction noise. We note there is nothing in the materials that alleviate concerns around the construction phase.
3. On the issue of noise post completion of the development, there is again a lack of detail on any mitigation measures proposed to protect the existing use of the Jazz Café (being a live music venue).

Whilst these concerns can be cured through appropriate conditions and/or section 106 planning obligations, given the importance of cultural venues in the Camden Local Plan (**Local Plan**), and in particular the importance of the Jazz Café to Camden's cultural life and economy, further information on these issues (i.e. through the submission of a Construction Management Plan and Noise Assessment) should be forthcoming prior to any decision by the Council.

**Background**

The application site currently operates commercial uses at basement and ground floor with office at first-third floors. The current application, lodged on 28 February 2023, seeks to retain the Commercial E(b) at ground floor, provide one office E(c) space at first floor, with 15 apartments across the ground to fourth floor (comprising 9 1 bedroom apartments and four studio apartments).

It is to be noted that permission was granted in 2021 on 9 Parkway for a single storey mansard roof extension and change of use from B1 to C3 to allow four units across the first to fourth floors (**2021 Permission**). The Design and Access Statement dated February 2023, prepared by Groupwork on behalf of the Applicant (**Design and Access Statement**) explains that given self-contained housing is not a desirable use on the site given the proximity to the Jazz Café, the current application was lodged to provide for a mix of commercial, office and apartments which we understand would operate as short-term hotel stays.

As provided for in the Design and Access Statement, the Jazz Café has been operating at 5-7 Parkway since 1990 and is an important cultural venue for the Borough.

We do note that in the covering email providing the application to the Council, it was flagged that a Construction Management Plan (prepared by Talina Builder) was being prepared, however, this document is not yet available on the Register. This was being prepared following pre-application advice from the Council.

#### **Importance of protecting existing fire escapes**

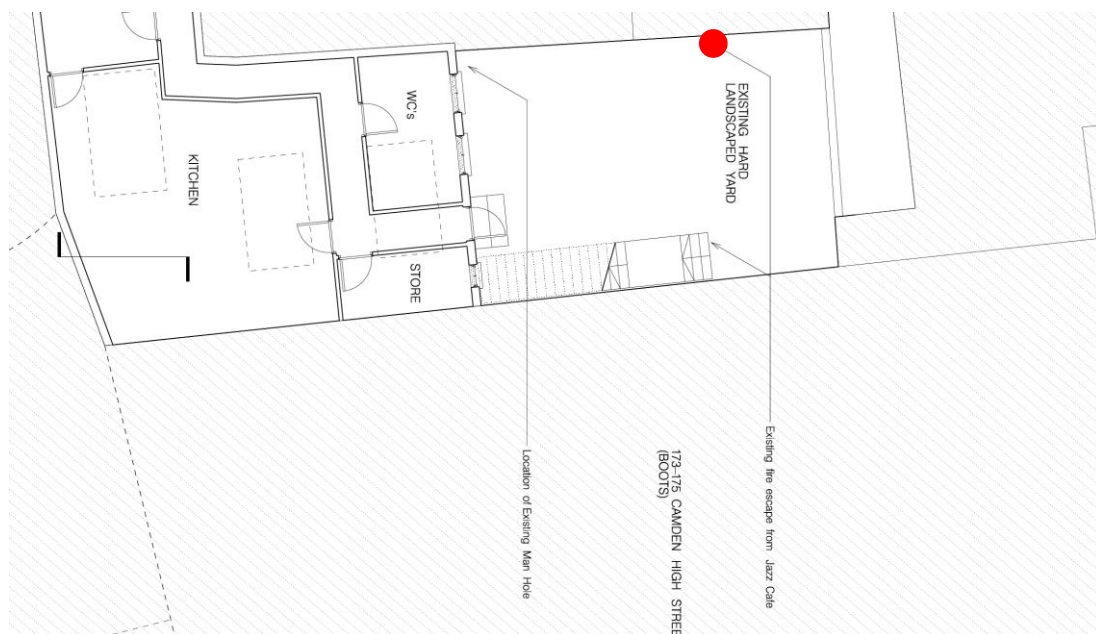
By way of a property deed, the owner of 9 Parkway is obliged to keep the Jazz Café's fire escape route "clear and unobstructed" at all times:

#### **4. First Owner's Obligations**

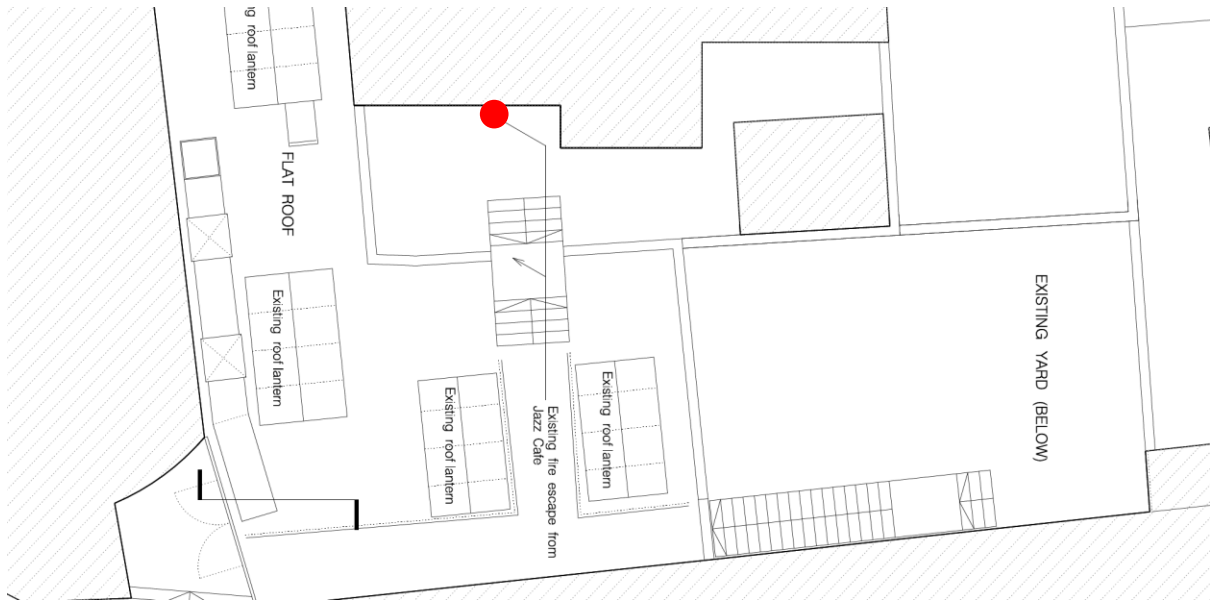
The First Owner hereby covenants with the Second Owner its tenants licensees servants agents and any persons authorised to be on the Second Property to the intent and so as to bind the First Property into whosoever's hands it may come for the benefit of the Second Property to keep the Fire Escape the Gate and any parts of the First Property over which the rights granted in Clause 3 of this Deed are exercised clear and unobstructed at all times and not to interrupt or interfere with the exercise of the rights granted in Clause 3 of this Deed

We wish to make it clear to the Council that these fire escape routes are critical to the ongoing viability and operation of the Jazz Café.

The existing fire escape routes are shown on the Existing Ground Floor and First Floor Plans provided with the current application:

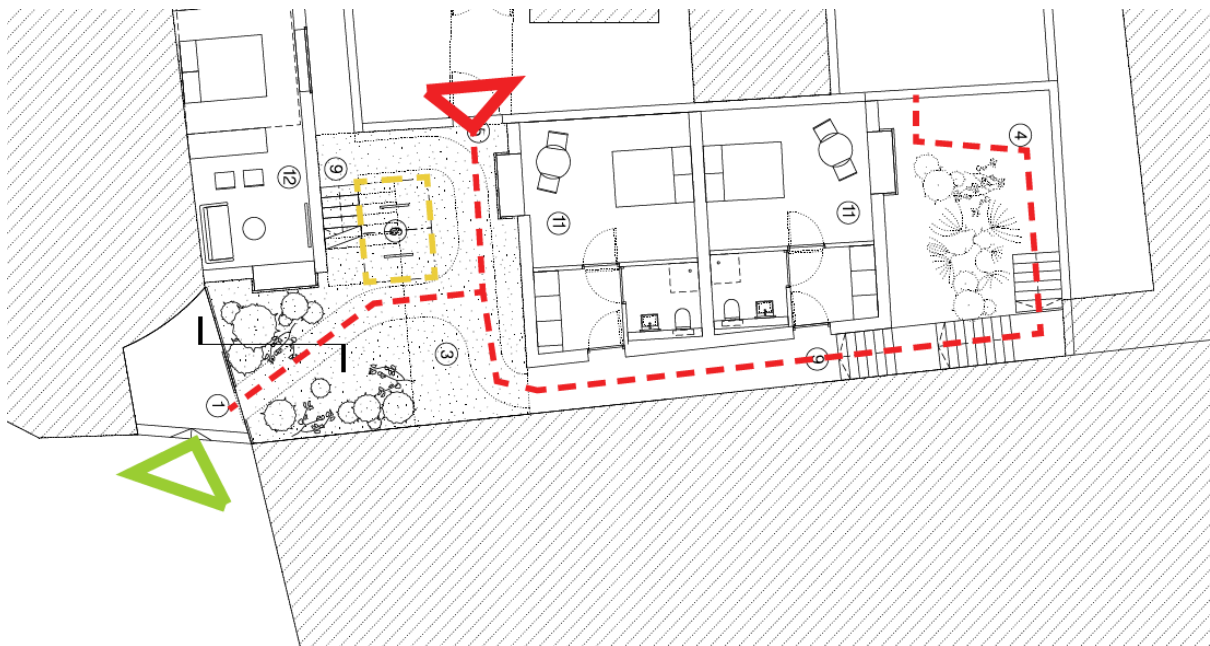


*Existing Ground Floor of 9 Parkway with addition of red dots to show escape point from Jazz Café*

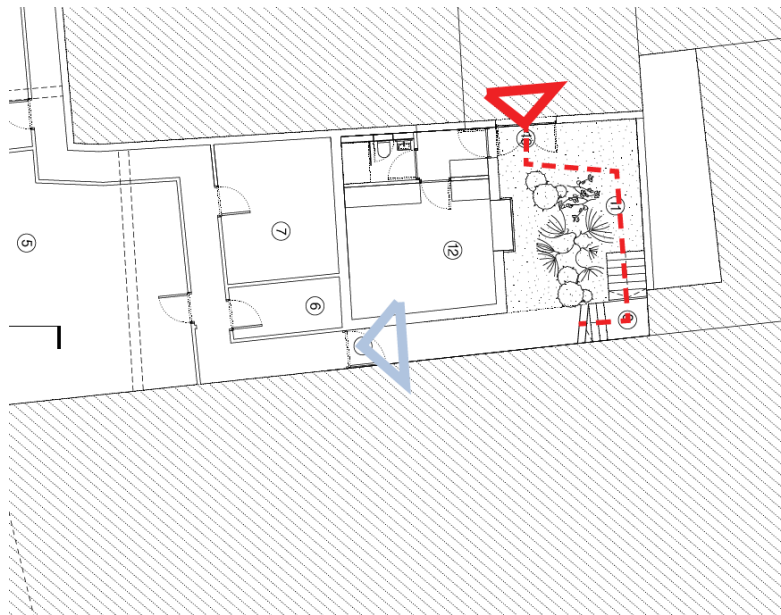


*Existing Ground Floor of 9 Parkway with addition of red dots to show escape point from Jazz Café*

Upon review, the 2021 Permission failed to maintain the existing fire escapes at ground and first floor. However, Page 32 of the Design and Access Statement shows that the current application protects the existing fire escape routes for the Jazz Café, as seen on the below extracts:



*Proposed Ground Floor with fire escape route shown in red*



*Proposed First Floor with fire escape route shown in red*

We welcome the design changes from the 2021 permission to the current application, given the 2021 permission did not protect the existing route (with commercial space provided instead).

### **Protection of the fire escape route and noise mitigation during the construction phase of development**

Whilst the final form of the proposed development protects the existing fire escape routes, we have concerns as to whether these routes will be protected during the construction stage of development and note that the application material currently before the Council does not include any detail on this issue.

In addition to this, and importantly in the context of specific planning considerations, we draw the Council's attention to Policy C3 in their Local Plan which provides for protection of cultural and leisure facilities.

### ***"Protection of cultural and leisure facilities***

*The Council will seek to protect cultural and leisure facilities and manage the impact of adjoining uses where this is likely to impact their continued operation."*

We note at paragraphs 4.59 and 4.60 of the Local Plan provide that:

*"4.59 Cultural and leisure facilities are seen as being under particular threat in London due to rising property values and their siting in prominent locations. There are a wide range of facilities we wish to see protected, in particular affordable accommodation as this is becoming increasingly scarce in inner London. Certain facilities are particularly valuable due to their significance in helping to define Camden's cultural and leisure offer.*

*4.60 The Council wants to ensure that existing cultural and leisure attractions are sustained and enhanced. It is important that noise sensitive uses, such as residential, built adjacent to an established facility, do not affect the ability for cultural and leisure premises to continue operating successfully, e.g. live music venues. Policy A4 Noise and vibration provides further advice on this matter."*

It is well established that the Jazz Café is a cultural attraction, and it is important that for its continued operation, the fire escape routes are protected during both the construction phase and once the development is completed.

We note under the Noise and Vibration Policy (A4) in the Local Plan:

*“The Council will also consider the impact of attenuation measures on the character and appearance of the building and locality (see Policy D1 Design and associated supplementary planning document Camden Planning Guidance on design). Measures to mitigate the impacts of noise and vibration associated with demolition and construction will be secured by legal agreement through Construction Management Plans (Policy A1 Managing the impact of development).”*

Given the above, we say the Construction Management Plan, in addition to dealing with noise and vibration during the construction period (as is required by Policy A4) must also deal with the protection of the fire escape routes during the period of construction. It appears this is also an important issue for the Council given it has requested a Construction Management Plan in order to properly assess the application.

### **Noise mitigation measures and the Agent of Change**

We note the importance of the Agent of Change Principle in protecting the existing use of the Jazz Café. Paragraph 187 of the National Planning Policy Framework provides as follows:

*“187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

The Local Plan provides at paragraph 6.93:

*“In cases where noise sensitive development is proposed in close proximity to an existing noise generating use (such as music venues and pubs) the Council will determine whether the introduction of the sensitive use will be harmful to the existing premises continued operation. In some cases the Council may require the developer to be responsible for future costs of soundproofing (known as the “agent of change” principle), secured by a legal agreement.”*

In terms of the documentation material currently before the Council, we note that there is one Environmental Noise Assessment. This Assessment was prepared by RBA Acoustics and is dated 22 March 2023 (RBA Assessment). It deals solely with the existing noise conditions and the noise limits to be achieved by future plant items, which as per section 6 of the report, require further detailed analysis at a later point in time.

In our view, before any decision is made, the Applicant should submit a further Noise Assessment that deals with and recommends potential mitigation measures to protect the existing use of the Jazz Café. Further information and analysis should also be made available on the plant equipment as required by the RBA Assessment.

We note that the Design and Access Statement does not provide any specific information on noise mitigation measures, such as soundproofing of the Apartments. In our view, this is important information that is required to avoid any future issues with guests of the apartments.

As per paragraph 6.93 of the Local Plan, and consistent with Policy A4, the Council should also consider if it is appropriate to secure soundproofing of the development via a section 106 agreement.

### Conclusion

We appreciate that Construction Management Plans and Noise Assessments can be conditioned and or secured through a section 106 Agreement (and we think that this is absolutely necessary for the current application). However, given the importance of the Jazz Café and the Council's specific policy to protect cultural facilities, our view is that consideration by the Applicant of the issues raised above (i.e. construction phase noise mitigation and protection of the fire escape and noise mitigation measures post completion) should be forthcoming -and agreed with ourselves - before the Council makes any decision on the application.

Yours sincerely,

Steven Ball

The Jazz Cafe