



Regeneration and Planning  
Development Management  
London Borough of Camden  
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22 July 2014

**CHANGE OF USE FROM PUBLIC HOUSE (CLASS A4) TO RETAIL OR ESTATE AGENTS (CLASS A1/A2) AND RESIDENTIAL (CLASS C3) TO PROVIDE 8 FLATS (1 X 3BED, 4 X 2BED, 3 X 1BED). ENLARGEMENT OF EXISTING BASEMENT WITH SIDE LIGHTWELL, REPLACEMENT OF SINGLE STOREY REAR/SIDE ADDITION WITH 3 STOREY REAR/SIDE EXTENSION AND MANSARD ROOF WITH TERRACE, AND ASSOCIATED ALTERATIONS TO WINDOWS AND DOORS.**

**AT: HOPE & ANCHOR PUBLIC HOUSE, 74 CROWDALE ROAD, NW1 (LPA REF: 2014/2621/P)**

Dear Seonaid,

As adjoining neighbours, we write in response to the above planning application consultation. We operate the premises at 1A Camden High Street which is a landmark Grade II listed building. Formerly the Camden Palace Theatre, the premises now trades under the name 'KOKO'.

In our previous representation dated 27 May 2014, we raised serious concerns that the application failed to acknowledge the location of the site adjacent to late night entertainment venues. Consequently the scheme failed to propose any suitable mitigation to protect the amenity of future occupiers or protect the long established local businesses and the associated employment they offer. These businesses and in particular KOKO, are at risk of closure should complaints be made by future residential occupiers. This fundamentally fails to protect the future of our long established business and the local economy generally.

#### Determination of the application

As a key stakeholder in the local economy, we request that the application is not determined until these issues have been fully resolved. Furthermore we request that the committee meeting is scheduled to allow us the opportunity to attend and represent our local business by presenting our case and proposed solutions to allow the uses to co-exist. To this end, this letter serves as formal notice of our wish to make representations verbally to committee.



The approach which we are proposing is wholly consistent with the way in which recent planning applications have sought to deal with the same issue. The Ministry of Sound case is perhaps the obvious precedent, but we would draw specific attention to a very recent application that Camden Council considered. This related to the Council's own development at Maiden Lane where the proximity of the Egg nightclub, in Islington Council's administrative area, required the Maiden Lane development to mitigate against and minimise the risk of complaints relating to noise from the nightclubs operations. Determination of that application was deferred until appropriate noise surveys had been carried out and an appropriate condition imposed setting the relevant mitigation standards that were required to be achieved. The subsequent submission of details were also deferred whilst it was demonstrated, with further studies, that the relevant mitigation standards had been achieved through further survey work and in defining design specifications.

As a prominent local business, located adjoining this site, we believe it is crucial that the committee is properly made aware of these issues and that they have an opportunity to actually hear our views.

#### Noise and residential amenity

We welcome that the applicant has subsequently provided further detail within the Noise Impact Assessment report by Hann Tucker Associates dated 25 June 2014. However, serious concerns still remain with the application proposals and until these are resolved, the application should not be determined. This course of action would be consistent with that adopted by the Council in the case referred to earlier.

Furthermore, it is imperative that the Councils Environmental Protection and Noise Team are fully consulted and engaged during the application process. To date, there have been no formal comments from the team in relation to the proposals and the potential amenity impacts, or regarding appropriate mitigation measures or conditions.

We have reviewed the submitted noise survey in conjunction with advice from our noise consultant Richard Vivian, Principal Consultant at Big Sky Acoustics, who specialise in music and entertainment noise control. Whilst the additional information is a step in the right direction, it does not entirely overcome the concerns we raised. It is considered further mitigation is required before it can be concluded that the proposals are acceptable and that the site is suitable for residential use.

As such, our objection on the ground of residential amenity related to noise and lack of mitigation within the scheme still stands. However we consider this can be addressed, at this stage, by the use of robust conditions as follows:



1. The uses hereby approved for residential purposes sharing a party element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound. The sound insulation of the party element shall be sufficient to ensure that NR20 (Leq, 5min) is not exceeded at any time within residential premises due to noise from the commercial premises. Any noise mitigation scheme approved is to be completed prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter.

A test shall be carried out after completion but prior to occupation to show the criterion above have been met and the results submitted to the Local Planning Authority for approval in writing. The premises shall not be occupied until that approval is given in writing.

2. No development hereby permitted shall commence until a scheme for noise mitigation between the proposed development and the adjoining commercial occupiers has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme and the buildings shall not be occupied until the approved mitigation scheme has been implemented.
3. Before development commences, a design scheme (which must include the sound attenuation of the building envelope (including glazing) the acoustic performance of any ventilation system and the detailed layout of the building) shall be submitted to and approved by the local planning authority to ensure that the internal noise level in habitable rooms resulting from the external noise from pubs and clubs shall not exceed Leq NR20. As part of this scheme the external free field sound pressure levels at the development site should be determined by means of a further Assessment of Noise in the Crowndale Road street frontage, which will be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Consistent with other recent applications with similar issues, in the absence of such conditions, it cannot be concluded that the application is acceptable. The application should only be allowed with the conditions that ensure a high standard of internal sound levels within the property, to minimise risk of complaints that would threaten local businesses. There are planning precedents including appeal decisions to support this view.



This is consistent with recent planning application and appeal decisions with similar uses proposed in close proximity. Not only have such conditions been used in the widely publicised proposals at Eileen House (MoS) in Southwark, but also in relation to the impact measures incorporated into the Councils own development at Maiden Lane given the relationship to the Egg nightclub. Without this condition, the proposals at the Hope & Anchor public House make no allowance for ensuring that future residents are not impacted by established uses within the area and consequently there are no assurances that the future of existing established businesses employing local people will be protected.

#### Loss of Public House

Further to our previous representation dated 27 May 2014, we are of the view that there is little evidence to support the case that the public house is no longer viable. The Hope & Anchor is located in a prime Town Centre location and is complemented by other uses such as KOKO, which would provide trade and footfall. There had been little investment in the Hope & Anchor public house over a number of years, however it still remained an ideally laid out premises for ongoing use, albeit with some investment required. Indeed many formerly unsustainable public houses are enjoying tremendous financial success because they have had investment and the quality of the offering has been raised to meet heightened consumer expectation and demand.

The Design and Access statement claims the public house was offered on the open market between the months of June to November 2013 by Landwood de Coy LLP. However, there is no evidence to support that this marketing took place. Furthermore Landswood are not a well-known specialist agent and therefore we question the level of marketing that took place. In our view whilst in need of improvement, a certain number of operators are likely to have been interested in turning it around, thus allowing the community asset to be retained. Indeed, we were looking at acquiring the premises when we learned that the tenant wanted to sell.

We would also dispute the claim in the Design and Access statement that KOKO has historically taken much of the Hope & Anchors passing trade. Again, there is no evidence to support this. To the contrary we can show that we draw between 300-350k patrons per annum to the immediate area, which is a boost for trade rather than a hindrance. The uses serve a different function and visitors to KOKO tend to visit public houses nearby before arriving at our venue later in the evening. This can also be supported by our attendance records.

Camden has lost a number of pubs to alternative uses in recent years, as have neighbouring boroughs. In some cases this is appropriate, and the use is genuinely no longer viable, or is not situated in a location suitable for such uses.



The Hope & Anchor is in a prominent Town Centre location more suitable than most for such a use. It was a long established business serving the needs of the local area, providing a place for people to meet, interact and share interests and therefore in accordance with the NPPF and Camden planning policy, is defined as a 'community asset'.

#### The proposals prejudice future development of adjacent sites

Since our previous representation the proposed plans have been made available on the Councils website. Our review of the plans shows that additional windows serving the planned residential accommodation are proposed at ground, second and third floor level which will be situated on the site boundary encroaching onto adjoining land outside the applicant's ownership.

The windows would overlook the boundary of KOKO which is unacceptable. It is inappropriate for residential windows to overlook our site as the applicant has no control over the activities that take place, which may give rise to some level of noise. Furthermore, the location of the windows would prejudice any future development potential of our site. Indeed, plans have been drawn up to enclose the existing courtyard to create additional accommodation for KOKO. This would have a significant impact on the proposed residential windows on the boundary. Whether or not these plans go ahead is not relevant at this stage, but potential future development should not be prejudiced by the proposals at the Hope and Anchor public house.

#### Heritage Impact

We raised concern in our previous representation that a Heritage Assessment as required by the NPPF should be submitted to assess the impact of the proposal on the adjacent Grade II Listed Building and the Conservation Area. This has not been submitted to date and we request this is submitted by the applicant.

The site is situated within the Camden Town Conservation Area. KOKO adjoining the site is a Grade II listed building and as outlined above, is an important heritage asset. If the business was forced to close, this could harm the future of this elegant Listed Building as finding an alternative occupier for such a purpose built entertainment venue could be challenging.

#### Conclusion

In conclusion, there are still a number of concerns relating to the application and we would welcome the opportunity to discuss these further. As a key local stakeholder we request that the decision is deferred until these issues have been resolved, and that the committee meeting is scheduled to allow us the opportunity to attend and present our case and proposed solutions. As such a prominent local business, it is crucial the committee hear our views.