

FAO: Neil McDonald
Planning Services
Camden Council
Camden Town Hall
Argyle Street
London
WC1 8EQ

Date: 25 October 2013

PROPOSED DEVELOPMENT: The Greenwood Centre, Greenwood Place and Highgate Day Centre, 19-37 Highgate Road, London NW5 (the "**Development**")
PLANNING APPLICATION NUMBER: 2013/5947/P
APPLICANT: The London Borough of Camden
SUBMITTED: 3 October 2013

Dear Mr McDonald,

I write in connection with the notification that we received from Tibbalds Planning & Urban Design Limited ("**Tibbalds**") notifying The Forum Club (Kentish Town) Limited ("**Company**") of the planning application (the "**Application**") made by the London Borough of Camden ("**Applicant**") in respect of the above site ("**Site**").

The Company, as owners and operators of the live music venue known as The Forum (located at 9-17 Highgate Road, London NW5 1JY, adjacent to Greenwood Place (south) ("**The Forum**")) is extremely concerned at the potential impact that the development is likely to have on the operation and servicing of The Forum. The Forum is a well-established local and regional facility, the continued operation of which should not be jeopardised.

The Company recognises the Council's intention to redevelop the two sites and has no objection in principle to redevelopment in order to provide the care facilities proposed. The Company however, objects strongly to the proposals contained in the current Application because they are likely to have an unnecessary adverse impact upon the operation of The Forum for the reasons set out below.

In summary:

- (a) The Company objects strongly to the proposals in the current Application.
- (b) Improved provision for vehicular and pedestrian access to The Forum should be secured.
- (c) The noise assessment in respect of The Forum is inadequate. It would be unsafe for the Council to make a decision based on it.
- (d) The residential flats should be re-designed so that there are no openings in the flank walls facing The Forum.

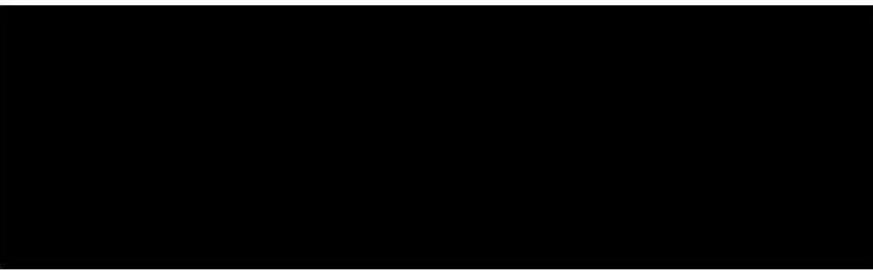
If, notwithstanding our representations, the Council were to grant permission, it should impose effective conditions to deal with all the points set out in this letter.



LOSS OF AMENITY - direct impact on The Forum

Service vehicles' ingress and egress at The Forum

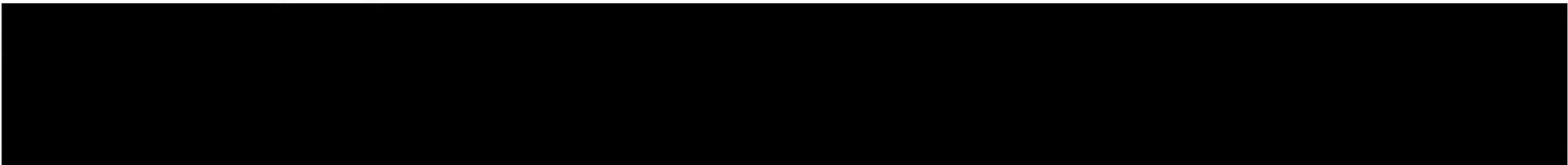
1. Vehicles servicing the Forum, including lorries and large artist tour buses, currently access the yard area to the rear of The Forum ("Yard") via Greenwood Place (north). The most direct route for such vehicles to access The Forum is via Greenwood Place (south), however the relatively narrow width of Greenwood Place (south), and the lack of available space at the end of Greenwood Place (south) to allow a wide vehicle to turn into the Yard, currently precludes access for service vehicles attending The Forum via Greenwood Place (south).
2. The Application puts forward the proposal that Greenwood Place (north) is pedestrianised, and access for all vehicles, including service vehicles attending the Yard, is closed off. Therefore, the only means of access for service vehicles to attend The Forum would be via Greenwood Place (south). This is currently impossible without the road being remodelled. There is no provision for a turning point at the foot of the road, and the gates to the Yard would need to be repositioned in order to create space for such a turning point.
3. It is noted that Tibbalds, acting on behalf of the Applicant in connection with this Application, has given consideration to the repositioning of the gates to the Yard to ensure that a means of access for service vehicles attending The Forum is maintained. The plans in support of the Application do not make sufficiently clear the revised position of the gates, and as a result the Company cannot assess whether practically, the re-model would be fit for purpose and not prevent ingress and egress at The Forum. The repositioning of the gates should be a condition to any planning consent being granted and the Company should be fully consulted on any plans or proposals in this respect. Any changes must be strictly subject to the approval of the Company and the Applicant should be responsible for obtaining the consent of the owner of the Yard, Murphys, to make these adjustments. Any costs associated with the remodel must be met solely by the Applicant, and the remodel of the gates must take place before any other works connected to the Application are commenced, to ensure that ingress and egress at The Forum is maintained.
4. Any planning permission that is granted would also need to include the condition that during the construction process, no lorries involved in the construction would be able to park on Greenwood Place (south) other than those required to effect the remodelling of the gates.
5. It is also pertinent to mention that the Company maintains a clearway as a means of exit from The Forum in case of emergency. It is likely that this clearway will be jeopardised and the Company shall be in breach of its health and safety obligations, unless the repositioning of the gates, and any other remodelling works carried out on Greenwood Place (south) are carefully managed, in consultation with the Company.
6. The Application envisages that the pay and display parking bays currently located on Greenwood Place (south) are moved further down that road, and the pavement running alongside The Forum is narrowed to accommodate the car parking bays. Given that it is suggested that the one and only means of access for wide service vehicles attending the Yard would be via Greenwood Place (south), to maintain that cars may park down Greenwood Place (south) is certain to cause congestion and threaten the safety of pedestrians, including clients and visitors to the Site, particularly as the bays are currently used by the local taxi company as pick-up and drop-off points.

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7. In addition, it is unclear whether to accommodate pedestrian access to the Site via Greenwood Place (south), adjustments would need to be made to the pavement to allow for access by wheelchair. If this would result in the footpath being widened at any point, then it would further reduce the size of an already narrow road, which, if access via Greenwood Place (north) is prevented, would need to be of a sufficient size to accommodate large heavy goods vehicles.
 8. It should be noted that there is currently no street lighting provided along Greenwood Place (south). Any increase in use of Greenwood Place (south) should require increased street lighting provision to protect the safety of pedestrians and road users alike.
 9. Please further note that as part of its premises licence conditions, the Company maintains two car parks in the immediate vicinity of The Forum which is for use by its patrons only. The Company is concerned (as stated in this letter below) that there will be increased demand for parking. Any such increase should not encroach upon these designated car parking areas.

Customers' ingress and egress at The Forum

10. Currently, customers queue to enter The Forum along Greenwood Place (south), standing next to the wall of The Forum on the pavement, to avoid causing congestion along the busy Highgate Road. When a queue is present (which can begin to form from early mornings on the day of a popular show), it is likely that there will be insufficient space for pedestrians, and particularly wheelchair users, to access the Site using the pavement on Greenwood Place (south). As per our comments in paragraph 6 above, the plans submitted in support of the Application appear to indicate that the pavement will be narrowed to facilitate the maintenance of the car parking bays along Greenwood Place (south) and street furniture may be removed. This could cause a potential hazard if our customers queuing to enter The Forum are forced to overspill into the road due to a lack of space, which would threaten their safety and that of road users.
11. In addition to the proposed construction/demolition works to be carried out at the Site, it is also proposed that there shall be some major works carried out to address pedestrian accessibility issues in Greenwood Place. The proposed remodelling of Greenwood Place to remove the pay and display parking bays, widen/narrow pedestrian footways, pedestrianise part of the road and realign parking and provide new disabled parking, will cause significant disruption to customers visiting The Forum, and particularly queuing customers. The developer should be required to consult with the Company in respect of the construction and site management plan to manage the impact of the works on The Forum and its customers which is particularly pertinent during the venue's busy seasons.

DEVELOPMENT ACCESSIBILITY - inadequate parking

12. We note that the Application envisages that the Site (which shall include a day centre, cafe, residential units, assisted living units, and potentially additional commercial units) be developed on a car-free basis however, this seems highly impractical given that the day centre is offered specifically to individuals with disabilities who in reality will travel to the Site solely by private car/minibus. The staffing level is to rise from the existing 11 persons to 68. No proper account has been taken of their legitimate parking needs.
 13. To provide only 2 loading bays, and 4 minibus/7 disabled car parking spaces to service a day centre (where the Application states it expects 68 full time members of staff to be engaged and up to 369 clients to be accommodated on Site) and for use by community groups and social enterprises, is wholly inadequate. Paragraph 29.8 of the Camden Development Policy requires planning applications to demonstrate how the needs of disabled drivers have been addressed. It would appear that this Application has not addressed such needs to any sufficient degree. It would also appear to be contrary to paragraph 39 of the National Planning Policy Framework which requires local planning authorities to take into account the accessibility of the development when setting local parking standards. We note that the nearest overground/tube station (Kentish Town)
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does not facilitate disabled access which will further encourage the use of private vehicles to attend the Site

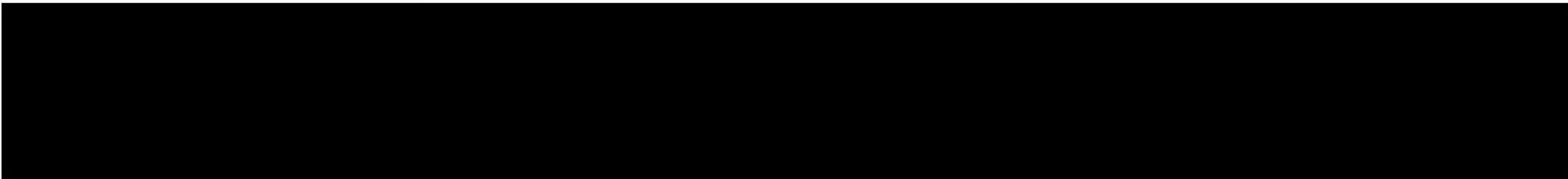
14. Notwithstanding the availability of good public transport links in the area and the fact it is anticipated some visitors to the Site will travel together by minibus, it is highly likely that demand for car parking spaces along Greenwood Place shall increase. This is expected to be the case in view of there being an increased number of blue badge holders visiting the area.
15. Greenwood Place, which we have already referenced as being a relatively narrow road and really only suitable for traffic moving in one direction; and being a road that is used by taxis as a pick-up and drop-off point, as well as being used by customers queuing to enter The Forum, will now, it is proposed, be relied upon as a means of access by a high number of visitors to the Site, which will inevitably cause heavy congestion. This will further result in a loss of amenity for all parties concerned, and poses a threat to the safety of pedestrians and road users, particularly since this road will be relied on as the only means of access to the Yard by heavy goods vehicles. The area around The Forum is already congested, given its location on a main road, and where a school, sports centre, shops, banks and eateries are all already within the immediate vicinity. It is imperative that the Company contributes to the local council's traffic management and accessibility plans to ensure that the current processes in place are not disturbed by the development. It would be our preference for Greenwood Place (south) to be an access-only road for use by vehicles servicing the Yard.

NOISE AND DISTURBANCE

16. It is a key concern of the Company to ensure that the proposed development does not give rise to any complaints regarding noise or disturbance from, or in connection with, The Forum. Any complaints made to the local council, or any dissatisfaction within the locality regarding the operations of the Company could have serious and significant consequences for our business, which may ultimately lead to revocation of our premises licence. As a long standing establishment with a rich heritage in providing entertainment to the local area since 1934, any threat to the future of The Forum as an entertainment and live music venue must be given serious consideration.
17. We note that the conclusion of the Entertainment Source Noise Survey is that the impact of noise levels on the proposed development can be controlled (a) through the use of standard thermal double glazing; and (b) a mechanical ventilation system with heat recovery (MVHR) to be adopted in each dwelling to reduce the need for occupants to open their windows (where open windows could mean occupants are affected by noise).
18. We consider that it is unrealistic to suggest that occupants of the development will not open windows, and as a result we believe they shall be impacted by the noise generated by The Forum. In fact, the MVHR in itself generates a small amount of noise and may be considered an unsatisfactory solution to combat an alternative source of noise. Therefore, we do not think that the current noise attenuation measures are adequate to address the issue of noise and as such more effective attenuation measures will need to be recommended and included as a condition to any planning consent.
19. Given that the current noise attenuation measures are inadequate, for the reasons set out below, any planning permission granted should contain a condition that any residential flats facing The Forum should be re-designed so that there are no openings in the flank walls facing The Forum.

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20. The Camden Development Policy DP28 states that it will not grant planning permission to support "development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided." Given that the development shall be used for purposes particularly sensitive to the impact of noise, we do not believe that the proposed sound attenuation measures are sufficient. Whilst the Noise Impact Assessment ("NIA") suggests that noise will not have a detrimental impact for those in the roof garden or with 'winter garden type' balconies, in our experience this is an unrealistic conclusion. Please note that The Forum has a capacity of 2,350 and is licensed to serve alcohol and late night refreshments until 2am Monday to Saturday, and until midnight on Sunday, with music and entertainment licensed until half an hour before each of these times. On up to six occasions each year, The Forum has extended licensed hours up to 6am depending on the date of the event. As is inevitably the case where a live music venue is located within a residential neighbourhood, local residents have historically made complaints about noise and disturbance linked to The Forum. Whilst the Company works closely with the local residents' committee to promptly resolve any such issues as they arise, it is more than likely that as new residents move into the area and the pool of potential protesters increases, other complaints may be received.
21. Further, to allow flats to be built which "over hear" the noise is to increase the inevitable likelihood of complaints. It is also likely to raise concerns about occupants' safety and security, which is a natural consequence of residential units being developed in the immediate vicinity of a live music venue with a late licence. As a result, we are of the view that the proposed development will not be able to meet the advice set out in paragraph 123 of the National Planning Policy Framework, which requires any planning decision to "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development."
22. In addition the Development would appear to fall under the definition of "noise sensitive development" under paragraph 28.2 of the Camden Development Policy. The same paragraph also recognises that noise is generated by venues such as The Forum. Paragraph 28.3 of the Camden Development Policy states that planning permission will only be granted for development sensitive to noise in locations that experience noise pollution if appropriate attenuation measures are taken. As set out in paragraph 18, above we do not think that the current noise attenuation measures that have been recommended are appropriate and therefore granting planning permission for this development would be contrary to the Council's own policy on noise.

Noise Impact Assessment - Methodology

23. Notwithstanding our comments above, the methodology adopted in the course of carrying out the NIA is flawed, for the reasons set out below:
- Contrary to the statements made in the NIA, no event was held at The Forum on 16 June 2013 and therefore the impact of noise arising from an event at The Forum was not correctly represented.
 - In any event, noise measurements taken between the hours of 21:30 and 23:00 is not a sufficiently broad time frame, nor carried out at the appropriate hours, to accurately reflect the highest level of noise that The Forum could generate. At these times, it is unlikely that The Forum would have reached its full capacity, and therefore the level of noise in respect of both people talking/shouting outside, and music breakout, would not be at a maximum.
 - Due to the nature of the local area (i.e. busy main road, availability of public transport throughout the night, shops, restaurants and bars), background noise is constantly changing and will vary significantly depending on the time of the day. A reading of background noise cannot be accurately ascertained by an assessment carried out over a 1-hour period during the day and a 5 minute period at night. As per the methodology adopted on page 9 of the NIA, the likelihood of noise provoking complaints is assessed by subtracting the background noise level from the rating noise level. To rely on an
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inaccurate reading of background noise will impact upon the assessment of the effect of noise, when background noise is subtracted from the rating noise level.

- Based on our experience, which extends to the management of live music venues throughout the UK and the organisation and operation of four annual large scale festivals for the past 13 years, we are strongly of the view that the conclusion reached in the NIA is incorrect. Noise levels frequently exceed the figures represented in the NIA, and that an assessment of rating noise against background noise should be based on an average of readings taken over a greater period of time, to accurately reflect the environmental conditions of the locality.
- Other variables were not taken into account as part of the NIA, for example The Forum has now re-located its external smoking area to a different area outside of the building, and changing the origin of sound is likely to impact upon noise levels. Further, the impact of noise emanating from The Forum on the higher floors of the proposed development are only estimates and are unlikely to follow the readings assessed at lower floors of the building due to the nature of the movement of sound (which cannot be accurately predicted). In addition, as far as the assessment shows, the position of the microphone testing the sound was not changed during the course of the assessment.
- As the Council will appreciate it is unsafe to make a planning decision based on evidence that is inaccurate. The NIA was carried out inadequately, with inaccurate conclusions drawn, for the reasons listed above.

24. In light of our comments above, and in order for the Council to make an informed decision regarding this Application, it is essential that we are consulted on any further NIA carried out in relation to The Forum; not only to advise on the best dates and times to carry out testing to enable a fair representation of upper noise levels to be gauged, but moreover, to be given the opportunity to instruct an independent noise consultant who has practical experience of dealing with the nuances of sound testing in relation to a live music venue, the reasonable costs of which should be met by the Applicant.

25. We reserve our right to make further representations following this meeting, and should further information in respect of the Application be provided to us (noting that several of the sections of the Framework Travel Plan were incomplete at this time).

Yours sincerely,

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