

## Executive Summary

<b>Site Address</b>	Arch 87 Baynes Street (off Randolph Street), Camden, London NW1 0SR
<b>Development Proposal</b>	The proposal is for the unit to be converted into a brewery, with a part time ancillary tasting room, small beer garden & tap room. Premises will also be offering snack food, guest street food with potential for some storage of food on site. There will be no food preparation or kitchen on site.
<b>Local Planning Authority</b>	Camden Council
<b>Executive Summary</b>	<p>The existing use is not fully established but is considered most likely to be B1 (c) (Light Industrial) or B8 (Storage and Distribution) in accordance with recent pre-application advice from Camden in relation to a licensing application. Prior to an application to refurbish the arches in 2003, Arch 87 was said to be in B2 use for vehicle repair.</p> <p>The proposed use is for a micro-brewery with tasting room, small beer garden and tap room. A brewery is usually considered as a B2 (General Industrial) Use due to the industrial processes involved and the potential detriment to the amenity of the area, primarily by reason of noise or odour. In this instance, the proposal is small in scale (very much a micro-brewery) and we are advised that the impact will be very low. It can therefore be argued that the proposed microbrewery is a light industrial use falling within the established B1 use class, rather than the more common application of a B2 use (e.g. Camden Town Brewery). This is ultimately for the Local Planning Authority to determine based on individual circumstances. The reclassification of B1 into "Use Class E" may have some bearing on how the Council treat the proposal, but the determining factor will be the impact on neighbouring residential properties.</p> <p>The tap room and tasting rooms can be considered as ancillary to the primary use if they are limited in scale and remain related to the use (e.g. just selling beer brewed on site). Again, this is a matter of fact and degree, with almost all microbreweries having a tap room and offering tastings, but some (e.g. Camden Town Brewery) expanding further into a separate bar.</p> <p>We are advised that the tap room would start at two days a week (Fri &amp; Sat evenings) and grow to four days over 3 to 4 years. The proposed licensing hours are limited (1600-2100 Thur-Fr &amp; 1200-2100 Sat &amp; 1200-1600 Sun) and this initial proposal appears in line with what would be expected on an ancillary use. Moving to four days has the potential to push the classification away from this and towards the requirement for planning permission for a Sui Generis use. This might either be as a separate planning unit for the bar (as A4 is now classed as SG) or as an amalgamation of different competing uses across the site.</p>

	<p>This situation is only likely to occur if the hours are extended later into the evening and the growth is driven by popularity and particularly where the operation of the bar may have attracted complaints. It is worth noting that classification as Use Class E introduces greater flexibility to increase the food offer at the site.</p> <p>It is recommended that should the business wish to have comfort on this matter, a Certificate of Lawful Proposed Use be sought in order to fully establish the fact that the proposed use falls within the parameters of the existing use. Alternatively, a pre-application meeting may provide sufficient comfort.</p>
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## Planning Appraisal

<b>Site and Surroundings</b>	
<b>Existing Use</b>	<p>The site is currently vacant and appears to have been last in use in association with a scaffolders yard (Use Class B8). Nevertheless, the most recent planning permission changed the use of the arches from a mixture of B1, B2 and B8 use to solely B1 use, as part of a refurbishment. This application stated the existing use of Arch 87 at that time to be B2, in association with vehicle repair.</p> <p>It is not clear whether this permission was fully implemented or whether the use within Arch 87 changed within this period. The pre-application advice in relation to the licensing application states that the premises has B1 (c) and B8 use and without further evidence to the contrary it would have to be assumed that this is correct. In any event a B8 use can be converted to B1 without consent.</p>
<b>Site Description</b>	<p>The proposal site is an industrial unit under the raised railway of the North London Line on the London Overground. It makes up one of a group of five units, addressed Arch 87 to Arch 91, that are accessed from the same two points on Randolph Street. Arches 73 to 79 are accessed from the opposite side of Randolph Street.</p>
<b>Site Context</b>	<p>The surrounding area is mixed in character. Directly opposite the site (to the south) is Nora Leverton Court, comprising a four storey block of offices and flats and Meridian House, a three storey office building. There are residential dwellings in the surrounding streets. Although the surroundings could be described as predominantly residential, the existing noise environment is likely to be high, due to the presence of the rail line and the road and adjacent industrial units.</p>
<b>Planning History</b>	<p>Refurbishment of rail arches comprising the demolition of an extension to the north of arches 90-91, the construction of new extensions to the north of Arch 88 and to the south of Arch 78, the provision of new arch infill walls to the north and south elevations, and associated works including the provision of 2 plant and machinery enclosures, 3 bin stores, 2 cycle stores, 2 new security gates to Randolph Street, 7 car parking spaces and 2 delivery bays, and the resurfacing of the service area, in connection with the change of use of the arches from a mixture of uses within the B1, B2 and B8 Use Classes to B1. Granted September 2003.</p>

<b>Active local residents</b>	<p>There is no neighbourhood plan covering the area. TRACT (Tenants Residents Associations Camden Town) covers the area although no specific residents associations have been identified nearby.</p>
<b>Proposal</b>	
<b>Proposed Use</b>	<p>The proposal is for the unit to be converted for use as a micro-brewery with a part time tasting room, small beer garden &amp; tap room.</p> <p>Breweries are an established employment use under Class B2 (general industrial) of the Use Classes Order (UCO). A microbrewery is a brewery that produces 15,000 barrels or less of beer per year. In this instance there would be around 200 barrels produced, which would certainly fall into that category. Nevertheless, it remains an industrial process, with fumes and odours, requiring plant and machinery and generating a certain amount of noise. The extent of this would determine whether it could be classed as light industrial or general industrial.</p> <p>In this instance we are advised that there are no steam boilers, no keg/cask washing, limited deliveries, some localised aromas and normal low-level noise expected of such an activity. It can therefore be argued that the proposed microbrewery is a light industrial use falling within the established B1 use class, rather than the more common application of a B2 use. However, this is ultimately for the Local Planning Authority to determine based on individual circumstances. It should be noted that as an operation evolves the individual circumstances can also alter. For example, if the tap room was to become the primary use this would create the need for a change of use application.</p> <p>This distinction between light and general industrial is particularly important at this time, given that light industrial uses now fall under Class E (Commercial, Business and Service) rather than within the B1(c) use class as they would have done prior to September 2020. Use Class E introduces more flexibility to move between shops, cafes, restaurants and office uses, which should be a benefit to tenants in most instances. However, due to this change there may potentially be pressure to define your use as B2 simply to protect the employment land. The positive feature of the site in this regard is the nearby residential properties and therefore more suited to less impactful uses. Provided the proposed use can be demonstrated not to harm neighbouring residential amenity then it can be correctly classified as light industrial.</p> <p>The other key question over use, is whether the tap room and tasting rooms can be considered as ancillary or if they would form their own individual planning unit. Again, this is a matter of fact and degree, with almost all microbreweries having a tap room and offering tastings, but some (e.g. Camden Town Brewery) expanding further into a separate bar and therefore, planning unit. As of September 2020, a bar would be classed as a Sui Generis use (previously A4).</p> <p>We are advised that the tap room would start at two days a week (Fri - &amp; Sat evenings) and grow to four days over 3 to 4 years. This growth in itself may push the classification away from an ancillary use towards</p>

	<p>the requirement for planning permission for a Sui Generis use. This is more likely to be the case in circumstances where that the growth is driven by popularity.</p> <p>The main precedent to go off in the Borough is at Camden Town Brewery. Application 2019/3362/P sought to extend the use of the brewery to include a bar area with food offer and retail space, changing the use of this part from B2 to Sui Generis. However, this is a much larger operation than that proposed here, and it is noted within this application that Arch 55 is referred to throughout as the existing established ancillary bar. It is therefore only the expansion of this bar and the sale of food prepared on the premises that has prompted the application for a change of use.</p> <p>Based on the above considered assessment, the proposed use would be most likely to be light industrial, which is now Use Class E, with the bar element and beer garden ancillary to the main use. This is based on the assumption that the 2003 permission was implemented, at least in part.</p> <p><b>Use Class E (g) (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.</b></p> <p>This assessment is subject to change should the nature of the processes on site be harmful to neighbouring residential amenity or should the bar element become dominant (with potential associated amenity issues).</p>
<b>Site Assessment</b>	
<b>Allocated Site</b>	The site is on unallocated land and is not therefore within a protected employment area.
<b>Conservation Area or Listed Buildings</b>	<p>The site lies between two conservation areas (Camden Road and Jeffrey's Street).</p> <p>The nearest listed buildings are at 25-28 Randolph Street (Grade II)</p>
<b>Access Constraints</b>	Access as existing. Servicing requirements are stated as minimal.
<b>Flood Risk</b>	Flood Zone 1 (Low risk)
<b>Proximity to other uses</b>	Residential flats opposite. Commercial/industrial uses in adjacent units.
<b>Noise</b>	High noise environment
<b>Planning Considerations</b>	
<b>Policy Review</b>	<p>The development plan for the area consists of the London Plan (2016) and Camden's Local Plan (2017). For a proposed change of use on unallocated land, the local plan and associated guidance is most relevant.</p> <p><u>Local Plan</u></p>

	<p>The following policies are of note:</p> <ul style="list-style-type: none"> <li>• Policy E2 seeks to protect premises or sites that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment.</li> <li>• Policy A1 seeks to protect the quality of life of occupiers and neighbours, including factors such as noise and odour.</li> <li>• Policy A4 specifically seeks to ensure that noise and vibration are managed.</li> <li>• Policy C5 seeks to make Camden a safer place, addressing the cumulative impact of food, drink and entertainment uses.</li> </ul> <p>Camden Planning Guidance - Employment Sites and Business Premises (March 2018).</p> <p>Camden has a very restricted supply of sites and premises suitable for light industrial, storage and distribution uses. This means that there is a high level of demand for the remaining sites and that the majority of sites are well occupied and able to secure relatively high rents as long as they have good access and separation from conflicting uses. Therefore, Camden will continue to seek to protect industrial and warehousing sites and premises that are suitable and viable for continued use.</p>
<b>Residential Amenity</b>	<p>The proposal is sited in close proximity to residential flats in a wider mixed use area. Although the existing noise environment is high, there is potential for harm to residential amenity resulting from both the brewery (noise/odour) and the bar element (noise and disturbance).</p>
<b>Access and Parking</b>	<p>Access is from the pavement and there is no parking at the site. The PTAL of the site is 6a and as such there are excellent public transport links.</p>
<b>Servicing</b>	<p>We are advised that grain and keg deliveries may come by lorry once or twice a week. It is expected that this could take place using the existing yard, but details are not known.</p>
<b>Permitted Development Rights</b>	<p>The Use Classes Order (1987) (as amended) Permits change of use from B8 (Storage and Distribution) to B1 (Business) up to 500sqm. There is no permitted change to a B2 use and as such, were the proposal to be considered as such, a planning application would be required (unless it could be demonstrated that the existing unit had been operating under a B2 use, which we have no evidence to suggest it has).</p> <p>Use Class E of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes), B1 (a)(b)(c) (offices, R&amp;D, light industrial) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts</p>

	<p>them all into one new use class. As such there is now automatically permitted change of use between all of these uses.</p> <p>For any reference to Permitted Development rights the Use Classes in effect prior to 1 September 2020 will be the ones used until the end of July 2021 (this is defined as the 'material period' in legislation). In effect this means that the proposal can be considered as B1(c) until the end of July 2021.</p>
<b>Recommendations</b>	
<b>Summary</b>	<p>This summary should not be read without the context of the rest of the document as there are elements of the advice that are, be necessity, based on reasonable assumptions rather than fact:</p> <ul style="list-style-type: none"> <li>• Based on the available information, the existing use is most likely B1(c) (Light Industrial) or B8 (Storage and Distribution);</li> <li>• The proposed use is most likely light industrial (Use Class E) based on the current proposed operation;</li> <li>• The use class is dependent on low impact activities on site;</li> <li>• The bar, tasting area and beer garden are considered to be ancillary to the main use;</li> <li>• The bar will cease to be ancillary if it becomes a more dominant use and may require planning permission in the future as a sui generis use;</li> <li>• The acceptability of the proposal largely rests on the impact it would have on the amenity of neighbouring residents;</li> <li>• Classification as Use Class E could assist with moving to a greater food offering in the future.</li> </ul>
<b>Next Steps</b>	<p>It is recommended that a certificate of lawful proposed use be sought to establish the use under the operational terms set out. This process is not unlike a planning application but would simply be seeking to demonstrate that the operation of the business would be in accordance with the established use. It would be possible for the Council to add certain restrictions to the certificate.</p> <p>Alternatively, a pre-application meeting could be sought to discuss matters further.</p>