

LABTECH Camden Market Management Company Limited

TOWN PLANNING STATEMENT

ATRIUM BUILDING, STABLES MARKET, NW1



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1 Introduction

1.1 Camden Market Management Company Limited (herein referred to as 'the Applicant') is seeking to regularise the existing built form of the building and the land uses at ground and upper floors.

1.2 The application proposals have been discussed with Camden Council officers for many years. The description of the Proposed Development is:

'Application to regularise the built form and use of the Atrium building for Class E and Sui Generis uses at ground floor and Use Class E on levels 1-3'.

1.3 In summary, the Proposed Development would provide:

- Flexible Sui Generis market and Use Class E floorspace at ground level for independent tenants
- Flexible Use Class E at first to third floor level
- Affordable workspace
- Cycle parking

1.4 This Statement provides an assessment of the Proposed Development in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) which requires planning applications to be determined in accordance with the Development Plan unless material considerations otherwise.

1.5 The adopted Development Plan for the Site comprises the London Plan (2021); and the Camden Local Plan (2017). The National Planning Policy Framework (the "NPPF"), (2021) is a material consideration, along with relevant supplementary planning policy guidance.

1.6 This Statement should be read in conjunction with the plans and drawings prepared by LabTech and submitted as part of this planning application as well as the following documents:

- a) Design and Access Statement prepared by Camden Market Management Company
 - b) Drawings prepared by LabTech
 - c) Transport Statement prepared by Arup
 - d) Employment and Training Plan prepared by Camden Market Management Company
 - e) Sustainability Statement prepared by Arup
- 1.7 The proposals would seek to regularise the current planning position and allow for greater flexibility of tenants in the future. The proposal accords with the objectives of planning policy and guidance.

2 Site and Surrounding Area

- 2.1 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 a thriving market comprising Sui Generis and Use Class E uses. Stables Market is located within Camden Town Centre, 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.
- 2.2 The building comprises lower and upper ground basement, ground and three upper floors. The lower and upper basement level is occupied by Tomb Raider, a leisure experience. The ground floor is currently occupied by Use Class E (a) and (b) retail and Sui Generis market retail units. The upper floors are currently occupied by Use Class E (c) office tenants.
- 2.3 The site is located within 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 which is located 650 sqm to the east. A number of bus routes serve Chalk Farm Road.
- 2.4 With regard to the Site's planning policy designations, it is located within Camden Town Centre, Regent's Canal Conservation Area and an Archaeological Priority Area.
- 2.5 In respect of emerging policy, the site falls into draft policy CGY1 of the draft Site Allocations Local Plan, 2020. The draft policy advises that the Camden Goods Yard area has the potential to become a vibrant and dynamic new neighbourhood that will deliver a significant increase in the number, mix, type and affordability of homes in the area and provide a range of retail and employment spaces. It envisages:
 - a) an area that celebrates its rich heritage with exemplary urban design and architecture;
 - b) a place what is well connected and accessible to all, promotes health and wellbeing and is environmentally sustainable and responsible; and
 - c) an environment that feels safe and welcoming by day and night.

3 Planning History

- 3.1 Planning permission was granted on 26th April 2001 under reference PE9800576/R2 for the:

‘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’.

- 3.2 This application was amended under reference PEX0200404 and a Section 106 agreement dated 4 November 2003 accompanied this decision.

- 3.3 A subsequent planning permission was granted in 2006 under reference 2006/3182/P. The description of development for the 2006 planning application was for the:

‘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 refacing of existing arches to the rear of the site and the creation of retail (Class A1) floorspace within the exposed arches’.

- 3.4 The development was not built-in accordance with the approved plans by the previous Owner. A Certificate of Lawfulness for the existing built form of the building, including all internal floor levels was submitted on 26 June 2016 under reference number 2016/3696/P and remains outstanding.

- 3.5 Since 2015, a number of pre application meetings have been held to look at alterations to the building.

- 3.6 An enforcement notice EN18/0874 dated 4 September 2019 was issued in respect of the Property and took effect on 2 October 2019 for the:

‘Use of the Atrium 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’.

- 3.7 The Enforcement Notice cited that there had been an unauthorised changed of use within the last 10 years; unauthorised use by reason of the current mix of uses including the provision of a large retail unit and lack of restrictions on the size of all retail units failing to provide premises for suitable small and independent businesses and failure to provide opportunities for new cultural and leisure facilities which is considered to be detrimental to the success and vitality of Camden Town Centre and unique character of Stables Market.
- 3.8 The Enforcement Notice states that 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.
- 3.9 Furthermore, the Enforcement Notice states that 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.
- 3.10 It should be noted that a Deed of Variation was signed in 2022 to deal with the housing requirement and a financial payment towards a creche.
- 3.11 Planning permission was granted in April 2022 under planning permission reference 2020/5876/P in respect of the lower and upper basement of the Atrium building for the:

‘Use of the site for interactive entertainment which includes a combination of immersive theatre and team challenges (sui generis).’

- 3.12 This floorspace is occupied by Tomb Raider under its lawful use.
- 3.13 Furthermore, there have been two shopfront applications which have been approved within the Atrium building under references 2022/1190/P and 2022/1887/A.

4 Development Proposals

4.1 Planning permission is sought for the following:

‘Application to regularise the built form and use of the Atrium building for Class E and Sui Generis uses at ground floor and Use Class E on levels 1-3’.

4.2 Since 2015, the Applicant has been in a dialogue with Officers to resolve the built form and land use issues as the building was not built in accordance with the approved plans by the previous owner and the approved land uses have not been implemented correctly. The areas are set out in Table 1 below:

Table 1 Approved and Existing Use Classes (GEA)/ (Estimated GIA)

	2006 Permission GEA/Estimated GIA sqm ¹	Existing building GEA/ Estimated GIA sqm
Ground		
Use Class A3	375 sqm 341 sqm	
Use Class A1	1,825 sqm 1,661 sqm	
Use Class SG/E		2,420 sqm 2184 sqm
Level 1		
Use Class A1	1,267 sqm 1,153 sqm	
Use Class A3	120 sqm 109 sqm	
Use Class B1	622 sqm 566 sqm	
Use Class E (flexible)		2,128 sqm 1870 sqm
Level 2		
Use Class D1	1,842sqm 1,676 sqm	
Use Class E		1,934 sqm 1,664 sqm
Level 3		

¹ GIA sqm has been estimated at a ratio of 91% of GEA sqm.

Use Class D2	109 sqm	99 sqm		
Use Class B1	1,584	1,441 sqm		
Use Class E			1,755	1,597 sqm
Total	7,744sqm	7,047 sqm	8,270 sqm	7,525 sqm

- 4.3 A Certificate of Lawfulness for the built form was submitted in 2016 and remains outstanding. The Applicant considers that the built form is lawful as the building was completed in 2010.
- 4.4 Officers have requested that this planning application deals with the built form and land uses in order to simplify the planning history.
- 4.5 To deal with the 2019 Enforcement Notice, the Applicant has completed a Deed of Variation dated 14 June 2022 to deal with the following matters:
- a) The provision of off-site housing at 39-45 Kentish Town Road.
 - b) A financial contribution to deal with the non provision of a creche. A financial contribution of £25,000 was secured to off set the non provision of a creche on site. The creche could not have been provided on the third floor of the building due to fire safety.
- 4.6 The previous 2006 permission permitted retail, exhibition and office space on the upper floors of the building. The retail space on Level 1 and exhibition space on Level 2 was not implemented. However, new retail accommodation has since been provided elsewhere within Stables Market in the Provender Store and 99's.
- 4.7 It should be noted that with the exception of the exhibition space, if the 2006 uses on the upper floors were lawfully implemented and in use on 31 August 2020, it would have been possible to have changed the use to the current office use without planning permission. This is because of The Business and Planning Act 2020 which introduced changes to the Use Class order and amalgamated commercial, business and service uses into Use Class E.

- 4.8 A new exhibition space is proposed within Camden Lock Market under planning application reference 2022/3853/P. The Applicant is of the view that the theoretical loss of this unimplemented use within the Atrium building is deemed acceptable.
- 4.9 To allow the market to flourish in the long term, the Applicant is seeking flexible Use Class E on the upper floors for retail or office accommodation. The provision of Use Class E office accommodation on Levels 2 and 3 would help the ecosystem of the market by allowing the employees within the building to spend money locally within the markets and Camden Town during lunch and after working hours. The current office accommodation is split into a range of unit sizes depending on tenant requirements.

5 Pre- Application Engagement and Consultation

- 5.1 The Localism Act 2011 emphasises the need for effective and meaningful pre-application consultation.
- 5.2 Paragraphs 39-46 of the National Planning Policy Framework (NPPF) highlights the important of pre-application engagement and front loading; early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improves outcomes for the community.
- 5.3 Local Planning Authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage and the more issues that can be resolved at pre-application stage, the greater the benefit.

London Borough of Camden

- 5.4 A number of pre application meetings have taken place with Camden Council since 2015 to discuss the building.

6 Planning Policy Context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 6.2 Planning policy operates at national, regional and local levels. At a national level, Central Government adopted the National Planning Policy Framework (NPPF) in March 2012. The latest amendments to the NPPF were published in July 2021.
- 6.3 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) LBC's Development Plan comprising the Local Plan (2017), Policies Map, Site Allocations Document (2013) and various Area Plans.
- 6.4 Both the London Plan and LBC's Development Plan are supported by various adopted Supplementary Planning Guidance documents which are also material considerations.
- 6.5 In terms of emerging policy, Paragraph 48 of the NPPF states that local planning policies may give weight to relevant emerging policies, taking into account the stage of preparation of the emerging plan, the extent to which there are unresolved objections to emerging policies, and the degree of consistency those emerging policies have with regard to the wider development framework. The Draft Site Allocations Local Plan (2020) has been considered in the context of this proposal.

National Planning Policy and Guidance - The National Planning Policy Framework 2021

- 6.6 The Ministry of Housing, Communities and Local Government (now Department for Levelling Up, Housing and Communities) published the revised NPPF in 2021. This follows the 2019 revision of the NPPF originally published in 2012.
- 6.7 The NPPF sets out the Government's economic, environmental and social planning policies for England. It summarises, in a single document, all previous national planning policy advice (contained within PPG and PPS). Taken together, these policies articulate the Government's

vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

- 6.8 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. The NPPF explains that the policies of the Framework, taken as a whole, constitute what the Government considers sustainable development to mean in practice.
- 6.9 The presumption in favour of sustainable development in the new policy guidance is designed to ensure that the planning system as a whole focuses on opportunities. The presumption, in practice, means that significant weight should be placed on the need to support economic growth and housing delivery through the planning system and Local Planning Authorities should plan positively for new development and approve all individual proposals wherever possible. However, development should not be allowed if it would undermine the key principles of sustainability in the NPPF.
- 6.10 The NPPF makes clear that the policies should apply unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (paragraph 49). Specifically, paragraph 19 states that the planning system should do all that it can to promote sustainable economic growth in order to create jobs and homes to meet the challenges of global competition alongside a low carbon future. The NPPF states that significant weight should be placed on the need to support economic growth and housing delivery through the planning system.

Planning Practice Guidance 2014 (as amended)

- 6.11 National Planning Practice Guidance (NPPG) is an online resource which is maintained by the Department for Levelling Up, Housing and Communities and is regularly updated. It provides guidance relating to a number of planning matters, the Conserving and Enhancing the Historic Environment PPG is considered relevant to the Proposed Development.
- 6.12 The NPPG was published in March 2014 and has been varied and supplemented on a number of occasions since.

Regional Planning Policy - The London Plan 2021

- 6.13 The London Plan (published 2 March 2021) is the overall strategic plan for Greater London, defined to include the 32 Boroughs and the City of London. The London Plan forms the London-wide policy context within which the Boroughs set their local planning agendas and forms part of the Statutory Development Plan.
- 6.14 The London Plan is centred around 'Good Growth', with a focus on building strong and inclusive communities, making the best use of land, creating a healthy city, growing a good economy and increasing efficiency and resilience. The Plan recognises the key role of Central London as a driver for London and the wider UK economy with the City of London and the wider CAZ being critical in supporting growth.

Local Planning Policy - Camden Local Plan 2017

- 6.15 At a local level, LBC's Local Plan (2017) was adopted by Council on 3 July 2017 and replaced the Core Strategy and LBC's Development Policies document as the basis of planning decisions and future development in the borough. This, coupled with LBC's Proposals Map and Site Allocations Plan (2013) forms the local tier of the Development Plan and is therefore central to planning decisions and the control of future developments in the borough.

Site Specific Designations

The Site has the following designations:

- a) Camden Town Centre;
 - b) Regent's Canal Conservation Area;
 - c) Archaeological Priority Area;
- 6.16 In respect of emerging policy, the site lies next to the boundary of draft policy CGY1 of the draft Site Allocations Local Plan, 2020. The draft policy advises that the Camden Goods Yard area has the potential to become a vibrant and dynamic new neighbourhood that will deliver a significant increase in the number, mix, type and affordability of homes in the area and provide a range of retail and employment spaces.

Key Planning Considerations

- 6.17 The development proposals have been assessed against the following principal planning matters:
- a) Land Use;
 - b) Design, Bulk and Massing;
 - c) Energy and Sustainability;
 - d) Transport, Servicing and Waste; and
 - e) Other Technical Considerations.
- 6.18 The design quality of the building has not been assessed as the building was completed in 2010 and is lawful.
- 6.19 The following section of this Statement addresses the Proposed Development against National, Regional and Local policies.

7 Key Planning Considerations

- 7.1 This section considers the proposed development against relevant planning policy.

Principle of Development

- 7.2 Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development, and that development that accords with an up-to-date Local Plan should be approved. For the reasons set out within this chapter, the Proposed Development is considered to be in accordance with the key policies contained in the development plan and represents sustainable development.
- 7.3 Chapter 1 of the London Plan sets out how growth should be managed in the Capital to build strong and inclusive communities, making the best use of land, creating a healthy city, delivering the homes Londoners need, growing a good economy and increasing efficiency and resilience.
- 7.4 London Plan Policy GG1 encourages development to seek to ensure changes to the physical environment achieve an overall positive contribution to London.
- 7.5 London Plan Policy GG2(C) sets out that development should proactively explore the potential to intensify the use of land to support additional workspaces, promoting higher density development, particularly in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. London Plan Policy GG2(D) highlights that proposals should use a design-led approach to determine the optimum development capacity of sites.
- 7.6 London Plan Policy D3 requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. Policy E1 echoes this and makes specific reference to improvements to the quality, flexibility and adaptability of office space. Policy E1 sets out that proposals should be supported by new office provision, refurbishment and mixed-use development.
- 7.7 Policy G1 of the Local Plan sets out how the Council will create conditions for growth to deliver homes, jobs and infrastructure by supporting development that makes the best use of the site, providing a mix of uses in accessible parts of the Borough (including self-contained

housing) to deliver 16,800 new homes, 695,000sqm of new office floorspace and 30,000 sqm of new retail floorspace by 2031. The Council anticipate the most significant growth to be delivered across the Borough, with Central London playing a key role in facilitating that growth.

Assessment

- 7.8 Planning permission was granted in 1998 and 2006 for a building providing a range of land uses. The building was completed in 2010 and is lawful. The next section of this Statement assesses the proposed land uses.

Town Centre Uses

- 7.9 Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It goes on to state that main town centre uses should be located in town centres but also states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 7.10 Policy SD7 of the London Plan states that “when considering development proposals, boroughs should take a town centres first approach”. The sequential test should be applied for main town centre uses, requiring them to be located in town centres.
- 7.11 Policy SD8 of the London Plan sets out that “the changing roles of town centres should be proactively managed in relation to the town centre network as a whole”. It goes on to read that this process should “support sustainable economic growth across the Greater London boundary to enhance the vitality and viability of London’s centres and complement those in the Wider South East”.
- 7.12 Policy TC2 of Camden’s Local Plan states that the Council will “promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. We will:
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a) seek to protect and enhance the role and unique character of each of Camden’s centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located

b) 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

c) make sure that food, drink, entertainment, and other town centre uses do not have a harmful impact on residents and the local area...

e) pursue the individual planning objectives for each centre, as set out in supplementary planning document CPG on town centres and retail, and through the delivery of environmental, design, transport and public safety measures”.

- 7.13 Policy TC4 of Camden’s Local Plan states that “the Council will 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”. To manage any potential harm to amenity or the local area, the Council would use planning conditions and obligations.

Assessment

- 7.14 The proposal fully accords with National, Regional and Local policies as the proposed land uses enhance and complement town centre uses. The paragraphs below provide a summary and assessment of the relevant planning policies for each proposed Town Centre use.

Retail

- 7.15 At a national level, chapter 7 of the NPPF sets out the framework to protect the vitality of town centres.
- 7.16 Paragraph 86 seeks to define a network of town centres, seek to retain and enhance existing markets and allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed and the anticipated needs for retail, leisure, office and other main town centre uses over a ten-year period.

- 7.17 At a regional level, London Plan Policy E9 states that “a successful, competitive and diverse retail sector, which promotes sustainable access to goods and services for all Londoners, should be supported” in line with the wider objectives of the Plan, particularly for town centres. Policy E9 goes on to state that “Development Plans and development proposal should support London’s markets in their full variety, including street markets, covered markets, specialist and farmers’ markets, complementing other measures to improve their management, enhance their offer and contribute to local identity and the vitality of town centres and the Central Activities Zone”.
- 7.18 Policy E9 of the London Plan also states that clusters of retail and associated uses will be managed “having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan including:
- Town centre vitality, viability and diversity
 - Sustainability and accessibility
 - Place-making or local identity
 - Community safety or security
 - Mental and physical health and wellbeing”.
- 7.19 Furthermore, Policy E9 also states that “development proposals involving the redevelopment of surplus retail space should support other planning objectives and include alternative town centre uses on the ground floor where viable...and residential development”.
- 7.20 At a local level, Policy TC1 states that “the Council will focus new shopping and related uses in Camden’s designated growth areas and existing centres, having regard to the level of capacity available in these locations.” In terms of distribution of retail across Camden, this will be within Growth Areas, Town Centres, Central London Frontages and Neighbourhood Centres, specialist shopping areas, and small shops outside of centres. It states that “retail floorspace is expected to be supported by a range of other town centre uses, including food, drink and entertainment uses”.
- 7.21 Policy TC6 of the Local Plan states that “the Council will promote and protect markets in Camden”. It goes on to set out that “the Council will:
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- Resist the permanent loss of market uses unless comparable replacement provision is made or there is no demand for continued market use;
- Take into account the character of the existing market when assessing proposals for the refurbishment and redevelopment of markets; and
- Support markets that will not cause individual or cumulative harm to the local area.”

Assessment

- 7.22 The previous 2006 permission permitted retail, exhibition and office space on the upper floors of the building. The retail space on Level 1 and exhibition space on Level 2 was not implemented. However, new retail accommodation has since been provided elsewhere within Stables Market in the Provender Store and 99’s.
- 7.23 A new exhibition space is proposed within Camden Lock Market under planning application reference 2022/3853/P. The Applicant is of the view that the loss of these unimplemented uses is deemed acceptable. In order to allow the market to flourish in the long term, the Applicant is seeking flexible Use Class E on the first - third floors for retail or office accommodation.
- 7.24 Turning to the land use mix of the ground floor Use Class E/Sui Generis units, there are currently 35 units on the ground floor of which 88% is retail and 12% is food and beverage. This proposal seeks flexibility to allow for 70% retail and 30% food and beverage.
- 7.25 In respect of unit sizes, the retail units range from 5 sqm to 42sqm. The average unit size is 20.5 sqm. There are currently four large units ranging in size from 91 sqm to 125 sqm excluding the Sports Direct unit.
- 7.1 The Enforcement Notice states that **the unauthorised use, by reason of the current mix of uses, including the provision of a large retail unit (located on the 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...**’
- 7.2 The existing Sports Direct unit (or the large retail unit cited in the Enforcement Notice) occupies a unit measuring 303 sqm of which 50 sqm is storage space due to the low floor to ceiling height. This tenant will be leaving the market and it is anticipated that this floorspace

could either be used for one independent tenant or split into three retail units measuring 25 sqm, 36sqm and 245.5 sqm. The division of this space into three units is based on the head height within the units. The Applicant currently has an independent tenant who would like to occupy the entire unit. This is a tenant who has grown their business from a stall in the market.

- 7.3 It should be noted that the 2006 permission did not include planning condition or S106 restriction which explicitly requires independent tenants. However, the Applicant is keen to promote independent tenants and is prepared to accept the following planning condition:

All retail tenants shall be independent business with no more than 10 units in the London Borough of Camden and 20 units in London.

- 7.4 The proposals are in line with Camden local policies TC2 and TC6 as they will support and improve the continued function of the Site within the Stables Market. The diversification of the Stables Market offer will enhance the vitality and activity within this part of the market. The proposed uses will also act as an anchor drawing people through the market to this location through providing a mix of land uses and attracting a wider range of visitors which will help contribute to securing the Stables Market's long-term future.

Employment

- 7.5 At a national level paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development, and that development that accords with an up-to-date Local Plan should be approved.
- 7.6 At a regional level, London Plan Policy GG2(C) sets out that development should proactively explore the potential to intensify the use of land to support additional workspaces, promoting higher density development, particularly in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. London Plan Policy GG2(D) highlights that proposals should use a design-led approach to determine the optimum development capacity of sites.
- 7.7 London Plan Policy D3 requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. Policy E1 echoes this and makes specific reference to improvements to the quality, flexibility and adaptability of office space.

Policy E1 sets out that proposals should be supported by new office provision, refurbishment and mixed-use development.

- 7.8 At a local level, 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.

- 7.9 Policy E2 states 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

- 7.10 The proposal seeks flexible Use Class E on the upper floors to provide the Applicant with maximum flexibility to cater for a range of town centre uses (retail/office) in the future. The current office space is flexible and can be divided to create smaller or larger units for a range of tenants.

- 7.11 The existing office accommodation which is run by 'Labs' the co-working arm of the Applicant positively contributes to the ecosystem of the market by creating job opportunities. The current office accommodation supports SME businesses. The employees within the building spend money locally within the markets and Camden Town during lunch and after working hours. The office accommodation is split into a range of unit sizes depending on tenant requirements.

- 7.12 The Applicant has partnered with Camden Council to provide ten free co-working space to Camden business owners and this would remain in situ as part of this planning application.

- 7.13 The current land uses are 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 land uses 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.

8 Energy and Sustainability

- 8.1 This section considers the Proposed Development against relevant planning policy regarding sustainability.
- 8.2 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision- taking.
- 8.3 The NPPF contains the Government's policy on climate change. NPPF paragraph 20 encourages strategic polices to consider the conservation of the natural, built and historic environment including landscapes, green infrastructure and planning measures to address climate change mitigation and adaptation.
- 8.4 NPPF paragraph 119 encourages development that makes as much use as possible of previously developed or 'brownfield' land.
- 8.5 NPPF Paragraph 152 sets out that planning policy should consider a low carbon future in a changing climate. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
- 8.6 Paragraph 149 states that local planning authorities are required to adopt proactive strategies to mitigate and adapt to climate change. Paragraph 150, states that to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways that reduce greenhouse gas emissions; such as through suitable adaptation methods, location, orientation and design.
- 8.7 Policy GG6 of the London Plan considers how London can become a more efficient and resilient city. The policy highlights the needs for developments to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050, as well a need for developments to ensure buildings and infrastructure are designed to adapt to a changing climate.

- 8.8 London Plan Policy D3 advises that developments should aim for high sustainability standards and take into account the principles of the circular economy.
- 8.9 London Plan Policy SI4 states that development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure.
- 8.10 Policy SI2 of the London Plan states that major development should be net zero carbon by achieving reductions in greenhouse gases in operation and through the energy hierarchy of; “be lean, be clean, be green, be seen”. Part C of the policy sets out that a minimum on site reduction of 35% is required for major development, 10% of which should be achieved through energy efficiency measures for residential development.
- 8.11 A carbon offsetting contribution will be sought for the remainder to make up the shortfall to net zero at a rate of £95 per tonne for 30 years.
- 8.12 Policy SI7 of the London Plan sets out how developments should reduce waste and support the circular economy, by promoting a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible by encouraging waste minimisation through re-use. It sets targets for 95% re-use, recycling and recovery of construction and demolition waste, and 95% beneficial use of excavation materials.
- 8.13 In July 2019, Camden declared a climate emergency and subsequently published a Climate Action Plan setting out how the Council will work towards zero carbon by 2020.
- 8.14 Policy CC1 of the Local Plan sets out that the Council will require all developments to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation by promoting zero carbon development, requiring all development to reduce carbon dioxide emissions through the London Plan energy hierarchy and to promote sustainable travel.
- 8.15 Part E of the policy requires all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building. The supporting text at paragraph 8.17 of the Plan states that all proposals for substantial demolition and reconstruction should be fully justified in terms of the optimisation of resources and energy

use, in comparison with the existing building. Paragraph 8.19 of the Plan states that the Council will expect developers to consider the service life of buildings and their possible future uses to optimise resource efficiency.

- 8.16 Policy CC2 of the Local Plan requires all development to be resilient to climate change by promoting sustainable design and construction measures. Developments involving conversions of over 500sqm should achieve BREEAM “Excellent” for domestic and non-domestic buildings.

Assessment

- 8.17 A Sustainability Statement incorporating energy, sustainability and water has been prepared by Arup. The statement was prepared to assess how the existing building performs in relation to the 2006 energy requirements.
- 8.18 The building has been completed and is operational. The building contained high efficiency LED fittings that exceed Building Regulations Part L2A. The building includes an all electric heating and cooling system which seeks to achieve an acceptable air quality.
- 8.19 In respect of building emissions, the regulated carbon savings is approximately 20.7% compared to the baseline model. Camden Policy CC1 requires non residential development to achieve a reduction of at least 20% from onsite renewable energy. The development therefore complies with planning policy.
- 8.20 In respect of water use, the building includes a rainwater harvesting system to re-use rain water for the existing toilets. The site is located within a Flood Zone 1 and as such a Flood Risk Assessment is not required.
- 8.21 In summary, the building has been built and is operational. The proposal meets the requirements of the 2006 planning permission.

9 Transport and Waste

- 9.1 Chapter 9 of the NPPF sets out the Government's policies with regards to transport. The overall aims are to promote solutions that support a reduction in greenhouse gas emissions and reduce congestion and will contribute to wider sustainability and health objectives. The NPPF outlines aims for a transport system balanced in favour of sustainable transport modes, in order to give people a real choice about how they travel. It also encourages solutions which support reductions in greenhouse gas emissions and reduce congestion. Paragraph 110 of the NPPF states it should be ensured that:
- i. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - ii. safe and suitable access to the site can be achieved for all users;
 - iii. the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - iv. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.2 Paragraph 105 of the NPPF states that the planning system should actively manage patterns of growth in support of sustainable transport objectives.
- 9.3 Paragraph 111 of the NPPF is clear that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.4 At a regional level, one of the strategic objectives of the London Plan is to improve accessibility, making London an easier city to move around and making public transport and the pedestrian environment accessible to everyone. The Mayor's Transport Strategy sets out policies and proposals to achieve the goals set out in the Plan.

- 9.5 London Plan Policy T1 'Strategic approach to transport' examines the integration of transport and development, outlines that all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

- 9.6 London Plan Policy T1 also states that developments should facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.

- 9.7 London Plan Policy T2 advises that development proposals should promote and demonstrate the application of the Mayor's Healthy Streets Approach to: improve health and reduce health inequalities; reduce car dominance, ownership and use, road danger, severance, vehicle emissions and noise; increase walking, cycling and public transport use; improve street safety, comfort, convenience and amenity; and support these outcomes through sensitively designed freight facilities.

- 9.8 London Plan Policy T3 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.

- 9.9 London Plan Policy T4 sets out that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.

- 9.10 Policy T4 Part A of the London Plan sets out that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. Part F of Policy T4 states that development proposals should not increase road danger.

- 9.11 Policy T5 and Table 10.2 of the London Plan sets out minimum cycle parking standards for new developments.

- 9.12 Policy T5 of the London Plan states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

- 9.13 At a local level, Camden Local Plan Policy T1 seeks to promote sustainable transport by prioritising walking, cycling and public transport in Camden by supporting public realm

improvements and the pedestrian environment, promoting cycling and providing high quality parking and end of trip facilities in developments.

- 9.14 Camden Local Plan Policy T1 outlines that in order to safeguard and promote the provision of public transport in the borough, the Council will seek to ensure that development contributes towards improvements to bus network infrastructure. Contributions will be sought where the demand for bus services generated by the development is likely to exceed existing capacity. Contributions may also be sought towards the improvement of other forms of public transport in major developments where appropriate.

- 9.15 Camden Local Plan Policy T1 sets out that where appropriate, development will also be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort.

- 9.16 Policy T2 of the Local Plan states that the Council will require new developments in the borough to be car free and will not issue on-street or on-site parking permits in connection with new development. In addition, on-site parking will be limited to spaces designated for disabled people and/or essential operational or servicing needs.

- 9.17 Policy T3 of the Camden Local Plan seeks to ensure improvements are made to transport infrastructure in the borough, the Council will not grant planning permission for proposals which are contrary to the safeguarding of strategic infrastructure improvements projects and protect existing and proposed transport infrastructure, particularly routes and facilities for walking, cycling and public transport, from removal or severance.

- 9.18 Camden's Transport CPG, published March 2019, provides information on the application of Camden's transport policies, including all types of detailed transport issues including assessing transport impact, travel plans, delivery and servicing plans and cycling facilities.

- 9.19 The Transport CPG sets out a key message that all developments must have due regard to the safety, ease of movement and the quality of pedestrian and cycle facilities for people moving to and within a site.

- 9.20 The Transport CPG states that the Council will seek high quality cycle parking facilities for development, including redevelopments and in applications that change travel patterns and the travel profile or increase the numbers of people travelling to a site. Applicants must provide, as

a minimum, the quantity of cycle parking set out in the London Plan and applicants will provide cycling facilities that are fully inclusive and accessible by step free access.

- 9.21 The Camden Transport Strategy 2019-2041 states the visions and objectives for transport in the Borough, in order to help people to travel more sustainably and live healthier lives, whilst reducing pollution and improving air quality.
- 9.22 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.

Assessment

- 9.23 A Transport Assessment prepared by Arup has been submitted in support of the planning application. The proposal is car free. The proposal includes 57 long stay cycle spaces and 8 external short stay Sheffield stand spaces located on the ground floor of the Atrium building. It should be noted that the building is already built and operational. Therefore, there is limited scope to incorporate additional cycle parking. The cycle parking facility which includes double stackers for 40 spaces, bicycle lockers for 15 spaces and two accessible spaces are part located within the reconfigured retail space currently occupied by Sports Direct.
- 9.24 Servicing and deliveries are undertaken from the existing loading bay on Chalk Farm Road. Arup has compared the approved 2006 permission against the existing building and found the quantum of deliveries to be comparable. The 2006 scheme envisaged 30 deliveries and there are 32 existing deliveries.
- 9.25 In respect of waste storage, waste is stored within the demise of each tenant and is taken to a central waste storage facility at Camden Lock Market.
- 9.26 In summary, the proposal does not have a material impact on transport networks and accords with policy.

10 Planning Obligations and the Community Infrastructure Levy

- 10.1 Under Section 106 of the Town and Country Planning Act 1990, as amended, Local Planning Authorities have the power to enter into planning obligations with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land.
- 10.2 In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, the law states that a planning obligation may only constitute a reason to grant planning permission where it meets all of the following tests. The legal position is reinforced by paragraph 204 of the NPPF, which says that a planning obligation should only be sought where it is:
 - A. Necessary to make the proposed development acceptable in planning terms;
 - B. Directly related to the proposed development; and
 - C. Fairly and reasonably related in scale and kind to the development.
- 10.3 Paragraph 54 of the NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 10.4 Paragraph 55 of the NPPF sets out that planning obligations should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. It goes on to state that agreeing conditions is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is clear justification.
- 10.5 Policy DF1 of the London Plan 'Delivering of the Plan and Planning Obligations' states that when setting planning obligations in Local Development Plan Documents, and in situations where it has been demonstrated that planning obligations cannot viably be supported by a specific development, applicants and decision-makers should first apply priority to affordable housing and necessary public transport improvements, and following this health and infrastructure, affordable workspace, culture and leisure facilities, in delivering good growth.

- 10.6 The use of planning obligations is specifically required through Local Plan Policy DM1 'Delivering and Monitoring' although a range of individual development policies may be used to justify an obligation.
- 10.7 Local Plan Policy DM1 states that the Council will use planning obligations, and other suitable mechanisms, where appropriate; to support sustainable development; secure any necessary and related infrastructure, facilities and services to meet the needs generated by development; and to mitigate the impact of development.

Community Infrastructure Levy

- 10.8 On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) came into force.

Mayoral Community Infrastructure Levy 2 (MCIL 2)

- 10.9 Since 2012, all developments in London which result in the addition of over 100sqm GIA floorspace (with some exceptions including affordable housing) have been eligible to pay Mayoral CIL. In February 2019, the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and supersedes MCIL1 and the associated Crossrail Funding Supplementary Planning Guidance.

Camden Community Infrastructure Levy

- 10.10 LBC adopted its revised CIL charging schedule on 1 October 2020. This levy replaced Section 106 Planning Obligations as the main source of developer-funded contributions towards community infrastructure. Affordable housing, local training, skills and job brokerage and site-specific mitigation continue to be delivered through planning obligations.
- 10.11 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 the creation of residential units.

Developer Contributions Camden Planning Guidance (March 2019)

- 10.12 The Developer Contributions Camden Planning Guidance (CPG) sets out how LBC will use Section 106 Contributions and CIL to fund infrastructure in the Borough. It states that financial contributions will be sought in respect of affordable housing, open space,

infrastructure to address the site specific and related impacts of development which may include financial, and non-financial contributions. Detailed guidance for calculating specific financial obligations is set out within the relevant CPGs.

- 10.13 The 2006 planning permission already includes a number of obligations which are ongoing. At this stage, it is envisaged that an affordable workspace obligation to secure the existing ten free desks is included.

11 Summary and Conclusions

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires proposals to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. This Statement has assessed the Proposed Development against the development plan and other relevant planning policy and guidance at national, regional and local policy level.

- 11.2 The proposal seeks to regularise the built form and land use of the Atrium building. The proposal seeks to enhance the ecosystem of the market by providing flexible Sui Generis and Use Class E floorspace which would complement the market and Camden Town Centre. The proposal seeks flexible Use Class E on the upper floors to provide the Applicant with maximum flexibility to cater for a range of town centre uses in the future. The current office space is flexible and can be divided to create smaller or larger units for a range of tenants.

- 11.3 The design quality of the building has not been assessed as it was completed in 2010 and is lawful.

- 11.4 In respect of the ground floor land use mix, there are currently 35 units on the ground floor comprising 88% retail and 12% food and beverage. This proposal seeks flexibility to allow for 70% retail and 30% food and beverage.

- 11.5 The retail units range from 5 sqm to 42sqm. The average unit size is 20.5 sqm. There are currently four large units ranging in size from 91 sqm to 125 sqm. The existing Sports Direct unit currently occupies a unit measuring 303 sqm of which 50 sqm is storage space due to the low floor to ceiling height. This tenant will be leaving the market and it is anticipated that this floorspace could either be used for one independent tenant or split into three retail units.

- 11.6 The proposal includes ten free desk spaces for use by local businesses.

- 11.7 The Applicant would also continue to support independent market tenants and is willing to agree to the following planning condition: **“All retail tenants shall be independent business with no more than 10 units in the London Borough of Camden and 20 units in London”.**

- 11.8 As set out in this Statement, the Application complies with the relevant statutory tests, policies within the NPPF, the London Plan, the Camden Local Plan, relevant emerging

planning policy and the principles of the presumption in favour of sustainable development. From this Statement, it is concluded that there are no material considerations of sufficient weight to determine that these applications are other than in accordance with the Development Plan. On this basis, planning permission should be granted accordingly.