

<b>Address:</b>	Horse Hospital The Stables Market Chalk Farm Road London NW1 8AH		
<b>Application Number:</b>	2007/3365/P	<b>Officer:</b> Thomas Smith	
<b>Ward:</b>	Camden Town with Primrose Hill		
<b>Date Received:</b>	06/07/2007		
<b>Proposal:</b>	Change of use of the first floor and part of the ground floor (Unit 93) from retail use (Class A1) to a mixed use comprising art gallery/exhibition space and bar ( <i>Sui Generis</i> ).		
<b>Drawing Numbers:</b>	Site Location Plan APG01-1/01/003; 00/001A; 00/002A; 00/003A; 00/004; 00/005; 00/006; 01/002/G; 02/003/A; 02/001/E; 02/002/B; 02/003A; 02/004; 02/005; 02/006; 02/007; 7991-cgms/6		
<b>RECOMMENDATION SUMMARY: Grant planning permission subject to conditions</b>			
<b>Related Application Number</b>	2007/3366/L		
<b>Date Received:</b>	06/07/2007		
<b>Proposal:</b>	Replacement of windows with louvres, installation of toilet facilities, sound insulation and internal cladding together with other alterations in association with the change of use of the first floor and part of the ground floor (Unit 93) from retail use (Class A1) to a mixed use comprising art gallery/exhibition space and bar ( <i>Sui Generis</i> ).		
<b>Drawing Numbers:</b>	Site Location Plan APG01-1/01/003; 00/001A; 00/002A; 00/003A; 00/004; 00/005; 00/006; 01/002/G; 02/003/A; 02/001/E; 02/002/B; 02/003A; 02/004; 02/005; 02/006; 02/007; 7991-cgms/6		
<b>RECOMMENDATION SUMMARY: Grant Listed Building Consent subject to conditions</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Alex Proud c/o Agent		CgMs Ltd Morley House, 26 Holborn Viaduct London EC1A 2AT	

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A1	Retail	933m <sup>2</sup>
Proposed	Sui Generis	Art Gallery and Bar	933m <sup>2</sup>

## **OFFICERS' REPORT**

**Reason for Referral to Committee:** The proposal involves the change of use to a mixed use containing a significant element of Class A4 floorspace i.e. a bar [Clause 3(iv)].

**NB.** This report should be read in conjunction with the report for planning application 2007/3593/P which is contained elsewhere in this agenda, as the proposal is interlinked.

### **1. SITE**

- 1.1 These applications relate to the Grade II listed Horse Hospital within the Stables Market running parallel with Chalk Farm Road. The western part of the building dates from 1883, and internally there survives intact the timber and cast iron stabling partitions, stone setts, and cast iron columns, giving the building a robust, industrial character. The eastern section of the building dates from 1895, and retains timber roof trusses, and, in the middle room, stone setts. The easternmost room has a concrete floor, and the timber roof structure is in a state of disrepair.
- 1.2 The building currently houses an antiques market and has an authorised use as retail (Class A1). It is located within the Camden Town Centre and the Regent's Canal Conservation Area.

### **2. THE PROPOSAL**

- 2.1 The applications propose a change of use from retail (Class A1) to a mixed use as a gallery and a bar (*Sui Generis*), transferring the use from the neighbouring Gin House on a permanent basis. The use includes book/record launches, fashion shows, exhibitions and live music performances. The proposal would represent an increase in floorspace from 517m<sup>2</sup> in the Gin House to 933m<sup>2</sup> in the Horse Hospital.
- 2.2 External works would include the replacement of a number of windows with louvres to provide ventilation, and new frameless glass entrance doors.
- 2.3 Internal works would include the insertion of toilet facilities, sound proofing and lightweight cladding to allow art to be hung on the walls.
- 2.4 It was originally proposed to install a mezzanine level walkway in the central space, below the apex of the roof, but this has been omitted following structural concerns. Air conditioning units within the roof lantern have also been removed from the proposal.

### **3. RELEVANT HISTORY**

- 3.1 Horse Hospital: Planning permission 9300480 for change of use of the first and part-ground floors from light industrial (B1c) use to retail (A1) use was granted in August 1993.

- 3.2 Gin House: Planning permission 2006/5241/P for change of use from art gallery/exhibition space (Class D2) to mixed use as an art gallery/exhibition space and bar (*Sui Generis*) and retention of marquee at rear was granted in January 2007 for a temporary period of 6 months and ceased at the end of August 2007. The gallery was located within the Gin House and the bar was located within the marquee, with the gallery often being used for live music in the evenings. The floorspace of the use was 517m<sup>2</sup>.
- 3.3 Buildings A & B: Planning permission 2006/3182/P for demolition of existing temporary buildings and partial demolition of arches for 11,564.5m<sup>2</sup> mixed use redevelopment comprising two new 4-storey plus basement buildings was granted in October 2006 and works on site are currently commencing. The mix of uses is as follows:

A1 Shop	4370.5m <sup>2</sup>
A3 Restaurants and Cafes	495 m <sup>2</sup>
B1a Business - Office	1,417 m <sup>2</sup>
B1c Business - Workshop / studio	789 m <sup>2</sup>
B8 Warehousing	1580 m <sup>2</sup>
D1 Non-Residential Institution	1842 m <sup>2</sup>
Sui Generis	1071 m <sup>2</sup>

## 4. CONSULTATIONS

### Conservation Area Advisory Committee

- 4.1 Camden Town CAAC has objected on the following grounds:
- The insertion of toilets in two stable bays, which retains the most intact details of stabling, will irreversibly damage the floors and the brick vault below (*Response: see para. 6.23*);
  - The acoustic linings to the soffit of the roof will damage the appearance of the listed building by concealing the structure of the roof (*Response; see para. 6.19*);
  - The cladding of the walls and new glazing in windows, particularly in Room 1, will damage the appearance of the stable stalls (*Response: see para. 6.18*);
  - Generally, the alterations will detract from the listed building as original surfaces will be obscured.

### Local Groups

- 4.2 The Harmood Street, Clarence Way and Hartland Road Resident's Association has objected to the proposal on the following grounds:
- Noise and disturbance from within the existing establishment in the Gin House, and cabs waiting outside the Stables Market and in surrounding streets in the early hours of the morning;

- High levels of crime and disorder on Chalk Farm Road due to extended opening hours and Proud Galleries adds to this cumulative impact;
- The proposals are out of keeping with the local area in terms of appearance.

4.3 Camden Town Unlimited has written in support of the application on the grounds that Proud Galleries contributes to the economic success and cultural heritage of the town centre.

#### 4.4 **Adjoining Occupiers**

<i>Number of letters sent</i>	<i>435</i>
<i>Number of responses</i>	<i>33</i>
<i>Number in support</i>	<i>1</i>
<i>Number of objections</i>	<i>32 plus petition with 108 signatures</i>

4.5 15 individual letters of objection have been received from neighbouring occupiers raising the following concerns:

- Noise and disturbance to local residents particularly late in the evening from amplified music within the building and also from customers entering/leaving;
- Cabs use the surrounding streets as an informal taxi rank;
- Anti-social and criminal behaviour associated with the proposed use;
- Applicant is using the guise of an art gallery for what is a large bar;
- Already enough drinking establishments in the area;
- Proposal would upset the unique nature of the market and the relationship of the antiques traders with the Horse Hospital would be lost;
- Concerns about consultation process.

4.6 A letter of support has been received from a neighbouring occupier which states that the proposal will have a positive impact on the character and vibrancy of Stables Market and the wider town centre.

4.7 Duplicate letters have been received from existing stallholders within the Horse Hospital raising the following concerns:

- Noise and disturbance to local residents;
- The sound insulation would cover details of the roof and other alterations would result in a dead and sterile building;
- Weekend opening at the Horse Hospital suits the existing traders who do not generally want 7-day trading;
- The antiques market would not survive in the new building.

4.8 A petition with 108 signatures has been received which raises objection to the proposal on the grounds that moving the antiques market into the modern building would be wholly inappropriate and would damage the reputation of Stables Market. It also states that use of the building as a gallery/bar would do nothing to enhance the pleasure of visiting this unique site and building.

## 5. **POLICIES**

- 5.1 Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

### **Camden Replacement Unitary Development Plan 2006**

SD1d Community Safety  
SD6 Amenity for occupiers and neighbours  
SD7 Noise/vibration pollution  
SD8 Disturbance  
SD9 Energy and resources  
B1 General design principles  
B3 Alterations and extensions  
B6 Listed buildings  
B7 Conservation areas  
T9 Impact of parking  
R1b Food and drink and entertainment  
R2 General impact of retail and entertainment uses  
R3 Assessment of food and drink uses and licensed entertainment  
R4 Markets

### **Supplementary Planning Guidance**

Food, drink and entertainment in Camden Town (May 2003)

## **6. ASSESSMENT**

- 6.1 The principal considerations material to the determination of this application are summarised as follows:

- Principle of change of use
- Amenity impacts
- Transport
- Impact on listed building
- Sustainability

### **Principle of change of use**

- 6.2 The application is for a mixed use as a gallery and a bar. Given the nature of the operation at the Gin House, the considerations that will apply are generally the same as those relating to a Class A4 application.
- 6.3 This application would result in the loss of 933m<sup>2</sup> of retail space within the Horse Hospital. Given the significant overall increase in retail floorspace within the Stables Market from the development of Buildings A and B, it is not considered that the proposed loss of retail floorspace within the Horse Hospital would harm the vitality or viability of the market.

- 6.4 However, the applicant has submitted a concurrent planning application (2007/3369/P) for a change of use of an equivalent amount of floorspace (933m<sup>2</sup>) from Class D1 to Class A1 within Buildings A and B to ensure that there would be no overall loss of retail floorspace within the Stables Market in the long-term.
- 6.5 It is recognised that the existing antiques market enjoys a synergy with the Horse Hospital which would be lost through the relocation of these traders into the new building. It is also recognised that these traders may also not be able to trade within the market until the new building is completed, although there are other vacant units within the Market which could be utilised. However, it is not the purpose of the planning process to dictate the type of building that specific users should occupy or to protect the interests of individual traders, and these are not material considerations in the determination of this application.

### **Amenity Impacts**

- 6.6 Whilst the application proposes the relocation of Proud Galleries from the Gin House, the previous use only had a temporary permission. This is the first time that a proposal for a permanent exhibition space with a bar has been considered. Therefore, all of the issues can be considered afresh, although the previous temporary use in the Gin House is a material consideration.
- 6.7 Chalk Farm Road contains a number of food, drink and entertainment uses and there is a relatively high level of activity until the late evening, particularly at weekends. Objectors have raised concern about the cumulative impact of additional establishments in terms of increased noise and antisocial/criminal behaviour and this is a key consideration.
- 6.8 There have been a number of complaints to Environmental Health about noise disturbance from the temporary use at the Gin House although only one of these has been substantiated.
- 6.9 A noise impact assessment has been submitted with the application which involved noise measurements being taken from the nearest residential properties. Based on this analysis, the report recommends sound insulation measures, the most significant of which is to the roof. These measures have been incorporated into the proposal and Environmental Health Officers have advised that, with appropriate noise conditions, the use could operate without unacceptable disturbance to nearby residential occupiers. More specifically, those conditions relate to noise levels generally, with more stringent standards applying between 2300 and 0800 hours. In addition, a condition requiring a sound limiting device to be fitted would provide additional control and further safeguard residential amenity.
- 6.10 It is recognised that Chalk Farm Road is lively until the early hours of the morning, particularly at the weekends, and that this level of activity inevitably has some impact on nearby residential occupiers. However, a balance must be struck between enhancing the vibrancy of the town centre and the protection of the amenities of nearby residential occupiers.

- 6.11 The currently proposed floorspace of the Horse Hospital use (933m<sup>2</sup>) would be approaching twice that of the previous temporary use at the Gin House (517m<sup>2</sup>). Furthermore, the Horse Hospital is located closer to noise-sensitive properties than the Gin House. However, the use of a permanent building is likely to contain noise far better than the marquee.
- 6.12 Whilst the cumulative impact of additional entertainment establishments in terms of general noise and disturbance in the area is difficult to quantify, it is probable that the use that is the subject of the current proposal will attract a significant number of additional people to the area and will consequently add to the general level of activity, especially during the evening. Whilst it is considered by officers that the additional impact that is attributable to the proposed use would be not be so significant as to warrant refusal (subject to appropriate opening hours), it is accepted that this is a finely balanced judgement. It is therefore particularly important, in the interests of safeguarding the amenities of adjoining residential occupiers by minimising the potential for noise and disturbance, to carefully consider what these opening hours should be.
- 6.13 The previous temporary use at the Gin House allowed opening until 0130 on Sunday to Wednesday nights and 0300 on Thursdays to Saturdays, and the applicant has requested these opening times for the proposed use in the Horse Hospital. The site is not within any identified frontage in the Food, Drink & Entertainment in Camden Town SPG, but the opposite side of Chalk Farm Road is within a 'mixed frontage' where entertainment is usually acceptable until 1am. The approved opening hours for the previous temporary use at the Gin House were later than is recommended by these guidelines, on the basis of the distance of this building from the nearest residential properties, the size of the premises and the temporary nature of the planning permission. However, the current application is for a permanent use which would be closer to residential properties, involving a materially larger floorspace and which is thus likely to attract significantly more customers. Furthermore, after 1am the area is generally quieter with most (but not all) of the entertainment venues in the surrounding area having closed. On this basis, it is considered that opening beyond the time recommended in the SPG, as per the applicant's request, is likely to result in an unacceptable level of disturbance from the activity with regard to customers leaving the venue. Therefore, a condition is recommended to allow opening until 1am daily in accordance with SPG guidelines.
- 6.14 Following on from this, it is considered that if the Gin House and the Horse Hospital were to operate as a gallery/bar simultaneously, this would tip the balance in terms of localised cumulative impact on the amenities of nearby residential occupiers and would not be acceptable in this regard. Therefore, a condition is recommended to the Gin House application that any further temporary use there should cease before the use of the Horse Hospital commences (see 2007/3593/P elsewhere in the agenda).
- 6.15 Whilst community safety is a material planning consideration, it is difficult to quantify the level of anti-social/criminal behaviour which could be directly associated with the proposed use. Furthermore, it is also difficult to control how customers are managed when entering/leaving the premises. The licensing

process is far better placed to require establishments to operate in accordance with management plans to ensure that measures are put in place to reduce anti-social/criminal behaviour as far as possible. Indeed, discussions are ongoing between the applicant and the police to ensure that this matter is adequately addressed and a license could be refused if it is considered that the operation would be unacceptable impact in this regard.

## **Transport**

- 6.16 Whilst the proposed use is likely to attract a greater number of customers than the existing temporary use, the vast majority of these are likely to use public transport and it is considered that the proposal will not result in any significant increase in parking demand in the area. Servicing would take place within Stables Market as per the existing arrangements.
- 6.17 Whilst there are overcrowding issues for the tube at peak hours and during the day at weekends, the proposal is unlikely to significantly exacerbate this problem as it will generally attract most of its customers in the evenings.

## **Impact on listed building**

### *General works*

- 6.18 In each room, it is proposed to line the walls to just below the windows, with MDF, in order to provide hanging space for exhibits. This is considered acceptable in principle, as it represents a reversible intervention and will avoid works being hung directly on the brickwork; however, full details of the method of fixing are required by condition in order to ensure that no damage occurs to the surface behind. The brickwork above will still be able to be appreciated.
- 6.19 It is intended to acoustically upgrade the roof structure, lining with mineral wool between the purlins and overlaying with plasterboard. Although some of the surface of the roof would be obscured, the actual structure and form will still be able to be appreciated. Furthermore, the works would be a reversible intervention and are therefore considered to be acceptable.
- 6.20 Double glazed secondary units would be installed within the plain reveals of the existing window openings and within the roof lanterns. The unit frames would be timber, and would be no deeper than the existing frames, thus having a minimal effect on the appearance of this part of the building.
- 6.21 It is proposed to install a number of free-standing bars which would not impact on any historic fabric.
- 6.22 Two extract fans are proposed in the western and central rooms. These would be positioned within the lantern rooflights, and ventilated via the existing louvred upstands. Floor-mounted heating pipes are also proposed, which would be run around the perimeter of the rooms, minimally fixed to the floor. It is considered that these works would not have any adverse impact on the special character of the building.



#### *Western room*

- 6.23 It is proposed to install WC facilities within the westernmost horse stalls. These would be contained within a timber studwork and plasterboard lining, which is supported at the top and bottom, and therefore would not impact on any historic fabric.
- 6.24 It is also proposed to re-open a blocked doorway to the eastern end of this room, and to form a brick stair externally, to provide emergency egress. The detailing of the stair is considered acceptable, however, the damaged brickwork around the edge of the door opening should be made good when the replacement door is inserted and is secured by condition.

#### *Eastern room*

- 6.25 Removal of non original partitioning which divides the space in two is proposed within this room, which is welcomed as it would reinstate the original volume of the space. A small amount of stud partitioning is required in the south west corner in order to provide office space, which is considered acceptable.
- 6.26 It is proposed to replace a number of windows with louvres to provide ventilation. These would be contained behind the retained window frames and glazing bars; although the submitted information is limited and a condition is recommended to require further details.

#### *Entrance way*

- 6.27 It is proposed to install a frameless glass door at the head of the stair, and to replace the existing booth with a partition to form a cloakroom. Both of these elements are considered acceptable as they would not impact on historic fabric.

### **Sustainability**

- 6.28 Given that the application is for a change of use of an existing building which is Grade II listed, there are limitations on the extent to which sustainable measures can practicably be incorporated. However, the applicant proposes to use dual flush toilets to reduce water consumption, low level energy lighting and would benefit from energy-saving through the additional insulation. It is considered that the proposal would accord with policy SD9.

## **7. CONCLUSION**

- 7.1 It is considered that the proposed change of use would not have any significantly adverse impact on the character, function, vitality and viability of the market and that, subject to appropriate conditions, the impact on residential amenity would, on balance, be acceptable. The proposed alterations would not have any significantly adverse impact on the special character and historic interest of the listed building.
- 7.2 It is recommended that planning permission and listed building consent be granted subject to conditions.

## **8. LEGAL COMMENTS**

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.