

London Borough of Camden
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FAO: David Fowler

Our ref: NDA/SNE/J10161

Your ref: PP-11100469

08 March 2022

Dear Sir

Town and Country Planning Act 1990 (as amended)
Camden Market (Buck Street), 192-200 Camden High Street, London NW1 8QP
Application for Minor-Material Amendments – Section 73

We write on behalf of our client, LabTech (herein referred to as the Applicant), to submit an application for a minor-material amendment under Section 73 of the Town and Country Planning Act 1990 to secure approval for an extension of time to the extant temporary permission, installation of balustrades, and regularisation of design amendments, to the proposed development at Camden Market (Buck Street), 192-200 Camden High Street, London NW1 8QP (the 'Site'), as previously approved under planning permission ref. 2018/3553/P (as amended).

This planning application is being made as a Minor Material Amendment pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions associated with the extant planning permission.

In summary, the proposed amendments relate to the extension of time to the extant temporary permission to the end of 2026, installation of balustrades at roof level for health & safety purposes, and regularisation of design amendments and previous approved overlaying planning permissions on the Site.

The proposals therefore seek the following:

"Variation of Conditions 2 and 3 pursuant to Planning Permission 2018/3553/P (as amended), namely, for an extension of time to the existing temporary permission, installation of balustrades at roof level, regularisation of design amendments, and associated works."

Background

A summary of the relevant planning history for the Site is provided below:

Planning permission (2018/3553/P) was granted on 24 May 2019 for the following:

"Continued use of land as a market, consisting of a ground plus two level container market (sui generis) comprising retail, restaurant/cafe, hot food takeaway and ancillary management / storage uses with associated stalls, partial roof canopy, landscaping, lifts, seating and servicing areas for a temporary five year period."

A subsequent NMA application (2019/3425/P) was granted on 1 November 2019 for:

"Non-Material amendment to facilitate relocation of cycle parking store at ground floor level, minor changes to approved stall and WC layout, and minor changes to approved glazing and doors granted under reference 2018/3553/P dated 24/05/19."

On 5 January 2021, planning permission (2020/5239/P) was granted for:

"Erection of Stretch Tent across part of the upper floor level of the existing market, for a temporary period of 5 months."

On 12 March 2021, planning permission (2021/0017/P) was granted for:

"Change of use of existing container units to food & beverage use (Sui Generis) and associated works including a rooftop ventilation extract fan, for a temporary period aligned with the original planning permission 2018/3553/P dated 24/05/19 for the continued use of the site as a market, consisting of a ground plus two level container market (Sui Generis)."

On 02 March 2022, planning permission (2021/2827/P) was granted for:

"Change of Use of existing container unit to flexible retail, and food & beverage use, and associated ventilation plant (plant is retrospective)."

The above provides a summary of the recent planning permission that have been obtained on this Site. This minor-material amendment application seeks to vary planning permission 2018/3553/P (as amended), whilst also incorporating some of the other aforementioned planning permissions to allow subsequently for a single permission for the Site once again.

The Proposals

This section aims to provide a summary of the proposed amendments to the planning permission (2018/3553/P, as amended).

Extension of Time

Under the original planning permission, Condition 2 was imposed which restricted the erection and use of the container unit for a period of 5 years from the date of this permission (i.e. by 23 May 2024).

Over recent months, the Applicant has been in contact with a party with a land interest on the Site, Transport for London, both verbally and through email correspondence regarding the option of reaching an agreement for the market to stay on the site for an extended period of time until the end of 2026. TfL have responded confirming that they are in agreement with this approach. A copy of the agreement is provided as part of the application.

As part of the application, we are therefore seeking to vary Condition 2 to extend the temporary permission to 31 December 2026.

Minor Alterations/Regularisation to Market Layout

Following approval of the planning permission back in 2019, works have been undertaken to the internal layouts of the site which require regularisation under this application. In addition, consideration has been given to areas in which the layouts could be improved based on existing site constraints.

A summary of these amendments is as follows:

- Installation of an additional Fire Escape Stairs to the North East of the Site;
- Installation of Balustrades at Roof Level for health & safety purposes; and
- Reconfiguration of cycle spaces within the Site.

Prior to the opening of the Site, a fire safety review was undertaken which led to the requirement of an additional set of Fire Escape Stairs being erected to the rear of the Site. This application seeks to amend the approved plans to incorporate this set of Stairs.

During the existing term of the market, there has been the requirement for maintenance work to be undertaken to plant equipment located at roof level. For health and safety purposes, there is a requirement for the erection of a balustrade to mitigate any perceived risk to operators at this level. Through ongoing discussions with planning officers, the applicant has proposed a key clamp system to be erected at roof level which would be painted to match the colour of the container to which it is installed. Further details are provided within the supporting specification documents.

Following approval of Condition 10 (Cycle Parking) pursuant to the original permission, it has been determined that 8 cycle spaces cannot be installed in the location previously approved to the rear of the Site due to existing constraints. It is therefore proposed these are relocated within the Market as shown on the supporting planning drawings.

Previously approved overlay planning permissions

Following the approval of the temporary permission for the Market (2018/3553/P, as amended), additional planning permissions have been obtained for works relating to units within the market. The permissions referred to are 2021/0017/P and 2021/2827/P.

To assist in obtaining a single planning permission for the Site, we seek to incorporate the details approved under the other previously approved permissions within this minor-material amendment application. Relevant supporting documents have been submitted to assist in undertaking this.

For the regularisation of the market layout, and incorporation of other previously approved permissions, we propose to vary Condition 3 pursuant to 2018/3553/P, as amended, which will vary the approved drawings for the Site.

The Development Plan

The statutory development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises:

- a) The London Plan (2021); and
- b) Camden's Local Plan (2017)

In terms of planning policy designations, the Site falls within the:

- Camden Town Centre;
- Core Retail Frontage; and
- Camden Town Conservation Area.

Market Improvements and Retention

Policy TC6 of the Local Plan sets out that the Council will seek to promote and protect markets in Camden. In addition, London Plan Policy 4.8 states that support should be given to a range of markets including when enhancing their offer and contribute to the vitality of town centres.

Due to the COVID pandemic, markets in general saw a decline in footfall which has had a negative impact on the market vendors. Buck Street Market has and always will have a mixture of sui generis market uses. However, as a result of the pandemic, the face of retail and high street retail has completely changed with a number of retailers struggling to remain open even assistance through suspended rents etc.

An agreement to the extension of time for the Market will assist in providing traders the opportunity to recover following the pandemic, whilst also protecting markets and continuing to provide an enhanced offer to customers along Camden High Street.

Furthermore, confirmation from the landowner of agreement to the extension of time demonstrates that the temporary market will not be holding up any further development opportunities for the Site during the extended period.

The extension of time for the temporary market is therefore considered to be acceptable and comply with Local Plan Policy TC6 and London Plan Policy 4.8.

Design and Heritage

Policy D1 of the Local Plan seeks to secure high quality design which, inter alia, respects the local context and character, incorporates outdoor amenity space, and is inclusive and accessible to all. Policy D2 sets out that Camden will seek to preserve and enhance heritage assets and their settings, including Conservation Areas.

As design consideration has already been provided when approving planning permission 2021/0017/P and 2021/2827/P, this application has focused on assessing design in relation to the regularisation of the layouts in terms of installation of fire escape stairs to the rear of the site, installation of balustrades at roof level, and reconfiguration of cycle spaces.

The installation of the fire escape stairs and reconfiguration of the cycle spaces are located internally within the existing market and will therefore not have an increased visual impact on the existing market's appearance along Camden High Street and will therefore not harm the character and appearance of the Conservation Area.

The proposed balustrades are proposed to be erected at roof level for health and safety purposes when the approved plant equipment will be maintained. The proposed balustrades have been chosen due to materiality and appearance matching that of the existing industrial containers. In addition, the balustrade will be colour matched with the containers they are attached to, to reduce their visual impact on the streetscene. This approach is a significant improvement on the temporary safety measures which were in place and such proposal will assist in preserving the character and appearance of the Conservation Area.

The proposed works are considered to be of a high-quality design in-keeping with the existing streetscene and will assist in preserving the character and appearance of the Conservation Area. Therefore, the proposals comply with Policies D1 and D2.

Summary

The proposal is being brought forward to provide to allow for an extension of time to the temporary market to continue to provide an enhanced market offer within Camden, whilst also aiming to assist in improving the viability of the market following the COVID pandemic.

The proposal is for a temporary period and will be removed upon the cessation of the existing market. Furthermore, the proposed amendments to the original permission are considered appropriate design which is in-keeping with the Conservation Area. Therefore, the proposal is in accordance with the development plan.

Application Documents

Alongside this letter, we enclose the following documents in support of this planning application:

- Application Form, duly completed and signed;
- Covering Letter (this document), prepared by Gerald Eve;
- Approved and Proposed Floor Plans, Elevations, and Sections, prepared by LabTech;
- Design and Access Statement, prepared by LabTech;
- TfL Email Correspondence, dated 17 September 2021;
- Ventilation Reports, Prepared by Scotch Partners, and Michael Jones & Associates;
- Extract Fan Specification, prepared by Soler Palau; and
- Balustrade Specification Document, prepared by Interclamp.

We look forward to receiving confirmation of validation shortly. If you have any queries, please contact Natalie Davies or Sam Neal of this office.

Yours faithfully

Gerald Eve LLP