



Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
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11th June 2015

CONVERSION OF EXISTING OFFICE (B1A) TO FIVE RESIDENTIAL UNITS INCLUDING THE ERECTION OF DORMERS AND A THIRD FLOOR EXTENSION. REAR INFILL EXTENSIONS AT FIRST AND SECOND FLOOR AND THE CREATION OF A NEW CYCLE STORE AND REFUSE STORE AT GROUND FLOOR.

AT: 1 BAYHAM STREET LONDON NW1 0ER (LPA REF: 2015/2196/P)

Dear Ms Haji-Ismail,

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'.

Summary

We object to the scheme proposed at 1 Bayham Street on the grounds that it is devoid of information that is essential to enable the Local Planning Authority to make an informed planning judgement. The application does not accord with the Councils validation requirements as set out on the local list.

In its current form the application fails to take into account the long and established character of the surrounding environment and the amenity of future residents. In the absence of the necessary technical information to support the application (most notably a noise survey) we would question the suitability of the site for residential accommodation. We maintain this position unless it can be demonstrated, through technically sound evidence, that residential development is suitable in this location and would not be impacted by the existing noise and activities within the Town Centre, which include long established night time economy uses.

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We conclude that in its current form, the application should be refused, or alternatively, the following must be addressed before the application is determined:

- In accordance with Camden's local list requirements, proposals adjacent to noise generating uses such as night clubs and busy roads should be accompanied with a noise assessment and proposed mitigation measures. A noise assessment should be conducted to establish the existing levels of noise surrounding the site at all times of the day (including a sample of days and times when events at KOKO are being held). This will establish the likely noise levels experienced within the proposed residential units;
- Based on the results of the noise assessment, appropriate noise mitigation measures must be incorporated into the design of the proposed development, in the same manner of the Council's own proposals at Maiden Lane, and within the Eileen house development;
- The proposals are within a Conservation Area and would impact the setting of a Listed Building. A Heritage Assessment as required by the NPPF and Camden's local list, should be submitted to assess the impact of the proposal on the adjacent Grade II Listed Building and the Camden Town Conservation Area; and
- In accordance with Camden's local list requirements, to meet the policy requirements of DP13, the applicant should provide evidence that the possibility of retaining, reusing or redeveloping the site for a similar or alternative business use has been fully explored over an appropriate time period.

The proposed development would specifically result in a serious threat to the future of KOKO and the established entertainment use of the building. Introducing new noise sensitive uses such as residential directly adjoining late night entertainment uses without appropriate assessment or mitigation measures, is not only contrary to planning policy, but is likely to lead to complaints over noise. As has been demonstrated by previous cases, just one complaint would be enough to close an entire business and local employer that has been operating successfully for many years.

This issue is one which the Council will be familiar with, not only in respect of the widely publicised proposals at Eileen House (MoS) in Southwark, but also in relation to the impact measures incorporated into the Council's own development at Maiden Lane given the relationship to the Egg nightclub. Unfortunately, the proposals at the 1 Bayham Street make no allowance for ensuring that the scheme is not impacted by established uses within the area and consequently there are no assurances that the future of existing businesses will be protected.



We acknowledge the associated benefits redevelopment can have within the area, but this should not be at the cost of our established business. The social, economic and heritage consequences of permitting a development which would threaten the future of our venue with possible closure, must be fully considered in any planning assessment. However based on the information within the application, the only possible conclusion is that there is insufficient information to be able to determine that the future of our venue, and other existing established contributors to Camden's evening economy, would be protected.

Notwithstanding the noise concerns associated with the application, it is current form the application does not adequately address the site's location within the Camden Town Conservation Area and the impacts of the proposed development on the setting of a Listed Building (as required provisions in s.66 and s72 of the Listed Buildings Act).

Moreover, the plans and documents submitted by the applicant make no reference to why the current office use of the site is no longer viable and suitable for its existing business use (as required by Policy DP13).

KOKO CAMDEN

The former Camden Palace Theatre in which KOKO currently operates has served as a community asset for over 100 years. During this time, it has been a theatre, music hall, BBC TV studio & nightclub.

The Mint Group acquired the building in 2004 and implemented a vision to transform the elegant but dilapidated Listed Building. Mint Group invested over £2million to transform it into a 25,000 sq ft state of the art performance space, thus continuing its cultural and community use. Under the name KOKO, the venue has been successfully operating in Camden for nearly 10 years and welcomes over 300,000 people into it every year.

We are a long established local business and local employer with a long term interest in the area, therefore we monitor further investment in the local area and particularly proposed developments coming forward. Whilst recognising the associated benefits of redevelopment within the area, such development should not prejudice the future of our established business (and Camden's evening economy more broadly), nor should development prejudice the beneficial use of land use that has occupied the site for over 100 years. It is acknowledged that one of the benefits of the area is its vibrant mix of uses, however any increased residential presence in the area, particularly on and adjacent to the High Street, needs to be balanced against the suitability for sites to be used for residential occupation and the relationship of future residential occupiers to existing commercial uses, including night-time economy uses that, by the very nature of their use, do generate some element of noise.

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The KOKO venue is an integral part of the creative industry in London. It is a community asset, a cultural icon, a local employer and significant contributor to the London economy. The benefits of such uses are recognised in the London Plan and the Mayor's Cultural Strategy 2012. London's cultural and creative sectors are central to the city's economic and social success. The Mayor's Cultural Metropolis seeks to maintain the capital's status as one of the greatest world cities for culture and creativity (London Plan para. 4.32).

A Community and Cultural Asset

We operate not only as a live music venue and nightclub, but also host corporate events, sporting events, comedy shows, seminars and community focused events. We have created 100s of hours of TV content which has been syndicated globally, serving as a valuable conduit for UK music and culture and in the process, spotlighting Camden Town in a very positive manner. We have hosted dozens of charity events to benefit a vast array of charitable organisations, and worked with the Police to provide community based initiatives targeting younger people.

KOKO has hosted the biggest names in the world of show business (Madonna, Coldplay, Kylie, Prince). We also play an important role in identifying, promoting and presenting new and emerging talent, much of which comes from nearby local areas. At least 200 bands a year fall into this category. We are without doubt a very important component in London's live music scene.

We have had well over 3 million people through the doors, and continue to grow the business into a culturally rich place that serves to entertain all of London's (and the UK's) diverse populace. The business also prides itself on having excellent green credentials and is committed to being an environmentally aware live music venue, cancelling out our carbon emissions, recycling and promoting our carbon free ideas.

An Economic Asset

Official statistics reveal that the UK's creative Industries, which includes the film, television and music industries, are now worth £76.9 billion per year to the UK economy – generating just over a staggering £8.8 million pounds an hour. The sector accounted for 1.7 million jobs in 2013, 5.6 per cent of UK jobs¹.

¹ Department for Culture, Media & Sport Press Release (13th January 2015)



The business itself employs 65 active members of staff, 36 of which live locally. Additionally, we have circa 30 self-employed contractors (security / technical) who provide services on a weekly basis. Furthermore the events held at KOKO help support many local businesses and jobs within the creative industry, from large established businesses to up and coming artists and start-up businesses. We also play an important role in identifying, promoting and presenting new and emerging talent, much of which comes from within London.

A Heritage Asset

Our venue is situated in the Camden Town Conservation Area and is a Grade II Listed Building. The impact of the proposals on the future of the adjacent Listed Building forms a crucial part of the planning assessment. The Camden Town Conservation Area Appraisal and Management Plan makes specific reference to the feature of the grade II listed former Camden Palace building. Given the heritage context of both the application site and our premises, a heritage assessment should be submitted with the application to allow proper consideration of these issues.

When we acquired the premises, it was dilapidated and in a poor state of repair. The Mint Groups investment transformed the Listed Building, bringing it back into a use that can be enjoyed by the community and visitors alike. Protecting its sustainable future is essential. 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 would be challenging.

PLANNING ASSESSMENT

Noise and residential amenity

The application submission fails to even acknowledge that the proposed residential dwellings would be directly adjacent to KOKO, which is a large entertainment venue with a late license allowing it to operate up to 7 days per week. The venue is responsibility managed in accordance with the terms of its license, with strict processes and procedures to minimise noise and disturbance. However, due to the nature of the use and number of visitors to the venue, it is unavoidable that some noise will be audible during day and night time hours. Band equipment along with significant production equipment regularly arrives via an articulated truck, which is loaded and unloaded outside the venue.



KOKO holds circa 250 events per annum and on a busy week, we process circa 8,000 people through the doors. This inevitably leads to customers queuing outside on the pavements locally at any time of day and well into the night. Furthermore once an event has ended, there will be a large quantum of customers leaving at the same time. Whilst all these processes are strictly managed, noise will be audible within the immediate vicinity of the site, and this would be especially true to new residential dwellings adjoining the building, which are likely to have habitable windows within metres of the venue.

Having reviewed the proposals we are particularly concerned about the proximity of the habitable rooms of Flat 2 and Flat 4 and the external terrace space of Flat 5, all of which we consider will present a tension between the proposed use and KOKO's existing operations.

As established by the Eileen House case in Southwark, the impact of proposed residential development on existing businesses requires full planning consideration, and development should not be permitted unless appropriate measures are in place to safeguard the amenity of residents and the future of such important businesses. In this case, the permission was granted after thorough noise assessments and much negotiation with measures secured by condition and in the s.106, to ensure that residents would not experience unacceptable noise levels within their homes.

In this case the measures included strict high quality acoustic glazing standards and non openable windows on the facades facing the club and queuing area. Furthermore, the applicants entered into a Deed of Easement which will allow the nightclub to continue to make the current levels of noise without fear of complaint from future residents of the development. Measures such as this may be necessary in this case, however this cannot be assessed until a noise assessment has been carried out and submitted with the proposals.

A noise assessment should have been undertaken and submitted with the current planning application at 1 Bayham Street. In the absence of this information, a proper assessment against policy DP28 'Noise and Vibration' cannot be undertaken. DP28 provides existing noise threshold limits in Table A at which planning permission will not be granted. Table B sets out existing noise levels where attenuation measures will be required.

There is insufficient information included in the planning application to enable a proper assessment against planning policy. Furthermore it would be inappropriate to condition such matters, without the relevant information to inform the planning decision. As such, we conclude that the application cannot be supported in its current form and in particular would be contrary to policy DP26 'Managing the impact of development on occupiers and neighbours' and DP28 'Noise and Vibration' which seeks to protect residential amenity and outlines planning permission will not be granted for development sensitive to noise in locations that have unacceptable levels of noise.

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Town Centre and the night time economy

The site is located in a Town Centre and in one of the Mayors strategic clusters of night time activity. These clusters can be particularly important to local economies and key agents in town centre regeneration. London Plan Policy 4.6 supports the continued success of London's diverse range of arts, cultural, and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors. Boroughs are therefore encouraged to seek to enhance the economic contribution and community role of arts, cultural and entertainment facilities.

The Mayor encourages a supportive approach to planning these diverse night time activities in appropriate locations. LDF's should recognise and address the opportunities and challenges posed by the strategically important clusters of night time activities concentrated in some of the main Town Centres and part of the CAZ and its fringe.

The Mayors 'Town Centres' SPD (July 2014) outlines that the evening and night time economy can make a significant contribution to town centre vitality and viability, generates jobs and improves incomes from leisure and tourism activities.

In accordance with CPG 5 'Town Centres, Retail and Employment', food, drink and entertainment uses should be located in areas where their impact can be minimised. It is reasonable to conclude from this that prominent high street frontages, amongst a mix of other commercial uses, including night-time uses are the most suitable and are therefore less suitable for residential uses, unless it can be demonstrated that residential amenity would be acceptable.

It is clear that planning policy emphasises the importance of a wide mix of uses to create vitality to high streets and town centres. Specifically policy acknowledges the role of the cultural and entertainment industry in contributing to the vitality of our Town Centres and London as a whole. Therefore planning has a responsibility to protect such existing businesses from inappropriate development that threatens their future.

Loss of Office Accommodation

Within the applicants submitted Design and Access Statement (page 2) it is stated that the property is currently used as office space on all floors.

Policy DP13 sets out Camden's approach for considering and determining applications that involve the loss of businesses uses (of which offices are included). Camden policies are clear that in considering application for non-business uses (in this case residential) on existing business sites will only be considered appropriate if:

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1. it can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; and
2. there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

As an exception to this the supporting text continues to notes that, where it can be demonstrated that a site is not suitable for any business uses other than B1(a) offices, the Council may allow a change to permanent residential use.

Whilst this establish a more flexible approach for the loss of B1(a) offices, the policy requirement places an onus upon applicants to demonstrate that the site would only be suitable for B1(a) office use. Within the application that has been submitted by the applicant, evidence to support this claim is missing and accordingly should be requested to enable a thorough and informed planning assessment to be made on the site.

Design / Heritage Impact

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.

The application also fails to include any form of heritage assessment and does not consider the impact of the change of use and proposed extensions on the Conservation Area and setting of the adjacent Listed Buildings.

For the reasons outlined above, we therefore request that the application is either refused in its current form, or that the required additional information is requested to enable a proper assessment before the application is determined.

Yours sincerely

Hugh Doherty