

Address:	First Floor Horse Hospital Stables Market London NW1 8AF		3
Application Number(s):	2020/4731/P	Officer: Laura Hazelton	
Ward:	Camden Town with Primrose Hill		
Date Received:	14/10/2020		
Proposal: Use of the first floor as an immersive theatre space, drinking establishment with ancillary events (sui generis).			
Background Papers, Supporting Documents and Drawing Numbers: Drawings titled Horse Hospital First Floor Location Plan, Horse Hospital First Floor Floor Areas, Horse Hospital First Floor Existing Uses, Horse Hospital First Floor Proposed Uses, all dated 07.10.2020; Bike Stands Site Plan dated 02.12.2020, Bike Stands Site Plan ref: CMKT_BR03 rev A, Bike Stands Detail Plan ref CMKT_BR04 rev A, Bike Stands Location Plan ref: CMKT_BR01 rev A; Letter dated 14.10.2020, Operating Schedule received 14.10.2020 and operation management details received 02.12.2020.			
Recommendation Summary: Grant conditional planning permission subject to S106 agreement			
Applicant:		Agent:	
c/o agent		Gerald Eve LLP 72 Wellbeck Street London W1G 0AY	

Analysis Information

Land Use Details:			
	Use Class	Use Description	Floorspace (Gross Internal Area GIA sqm)
Existing	<i>Sui generis - Art gallery/exhibition space and bar</i>		878sqm
Proposed	<i>Sui generis - Immersive theatre space, drinking establishment with ancillary events</i>		878sqm

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	0

Officers' Report

Reason for Referral to Committee: Where the Director of Regeneration and Planning has referred the application for consideration after briefing members [clause 3(vii)]

Executive Summary

- i. The site comprises the first floor level of the Grade II* listed Horse Hospital which has planning permission for use as an art gallery/exhibition space and bar (sui generis) and was formerly operated by Proud Galleries.
- ii. The proposed use of the first floor as an immersive theatre space, drinking establishment and ancillary events (sui generis) would be fairly similar in terms of land use impacts on the market. The proposed immersive theatre is a combined form of art and live experience, and involves the creation of detailed worlds for the audience to explore. The first floor is proposed to be used to host immersive theatre events, partnering with industry-leading immersive theatre productions. This entertainment use is considered an appropriate town centre use which would attract locals, families and tourists to the market, contributing to the function, vitality and viability of the markets.
- iii. The development does not involve any external or internal alterations or extensions, and as such, would not impact the architectural character or significance of the host listed building or the character and appearance of the Regents Canal Conservation Area.
- iv. The objections received relate principally to the previous management of the first floor, the resultant noise and disturbance to local residents from the use, patrons leaving the site and anti-social behaviour, and the potential for the proposed uses to result in the same impacts. It is recognised that the previous occupier of the first floor was operating in breach of a number of their conditions, but with proper management and controls, officers are satisfied that the proposed development could be operated whilst preserving the amenities of nearby residents.
- v. The proposals seek an additional opening hour compared to the previous approval of 1am for the first floor space. However, with a detailed and rigorous operation management plan to be secured by S106 legal agreement and relevant conditions, the proposals would likely represent an improvement compared to the previous use and it is considered that any potential disturbance or impacts on neighbouring amenity could be successfully ameliorated, in accordance with policy A1 of the Camden Local Plan 2017.
- vi. As such, should permission be granted, it is recommended that it is subject to a S106 legal agreement securing a full operation management plan (OMP) for approval prior to commencement of use. Hours of operation would also be secured as part of the OMP so that they can be reviewed and altered if necessary.

1 Site

- 1.1 The application site covers an area of 878 sqm and comprises the first floor level of the Horse Hospital in the Stables Market. The Horse Hospital is Grade II* Listed together with the boundary wall fronting Chalk Farm Road.



Figure 1 – Application site

- 1.2 The first floor level has planning permission for use as an art gallery/exhibition space and bar (sui generis) which was formerly operated by Proud Galleries, and more recently by Fest.
- 1.3 The site is located within the Regents Canal Conservation Area and sits within the Stables Market which contains a number of listed buildings and historic buildings which make a positive contribution to the conservation area. The markets comprise a mix of uses including market retail, food and beverage and restaurant uses, leisure uses and employment floorspace. The nearest residential use is located opposite the site to the upper floors of the properties on the north side of Chalk Farm Road.
- 1.4 The application site is also located in the Camden Town Town Centre and contributes as part of the wider commercial character of the Stables Mark which has a mix of retail, food, event, and other commercial uses.
- 1.5 The site has an excellent Public Transport Accessibility Level (PTAL) of 6a. The nearest London Underground Station is Camden Town which is located approximately 380m to the south and Camden Road Overground Station is located 650sqm to the east. Numerous bus routes serve Chalk Farm Road.

2 The Proposal

- 2.1 Planning permission is sought for the use of the first floor as an immersive theatre space, drinking establishment and ancillary events (*sui generis*).
- 2.2 The proposals are for the change of use only, and do not involve any physical works, alterations or extensions.
- 2.3 An associated application has been submitted by the same applicant for the change of use of two ground floor units from restaurant and retail use to use as a restaurant and drinking establishment space with ancillary events (*sui generis*) (reference 2020/4732/P). Both units would be operated by Hartshorn-Hook Enterprises.
- 2.4 Separate applications for planning permission and listed building consent have also been submitted for the 'installation of a new canopy across the terrace at first floor level and the use of the terrace as a restaurant and drinking establishment'. These are pending determination (refs: 2020/5793/P & 2020/5850/L).

3 Relevant history

The site

- 3.1 **2020/4732/P** - Change of use of two ground floor units from restaurant and retail use to use as a restaurant and drinking establishment space with ancillary events (*sui generis*). Pending determination.
- 3.2 **2020/5793/P & 2020/5850/L** – Installation of canopy structure across the terrace at first floor level, new plant equipment enclosure, flooring, lighting, planters, signage and all other associated works. Use of the terrace as a restaurant and drinking establishment (*sui generis*). Pending determination.
- 3.3 **2020/5789/A** – Installation of 6 signs at fascia level on the canopy. Pending determination.
- 3.4 **2020/4269/P & 2020/4300/L** - Alteration works to the external elevations of the Horse Hospital, including replacement fire escape doors, bird perching deterrents, varnished timber windows, replacement of existing first floor level awning and 3x additional wayfinding signs. Granted 09/11/2020.
- 3.5 **2016/4733/P & 2016/5329/L** - Change of use of units 87 & 93 from retail (Use Class A1) and *Sui Generis* to Restaurant (Use Class A3), external alterations including installation of replacement mechanical and ventilation equipment. Granted 13/12/2016.
- 3.6 **2016/3606/P & 2016/3812/L** - Alterations to front elevation of Horse Hospital Building; sub-division of building into 5 single retail units. Granted 10/08/2016.

- 3.7 **2007/3365/P & 2007/3366/L** - Change of use of the first floor and part of the ground floor (Unit 93) from retail use (Class A1) to a mixed use comprising art gallery/exhibition space and bar (Sui Generis). Granted 01/11/2007.

4 Consultation Summary

Statutory

4.1 Historic England

- On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Councillors

4.2 Councillor Callaghan, objected to both ground floor (ref: 2020/4732/P) and first floor (2020/4731/P applications):

- The late licence if approved will once again mean that residents are disturbed constantly and then have to deal with their own 'morning after' effects - Namely detritus left behind including human waste -after being kept awake in the early hours by noisy revellers returning to their cars, where they continue their socialising oblivious to the people actually living in the area. The present effect of antisocial behaviour from the bars and clubs will only be exacerbated if these venues are given a late licence.
- Please remember the residents many with young families, whose lives are impacted by the constant late night rowdy behaviour of revellers. Children who are falling behind with their educational attainment due to living in close proximity to this entertainment hub.

4.3 Councillor Cotton, objected:

- I write to support Cllr Callaghan's objection.

Officer Response

- *Please refer to section 10 (Amenity) for full assessment and response to objections.*

Local groups/stakeholders

4.4 TRACT (Tenants Residents Associations, Camden Town) objected to both applications, summarised below:

- Planning approval for a change of use from retail to mixed use comprising art gallery / exhibition space and bar (sui generis) was granted to Proud Galleries on 01 November 2007 with a number of conditions including Condition 2: The use hereby permitted shall not be carried out during the following times: 0100 to 0800 hours daily. This condition was to safeguard the amenities of the nearby residential occupiers.
- There are multiple additional conditions relating to noise in the planning approval but they have been of limited use to residents who have been kept

awake by noise break out, from inebriated customers leaving a venue late at night and from cars and taxi doors slamming in the streets late at night.

- Camden licensing granted licensable hours outside the permitted occupation hours of the premises, which created another complexity to be resolved. Unfortunately the resolution of these issues has lain squarely on local residents whose lives have been blighted by the operation of what were effectively nightclubs.
- Whilst we are supportive of the move to a theatre experience we are dismayed by the long list of additional uses and the proposal to retain hours outside the approved planning consent.

Comments on 2020/4731/P (first floor):

- This current application for an immersive theatre company is not objectionable as a concept. However the applications also seeks permission for a number of additional uses which makes a mockery of the idea that this is to be a theatre experience.
- The hours of operation sought are up to 2am Thursday – Saturday. This is beyond the approved planning permission and is one of the main causes of disturbance and ASB in the local area.
- Pop-up events could be anything. There is no indication as to what sort of crowds or audience might be encouraged. Events often have crowds arriving and leaving at the same time causing noise disturbance to the local area.
- Corporate functions tend to have all parties arriving and leaving at the same time causing significant noise to local residents.
- Filming is often overnight and has proved to be a problem for local residents already in the side roads off Chalk Farm Road and also for those in Gilbey's Yard. Noise & light disturbance, roads blocked, parking lost etc.
- Fashion shows should not cause much concern as long as there is not noise outbreak of music and they are daytime events only.
- Music led events are a concern as the music is amplified and audiences come and go at similar times having consumed alcohol.
- Bars. This means without doubt that the current problems will persist and that the concept of changing this to a theatre venue is not an entirely sincere intention.
- The plan that accompanies the application is coloured to show the area inside the first floor of the Horse hospital and a small area outside the doors at the top of the ramp. We assume that area to the top of the ramp is a smoking area? It is not made clear in the application.
- The Terrace has caused considerable problems with local residents over the past few years as it has been operating without planning approval or a licence.
- Conditions suggested should the applications be approved.

Officer Response

- *Please refer to section 10 (Amenity) for full assessment and response to objections.*

4.5 Castlehaven Community Association objected to both applications, summarised below:

- CCA have been delighted to hear that HHE are planning to have an immersive theatre. HHE has an exemplary history of producing interesting and well-reviewed theatre productions.
- Objection to the proposed hours. CCA expected the theatre to finish as it does with productions in Mayfair at 12.00. Labtech are requesting 2am which is far too late.
- The area under question only has planning permission until 1am. The fact that Proud/Fest regularly went beyond that created much misery for local residents.
- The area of the terrace and the café has, in fact, no planning permission and this is the area that worries residents the most as it is outside, and can create a great deal of night time disturbance. LabTech are proposing numerous bars, and clearly would like to arrange events post theatre. These would obviously include alcohol and that equals more noise and disturbance.
- These after theatre events will likely not only be for the theatre goers but for people coming in for a late-night party. This doesn't happen at the Roundhouse. While late night events boost the revenue they cause untold ASB plus yelling, car door slamming and general disruption.

Officer Response

- *Please refer to section 10 (Amenity) for full assessment and response to objections.*
- *Please note that the terrace area is not within the scope of the current application. A separate application has been submitted for the use of the terrace and is pending determination (see relevant history section below).*

4.6 Harmood, Clarence, Hartland Residents Association objection:

- We applauded the idea of immersive theatre, but were unable to reach agreement with Labtech on the terminal hour, number of participants, number of late nights, and the scale of activities. All these items affect “the quiet enjoyment of our homes” and we are therefore bound to object to these planning applications.
- In short, residents have suffered from noise and other disturbance from this area since 2005. We hoped that the departure of nightclubs and the arrival of immersive theatre would put an end to this disturbance, but we find that many of the worst elements remain.
- The terrace and the cafe on the Stables wall have both operated without planning permission for many years. The area currently seeking permission has no planning permission beyond 1am. Proud nightclub and later FEST nevertheless operated from these premises to 2.30am.
- We suffered from over a decade of disturbed sleep, late-night drunkenness, shouting, swearing, urination and so on from the owners of cars parked on our streets, and this has been well known to the Council.
- Answers from HHE to our questions about the related activities/events suggest that the majority of events closely connected with the theatre will

finish at midnight as they currently do in Mayfair. We assume therefore that Lab Tech is itself planning to hold events in the areas at issue. It is difficult to understand the need for so many late nights - our main problem.

- Previous breaches of planning permissions are the responsibility of the landlords, not just the tenants.

Officer Response

- *Please refer to section 10 (Amenity) for full assessment and response to objections.*
- *Please note that the terrace area is not within the scope of the current application. A separate application has been submitted for the use of the terrace and is pending determination (see relevant history section below).*

Adjoining Occupiers

- 4.7 The applications were advertised in the local press on 22/10/2020 and multiple site notices were displayed surrounding the site on 21/10/2020.

Letters of objection

- 4.8 The owner/occupier of 12 Jeffrey's Place (and representative to the Hawley Wharf Client Liaison Group and member of TRACT), objected to both applications:

- We all welcome the concept of immersive theatre but can see no reason why the hours should extend beyond 23:30 as the conditional approval from Westminster for the same operating company. The other suggested uses give carte blanche to use the premises for virtually anything, which based on past experience is not acceptable.
- Despite LabTech being fully aware of the planning conditions for a "Gallery, Exhibition Space and Bar", not operating beyond 01.00 AM, they have allowed both Proud and FEST to operate as a nightclub until 02.30 AM, causing considerable distress to neighbouring residents. There has been both noise from the venue and, more of a problem, the noise from drunken revellers, urinating, swearing, shouting etc. returning to their parked cars in the adjacent residential streets.
- We are also concerned about the use of the "Outside Area & Seating" or terrace of the Horse Hospital, which without either Planning Permission or Licensing, turned itself into a bar and café. Once again this has been the ongoing cause of noise disturbance to local residents.

- 4.9 A resident of Gilbeys Yard objected to both applications, summarised below:

- The condition on the previous approval for the use not to be carried out between 1am and 8am has never been respected.
- Planning and licensing should be in line with the conditions set by existing planning permission.
- There have been a lot of official environmental reports and complaints over the years because the previous tenant was in breach of the conditions.
- The council must honour and implement those protections with ongoing proactive enforcement.

- Any planning or licensing should not include the historic wall.

Officer Response

- *Please refer to section 10 (Amenity) for full assessment and response to objections.*
- *Please note that the terrace area is not within the scope of the current application. A separate application has been submitted for the use of the terrace and is pending determination (see relevant history section below).*

5 Policies & Guidance

5.1 National Planning Policy Framework 2019

5.2 NPPG

5.3 The London Plan 2016

5.4 Publication London Plan 2020

5.5 Mayor's Supplementary Planning Guidance

5.6 Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- TC2 Camden's centres and other shopping areas
- TC4 Town Centre Uses
- TC6 Markets
- T1 Prioritising walking, cycling and car-free development
- T2 Parking and car-free development

5.7 Supplementary Planning Policies

Camden Planning Guidance

Amenity CPG 2021
Town centres and retail CPG 2021
Transport CPG 2021

Regents Canal Conservation Area Appraisal and Management Plan 2008

6 Assessment

The principal considerations material to the determination of this application are considered in the following sections of this report:

7	Land use
8	Design and Heritage
9	Amenity
10	Transport considerations
11	Planning obligations
12	Community Infrastructure Levy (CIL)
13	Conclusion
14	Recommendations
15	Legal comments
16	Conditions
17	Informatives

7 Land use

- 7.1 The application site is located within Stables Market in Camden Town Town Centre where Policy TC2 (Camden's centres and other shopping areas) seeks to promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The policy aims to protect and enhance the role and unique character of each of Camden's centres; provide for and maintain a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice
- 7.2 Policy TC4 (Town centre uses) seeks to ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. In doing so, the Council will consider the effect of development on shopping provision and the character of the centre in which it is located; and the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses.
- 7.3 Policy TC6 (Markets) seeks to promote and protect markets in Camden by resisting the permanent loss of market uses unless comparable replacement provision is made or there is no demand for continued market use; and taking into account the character of the existing market when assessing proposals for the refurbishment and redevelopment of markets.
- 7.4 The first floor benefits from a previous permission for mixed use as an art gallery/exhibition space and drinking establishment (*sui generis*) as permitted under planning permission ref: 2007/3365/P, dated 1 November 2007. The space was formerly operated by Proud Galleries, although has more recently been operated by 'Fest'. The proposed use of the first floor as an immersive theatre space, drinking establishment and ancillary events (*sui generis*) would be fairly similar in terms of land use impacts on the market. The proposed immersive theatre is a combined form of art and live experience, and involves the creation of detailed worlds for the audience to explore. The first floor is

proposed to be used to host immersive theatre events, partnering with industry-leading immersive theatre productions. This entertainment use is considered an appropriate town centre use which would attract locals, families and tourists to the market, contributing to the function, vitality and viability of the markets.

- 7.5 Overall, the proposed uses are considered to protect and enhance the role and unique character of Camden Town Centre, providing variety, vibrancy and choice for residents and visitors; they would not cause harm to the character, function, vitality and viability of the Town Centre or Stables Market, and as such, are considered to be in accordance with policies TC2, TC4 and TC6 of the Camden Local Plan and are acceptable in terms of land use. Impacts on local amenity are discussed in section 5.

8 Design and Heritage

- 8.1 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. Camden's Local Plan is supported by CPG document 'Design' and the Regents Canal Conservation Area Statement.
- 8.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") provides a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas, and the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.
- 8.3 The duties imposed by the Listed Buildings Act are in addition to the duty imposed by section 38(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework 2019 (NPPF)

- 8.4 The NPPF requires its own exercise to be undertaken as set out in chapter 16 - Conserving and enhancing the historic environment. Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage assets that may be affected by a proposal. Paragraphs 193-196 require consideration as to the impact of a proposed development on the significance of a designated heritage asset, including an assessment and identification of any harm/the degree of harm. Paragraph 196 states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Assessment

- 8.5 The proposals involve a change of use of the first floor only. The development does not involve any external or internal alterations or extensions, and as such, would not impact the architectural character or significance of the host listed building or the character and appearance of the Regents Canal Conservation Area.
- 8.6 The existing use of the site does not contribute towards the architectural or historic significance of the building. Given the existing use, the proposed use would not impact or harm the significance of the building compared to the existing situation. The Council's Conservation Officer has confirmed they have no objections to the proposals.

9 Impact on neighbouring amenity

Policy review

- 9.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and does not harm the amenity of neighbouring residents. This includes daylight/sunlight, privacy, outlook and noise disturbance.
- 9.2 The proposals do not include any physical alterations or extensions and as such, would not increase opportunities for overlooking of neighbouring residential properties or impact their outlook, daylight or sunlight. The principal consideration would be the potential impact of noise and disturbance arising from the new uses.
- 9.3 All objections received in response to the current application and the associated ground floor application relate to hours of use, noise from the venue and from customers arriving and leaving, antisocial behaviour, and general disturbance arising from the former use of the first floor by the previous occupiers of the site, and the potential for the proposed uses to result in the same impacts.
- 9.4 By way of background, planning permission was granted for the change of use of the first floor from retail to a mixed use comprising art gallery / exhibition space and bar (sui generis) in November 2007 subject to a number of conditions controlling hours of use (0800 to 0100), noise standards, the installation of a sound-limiting device, and the requirement for a management plan to reduce noise and disturbance. Despite planning conditions restricting the hours of use until 1am, a Premises Licence was granted allowing the sale of alcohol until 2am and opening hours until 2:30am on Thursdays to Saturdays. The premises were operated until 2:30am in breach of the planning condition. It is noted that the applicant has submitted an application for a premises licence for the same hours of alcohol sale and opening times as previously approved by Camden's

Licensing Team in 2007 (until 2am/2.30am), and this was recently approved on 8 December 2020.

- 9.5 In support of the current application and the associated ground floor application, the applicant has prepared a draft operation management plan which covers the management and operation of both floors. The first floor would be converted into flexible performance and entertainment spaces capable of running large scale immersive theatrical events, designed to partner with industry-leading immersive theatre productions. In between theatre productions, it will be used for ancillary events such as corporate events and fashion shows, etc. The ground floor units (application reference 2020/4732/P) would be used as a high-quality casual dining venue which would share bar capabilities, waste management and will have an intentional overlap of potential clientele with the first floor unit, seeking to create end to end cultural visitor experiences.

Operation management details

- 9.6 On site, there would be a team of individual duty managers for each space during all operational hours overseen by a venue general manager who will have an onsite office. In addition, it is anticipated that around 30 duty staff will be on shift during operational hours (for both ground and first floor uses), comprising venue technicians, box office staff, bar staff, floor staff, ushers, chefs, waiting staff and stewards.
- 9.7 The proposed opening hours for the first floor are:
- Monday to Wednesday: 10:00 – 01:00
Thursday to Saturday: 10:00 – 02:00
Sunday: 10:00 – 00:00
- 9.8 Show times would likely vary, but would typically be 19:00 or 14:00.
- 9.9 The proposals therefore seek an additional hour of opening until 2am for the first floor on Thursdays to Saturdays compared to the previously approved planning application, but would retain the previously approved 1am closing on Mondays to Wednesdays and would close an hour earlier on Sundays at 00:00.
- 9.10 The operation management plan sets out that the operator will communicate with neighbours to ensure they are given information and points of contact for enquiries, and will attend local residential and commercial meetings regularly as recommended by the Stables management.
- 9.11 In terms of noise management, directional speakers will be used to enable quieter volume speakers to be heard in all areas of the venue. The sound systems can also be pre-programmed via theatre sound control systems to ensure the sound levels are set and remain consistent at every performance.
- 9.12 The first floor would be accessed by ticket holders or invited guests only, with access granted at the 'door open' times, typically 45 minutes prior to the production or event. It is suggested that the central entrance is used, with

queuing down the side of the building towards the main entrance to the markets onto Chalk Farm Road. The operators would offer 45 minutes between doors opening and the show starting to encourage spaced arrival of guests and offer pre-show entertainment within the venue.

- 9.13 The first floor dispersal would vary depending on the production or ancillary event. The management details describe how typically (based on other productions run by the operator) after a production a third of the guests will depart as soon as the show finishes, a third after a chat (a single drink) and a third will stay until closing time. Where there are post show events or entertainment, these will also be ticketed and behave in a similar manner to the above.
- 9.14 A Security Industry Authority (SIA) security trained personnel will be present at the venue during operational hours, after 6pm an SIA security guard will be present at all venue entrances and this will be extended to additional floating security personnel during peak hours.

Assessment

- 9.15 The objections received from both residents and Members relate principally to the previous management of the first floor, the resultant noise and disturbance to local residents from the use, patrons leaving the site and anti-social behaviour, and the potential for the proposed uses to result in the same impacts.
- 9.16 Although the previous permission included a condition requiring a management plan to be submitted for approval including measures to reduce noise and disturbance to nearby residents, there was no mechanism by which to review whether the measures were sufficient once the use commenced.
- 9.17 The proposed uses are considered acceptable in land use terms; and officers consider it would be unreasonable to refuse the applications on this basis given their similarity to the previously approved uses at the site; however, the principal issue is ensuring the uses are properly managed and do not result in the same disturbance as previously occurred. It is recognised that the previous occupier of the first floor was operating in breach of a number of their conditions, but with proper management and controls, officers are satisfied that the proposed development could be operated whilst preserving the amenity of nearby residents.
- 9.18 As such, should permission be granted, it is recommended that it is subject to a s106 legal agreement securing the full operation management plan (OMP) for final approval prior to commencement of use. The operation management plan would be a 'live' document allowing for continual review and revision where necessary, and would need to be finalised in consultation with local residents groups and stakeholders. The OMP would be expected to account for the cumulative impact with the ground floor use (which is expected to be implemented and occupied prior to commencement of the first floor use) and to cover the following details:

- Opening hours.

- Details of the maximum occupancy of both spaces.
- Queue management.
- Details of how the spaces will be operated and managed.
- Details of notification to neighbouring residents regarding who to contact to report antisocial behaviour or noise disturbance.
- Details of access and egress points to include how customers vacating the premises will be managed.
- Measures to prevent noise and disturbance to neighbouring residents.
- Identifying means of ensuring the provision of a mechanism for review and update as required from time to time.
- Identifying means of ensuring the provision of a mechanism for a review of the plan 12 months after the Occupation Date taking into account consultation with local residents.

9.19 Officers consider the suggested opening hours appropriate in this Town Centre Location; however, by securing the hours as part of the operation management plan, this allows for ongoing review by Planning and Environmental Health Officers which means that the opening hours could be altered should the implemented operation management measures in combination with the hours not prove to be adequate. The suggested opening hours exceed the existing approved hours by one hour on Thursdays to Saturdays. Subject to careful management of the premises by an existing reputable operator, the proposed hours are considered appropriate in this location whilst boosting the night time economy and the vitality and viability of the Stables Markets.

9.20 Concerns were raised by TRACT as to the proposed ancillary uses for corporate hires, filming, fashion shows, pop-up restaurants, music-led events and bars. These uses would operate during the fallow periods between theatre productions in line with the operation management plan to be secured by S106 legal agreement. Given the Town Centre location, this is considered an appropriate location for such uses subject to appropriate management, and these would be included in the OMP.

9.21 In terms of noise disturbance, the proposals do not include any new plant equipment. To limit noise disturbance arising from the proposed uses, if planning permission is granted it is recommended that it is subject to additional conditions to secure the following controls for the first floor:

- A sound limiting device shall be installed, set and locked at a level approved by the Council (condition 5).
- All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons (condition 6).

9.22 In response to the objection from TRACT, the applicant has also confirmed that notices shall be prominently displayed at each exit from the premises asking customers to be considerate to neighbours when leaving and that the premises shall operate a dispersal policy and all front of house staff shall be trained in its

implementation. It is expected that these measures are outlined and secured as part of the OMP.

- 9.23 Concerns were also raised in relation to the use of the external terrace, although this is outside of the scope of the current application, and is part of application reference 2020/5793/P which is pending determination.

Conclusion

- 9.24 A history of breaches of a different use by a previous occupier would not be a sustainable reason to object to the proposal. The proposals seek an additional opening hour compared to the previous approval of 1am for the first floor space. However, with a detailed and rigorous operation management plan to be secured by S106 legal agreement and relevant conditions, the proposals would likely represent an improvement compared to the previous use and it is considered that any potential disturbance or impacts on neighbouring amenity could be successfully ameliorated, in accordance with policy A1 of the Camden Local Plan 2017.

10 Transport

Policy review

- 10.1 Camden Local Plan policies T1 and T2 and the Transport CPG are relevant with regards to transport issues.

Car-free

- 10.2 The development would need to be car free in accordance with Policy T2, which includes limiting the availability of both off-street and on-street parking. This would be secured by a legal agreement if planning permission is granted, and would prevent future occupiers from obtaining on-street parking permits in accordance with policy T1.

Cycle parking

- 10.3 Developments are expected to provide cycle parking in accordance with Policy T1, the cycle facilities section of CPG Transport, and the new London Plan. As per the most relevant standard, the first floor development (equivalent to D2) should provide 2 long-stay and 15 short-stay cycle spaces, and the ground floor development (equivalent to A3 and subject to the other application) should provide 5 long-stay and 9 short-stay cycle spaces.
- 10.4 The application initially proposed 15 foldable bike spaces within the first floor cloak room for staff and visitors; however, the Council will only accept foldable bicycle storage above the London Plan minimum requirements for standard bicycles. At officers' request, the applicant has proposed an additional 24 cycle parking spaces within the markets which will be in the form of Sheffield stands located in three locations adjacent to the Gin House, the Long Stable and the Horse Hospital ramp. Wayfinding to the racks will be integrated in the new Market

Signage Strategy. There are also 48 Santander cycles within a 5 minute walk of the site on Castlehaven Road and Hawley Crescent.

- 10.5 The proposed development would therefore provide the required 24 short stay cycle parking spaces (for both the ground floor and first floor) but would not provide the 7 policy-compliant long stay cycle parking spaces required. However, given the building is Grade II* listed, the provision of a long-stay secure cycle parking store would likely involve harmful interventions to the historic fabric or setting of the heritage asset. As such, the proposed cycle parking provision is considered acceptable in this instance. Installation of the cycle parking for this application (15 spaces) prior to use will be secured by condition if planning permission is granted (condition 4).

Travel Plan

- 10.6 As indicated in the Operational Management Plan, there would be approximately 30 staff on shift during operational hours, and an additional 40 staff during rehearsal periods. There would be approximately 10 staff outside of operational hours. Therefore the immersive theatre and restaurant and drinking establishment developments would lead to an increased number of people traveling to and from the site for primarily work reasons. The Council would therefore seek to mitigate the impact by securing a Local (Workplace) Travel Plan and associated monitoring and measures contribution of £4,881 as section 106 planning obligations in accordance with Policy A1, if planning permission is granted.

Delivery and Waste

- 10.7 As indicated in the Operational Management Plan, refuse will be managed in accordance with The Stable's waste collection infrastructure and delivery arrangements will comply with The Stable's loading strategy. The Council's Transport Officer has confirmed a delivery and servicing plan would not be necessary.

11 Planning obligations

- 11.1 The following contributions are required to mitigate the impact of the development upon the local area, including on local services. These heads of terms will mitigate any impact of the proposal on the infrastructure of the area.

Contribution	Amount (£)
Travel Plan monitoring contribution	£4,881

12 Community Infrastructure Levy (CIL)

- 12.1 The proposal would not be liable for either the Mayor of London's CIL2 (MCIL2) or Camden's CIL as there is no net increase in floorspace or creation of residential units.

13 Conclusion

13.1 In conclusion, the proposed uses are considered appropriate in this town centre location, and would preserve and enhance the vitality, function and viability of the Stables Market and Camden Town Centre. The development does not involve any internal or external alterations and as such, would not cause harm to the significance of the listed building or the character of the conservation area. It is acknowledged that the previous use of the first floor caused disturbance to neighbouring residents, but it is considered that subject to the suggested conditions and operation management plan secured by legal agreement, the proposed development would be operated without resulting in harmful disturbance to residential neighbours. As such, the proposed development is considered acceptable and in accordance with policies TC2, TC4, TC6, D1, D2, A1, A4 and T1.

14 Recommendation

14.1 Planning Permission is recommended subject to conditions and a Section 106 Legal Agreement covering the following Heads of Terms:

- Car free development.
- Travel Plan and associated monitoring contribution of £4,881.
- Operation Management Plan.

15 Legal Comments

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

16 Conditions

1	<p>Implementation</p> <p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>Approved drawings</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawings titled Horse Hospital First Floor Location Plan, Horse Hospital First Floor Floor Areas, Horse Hospital First Floor Existing Uses, Horse Hospital First Floor Proposed Uses, all dated 07.10.2020; Bike Stands Site Plan dated 02.12.2020, Bike Stands Site Plan ref: CMKT_BR03 rev A, Bike Stands Detail Plan ref CMKT_BR04 rev A, Bike Stands Location</p>

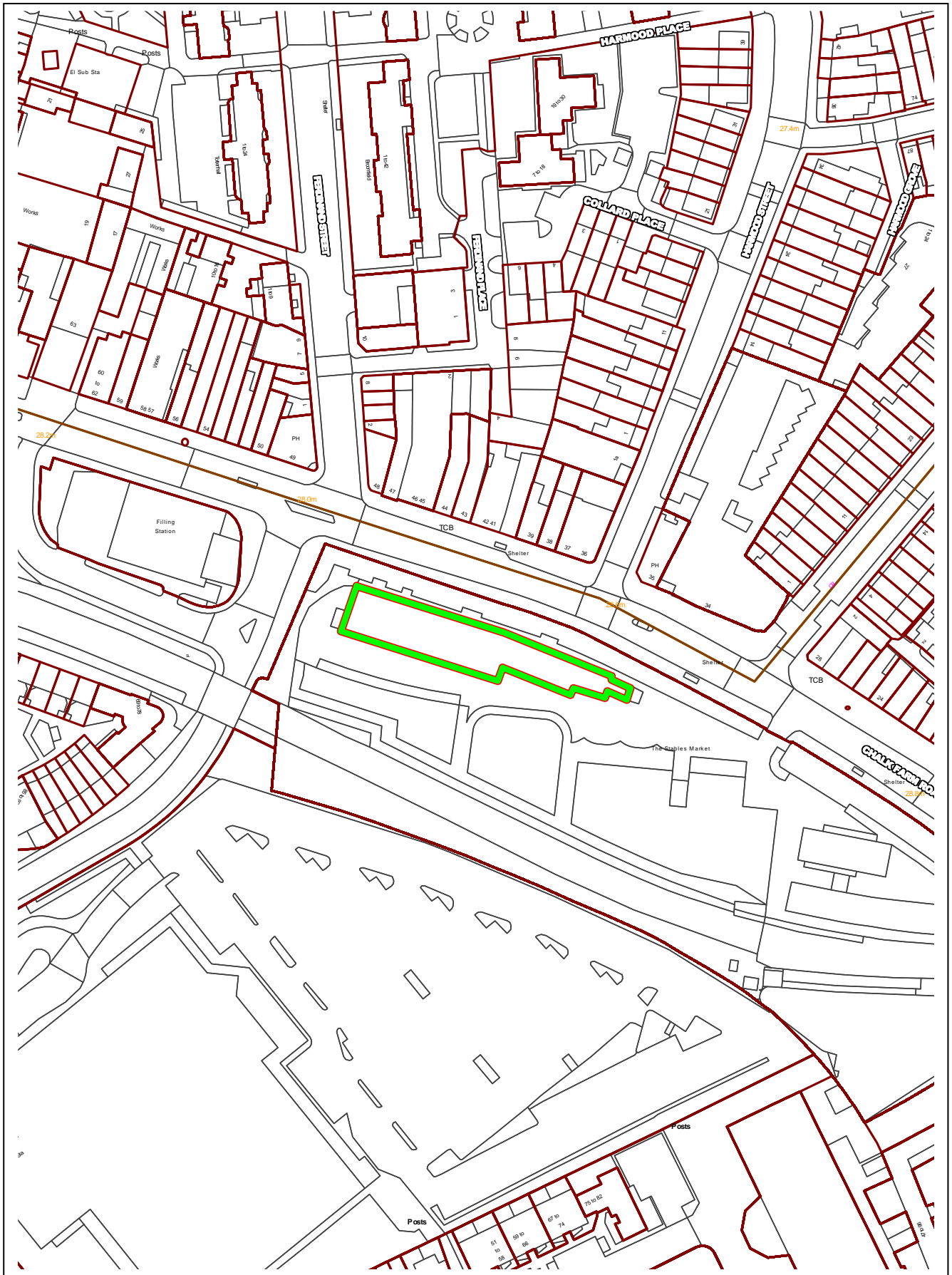
	<p>Plan ref: CMKT_BR01 rev A; Letter dated 14.10.2020, Operating Schedule received 14.10.2020 and operation management details received 02.12.2020.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Noise breakout</p> <p>No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, A4, TC1, TC2, and TC4 of the London Borough of Camden Local Plan 2017.</p>
4	<p>Cycle parking</p> <p>Cycle storage areas for 15 cycles shall be provided in their entirety in accordance with the approved plans prior to commencement of use of the ground floor bar/restaurant and permanently retained thereafter.</p> <p>Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.</p>
5	<p>Sound limiting device</p> <p>Prior to the commencement of the use, a sound limiting device (for example one with the capability of responding to sound levels in dB linear and frequencies) shall be installed and the threshold level of the sound limiting device shall be as agreed in writing by the Council prior to the installation of the device.</p> <p>Thereafter, the sound-limiting device shall be permanently retained, and maintained in good working order to the reasonable satisfaction of the Council.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, A1, A4, TC1, TC2, and TC4 of the London Borough of Camden Local Plan 2017.</p>
6	<p>Noise spill</p> <p>All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.</p>

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

1	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).
2	<p>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)</p> <p>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.</p>
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	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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall,

	Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
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.



Application No: 2020/4731/P
 First Floor, Horse Hospital
 Stables Market
 London
 NW1 8AF

Scale:
 1:1527
 Date:
 15-Feb-21



Planning Committee

4th March 2021

2020/4731/P

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Stables Market
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