





Photograph 1 - Existing entrance to Building C

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>12/02/2020</b>
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>	<b>16/02/2020</b>
<b>Officer</b>			<b>Application Numbers</b>		
Laura Hazelton			2019/6284/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
The Stables Market, Building C Chalk Farm Road London NW1 8AH			Please refer to decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposals</b>					
Change of use of sub-basement of Building C from restaurant kitchen (Class A3) to co-working commercial kitchen (Sui Generis); installation of associated roof top plant and other associated works.					
<b>Recommendations:</b>		Grant conditional planning permission subject to S106 legal agreement			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:			No. of responses	<b>03</b>	No. of objections	<b>01</b>
Summary of consultation responses:	<p>The application was advertised in the local press on 27/12/2019 and site notices were displayed on 23/01/2020.</p> <p>Comments were received from a local resident from Gilbeys Yard, summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Owners and tenants of Building C have not complied with the original conditions imposed on the original consent for construction of Building C, with activities in and around the building into the night and well beyond the midnight to 8 am planning condition, and anti-social behaviour of customers, staff and deliveries and services through the night depriving many homes of sleep over the years.</li> <li>2. The impact of deliveries to Building C and via the fire escape of Building C.</li> <li>3. We have not been given the Camden Council regulatory enforcement protection that the original building planning conditions should have provided since planning was granted in 2005 and hope that the Council will honour and implement those conditions now to finally provide some protection for us with this application.</li> </ol> <p><u>Officer Response</u></p> <ol style="list-style-type: none"> <li>1. <i>Planning permission was granted for the erection of Building C, including restaurant use at first floor level, in 2001. Planning records indicate that very few of the original conditions attached to the consent (application references PE9800576R2 and PEX0200404) seem to have actually been discharged. In particular, conditions 1e and 2c of planning permission reference PE9800576R2c which required details of refuse storage and recycling facilities, a site management plan to control the servicing of the site, the timing of deliveries to the site, litter management, a public safety and evacuation plan, and a general management plan for the operation of the market. Furthermore, although planning permission was granted subject to the condition that no staff/customers shall be on the premises between midnight and 8am, an alcohol license was subsequently approved until 2am. Although planning and licensing are independent matters which operate under different legislative frameworks, by staying open past midnight, the previous operator was in breach of condition. These breaches were investigated by the Council's enforcement team in 2018, and it was found that the site had been in operation in breach of the previous conditions in excess of ten years, and as such, it was no longer enforceable due to passage of time. The current proposals relate to the sub-basement (level -2) level only, rather than the whole building; however, additional controls will be imposed by way of a delivery, servicing and operation management plan in order to ensure the operation of the space does not unduly impact neighbouring amenity.</i></li> <li>2. <i>A delivery, servicing and operation management plan shall be secured by S106 legal agreement. This shall include more detailed information on numbers and means of consolidation of deliveries and servicing as well as proposed delivery locations. As a live document with a review mechanism, this will ensure the Council can review the operation of the site and seek revisions to the arrangements if necessary, including ensuring the operation does not include the use of the rear fire escape onto Gilbeys Yard.</i></li> <li>3. <i>See point 2 above.</i></li> </ol>					

One letter of objection was received from **TRACT** (Tenants and Residents Associations Camden Town) summarised as follows:

1. This premises has been and remains the source of significant problems for residents in the surrounding area. The licence granted for operating nightclubs and alcohol sales was out of step with the approved planning. Residents have been trying to resolve outstanding issues on the permitted planning and approved licencing that are out of sync.
2. The change of use to a shared kitchen breaches conditions 2 and 3 of the approved planning ref: 2005/0224/P which state that the sub-basement shall be ancillary to approved uses, that customers of the restaurant shall not access the basement, and no one shall be on the premises between 24:00 and 08:00. The proposed operating hours and access / deliveries / take-away will negatively impact the amenity of local residents.
3. The proposed access is via loading bays on Chalk Farm Road. These loading bays are directly opposite Hartland Road and noise from running engines and loading/offloading trolleys causes disturbance to residents. This proposal goes against condition 7 in the approved planning conditions which states no loading or unloading of goods shall be carried out other than within the curtilage of the building.
4. No mention has been made of using Goods Yard for loading/unloading although it is highlighted as an access point in one of the application documents. It is an egress point for emergencies. There are significant issues currently with the misuse of Goods Yard as a point of delivery for other units within Building C. If any use were to be made of Goods Yard for deliveries or take-away this would and breach condition 7 of the planning approval conditions.
5. Table 1 in the Transport Statement indicates the majority of deliveries to be between 6:00-7:00hrs plus a further 1-2 deliveries per hour throughout the day with most take-away deliveries being from 17:00 to 24:00hrs when most residents are enjoying the amenity of their homes. That suggests an almost constant use of the delivery bays on Chalk Farm Road. This is unacceptable and breaches condition 7 of the approved planning conditions.
6. All access for deliveries and take-away should be via Camden Lock Place.
7. The proposed hours of operation / staff on the premises is between 6:00-24:00hrs. This breaches condition 4 of the approved planning conditions. There is also an indication that there will be an overnight shift, which means the kitchens will function 24hrs. Again this is an unacceptable breach of the approved planning conditions.

**CAAC/Local groups comments:**

*Officer response*

1. *The proposals involve the sub-basement (level -2) and do not relate to the existing nightclub/restaurant uses within building C. Planning permission was granted for the erection of Building C, including restaurant use at first floor level, in 2001. Planning records indicate that very few of the original conditions attached to the consent (application references PE9800576R2 and PEX0200404) seem to have actually been discharged. In particular, conditions 1e and 2c of planning permission reference PE9800576R2c which required details of refuse storage and recycling facilities, a site management plan to control the servicing of the site, the timing of deliveries to the site, litter management, a public safety and evacuation plan, and a general management plan for the operation of the market. Furthermore, although planning permission was granted subject to the condition that no staff/customers shall be on the premises between midnight and 8am, an alcohol license was subsequently approved until 2am. Although planning and licensing are independent matters which operate under different legislative frameworks, by staying open past midnight, the previous operator was in breach of condition. These breaches were investigated by the Council's enforcement team in 2018, and it was found that the site had been in operation in breach of the previous conditions in excess of ten years, and as such, it was no longer enforceable due to passage of time. The current proposals relate to the sub-basement (level -2) level only, rather than the*

*whole building; however, additional controls will be imposed by way of a delivery, servicing and operation management plan in order to ensure the operation of the space does not unduly impact neighbouring amenity.*

- 2. Although a previous planning consent imposed conditions on the use and operation of the basement, this does not prevent the ability to apply for separate planning permission for alternative use of this space, and each application must be considered on its own merits. The suggested conditions and delivery, servicing and operational management plan are considered sufficient to ensure the proposed development would not unduly impact neighbouring amenity.*
- 3. The applicant has suggest moving deliveries from Chalk Farm Road delivery bay to the loading pad at the top of Camden High Street to address concerns raised. Although the Chalk Farm Road location is considered acceptable given produce would be unloaded from vehicles directly adjacent to the market entrance, final details and arrangements would be secured as part of the Delivery, Servicing and Operational Management Plan, secured by S106 legal agreement.*
- 4. A delivery, servicing and operation management plan shall be secured by S106 legal agreement. This shall include more detailed information on numbers and means of consolidation of deliveries and servicing as well as proposed delivery locations. As a live document with a review mechanism, this will ensure the Council can review the operation of the site and seek revisions to the arrangements if necessary, including ensuring the operation does not include the use of the rear fire escape onto Gilbeys Yard.*
- 5. Please refer to sections 5 (Amenity) and 6 (Transport) for full assessment and suggested conditions and controls.*
- 6. Camden Lock Place will be used for all deliveries and pickups when this is possible (i.e. when the bollards are lowered and the space is no longer pedestrianised – between 8pm to 6am).*
- 7. Please see points 1 and 2 above.*

Comments were received from the **Harmood, Clarence, Hartland Residents Association:**

1. Residents will be greatly affected by some elements of this proposal. It is a well-argued application and detail is given where detail is needed, but there are several serious problems.
2. The papers list the planning permissions which apply to Building C, which emphasise the effect of planning on residential amenity. Not least of these is the condition attached to the 2005 planning permission insisting that there shall be nobody in the building between midnight and 8am. We have never understood why this condition was not put into effect or why it does not apply in this case. Whatever the reason, the failure to implement leaves a clear and longstanding debt to residential amenity and Planning and LabTech need to take residential amenity fully into account when considering any applications relating to Building C now and in the future.
3. The use of the loading bay at the Stables Gates is another concern. The Gates are opposite Hartland Road and residents already suffer from noisy and idling engines from vehicles delivering to the Market and, even more seriously, from vehicles parking in Hartland Road because the spaces in Chalk Farm Road are taken.
4. The proposed arrangements would make this problem far worse - as would the suggestion that electric bikes would be brought into use. Hartland Road and Harmood Street already suffer from the dumping of huge numbers of



	<p>dockless bikes, which are not allowed to be left in Chalk Farm Road and so are left in the nearest convenient road. They are a danger to pedestrians, especially those with poor sight, and make it impossible to push a buggy on the pavement.</p> <ol style="list-style-type: none"> <li>5. For the above reasons I hope that the Chalk Farm Road entrance and exit is used only in the morning and that there are strict rules about parking, idling, and the use of electric bikes.</li> <li>6. The application does not mention Gilbeys Yard as a delivery or pick up point but it is known that the Yard is used as convenient access. The permission, if granted, should make it clear that Gilbeys Yard must not be used in any circumstances.</li> <li>7. The application does mention Morrison's as a car park, among other things. Perhaps when the application was drawn up it was not known that the site will soon be cleared in preparation for redevelopment. New parking arrangements will be needed and the local side streets are not on offer!</li> </ol> <p><i>Officer response</i></p> <ol style="list-style-type: none"> <li>1. <i>The applicant has suggest moving deliveries from Chalk Farm Road delivery bay to the loading pad at the top of Camden High Street to address concerns raised. Although the Chalk Farm Road location is considered acceptable given produce would be unloaded from vehicles directly adjacent to the market entrance, final details and arrangements would be secured as part of the Delivery, Servicing and Operational Management Plan, secured by S106 legal agreement.</i></li> <li>2. <i>It is recommended that planning permission is granted subject to the condition that deliveries from the premises to customers shall be carried out by foot, bicycle or electric two wheeled vehicle only and not by any other mode of transport. Given the nature of food deliveries businesses, most delivery riders have access to their own bicycle rather than utilising dockless bicycles.</i></li> <li>3. <i>The proposals do not include the use of the rear fire escape onto Gilbeys Yard. A delivery, servicing and operation management plan shall be secured by S106 legal agreement. This shall include more detailed information on numbers and means of consolidation of deliveries and servicing as well as proposed delivery locations. As a live document with a review mechanism, this will ensure the Council can review the operation of the site and seek revisions to the arrangements if necessary, including ensuring the operation does not include the use of the rear fire escape onto Gilbeys Yard.</i></li> </ol>
<p><b>Regents Canal Conservation Area Advisory Committee (CAAC)</b></p>	<p>No response received.</p>

## Site Description

Building C is a triangular site located between Camden Stables Market and Camden Lock Market. Building C adjoins Building D to the rear and to the south sits a number of covered ad-hoc retail and food stalls/units. It is a glass building that was constructed in the early 2000s.

Building C comprises three basement levels (double height level -1 and sub-basement level -2), a ground floor and three upper levels. A mixture of Class A1 (retail), A3 (restaurant), B1 (business) and D2 (assembly and leisure) uses are permitted at the site. Part of the market is located at ground floor with a number of shops and food outlets. Shakazulu, a restaurant, bar and nightclub occupies the basement levels and Gilgamesh formally occupied the upper levels. The proposals relate to the sub-basement level only, which was previously in use as additional restaurant kitchen and toilets, but these are not used or required by ShakaZulu.

There are two main entrances to Building C - via the southern elevation onto Camden Lock Place, and a separate entrance on the northern corner fronting Chalk Farm Road. The proposals would utilise the Camden Lock Place entrance only, which provides direct access to the basement levels.

Building C is not listed, but is located within the Regents Canal Conservation Area, and there are a number of listed buildings in close proximity within the Market, including Grade II Listed Provender Store, the Stables fronting Chalk Farm Road and the Interchange Building to the south west.

## Relevant History

**PE9800576R2** - The refurbishment of the existing buildings on the site and the construction of two new buildings to accommodate a mixture of uses within the A1 (retail), A3 (food and drink), B1 (business), D1 (exhibition space), a dual B1/D1 use, and D2 (leisure) Use Classes, together with ancillary storage and other accommodation and associated environmental improvement works. Granted 26/04/2001.

**PEX0200404** - Amendments to planning permission (ref. PE9800576R2) dated 26th April 2001 comprising the relocation of various approved uses involving the transfer of Class A3 use at first floor in the Horse Hospital and northern end of Building A to the first floor of Building C, the transfer of approved B1 accommodation from Building C to Building A and the switching of the approved Class A1 and A3 uses between the ground and first floors within the Long Stable building. Granted 04/11/2003.

**2003/0726/P** - Amendment to previous planning permissions (Reg.no.PE9800576R2, and PEX0200404) for the redevelopment of the site including the erection of a 4 storey plus basement building on the triangle site (building C) for Class A1, A3, B1 and D2 uses, by the amendment of the elevational design of the Camden Lock Place elevation and the design of the glass drum at the main site entrance. Granted 22/10/2003.

**2004/3953/P** - Alterations during the course of construction for the erection of plant screening at third floor and roof levels to Building C for A1, A3, B1 and D2 uses as a variation to planning permission PE9800576R2, as amended by PEX0200404 and 2003/0726/P. Granted 26/11/2004.

**2005/0224/P** - Extension during the course of construction to four storey building (approvals 2003/0726/P, PEX0200404 & PE9800576R2) to provide an additional basement level to accommodate preparation and storage areas attached to the approved restaurant use (Class A3) at first floor level, toilets to the leisure use (Class D2) at basement level and plant and safety requirements ancillary to the use of the entire building. Granted 31/03/2005.

*Condition 2 attached to the permission (ref. 2005/0224/P) sets out that the sub-basement approved "shall only be used for 621 sqm of plant and safety equipment, 135sqm of Class D2 (leisure) and 342sqm of Class A3 (food and drink) and shall be ancillary only to the approved uses of Building C"*

*Condition 3 states that "no customers associated with the Class A3 floorspace across the Stables Market site shall have access to the sub-basement hereby approved."*

*Condition 4 restricts use of the premise by staff and customers between the hours of 24:00 and 08:00 the following day.*



## **Relevant policies**

### **National Planning Policy Framework 2019**

**The London Plan March 2016**

**Draft London Plan 2020**

### **Camden Local Plan 2017**

Policy G1 Delivery and location of growth

Policy E1 Economic development

Policy E2 Employment premises and sites

Policy A1 Managing the impact of development

Policy A4 Noise and vibration

Policy D1 Design

Policy D2 Heritage

Policy TC2 Camden's centres and other shopping areas

Policy TC4 Town centre uses

Policy TC6 Markets

Policy T1 Prioritising walking, cycling and public transport

Policy T2 Parking and car-free development

Policy T3 Transport infrastructure

Policy T4 Sustainable movement of goods and materials

Policy DM1 Delivery and monitoring

### **Camden Planning Guidance**

CPG Amenity 2018

CPG Design 2019

CPG Employment sites and business premises 2018

CPG Town Centres and retail 2018

CPG Transport 2019

CPG8 (Planning obligations (July 2015, updated March 2018)).

### **Regents Canal Conservation Area Statement 2008**

## Assessment

### 1.0 Proposal

- 1.1 Planning permission is sought for the change of use of 469sqm of the existing sub-basement (level – 2) of Building C from the existing commercial kitchen use (Class A3) to a co-working commercial kitchen (Sui Generis). The space would be operated by Karma Kitchen, a company that provides flexible commercial kitchen spaces for predominantly small, independent and start-up companies. Further detail on the proposed use is set out in paragraphs 3.1 – 3.4).
- 1.2 The proposals include the installation of associated roof top plant and extraction equipment.

### 2.0 Assessment

2.1 The principle considerations in the determination of this application are as follows:

- Land Use – Loss of ancillary restaurant kitchen floor space (Class A3) and introduction of new commercial kitchen space (Sui Generis)
- Design – Impact on the character and appearance of the host building and the wider Regent's Canal Conservation Area)
- Amenity - Impact on amenity of neighbouring residents in terms of outlook, daylight, privacy and noise disturbance
- Employment and Training
- Transport impacts
- Refuse and recycling

### 3.0 Land Use

#### Proposed use

- 3.1 The proposals would involve the change of use of 469sqm of the existing sub-basement of Building C. The existing lawful use of the space is as a commercial kitchen (Class A3) to support the existing restaurant and club Shakazulu which is located on the two upper basement levels. However, Shakazulu has not used, and does not require the additional floorspace, and the applicant is now seeking to bring the sub-basement back into use. The space would be operated by Karma Kitchen, a company that provides flexible commercial kitchen spaces for predominantly small, independent and start-up companies. Karma Kitchen opened its first commercial kitchen in Hackney, and are looking to open a second premise in Camden Market. Although the kitchens are catered towards new start-up companies, it is also the company's aim to support existing catering companies operating within the Camden Markets. The planning statement submitted in support of the application sets out how the Karma Kitchen facility is expected to support:
- a. Existing vendors of Camden Market;
  - b. Start-up catering companies seeking to test their business;
  - c. Small catering companies seeking more space to cater one-time large events; and
  - d. A small percentage of companies cooking for home deliveries.
- 3.2 Access to the kitchen spaces would be through the existing main entrance on Camden Lock Place, with access down to the basement via the goods/passenger lift and staircore, which runs from the existing lobby area.
- 3.3 The proposal would provide seven shared kitchens between 20-30sqm, and two private kitchens between 50-70sqm. All kitchens would include ovens, hobs, storage, washing facilities, kitchen equipment and kitchen work services.
- 3.4 The proposed kitchen would operate three shifts per day – 7am-3pm, 4pm-11pm and 12am-6am. There would be one hour between each shift for cleaning where cleaning staff only are permitted in the kitchen spaces. Although the proposed kitchen would be 24 hours, it is anticipated that the 24:00-06:00 shift would only be at 20% capacity with no deliveries. Karma Kitchen also anticipate that over two thirds of deliveries of produce and products to the kitchen would be between 6am and 11am when the market is at its quietest. Please refer to Amenity and Transport sections below for full assessment of these considerations and suggested controls.

## Land Use Assessment

- 3.5 The application site is located within the Camden Market area in the Camden Town Centre, where policy TC4 seeks to ensure that development of town centre uses does not cause harm to the character, function, vitality and viability of a centre, and that development does not harm shopping provision in the town centre. Policy TC6 is also relevant, which seeks to protect and promote markets and TC2 (a) and (b) which promote a successful and vibrant centre, seek to protect and enhance the role and unique character of Camden's centres, and to provide for and maintain a range of shops including food, drink and entertainment uses to provide variety, vibrancy and choice. Restaurant use is not afforded any specific policy protection; however, Policy TC3 recognises the importance of restaurants to the night time economy of Camden Town which the Council seeks to protect.
- 3.6 Although the proposed co-working kitchen could be considered to be light industrial use (Class B1c) due to the combination of co-working kitchen spaces and start up spaces, given the proposed use would include kitchen space for food deliveries and the associated deliveries and pickups, it is considered Sui Generis use within the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 3.7 Nevertheless, Policy E1 is still considered relevant which states that the Council will support businesses of all sizes, in particular start-ups, small and medium-sized enterprises; maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on a range of terms and conditions for firms with differing resource; and support local enterprise development, employment and training schemes for Camden residents.
- 3.8 Karma Kitchen is a form of co-working incubator space for food businesses, as it allows them to take short-term contracts where all equipment is provided to test whether their business is likely to be a success, before scaling up. Karma Kitchen consider that Camden Market is a perfect growth location for its offer given the number of food outlets in the area which require additional production space. 450 vendors operate in the market and often need extra space to prepare food, or to safely store products.
- 3.9 It is anticipated that most businesses who take space in the kitchens will already trade in the market or in Camden Town. In addition to food sold within the market, it is anticipated that an element of bulk commercial cooking would take place. This is typically where start-up companies are cooking for corporate events so prepare food in the kitchens and then take to the premises as part of one delivery or prepare food to be sold in shops. Finally, a small percentage - 15% - would be cooking food on the premises which could be delivered to houses in the nearby area.
- 3.10 The introduction of the new commercial co-working kitchen is considered appropriate in this location given its location at sub-basement level and the existing use as a kitchen. It is recognised that the proposed use could result in additional transport and amenity impacts which is discussed further in the amenity and transport sections below.
- 3.11 Given that the proposals involve the loss of ancillary kitchen space which is no longer required by the existing restaurant, the proposals are not considered to impact the viability or function of the existing restaurant/club on the upper floors. The proposed use, although not within the same use class, would share some similarities in terms of operations and requirements to the existing kitchen and is not considered to harm the function of the markets or the night time economy and would comply with policies TC2, TC3, TC4, TC6, and E1 of the Camden Local Plan.

## **4.0 Design**

- 4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 4.2 Camden's Development Policies Document is supported by CPG (Design) and the Regent's Canal Conservation Area Statement.
- 4.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") is relevant to the determination of this application. It requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when

considering applications relating to land or buildings within that Area.

- 4.4 The only external alteration would be the installation of plant at roof level. Detailed design of the new ventilation plant is still to be carried out; however, the plant would be located within an existing rooftop plant area and would replace an existing unit in this location, and as such, the visual impact would be limited and the proposals would preserve the character and appearance of the host building and wider conservation area in accordance with policies D1 and D2 of the Camden Local Plan. Detailed drawings of the proposed plant would be secured by condition to be approved prior to installation.

## 5.0 Amenity

- 5.1 Policies A1 and A4 of the Camden Local Plan seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

### Noise and odour

- 5.2 A Noise Assessment and a separate Ventilation Statement, both prepared by Scotch and Partners have been submitted as part of the application. The details of the proposed plant equipment have not yet been finalised. The Noise Assessment therefore sets out the background noise levels and identifies through a feasibility study the maximum noise level of the new plant equipment that would ensure that the noise levels at the nearest sensitive receptor meet LB Camden's noise criteria. It is concluded that the required noise levels to meet Camden's Planning Policy requirements would be achievable.
- 5.3 The Ventilation Statement, including details of Odour Management sets out that the proposed development would use the highest quality ventilation equipment, which would in parts re-use parts of the existing extraction system ducts already installed into Building C.
- 5.4 The Council's Environmental Health Officer (EHO) has reviewed the submitted information and confirmed it has proposed sufficient levels with specified noise mitigation. The EHO does not object to the proposed development subject to additional conditions securing full details and specifications of all plant equipment, and vibration and odour-abatement compliance conditions.

### Outlook and privacy

- 5.5 The application site is located at sub-basement level which is two levels below ground level with no views possible in or out of the space. As such, there would be no impact on neighbouring privacy.

### Deliveries and servicing

- 5.6 Karma Kitchen would oversee and manage all deliveries and would seek to consolidate these as far as possible. It is proposed that deliveries and pickups would be split between Camden Lock Place and the Chalk Farm Road Delivery Bay (located opposite Hartland Road) as per the following:

#### **Deliveries will take place from:**

I.	6am – 9am	Camden Lock Place
II.	9am – 10pm	Chalk Farm Road Delivery Bay
III.	10pm – 6am	No Deliveries

#### **Pick-ups will take place from:**

I.	12noon – 8pm	Chalk Farm Road Delivery Bay
II.	8pm – 12 midnight	Camden Lock Place
III.	Midnight – 12 noon	No pick-ups

- 5.7 The proposed locations and timings for deliveries and pickups have been considered to try and avoid noise sensitive areas during late evening and overnight. Camden Lock Place is pedestrianised during the day between 9am and 6pm when bollards are raised to prevent vehicular access. Camden Lock Place is less noise sensitive as there are no residential occupiers in close proximity and will be used during anti-social hours when the bollards are lowered, for both deliveries and pickups (in line with existing arrangements for Camden Lock Market stall holders).

- 5.8 The Chalk Farm Road delivery bay will not be used after 10pm for either deliveries or pickups. The delivery bay is located next to the Chalk Farm Road gates into the markets opposite Hartland Road. Deliveries would be transferred from the loading bay to the kitchens by Karma Kitchen's porters (approximately two minute walk). Although delivery drivers would need to park on Chalk Farm Road, the delivery bay is located immediately adjacent to the market entrance, so the produce would be transported through the market itself rather than along the public highway or residential streets.
- 5.9 There would be no deliveries or pickups between midnight and 6am. In addition, the applicant has confirmed the main food delivery operators have committed to phasing in electric bikes in London, and a condition shall be imposed on any consent to secure food deliveries from the premises to customers shall be carried out by foot, bicycle or electric two wheeled vehicle only and not by any other mode of transport.
- 5.10 Following the objections received from local residents regarding the potential disturbance arising from the use of the Chalk Farm Road delivery bay, the applicant has confirmed that the loading pad at the top of Camden High Street could be used rather than the delivery bay on Chalk Farm Road if that was preferable. The final details shall be secured by a Delivery and Servicing Management Plan, secured by S106 agreement.
- 5.11 An indicative number of deliveries and pickups has been provided which shows a total of 33 deliveries on Mondays to Fridays, 28 on Saturdays and no deliveries on Sundays. In terms of pickups, they estimate between 46 to 56 per day. Although this is just an estimate at this stage, Officers have raised concerns that 33 deliveries to site per day seems excessive and requested additional details on how deliveries would be consolidated. The applicant confirmed this is likely to be a worst case scenario, which they would seek to reduce once further details of occupiers are known.
- 5.12 They confirmed that deliveries to Karma Kitchen, like all deliveries to the market itself, would be actively organised and managed to be at certain times of the day. The applicant anticipates that over two thirds of deliveries of produce and products to the kitchens will be between 6am and 11am when the market is at its quietest. Karma Kitchen also offers discounts with its suppliers, to promote consolidated deliveries. This means that all its members can use the same vegetables, meat, fish and dry goods suppliers. They also bulk buy and supply products like blue roll and cleaning supply before distributing them to members to help reduce deliveries overall.
- 5.13 Deliveries would be managed by Karma Kitchen's operations team. They would use the booking calendar function on their own platform to enable businesses to book their delivery slots in advance. Once the slots are filled, no more deliveries can arrive. The slots will be manned by a designated delivery manager. This individual will dedicate a certain portion of their day to monitoring the deliveries in and out. The booking system will be able to be adjusted to enable the flow of deliveries to be managed actively.
- 5.14 Although indicative levels of deliveries and servicing arrangements have been provided, final details shall be secured by a Delivery and Servicing Management Plan which would be secured via S106 legal agreement. This shall include more detailed information on numbers and means of consolidation of deliveries and servicing as well as proposed locations. As a live document with a review mechanism, this will ensure the Council can review the operation of the site and seek revisions to the arrangements if necessary.
- 5.15 Overall, given the existing market function and associated deliveries, the proposed spacing out of deliveries and pickups and strict controls imposed, the proposals are not considered unduly harmful to neighbouring amenity as a result of the proposed deliveries and servicing.

#### Operation Management

- 5.16 The operational management plan states that "It is anticipated that most businesses who take space in the kitchens will already trade in the market or in Camden Town" and that a small percentage of 14% would be food cooked on the premises to be delivered to houses in the nearby area.
- 5.17 Officers initially raised concerns regarding the potential for a more significant proportion of the space to be used as a 'dark kitchen' for Uber Eats/Deliveroo, etc., especially given the existing Karma Kitchen premises in Hackney appear to be used for such premises. The applicant acknowledged that a large number of the kitchens in the existing Hackney kitchen are used by companies who provide home deliveries via Deliveroo, etc. However, that premises is on a light-industrial estate which lends itself to

scooter collections without impacting residential amenity. However, Karma Kitchen is looking to expand in to other premises across London including on employment estates, and will run these kitchens in a different way to its other premises. The application site is considered a suitable location for this new model given the proximity to 450 existing food vendors which means there is an existing demand for additional production space. It is envisaged that a small amount of the kitchen space could be used by businesses cooking food for home delivery and the applicant is willing to agree a S106 obligation that no more than 15% of the space could be used by businesses cooking food for home delivery, with records to be kept of all occupants and operators to be provided upon request by the Council.

- 5.18 In terms of the number of individual pick-ups, the most that is anticipated per day is 56 (spread across 12 hours). By comparison, the recent application for Deliveroo's Dark Kitchen at 115 Finchley Road (allowed at appeal ref: APP/X5210/C/18/3206954) which is of a similar size to what is proposed here, proposed 111 pickups at the peak hour, so there would be the same number of collections there within 30 minutes than what there would be across a full day at this site. As such, although there would be an element of delivery collections, this would be a much less intensive operation to a standard "dark" kitchen.

#### Hours of operation

- 5.19 There are three shifts in a day 7am-3pm, 4pm-11pm and 12am-6am. The Operational Management Plan states that the overnight shift will be for market stall bulk production and breakfast corporate catering. The morning shift is for lunch caterers and product manufacture and the evening shift is for delivery and evening corporate catering and event catering. The kitchen is typically at 20% capacity overnight and this type of member has no incoming or outgoing deliveries during their shift, with most products arriving the morning before their shift and outgoing deliveries occurring the following morning.
- 5.20 Although 24 hour use is proposed it is estimated that over two thirds of deliveries of produce and products to the kitchens will be between 6am and 11am when the market is at its quietest. Deliveries at this time will take place via Camden Lock Place where there are less residential properties in close proximity. There would be no deliveries between 10pm and 6am, and no pickups between midnight and 12 noon.

## **6.0 Employment and Training**

- 6.1 Karma Kitchen will seek to employ 10 new members of full-time staff to run the Kitchen. These team members will be hired to operate, sell and manage the space. The planning statement submitted in support of the application sets out how the proposed Karma Kitchen would offer the following economic benefits to the local Camden community:
- a. Provision of commercial kitchen space at affordable prices and flexible lease terms to attract new start-up and small catering companies to Camden;
  - b. Provision of additional commercial kitchen space to support those catering companies within Stables Market, Camden Lock Market and the forthcoming Buck Street Market;
  - c. Provision of 10 full time jobs to oversee the management of the new space; and
  - d. Provision of local apprenticeship, work placement and youth training opportunities, which support the development of local people and provide permanent employment opportunities at the end of the schemes.
- 6.2 In addition, Karma Kitchen would offer the following benefits to small and start-up catering companies within Camden:
- a. Provision of professional commercial kitchen space within a central location;
  - b. Flexible lease arrangements including availability of shared kitchen space for an eight-hour period starting from £42 per shift;
  - c. Provision of general maintenance and upkeep of the kitchen spaces;
  - d. Provision of washing up and cleaning assistance including laundry; and
  - e. Designated servicing, deliveries and waste arrangements.
- 6.3 The Council's Economic Development Team welcome the proposed change of use to create co-working kitchen space and recognises the potential for the scheme to create opportunities for existing small businesses at Camden Market to expand their operations, and for new catering enterprises to use the space to test their business models. The Council shares the aspirations of the intended operator, Karma Kitchen, in ensuring that employment opportunities arising from the scheme benefit local people.

6.4 Depending on the final build costs of the project, the Council would seek to secure the following employment and training obligations through a Section 106 agreement:

Construction phase:

- The applicant should work to CITB benchmarks for local employment when recruiting for construction-related jobs as per section 68 of the Employment sites and business premises CPG.
- The applicant should advertise all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre for a period of 1 week before marketing more widely.
- The applicant should provide a specified number (to be agreed) of construction work placement opportunities of not less than 2 weeks each, to be undertaken over the course of the development, to be recruited through the Council's King's Cross Construction Skills Centre, as per section 70 of the Employment sites and business premises CPG
- If the build costs of the scheme exceed £3 million the applicant must recruit 1 construction apprentice per £3million of build costs and pay the council a support fee of £1,700 per apprentice as per section 65 of the Employment sites and business premises CPG. Recruitment of construction apprentices should be conducted through the Council's King's Cross Construction Skills Centre. Recruitment of non-construction apprentices should be conducted through the Council's Economic Development team.
- If the value of the scheme exceeds £1 million, the applicant must also sign up to the Camden Local Procurement Code, as per section 71 of the Employment sites and business premises CPG; and
- The applicant provide a local employment, skills and local supply plan setting out their plan for delivering the above requirements in advance of commencing on site, as per section 63 of the Employment sites and business premises CPG.

## 7.0 Transport

7.1 A Transport Statement prepared by Arup has been submitted in support of the application. The Statement assesses the potential effects of servicing and indicative numbers of deliveries and pickups on the surrounding area, the existing transport network and amenity considerations. The Statement sets out a number of measures, which would be implemented to mitigate potential effects of the proposed development. These include:

- a. A car free development;
- b. A dedicated waste and recycling management system in line with the existing waste arrangements for Stables Market;
- c. Use of separate servicing bays for pickups and deliveries, which are located on Chalk Farm Road and Camden Lock Place;
- d. No deliveries between the hours of 20:00 and 6:00;
- e. No deliveries on a Sunday;
- f. No pickups between the hours of 24:00 and 12:00;
- g. Preparation of a Management Strategy for all servicing, deliveries and pick-ups;
- h. Preparation of a Code of Conduct, which will be issued to all users of Karma Kitchen;
- i. Encouragement of the use of e-bikes, cargo bikes and cycles for deliveries and pick-ups; and
- j. A dedicated team of kitchen porters to manage all deliveries, pick and waste arrangements.

7.2 The Council's Transport Officers have reviewed the proposals and confirmed they would need to be car-free in accordance with Policy T2, which includes limiting the availability of both off-street and on-street parking. A legal agreement would be secured by a legal agreement if planning permission is granted, and would prevent future occupiers from obtaining on-street parking permits.

7.3 The proposals do not include the provision of any additional cycle parking. However, given the proposals do not involve the erection of any new floorspace, and the site is well serviced by existing cycle parking on Camden High Street, the lack of cycle parking is considered acceptable in this instance.

7.4 To minimize the impact on the highway infrastructure, the Council would seek to secure a Construction Management Plan (CMP) and a CMP implementation support contribution of £3,136 as section 106 planning obligations in accordance with Policy A1.

7.5 Transport Officer have confirmed a highways contribution would not be necessary for a development of this type or scale.



## **8.0 Refuse and Recycling**

8.1 The applicant's operational management plan states that waste and recycling will be stored in a dedicated room at the reception area below ground floor level. Refuse would be stored in this area until it is due to be collected. The onsite market management team would empty the refuse area and move refuse via the lift to ground floor level. The team would then move them the short distance to the recycling facility housed adjacent to the dead dog basin. This recycling will be loaded into barges along with the other market recycling and waste, thus reducing any further collection vehicles in the Camden Lock Place. This is in line with the existing refuse arrangements at the site and is considered acceptable.

## **9.0 Conclusion**

9.1 The proposed development would not cause harm to the unique character of Camden Town Centre, and would protect the character, function, vitality and viability of the town centre in accordance with Policy TC2.

9.2 Subject to the conditions and s106 obligations discussed, the proposals would not unduly impact the amenity of neighbouring residents nor local transport infrastructure.

9.3 The proposals are therefore considered acceptable and would comply with policies D1, D2, A1, A4, E1, E2, TC2, TC3, TC4 and TC6 of the Camden Local Plan 2017.

## **10.0 Recommendation**

10.1 Grant conditional planning permission subject to S106 Legal Agreement securing the following obligations:

- Car free development
- Construction Management Plan (CMP) and a CMP implementation support contribution of £3,136
- Delivery, Servicing and Operational Management Plan, including means of ensuring no more than 15% of the space could be used by businesses cooking food for home delivery, with details of all occupants and their operations provided on a three monthly basis.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 22<sup>nd</sup> June 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2019/6284/P  
Contact:  
Tel: 020 7974  
Date: 16 June 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Gerald Eve LLP  
72 Welbeck Street  
London  
W1G 0AY

Dear Sir/Madam

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

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**The Stables Market**  
**Building C**  
**Chalk Farm Road**  
**London**  
**NW1 8AH**

**DECISION**  
Proposal: Change of use of sub-basement of Building C from restaurant kitchen (Class A3) to co-working commercial kitchen (Sui Generis); installation of associated roof top plant and other associated works.

Drawing Nos: 13642-100, 13642-101, 13642-BP, 13642-LP, 13642-RP, Kitchen Ventilation Noise Assessment dated 08/11/2019; Kitchen Ventilation Design Report dated 21/09/2019; Operational Management Statement dated November 2019; Transport Statement dated 25 November 2019; Planning Statement by Gerald Eve dated 12/12/2019; Design and Access Statement dated October 2019; Employment and Training Strategy.

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

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

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

Condition(s) and Reason(s):

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

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

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 13642-100, 13642-101, 13642-BP, 13642-LP, 13642-RP, Kitchen Ventilation Noise Assessment dated 08/11/2019; Kitchen Ventilation Design Report dated 21/09/2019; Operational Management Statement dated November 2019; Transport Statement dated 25 November 2019; Planning Statement by Gerald Eve dated 12/12/2019; Design and Access Statement dated October 2019; Employment and Training Strategy.

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

- 4 The use hereby permitted shall not commence until details and full specifications of all plant equipment, including proposed location, detailed drawings, manufacturers specifications, noise levels and attenuation, and an ongoing maintenance plan, have been submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence other than in complete accordance with the approved details and specifications. The approved plant equipment shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

Reason: To safeguard the appearance of the premises and the wider area and to ensure no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or to the area generally in accordance with policies TC4, A1, A4 and D1 of the Camden Local Plan 2017.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the first use of the premises for the use hereby permitted, the ventilation and filtration equipment to suppress and disperse fumes and/or smells created from cooking activities on the premises, shall be installed, operated and maintained in full working order in accordance with the 'Guidance on the assessment of odour for planning 2018' by the Institute of Air Quality Management. . All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations. In the event of no satisfactory ventilation plant and / or machinery being provided, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies G1, A1, A4, D1, CC1, TC1, TC2, and TC4 of the London Borough of Camden Local Plan 2017.

- 8 Home deliveries from the premises shall be carried out by foot, bicycle or electric two wheeled vehicle only and not by any other mode of transport.

Reason: To safeguard the amenities of the adjoining premises and the area generally, and promote sustainable forms of transport in accordance with the requirements of policies D1, A1, A4, T1 and CC1 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape,

access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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

Yours faithfully

Supporting Communities Directorate