

Planning Statement

Arches 30-38, Site adjacent to 5
Prowse Place and 156 Camden
Street, NW1 9PN (formerly 3a
Prowse Place)

December 2020

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Client

The Arch Company

Our reference

THEL3038

December 2020

1. Introduction

- 1.1 This Planning Statement has been prepared on behalf of the Arch Company ('the applicant') to support an application to the London Borough of Camden ('LBC', 'the LPA' or 'the council') for planning permission for the following description of development at Arches 30-38, Site adjacent to no.5 Prowse Place and 156 Camden Street, London, NW1 9PN (formerly 3a Prowse Place) ('the site').

Change of use of site from Sui Generis (use classes A1 / B1 / B2) to flexible permission of use classes E / B2 / B8

- 1.2 The Arch Company is a recently-created business set up as a joint venture between Telereal Trillium and Blackstone Property Partners to manage approximately 5,200 railway arches purchased from Network Rail. The units at Arches 30/38 Prowse Place have been under the ownership of the Arch Company since 2019.
- 1.3 The site is a series of nine spaces of varying sizes beneath the London Overground line plus the associated yard spaces to the north and south of the railway structures. The 0.23 hectare plot is roughly rectangular in shape and located between Camden Street and Prowse Place in the neighbourhood of Camden Town. It is located within the Jeffery's Street Conservation Area and vehicular access is afforded from two entrances on Prowse Place.
- 1.4 The premises has been vacant since 2018 and makes no contribution to the local economy. It was previously used for manufacturing and showroom purposes in use classes A1, B2 and B8, as indicated under approval reference 2008/4000/P. More recently the site has also been in office use and the current lawful use class is considered to be Sui Generis (A1, B1 and B2).
- 1.5 The proposed development seeks to convert the now empty arches and yard, formerly a furniture manufacturing workshop and retail outlet, into a commercial and employment space which can be used as offices, with supplementary light industrial workshop and warehousing space. The potential is also allowed for food and drink, retail, community and leisure uses at the site.
- 1.6 The scheme is solely for a change of use and includes no changes to either the exterior of the structures or the external spaces at the site.
- 1.7 The application is made at a time of significant economic uncertainty due to the COVID-19 pandemic and the UK's exit from the EU. This uncertainty is combined with major ongoing changes in the requirements of business due to reducing demand for retail floorspace, plus new approaches to offices as firms react to the impacts of coronavirus upon behaviour.
- 1.8 No future tenant has yet been identified for the site and it is envisaged that the occupant will make arrangements to fit out internal spaces, including obtaining any additional planning approvals necessary for their business. The objective of the applicant is to create a flexible permission that will allow a range of different types of businesses to potentially operate at the site, and future-proof it against ongoing economic shifts.

- 1.9 This Planning Statement, prepared by Turley, provides an assessment of the proposed development in relation to Development Plan policy and other material considerations. It is accompanied by a Transport Statement, prepared by Mode Transport Planning, and a Noise Assessment, produced by Air and Acoustic Consultants.
- 1.10 The proposal has benefitted from pre-application advice provided by the LPA, which has shaped the resulting application and is considered later in this document. The applicant now seeks constructive dialogue with planning officers to find a viable future for the site in accordance with its commercial goals and the requirements of planning policy.
- 1.11 The structure of the document is as follows:
- Chapter 2 – Site and surroundings
 - Chapter 3 – Planning history
 - Chapter 4 – Proposed development
 - Chapter 5 – Pre-application advice
 - Chapter 6 – Planning policy
 - Chapter 7 – Planning assessment
 - Chapter 8 – Summary and conclusions

2. Site and surroundings

- 2.1 This chapter describes the site and its surroundings in terms of the proposed development. It also considers the relevant planning designations and provides an assessment of the heritage context.

The site

- 2.2 The site is owned by the Arch Company and located between Camden Street and Prowse Place. It comprises a series of vacant spaces beneath railway arches underneath the London Overground railway viaduct between Camden Road station and Kentish Town West station. Although split into nine demises, arches 30 to 38 form one planning unit arranged over one and two storeys.
- 2.3 The premises were previously leased and occupied by Warren Evans Ltd, a bedding manufacturer, for around ten years until the company vacated in February 2018. The company's retail showroom was located at the Camden Street end of the site and they used the adjoining arches for offices, some small scale production of furniture for sale, and ancillary storage.
- 2.4 In addition to the arches themselves, the site also includes external areas of hard standing to the north of the railway line (the 'back yard') and to the south of the same (the 'front yard'). There are no parking spaces (albeit space exists for informal parking). A small area of greenery is found in the southern outside space next to Camden Street and the adjoining properties to the south.
- 2.5 Access to the back yard of the site is via metal gates from Prowse Place with access to the front yard via separate metal gates, also from Prowse Place. A further entry and exit point for pedestrians is provided by a doorway on to Camden Street. This is currently an emergency exit but is understood to have formerly been customers' entrance to the Warren Evans' retail outlet.
- 2.6 The table below shows the floorspace at the site:

Table 2.1: Schedule of accommodation

Floor	Units	Area (sqm GIA)
Ground	30-38	729.05
First	31, 32, 34, 37	598.85
Total		1327.90

- 2.7 The site is located in the Jeffrey's Street Conservation Area. The arches are not listed and nor have they nor any other elements of the site been identified as making positive contributions to the character and appearance of the conservation area.

2.8 The individual internal spaces within the site are shown on the submitted drawings and are described as follows:

- **Unit 30.** Small one storey former storage space at the western end of the site, accessible solely from the back yard.
- **Unit 31.** Double height space with entrances from both the back and front yards and two staircases between ground and first floors. Pedestrian access from Camden Street is possible via a former terrace area to the south. Internal link through to Unit 32.
- **Unit 32.** Double height arch in the centre of the site. Access from both yards, two staircases, and links to adjoining arches.
- **Unit 33.** Small storage area to the south of Unit 32. Accessible only from the front yard.
- **Unit 34.** Large two storey space towards the eastern end of the site. Accessible from external areas at both north and south ends. Interlinked with arches 32 and 35. One staircase to the upper level.
- **Unit 35.** Small space accessed only from Unit 34 at the eastern end of the site.
- **Unit 36.** Small area solely accessible via Unit 35.
- **Unit 37.** Medium scale arch space with two levels and one interlinking staircase. Accessible only at its southern end from the front yard.
- **Unit 38.** Small storage space with door on to the front yard.

2.9 The arches have been stripped out internally by Network Rail and contain no fixtures and fittings associated with their former uses. The applicant holds no detailed records of quantities of floorspace attributable to each use class under previous owners.

2.10 Notwithstanding the lack of clarity over the precise proportions of floorspace that may have been in different use classes under previous owners, the last lawful uses of the site are considered to be a flexible mix of retail (A1), office (B1) and manufacturing (B2) uses with some ancillary storage.

2.11 A series of Article 4 directives apply to the site, including the removal of office (B1) to residential (C3) permitted development rights. There are no applicable tree protection orders.

The surroundings

2.12 The application site is located within the boundaries of CTU, the Camden Town business improvement district, and the Jeffrey's Street Conservation Area. It also abuts the Kentish Town Neighbourhood Plan area's western boundary.

2.13 The main road on the western side of the site, Camden Street, is part of a busy urban location characterised by heavy traffic, transport infrastructure and buildings of varying

ages and typologies. Directly outside the site boundary on Camden Street is a bus shelter as the road is an important local bus route. A public open space, Camden Gardens, lies opposite the site.

- 2.14 On the eastern side of the site, Prowse Place contains residential and commercial units and provides a route between Jeffrey's Street to the north and Bonny Street to the south. Camden Road Overground station is approximately a minute's walk to the east.
- 2.15 The wider area contains a vibrant mix of residential, employment, leisure and retail uses that is characteristic of inner London. These surroundings include the neighbourhoods of Camden Town to the south and Kentish Town to the north.

Heritage

- 2.16 The Jeffrey's Street Conservation Area was designated in 1985 and extended in 2002. It includes one of the oldest complete streets in Camden, laid out circa 1800. The area that includes the site was developed as middle-class housing, with wide streets and green space (such as Camden Gardens) designed into its layout. A significant change arose with the construction of the North London Railway in 1850.
- 2.17 In the late 19th and 20th century, development focused to the rear of the main streets, building workshops and plain two storey workers housing in the spaces of former villa gardens. In the wider area, phases of twentieth century redevelopment have increasingly changed some areas character, including large scale modern development opposite the conservation area on Camden Street and Camden Gardens.
- 2.18 The terrace houses that line Jeffrey's Street and Kentish Town Road were built in the late 1790s and early 1800s, and remain largely unaltered, as reflected in the high number of statutory listed buildings within the conservation area. Camden Street is a busy thoroughfare and forms the western boundary of this area; it was developed slightly later, in the early 19th century. Numbers 156-158 Camden Street are identified as buildings which make a positive contribution to the conservation area.
- 2.19 The site is located on an area of land south of the railway viaduct and north of numbers 156-158 Camden Street. This land was created by the construction of the railway and is blocked by a high brick wall onto Camden Street. The land is currently vacant and does not contribute strongly or positively to the significance of the conservation area.
- 2.20 The significance of the conservation area primarily derives from its architectural and historic interest, as an area of early 19th century residential development, largely unchanged apart from the building of the North London Railway in 1850. The subsequent development reflects densification and changing demographic of the area throughout the late 19th and 20th century.

3. Planning history

3.1 This chapter considers the relevant planning history of the site. Key planning activity can be found on the LBC website, which is the principal information source for the information below.

3.2 The following table contains the key recent planning applications at the site:

Application	Address	Description	Decision
2020/1083/P	Arches 30-38 adjacent to 5 Prowse Place and 156 Camden Street London NW1 9PN	Change of use from a mixed A1, B2 and B8 use (Sui Generis) to a 'Recovery College' (mixed D1, B1 and A1 use) (Sui Generis) and associated works including minor alterations to the external facades; installation of plant, landscaping and cycle parking.	Withdrawn
2018/2334/A	3A Prowse Place London NW1 9PH	Display of 1x externally illuminated freestanding advertisement hoarding (with printed PVC banner to face) facing Camden Street until 01/06/2023	Withdrawn
2008/5425/C	3A Prowse Place London NW1 9PH	Demolition of structures within the north and south yards and demolition of the entrance annexe on the Camden Street frontage of the building (Use classes A1, B2 and B8).	Approved 23/03/2009
2008/4000/P	3A Prowse Place London NW1 9PH	External alterations to the facades and associated yards for the existing manufacturing and showroom use (Use classes A1, B2 and B8).	Approved 23/03/2009
9500265	3A Prowse Place, NW1	Retention of stables for temporary period, as shown on one unnumbered drawing.	Refused 12/07/1996
8802034	Railway Arches Prowse Place NW1	Demolition of outbuildings and provision of new part single part double storey building to provide further storage facilities at ground floor and ancillary office accommodation at first floor	Withdrawn

3.3 As referenced above, planning permission was received in 2008 (ref: 2008/4000/P) for 'external alterations to the facades and associated yards for the existing manufacturing and showroom use (Use Classes A1, B2 and B8)'. This permission indicates the planning use at that time to be a mix of use classes A1, B2 and B8, i.e. Sui Generis, a manufacturing and showroom use.

- 3.4 A recent application was made for the site to be converted into a health facility or 'Recovery College' for the homelessness charity, St Mungo's (ref: 2020/1083/P). For financial and practical reasons, directly related to COVID-19, it proved impossible to pursue this option and the application was consequently withdrawn.
- 3.5 The St Mungo's application identifies the site as in A1, B2 and B8 use, however, the site is known to have also recently included office (B1) use. This is a point underlined in advice from the LPA, as discussed later in the Planning Statement. The applicant has therefore revised its understanding of the lawful use class to a flexible mix of A1, B1 and B2, with additional ancillary storage space.

4. Proposed development

- 4.1 Permission is sought for the following development at the site:

Change of use of site from Sui Generis (use classes A1 / B1 / B2) to flexible permission of use classes E / B2 / B8

- 4.2 This chapter explains the proposed scheme and provides an explanation for the applicant's chosen approach. It goes on to consider the proposed use classes and raises the prospect of potential additional controls that could be negotiated with the LPA should this be required.

Reasons for the proposal

- 4.1 Following the recent withdrawal of the St Mungo's application for the site (reference: 2020/1083/P), the applicant has considered the best approach to bring the site back into productive and beneficial use. Unfortunately, this comes at a time of international, national and local economic turbulence related to the coronavirus pandemic and the UK's exit from the EU. Moreover, the contraction of the retail sector and altered approaches to working life resulting from COVID-19 are having major effects on demand for, and configuration of, office space.
- 4.2 These difficult issues present immense challenges for judging the appropriate future use of the site, and identifying a likely occupant. The applicant therefore intends to make the premises suitable for potential use by as wide a range of organisations as feasible given planning requirements, and in light of the surrounding context. This strategy has the best chance of securing the site in productive use and ensuring any consent is flexible enough to meet the challenges posed by changing town centres and the impact of the COVID-19 pandemic.
- 4.3 Notwithstanding the above, the Arch Company intends the future use of the site to be focused on the existing B1 aspects of Class E, and to be appropriate in a residential context. A site entirely in B2, B8 or any sub-category of Class E use is not considered desirable to the market. The applicant is therefore willing to negotiate proportionate and suitable restrictions on future uses to meet any legitimate concerns of the council.

Existing and proposed use classes

- 4.4 There is only one element to the proposal, namely the change of use. No other changes requiring planning approval are planned by the applicant and consequently none are included in the submission.

Existing use classes

- 4.5 The existing lawful use of the site is considered to be a mix of A1, B1 and B2, albeit the premises are currently vacant. This is based on the last approval at the site (as referenced in the previous chapter) indicating its A1, B2 and B8 uses.

- 4.6 The existence of a retail outlet (A1, now Use Class E) at the site is easily established from photographic, commercial and planning records. It is confirmed via the last planning approval at the site (ref: 2008/4000/P).
- 4.7 B2 use has long been associated with site due to Warren Evans' production of beds, a matter covered in the media due to its celebrity clientele, and well understood locally. The presence of B2 use is also confirmed by the recent planning history.
- 4.8 In addition, our understanding is supplemented by the awareness that office use has consistently taken place at the site during Warren Evans' tenancy – a key fact highlighted by LBC in recent pre-application advice. This is therefore included within the existing use classes as defined in this application.
- 4.9 It is further considered that the former B8 use established at the site has continued (for example, in the small one level units) and this can be treated as ancillary to the other uses.

Proposed Class E

- 4.10 The proposed change of use takes account of recent governmental reforms to the Use Class Order (see Planning Policy chapter), which has created a new, much broader, commercial use class, known as Class E, while abolishing – inter alia - the A use classes and use class B1. This new use class incorporates the A1 and B1 uses previously taking place at the site.
- 4.11 The inclusion of Class E would mean a range of commercial, business and service uses are possible at the site. It broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e).
- 4.12 Class E specifically contains 11 parts:
- E(a) Display or retail sale of goods, other than hot food
 - E(b) Sale of food and drink for consumption (mostly) on the premises
 - E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
 - E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
 - E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
 - E(f) Creche, day nursery or day centre (not including a residential use)

- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

4.13 The applicant seeks a flexible permission to best respond to market pressures and the changing economic context, within a situation of great uncertainty caused by the coronavirus pandemic. However, the applicant intends that employment uses, cantering on the old B1 use, be the focus of future site marketing and letting, and the majority of floorspace. The applicant is therefore willing to discuss what appropriate and proportionate restrictions can be placed on any consent that will meet the objectives of both the Arch Company and the LPA.

Proposed Class B2

4.14 Class B2 has long been established at the site and its contents are not altered by recent reforms. It is included within the proposal for the site.

4.15 This use is defined as follows:

- B2 General industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)

Proposed Class B8

4.16 The site contains storage areas and storage/distribution use has been established as taking place at the site with the recent planning record, as referenced above. It is proposed that this be approved to continue within a broader flexible permission.

4.17 Accordingly the proposal includes a grant of permission for the following:

- B8 Storage or distribution – including open air storage.

Change of use only

4.1 For the avoidance of doubt, the applicant does not propose any external alterations to the arches, site access, external yard areas, parking provision, or any other aspect of the site. The proposal is solely for a change of use and any additional changes that require planning permission will be for a future occupant to propose.

Benefits of the proposal

4.2 The following planning benefits arise from the proposed development:

- An increase in employment. There are currently no individuals employed to work at the site and it does not contribute positively to the support of jobs elsewhere. The proposal will allow the site to be marketed and let to a new occupant, which is estimated to lead to significant numbers of permanent jobs.

- An increase in activity. The site has been empty since 2018, with likely negative impacts upon both Prowse Place and Camden Street in terms of economic vitality and perceptions of community safety
- An improved site appearance. Occupation of the site by a new tenant would facilitate additional investment into the location and action to improve its visual impact within the conservation area.
- Opportunity for further consideration on key planning issues. The provision of a 'shell and core' by the applicant, with no external physical changes, means that a tenant would need to seek council approval for any future changes to the external appearance and functioning of the site.

5. Pre-application engagement

- 5.1 The Arch Company have proactively sought input from council officers on plans for change of use of the site. The advice obtained has been used to shape the proposal in this planning application where relevant. This chapter explains the approach taken.

Pre-application advice request

- 5.2 A request for pre-application advice was submitted by Turley in September 2019 on behalf of the applicant.
- 5.3 The letter sent to the LPA concerning the emerging proposals for the site sought officers' input on a potential change from a manufacturing and showroom use to flexible A1/B1/D1 uses. The development scheme envisaged did not include any external changes at the site.
- 5.4 The specific issues upon which the applicant sought advice were therefore:
- 5.4.1 Principle of B1 (Business) use
 - 5.4.2 Principle of A1 (Retail) use
 - 5.4.3 Principle of D1 (Non-residential institutions) use
 - 5.4.4 Principle of Flexible Uses

Advice from the LPA

- 5.5 The pre-application advice request was progressed following a full fee payment to the council and registered under reference 2019/4689/PRE. A site visit was held on 9 October 2019 with the appointed case officer, John Diver.
- 5.6 A pre-application advice report was subsequently sent to the applicant's team on 30 October 2019. The key points are summarised below.

Existing uses

- 5.7 The council considered that the applicant's description of the existing site as Sui Generis (a mix of A1, B2 and B8 uses) was inadequate. B1 use, comprised of offices (B1a), R&D (B1b) or light industrial (B1c) was also in existence at the site and would be protected by the council.

Proposed uses

- 5.8 The applicant was advised that the site is best suited for employment uses. Officers found that all the proposed uses for the site, i.e. A1, B1 and D1, would be acceptable on a restricted basis, as would an entirely B1 scheme.
- 5.9 Officers did not support the proposal of A1/B1/D1 as a flexible permission without any restrictions. This was chiefly due to the risk of loss of employment floorspace if B1 was reduced, plus amenity and transport concerns if the site became entirely A1 or D1.

5.10 Full use of the site for retail would present concerns in terms of servicing and deliveries. It would be acceptable capped at a quantum of floorspace.

5.11 D1 use was considered similarly to A1. The whole site would not be acceptable solely in that use class, but it would be permissible if capped at a quantum of floorspace.

Additional expectations

5.12 The following additional expectations were stated, which would relate to any scheme:

- car-capped development with parking bays capped as existing;
- an energy and sustainability plan would be required if a change of use involved a 'deep refurbishment' with all fixtures and fittings, servicing and power equipment replaced.

Applicant's response to LPA advice

5.13 The applicant and its team carefully considered officers' advice in the months following receipt. The proposed development has accordingly been revised to the scheme proposed in the current application.

5.14 The table below explains the applicant's amendments in relation to the main points of advice summarised above:

Table 5.1: Revisions to proposals in response to LPA advice

Planning consideration	Officer advice	Applicant's response
Existing uses	Include B1 in consideration of existing uses.	B1 use included.
Proposed uses	Site should be employment focused.	Proposal is entirely for employment related uses.
B1 use	Existing B1 use should be protected.	Use class reform has meant that a more flexible approach to land uses is now possible. Nevertheless the proposed class E will allow the equivalent of the abolished B1 class to be re-introduced at the site in spaces of enhanced quality, and this is the applicant's intention. Moreover, the applicant is willing to accept restrictions on the quantum of floorspace in the required uses to meet the concerns of officers on loss of B1 space.

A1 and D1 use	A1 and D1 use are both acceptable but only on a capped basis.	The proposed class E will allow A1 and D1 uses to be reintroduced. The applicant is willing to accept restrictions on quantum of floorspace in retail and leisure/community use.
Transport	The proposed use classes should not impose excessive servicing and delivery movements on the neighbouring local residential occupiers.	The scheme proposals will be policy compliant as explained in the planning assessment chapter and the submitted transport assessment.
Parking	Development should be car-capped at existing capacity.	No changes are proposed to parking areas. However, the applicant is willing to discuss appropriate and proportionate restrictions that preserve existing capacity.
Sustainability	An energy and sustainability plan would be required if a proposed change of use involves a 'deep refurbishment'.	The proposal is solely for a change of use with no external changes included. An energy and sustainability plan is therefore not required.

- 5.15 We consider that the applicant has responded positively to the council's advice and amended the proposal to meet the concerns raised. In addition, the applicant has formally indicated willingness to negotiate reasonable restrictions on flexible uses to provide the council with additional comfort on the future use of the site, should this be necessary to ensure that the application can be supported by planning officers.

6. Planning policy

- 6.1 Planning applications are to be determined in accordance with the Development Plan (unless material considerations indicate otherwise).

Adopted Development Plan

- 6.2 The adopted Development Plan for the site comprises:
- London Plan (2016)
 - Camden Local Plan (2017)
- 6.3 The following documents are material considerations in the determination of this application:
- National Planning Policy Framework (NPPF) (2018)
 - Planning Policy Guidance (PPG)
 - LBC Supplementary Planning Documents and policy guidance
 - Mayor of London's Supplementary Planning Guidance
 - Draft London Plan (Intend to Publish version) plus Secretary of State's proposed Modifications (2020)

Emerging Development Plan

London level

- 6.4 The NPPF states that the weight that can be given to policies increases as the plan becomes more advanced, and taking into account the extent of unresolved objections and the degree of consistency with the NPPF as a whole. More clarification is given in PPG, which states that a refusal on the grounds of prematurity will seldom be justified where a draft Development Plan document has yet to be submitted for examination.
- 6.5 A new draft version of the London Plan was published in November 2017 and subsequently submitted for Examination in Public (EIP) in July 2018. A consolidated version with changes following examination was subsequently produced and the Intend to Publish version of the plan was anticipated to be adopted in 2020. However, an intervention by the Secretary of State with a series of modifications has led to a period of negotiation between the GLA and MHCLG that has not yet reached an outcome.
- 6.6 The draft Plan is unadopted at time of writing, but it is a material consideration for the purposes of this application. The Plan possesses significant planning weight given it has proceeded through consultation and examination stages, and is close to adoption. However, those policies subject to modifications bear less weight than the rest.

Local level

- 6.7 The Camden Local Plan (2017) is the principal Development Plan document and is not currently subject to revision. The borough has previously published a draft Site Allocations Local Plan but this is not relevant to the site.

Neighbourhood planning

- 6.8 The site is very close to the Kentish Town Neighbourhood Plan area, however, there is no adopted or emerging Neighbourhood Plan covering the site.

Heritage

- 6.9 Protection for heritage assets is a key requirement of the NPPF, London Plan and Local Plan. There are no listed buildings or non-designated heritage assets on the site or on adjacent sites. It is however located in the Jeffrey's Street Conservation Area.
- 6.10 Conservation areas are designated if they are of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. A Conservation Area Statement for the Jeffrey's Street area was adopted by the council in 2002 and published in 2003. As a supplementary planning document, this is a material consideration in the determination of planning applications within the conservation area.

Use Classes Order reform

- 6.11 The application is submitted following significant changes to the legislative framework for the categorisation of land uses via the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
- 6.12 As discussed in the chapter on proposed development, in broad and simplified terms the former A, B, and D use classes are abolished and (with some additional changes) replaced with a new flexible Class E for Commercial, Business and Service uses. This use class encompasses offices and light industrial uses, amongst others, and features in the proposal.

7. Planning assessment

- 7.1 This chapter assesses the proposed development in the context of the policies from the adopted Development Plan and other material considerations.
- 7.2 As the proposal is solely for a change of use, issues relating to provision of acceptable land use at the site on a flexible basis are the key considerations. The assessment also considers the accompanying submitted reports on transport and noise.
- 7.3 The design policies, and related heritage considerations, of the Development Plan are not engaged given no alterations to the external appearance of the arches are proposed.
- 7.4 A theme of the content below is that the applicant is open to negotiating with the LPA to agree conditions and restrictions on the full flexibility proposed in order to secure a positive outcome from the application process. This can allow recognition of the national regulatory position and deliver on the applicant's commercial objectives, while providing appropriate safeguards for the council and community in accordance with Development Plan policy.

Land use

- 7.5 The acceptability of the development scheme – solely a change of use to a flexible permission comprised of use classes E, B2 and B8 - rests upon the appropriateness of the site for the individual proposed uses, and for the flexible permission that is sought.

Class E (Commercial, Business and Service) use

- 7.6 The new class E is broad and contains 11 different sub-categories. These include most of the uses former within the A, B, and D use classes. It is thus proposed by the applicant that the site can potentially be used in whole or in part for any of these uses.
- 7.7 The inference from the national decision to place the uses of Class E alongside each other in the same use class use is that they are broadly equivalent in terms of impact on the surrounding context. If a location is suitable for any of the uses in Class E – an established fact at the site – then the national policy position is that the other uses within Class E can be considered acceptable, unless material factors indicate otherwise.
- 7.8 It is long-standing policy and practice in Camden, as elsewhere, to seek to retain LPA control of change of wide range of uses, such as between retail and restaurants (within the old A class) and between different use classes, such as between retail and light industrial (i.e. from the old A1 to the old B1c). Whatever the merits of this approach, which has become increasingly challenging to implement and manage given ongoing change within the retail, office and industrial sectors, the new regulatory regime offers new potential for landowners and LPAs to respond creatively to new economic circumstances.
- 7.9 The Development Plan contains no policies directly applicable to Class E as all the relevant documents were produced before Class E was proposed or implemented by national government. The Development Plan policies can however be related to Class E in terms of the previous use classes to allow the impact of a proposal to be assessed.

- 7.10 We are not aware of any draft or adopted supplementary planning guidance produced by LBC at this early stage concerning application of the new regulatory framework. We do, however, note LBC's pragmatic response to applications for Class E at other sites. For example, a recent proposal concerning the Hult International Business School (ref: 2020/3967/P) contained the following reasoning concerning Class E in officers' report to planning committee:

'Class E is quite wide ranging and includes uses other than business use which in theory the premises could be used for under the flexible permission sought. However, it is not considered that the premises, which are akin to a multitude of other premises in the Borough that were purpose built for office use and would benefit from the new flexibility intended by the government under Class E, pose any exceptional circumstances to justify conditions or other controls to limit that flexibility.'

- 7.11 Although relating to a different proposal in another context, the approach of the LPA is considered to be to limit the flexibilities allowed by Class E only on the grounds of exceptional circumstances. This sensibly recognises that, in reality, uses of sites will be constrained by a range of factors and it is not realistic to assume that the most extreme negative impacts are likely to occur due to an applicant opting for Class E. Moreover, conditions can be used to limit flexibility where appropriate.

- 7.12 Based on the new regulatory context, we therefore consider that:

7.12.1 The starting point for consideration of applications relating to the new use classes is that uses placed together in the same class, and for which permitted development rights for change of use exist, can be considered as equivalent in impact unless exceptional material considerations indicate otherwise.

7.12.2 Local Plan policies can be used – in the absence of more recent national guidance - to derive appropriate local responses to applications featuring the new use classes.

7.12.3 However, all planning decisions must be compliant with the national regulatory regime, which is underpinned by legislation. This includes the greater flexibilities afforded by the creation of Class E.

- 7.13 Notwithstanding the above, the applicant understands the role of the LPA in shaping the development of Camden, including the protection of local character and the safeguarding of amenity. They have no intention of introducing inappropriate uses into a residential area and no interest in doing so, and seek only to ensure that the use of the site is future-proofed and flexible enough to withstand ongoing economic change.

- 7.14 A mutually acceptable outcome for the site will recognise the national regulatory position while ensuring the objective of the Development Plan are delivered. This could include use of conditions and restrictions to manage the impacts of greater flexibility, such as limiting an approval to certain sub-categories within Class E, or to particular uses within the sub-categories. The applicant seeks to have that negotiation with the LPA to agree the appropriate result from the application.

Former Class A uses

7.15 The former class A uses now falling under Class E comprise:

- Shops – Class A1
- Financial and professional services- Class A2
- Food and drink – Class A3

7.16 As discussed in a previous chapter, a substantial part of the site was previously used as a retail showroom for Warren Evans furniture. The new Class E therefore contains the use class most publicly associated with the recent history of the site.

7.17 Policy TC1 of the Camden Local Plan states that retail and other town centre uses should be located within designated centres. The site is not located within a designated town centre, however it is located within 100m of both Camden and Kentish Town town centres and is consequently considered edge-of centre to both. This provides support for all the A uses now falling within Class E to be located at the site.

7.18 Moreover, the Policy TC1 also specifically cites Camden Town centre as suitable for significant extra retail provision, ahead of other centres.

7.19 For retail uses it is acknowledged that a sequential test would have to be undertaken under Policy TC1. However arch space is ideal for unconventional retail providers, who do not require conventional high street stores, such as the previous bedding showroom. Consequently, the proposed retail use would diversify the retail offer of Camden and Kentish Town town centres and would add to the vitality of the area.

7.20 Furthermore, the current lawful use of the site, as confirmed by application 2008/4000/P, contains a showroom. Consequently, the site has an existing retail use and the principle of A1 use on the site is therefore considered acceptable. This is a fact recognised by the LPA in its pre-application advice, in which officers supported retail use at the site, albeit for just a proportion of the floorspace.

7.21 Given the highly similar impact of A2 uses to A1 uses, it is considered that new financial and professional services outlets should be considered acceptable where A1 uses are supported.

7.22 Turning to uses formerly designated as A3, Policy TC1 states that retail floorspace is expected to be supported by a range of other town centre uses, including food, drink and entertainment uses. This provides some backing for food and drink uses at the site given they will be supporting the retail uses close by.

7.23 Policy TC3 on town centre uses is directly applicable to food and drink venues. It states that the council will not grant planning permission for development that it considers would cause harm to the character, amenity, function, vitality and viability of a centre or local area.

7.24 It is not considered that a food and drink use at the site would necessitate any breach with this policy. Camden Street and Prowse Place are busy mixed use streets that, while

located in a broadly residential area, are moments' walk from the commercial centres of Kentish Town Road and Camden Road, which contain a significant number of restaurants, cafes and food purveyors of varying types.

- 7.25 Food and drink provision at the site would match existing local character and add vitality to the locality. Any noisy, smelly or other adverse effects from such a use can be properly controlled via conditions requiring ventilation and/or noise mitigation. Restrictions on hours, plus the proper operation of the licensing regime, would also ensure amenity is preserved.
- 7.26 In summary, the site is considered suitable for the following:
- E(a) Display or retail sale of goods, other than hot food
 - E(b) Sale of food and drink for consumption (mostly) on the premises
 - E(c) Provision of:
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality

Former B class uses

- 7.27 The new Class E includes the abolished use classes B1a (offices), B1b (research and development) and B1c (light industrial). The site has already included B1 (here assumed to be both office and light industrial) and the LPA has stated within pre-application advice that this use should be protected in accordance with Policy E1. In addition, the LPA advised that the entire site could be approved as B1 in accordance with the Development Plan. For these reasons, the B1 elements of Class E are considered to be both acceptable - and required - at the site in accordance with Local Plan policies E1 and E2.
- 7.28 Offices, research and development centres and light industrial production facilities are considered to rank alongside each other within both the old use class regime and the new. Their impact is equivalent in normal circumstances and there is no evidence to suggest this would not be the case at the site. We therefore consider the site suitable for Class E in terms of uses previously classed as B1b, even though they do not feature in the planning history.
- 7.29 With specific regard to B1c light industrial uses, it is material that the site has contained B2 general industrial uses in the recent past. By definition such uses have greater impact upon surrounding residential occupiers than B1c light industrial uses and it is considered logical that light industrial processes are therefore acceptable in principle at the site.
- 7.30 Further justification for the proposal is provided by the Local Plan. As well as continued B1-type uses not being a significant departure from the past, their continuation would

also reintroduce employment to the site, whilst ensuring the premises are attractive to the market and to a range of tenants. This will encourage the economic growth of the borough and deliver the aims of Local Plan Policy E1.

- 7.31 Railway arches, due to their size and location, are well suited to provide business premises for small and medium-sized enterprises, or businesses which do not require conventional premises, which is encouraged by Policy E1.
- 7.32 In summary, based on clear advice from the LPA on the desirability of B1 use at the site, the successful use of the site for B1 over many previous years, the planning record evidence that indicates the site is suitable for some B2 uses, and the requirements of Local Plan Policy E1, we consider the site suitable for:
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(iii) Industrial processes
 - E(g)(ii) Research and development of products or processes

Former D class uses

- 7.33 Class E also includes indoor sports facilities, medical/health services and crèches, nurseries and day centres. It is considered that such uses are extremely unlikely to have as much sensory impact upon a residential area in terms of noise, smells and vibrations as, for example, light industrial use or restaurant uses, both of which are considered acceptable at the site.
- 7.34 It is possible that some types of former D1 and D2 uses could – in the absence of proper management - potentially have an impact in terms of people arriving and departing from the site, for example by arriving in motor vehicles in large number at the same time for the start of a class or session. This is considered unlikely given the modest size of the site and the close proximity of excellent public transport links, and therefore not an exceptional circumstance that should override the national policy position. The issue is further addressed below in the transport section and found not to be a consideration that should prevent approval of the proposal.
- 7.35 Policy C2 of the Local Plan supports the provision of community facilities within access to a service on foot and by sustainable modes of travel. As mentioned, the site has the highest PTAL of 6b and therefore has excellent public transport accessibility. The proposal is therefore considered to meet the requirements of Policy C2 and, consequently, the principle of former D1 uses are considered acceptable at the site.
- 7.36 For all other potential adverse effects, a suitable management plan for the facility could be required from the operator prior to the commencement of the use on site. This would address any concerns about management of arrivals and departures.
- 7.37 Based on the above, we conclude that the site is suitable for the following uses:

- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)

Class B2 (General Industrial) use

- 7.38 The proposal for B2 use at the site is based upon the existing situation where B2 is one of the established lawful uses. This is despite the usual policy position indicating that B2 is not generally sought in a location such as this site.
- 7.39 As described in the chapter above on planning history, B2 use was last approved through application 2008/5425/C, which defines the lawful land use at the site as A1, B2 and B8.
- 7.40 There are no restrictions placed upon the B2 use within the approval. Accordingly, the whole of the site could be converted to B2 use tomorrow by the applicant if they so wished. In these circumstances, the continuation of B2 use at the site is considered acceptable.
- 7.41 Railway arches are often particularly suited to small scale industrial production, as would be the case at this site. The applicant's approach is not to seek large scale, heavy industry – the site is too small and constrained anyway - but to offer the potential for small craft producers to operate there.
- 7.42 The concern of the LPA to prevent the entire site from becoming a particular use with damaging impacts on the locality is acknowledged. Accordingly the applicant suggests that a condition on future occupation of the site be considered whereby the occupant wishing to operate with the B2 class is required to submit a report explain the suitability of their plans, and mitigation measures, to the LPA prior to commencement of that use.
- 7.43 In terms of neighbouring amenity, conditions attached to the decision notice could ensure that only certain uses are permitted (i.e. carve out a list of unacceptable uses). Moreover, hours of operation and conditions on noise can be ensure operations at the site are neighbourly.

Class B8 (Storage) use

- 7.44 As with the B2 use described above, the site has long included B8 use. The smaller units within the arches, often labelled on drawings as storage areas, are particularly suited to this use, which has been declining across London and a source of concern to many decision-makers.
- 7.45 The B8 use at the site is acknowledged as not being the usual objective of Local Plan policy in such a location, however, it is an established fact at the site under approval 2008/5425/C. There are no restrictions placed on the B8 use, and in these circumstances, and due to the special physical characteristics of the site arches, it is considered an appropriate place for B8 use going forward.

- 7.46 A condition similar to that proposed for B2 use could be used to control B8 use that was excessive.

Flexible uses

- 7.47 It should be noted that the proposal will only result in initial flexibility at the site. Once a use is established, it will become the lawful use of the site after ten years. The proposed flexibility is thus time limited.
- 7.48 The main argument in favour of flexibility within the proposed use classes E, B2 and B8, is that it would allow the best chance for the arches to be fully and productively utilised. They have already been vacant for over three years and the applicant wishes to return them to beneficial use, and bring the associated benefits to the local area. This is necessary and required given the ongoing economic challenges that are described in this Planning Statement.
- 7.49 All proposed uses are deemed suitable for the area (with an acknowledgement that sequential work would be required for the A1 use) and there is no current restriction within the planning record to limit the applicant in this regard. It is thus considered that flexible uses proposed are acceptable.
- 7.50 Notwithstanding the above, the LPA's concern to prevent the loss of B1 space in accordance with Local Plan policy E1 (as advised at pre-application stage) is acknowledged. The applicant proposes that a threshold is set for a minimum proportion of floorspace in B1 use in order to meet the council's objectives while delivering greater flexibility at the site.

Transport

- 7.51 The uses proposed above will be reliant on successful practical operation at the site. These can be considered in relation to the NPPF, the relevant London Plan policies and Local Plan policies T1, T2, T3 and T4. National, regional and local level transport policy encourages development to be located in areas that are readily accessible on foot, cycle or public transport.
- 7.52 No external changes are proposed at the site as part of this application. There are no formal parking spaces and none will be introduced as part of the scheme.
- 7.53 The applicant instructed Mode Transport Planning to produce a Transport Statement to consider the transport issues at the site and the accordance of the proposal with the relevant requirements.
- 7.54 Mode Transport found that achieving a PTAL score of 6b highlights the site's current and future potential for sustainable development. The site is accessible by a wide range of transport modes, from buses, trains, tube to active travel modes like cycling.
- 7.55 Following modelling of future transport at the site, Mode demonstrated that the proposed development uses will have a negligible impact on the local highway network. The highest forecast impact is from B1 offices within the new Class E category, which would produce on average one single occupancy vehicular trip every 12 minutes in the AM and PM peak hours.

- 7.56 Similarly, the trip generation associated with B2 / B8 Unit would be similar to the previous operation of the site. The level of trips associated with these types of developments can be accommodated within the local highway network.
- 7.57 Mode concluded that the potential future land uses associated with the application will not have a severe impact on the local highway network. Accordingly, the proposed scheme is considered to be acceptable in transport terms and in line with local, regional and national policy criteria. In short, there are no traffic and transport reasons why the development should not be granted planning consent.

Neighbouring amenity

- 7.58 The impact of the proposal on site neighbours, particularly local residential occupiers, is a key concern of the Arch Company. The most relevant policy is Policy A4 of the Camden Local Plan , which states that the council will oppose:

a. development likely to generate unacceptable noise and vibration impacts; or

b. development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses.

- 7.59 Similar policy goals are contained within the London Plan and national policy and guidance.
- 7.60 In order to determine the impact of the scheme upon local amenity, Air and Acoustic Consultants were commissioned to undertake a noise impact assessment to predict the likely noise effects upon residents in the vicinity of the site. Their report is submitted with the application.
- 7.61 For the construction phase, the assessment of construction noise has indicated that, while some temporary adverse effects are expected during the work (especially when taking place close to the receptors), significant adverse effects are not expected. Noise from all construction works can be mitigated and minimised using appropriate best practicable means (BPM) measures as required.
- 7.62 For the operational phase, the proposal represents an improvement in terms of a reduction in traffic related noise when compared to the existing / previous use of the site. This is for the following reasons:
- 7.62.1 As the proposed use will operate as a predominantly car free development the potential for traffic to result in an adverse impact is considered to be negligible.
- 7.62.2 Replacement of the existing air conditioning system would likely result in further improvements due to new, more efficient systems being readily available.
- 7.62.3 Installation of any plant and/or equipment can be controlled with a standard planning condition, which requires full details to be submitted and approved prior to installation.

7.63 Accordingly, it is considered that there is no bar to the proposal being approved based on amenity considerations.

8. Summary and conclusions

- 8.1 The application for planning permission at Arches 30-38, site adjacent to 5 Prowse Place and 156 Camden Street, NW1 9PN (formerly 3a Prowse Place) is for the following:

Change of use of site from Sui Generis (use classes A1 / B1 / B2) to flexible permission of use classes E / B2 / B8

- 8.2 The applicant, the Arch Company, is the owner of the site and seeks to return its property to beneficial use during a period of considerable economic uncertainty, massively exacerbated by the coronavirus pandemic. In order to safeguard the site's future against this turbulence, site proposals must address challenges such as declining demand for retail and future changes in office requirements due to COVID-19.

- 8.3 As a result of the economic situation, the applicant is seeking a flexible permission with potential for a wide range of employment-related uses suitable within the residential context. This includes office, commercial, service and industrial uses, plus storage uses, and relates to the recent lawful use of the site, as established through the site planning history.

- 8.4 The applicant is willing to negotiate with the council concerning potential restrictions on future uses in order to facilitate delivery of the Development Plan and ensure LPA support for the application.

- 8.1 The submitted application is solely for the proposed change of use. No proposals have been made concerning alterations to external features of the site.

- 8.2 The site is located within the Jeffrey's Street Conservation Area and the proposals are here considered to appropriately preserve the character of the location and all other heritage assets given that there are no changes to the external appearance of the site.

- 8.3 Advice on the scheme was received by the applicant via LBC's pre-application advice process. The advice has been fully considered during application preparation and had a significant impact upon the proposals, as described in preceding chapters.

- 8.4 As the next business occupiers of the site are as yet unidentified, the applicant is seeking to let the property on a 'shell and core' basis following a strip out of internal features by Network Rail. It will be for the future tenant to determine what fit outs are required at the site and to seek planning permission accordingly.

- 8.5 This Planning Statement has reviewed the proposed scheme and made an assessment against the key provisions of the Development Plan, plus material considerations. Reforms to the Use Classes Order, which permit and encourage greater flexibility in the use of land, have also been considered in relation to the site and proposed development. The applicants' approach to land uses is based on a national policy change that is now being implemented.

- 8.6 This Planning Statement has found the scheme is compliant with relevant aspects of policy at national, London and local level. In addition, submitted reports on transport

and noise have determined that the proposals will not have unacceptable effects on relevant receptors and communities. The Arch Company wishes to work cooperatively with Camden Council officers to ensure this.

- 8.7 In short, approval of the planning application will return the site to beneficial public use, create new employment opportunities for Londoners, and raise the prospect of improvements in its visual appearance. The proposal is in accordance with key planning policies and, when taken as a whole, will help to deliver important Development Plan objectives. We respectfully request that planning permission be granted.

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