

Address:	Lower Basement and Upper Basement of the Atrium Building Stables Market London Camden NW1 8AH		4
Application Numbers:	2020/5876/P	Officer: Laura Hazelton	
Ward:	Camden Town with Primrose Hill		
Date Received:	22/12/2020		
Proposal: Use of the site for interactive entertainment which includes a combination of immersive theatre and team challenges (sui generis).			
Background Papers, Supporting Documents and Drawing Numbers:			
<p>Drawings titled Atrium upper basement location plan, Atrium lower basement location plan, Atrium upper basement existing use, Atrium lower basement existing use, Atrium upper basement proposed use, Atrium lower basement proposed use, Atrium upper basement existing and proposed GIA, Atrium lower basement existing and proposed GIA, all dated 17/11/2020, and CM-GA-S0001.</p> <p>Cover letter dated 17/12/2020, Air quality basic assessment dated 16/12/2020, Sustainability statement revision 02 dated 21/05/2021, and Operational Management Statement rev 2 received 21/06/2021.</p>			
Recommendation Summary: Grant conditional planning permission subject to a Section 106 agreement			
Applicant:		Agent:	
Labtech C/O Agent		Mr Andrew Jackson Gerald Eve LLP 72 Welbeck Street London W1G 0AY	

Analysis Information

Land Use Details:			
	Use Class	Use Description	Floorspace (Gross Internal Area GIA sqm)
Existing	<i>Class B8 Storage or Distribution</i>		3,736 sqm
Proposed	<i>Interactive entertainment and immersive theatre (sui generis)</i>		3,736 sqm

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

Officers' Report

Reason for Referral to Committee: Major development where this involves the construction, extension or conversion of floorspace for 10 or more new dwellings or more than 1000 sq. mtrs of non-residential floorspace; [clause 3(i)].

Executive Summary

- i. The application site relates to the lower and upper basement levels of the Atrium Building which is a more recent construction within the market, approved in 2006 and comprising two four storey plus basement buildings constructed of steel with glazed infill panels. The original planning consent approved warehousing/storage (Class B8) at basement level (which is the subject of the current application); however, the development was not completed in accordance with the approved consent as the basement was used for market retail storage (Class A1).
- ii. The proposal is for the change of use of the basement levels from the authorised use as Class B8 (Storage or Distribution) to use for interactive entertainment which includes a combination of immersive theatre and team challenges. The proposed experience is that of an 'escape room' based on the 'Tomb Raider' character.
- iii. The development would result in the loss of the previously approved B8 floorspace, although this use was never provided on site, and the loss is therefore a theoretical one which would not result in the loss of existing businesses. Given the location of the site at basement level within Stables Market and the lack of on-site loading bays, it is acknowledged that the site would offer lower quality space for alternative storage based business uses and the loss of this use is accepted. The proposed use is considered to protect and enhance the role and unique character of Camden Town Centre, contributing to the variety, vibrancy and choice within the markets for residents and visitors. The proposed use would not cause harm to the character, function, vitality and viability of the Town Centre or Stables Market, and as such, is considered appropriate in this location.
- iv. The development does not involve any external alterations or extensions. As such, the development would not impact the character or appearance of the host building, wider markets, or this part of the Regents Canal Conservation Area.
- v. Because of the location below ground, the staggered entry and departure times, the entertainment style use with limited space to congregate post-event, the potential disturbance arising from the proposed use and from customers entering and vacating the site is considered to be limited. Although the proposed

refreshment area would serve alcohol, the predominant use of the site would be the entertainment function and the proposed bar area would be an ancillary element of this. As such, it is not considered to alter the character of the markets or unduly impact neighbouring amenity.

- vi. Subject to the suggested conditions and an Operation Management Plan secured by legal agreement, officers are satisfied 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 Local Plan policies and it is recommended that conditional planning permission is granted subject to S106 agreement.

1 Site

- 1.1 The application site covers an area of approximately 0.19 hectares (1946sqm). The site is located within Stables Market, which fronts Chalk Farm Road and is bounded by Camden Lock Place to the east and the Regent's Canal to the south. Stables Market is located with the Regent's Canal Conservation Area and includes a number of listed buildings and structures, including the grade II* listed Horse Hospital directly in front of the site, as well as buildings which make a positive contribution to the character and appearance of the conservation area.
- 1.2 The Atrium Building is a more recent construction within the market which was approved in 2006 and comprises two four storey plus basement buildings with a central elliptical feature. The buildings are steel framed with glazed infill panels. The original planning consent approved a range of uses including retail (Class A1 at the time of consent), food & drink (Class A3 at the time of consent), offices (Class B1a at the time of consent), workshop/studio units (Class B1c at the time of consent), warehousing/storage (Class B8) and exhibition space (Class D1 at the time of consent). Classes A1, A3 and B1 have since been amalgamated into a new planning use class, Class E which provides flexibility to switch between uses of this nature without the need for planning permission.
- 1.3 However, the development was not constructed in accordance with the approved consent as the completed development did not include the approved Class B1c at first floor, Class B8 at basement level or Class D1 at second floor; a large retail unit was provided at ground level and there were no restrictions on the size of all retail units; and off-site housing and a crèche were not provided.
- 1.4 An Enforcement Notice was served by the council on 4 September 2019 relating to these land use breaches (see history section for full description of breach and reasons for issuing the notice), and as such, the unauthorised uses remain unlawful. The current change of use application seeks to overcome the breach relating to the non-provision of Class B8 floorspace at basement level. In conjunction, the applicant is in the process of agreeing a deed of variation of the original S106 agreement and a Class E application to overcome the other remaining breaches (see section 7 land use background for further details).
- 1.5 The application site comprises the basement level of the Atrium Building which was originally specified as Class B8 (Storage or Distribution) use but has been used for retail storage (Class A1) since construction.
- 1.6 The wider 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.
- 1.7 The application site is located in the Camden Town Centre and 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.



Figure 1 – Site location

2 The Proposal

- 2.1 The proposal is for the change of use of the Atrium Building basement from the previously approved Class B8 (Storage or Distribution) to interactive entertainment use, which includes a combination of immersive theatre and team challenges. The site would be operated by Little Lion Entertainment who specialise in themed experiences. The proposed experience is that of an 'escape room' where participants will be guided through a set and will complete a variety of activities. The tenant is working with Rebellion Studios, a major film and software company to deliver an escape room experience based on the 'Tomb Raider' character.

Revisions

- 2.2 The proposals were revised following initial submission to reduce access from groups of 24 at a time to groups of 8 people at a time, to reduce maximum occupancy from 350 people to 250 people, and to reduce the proposed operating hours from latest dispersal at 2am to 1am.

3 Relevant history

The site

- 3.1 **2006/3182/P** - Demolition of existing temporary buildings and partial demolition of arches for 11,564.5sqm mixed use redevelopment comprising two new 4 storey plus basement buildings (Buildings A and B) to accommodate a mix of

uses including retail (Class A1), food & drink (Class A3), offices (Class B1a), workshop/studio units (Class B1c), warehousing/storage (Class B8), exhibition space (Class D1). Creation of new pedestrian access route together with opening up and re-facing of existing arches to the rear of the site and the creation of retail (Class A1) floorspace within the exposed arches. Granted subject to S106 legal agreement 11/10/2006.

- 3.2 **EN18/0874 – Enforcement Notice** issued 04/09/2019. Breach of planning control alleged:

***Without planning permission:** the use of Building A and B as a mix of retail (Class A1) at basement, mezzanine, and ground floor levels, food and drink (Class A3) at ground floor level and office (Class B1) on the first, second and third floor levels.*

Reasons for issuing the notice:

- a) The unauthorised change of use has occurred within the 10 years.
 - b) The unauthorised use, by reason of the current mix of uses, including the provision of a large retail unit (located at ground floor level at the front of the building) and lack of restrictions on the size of all retail units within Building A and B, failing to provide premises suitable for small and independent businesses and failure to provide opportunities for new cultural and leisure facilities, is considered to be detrimental to the success and vitality of Camden Town Centre and unique character of the Stables Market and is harmful to the balance and mix of uses in this important tourist area contrary to policies C3 (Cultural and leisure facilities), TC5 (Small and independent shops), TC6 (Markets) of the London Borough of Camden Local Plan 2017 and CPG on Town Centres and Retail.
 - c) In the absence of a S106 Agreement to secure the provision of off-site housing or a financial contribution towards the provision of housing, the development fails to ensure the provision of the required amount of housing for the scheme, contrary to Policies H2 (Maximising the supply of self-contained housing from mixed-use schemes), H4 (Maximising the supply of affordable housing) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
 - d) In the absence of a S106 Agreement to secure new and improved community facilities and services, the development fails to mitigate the impact of the development, contrary to Policies C2 (Community facilities) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
- 3.3 **PEX0200404** – Amendments to PE9800576R2 comprising the relocation of various approved uses elsewhere within the site. Granted on 04/11/2003.
- 3.4 **PE9800576R2** - Refurbishment of existing buildings and the construction of two new buildings, referred to as Buildings A/B and Building C, to accommodate retail (A1); food and drink (A3), business (B1); exhibition space (D1); a dual business/exhibition space (B1/D1); leisure (D2) together with ancillary storage Planning permissions and listed building consent granted 26/04/2001.

Horse Hospital

- 3.5 **2020/4731/P** – Use of the first floor as an immersive theatre space, drinking establishment with ancillary events (sui generis). Recommendation to grant subject to S106 agreement at Planning Committee, pending completion of S106 agreement.
- 3.6 **2020/4732/P** - Use of the ground floor as restaurant and drinking establishment space with ancillary events (sui generis). Planning permission granted subject to conditions 11/03/2021.
- 3.7 **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). Recommendation to grant subject to S106 agreement at Planning Committee, pending completion of S106 agreement.

4 Consultation Summary

Adjoining Occupiers

- 4.1 Multiple site notices were displayed adjacent to the building and on Chalk Farm Road on 27/12/2020 and a press advert was placed in the Camden New Journal on 31/12/2020.
- 4.2 One comment was received from the owner/occupier of 70 Lockhouse, 35 Oval Road:
- Even if this new attraction is 100% accessible for disabled people, which may not be possible due to the design of the site, by taking one of the more accessible areas of the market out of use for stall holders, it makes the wider market far less accessible for disabled people. If this is to go ahead, there needs to be a stipulation that the wider market must become fully and safely accessible. It is vital to note that the only working accessible toilet in the market currently open to the public is in the basement which is the site of this proposal. Issues such as this have to be resolved, opening other current toilets and installing more accessible toilets to cope with the growth in the food and drink offer in the market. Disabled people, both locals and tourists need to be considered throughout the market as well as in this attraction. It needs to adopt inclusive design to ensure shared experience rather than having an entrance at the stepped area in the market with an accessible entrance via the lift at the entrance to the office work spaces.

Officer response: Please refer to section 10 (Accessibility) for full assessment. Given the proposals are for the change of use of an existing building and do not involve any extensions or external alterations, the use of the existing access arrangements is considered acceptable. The existing toilet provision includes 7 urinals and 3 cubicles for males, 12 cubicles for females and 1 disabled WC, all located at basement level of the Atrium building. All toilets would remain publicly

accessible, accessed via the lifts / stairs at ground level, and there will be no change to the existing provision.

5 Policies & Guidance

5.1 National Planning Policy Framework 2021

5.2 NPPG

5.3 London Plan 2021

5.4 Mayor's Supplementary Planning Guidance

5.5 Camden Local Plan (2017)

- G1 Delivery and location of growth
- C5 Safety and security
- C6 Access for all
- A1 Managing the impact of development
- A4 Noise and vibration
- D1 Design
- D2 Heritage
- E1 Economic development
- E2 Employment premises and sites
- E3 Tourism
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- CC4 Air quality
- CC5 Waste
- TC4 Town centre uses
- TC2 Camden's centres and other shopping areas
- TC6 Markets
- T1 Prioritising walking, cycling and car-free development
- T2 Parking and car-free development
- T4 Sustainable movement of goods and materials
- DM1 Delivery and monitoring

5.6 Supplementary Planning Policies

Camden Planning Guidance

Access for all 2019

Amenity CPG 2021

Town centres and retail CPG 2021

Transport CPG 2021

Community uses, leisure and pubs CPG 2021

Employment sites and business premises 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 principles
8	Design & Conservation
9	Impact on neighbouring amenity
10	Accessibility
11	Energy and Sustainability
12	Air Quality
13	Transport
14	Refuse and recycling
15	Community Infrastructure Levy (CIL)
16	Conclusion
17	Recommendations
18	Legal comments
19	Planning Conditions
20	Planning Informatives

7 Land use principles

Land Use Background

7.1 The original consent at the site (reference 2006/3182/P) granted planning permission for a new mixed use building including:

- 4,370.5m² retail (A1),
- 495m² food and drink (A3),
- 1,417m² offices (B1a),
- 789m² workshop studio units (B1c),
- **1,580m² warehousing / storage (B8),**
- 1,842m² exhibition space (D1), and
- 1,071m² Sui Generis floorspace.

(use classes shown as at the time of consent)

7.2 This consent amended earlier applications PE9800576 and PEX0200404, although the amount of B8 floor space remained the same at 1,580sqm. The approved plans show the warehousing / storage space was proposed to be provided at basement level.

7.3 However, the development was not completed in accordance with the approved plans due to the non-provision of Class B1c, B8 and D1 floorspace. The basement (the subject of the current application) was instead used for market retail storage space (Class A1).

7.4 An Enforcement Notice was served by the Local Planning Authority on 4 September 2019 relating to the land use breaches alleging the following breach of planning control:

The use of Building A and B as a mix of retail (Class A1) at basement, mezzanine, and ground floor levels, food and drink (Class A3) at ground floor level and office (Class B1) on the first, second and third floor levels (see history section for reasons for issuing the notice).

7.5 The notice required the landowner to cease the use of Building A and B as a mix of retail (Class A1) at basement, mezzanine, and ground floor levels, food and drink (Class A3) at ground floor level and office (Class B1) on the first, second and third floor levels, and to make the use of the building comply with the terms (including conditions and limitations) of the planning permission granted on 11 October 2006 reference 2006/3182/P.

7.6 The Council has agreed an extension of time with the applicant to address these breaches, and the applicant is now seeking permission for the change of use of the basement floors from Class B8 to entertainment use (sui generis) to rectify the land use breach at this level.

7.7 Officers are working with the applicant to address the remaining breaches (the non-provision of class B1c and D1 floorspace, the size of the retail units, and the

non-provision of off-site housing and a crèche), and the applicant has proposed the following measures:

- Non-provision of off-site housing - The applicant is proposing to use the recently completed residential development at 39-45 Kentish Town Road, which is a six storey mixed use building comprising 24 flats as a donor site to provide the required 640sqm of residential floorspace. This was the previously accepted approach for Camden Lock Market (ref: 2015/4774/P). As that scheme is not planned to be implemented, it is now proposed to use the residential floor area at 39-45 Kentish Town Road which was allocated against that scheme to meet the unmet residential requirement for the Atrium Building. This will be secured by a Deed of Variation to the original S106 agreement which is currently being negotiated.
- Non-provision of a crèche – further information has been provided demonstrating that there is an oversupply of crèches and nurseries in this area. In addition, the applicant previously paid £500,000 towards improvements to the Castlehaven Community Centre and provided a one form entry primary school and nursery for Camden. It is proposed that a one-off payment of £25,000 is made to offset the non-provision which would equate to 384 people obtaining free childcare for one week. This will also be secured by the Deed of Variation being negotiated.
- Non-provision of Class D1 (gallery) – Consent was granted for a new D1 use in the markets to provide a 'Vagina Museum' which they are proposing to offset the requirement to provide it within Building AB.
- To address the remaining issues, the applicant is proposing to submit an application for the upper floors of the Atrium for use as Class E (which encompasses many of the originally authorised uses). The Council would be able to consider whether to introduce control over how that space is used.

Assessment of loss of existing warehousing / storage (Class B8)

- 7.8 Policy E1 seeks to support businesses of all sizes, in particular start-ups, small and medium-sized enterprises; and maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on a range of terms and conditions for firms with differing resources. Policy E2 reiterates this, stating that the Council will protect premises that are suitable for continued business use and will resist development to non-business use unless it is demonstrated to the Council's satisfaction that the site or building is no longer suitable for its existing business use; and that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.
- 7.9 Although policy E1 notes that sui generis uses could be considered as business or employment uses, these are ones that are generally similar in nature to office, research, industrial or storage uses (the example given being depots or building merchants). The proposed sui generis use, although involving an element of employment, is not considered a business or employment use for the purposes

of policy E1, and the loss of the business / employment function is therefore considered.

7.10 Camden's CPG document 'Employment sites and business premises' provides additional guidance on what the Council will take into account when considering whether there is potential for the existing use to continue:

- a) whether the premises are in a reasonable condition to allow the use to continue;
- b) the range of unit sizes it provides, particularly suitability for small businesses;
- c) the suitability of the location for any business use;
- d) how the business use is related to other neighbouring/nearby land uses; and
- e) whether a lower quantum of replacement employment space is proposed as part of the development, and if so whether the nature of this space is considered to have the potential to offer equal or greater benefits to local people or businesses than the existing space.

7.11 Although the basement floors were approved to be used as Class B8 warehousing / storage space, they have been used for retail and ancillary market storage space since the building was constructed, and have never been operated as Class B8 use. The loss of this use is therefore theoretical, there would be no displacement of an actual business.

7.12 As set out above, policy E2 resists development to non-business use unless it is demonstrated to the Council's satisfaction that the site or building is no longer suitable for its existing business use. In this case, the site is not considered particularly suitable for warehousing given the location below ground in the middle of Stables Market with no dedicated loading or servicing bay in-situ. The site was never operated for B8 purposes and as such, there would be no loss of employment for Camden residents or loss of existing businesses. Given the location of the site below ground with no access to natural daylight, it is also not considered highly suitable for alternative business uses such as offices or light industrial use, and would provide fairly low quality spaces for these purposes.

7.13 Further, it is noted that the reasons for issuing the enforcement notice did not include the failure to provide premises suitable for Class B8 storage or distribution space, but instead related to the failure to provide premises suitable for small and independent businesses (i.e. Class B1c floorspace that was proposed to be provided at third floor level). As such, the proposed loss of the Class B8 employment floorspace is considered acceptable in this instance, and would accord with the intentions of policies E1 and E2.

7.14 As mentioned, the basement has been used for market retail purposes. In anticipation of the current application, the existing market traders have recently been relocated to the Provender / 99s buildings located nearby within the markets following the grant of planning permission and listed building consent for the refurbishment of these spaces (references 2020/5969/P and 2021/0060/L, granted 17/02/2021). These buildings provide a greater standard

of market floorspace, and there has therefore been no detrimental impact on existing traders.

Proposed entertainment use (Sui Generis)

- 7.15 The proposal is for entertainment use, in the form of a Tomb Raider themed escape room experience, where participants will be guided through a set and will complete a variety of activities. The site would be operated by Little Lion Entertainment who specialise in such themed experiences and were responsible for the Crystal Maze live experience, and already operate several locations throughout the UK, including Angel, Islington, Shaftesbury Avenue and Westminster. The proposed use would include an ancillary themed retail and bar area on the upper basement level.
- 7.16 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.
- 7.17 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.
- 7.18 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. The Council will take into account the character of the existing market when assessing proposals for the refurbishment and redevelopment of markets.
- 7.19 The proposed use is similar to an 'escape room' style of operation, where participants are guided through a set and complete a variety of activities. The existing layout of the basement would be used to provide an ancillary, themed retail area and admissions office at the entrance via upper basement level, with the remainder of the space used for the entertainment experience and a refreshment area. The ancillary retail area would provide souvenirs associated with the experience and the brand.
- 7.20 The building would be fitted out to create themed game zones reflecting the atmosphere of the particular theme. Each would have a slightly different experience for customers, who would progress through each of them. Access to the premises would be in groups of 8 people, with each group following a linear journey travelling through all the zones within one visit. The journey for each

group would have a total duration of 1.5 hrs. At maximum capacity, including actors and staff, the occupancy limit would be 250 people.

- 7.21 The proposed entertainment use is considered an appropriate town centre use in this basement location, which would attract locals and tourists to this part of the markets whilst contributing to the overall function, vitality and viability of the markets. As such, it is considered an appropriate use in this Town Centre location, in accordance with policies TC2, TC4 and TC6.

Land use conclusion

- 7.22 Overall, the proposed use is considered to protect and enhance the role and unique character of Camden Town Centre, contributing to the variety, vibrancy and choice within the markets for residents and visitors. The proposed use would not cause harm to the character, function, vitality and viability of the Town Centre or Stables Market, and as such, is considered to be in accordance with policies TC2, TC4 and TC6 of the Camden Local Plan.
- 7.23 The development would result in the loss of the previously approved B8 floorspace, although this use was never provided on site, and the loss is therefore a theoretical one which would not result in the loss of existing businesses. Given the location of the site at basement level within Stables Market and the lack of on-site loading bays, it is acknowledged that the site would offer lower quality space for alternative business uses and the loss of this use is accepted. As such, the proposals are considered to accord with policies E1 and E2 of the Local Plan, and the development as a whole is acceptable in land use terms.

8 Design and Conservation

- 8.1 The proposals involve a change of use to the basement of a modern building within the markets. The development does not involve any external alterations or extensions. There are no proposed changes to the supporting structure of the building and all of the sets within it are capable of being removed. Should any external alterations be required in the future then these would be the subject of a separate application, as required. As the sets are primarily static and, unlike a theatre, are not regularly changed, there is little infrastructure that would need to be brought into the building once the initial set design is in place.
- 8.2 As such, the development would not impact the character or appearance of the host building, wider markets, or this part of the Regents Canal Conservation Area, and would be in accordance with policies D1 and D2 of the Camden Local Plan.

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 external 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 use itself and from customers entering and leaving the premises.
- 9.3 The nearest residential properties and noise-sensitive receptors are located to the north of the site to the upper floors of the Chalk Farm Road properties. Given the location of the site below ground, away from the entrance of the markets, and at a distance of over 45m from the residential properties, there would be limited noise disturbance arising from the use itself. Nevertheless, it is suggested that permission is granted subject to a condition requiring any music played at the site to not be audible from the adjoining highway or neighbouring residential properties (condition 4).
- 9.4 An Operational Management Statement has been submitted with the application which states that teams of up to 8 visitors at a time would enter and leave the premises every 10 minutes, making their way through various themed scenarios over a period of 1.5 hours, with a maximum of up to 8 separate teams on the premises at a time. Day to day occupation is therefore forecast at 64 customers with approximately 40 staff on site at any one time. A maximum capacity is suggested of 250 people which includes an allowance for teams arriving, teams visiting the gift shop and refreshment area. The maximum occupancy would be secured by condition (condition 7).
- 9.5 The vast majority of attendances would be pre-booked on-line, although a small number of tickets may be purchased on the day if availability exists. The use of a booking system would reduce the need for people to queue outside the venue and thereby limit numbers of people outside and potential for noise disturbance.
- 9.6 In terms of hours of operation, it is anticipated that core trading will take place between 9am and 11pm. As mentioned above, teams of 8 people would enter and leave the premises every 10 minutes. The last team would commence the journey at 11pm, and would leave the premises 1.5 hours later. The estimated time for the last group to exit is 1am including time to cover any delays and to allow for the use of WC facilities before departure. It is envisaged that most groups would be on the premises for a maximum of 2 hours, including the initial briefing and refreshment time.
- 9.7 Because of the location below ground, the staggered entry and departure times, the entertainment style use with limited space to congregate post-event, the potential disturbance arising from customers entering and vacating the site is considered to be limited. Although the proposed refreshment area would serve alcohol, the predominant use of the site would be the entertainment function and the bar area would be an ancillary element of this. As such, it is not considered to alter the character of the markets or unduly impact neighbouring amenity and the proposals are therefore considered to accord with policy A1 of the Local Plan.

9.8 Given the recently approved immersive theatre, drinking establishment and restaurant uses approved at the nearby Horse Hospital to the north of the site, it is recommended that planning permission is approved subject to a S106 agreement securing a full Operation Management Plan which must demonstrate coordination with other operators in the markets and consider the cumulative impact of the approved night time uses. It is considered appropriate to secure it via S106 as it will be a live document that will allow for review and modification as appropriate.

10 Accessibility

10.1 The principal access to the site would be via the existing stepped access from the North Yard into the basement. Level access is also available via an existing lift from Saddle Row, a short distance to the south, which will be clearly signposted (shown on figure 2). The development would utilise existing entrances and exits and does not include the relocation or alteration of the existing entrance or lift.

10.2 Given the proposals are for the change of use of an existing building and do not involve any extensions or external alterations, the use of the existing access arrangements is considered acceptable.



Figure 2: Existing stepped access (top arrow) and lift access (bottom arrow)

10.3 An objection raised concerns about removal of the accessible toilets and the market retail units in the basement, both accessed by lift. Any decision on the application requires due regard to the Public Sector Equality Duty. The toilets would remain accessible and accessed by lift, so there would be no detrimental

or disproportionate impact on those with protected characteristics, particularly those who are disabled, elderly or others with mobility impairments. The retail units in the basement were unauthorised and whilst they offered accessible retail in the market, it was never designed to be retail. There are other areas of the market that remain accessible, albeit there are some areas with historical cobbles and setts which can present an impairment to movement for some. Therefore, loss of the unauthorised retail will have some minor impact on those with protected characteristics, but this needs to be balanced against the general land use requirements of the market, the need to uphold planning control and enforcement, and the historical character of the markets. On balance, the impact is minimal and considered to not outweigh the other planning considerations.

11 Energy and sustainability

- 11.1 The Local Plan requires development to incorporate sustainable design and construction measures, to ensure they use less energy through decentralised energy and renewable energy technologies.
- 11.2 Policy CC2 of the Local Plan requires all development to achieve BREEAM 'Excellent' for major non-residential floorspace. Following submission of the application, the tenant has confirmed that the space will not be heated or cooled. Given the very limited works being undertaken for the change of use, Parts 1, 2 and 3 of the of the BREEAM Refurbishment & Fit out Assessment would no longer be applicable. Only Part 4 would apply which relates to interior design, which is the responsibility of the tenant. Additionally, the proposals are for a change of use only and will not result in additional floor area. Subsequently, it is considered that the policy requirement for BREEAM is not applicable to this application, and this approach has been confirmed by the Council's Senior Sustainability Officer.
- 11.3 Policy CC1 requires major development to be net zero-carbon, and to secure a minimum on-site reduction of 35% in regulated CO₂ emissions below the maximum threshold allowed under Part L of the Building Regulations 2013. As the space will not be heated or cooled by the tenant, and the change of use is exempt from Building Regulations Part L, this policy is not considered applicable, as confirmed by the Council's Senior Sustainability Officer.
- 11.4 Policy CC3 requires developments to ensure there is no net increase in surface water runoff. The development would not result in an increase in surface area or external changes and there would no impact on the net surface water runoff.

12 Air Quality

- 12.1 The development is located in an area of poor air quality. Mechanical Ventilation with Heat Recovery (MVHR) is proposed with indoor air quality monitors which will detect CO₂ but the submitted Air Quality Assessment does not include NO₂ or particulate matter. Whilst the public exposure is expected to be short term and the annual national objectives do not apply, consideration should be made to the workers and the intention of families to spend more than one hour in the location. As such, the location of the inlets for the MVHR should be away from

busy roads, other sources of pollution and as close to roof level as possible, and a permission would be granted subject to a condition requiring full details of the mechanical ventilation system including air inlet locations (condition 5).

- 12.2 The proposals are considered to be Air Quality Neutral, in accordance with policy CC4 requirements, and all construction works will take place internally and therefore air quality impacts will be 'not significant'.
- 12.3 The Council's Sustainability Officer has reviewed the submitted Air Quality Assessment and confirmed the air quality impacts are acceptable subject to the above condition.

13 Transport

Cycle Parking

- 13.1 Local Plan Policy T1 requires developments to sufficiently provide for the needs of cyclists in accordance with the new London Plan standards. For sui generis uses, the guidance advises that the standard for the most similar use should be applied. Given the unique nature of the current proposal, which comprises part immersive theatrical experience with problem solving escape room type scenarios it is difficult to suggest a suitable standard; however, the closest use is considered to be D2 (Assembly and Leisure under the recently superseded Use Classes Order), and therefore the appropriate standards would be 1 space per 8 staff and 1 space per 30 visitors.
- 13.2 The Operational Management Statement submitted with the application sets out maximum staffing levels of 40 at any one time and 210 customers. Therefore the development would require 5 employee spaces and 7 customer spaces. The Transport CPG seeks 20% over and above the London Plan which would increase the final requirement to 6 employee spaces and 8 customer spaces.
- 13.3 The proposed development would provide 8 Sheffield style stands (16 spaces) as an extension to an existing cluster of 4 stands adjacent to the northern entrance of the stables which the Council's Transport Officer considers to be acceptable.
- 13.4 The installation and retention of the cycle parking would be secured by condition (condition 6).

Operation Management

- 13.5 When initially submitted, the proposals were for teams of up to 24 visitors entering and leaving the premises every 20 minutes, making their way through various themed scenarios over a period of 2.5 hours with up to 10 teams on the premises at a time (240 visitors in total) and 24 staff (268 people in total). Together with actors and staff, it was stated that there would be a maximum capacity for 350 people on site at any one time. The OMS also originally proposed for the attraction to open at 9am and operate through to 11pm, when the last team enters the site with last exits at 1.30am to 2am.

- 13.6 Concerns were raised by the Council's Transport Officer as to the long operating period and late night exits when transport choices are limited to local Night bus services and taxis. As a result, a revised OMS was submitted which reduced access to groups of 8 people at a time, reduced maximum occupancy to 250, and reduced operating hours with latest dispersal at 1am. It was also confirmed that core trading hours are anticipated to be between 9am and 11pm, and that dispersal volumes in any given time period will be constrained by the nature of the use, and are estimated to not exceed 8 people every ten minutes. In addition, it is not intended to serve alcohol after 11pm. This, combined with the low numbers leaving the premises after 11pm means that the incremental impact of dispersal into a very busy high street which has a number of late night alcohol licenses in place, will be negligible.
- 13.7 Where customers are entering the experience later at night, a number of public transport options are available. Generally last trains from Camden Town are at 00:25, meaning only customers exiting between this midnight and 1am would not use this option (i.e. those customers whose arrival is after 10pm). However, it is unlikely that the venue will be operating at maximum capacity at this time. In any event, later arriving customers have the option to use the night tube on Fridays and Saturdays (when later custom is more likely) and 19 night bus routes from various stops around Camden Town. There are also various licensed taxi ranks in the area.
- 13.8 Following the revisions and clarification of details, the Council's Transport Officer has suggested the revised OMS is reasonable. A full Operation Management Plan would be secured by S106 agreement to include a review mechanism and consideration of the cumulative impact with other night time uses within the markets.

Travel plan

- 13.9 The Council's Transport Officer has confirmed that there is no requirement for a Travel Plan for this particular development given that both staff and visitors have no alternative to travelling to the site other than by public transport (or walk or cycle if they live more closely) given the lack of parking available in the surrounding streets, unless they are a blue badge holder.

14 Refuse and Recycling

- 14.1 Camden Local Plan policy CC5 (Waste) and Camden Planning Guidance (Design) are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments.
- 14.2 The proposed use as an immersive entertainment experience is likely to generate little waste and refuse. Any waste generated is likely to arise predominantly from the ancillary retail and refreshment areas which would be easily accommodated within the existing waste disposal arrangements.

15 Community Infrastructure Levy (CIL)

15.1 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.

16 Conclusion

16.1 In conclusion, the proposed use is 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. Although the development would result in the loss of the previously approved B8 floorspace, there would be no loss of existing businesses and it is acknowledged that the site would offer lower quality space for alternative business uses, as such, the loss of the approved warehousing floorspace is considered acceptable. The development does not involve any external alterations and as such, would not cause harm to the character and appearance of the building, the wider markets or the Regents Canal conservation area. Subject to the suggested conditions and an 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 polices TC2, TC4, TC6, D1, D2, A1, A4 and T1.

17 Recommendation

17.1 Planning Permission is recommended subject to conditions and a Section 106 Legal Agreement covering the following Head of Term:

- Operation Management Plan.

18 Legal Comments

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

19 Planning 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: Drawings titled Atrium upper basement location plan, Atrium lower basement location plan, Atrium</p>

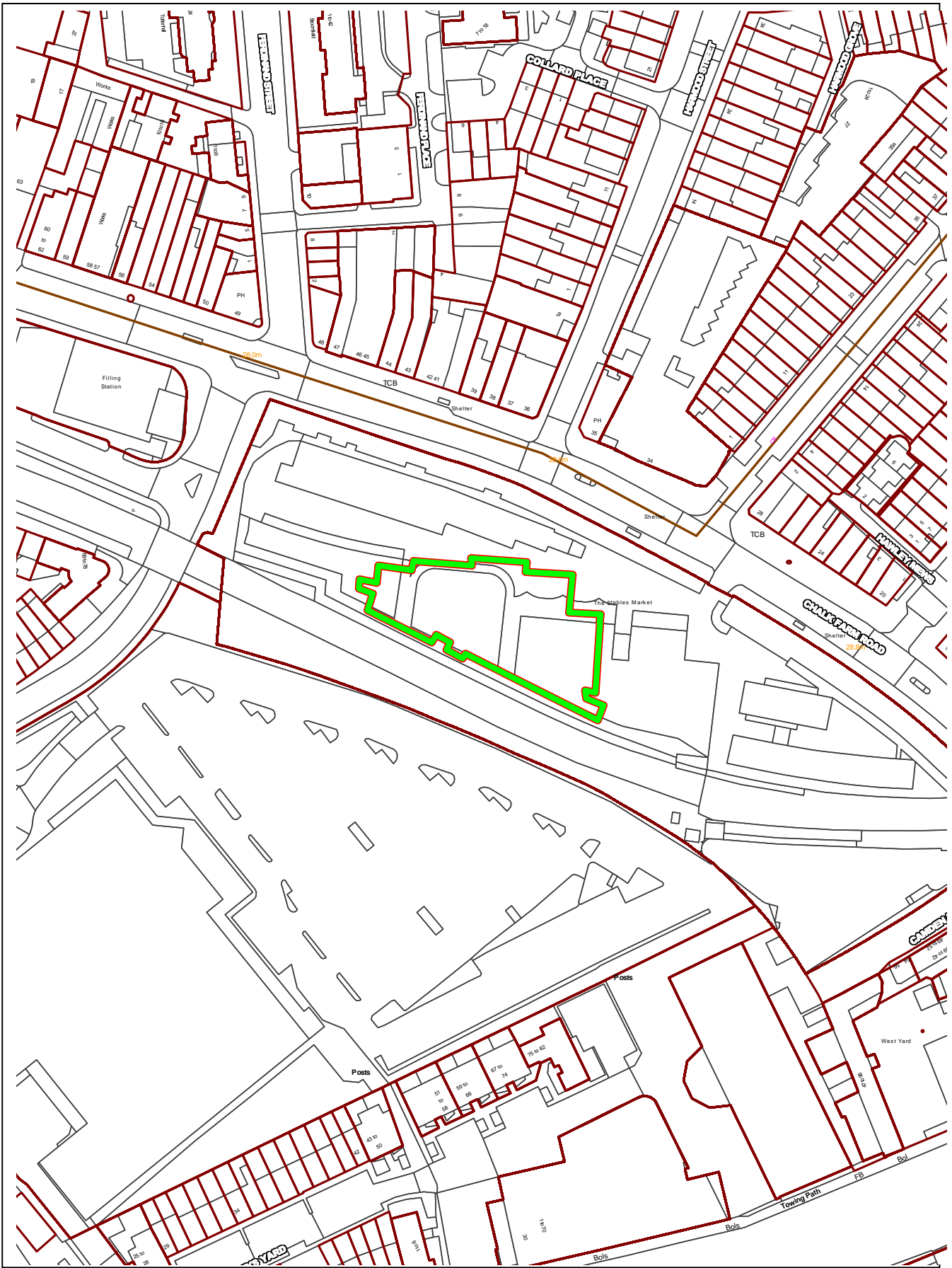
	<p>upper basement existing use, Atrium lower basement existing use, Atrium upper basement proposed use, Atrium lower basement proposed use, Atrium upper basement existing and proposed GIA, Atrium lower basement existing and proposed GIA, all dated 17/11/2020, and CM-GA-S0001.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>External fixtures</p> <p>No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.</p> <p>Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.</p>
4	<p>Noise breakout</p> <p>No music shall be played on the premises in such a way as to be audible within any adjoining residential 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>
5	<p>Mechanical ventilation</p> <p>Prior to commencement of use, full details of the mechanical ventilation system including air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and the boiler stack or any other emission sources and as close to roof level as possible, to protect internal air quality. The development shall thereafter be constructed and maintained in accordance with the approved details.</p> <p>Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy 7.14.</p>
6	<p>Cycle parking</p> <p>Cycle storage for 16 cycles shall be installed in their entirety in accordance with approved drawing ref: CM-GA-S0001 prior to commencement of the use hereby approved and permanently retained thereafter.</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.
7	<p>Occupancy</p> <p>The maximum occupancy of the site for the use hereby approved shall not exceed 250 people (including visitors and staff) at any one time.</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>

20 Planning Informatives

1	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.
2	Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
3	<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</p> <p>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>

4	<p>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.</p>
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Application No: 2020/5876/P

**Lower Basement and Upper Basement of the Atrium
Building, Stables Market
London
Camden
NW1 8AH**

**Scale:
1:1527
Date:
22-Jun-21**



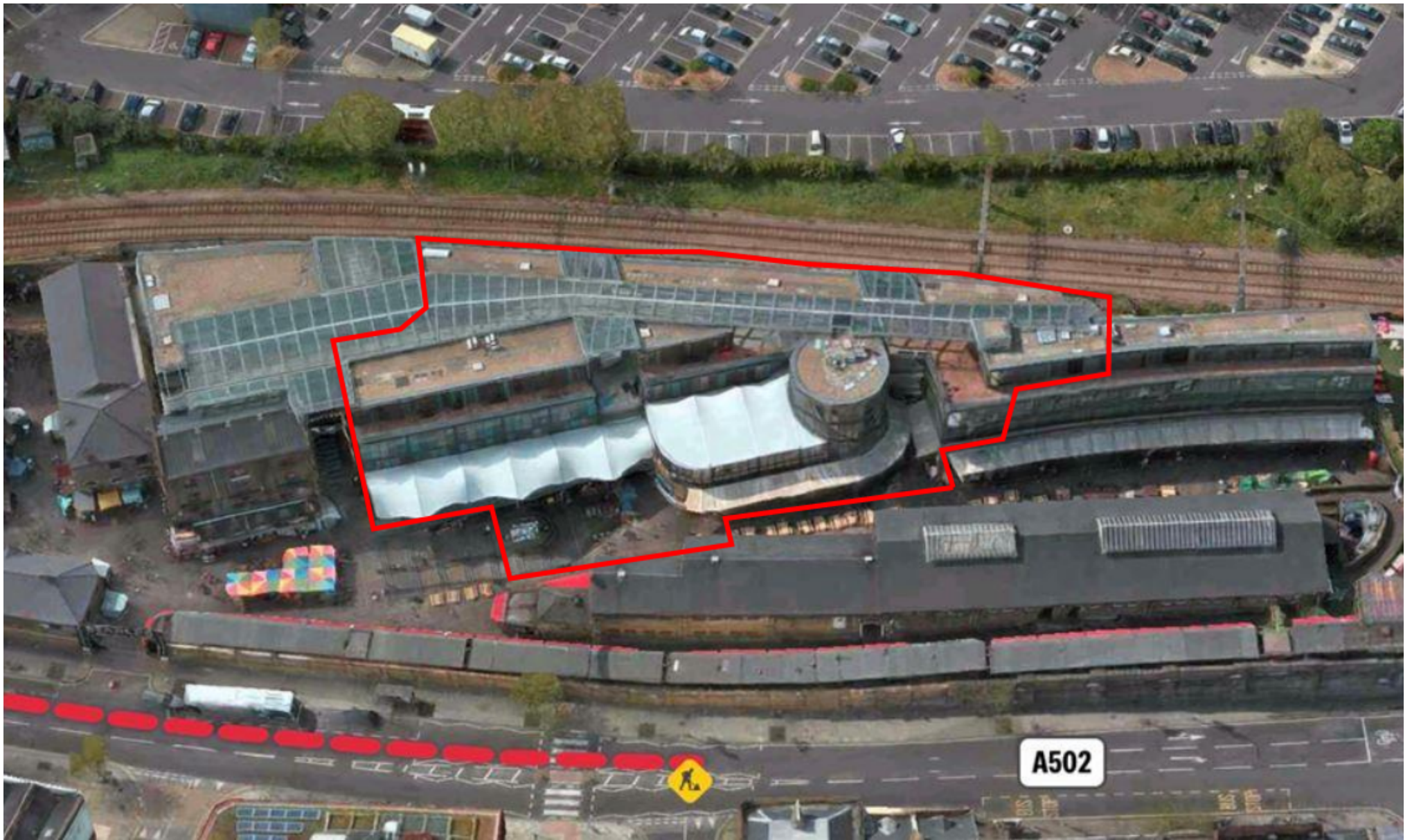
Planning Committee

5th August 2021

2020/5876/P

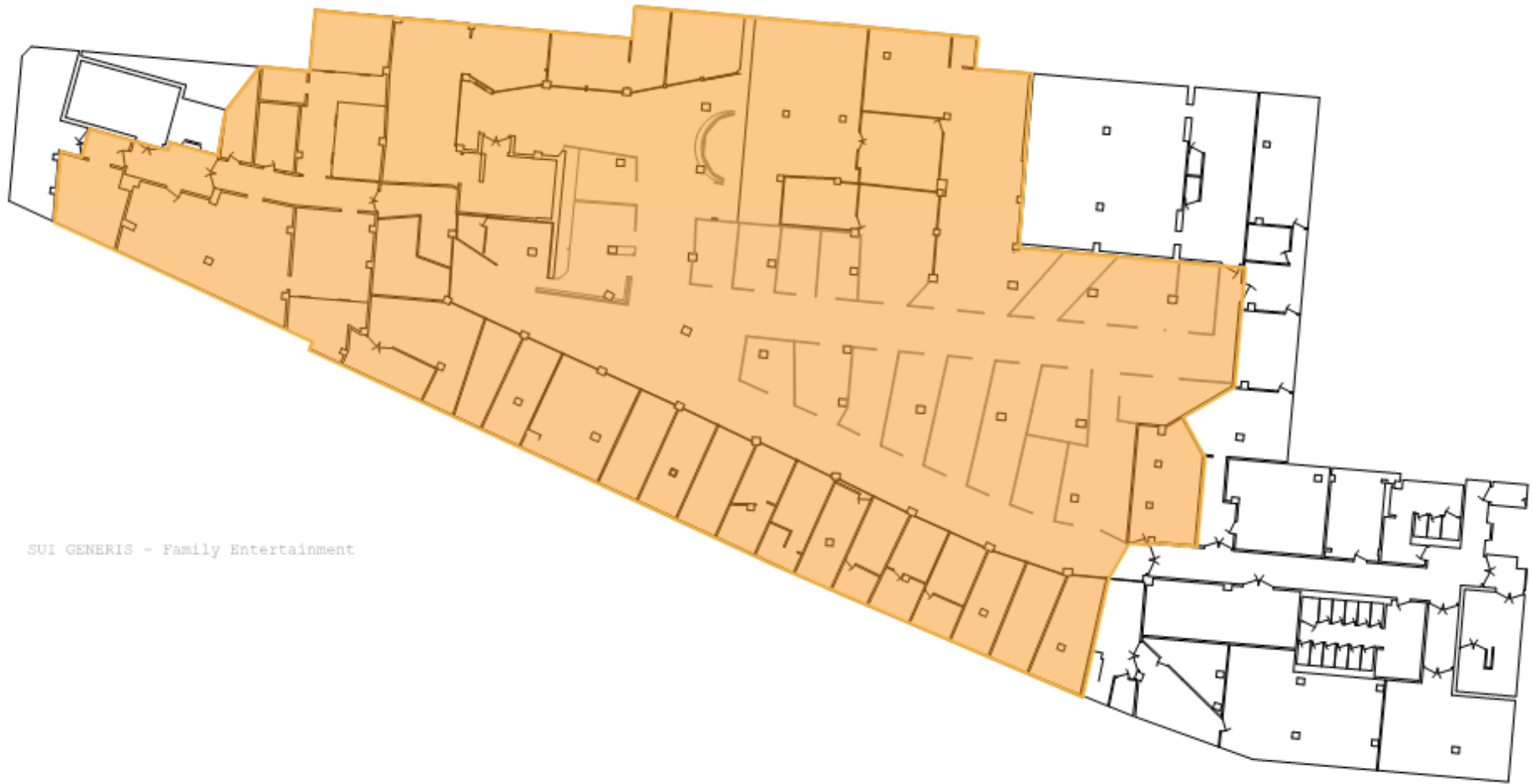
Lower Basement and Upper
Basement of the Atrium Building
Stables Market
London
Camden
NW1 8AH







 SUI GENERIS - Family Entertainment



■ SUI GENERIS - Family Entertainment



Main entrance from North Yard



Same entrance from within the premises



Lift entrance from ground floor



Lift arrival view at basement level

