

The Black Cap, 171 Camden High St - 2014/2176/P

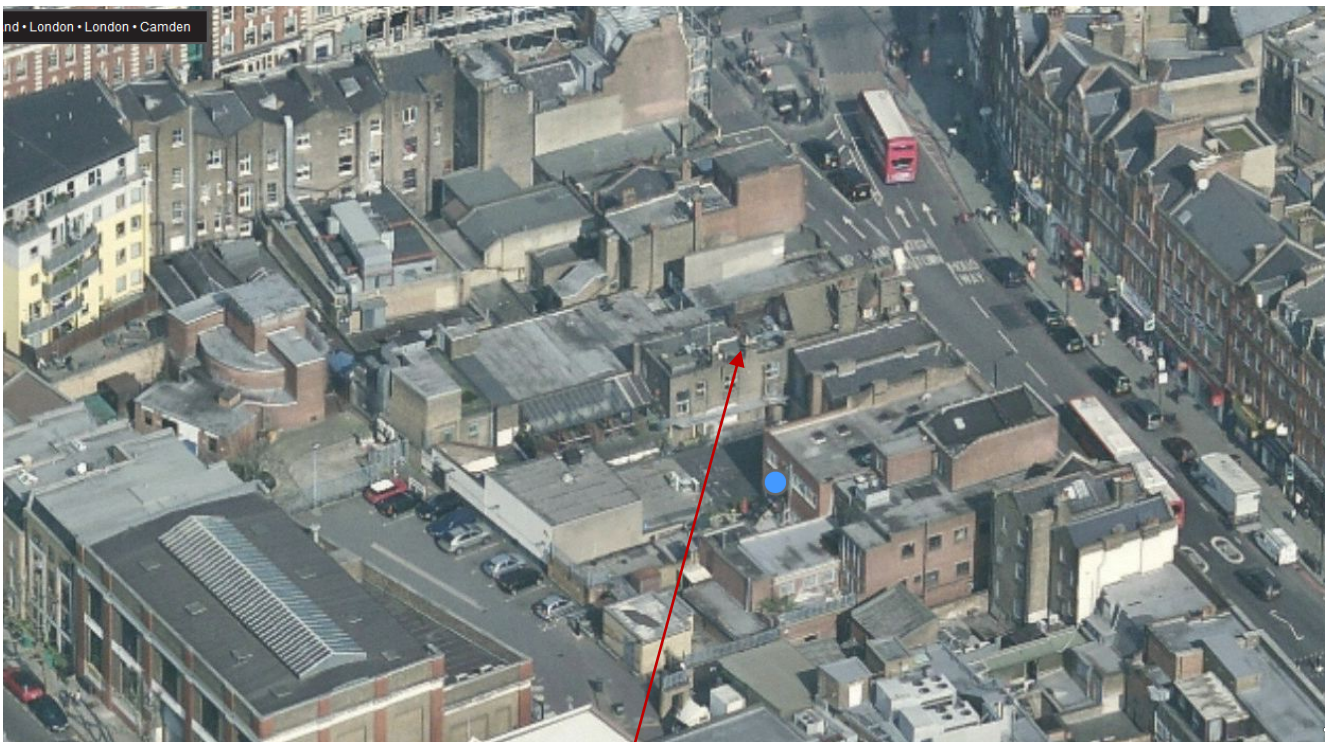


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Site photos – The Black Cap, 171 Camden High Street



View of front of The Black Cap, 171 Camden High Street (with side alley visible)



Aerial image showing the rear of The Black Cap, 171 Camden High Street



View towards front of The Black Cap, 171 Camden High Street



View of The Black Cap in surrounding context

Delegated Report (Members' Briefing)		Expiry Date:	14/05/2014	Officer:	David Peres Da Costa
Application Address		Application Number(s)	1st Signature	2nd Signature	
The Black Cap 171 Camden High Street London NW1 7JY		2014/2176/P			
Proposal(s)					
Change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to residential (Class C3) to provide 2x 2-bedroom units and 1x 1 bedroom unit with rear roof terraces at first and third floor levels and a rear balcony at second floor level, alterations to windows and doors on side and rear and creation of refuse and cycle stores for flats at ground floor level.					
Recommendation(s):	Grant planning permission subject to S106 agreement				
Application Type:	Full planning permission				
Consultations	Date advertised	21 days elapsed		Date posted	21 days elapsed
Press notice	3/4/14	24/4/14	Site notice	3/4/14	24/4/14
	Date sent	21 days elapsed	# Notified	# Responses	# Objections
Adjoining Occupier letters	27/3/14	17/4/14	3		62
Consultation responses (including CAACs):	<p>61 objections have been received from residents of Camden as well as other areas of London and other parts of the country.</p> <p>A petition with 380 names has also been received.</p> <ul style="list-style-type: none"> • Detrimental to the future of the bar and entertainment venue • Harmful to a venue important in LGBT history • Another pub threatened / adversely affected • removal of upstairs drinking area would remove on the few daytime meetings areas for LGBTQI within Camden • Camden's only gay bar with historical value to the LGBT community. • Loss of community space <p><i>Officer's comment: please refer to paragraph 2.5 and 2.6 in the assessment below.</i></p> <ul style="list-style-type: none"> • Loss of local gay bar and social centre; loss of historic pub building <p><i>Officer's comment: the pub will continue at ground floor level and this application does not propose any alterations to the front elevation.</i></p> <ul style="list-style-type: none"> • Flats will be exposed to excessive noise from night club venue below and noise from surrounding clubs; • Flats not compatible with nightclub on ground floor <p><i>Officer's comment: please refer to paragraph 2.12-2.20 in the assessment below.</i></p>				

- Camden Town does not need yet more private residential accommodation
Officer's comment: please refer to paragraph 2.7 in the assessment below.

- Need for car free housing; application fails to demonstrate internal noise of flats, contrary to DP26; Limits the ability of venue to provide cabaret, dancing, a traditional pub venue and catering offering

Officer's comment: a please refer to paragraph 2.33, 2.12-2.20, and 2.5-2.6 in the assessment below.

- By closing the upstairs smoking area it will force a large amount of smokers on to the busy high street

Officer's comment: the application proposed a rear smoking area at 1st floor level - refer to paragraph 1.4, 2.19, 2.25-2.26 and 2.31 in the assessment below.

- Residential properties would detract from function of Camden Town area as a tourist attraction

Officer's comment: a please refer to paragraph 2.7 in the assessment below.

Camden Town CAAC – object

1 Its worst feature is the intrusion of the proposed staircase block on the ground floor of the pub narrowing the public area opposite the bar.

2 The proposed accommodation standards are questionable and very pokey.

3 The proposed use of the narrow alley as access to the dwellings is unsuitable and undesirable. On Camden High Street other side entrances are from wider alleys that allow access to emergency services, furniture delivery etc.

4 The drawings show the pub's stair up to the smoking area in two different positions.

5 The proposal to change a large floor area from use as community space to residential involves a loss of amenity and character.

Officer's comment: a please refer to paragraph 2.6, 2.10, and 2.5-2.6 in the assessment below. The stairs to the smoking area are not shown in two different positions on the proposed drawings.

Site Description

The site is a three storey (with basement) terraced building located on Camden High Street. The property is within Camden Town Centre and is in close proximity to Britannia junction. The building is also within Camden Town Conservation Area and noted for its positive contribution in the locality. The Black Cap dates from 1889, and boasts elaborate stone decoration including a bust of a capped figure.

There is an existing cabaret/nightclub at ground floor level with the public house and restaurant at first floor, ancillary accommodation and office space is located at second and third floor levels.

Relevant History

2005/2817/P: Section 73A application to vary condition 1 (opening hours) of planning permission dated 5th April 1990 (ref: 8903652) for use as a restaurant / bar allowing opening between 10.00 - 03.30 mon - thurs, 10.00 - 04.30 Fri - Sat and 10.00am - 02.30 Sunday. Granted 03/10/2005

2006/4571/P: Variation of condition 1 of planning permission ref: 8903652 dated 05/04/90 (hours of operation) to allow opening between 10.00-02.30 Mondays to Thursdays, 10.00-03.30 Fridays and Saturdays and 10.00-01.30 on Sundays. Granted 04/12/2006

2012/1444/P: Change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to residential (Class C3) to provide 2x 2-bedroom units and 1x 1 bedroom unit with rear roof terraces at first and third floor levels and a rear balcony at second floor level, alterations to windows and doors on side and rear and creation of refuse and cycle stores for flats at ground floor

level. Refused 16/05/2012 – reasons for refusal: 1) pub and restaurant at 1st floor level serve the needs of a specific local community without evidence that it is no longer required; 2) absence of legal agreement to secure car free housing; 3) fails to demonstrate whether the residential flats would experience an acceptable level of internal noise. Appeal dismissed 04/03/2013

2013/0262/P: Change of use of part first floor, second and third floors from bar/restaurant and ancillary accommodation to residential to provide 2 x 1 bedroom flats and 1x 2 bedroom maisonette with rear roof terraces at first and third floor levels and a rear balcony at second floor level, alterations to windows and doors on side and rear and creation of refuse and cycle stores for flats at ground floor level. Refused 20/03/2013 Reason for refusal: 1) The application fails to adequately demonstrate whether the residential flats would experience an acceptable level of internal noise ; 2) absence of legal agreement to secure car free housing

2013/2301/P: Change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to residential (Class C3) to provide 2x 2-bedroom units and 1x 1 bedroom unit with rear roof terraces at first and third floor levels and a rear balcony at second floor level, alterations to windows and doors on side and rear and creation of refuse and cycle stores for flats at ground floor level. Withdrawn 17/09/2013 (application withdrawn so that further discussion could take place with the Council's environmental health team and so that they could comment on an updated draft acoustic report)

Relevant policies

National Planning Policy Framework 2012

The London Plan: Spatial Development Strategy for Greater London: 2011

LDF Core Strategy and Development Policies 2010

Core Policies

CS1 Distribution of growth

CS3 Other highly accessible areas

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS7 Promoting Camden's centres and shops

CS10 Supporting community facilities and services

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

CS18 Dealing with our waste and encouraging recycling

CS19 Delivering and monitoring the Core Strategy

Development Policies

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

DP15 Community and leisure uses

DP18 Parking standards and limiting the availability of car parking

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

Camden Planning Guidance 2011

CPG1 Design

CPG2 Housing

Assessment

1. Proposal & background

- 1.1 The application site relates to a three storey with basement terraced building. At ground floor level a lobby entrance successfully divides the cabaret dance bar (sui generis) with the first floor pub & restaurant. A private staircase at first floor provides access to ancillary accommodation and rooms above. The building is known locally as the Black Cap.
- 1.2 Planning permission was refused 16/05/2012 for the change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to residential (Class C3) to provide 2x 2-bedroom units and 1x 1 bedroom unit with rear roof terraces at first and third floor levels and a rear balcony at second floor level, alterations to windows and doors on the side and rear and creation of refuse and cycle stores for flats at ground floor level (planning ref: 2012/1444/P). The reasons of refusal related to: loss of a community use; poor living conditions; and the use of sustainable transport modes (noted in planning history above). The applicant appealed the Council's decision and the Planning Inspectorate dismissed the appeal on the grounds that the proposed development would be harmful to the amenities of occupiers in terms of noise and disturbance and through failure to ensure sustainable means of travel. The reason for refusal relating to the loss of a community use was not upheld by the Inspectorate.
- 1.3 This application was resubmitted (prior to the determination of the planning appeal) with a revised layout which retained the front half of the first floor pub/restaurant (planning ref: 2013/0262/P). By the time the application was determined, the appeal had been dismissed for the reasons set out above. The Council duly refused planning permission for the following reasons: poor living conditions; and the use of sustainable transport modes. The officer's report states that the noise assessment is insufficient to determine noise impact upon future occupiers.
- 1.4 This resubmission has reverted to the original scheme in which the front half of the first floor pub/restaurant would be converted to a two bedroom flat. Specifically permission has been sought for the following:
- Change of use of first, second and third floor from pub/ restaurant and ancillary accommodation to residential to provide a 2-bed flat at first floor, a 2 bed maisonette at 2nd and 3rd floor levels and a 1-bed flat at 2nd floor level.
 - Roof terraces at first and third floors with balcony at second floor level;
 - External smoking area at rear first floor level;
 - Alterations to windows and doors on side and rear; and
 - Removal of the existing external staircase on the flank (a new internal stair would provide separation from the commercial use and self-containment to the upper floor).

2. Assessment:

- 2.1 The main considerations subject to the assessment of this planning application are: Land use;

design and appearance; quality of residential accommodation; amenity; transportation and refuse.

2.2 Land use

- 2.3 The applicant has proposed the change of use of the first floor pub and restaurant and upper floors into a 2-bed flat at first floor, a 2 bed maisonette at 2nd and 3rd floor levels and a 1-bed flat at 2nd floor level.
- 2.4 A significant number of objections have been received in relation to the loss of the pub at first floor level. Paragraph 15.7 of policy DP15 states that the Council will resist the loss of local pubs that serve a community role unless alternative provision is available nearby or it can be demonstrated to the Council's satisfaction that the premises are no longer economically viable for pub use.
- 2.5 Whilst the appeal related to previous planning application (ref: 2012/1444/P) was dismissed, the reason for refusal relating to the loss of a community use was not upheld by the Inspectorate. The Inspector noted that whilst the bar floorspace would be lost at first floor level, the improvements proposed at ground floor level would increase the proportion of daylighting to the front of the ground floor area; there would be improved facilities for disabled patrons; and that there would be improvements to emergency access. The Inspector did not agree that the pub would be lost to the Lesbian, Gay, Bisexual and Transgender (LGBT) community as the informal meeting space could take place in the altered downstairs bar. Furthermore, "in any event, changes to the premises target market, which could result in the loss of a meeting place for the LGBT community, could be made at any time without the need for planning permission".
- 2.6 The inspector's appeal decision establishes the acceptability of the loss of the upstairs bar and terrace. There would also be alterations to the downstairs cabaret and bar area. The ability to serve food would continue with the kitchen being moved from the second floor to the basement. Eighty-four square metres of bar floorspace would be lost at the first floor level, and due to the internal staircase the ground floor area would be decreased by 8sqm. The total loss of floorspace for public house use would therefore be approximately 92sqm.
- 2.7 Camden Core Strategy (2010) (CS) policy CS3 promotes appropriate development in Camden town centres, including homes, food, drink, entertainment and community facilities, policy CS7 seeks to promote successful centres and policy CS10 seeks to protect community uses. Camden Development Policy (DP) DP12 supports strong centres through the management of town centre uses and protecting community and leisure uses. In addition, both the National Planning Policy Framework (the Framework) and policy DP2 seek to boost housing and make best use of the Borough's capacity for housing. The proposed development would strike a balance between maintaining a sufficient space within an important community asset and boosting housing locally.
- 2.8 Therefore the proposed development would preserve space to serve the needs of a specific and local community and would be in accordance with CS policies CS3, CS7 and CS10 and DP policies DP12 and DP15.
- 2.9 Residential accommodation** (mix of units; floorspace; residential amenity; noise impact)
- 2.10 The proposed development would provide 2x 2-bedroom and 1x 1-bedroom units. Development policy DP5 seeks to ensure that all new housing provided is in line with the housing priorities for the borough. The housing priority for market two bedroom units is very high and 1 bedroom is low; the proposal therefore meets the target for mixed priority housing. The two bedroom (4person) flats would measure 84sqm and 104 sqm. Both flats exceed the Council's minimum floorspace requirement for a flat for 4 persons (75sqm). The 1 bedroom flat measures

52sqm and so would also exceed the minimum floorspace required for a flat for 2 persons (48sqm). The size of the bedrooms in the development would comfortably exceed the minimum required. All three flats would have access to private outdoor amenity space. The flats would be accessed by a side alley (approx. 0.9m-1.2m wide) and the entrance to the flats would be approximately 7.8m from Camden High Street. The access to the flats is considered acceptable.

- 2.11 The applicant has submitted a lifetime homes checklist to show where the criteria are met. In view that the proposal does not relate to a new build, it is accepted that it is not possible to meet all 16 points of the checklist.

Noise impact

- 2.12 Development Policy DP26 seeks to ensure that developments provide an acceptable standard of accommodation and policy DP28 provides more detail on noise and vibration. DP28 specifically states that the Council will not grant planning permission for development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided. The reason of refusal of planning reference 2013/0262/P stated that the proposed development did not *“adequately demonstrate whether the residential flats would experience an acceptable level of internal noise”*. Specifically, the officer’s report draws attention to the lack of information in relation to noise levels (at first floor level) over the busy weekend period. The current application addresses this requirement.
- 2.13 The application site is located within a busy Town Centre and the proposed residential units would be sited above a cabaret/nightclub. Since planning permission was refused (2013/0262/P) the current proposal has altered the layout of rooms so that pub/restaurant at first floor level would be converted to residential (with the rear providing a smoking terrace). An acoustic assessment, produced by ACA Acoustics dated March 2014, has been submitted in support of the proposed development. The findings of the assessment will be outline below.
- 2.14 The report has taken into consideration the findings of the previous noise report produced by Phillip Acoustics Ltd whereby a noise survey was carried out over a four day period between 9 and 12th December 2011.

Noise Transfer from Ground Floor Bar to First Floor Level

- 2.15 A manned noise and observations survey of entertainment noise from the public house to the proposed upper floor flats was carried out during the evening of Friday 9th December 2011. A further manned noise survey was also carried out during a typical busy cabaret performance in the ground floor bar to assess noise transfer through the existing separating floor to first floor level on the evening of 3rd April 2013. The first floor bar was closed for the duration of this noise survey. On the request of the Council’s environmental health officer, an additional survey was also carried out during a busy weekend cabaret performance (21st September 2013) to ensure that noise levels during the weekend period do not exceed those measured on a midweek evening. The noise surveys ensure that the proposed mitigation measures are robust and resultant internal noise levels will be acceptable.
- 2.16 The proposed residential units would be sited above a cabaret/nightclub: Table D of DP28 requires the following criteria to be met: noise levels 1m from the external façade (0700 – 2300) shall not increase background noise level by more than 5db; noise levels 1m from the façade (2300 – 0700) shall not increase background noise level by 3db; noise levels inside any living room or noise sensitive premises with the windows open or closed during night-time (2300-0700) should show no increase in db. These criteria are as compared to the same measure, from the

same position, over a comparable period, with no entertainment taking place. The measured noise levels for criterion 1 & 2 would comply. Noise levels recorded within the existing first floor bar during a busy weekend evening (with music playing below) demonstrated a 15db level increase when compared to levels measured with no music was playing. Therefore, the noise assessment recommends a very high performance sound insulation schemes so that music noise transfer is reduced by approximately 25dB in the 63Hz octave band.

- 2.17 The following mitigation measures have been recommended by the noise assessor: the complete isolation of the ground floor bar from the adjoining structure (creating a box-within-a-box design); high performance acoustic ceiling (with minimum cavity void of 450mm and 100mm thick mineral wool insulation in the cavity); acoustic wall linings and floating floor to ground floor bar; secondary glazing; mechanical ventilation scheme; as well as improvements to the ground floor lobby. The noise assessment also recommends a music volume limiter to control the potential for excessive music volumes and to trim noise levels in individual octave bands so that any slight excess of music noise could be reduced to inaudible in the adjoining flats.
- 2.18 Whilst it is recognised that attenuation measures could mitigate unacceptable noise levels, the onus is on the developer to demonstrate whether the mitigation measures proposed can be effectively accommodated within the building. Details of the mitigation measures as noted within the noise report will be secured by condition to be approved prior to commencement of development. This will ensure the development would provide a suitable standard of accommodation.

Noise from external smoking area

- 2.19 A further manned noise survey was carried out to the rear of the first floor terrace area on the evening of Monday 12th November 2012. This data was gathered as a basis for the design of mitigation measures to control noise from the retained external smoking area. This is not considered sufficient and a condition would be included requiring a further noise survey, to be conducted of the 1st floor terrace area during a busy period, before the development commences. The noise report recommends a 2.63m high acoustic screen extending the full length of the proposed rear first floor smoking area. The screen is required to be erected at the upper level, which is 1m above the floor of the smoking area, so that the line of sight from the top of the rear reflecting wall (of the smoking area) to the second floor balcony is broken by the acoustic screen. The noise report also recommends the installation of acoustic panels to the side and rear walls of the smoking area to reduce reverberant and reflected noise from these hard surfaces.

Noise from mechanical equipment

- 2.20 All existing mechanical equipment will be replaced. This will include a kitchen supply and extract fan. The noise report recommends the installation of in-duct silencers to the supply and extract fans; acoustic wall, ceiling and louvres to the supply fan plantroom; and vibration isolators. A condition would be included to ensure details of the ventilation and extraction are provided prior to commencement of development.

2.21 Design & appearance

- 2.22 The application site is a positive contributor in Camden Town Conservation Area and DP25 states that within conservation areas, the Council will only grant permission for development that preserves and enhances the character and appearance of the conservation area.

Alterations to rear elevation

- 2.23 The existing rear roof terrace at first floor level will be utilised for the purposes of the first floor flat. The roof terrace would be secured by a 1.8m high close boarded fence to ensure privacy. To the south of the proposed roof terrace fence is the single storey flat roof of the No. 167-169 and behind this there is a 2 storey building (which forms part of this commercial premises). To the north of the 1st floor roof terrace is a two storey building (No.175). At the rear of the site is a car park. Given the surrounding context, the addition of a 1.8m high fence at first floor level would not have a significant impact and is considered acceptable.
- 2.24 At second floor level a 10m² balcony, secured by a glass balustrade, would provide outdoor amenity for the one bedroom flat. The 2 bedroom maisonette would have access onto the existing third floor roof.
- 2.25 The rear elevation would be altered through the installation of 2 sets of French doors at first and second floor and centrally positioned French Doors at third floor level. The doors would be suitably sized and equally spaced providing the proposed rear elevation with a balanced symmetrical appearance. A total of seven windows would be bricked up on the side elevation, facing the side access, in addition to the removal of the side fire escape stair.
- 2.26 An extract flue would run up the side of the building and would terminate in line with the roof ridge. The extract flue would not be prominent from Camden High Street as the side alley is narrow and the flue would be set back 20m from the front elevation. At the rear, the property is surrounded by commercial buildings (some of which are 2 storeys over the full plot) and beyond the site there is a car park. Given its town centre location, a flue (visible only from the rear) would not appear inappropriate and would not harm the appearance of the host property.

Provision of external smoking area at rear

- 2.27 The applicant has proposed a separate external smoking area, to the rear of the application site at first floor level. This is separated from the private roof terrace serving the residential unit. The external smoking area would be approximately 6.5m from the roof terrace of the rear residential unit and screened by a 2.635m high acoustic barrier. The terrace would be accessed by a rear stair leading from ground floor level.
- 2.28 The rear of the application site at low level is not considered to make a positive contribution to the host building or conservation area. As such a terrace area screened by an acoustic barrier is not considered to be harmful to the character and appearance of the building or conservation area.

Alteration to premise fire exit

- 2.29 The proposal includes the removal of the existing fire escape stair to the side access with fire exit doors at ground level. The applicant has stated that this new arrangement would ensure the premise is not dependent upon fire escape access into the rear car park which is not in the applicant's control.
- 2.30 The proposed works to the rear and side elevation of the application site are considered acceptable in relation to policies CS5, CS14, DP24 and DP25 of Camden's LDF.

2.31 Neighbouring amenity

- 2.32 Development policy DP26 seeks to ensure that the amenities of existing and future occupiers and neighbours are not unduly impacted by development in terms of reduced daylight/sunlight,

outlook, privacy and enclosure.

2.33 As noted above, the existing pub has a roof terrace at first floor level which overlooks existing neighbouring balconies and terraces. The proposed terraces would not provide direct overlooking into neighbouring room windows and the proposed residential terrace at first floor level would be screened by a 1.8m high privacy screen. Noise from the proposed first floor smoking area to neighbouring properties will be mitigated by an acoustic screen and panels surrounding the smoking area and would be unlikely to be any greater than the existing noise from the 1st floor beer garden.

2.34 **Transport**

2.35 The application site is within a town centre with high accessibility to public transport. As such, a legal agreement should be sought ensuring the development is car free. This will ensure that future occupiers will not be eligible for parking permits.

2.36 Refuse and recycling storage would be provided adjacent to the main entrance to the flats at ground floor level, to accommodate 2x 240l refuse bins and recycling crates. Further along the side access a similar storage unit would be provided for the storage of four bicycles which is in accordance with Camden's requirements.

2.37 **Conclusion**

2.38 The difficulties of providing sound insulation which achieves the Council's noise requirement in an old building are substantial and the Council's environmental health team remain uncertain that it will be feasible. However, the applicant has worked with the Council's environmental health team to provide all the details requested and environmental health team consider the report and the attenuation measures acceptable. Given this, it is recommended that the application be granted subject to conditions to confirm compliance with the Council's noise and vibration criteria.

Recommendation: Grant planning permission subject to s106 legal agreement (car free)

DISCLAIMER

Decision route to be decided by nominated members on 8th December 2014.
For further information please go to www.camden.gov.uk and search for 'members briefing'

Grainger Planning Associates Ltd
11 Ashcombe Road
Carshalton
Surrey
SM5 3ET

Application Ref: **2014/2176/P**

04 December 2014

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

**The Black Cap
171 Camden High Street
London
NW1 7JY**

Proposal:

Change of use of first, second and third floors from bar/restaurant use and ancillary accommodation to residential (Class C3) to provide 2x 2-bedroom units and 1x 1 bedroom unit with rear roof terraces at first and third floor levels and a rear balcony at second floor level, alterations to windows and doors on side and rear and creation of refuse and cycle stores for flats at ground floor level.

Drawing Nos: Site location plan; BLK/P4/111 rev B; BLK/P4/101; BLK/P4/110 Rev B; BLK/P4/100; BLK/P4/122; ACA Acoustics acoustic assessment dated March 2014; Lifetime homes statement dated November 2010.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; BLK/P4/111 rev B; BLK/P4/101; BLK/P4/110 rev B; BLK/P4/100; BLK/P4/122; ACA Acoustics acoustic assessment dated March 2014; Lifetime homes statement dated November 2010.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 4 Prior to the commencement of the development, full details of a scheme for ventilation and extraction of the ground floor and basement, including manufacturer's specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the future occupiers of the approved residential use and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Prior to commencement of the development, details shall be submitted to and approved in writing by the local planning authority which demonstrate:

a) the development has been designed in such a manner that at all times when an entertainment event is in progress at ground floor / basement of the building, the unweighted equivalent noise level (Leq) in the 63Hz Octave band, measured using the "fast" time constant, inside any room of the proposed flats, with the windows open or closed, over any 5 minute period during any entertainment event, should show no

increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.

b) the insulation of the proposed dwellings is such that externally generated noise from the first floor smoking area and road traffic do not cause internal noise levels of the dwellings to exceed an indoor ambient noise levels in unoccupied rooms of 30 dB(A) LA eq (1hour) and an individual noise event shall not exceed 45 dB LAmax in accordance with BS8233:1999. The necessary insulation to be based upon a detailed noise assessment of external noise levels including reflected and re-radiated noise from the smoking area during busy periods.

c) A scheme for sound insulation (for both airborne and impact sound at separating walls, floors and ceilings) to prevent the transmission of noise and/or vibration from the normal activities performed at ground and basement (including the use/operation of equipment) to the proposed dwellings so that the internal noise levels (including LAmax) are not increased and vibration levels meet a level that has a low probability of adverse comment as outlined in BS 6472:2008.

The development shall not be implemented other than in accordance with the details thus approved.

Reason: To safeguard the amenities of the future occupiers of the approved residential use in accordance with the requirements of Policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 20dB above the Building Regulations value, for the wall and floors separating the development from the existing ground and basement cabaret venue. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the future occupiers of the approved residential use in accordance with the requirements of Policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 An appropriate automatic noise control device must be fitted to all amplified sound equipment. The device must be:

a) Set so that the volume of any amplified sound emanating from the premises is inaudible in any residential part of the new development. A Compliance Certificate must be supplied to the authority for the installation of the unit before any regulated entertainment is carried out.

b) The limiting device must be capable of controlling the frequency element of entertainment music.

Reason: To safeguard the amenities of the future occupiers of the approved residential use in accordance with the requirements of Policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to occupation of the hereby approved units, a post completion noise and vibration assessment shall be carried out from within the approved residential units and external amenity areas to confirm compliance with the noise and vibration criteria submitted for conditions 5, 6 and 7 and any additional steps that may be required to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the future occupiers of the approved residential use in accordance with the requirements of Policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 9 All sound system speaker equipment to be placed on an appropriate anti-vibration system. Neither music nor amplified, loud voices emitted from the commercial development shall be audible at any part of the proposed residential premises.

Reason: To safeguard the amenities of the future occupiers of the approved residential use in accordance with the requirements of Policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 10 No take-away food delivery services shall be practised from the restaurant without the agreement in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to

Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

DRAFT

DECISION