



# GERALDEVE

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**FAO: Laura Dorbeck**

**Our ref: NFD/AKG/BWA/J10003**

**Your ref: PP-12248229**

**21 June 2023**

**Town and Country Planning Act 1990 (as amended)**  
**Part Lower Ground Floor and Basement of Building A1, Hawley Wharf, Camden, London, NW1**  
**Application for Full Planning Permission (temporary period)**

On behalf of our client, Ground Gilbey Limited ('the Applicant'), we enclose the following application for planning permission for a temporary period in respect of part Lower Ground Floor and Basement of Building A1 at Hawley Wharf ('the site) for the:

**"Use of the site as art gallery (Class F1 Use) until 31 October 2023"**

### **Site and Surroundings**

The Site is located at Part Lower Ground Floor and Basement level of Building A1, within the Hawley Wharf masterplan. Building A1 is located to the southwest of the masterplan and is bound by Chalk Farm Road to the west, the railway arches to the north and Regent's Canal to the south.

The Site is located within Camden Town and the Regents Canal Conservation Area.

### **Relevant Planning History**

Planning permission (ref. 2012/4628/P) was originally granted for the mixed-use redevelopment of the site on 23 January 2013. There have been various minor-material and non-material amendments to the scheme since this time.

Through the Section 73 permission approved for the wider masterplan site (ref: 2020/0362/P, dated 28 October 2020), the basement level has permission to be used for light-industrial purposes (Class B1c) and the lower ground floor has permission to be used as market retail (Class A1) and hot food takeaway use (Class A5). No part of the floorspace has been occupied under these approved uses.

The operative planning permission for the wider masterplan site (ref.2022/0972/P) was granted on 12 July 2022. This permission extended the operating hours for the market hall.

On 31 July 2021 planning permission (ref. 2021/2942/P) was sought at the site for **“Change of use of basement (light industrial use) and part lower ground floor (market retail and hot food takeaway use) of Building A1 to Electric Go-Kart Use (sui generis)”**. The application was withdrawn from consideration by the Applicant following discussions with the prospective tenant.

On 19 December 2022 planning permission (ref. 2022/3594/P) was granted for **“Use of the site as art gallery (Class F1 Use) for a temporary period until 1 May 2023.”**

The temporary planning permission was implemented, and the site successfully operated as an art gallery, receiving over 17,000 visitors.

### **The Proposals**

The proposals seek a further change of use of the site to display artwork and exhibition pieces for an additional temporary period of 6 months, running until 31 October 2023.

Whilst the proposals remain temporary, they form part of the Applicant’s continued wider strategy to revitalise the Camden markets following the pandemic and the impact of changing retail behaviours. The proposed use seeks to drive footfall to the markets, creating the opportunity for incidental spending in the existing market, supporting the function and vitality of the wider market ecosystem and Camden Town. In line with the Applicant’s vision, they are continuing to review longer term proposals for the space.

The proposed use would attract a wider range of visitors to the Site and contribute to the function and vitality of the wider Market. The continued use of the site for a further 6 months as a high-quality attraction will be a beneficial temporary asset to the Hawley Wharf masterplan site and the surrounding area by delivering a use which will attract families, local residents and visitors alike to the area over the summer months.

The exhibition will be operated by Next Exhibition, the same operator as the previous temporary exhibition approved under application ref: 2022/3594/P. Next Exhibition are an established company in the leisure industry, who will utilise the Site for an exhibition entitled ‘Colours Festival’. The exhibition will showcase over 40 street artists from around the world.

No external physical works or signage are proposed as part of the planning application. The planning application will not create any new gross internal floorspace and is therefore not CIL liable.

Further details of the proposals are set out in the Design, Access and Operational Statement and submitted drawings, prepared by LabTech, dated 16 June 2023.

### **Pre-Application Discussions**

The proposals were presented and discussed at meeting held with LB Camden on 15 June 2023 where Camden officers confirmed that the proposals were acceptable in principle.

### **Local Development Framework**

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. The statutory development plan consists of:

- The London Plan (as amended, 2021); and
- The Camden Local Plan (2017).

Relevant supplementary planning guidance for the Site includes the Regent's Canal Conservation Area Appraisal and Management Strategy (2008).

## **Planning Assessment**

### Land Use - Art Gallery (Class F1)

The proposed temporary use of the site is for the display of artwork within an art gallery (Class F1).

Local Plan Policy TC2 states Camden will seek to protect and enhance the role and unique character of each of Camden's centres and will seek to 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.

Local Plan Policy TC6 sets out that the Council will consider the character of the existing market when assessing proposals for the refurbishment and redevelopment of markets. Paragraph 9.35 states that new entertainment uses can add to the vitality and vibrancy of Camden's centres.

The proposed art gallery use (Class F1) is an acknowledged main town centre use within the Camden Local Plan (paragraph 9.33). Given that the Site is located within Camden's Town Centre where a mix of town centre uses is supported the proposed use is considered acceptable in principle.

The proposed use of the site for an additional 6 months would continue attract locals / Londoners / families and tourists to the market and would therefore contribute to and support the function of the market and would not harm the character and appearance of the market in line with Local Plan Policy TC6.

A Design and Access Statement has been prepared and submitted in support of this application. The Design and Access Statement and Operational Management Plan, dated June 2023, sets out how the site will be managed, including opening hours and staff numbers. For the avoidance of doubt, there are no proposed changes to the site operation when compared to the previous temporary permission for this use by the same operator (ref: 2022/3594/P, dated 19 December 2022).

Overall, the proposed continued use of the site for temporary gallery use is considered acceptable in principle and is in line with Camden's Local Plan policies.

### Land Use – Temporary Loss of Class B1(c) floorspace

Camden Local Plan Policy E2 protects business sites which provide employment for Camden residents. Policy E2 goes on to state that Camden will resist development of employment sites for non-business use unless it is demonstrated that (a) the site or building is no longer suitable for its existing business uses and (b) that the possibility of retaining, re-using or redeveloping the Site for a similar or alternative type and size of business use has been fully explored over an appropriate period of time.

The Class B1(c) floorspace approved under planning permission ref: 2020/0362/P, dated 28 October 2020, has never been operated as Class B1(c) use.

It is worth noting that the previous planning permission for the use of the site for a temporary period of 6 months (ref: 2022/3594/P) demonstrates that the temporary use of the site for Class F1 gallery use, and the resultant loss of the approved land use, is acceptable in principle by Camden.

In addition, the proposed temporary loss of the Class B1c use continues to be considered theoretical and therefore acceptable for the following reasons:

- a) There will be no loss of employment for Camden residents. The submitted Design and Access Statement demonstrates that the proposed use will deliver jobs to local residents, with at least 4 members of staff proposed on site at any one time.
- b) LabTech is seeking to revitalise the wider Market for town centre uses given its location within the designated Camden Town Centre. The Local Plan does not define Class B1(c) use as a main town centre use. The previous S73 application proposed a Class B1c use in this location but it was for a specific B1c use which no longer requires the space. Open B1c use requires loading bays and easy access into the unit which is not possible in this basement space. The Site is therefore not considered an appropriate location for Class B1(c) use and it would be operationally challenging to host a light industrial use in this location given it is at the heart of the masterplan site;
- c) The use was never implemented and there is no actual loss of Class B1(c) floorspace as a result;
- d) As set out on page 82 of the committee report for the previous temporary use approval (ref: 2022/3594/P), the temporary use is considered acceptable “given the building is currently vacant, there would be no displacement of existing occupiers or businesses, the applicant has not managed to secure a light industrial occupant to date...”; and
- e) The Applicant has continued to market the site for Class B1c use since the submission of the previous temporary use application. An additional marketing evidence report, prepared by LabTech, dated May 2023, has been submitted in support of this application. This report demonstrates a further 8 months (September 2022 – May 2023) of marketing of the Site for Class B1c use. No enquiries for the space were received from light industrial occupiers.

As such, the proposed change of use of this floorspace for a temporary period is in line with Camden Local Plan Policy E2.

#### Land Use – Temporary Loss of Class A1 floorspace

Local Plan TC1 seeks to promote the distribution of retail and other town centre uses across the borough. Within town centres, the Council seeks the significant additional provision of retail in the Camden Town Centre.

Part of the Site has planning permission to be operated under Class A1. 660 sqm (GIA) of Class A1 retail space. This is proposed to be converted into an art gallery use (Class F1) for a temporary period of 6 months as part of this proposal.

The Class A1 floorspace approved under planning permission ref: 2020/0362/P, dated 28 October 2020, has never been operated as Class A1 use. Given that the Site is located within Camden’s town centre where a mix of town centre uses is supported and that the Site has not ever been occupied as Class A1, the conversion of

the Site from market retail to an alternative town centre use for a temporary 6-month period is deemed acceptable.

#### Land Use – Temporary Loss of Class A5 floorspace

London Plan Policy E9 states that Boroughs should carefully manage the over-concentration of A5 hot food takeaway uses within town centres.

Hot food takeaways are not protected use within local or regional policy, therefore the conversion of Class A5 use to an alternative town centre use for a temporary 6-month period accords with local and regional policy.

#### Enhancing Hawley Wharf

The proposals are being brought forward to encourage footfall to a currently underused area of Hawley Wharf.

Local Plan Policy TC2 states Camden will seek to protect and enhance the role and unique character of each of Camden's centres and will seek to 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.

Local Plan Policy TC6 states that the Council will consider the character of the existing market when assessing proposals for the refurbishment and redevelopment of markets.

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 Hawley Wharf and therefore securing its long-term future. The diversification of the Camden Market offer will enhance the vitality and activity of the site within this part of the market over the additional temporary 6-month period.

#### Operational Management

Page 2 of the Design, Access and Operational Statement, prepared by Lab Tech, sets out the proposed operating hours and proposed servicing for the exhibition. The tenant will be required to operate the Site in line with the Design and Access Statement via their lease.

For the avoidance of doubt, there are no proposed changes to the site operation when compared to the previous temporary permission for this use by the same operator (ref: 2022/3594/P, dated 19 December 2022).

#### Access

Local Plan Policy C6 seeks to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.

The lower ground floor and basement level of Building A1 are easily accessible via stairwells and lifts, in line with the approved, as built situation. The existing level of accessibility at the site will be unchanged as a result of the proposals.

## **Conclusion**

The proposed change of use for a temporary 6-month period can be seen to contribute to the diversification of the Market in line with Camden's town centre and market planning policies and is one which will encourage a new range of visitors to the market, so contributing to the success of the market at large in line with Local Plan Policies TC2 and TC6.

It is considered that the proposal for which planning permission is sought complies with the local, regional and national planning policy. It is considered that there are no material considerations of sufficient weight to determine that the application is other than in accordance with the Development Plan, on this basis, planning permission should be granted.

## **Application Documentation**

Alongside this covering letter, please find enclosed the following documents in support of this application:

- Completed Application Form and certificates, prepared by Gerald Eve;
- Completed CIL Form, prepared by Gerald Eve;
- Site Location Plan, prepared by Labtech;
- Existing and Proposed Floorplans, prepared by Labtech;
- Design, Access and Operational Statement, prepared by Labtech;
- Marketing report, prepared by Labtech, dated May 2023; and
- Letter of comfort and report of light industrial, prepared by Bruce Gillingham Pollard.

The requisite application fee of **£462** (plus the £64 application fee) has been paid online using the planning portal.

We look forward to receiving confirmation of registration and validation of the application in due course. In the meantime, please do not hesitate to contact Anna Gargan or Bethan Warwick of this office should you have any questions regarding the above,

Yours faithfully



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