

Address:	The Black Cap 171 Camden High Street London NW1 7JY	
Application Number:	2014/2176/P	Officer: David Peres Da Costa
Ward:	Camden Town with Primrose Hill	
Date Received:	17/03/2014	
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.		
Background Papers, Supporting Documents and Drawing Numbers: 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.		
RECOMMENDATION SUMMARY: Grant planning permission		
Applicant:	Agent:	
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 ²
Proposed	A4 / SG C3	Drinking establishments / Sui Generis Dwellinghouses	314m ² 300m ²

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 10m² balcony, secured by a glass balustrade, would provide outdoor amenity for the one bedroom flat. The 2 bedroom maisonette would have access onto the existing third floor roof.

- 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.