

Application ref: 2021/5528/P  
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**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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WC1H 9JE

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Gerald Eve LLP  
72 Welbeck Street  
London  
W1G 0AY  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**First Floor**  
**Building A0**  
**Chalk Farm Road**  
**London**  
**Hawley Wharf**  
**NW1 8AH**

Proposal:

Change of use of first floor from approved retail (Class A1) to flexible Class E (Commercial, Business and Service) / F1 (Learning and non-residential institutions)

Drawing Nos: A0-PP-0100, A0-PP-0101, A0-PP-0102, letter from CBRE, cover letter dated 10 November 2021 and operation management plan received 26/11/2021.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: A0-PP-0100, A0-PP-0101, A0-PP-0102.

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

- 3 Should the site be used for restaurant (Class E) purposes, the use shall not be carried out outside the following times:

08:00 - 00:00 Monday to Sunday and on public / bank holidays.

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 Camden Local Plan 2017.

- 4 Should the site be used for indoor sport, recreation or fitness (Class E), the use shall not be carried out outside the following times:

08:00 - 23:00 Monday to Saturday

09:00 - 22:00 Sunday and on public / bank holidays.

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 Camden Local Plan 2017.

#### Informative(s):

- 1 Reasons for granting permission.

The application site forms part of the Hawley Wharf masterplan site which received consent for 1-7 Chalk Farm Road to be used for market retail (Class A1). The ground floor units are currently occupied for retail purposes, but following two years without interest from retail traders, the applicant is now seeking permission for the use of the first floor for flexible Class E / F1 use. The proposals are for a change of use only, and there would be no change in floorspace, layout or external appearance.

The site is within the Camden Town North Primary Frontage where policy TC2 seeks to protect frontages as locations with a high proportion of shops in order to maintain the retail frontage of the centre. The Town Centres and Retail CPG sets out how the Council will achieve this, by resisting permission for developments which result in the number of ground floor premises in retail use falling below 50% within the frontages. In this case, the ground floor units are in retail use and would be unaffected by the proposals, retaining the retail character of the primary shopping frontage. Although permission was granted for retail use on the upper floors, they have remained vacant since construction despite the applicant actively marketing the premises since December 2019. A retail marketing letter has been submitted outlining how the applicant has approached 50 operators with no interest from retail traders. Reasons provided were due to the first floor location with access only via the rear, or traders were seeking to take a ground floor unit and use the upper floors for storage

purposes. As such, the applicant is seeking to change the use of the first floor to flexible Class E (Commercial, Business and Service) / F1 (Learning and non-residential institutions).

The original committee report for the Hawley Wharf redevelopment noted that the site was considered appropriate for market retail as it is located within the boundary of the Camden Town Centre. Controls were imposed on the size and layout of the retail units to "encourage small and independent businesses into the market buildings, to create a new market which caters for different clientele than the existing markets in Camden Town and ensure the new market would complement, rather than compete with the existing neighbouring markets so that Camden Town retains its unique and special character of smaller shop units".

Class E includes uses such as retail, restaurant, office, financial and professional services, medical or health services, creche/nursery use, business use, or indoor sport/fitness uses. Given the approved use as retail would also benefit from Class E use once implemented, the proposed change of use is considered acceptable. Class F1 uses include schools, galleries, museums, libraries and public halls, churches, etc. Given the relatively small floor area involved and the location at first floor, the site is considered appropriate for such uses. The proposed uses are considered to be in line with the original aspirations for this site. Although not retail use, they would be appropriate in this town centre location, contribute to the vitality and vibrancy of the centre to serve the needs of residents, workers and visitors, without causing harm to the retail function or character of the frontage or the Camden Town Centre in accordance with Policy TC2. Furthermore, given the units were never occupied, there would be no loss of existing retail traders or businesses.

As there are no external alterations proposed, the development would not impact the appearance of the building or the Camden Town Conservation Area.

## 2 Reasons for granting cont.

Due to the location and nature of the proposed development and the distance to the nearest residential dwellings, the works would not impact the amenity of any adjoining residential occupiers in terms of outlook, daylight, or privacy. The proposed uses would not result in excessive noise, although conditions shall restrict hours of use should the site be used for restaurant or leisure purposes.

The site benefits from a loading bay directly opposite, which could accommodate deliveries to the site. Waste and refuse would be collected by private collection 2-3 times a week which is considered acceptable.

No objections have been received and the site's planning history was taken into account when coming to this decision. Thames Water have advised that they have no objection.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by

the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies A1, A4, D1, D2, TC1, TC2, TC4 of the Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 2021.

- 3 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).
- 4 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, 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.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) 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)

Noise from demolition and construction works is subject to control 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.

- 6 You are advised that if implemented, the alternative use permission hereby granted gives flexibility of use for 10 years from the date of this permission. After 10 years the lawful use would revert to whichever of the uses is taking place at the time.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', written in a cursive style.

Daniel Pope  
Chief Planning Officer