

Address:	Rooftop units and the associated external amenity space at Building A1 and A2 London NW1 8AH		6
Application Number(s):	2022/5588/P	Officer: Laura Dorbeck	
Ward:	Camden Town		
Date Received:	21/12/2022		
Proposal: Change of use from Use Class A3 (Restaurant) to Use Class E (Commercial, Business and Service).			
Background Papers, Supporting Documents and Drawing Numbers: A097 rev D, A098 rev D, A099 rev D, A100 rev E, A101 rev F, cover letter dated 16 December 2022, Design and Access Statement ref A 10-2022, Report on Retail Performance & Building A Rooftop Strategy dated December 2022, Sustainability Statement ref. REP/SS//HWR/01 rev 2 dated 15 December 2022, Transport Statement dated 15 December 2022.			
Recommendation Summary: Grant conditional planning permission subject to a section 106 agreement.			
Applicant:		Agent:	
Labtech London Ltd. 1-7 Dockray Place London NW1 8QH		Gerald Eve 72 Welbeck Street London W1G 0AY	

Analysis Information

Land Use Details:			
	Use Class	Use Description	Floorspace (GIA sqm)
Existing	Approved (not implemented) Restaurant (Class A3)		1,166
Proposed	Commercial, business and service (office) (Class E)		1,166

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

OFFICERS' REPORT

Reason for Referral to Committee: Non-residential development involving a change of use of more than 1,000sqm of non-residential floor-space [clause 3(ii)].

Executive Summary

- i. This application relates to the rooftop units of Buildings A1 and A2 within the Hawley Wharf masterplan site. The site is located within the Camden Town Town Centre and the Regents Canal Conservation Area, where it is surrounded by a mix of uses including commercial, retail, office, residential, market uses and drinking establishments.
- ii. Permission is sought for the change of use from Use Class A3 (Restaurant), which has never commenced, to Use Class E (Commercial, Business and Service) with the intention of using the site as offices.
- iii. The change of use is considered acceptable given these units have been vacant since construction despite five years of marketing, there would be no displacement of existing occupiers or businesses, and the applicant has not managed to secure a restaurant operator to date despite offering incentives such as rent-free periods. Office use is considered an appropriate town centre use at the site and would bring a vacant unit into use, activating the site and generating increased footfall which would support the existing retail/market function of the building and the town centre. The applicant has agreed to an enhanced Employment and Training Plan which shall be secured by S106.
- iv. There are no external alterations proposed, and as such, the proposals would not impact the appearance of the building, nor the significance of the Regents Canal Conservation Area.
- v. The proposals do not raise any concerns in terms of impacts to the amenity of nearby neighbouring residents or the local transport network, subject to the attached conditions.

- vi. As such, it is recommended that conditional planning permission is granted subject to a section 106 agreement.

1. SITE

- 1.1 The application site comprises the rooftop units of Buildings A1 and A2 within the Hawley Wharf masterplan site where planning permission was granted in January 2013 for full redevelopment to create a mixed-use development providing employment, housing, retail market, cinema, food and drink uses and a produce market. The Hawley Wharf site is bound by Castlehaven Road, Chalk Farm Road, Hawley Road, Kentish Town Road and Regents Canal. Buildings A1 and A2 sit to the southeast of the Hawley Wharf site, fronting Regents Canal to the south and Camden High Street to the west.
- 1.2 The lawful use of these units is restaurant use (Class A3), but they have remained vacant since construction was completed. If the use had been implemented, as a restaurant, they would now fall within the new Class E use.
- 1.3 The application site is not listed but is located within the Regents Canal Conservation Area. The nearest listed buildings are 57 – 63 Kentish Town road and 1 Hawley Road to the east which are Grade II listed. The Hampstead Road Bridge over the Grand Union Canal to the south west of the site is also Grade II listed. Although there are several heritage assets in the area, the proposals for change of use do not affect the assets or their settings.
- 1.4 The site is located in a mixed-use area, surrounded by commercial, retail, office, residential, restaurant, market uses and drinking establishments and is within the Camden Town Town Centre.

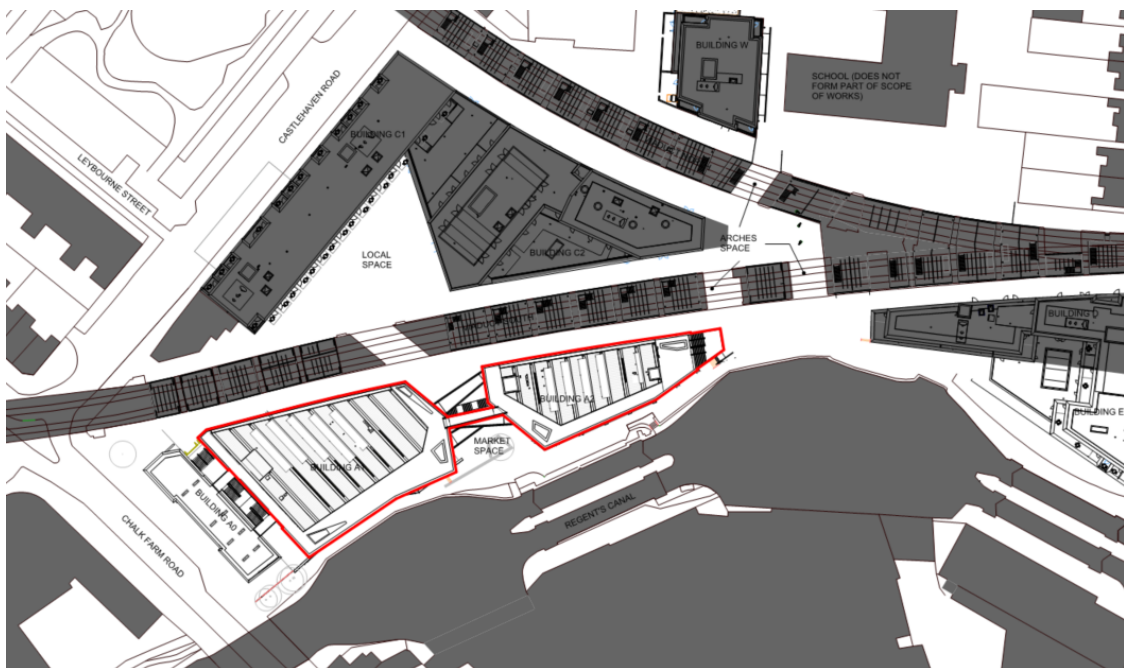


Figure 1 – Site location outlined in red.

- 1.5 The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent). The nearest stations are Camden Town and Chalk Farm Underground and Camden Road and Kentish Town West Overground which are all a short walk away. There are also numerous bus services from Kentish Town Road, Hawley Road and Chalk Farm Road.

2 THE PROPOSAL

- 2.1 Planning permission is sought for a change of use from the approved restaurant use (Class A3) to Class E use (Commercial, Business and Service) with the intention to use the units for office use.

3 RELEVANT HISTORY

Application site

- 3.1 **2012/4628/P** - Redevelopment of site to create a mixed use development comprising 8 new buildings between 3 and 9 storeys in height to provide employment, housing, retail market, cinema, produce market, including change of use of 1 Hawley Road to educational, together with associated engineering works to create basements, plant and ancillary works, highways, public realm improvements, car and cycle parking and landscaping, tree removals, and associated works, following the demolition of all buildings across the site including single storey shopfront extensions at 1-6 Chalk Farm Road (excluding 1 Hawley Road and remaining structures at 1-6 Chalk Farm Road). Planning permission granted 23/01/2013.
- 3.2 **2020/0362/P** - Variation of various conditions of planning permission dated 23/01/2013 ref: 2012/4628/P amended by planning permission dated 03/12/2018 ref. 2018/1715/P (Redevelopment of site to create a mixed use development comprising 8 new buildings between 3 and 9 storeys in height to provide, employment, housing, retail market, cinema, produce market, including change of use of 1 Hawley Road to educational, together with associated engineering works to create basements, plant and ancillary works, highways, public realm improvements, car and cycle parking and landscaping, tree removals, and associated works, following the demolition of all buildings across the site including single storey shopfront extensions at 1-6 Chalk Farm Road (excluding 1 Hawley Road and remaining structures at 1-6 Chalk Farm Road), to reflect various physical and land use amendments to the permitted scheme, to relocate cinema (Class D2) to the northern arches, provision of new family entertainment (sui generis) use in the basement of Building C, including new mezzanine floor, relocation of light industrial (Class B1c) to the basement of Building A1, loss of existing market retail (Class A1), reconfiguration of

Buildings A1 and A2 roof terrace seating, variation of condition 10 (cinema plan) and conversion of four market residential units to intermediate residential units and associated works. Planning permission granted 28/10/2020.

- 3.3 **2022/0671/P** - Amendments (*extension to seating area of Building A1 and A2 rooftop restaurant terraces, removal of planters and replacement of bi-folding doors with sliding doors*) to planning permission ref: 2020/0362/P dated 28/10/2020 which itself varied permission ref: 2018/1715/P dated 03/12/2018 for the Redevelopment of site to create a mixed use development comprising 8 new buildings between 3 and 9 storeys in height to provide employment, housing, retail market, cinema, produce market, and education use (summary). Granted 16/03/2022.
- 3.4 **2022/0142/P** - Amendments (*changes to opening hours of Buildings A1 and A2 rooftop units*) to planning permission ref: 2020/0362/P dated 28/10/2020 which itself varied permission ref: 2018/1715/P dated 03/12/2018 for the Redevelopment of site to create a mixed use development comprising 8 new buildings between 3 and 9 storeys in height to provide employment, housing, retail market, cinema, produce market, and education use (summary). Granted 07/02/2022.

4 CONSULTATION SUMMARY

Adjoining Occupiers

- 4.1 Site notices were displayed on 28th December 2022, and a press advert was placed in the Camden New Journal on 29th December 2022. The formal consultation period ended on 22nd January 2023.
- 4.2 One response was received from TRACT (Tenants Residents Associations, Camden Town) (summarised):
- It is disappointing to see that the whole of Hawley Wharf has not proved to be anything like we were led to expect. The retail is very disappointing and indistinguishable from the Stables Market. The food court similarly has nothing to differentiate it from the other markets across the road. The produce market attempts have been feeble. Not all of these issues can be blamed on the pandemic.
 - It is unfortunate that the proposed high-end restaurants have not opened and that the proposal now is for office space. However, it is better that the space is occupied than left empty.
 - We assume that all planning conditions will be retained under the new classification? Are there any further conditions that you might apply to

ensure that the space is not used for events with music playing outside? Is there a limit on the hours of occupation of these premises to prevent noisy activity?

4.3 Officer response

- Applicable planning conditions from the original application will be pulled across to the current application controlling hours of use and noise disturbance. In addition, a Rooftop Terrace Management Plan, operation management plan and a crime prevention strategy shall be secured by S106 agreement. Please see section 9 (Amenity) for a discussion of proposed conditions and section 14 (Recommendations) for proposed S106 obligations.

Statutory consultees

- 4.4 Regents Canal CAAC were consulted by email on 22nd December 2022. No response was received.

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
- E1 Economic development
- E2 Employment premises and sites
- A1 Managing the impact of development
- A4 Noise and vibration
- D1 Design
- D2 Heritage
- TC2 Camden's centres and other shopping areas
- TC4 Town centre uses
- T1 Prioritising walking, cycling and car-free development
- T2 Parking and car-free development

5.6 Supplementary Planning Policies

Camden Planning Guidance

Access for All CPG 2019

Amenity CPG 2021

Design CPG 2021

Employment sites and business premises 2021

Town centres and retail 2021

Transport CPG 2021

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
9	Impact on neighbouring amenity
10	Transport
11	Sustainability
12	Community Infrastructure Levy (CIL)
13	Conclusion
14	Recommendations
15	Legal comments
16	Conditions
17	Informatives

7 LAND USE PRINCIPLES

Background

- 7.1 The original permission for the redevelopment of the Hawley Wharf Masterplan site (2012/4628/P) proposed the erection of two new market buildings fronting the canal (Buildings A1 and A2) to contain a mix of hot food takeaway (Class A5), café (Class A3) and market retail (Class A1) at canal and Chalk Farm Road levels, market retail (Class A1) at level 3, a light industrial workshop at level 4 (Class B1c) and two restaurants (Class A3) with a large public terrace at level 5. The two rooftop restaurants are the subject of the current application.

- 7.2 It was originally planned for the restaurants to be occupied by a high-end restaurant operator and discussions reached an advanced stage in the first half of 2022. In response to the operator's requirements, amendments to the masterplan application were approved in February and March 2022 which allowed an extension of the size of the restaurant's external seating areas, minor changes to the design of the restaurant doors and slightly later opening hours until 00:30 on Fridays and Saturdays (references 2022/0142/P and 2022/0671/P). The approved changes to the size of the seating areas would have resulted in reductions to the size of the area of public space from 331 to 266sqm on building A1 and from 227 to 194sqm on building A2 (a total loss of 95sqm). Despite these approvals, the restaurant operator withdrew their offer because of issues with the outside seating area and a lack of permanent weather proofing.
- 7.3 Prior to and following this, interest was received from a range of operators including food and beverage / restaurant operators, drinking establishments and an interactive leisure operator, but none of this interest has resulted in an agreed lease of the spaces (discussed further below). The units have remained vacant since construction of the building was completed.

Assessment

- 7.4 The proposals would see the loss of 1,166sqm approved restaurant floor space and the conversion of the space to Commercial, Business and Service use (Class E) with the intention of using the units as offices.
- 7.5 The application site is located within the 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. It states that the Council will 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.
- 7.6 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.

- 7.7 In this instance, the approved restaurant use was never implemented and the space remains vacant. There would therefore be no loss of an existing use or an existing restaurant operator. Given the units are vacant, there would be no impact on the vitality or activation of the building or the vibrancy of the town centre. However, the rooftop location of the units is considered a good location for such a use which would have helped to enliven and activate the markets and this part of the town centre if a tenant had been secured. It is therefore disappointing to see the loss of the approved restaurant use. However, officers acknowledge that the site has been marketed for these purposes since 2017 without the applicant managing to secure a lease with a restaurant tenant, despite offering a number of incentives such as a rent-free period.
- 7.8 Details of the marketing exercises conducted to date have been provided within a report on retail performance. The report provides a marketing timeline which shows that a specialist restaurant leasing agency was first appointed in 2017 alongside the production of a leasing strategy guide, and a 'Vision for Hawley Wharf Camden' was launched at the end of 2018 as part of a PR launch of the new retail scheme. Between October 2019 to August 2022, negotiations were held with 13 operators which included restaurant operators, drinking establishments and leisure operators but none of these negotiations resulted in a formalised lease. Issues included the operators not agreeing with service charges, lack of a bar licence, operators choosing an alternative London location or not thinking the site was the right fit for their brand. Also during this time, there were phased openings of the Hawley Wharf retail units on the lower units and the release of new marketing material which it was hoped would lead to additional interest in the rooftop units, alongside the appointment of a number of smaller independent letting agents, but the units remained unoccupied. The units are still being marketed with limited interest apart from leisure operators. The difficulties in securing a restaurant operator are therefore acknowledged and the loss of the approved restaurant use is accepted.
- 7.9 Furthermore, although the Local Plan town centre policies seek to protect the retail function of town centres and retail frontages, there is no specific policy protection of restaurants or food and drink uses, aside from the general protection of the character, function, vitality, and viability of a centre. Given the number of other food and beverage tenants in occupation of the lower floors of the building, the loss of the approved restaurant uses given these units have never been occupied is not considered to harm the function or viability of the town centre in this instance. The applicant has also advised officers that although they have struggled to attract new tenants across the site as a whole, they have managed to secure three new restaurant/bar operators which are due to open within the rail arches later this year, ensuring that the development as a whole would still provide food and beverage and restaurant use. These units are generally much smaller than the rooftop units, measuring

approximately 100sqm per arch as opposed to 788 and 378sqm. The applicant has also advised that these units had been offered at reduced rents, and that part of the attraction of the rail arches was their location at ground level where they are more likely to attract passing trade from pedestrians within the site and along the canal.

- 7.10 As to the acceptability of the replacement office use, as mentioned, the site is located within a town centre and is also just within the boundary of the Knowledge Quarter Innovation District which is a 1km area surrounding Kings Cross supporting a cluster of world-class academic, cultural, research, scientific and media institutions and organisations. Given this location, and the existing business uses at the site, this is considered a suitable location for the introduction of a significant amount of new office use. With a rooftop location, it would not interfere with the retail character or function of the commercial units fronting Chalk Farm Road within the primary retail frontage, nor would it impact the viability or operation of the market uses on the lower floors of the building.
- 7.11 When assessing the proposed restaurant uses and the arrangement of uses and spaces, the original officers report (2012/4628/P) notes that Area A of the masterplan was proposed to contain predominantly market uses but that the additional levels of workshops and rooftop restaurants in Area A would also help strengthen the mixed use character expected in a town centre. Although the proposed office use brings a different character to the building, it will still contribute to the mixed use character of the markets and town centre. The office use and additional workers visiting the site every day would also have an additional benefit in bringing two large vacant units into use, providing activation of the site and potentially boosting the success of the retail and food uses on the lower floors with the additional footfall.
- 7.12 The space at roof level was intended to be publicly accessible and some of this space was later allocated to the restaurant uses in order to boost attractiveness of the spaces for a potential occupier. This space would revert back to publicly accessible space to help maintain the character of the building and this part of the town centre, and this is discussed further below.
- 7.13 It is also important to note that although the approved use of the site is Class A3 restaurant use, if the site had been lawfully occupied on or before 31 August 2020 when changes to the Use Class Order revoked a number of the previous use classes (including Class A3) and created a new Class E which incorporated a number of commercial, business and service uses including retail, restaurant and office uses; then the applicant would be able to change the use to office or any other use within Class E without requiring planning permission. It is only because the site is vacant and the approved use was never implemented that the site is bound by the originally approved uses.

Furthermore, given Class E use is being sought, the applicant could lawfully convert the site back into restaurant use in the future should there be a demand for it.

- 7.14 In terms of the acceptability of the proposed use, the creation of new office floorspace would accord with the intentions of Policy E1 of the Local Plan which seeks to secure a successful and inclusive economy by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. It sets out a number of points for how this will be achieved, which include supporting businesses of all sizes, in particular start-ups, small and medium-sized enterprises; maintaining a stock of premises suitable for a variety of business activities; supporting local enterprise development; employment and training schemes for Camden residents; encouraging the concentrations of professional and technical services; creative and cultural businesses and science growth sectors; and directing new office development to the growth areas, Central London, and the town centres.

Employment and training opportunities

- 7.15 It is likely that the site will be occupied by an existing media tenant 'Moonbug', who has grown their business within Hawley Wharf and is now looking for a larger premises to expand their business. They currently employ 350 people, which would be expanded to 550 staff members if they are able to take occupation of the site. The tenant currently already works with Camden Giving to better connect the skills, knowledge and resource within the business to the local community, supporting grassroots organisations through Camden Giving's network of grantees. They also work with Camden's STEAM team and are committed to providing apprenticeships and work experience, and have agreed to formalise this arrangement. The proposed development would be likely to generate increased employment opportunities during the end-use phase, and as such, the Council would aim to ensure that local people benefit from these opportunities by securing a package of employment and training obligations through a S106 legal agreement.
- 7.16 The applicant has agreed to provide the following end use employment benefits which shall be secured as part of the Employment and Training Plan:
- A rolling programme of 3 end use apprenticeships paying at least London Living Wage (exact number to be agreed). The apprenticeships could be within a range of roles (examples include hospitality, business administration, finance, customer service, IT).
 - Provision of 10 end use work placement opportunities of not less than 2 weeks each per annum, to be recruited through the Council's Economic Development team.

- Support the Good Work Camden programme, and promote amongst end use occupiers, including the following:
 - Advertise vacancies in partnership with Good Work Camden and its relevant local employment support providers to create pathways into knowledge economy jobs.
 - Promote employee mentoring and volunteering within Camden.
 - Commitment to attend job fairs to promote opportunities to local residents.

7.17 The Employment Sites and Business Premises CPG sets out how the Council will seek to use planning obligations to secure an element of affordable SME workspace from large scale employment developments with a floorspace of 1,000sqm (GIA or gross internal area) or more. Although the proposals would result in just over 1,000sqm of new office floorspace, it is acknowledged that the entirety of the space will be occupied by a single tenant making it difficult to provide an element of affordable workspace. In addition, that tenant already does a lot of work with Camden Giving, and are currently looking to form a partnership proposal to support Camden Giving's ongoing work. They are also signed up with Camden STEAM who confirm that they are an active and helpful member. As such, given the good employment package offered and the existing work carried out by the tenant, officers consider it reasonable to waive the requirement for affordable workspaces to be provided in this instance.

Class E uses

7.18 Finally, given Class E use is being sought for the proposed offices, the applicant could change the units to any other use within this Class without requiring permission, and therefore the suitability of potential alternative Class E uses must also be considered. Class E broadly covers uses previously defined in the revoked Classes A1/A2/A3 (shops, financial and professional services, and restaurants and cafes), D1 (a & b) (medical health services and crèche/day nursery) and 'indoor sport' from D2 (e).

7.19 Considering these uses in turn, shops and financial and professional services would operate in a similar manner and are considered acceptable in this location. Policy TC1 states that the Council will focus new shopping uses in designated growth areas and existing centres. The Council's priority is to ensure that new retail use is appropriate to the character and role of the area and does not cause harm to neighbours or the local area. Given the existing market / retail uses of the building, and the location of the site in a town centre, it is considered to be appropriate in this location.

- 7.20 As discussed, the introduction of a restaurant would be in keeping with the original approval and this is considered an appropriate location for such a use. Likewise a drinking establishment would be appropriate in this location provided it was adequately controlled and managed. Given adequate controls, officers are satisfied that these uses could operate without resulting in harmful disturbance to residential occupants (see section 12 'Impact on neighbouring amenity' for further discussion and suggested conditions should the site be used for these purposes).
- 7.21 The remaining Class E uses could include a health centre, crèche or indoor sports facility (not involving motorised vehicles or firearms). The site is unlikely to be used for these purposes, but there is no in-principle objection to these uses given the site's location, the commercial use of the building, and the distance to the nearest residential properties.
- 7.22 In conclusion, although it is disappointing to see the loss of the approved restaurant uses, it is acknowledged that despite 5 years of marketing and extensive negotiations, the applicant has not managed to secure a restaurant operator for these units. Office use is considered an appropriate town centre use at the site and would bring a vacant unit into use, activating the site and generating increased footfall which would support the existing retail function of the building and the town centre. Given the units would be used for office rather than restaurant use and office staff could make use of the public terrace rather than requiring a dedicated external seating area, the applicant has agreed to re-allocate most of the restaurant seating areas back towards public use, retaining a small area (38.8sqm) for the offices. This would increase the size of the public terrace from the originally approved combined total of 558sqm across both rooftops to 717.8sqm which is welcomed and would be secured by S106 as part of a Rooftop Terrace Management Plan (discussed further below).
- 7.23 The applicant has also confirmed their commitment to encouraging use of the public terrace which so far remains closed to the public. This is due to the need to fire rate the chimneys, but the applicant has advised that these works will be completed and the terrace opened within 3 months, and that visitors will be encouraged to use the terrace by placing tables and chairs for public use and providing signage in the market hall indicating its location for customers. There were limited controls or obligations imposed on the rooftop open spaces by the original application and it is therefore proposed to secure a Rooftop Terrace Management Plan and its ongoing retention as public open space by S106 agreement should planning permission be granted for the current application. The plan will need to be submitted within 3 months and shall include details and implementation measures to encourage public access to the rooftops. The

plan shall also include the requirement for a review after 12 months to enable officers to assess the effectiveness of the implemented plan.

- 7.24 Hours of use of the public open space at roof level were not controlled as part of the original permission, but a condition required the rooftop terraces to be closed to restaurant customers between 21:00 and 08:00 hours, which was more recently amended to 22:00 and 08:00 hours. The Rooftop Terrace Management Plan will therefore be expected to set out hours of use for both members of the public and for occupiers and customers of the rooftop units.
- 7.25 The management plan will also be expected to set out controls on the size of the seating areas depending on whether the units are occupied as restaurants (with an outside seating area of 219.7sqm) or alternative Class E uses (with a seating area of 38.8sqm).
- 7.26 The proposals are therefore acceptable on this basis and would help to contribute towards the vitality and viability of the Camden Town, Town Centre and a successful and inclusive economy in accordance with policies TC2, TC4 and E1 of the Local Plan.

8 DESIGN

- 8.1 Policy D1 seeks to secure high quality design in all development by requiring development to respond to local character and context, be highly sustainable in design and construction, integrate well to the surrounding streets and townscape, comprise high quality architecture, and be accessible for all. Policy D2 requires development to preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Camden's Local Plan is supported by CPG (Design).
- 8.2 The proposal is for the change of use to an existing building and does not involve any external alterations which would affect the appearance of the building or the significance of the Regents Canal Conservation Area or other heritage assets.

9 IMPACT ON NEIGHBOURING AMENITY

- 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 nearest residential dwellings are located on Camden High Street on the south side of the canal, and within Hawley Wharf itself.
- 9.3 The application seeks permission for a change of use only, and no external alterations or new plant / machinery is proposed. If new plant is needed this would require the submission of a separate planning application including a noise impact assessment. Conditions are proposed requiring use of the development to comply with the Council's noise standards, and to ensure that any music played is not audible from the public highway. The original permission also secured the installation of ventilation and ducting and sound insulation prior to the commencement of restaurant use, and the same conditions shall be carried across to the current application should the units be used as restaurants or cafes with hot food cooking in the future.
- 9.4 It is noted that the original permission did not secure the hours of operation of the business uses by condition, and it is not considered necessary to secure the hours of opening of the proposed office use as by its nature, office use is not considered to not cause undue disturbance to neighbouring amenity. However, given Class E use would allow the operation of the site as a number of different uses, it is considered necessary to secure hours of use depending on the future use of the units. Should the units be used as restaurants, the hours of use shall be limited to 08:00 – 00:00 Sunday to Thursday and on public/bank holidays and 08:00 – 00:30 on Fridays and Saturdays. Should the site be used for any other Class E purpose other than restaurant or office use, hours of use shall be restricted to 08:00 – 23:00 Mondays to Saturdays and 08:00 – 22:00 on Sundays and Bank Holidays. These are in accordance with the original masterplan conditions for restaurant and retail use.
- 9.5 A sitewide operation management plan and details of crime prevention and security procedures were secured as part of the original application. These obligations shall be carried across to the current application and secured by S106 to ensure the current development is bound by these controls. A Rooftop Terrace Management Plan shall also be secured by S106 which will require the submission of a plan outlining details of the use and hours of occupation of the terraces.
- 9.6 Subject to these conditions the development is not considered to cause undue harm to neighbouring amenity, in accordance with policies A1 and A4 of the Local Plan.

10 TRANSPORT

Car Parking

- 10.1 Policy T2 of the Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The existing building does not include any car parking spaces, and none are proposed. All visitors to the building would need to travel to the site via sustainable modes of transport.

Cycle Parking

- 10.2 In line with Policy T1 of the adopted Camden Local Plan, cycle parking is expected to be provided in accordance with the standards set out in the London Plan. At present cycle parking is provided at a number of locations across the Hawley Wharf site. The proposals do not seek to increase the number of spaces being provided and this is accepted given the low level of trips being generated by the proposed change of use.

Trip generation

- 10.3 In terms of the number of trips generated by the site, this is not expected to increase significantly. The majority of trips will be undertaken by public transport and on foot and cycle. Similarly, the number of deliveries to the site is not expected to change significantly.

Access

- 10.4 There are no proposed changes to the methods of access. Existing fully accessible arrangements will be retained via the main entrance from the upper ground floor of Building A1, where there is stair or lift access for visitors. There is also secondary access from Water Lane.

Refuse and recycling

- 10.5 Servicing and waste storage will remain the same as existing, which is considered acceptable.

Conclusion

- 10.6 The proposals have been reviewed by the Council's Transport Officer who has confirmed that there are no objections to the development and that there are no requirements for any transport related conditions or obligations.

11 SUSTAINABILITY

- 11.1 A sustainability statement has been prepared by Arup. It sets out that Hawley Wharf was completed in 2020/2021 and has met the BREEAM standards of

‘very good’. A Green Lease is required to ensure that the tenant fit out would meet the ‘very good’ standard. In respect of existing planning policy, policy CC2 requires minimum energy, material and water credits to be achieved. The Sustainability Statement states that these minimum credits would be exceeded for this proposal.

11.2 In respect of energy standards, Hawley Wharf has been built to meet the approved energy standards. The tenant would be responsible for fitting out the units.

11.3 The Council’s Sustainability Officer has reviewed the statement and confirmed that because the proposals involve a change of use with no significant changes to building fabric or services, they have no concerns from an energy and sustainability perspective.

12 COMMUNITY INFRASTRUCTURE LEVY (CIL)

12.1 The proposal would not be liable for the Mayor of London’s CIL2 (MCIL2) or Camden’s CIL as there is no uplift in floorspace.

13 CONCLUSION

13.1 Although it is disappointing to see the loss of the approved restaurant uses, it is acknowledged that despite 5 years of marketing and extensive negotiations, the applicant has not managed to secure a restaurant operator for these units. Office use is considered an appropriate town centre use at the site and would bring a vacant unit into use, activating the site and generating increased footfall which would support the existing retail function of the building and the town centre. The proposals would therefore contribute towards the vitality and viability of the Camden Town Town Centre and a successful and inclusive economy in accordance with policies TC2, TC4 and E1 of the Local Plan.

13.2 There are no external alterations proposed, and as such, the proposals would not impact the appearance of the building, nor the significance of the Regents Canal Conservation Area.

13.3 Given the nature of the office use proposed, there would be no harm to the amenity of nearby neighbouring residents. There are controls to address local concerns around use of the rooftop terraces. Additional conditions should the site be used for alternative Class E uses are proposed to control hours of use, noise, and restaurant ventilation and ducting.

13.4 As such, the proposed development is considered acceptable subject to the recommended conditions and S106 obligations and would be in accordance with the Camden Local Plan 2017 and London Plan 2021.

14 RECOMMENDATION

14.1 Planning Permission is recommended subject to conditions and a section 106 agreement securing the following heads of terms:

Employment and training package comprising:

- A rolling programme of 3 end use apprenticeships paying at least London Living Wage (exact number to be agreed). The apprenticeships could be within a range of roles (examples include hospitality, business administration, finance, customer service, IT)
- Provision of 10 end use work placement opportunities of not less than 2 weeks each per annum, to be recruited through the Council's Economic Development team
- Support the Good Work Camden programme, and promote amongst end use occupiers, including the following:
 - Advertise vacancies in partnership with Good Work Camden and its relevant local employment support providers to create pathways into knowledge economy jobs
 - Promote employee mentoring and volunteering within Camden
 - Commitment to attend job fairs to promote opportunities to local residents

Rooftop Terrace Management Plan to include:

- Submission within 3 months
- Ongoing retention of public open space at rooftop level
- Details and implementation measures to encourage public access to the rooftops
- Provision for a review after 12 months
- Hours of use for both members of the public and for occupiers and customers of the rooftop units
- Controls on the size of the seating areas depending on whether the units are occupied as restaurants (with an outside seating area of 219.7sqm) or alternative Class E uses (with a seating area of 38.8sqm)

Operation management plan

Crime prevention strategy

15 LEGAL COMMENTS

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

16 PLANNING CONDITIONS

1	<p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>Approved drawings</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>A097 rev D, A098 rev D, A099 rev D, A100 rev E, A101 rev F, cover letter dated 16 December 2022, Design and Access Statement ref A 10-2022, Report on Retail Performance & Building A Rooftop Strategy dated December 2022, Sustainability Statement ref. REP/SS//HWR/01 rev 2 dated 15 December 2022, Transport Statement dated 15 December 2022.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Hours of use</p> <p>Should the site be used as a restaurant, the use shall not be carried out outside the following times:</p> <p>08:00 - 00:00 Sunday to Thursday and on Public/Bank Holidays and 08:00 – 00:30 the following day, Fridays and Saturdays [this includes no customers on the premises outside this time].</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies TC2, A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
4	<p>Hours of use</p>

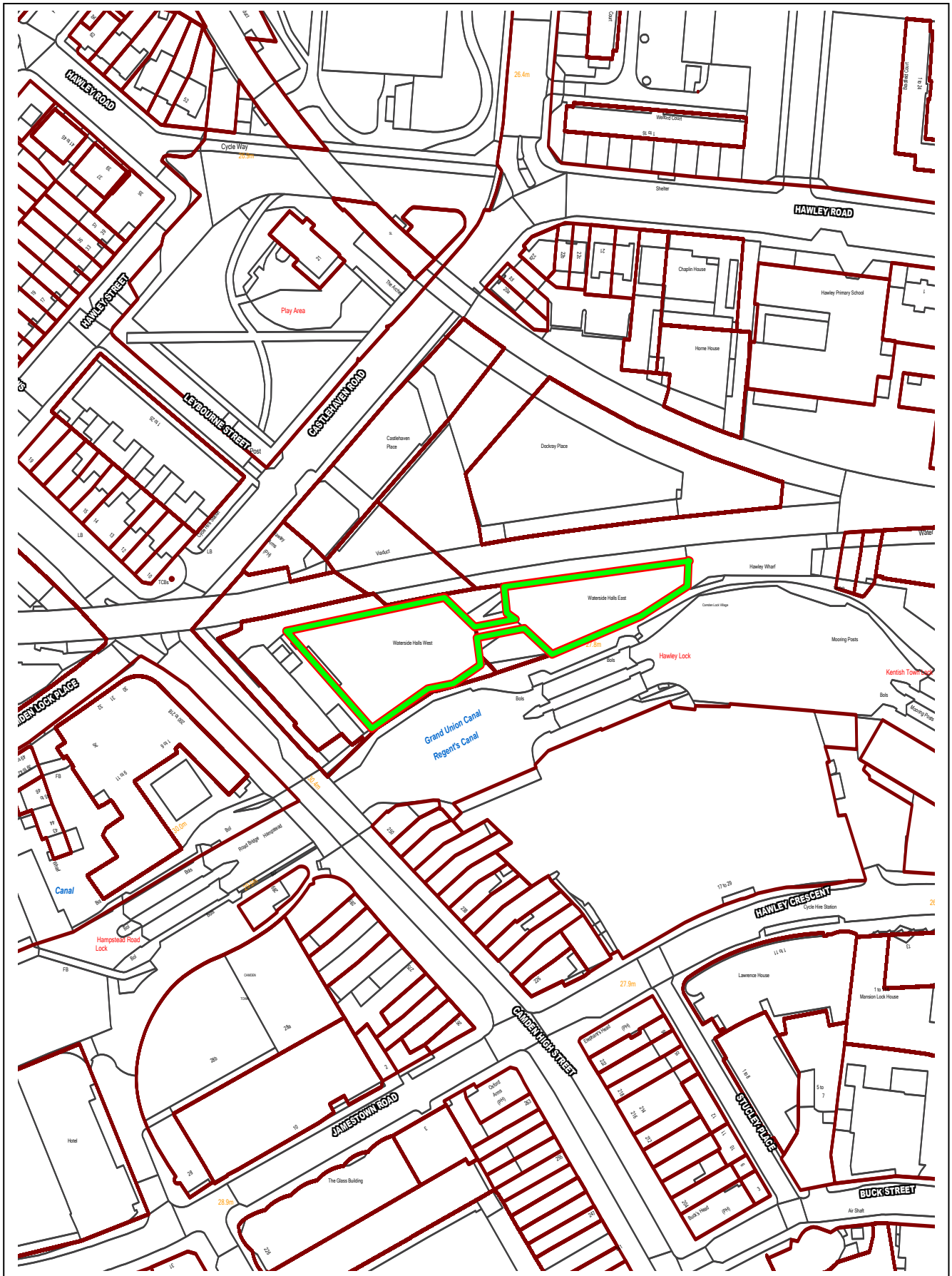
	<p>Should the site be used for any other purposes within Class E other than restaurant or office use, the use shall not be carried out outside the following times:</p> <p>08:00 - 23:00 Mondays to Saturdays, and 08:00 - 22:00 on Sundays and Public Bank Holidays.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies TC2, A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
5	<p>Restaurant ventilation</p> <p>No use of the rooftop units shall commence as a restaurant or café with hot food cooking until ducting and ventilation has been provided in accordance with details approved on 09/04/2019 under reference 2018/6051/P, or other such details approved in writing by the local planning authority. The restaurant uses, or any primary cooking activities, shall thereafter not be carried out other than in complete compliance with the approved scheme.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
6	<p>Noise levels</p> <p>Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
7	<p>No music heard from public highways</p>

	<p>No music shall be played on the premises in such a way as to be audible from 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 A1, A4, TC1, TC2 and TC4 of the London Borough of Camden Local Plan 2017.</p>
8	<p>Sound insulation</p> <p>No use of the rooftop units shall commence as a restaurant until sound insulation has been provided for the two buildings (A1 and A2) in accordance with the scheme approved on 18/05/2020 under reference 2020/1603/P or other such details as approved in writing by the local planning authority. The use shall thereafter not be carried out other than in complete compliance with the approved scheme.</p> <p>Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>

17 Planning Informatives

1	<p>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).</p>
2	<p>All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319 or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)</p> <p>Noise from demolition and construction works is subject to control</p>

	<p>under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.</p>
3	<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>
4	<p>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.</p>

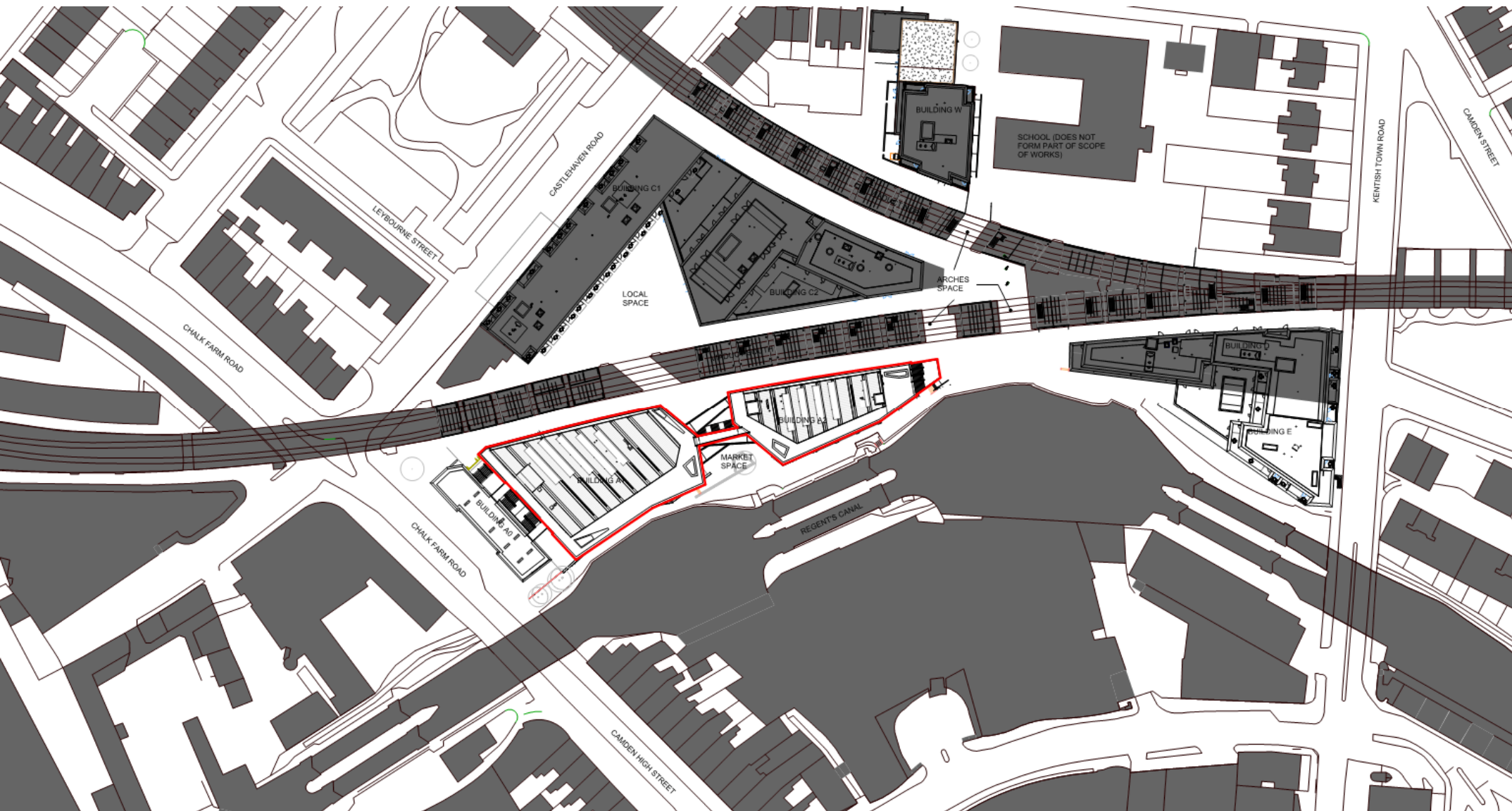


Application No: 2022/5588/P

**Rooftop units and the associated external amenity
space at Building A1 and A2
London
NW1 8AH**

Scale:
1:1527
Date:
21-Apr-23


















-  Building Footprint
-  Public Amenity Space
-  Boundary Line
-  Proposed Class E Private Terrace Space 38.8m²
-  Change of use from private to public amenity

L A B S

NOTES:
Drawings to be read in conjunction with all other architectural & design consultant information.
Site dimensions are to be confirmed on site by contractor or joiner prior to construction.
Do not scale from this drawing.