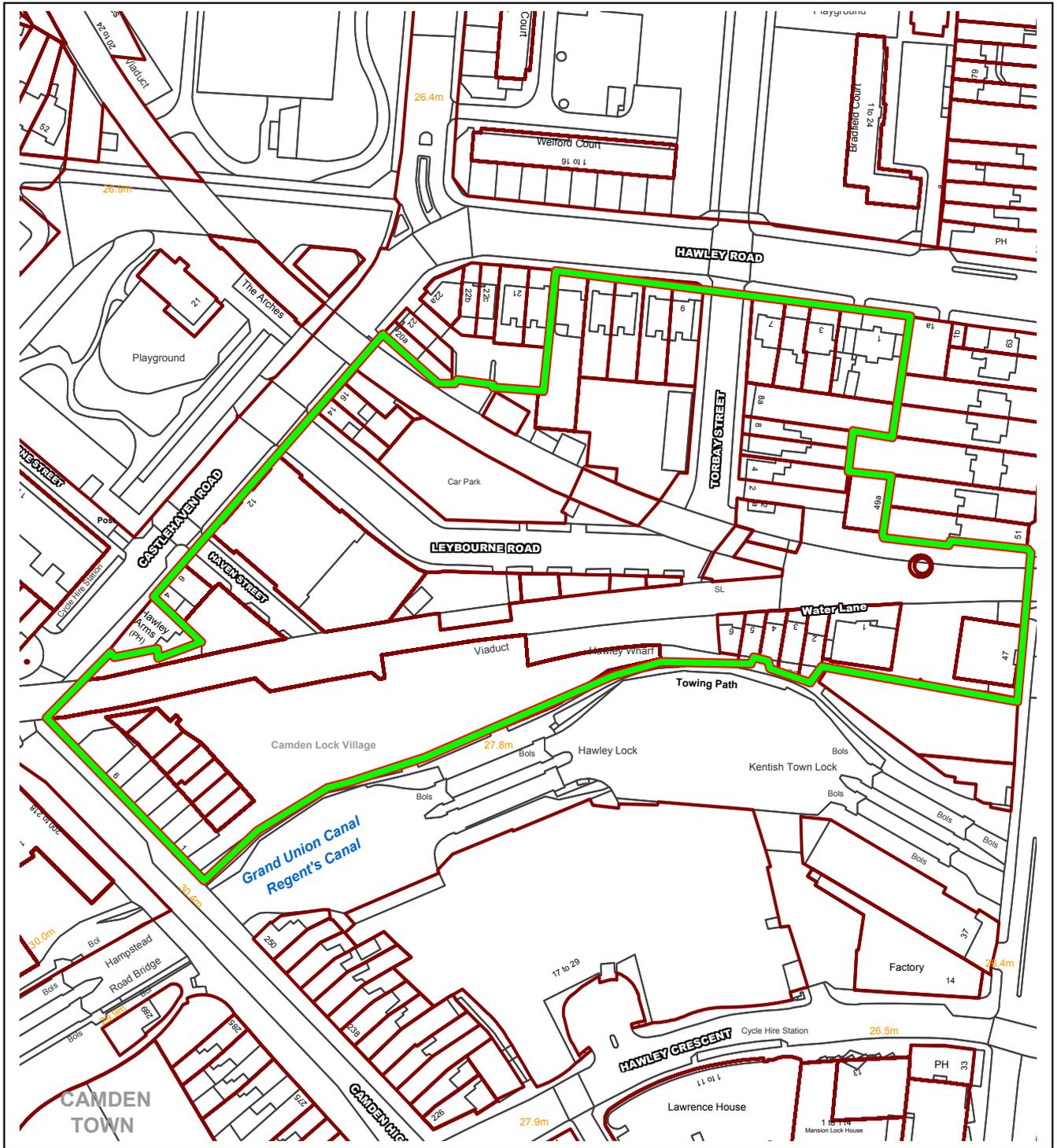


Hawley Wharf - 2014/7458/P



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Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	22/01/2015
		N/A		Consultation Expiry Date:	01/01/2015
Officer			Application Number(s)		
David Fowler			2014/7458/P		
Application Address			Drawing Numbers		
Site at Hawley Wharf Land bounded by Chalk Farm Road Castlehaven Road, Hawley Road Kentish Town Road and Regents Canal London NW1			Covering letter dated 26 November 2014		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Variation of Condition 10 (visitor capacity, screen numbers, drinking food uses and accessibility to be submitted prior to commencement) granted under planning permission reference 2012/4628/P dated 23/01/13, for details to be submitted prior to occupation of this part of the development (rather than before any work is commenced).					
Recommendation(s):		Grant variation of condition			
Application Type:		Variation of Condition			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	847	No. of responses	10	No. of objections	10
			No. electronic	00		
Summary of consultation responses:	<p>Site notice displayed from 05/12/2014 until 26/12/2014 Press notice displayed from 11/12/2014 until 01/01/2015</p> <p>10 Objections received:</p> <p>3 letters of objection were raised on the following grounds:</p> <ul style="list-style-type: none"> • Community should understand what is proposed to be built, in terms of number of screens and seating capacity, before construction commences, • this safeguards type and density of use, could potential become another use (such as nightclub), • capacity and number of screens are fundamental and cannot be changed easily after construction <p>5 letters of objection were received on the grounds detailed below. These objections are to the masterplan application (2012/4628/P) rather than the proposed variation of condition under this application and are therefore relevant.</p> <p>Objections received on the following:</p> <ul style="list-style-type: none"> • Loss of employment, loss of business • There are already enough bars in the area • Would impact on character of Camden • Loss of listed building <p><u>Officer response</u></p> <p>See assessment section 2 below</p>					
CAAC/Local groups* comments: *Please Specify	<p>Harmood, Clarence, Hartland Residents Association:</p> <ul style="list-style-type: none"> • “These important matters must be decided before and should not be left to the developer in isolation” <p><u>Officer response</u></p>					

	See assessment section 2 below
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Site Description

The irregular shaped masterplan site comprises an area of approximately 2 hectares and is bounded by the Regents Canal to the South; Hawley Road to the north; Kentish Town Road to the east, Chalk Farm Road to the west and Castlehaven Road to the northwest. It accommodates a mix of uses including market retail and employment uses in the southern part, light industrial, office uses and car parking within the central part, and residential and light industrial uses to the north. The site is divided by two railway viaducts that converge towards the eastern end of the site where office buildings lie to the south and light/general industrial uses predominate within the railway viaduct arches. The northwest part of the site is residential and retail, but also contains music recording studio, known as Scar Studios, located within the viaduct arches in that is accessed from Castlehaven Road.

Relevant History

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).' Approved 23/01/13

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact and growth of development

DP26 Managing the impact and growth of development on occupiers and neighbours

DP28 Noise and vibration

CPG6 Amenity 2011

Assessment

1.0 Proposal

1.1 Condition 10 states:

"The details of the cinema to include Art House occupant, capacity of visitors, number of screens, associated drinking food uses and accessibility shall first be submitted to and approved in writing by the Council before any work is commenced on the relevant part of the development. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved."

1.2 This application seeks to vary the condition to the following:

"The details of the cinema to include Art House occupant, capacity of visitors, number of screens, associated drinking food uses and accessibility shall first be submitted to and approved in writing by the Council prior to occupation of this part of the development ('Area C'). The cinema shall not operate otherwise than in accordance with the details thus approved."

{Please see a plan showing Area C below.}

2.0 Assessment

2.1 The applicant seeks to vary this condition to allow them to submit the required details at a later date (prior to occupation). The reason for varying the condition is that the applicant does not know at this stage the terms of the cinema operation as there is no final occupant.

2.2 The application does not seek to vary the size of the cinema and therefore approving this variation would not change the likely number of screens or capacity. The other details required under the condition (Art House occupant, associated drinking food uses and accessibility) would also be unaffected by the date of submission and approval by the Council. The objection stating that these details cannot be provided after build out is therefore not considered material.

2.3 Officers are comfortable to change the trigger on this condition as the important issue is that these details are approved prior to the operation of the cinema. Changing the trigger would not change the control that the Council has and would not affect amenity in the area. The scope and nature of the use (Art house cinema) would be unchanged by changing the trigger for the details to be submitted and approved. The objections on the potential for other uses to come forward are therefore not considered material.

2.4 As stated above, 5 objections were received to the original masterplan application, which are not relevant to this application to vary a condition.

2.5 Given the above, and taking account of the objections received and the history of the site, the proposal to vary the condition is considered acceptable.

3.0 Recommendation

3.1 Grant variation of condition

DISCLAIMER

Decision route to be decided by nominated members on Monday 23rd March 2015.

For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Natalie Davies
Gerald Eve LLP
72 Welbeck Street
London
W1G 0AY

Application Ref: **2014/7458/P**
Please ask for: **David Fowler**
Telephone: 020 7974 2123

12 March 2015

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**Site at Hawley Wharf
Land bounded by Chalk Farm Road
Castlehaven Road
Hawley Road
Kentish Town Road and Regents Canal
London
NW1**

DECISION

Proposal:

Variation of Condition 10 (visitor capacity, screen numbers, drinking food uses and accessibility to be submitted prior to commencement) granted under planning permission reference 2012/4628/P dated 23/01/13, for details to be submitted prior to occupation of this part of the development (rather than before any work is commenced).

Drawing Nos: Covering letter from Gerald Eve dated 26 November 2014.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.10 of planning permission 2012/4628/P shall be replaced with the following condition:



REPLACEMENT CONDITION 10

The details of the cinema to include Art House occupant, capacity of visitors, number of screens, associated drinking food uses and accessibility shall first be submitted to and approved in writing by the Council prior to occupation of this part of the development ('Area C'). The cinema shall not operate otherwise than in accordance with the details thus approved.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varies the relevant condition of the previous planning permission, the development is otherwise subject to the same terms, drawings, conditions and obligations as attached to the previous planning permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment