

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

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	07	No. of responses	221	No. of objections	192
Summary of consultation responses:	<p>A site notice was displayed from: 27th March to 17th April 2012. A notice was placed in the Ham & High on 5th 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"> • 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. • It is a pub rather than a bar or club, that is welcoming to all people. • It is vital to have access to a social space where people can feel safe and connect with others from the community. • 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. • 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. <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>					
CAAC/Local groups* comments: *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 84m² 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 104m² with rear roof terrace. Two units would be located at second floor level, 1x one bedroom unit of 52m² 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 9th December to Monday 12th December). In addition, recordings of noise were taken from the PH to the proposed upper floor flats on the evening of 9th 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 10m² 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.

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