

<b>Address:</b>	Gin House Stables Market Chalk Farm Road London NW1 8AH		
<b>Application Number:</b>	2007/3593/P	<b>Officer:</b> Thomas Smith	
<b>Ward:</b>	Camden Town with Primrose Hill		
<b>Date Received:</b>	26/07/2007		
<b>Proposal:</b>	Renewal of 2006/5241/P dated 15/02/07 for change of use from art gallery/exhibition space (Class D2) to mixed use as an art gallery/exhibition space and bar ( <i>Sui Generis</i> ) at first and second floor levels and retention of marquee at rear for a further temporary period of 6 months.		
<b>Drawing Numbers:</b>	Site Location Plan; 01; 02; 03; 04; Photo sheets x2; D0401-42 02; H2406-TU; 01		
<b>RECOMMENDATION SUMMARY: Grant planning permission for a further temporary six month period subject to conditions</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Proud Galleries c/o Agent		CgMs Limited Morley House 26 Holborn Viaduct LONDON EC1A 2AT	

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>Class D2</i>	<i>Assembly and Leisure</i>	<i>517m<sup>2</sup></i>
Proposed	<i>Sui Generis</i>	<i>Gallery / Bar</i>	<i>517m<sup>2</sup></i>

## **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 reports for planning applications 2007/3365/P and which is contained elsewhere in this agenda as the proposal is interlinked.

### **1. SITE**

- 1.1 This application relates to a 3-storey building within the Stables Market, Chalk Farm Road known as the Gin House. It has an authorised use as retail (Class A1) at ground floor and an exhibition gallery (Class D2) at first and second floors. However, it has most recently been in temporary use as a gallery/bar (*Sui Generis*) but the planning permission under which this use was allowed expired at the end of August 2007. The premises have been closed for business since this date. There is a terrace located to the rear at first floor level adjacent to the railway above the arches.
- 1.2 The Gin House is located within the Camden Town Centre and the Regents Canal Conservation Area but is not listed although there are a number of other listed buildings within close proximity in Stables Market.

### **2. THE PROPOSAL**

- 2.1 This application proposes a change of use of the existing exhibition gallery (Class D2) at first and second floor levels to a mixed use as a gallery and bar (*Sui Generis*) for a further 6-month temporary period.
- 2.2 The application also proposes the continued retention of a marquee located at the rear of the Gin House on the first floor level terrace for a temporary period until April 2008. This marquee has been in use as an additional bar in connection with the gallery, and measures 28.2m x 12m x 4.2m to the top of the ridge.
- 2.3 The applicant has submitted a concurrent application for permanent use of the adjacent Horse Hospital as a gallery/bar (*Sui Generis*) and the intention is to transfer the use once the Horse Hospital is ready for occupation, should the concurrent application be approved.

*NB. The plans submitted with the application are particularly poor quality and would not normally be acceptable but, given the temporary nature of the proposal and that it is for continuation of a use that was already in existence, the application was validated.*

### **3. RELEVANT HISTORY**

- 3.1 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 and

retention of marquee at rear was granted by the Development Control Committee in January 2007 for a temporary period of 6 months and ceased at the end of August 2007. The premises have been closed for business since this date.

#### **4. CONSULTATIONS**

##### **Conservation Area Advisory Committee**

4.1 Camden Town CAAC raise 'no objection'

##### **Local Groups**

4.2 The Harwood Street, Clarence Way and Hartland Road Resident's Association has objected on the following grounds:

- The marquee is an eyesore;
- Noise disturbance from the use has got worse since February;
- Taxis gathering in Hartland Road until 3am causing disturbance to residents;
- Crime and disorder is rife in Chalk Farm Road and this establishment has contributed to the cumulative effect;
- Lack of consultation with local residents on planning and licensing applications

##### **4.3 Adjoining Occupiers**

<i>Number of letters sent</i>	<i>50</i>
<i>Number of responses</i>	<i>11</i>
<i>Number in support</i>	<i>1</i>
<i>Number of objections</i>	<i>10</i>

4.4 10 letters of objection have been received raising the following concerns:

- Noise and disturbance from within the building and particularly the marquee;
- Increased numbers of people on the surrounding streets creating late-night disturbance;
- Increased criminal and anti-social behaviour;
- Difficulties in parking on the side streets in the evenings;
- Increased traffic driving at high-speeds down the side-roads;
- Unsafe staircase and fire risks;
- Lack of consultation for previous licensing and planning applications

4.5 A representation has been received from a neighbouring occupier raising no objection as it brings in people to the area in the evenings and provides jobs and a good nightlife in the area, although the residents parking should be extended until midnight.

#### **5. POLICIES**

5.1 Set out below are the UDP policies that the proposals have primarily been assessed against. 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**

- SD1 Quality of life
- SD6 Amenity for occupiers and neighbours
- B1 General design principles
- B3 Alterations and extensions
- B7 Conservation areas
- R1 Location of new retail and entertainment uses
- R2 General impact of retail and entertainment uses
- R3 Assessment of food and drink uses

## **Supplementary Planning Guidance**

Food, Drink & Entertainment in Camden Town SPG

### **6. ASSESSMENT**

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

#### **Principle of proposed use**

- 6.2 The site is located within the Camden Town Centre and is therefore an appropriate location for new Class A4 uses in principle.
- 6.3 Stables Market contains a variety of commercial uses, and the other evening drinking establishments within the Market are the Gilgamesh bar/restaurant, Lockside Lounge and Bar Cuban. It is considered that the temporary mixed use as an art gallery/exhibition space and bar would not upset the balance of uses or result in any over-concentration of drinking establishments in the Market.
- 6.4 The marquee is not considered to be a satisfactory permanent form of development, particularly within a conservation area and adjacent to a number of listed buildings. However, it is only visible from the upper floors of buildings on the other side of the railway and when stood adjacent to the railway above the arches to the west; a vantage point not frequented by pedestrians. Due to its limited visibility, it is considered that the retention of the marquee for a further temporary period of up to 6 months would not be significantly harmful to the character of appearance of the conservation area or the setting of the listed buildings. There are no other alterations to the Gin House proposed.

#### **Amenity Impacts**

- 6.5 The northern side of Chalk Farm Road is identified as a mixed frontage in the Food, Drink and Entertainment in Camden Town SPG where entertainment licences until 1am are generally acceptable. However, the Gin House is not within any identified frontage and it is set back from the main road away from residential properties and

as such there is more scope for flexibility in the hours of operation. Indeed, the Gilgamesh bar/restaurant nearby within the market complex has licensed hours to serve alcohol until 0130 hours on Monday mornings and 0230 hours for the rest of the week. The hours of operation condition attached to the previous temporary permission allowed opening until 0130 on Sunday to Wednesday nights and 0300 on Thursday to Saturday nights. On the basis of its size, location and temporary nature it is considered that these hours are acceptable for a further 6 months.

- 6.6 No live or amplified music is played after 1900 hours within the marquee, and after this time amplified music is only played within the Gin House, to reduce potential noise disturbance (this is included within the lease agreement with Stables Market). The Gin House is located approximately 50m from the nearest residential properties, giving a far larger buffer than exists between most late night establishments and residential properties on Chalk Farm Road. Environmental Health has had some noise complaints since Proud Gallery has been operating in its current manner, although only one of these has been substantiated.
- 6.7 The premises have a capacity of 500 persons, and therefore there is potential for noise disturbance at closing time when customers leave the building. Proud Gallery employs a number of staff outside the premises to ensure that patrons leave directly between the Stables Market and the Gin House, to prevent security risks and discourage anti-social behaviour. Indeed, there are conditions attached to the licence to ensure that there is a door supervisor for every 100 patrons, and that they are to patrol the area between Proud Gallery and the Stables Market entrance when the premises closes, to ensure that people leave the premises and the immediate environs quietly. The licence also requires the provision of CCTV, and to advertise to patrons that it is in operation in order to discourage anti-social behaviour.
- 6.8 Whilst the proposed use could contribute to the existing problems on Chalk Farm Road that have been identified by the objectors, it is considered that by officers that the additional impact that is attributable to the use would not be so significant as to warrant refusal. Conditions are proposed relating to noise levels, with more stringent standards applying between 2300 and 0800 hours. It should be noted that there are also noise conditions attached to the licence to prevent disturbance from within the establishment.
- 6.9 It should be noted that the Metropolitan Police agreed to the proposed opening hours at the time of the previous licence application subject to the following conditions:
- No entry or re-entry after midnight Sun-Weds and 0100 hours Thurs-Sat;
  - No application for TENs (Temporary Event Notice) to be made;
  - Capacity of 500 persons;
  - Door supervisors to patrol at the end of the night to ensure that people leave the premises quietly;
  - The premises shall use licensed cab companies and patrons shall be marshalled whilst waiting.

- 6.10 There is a concurrent application by the same applicant, for permanent use of the Horse Hospital as a gallery/bar (see 2007/3365/P elsewhere in the agenda). 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 that any further temporary use at the Gin House should cease before the use of the Horse Hospital commences.

### **Transport**

- 6.11 The proposal is located with a town centre with excellent tube and bus connections and due to the nature of the use it is considered that customers are likely to arrive by public transport. It is therefore considered that the proposed use is not likely to result in a significant increase in parking congestion in the locality.

## **7. CONCLUSION**

- 7.1 The proposed use maintains an appropriate balance of uses within Stables Market and can operate in such a manner that it would not result in any significant loss of amenity to residential occupiers in the locality provided that the Horse Hospital is not put to similar use simultaneously.
- 7.2 It is considered that the marquee does not represent an acceptable form of permanent development but that due to its relatively discreet location it is acceptable for a further temporary period of up to six months.

## **8. LEGAL COMMENTS**

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