



Development Control  
 Planning Services  
 London Borough of Camden  
 Town Hall  
 Argyle Street  
 London WC1H 8ND

Tel 020 7278 4444  
 Fax 020 7974 1975  
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env.devcon@camden.gov.uk  
 www.camden.gov.uk/planning

RECEIVED 03 OCT 2005

Ref:ND/DJB/hs/5941  
 The JTS Partnership  
 Number One  
 The Drive  
 Great Warley  
 Brentwood  
 Essex  
 CM13 3DJ

Application Ref: **2005/2817/P**  
 Please ask for: **Stephen Lim**  
 Telephone: 020 7974 **2077**

03 October 2005

Dear Sir/Madam

### DECISION

Town and Country Planning Acts 1990 (as amended)  
 Town and Country Planning (General Development Procedure) Order 1995  
 Town and Country Planning (Applications) Regulations 1988

#### Full Planning Permission Granted

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

#### Proposal:

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.

Drawing Nos: Site location plan-JTS/5941/01; letter from agent dated 06/07/05.

The Council has considered your application and decided to grant permission subject to the following condition(s):

#### Condition(s) and Reason(s):

- 1 On Tuesday to Friday mornings inclusive the premises shall not be open to customers after 03.30 nor before 10.00 on the same morning, and on saturday and sunday mornings not after 04.30am nor before 10.00 on the same morning, and on monday mornings after 02.30 nor before 10.00.



Reason: In order to safeguard the amenities of the surrounding area, in accordance with policies RE2, EN19 and SH18 of the London Borough of Camden Unitary Development Plan, adopted 2000 and Camden Town Centre Food, Drink and Entertainment Uses Supplementary Planning Guidance adopted 2002.

- 2 The hours of operation hereby permitted is for a temporary period only and shall cease on or before 30 September 2006, at which time the hours of operation shall revert to their lawful operating hours.

Reason: The Council would wish to review the permission at the end of the period in the light of the fact that the premises would remain open much later than establishments in the vicinity of the application site, in order to ensure compliance with the requirements of policy RE2 of the London Borough of Camden Unitary Development Plan 2000.

Informative(s):

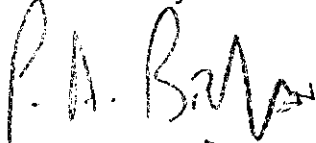
- 1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the adopted London Borough of Camden Unitary Development Plan 2000, with particular regard to policies RE2, EN19 and SH18. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 2 You are advised that upon expiry of this temporary permission you will be required to submit a lawful development certificate application to confirm the lawful operating hours of the whole of the premises.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Environment Department  
(Duly authorised by the Council to sign this document)

Development Control  
 Planning Services  
 London Borough of Camden  
 Town Hall  
 Argyle Street  
 London WC1H 8ND

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 www.camden.gov.uk/planning

Mr Nick Davey/Mr Matt Driscoll  
 (Ref:6364)  
 The JTS Partnership  
 Number One  
 The Drive  
 Great Warley  
 Brentwood  
 ESSEX  
 CM13 3DJ

Application Ref: **2006/4571/P**  
 Please ask for: **Kiran Chauhan**  
 Telephone: 020 7974 5117

04 December 2006

Dear Sir/Madam

### DECISION

Town and Country Planning Acts 1990 (as amended)  
 Town and Country Planning (General Development Procedure) Order 1995  
 Town and Country Planning (Applications) Regulations 1988

#### Variation or Removal of Condition(s) Granted

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

#### Proposal:

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.

Drawing Nos: Site Location Plan JTS/5941/01; Alcohol And Social Responsibility Policy

The Council has considered your application and decided to grant permission subject to the following condition(s):

#### Condition(s) and Reason(s):

- 1 On Tuesday to Friday mornings inclusive the premises shall not be open to customers after 02.30 nor before 10.00 on the same morning, and on Saturday and Sunday mornings not after 03.30 nor before 10.00 on the same morning, and



on Monday mornings after 01.30 nor before 10.00.

Reason: In order to safeguard the amenities of the surrounding area, in accordance with policies SD1, SD6, SD7, R3 of the London Borough of Camden Replacement Unitary Development Plan 2006.

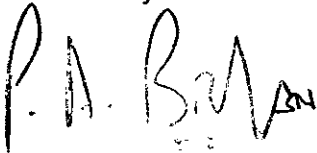
Informative(s):

- 1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies SD1, SD6, SD7, R3. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Culture and Environment Directorate  
(Duly authorised by the Council to sign this document)

Grainger Planning Associates Ltd  
11 Ashcombe Road  
Carshalton  
Surrey  
SM5 3ETApplication Ref: **2012/1444/P**  
Please ask for: **Nicola Tulley**  
Telephone: 020 7974 **2527**

16 May 2012

Dear Sir/Madam

**DECISION**Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988**Full Planning Permission Refused**

Address:

**The Black Cap PH**  
**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: BLK/050; BLK/P/100 REVA; BLK/P/101 REVA; BLK/P/110 REVA;  
BLK/P/111 REVA; BLK/P/120; BLK/P/121 REVA; BLK/P/122; Noise Survey by Philip  
Acoustics Ltd dated Feb 2012.The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The pub and restaurant use at first floor level is considered to serve the needs of a



specific and local community, therefore its loss without a replacement facility or evidence provided to demonstrate that the facility is no longer required, is contrary to policies CS3 (Other highly accessible areas), CS7 (Promoting Camden's centres and shops), CS10 (Supporting community facilities and services), DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) and DP15 (Community and leisure uses) of Camden's Local Development Framework.

- 2 The application fails to adequately demonstrate whether the residential flats would experience an acceptable level of internal noise contrary to policies CS5 (Managing the impact of growth and development), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise & vibration) of Camden's Local Development Framework.
- 3 The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policy CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.

**Disclaimer**

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<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	16/05/2012
		N/A		<b>Consultation Expiry Date:</b>	
<b>Officer</b>			<b>Application Number(s)</b>		
Nicola Tulley			2012/1444/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
The Black Cap PH 171 CAMDEN HIGH STREET LONDON NW1 7JY			See draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
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.					
<b>Recommendation(s):</b>		Refuse planning consent			
<b>Application Type:</b>		Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>07</b>	No. of responses	<b>221</b>	No. of objections	<b>192</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from: 27<sup>th</sup> March to 17<sup>th</sup> April 2012. A notice was placed in the Ham &amp; High on 5<sup>th</sup> April 2012.</p> <p>Public consultation: As a result of public consultation: 192 objections and 29 comments have been received in relation to the application proposals.</p> <p>In summary, the main issues of objection relate to:</p> <ul style="list-style-type: none"> <li>• The plans to convert the first floor bar and terrace would have the effect of irrevocably changing the culture of the Cap. It would cease to become a community pub and would turn into another 'scene' venue. The character of this gay community pub would be lost forever.</li> <li>• It is a pub rather than a bar or club, that is welcoming to all people.</li> <li>• It is vital to have access to a social space where people can feel safe and connect with others from the community.</li> <li>• The proposed flats would likely result in future restrictions to the ground floor use in terms of opening hours because of noise pollution. Appears ridiculous to place flats above a nightclub.</li> <li>• A large proportion of the congregation of MCC North London Buck Street, visit the Black Cap pub after church. It would be a significant loss to the gay community generally and our church community.</li> </ul> <p>Councillor Jonathan Simpson has raised the following objections to the proposal: The Black Cap is one of London's most historic lesbian and gay pubs which has served as a safe space for the community for many years. It is a popular pub with global reputation for the variety of performances. Objection is based largely upon the loss of performance space.</p> <p>The proposed conversion to residential will change the nature of the high street and would detract from what makes Camden special.</p> <p>Officer's response: The issues raised above will be discussed in the assessment below. It should be noted however, that the proposal is to convert the first floor pub and ancillary accommodation at second and third floors, the use at ground floor would remain.</p>					
<b>CAAC/Local groups* comments:</b> *Please Specify	Camden Town CAAC was notified of the proposals and raises no objection.					



## Site Description

The subject site relates to a three storey with basement terraced building located on Camden High Street being in Camden Town Centre and in close proximity to Britannia junction. The subject building is within Camden Town Conservation Area and noted for its positive contribution in the locality.

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.

The Black Cap dates from 1889, and boasts elaborate stone decoration including a bust of a capped figure.

## Relevant History

The subject site has an extensive planning history which includes consents for signage, the following will note the planning history relevant to assessing the proposal.

Variation of planning condition, reference **2006/4571/P**, was granted for: 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.

Variation of planning condition, reference **2005/2817/P**, was granted for: 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.

Full planning permission, reference **9500223**, was granted for: Formation of a roof garden ancillary to the Class A3 use of the remainder of the building and associated works as shown on drawing no(s) 02.01 .02 .03 and .04.

Full planning permission, reference **9003221**, was granted for: The modification of additional Condition 01 on the planning permission dated 5th April 1990 for use of part of the first floor as a restaurant to permit the use between the hours of 9 a.m. and 1 a.m. the following day.

Full planning permission, reference **89/03652**, was granted for: The change of use of part of the first floor to form ancillary residential and office use to restaurant, together with the erection of a single storey ground floor to provide additional toilet accommodation for the existing public house as shown on drawing no. 2015/9/15

## 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

CPG6 Amenity

Camden Town conservation area appraisal and management plan 2007

## **Assessment**

### **Proposal & background**

The site as existing operates as a cabaret and nightclub (use class D2) on the ground floor with restaurant and pub on the first floor (use class A3/A4) with ancillary accommodation on second and third floors. The planning history for the site does not indicate when the ground floor pub use altered to a nightclub. Planning permission granted in 1989 (reference 8903652) for the change of use of the first floor residential/office into a restaurant and subsequent applications for the extension of opening hours identify that the first floor has been operating as a pub/restaurant for over ten years and is therefore the lawful use.

The applicant has proposed the change of use of the first floor from pub/restaurant to residential and the change of use of second & third floors from ancillary office and non-self contained residential to self contained residential. The proposed change of use includes: the addition of rear roof terraces on existing flat roofs at first and third floors; addition of a rear balcony at second floor; alterations to windows and doors on side and rear elevations; and the inclusion of reuse and cycle stores at ground floor level.

### **Amendments**

Officers raised concern over the subdivision of the front first floor room, in that its subdivision would harm the character and appearance of the elaborate frontage when viewed from the street. Revised drawings were received which removed the internal partition at first floor level, this resulted in altering the proposed mix of units from: 3x 1 bedroom and 1x 2 bedroom to 2x 2 bedroom and 1x 1 bedroom unit.

### **Community use**

Paragraph 15.7 of policy 15.7 states that the Council will resist the loss of local pubs that serve of 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. The National Planning Policy Framework paragraph 70 states that to "deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as....public houses)" to enhance the sustainability of communities and residential environments.

During the course of the application it has become very clear through the number and content of local objection letters, that this pub plays a very special role for the local lesbian and gay community. In response to this, the applicant should have demonstrated that: DP15 c) a replacement facility that meets the needs of the local population is provided or, d) the specific community facility is no longer required in its current use. This has not been provided and therefore the loss of the community space at first floor level is not supported by policy DP15.

As the second and third floor levels are only an ancillary use, there would be no objection in principle to self contained flats at these levels.

The applicant has stated that an element of the pub use could be retained at ground floor level, however officers consider that re-provision of a pub and restaurant use that plays such an important role as a community meeting space, alongside the retained nightclub at this ground floor level would not adequately compensate for the 84m<sup>2</sup> loss at first floor level.

#### **Alteration to premise fire exit**

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 that the premise is not dependent upon fire escape access into the rear car park.

#### **Residential accommodation** (mix of units; floorspace; residential amenity; noise impact)

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 proposed two bedroom (4 person) unit at first floor level would have an internal floorspace of 104m<sup>2</sup> with rear roof terrace. Two units would be located at second floor level, 1x one bedroom unit of 52m<sup>2</sup> with rear balcony and 1x two bedroom maisonette with large rear roof terrace. The 3x residential units would provide above minimum standards for internal floorspace in addition to providing private outdoor amenity.

#### *Noise impact*

In view that the proposed residential units would be sited above a cabaret/nightclub the agent has submitted a noise assessment report, produced by Phillip Acoustics Ltd. The measurement of noise was taken 1m from the external front façade at second floor level during a four day period (Friday 9<sup>th</sup> December to Monday 12<sup>th</sup> December). In addition, recordings of noise were taken from the PH to the proposed upper floor flats on the evening of 9<sup>th</sup> December 2011.

The noise assessment revealed that the existing noise levels are above the threshold limit provided in Table A of DP28 'at which planning permission will not be granted' not Table B where 'attenuation measures will be required'. The noise assessor has however proposed mitigation measures to be considered which they believe would ensure that noise levels within rooms would be reasonable. These measures are outlined below.

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 were recorded within the existing second floor staff accommodation and offices during a busy weekend evening with music playing below; there was a level increase of 12db when compared to levels measured when no music was playing. Although the noise assessor has stated that a high performance ceiling should mitigate noise transfer, officers would note that the noise levels were not taken from the existing first floor pub where noise transfer from the ground floor use would likely be greater.

The following mitigation measures have been recommended by the noise assessor: new glazing system; ventilators; high performance ceiling; acoustic wall linings to ground floor bar; alteration to ground floor hall arrangement. Ventilators have been proposed as a measure to meet criterion 3 of Table D, where there should be no increase in db during the hours of 2300-0700 compared to levels when no music is playing when windows are open or closed. This would not provide an appropriate solution to the impact of noise for future residents, residents should be able to open their windows at night without being unduly impacted upon.

In summary, it is clear that the proposal for residential accommodation at first, second, and first floors would be unacceptable in relation to policy DP28 where planning permission will not be granted for development sensitive to noise in locations that have unacceptable levels of noise. Furthermore, if the site was in an area where appropriate attenuation measures would be accepted, the development would be required to meet all criterion of Table D allowing for residential windows to be open and not experience a change in db.

#### *Lifetime Homes*

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 understood and accepted that it is not possible to meet all 16 points of the checklist.

#### *Parking, refuse & recycling*

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 adopted policy.

The subject site is within a town centre with high accessibility to public transport as such, if the proposal was considered acceptable a car free agreement secured by a S106 would have been sought.

#### **External alterations**

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. At second floor level a 10m<sup>2</sup> balcony, secured by a glass balustrade, would provide outdoor amenity for the one bedroom flat. The existing roofspace provides access onto the third floor roof which would be used by the 2 bedroom maisonette.

The rear elevation would be altered through the installation of double opening doors at first, second and third floor levels. The doors would be suitably sized and equally spaced forming balance to the arrangement of the rear elevation. 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.

### **Neighbouring amenity**

As noted above, there is an existing 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.

### **Conclusion**

The proposed conversion of the first floor public house and second and third floor ancillary accommodation and office space into 1x 1 bedroom and 2x 2 bedroom units is considered unacceptable in relation to policy: DP15 whereby the loss of the first floor pub would result in the loss of a pub that serves a community role & DP28 whereby the noise sensitive development is in a location with unacceptable levels of noise and would impact future residential amenity from noise pollution.

### **Recommendation**

Refusal.

### **Disclaimer**

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## LPA application ref: 2013/0191/NEW

### Application Progress Summary

**Application Registered**  
**Comments Until**  
**Date of Committee**  
**Decision** Withdrawn Decision  
**Appeal Lodged**  
**Appeal Decision**

### Application Details

**Application Number** 2013/0191/NEW  
**Site Address** 171 Camden High Street London NW1 7JY  
**Application Type** Full Planning Permission  
**Development Type**

**Proposal** Demolition of first floor metal staircase and platform; change of use of part of first floor and all of the second and third floors from bar/restaurant and ancillary accommodation to form two 1-bed flats and one 2-bed maisonette; alterations to the southeast elevation at first and second floor levels to close up four existing window openings and two door openings; installation of second floor balcony on rear elevation; use of existing flat roofs at first and third floor levels as private amenity space; formation of refuse and cycle store at ground floor level; and formation of replacement outdoor smoking area at rear

**Current Status** WITHDRAWN

**Applicant** Mr S COX

**Agent** Grainger Planning Associates Ltd

**Wards** Camden Town with Primrose Hill

**Location Co ordinates** Easting Northing

**OS Mapsheet**

**Appeal Submitted?** No

**Appeal Decision**

**Case Officer / Tel** David Peres Da Costa 5282

**Division** Validation and Fast Track Team

**Planning Officer** David Peres Da Costa

**Determination Level** Withdrawn-Council

**Existing Land Use**

**Proposed Land Use**

Mr Simon Grainger BA(Hons) MRTPI  
Grainger Planning Associates Ltd  
11 Ashcombe Road  
Carshalton  
Surrey  
SM5 3ET

Application Ref: **2013/0262/P**  
Please ask for: **Nicola Tulley**  
Telephone: 020 7974 **2527**

20 March 2013

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)  
Town and Country Planning (Development Management Procedure) Order 2010  
Town and Country Planning (Applications) Regulations 1988

### Full Planning Permission Refused

Address:

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

Proposal:

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.

Drawing Nos: BLK/050; BLK/P/100 A; BLK/P/101 A; BLK/P/102; BLK/P/2/103; BLK/P/2/104; BLK/P/2/105; BLK/P/2/110; BLK/P/2/111; BLK/P/2/120; BLK/P/2/121; BLK/P/2/122; BLK/P/2/123; BLK/P/2/124; Acoustic Assessment ref: 121007-001A dated November 2012.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

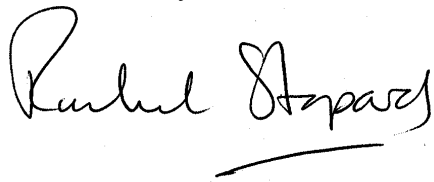


- 1 The application fails to adequately demonstrate whether the residential flats would experience an acceptable level of internal noise contrary to policies CS5 (Managing the impact of growth and development), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise & vibration) of Camden's Local Development Framework.
- 2 The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policy CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.

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.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Rachel Stopard  
Director of Culture & Environment

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## LPA application ref: 2013/2301/P

### Application Progress Summary

**Application Registered** 17-05-2013  
**Comments Until**  
**Date of Committee**  
**Decision** Withdrawn Decision  
**Appeal Lodged**  
**Appeal Decision**

### Application Details

**Application Number** 2013/2301/P  
**Site Address** The Black Cap 171 Camden High Street London NW1 7JY  
**Application Type** Full Planning Permission  
**Development Type** Residential Conversion  
**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.  
**Current Status** WITHDRAWN  
**Applicant** Mr S COX  
**Agent** Grainger Planning Associates Ltd  
**Wards** Camden Town with Primrose Hill  
**Location Co ordinates** Easting 528912 Northing 183801  
**OS Mapsheet**  
**Appeal Submitted?** No  
**Appeal Decision**  
**Case Officer / Tel** Nicola Tulley 2527  
**Division** West Area Team  
**Planning Officer** Nicola Tulley  
**Determination Level** Withdrawn  
**Existing Land Use** A4 Drinking Establishments  
**Proposed Land Use** A4 Drinking Establishments, C3 Dwelling House

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

Application Ref: **2014/2176/P**  
Please ask for: **David Peres Da Costa**  
Telephone: 020 7974 **5262**

3 March 2015

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Refused

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 **refuse** planning permission for the following reason(s):

#### Reason(s) for Refusal

- 1 The change of use of the upper floor areas, which serve essential functions in the role of the premises as a community facility, would result in the loss, without replacement, of a facility which serves both a local and wider social and cultural



community, contrary to policies CS7 (Promoting Camden's centres and shops) and CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.

- 2 The applicant has failed to adequately demonstrate that the continued operation of the lower floor venue with its consequent community benefits could be practically achieved while maintaining an acceptable quality of amenity for future occupiers of the upper floor flats, contrary to policies CS5 (Managing the impact of growth and development), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise & vibration) of Camden's Local Development Framework.
- 3 The applicant has failed to adequately demonstrate that the ground floor design of the development would not result in increased risk and fear of crime and incorporates design principles which contribute to community safety and security for patrons and in Camden Town Centre, contrary to policies CS7 (Promoting Camden's centres and shops) and CS17 (Making Camden a safer place) and policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of Camden's Local Development Framework.
- 4 The proposed development, in the absence of a legal agreement to secure car-free housing for the proposed residential units, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Ed Watson  
Director of Culture & Environment

<b>Address:</b>	The Black Cap 171 Camden High Street London NW1 7JY	
<b>Application Number:</b>	2014/2176/P	<b>Officer: David Peres Da Costa</b>
<b>Ward:</b>	Camden Town with Primrose Hill	
<b>Date Received:</b>	<b>17/03/2014</b>	
<b>Proposal:</b> 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.		
<b>Background Papers, Supporting Documents and Drawing Numbers:</b> 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.		
<b>RECOMMENDATION SUMMARY:</b> Grant planning permission		
<b>Applicant:</b>	<b>Agent:</b>	
Mr S COX c/o Grainger Planning Associates Ltd 11 Ashcombe Road Carshalton Surrey SM5 3ET	Grainger Planning Associates Ltd 11 Ashcombe Road Carshalton Surrey SM5 3ET	

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A4 / SG	Drinking establishments / Sui Generis	636m <sup>2</sup>
Proposed	A4 / SG C3	Drinking establishments / Sui Generis Dwellinghouses	314m <sup>2</sup> 300m <sup>2</sup>

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette									
Proposed	Flat/Maisonette	1	2							

### OFFICERS' REPORT

**Reason for Referral to Committee:**     **The Director of Culture and Environment has referred the application for consideration after briefing members.**

## 1.     **SITE**

- 1.1     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.
- 1.2     There is an existing cabaret/nightclub at ground floor level with a bar and restaurant at first floor, ancillary accommodation and office space is located at second and third floor levels. There is also a beer garden at first floor level.

## 2.     **THE PROPOSAL**

- 2.1     Planning 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).

## 3.     **RELEVANT HISTORY**

- 3.1     **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
- 3.2     **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
- 3.3     **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) The pub and restaurant at first floor level serve the needs of a specific and local community, therefore its loss without a replacement facility or evidence provided to demonstrate that the facility is no longer required, is contrary to policy.
- 2) The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area.
- 3) The application fails to adequately demonstrate whether the residential flats would experience an acceptable level of internal noise.

3.4 Appeal dismissed 04/03/2013

3.5 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.

3.6 **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) The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area.

3.7 **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

3.8 This application was 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.

#### 4. **CONSULTATIONS**

**Conservation Area Advisory Committee**

- 4.1 The Camden Town CAAC have objected to the proposed development.
- 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.

4.2 **Adjoining Occupiers**

<i>Number of letters sent</i>	7
<i>Total number of responses received</i>	61
<i>Number in support</i>	0
<i>Number of objections</i>	61

4.3 A site notice was displayed from 3/4/14 to 24/4/14 and the application was advertised in the local paper on 3/4/14. Sixty one objections have been received.

- 4.4 A summary of the objections is provided below:
- Detrimental to the future of the bar and entertainment venue
  - Harmful to a venue important in LBGT history
  - Another pub threatened / adversely affected
  - Removal of upstairs drinking area would remove one of the few daytime meetings areas for LBGTQI within Camden
  - Camden's only gay bar with historical value to the LGBT community.
  - Loss of community space
  - Loss of local gay bar and social centre; loss of historic pub building
  - 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
  - Camden Town does not need yet more private residential accommodation
  - 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
  - By closing the upstairs smoking area it will force a large amount of smokers on to the busy high street
  - Residential properties would detract from function of Camden Town area as a tourist attraction

5. **POLICIES**

5.1 **National Planning Policy Framework 2012**  
**The London Plan: Spatial Development Strategy for Greater London: 2011**

5.2 **LDF Core Strategy and Development Policies**  
 Core Strategy 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

### 5.3 **Supplementary Planning Policies**

Camden Planning Guidance 2011

CPG1 Design

CPG2 Housing

CPG6 Amenity

Camden Town Conservation Area Appraisal and Management Strategy 2007

## 6. **ASSESSMENT**

### 6.1 Background

6.2 The application site relates to a three storey with basement terraced building. At ground floor level a lobby entrance divides the cabaret dance bar (sui generis) from the first floor pub & restaurant. A private staircase at first floor provides access to ancillary accommodation and rooms above. The building is known as the Black Cap.

6.3 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.

- 6.4 The 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 on 20/03/2013 for the following reasons: failure to demonstrate that the residential flats would experience an acceptable level of internal noise; and failure to ensure sustainable means of travel. The officer's report stated the noise assessment was insufficient to determine noise impact upon future occupiers.
- 6.5 This application 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.
- 6.6 The main considerations subject to the assessment of this planning application are:
- Land use
  - Quality of residential accommodation
  - Design and appearance
  - Neighbouring Amenity
  - Transport and refuse
- 6.7 **Land use**
- 6.8 The applicant has proposed the change of use of the first floor pub and restaurant and upper floors (providing ancillary living accommodation / office and not available for public use) 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.
- 6.9 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.
- 6.10 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". The appeal decision notice is attached as appendix 1.

- 6.11 The inspector's appeal decision establishes the acceptability of the loss of the upstairs bar and terrace. It is noted that The Black Cap is not included on Camden's 'assets of community value' list (whilst a nomination was received, this did not meet the specific criteria required to be a valid nomination).
- 6.12 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. The remaining 314sqm of floorspace at ground and basement level would still be of sufficient size to remain viable as a cabaret dance bar and the loss of 92sqm of floorspace would not undermine the ability of the business to continue.
- 6.13 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.
- 6.14 Whilst policy DP15 resists the loss of local pubs that serve a community role, in this case the pub is not being lost and the informal meeting space could take place in the altered downstairs bar. Function rooms and the roof terrace are advertised as available for parties and private functions; however, this is not unusual and is not necessarily indicative of the venue's community role. It is noted that a significant number of the objections are concerned with the loss of a bar serving the LGBT community. However, this application does not involve the loss of the 'cabaret dance bar' but rather a reduction in the venue's size. It is also evident from the consultation responses that the venue has played an important role in LGBT history. The loss of the first floor bar and consequent reduction in floor area would still allow the venue to perform an important function for the LGBT community. Overall, the proposed development would strike a balance between maintaining sufficient space within a venue important to the LGBT community and meeting the need for new housing.
- 6.15 Therefore the proposed development would not result in the loss of a community space and would be in accordance with CS policies CS3, CS7 and CS10 and DP policies DP12 and DP15.
- 6.16 **Residential accommodation** (mix of units; floorspace; residential amenity; noise impact)
- 6.17 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.

- 6.18 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

- 6.19 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.
- 6.20 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 outlined below.
- 6.21 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

- 6.22 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.

- 6.23 The proposed residential units would be sited above a cabaret/nightclub. Table D of policy DP28 (Noise levels from places of entertainment on adjoining residential sites) requires the following criteria to be met: (1) noise levels 1m from the external façade (0700 – 2300) shall not increase background noise level by more than 5db; (2) noise levels 1m from the façade (2300 – 0700) shall not increase background noise level by 3db; (3) 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 noise survey demonstrated criterion 1 and 2 (above) would be complied with. 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 when 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.
- 6.24 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.
- 6.25 Whilst it is recognised that attenuation measures could theoretically 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 are accompanied with design drawings (showing the acoustic treatment of the floors) providing a level of detail which is consistent with what would be expected at this stage. However, to ensure the required attenuation levels are achieved detailed design drawings and further specific details of the mitigation measures and sound insulation 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

- 6.26 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. The data was based on 20 people on the terrace, all at one time. This may not be representative of weekend use, however it has been

demonstrated that the noise from 20 people will be within Camden's noise thresholds. The rear elevation of the flats at first and second floor is separated by 12.5m from the smoking area. 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.

- 6.27 To safeguard the amenity of the proposed flats, a condition would be included to requiring a management plan to be submitted for the smoking area to ensure that no more than 20 people are in the smoking area after 11pm. Whilst consideration was given to restricting the hours of the smoking area, any restriction would likely result in large numbers of people at the front of the venue reducing the width of the footway. Therefore this approach is not appropriate in this instance. It is noted that the license for the venue does not have any time or other restriction on the use of the beer garden.

#### Noise from mechanical equipment

- 6.28 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.

#### **6.29 Design & appearance**

- 6.30 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

- 6.31 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.
- 6.32 At second floor level a 10m<sup>2</sup> 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.

- 6.33 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.
- 6.34 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

- 6.35 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.
- 6.36 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

- 6.37 The proposal includes the removal of the existing fire escape stair in the side passage and the insertion of fire exit doors at ground floor level to provide access to the side alley. The applicant has stated that this new arrangement would ensure the premise is not dependent upon fire escape access from the ground floor into the rear car park which is not in the applicant's control.
- 6.38 The CAAC has raised concerns regarding the proposed access to the flats from the narrow side alley and its suitability to provide access to emergency services and furniture delivery. The existing side access already provides ingress and egress to the existing ancillary residential accommodation at second and third floor levels. Additionally, the existing fire escape stair serving the residential accommodation, the existing first floor bar area and the rear terrace comes down into the side passage. The applicant has confirmed that the Fire and Rescue Service have never raised issue with the adequacy of the emergency access arrangements.
- 6.39 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.

#### 6.40 **Neighbouring amenity**

6.41 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.

6.42 As noted above, the existing pub has a roof terrace at first floor level which overlooks neighbouring buildings. 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 would be mitigated by an acoustic screen and panels surrounding the smoking area and so any noise would be unlikely to be any greater than the existing noise from the 1st floor beer garden. The proposed 31sqm smoking area would be smaller than the existing beer garden (76sqm) and the location of the smoking area would abut the rear of the site (the existing beer garden abuts the rear elevation of the first floor of the host property).

#### 6.43 **Transport**

6.44 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.

6.45 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.

### 7. **CONCLUSION**

7.1 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 practicably achievable. 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.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement securing car free housing.

### 8. **LEGAL COMMENTS**

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