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FAO: Laura Dorbeck

25 August 2022

Our Ref: NDA/AKG/AMU/BWA/J10115

Your Ref: PP-11474011

Dear Sir/Madam,

Town and Country Planning Act 1990 (As Amended)

Application for Certificate of Lawful Existing Use at Shaka Zulu, Building C, Stables Market, Chalk Farm Road, Camden, NW1 8AH

On behalf of our client, Camden Market Holdings Limited (the 'Applicant'), we enclose an application for a Certificate of Lawful Existing Use or Development ('CLEUD') in respect of Shaka Zulu, Stables Market, Chalk Farm Road, Camden, NW1 8AH (the 'Site').

The application is submitted under Section 191 of the Town and Country Planning Act 1990, as amended, and Section 39 of the Town and Country Planning (Development Management Procedure) Order 2015, as amended.

This letter and supporting documentation provide relevant evidence to demonstrate that the Site has been in operation as mixed Class E and Sui Generis Use since 2010 and that the hours of opening at the Site have been until 02:00 on Friday and Saturdays, for more than 10 years. The ruling of *Gabbitas v Secretary of State for the Environment (1985)* states that the relevant test of the evidence on such matters is 'the balance of probability'. The ruling also confirms that the Applicant's own evidence is not required to be corroborated by independent evidence. The Applicant's evidence needs to be sufficiently precise and unambiguous to justify the grant of the certificate on the balance of probability. The relevant test of the evidence is therefore the balance of probability. It is more probable than not, given the evidence provided, that a mixed Class E Use and Sui Generis Use has occurred at the Site for more than 10 years. The evidence provided further demonstrates that the hours of opening at the Site have been until 02:00 on Friday and Saturdays, for more than 10 years.

Application Documentation

This application has been submitted via the Planning Portal reference PP-11474011 and comprises the following documentation:

- Completed application form, prepared by Gerald Eve;
- This Planning Cover Letter, prepared by Gerald Eve;

- Site Location Plan, prepared by LabTech; and
- Signed Statement of Declaration, prepared by LabTech.

Background

A red line boundary plan is submitted with this application which identifies Shaka Zulu within Stables Market.

The operative planning permission for the Site (ref: 2005/0224/P) was granted on 31 March 2005 for:

“Extension during the course of construction to four storey building (approvals 2003/0726/P, PEX0200404 and PE9800576R2) to provide an additional basement level to accommodate preparation and storage areas attached to the approved restaurant use (Class A3) at first floor level, toilets to the leisure use (Class D2) at basement level and plant and safety requirements ancillary to the use of the entire building”

Evidence of mixed Class E / Sui Generis Use and Operating Hours

The following information provides evidence to demonstrate that Shaka Zulu, Building C has been operating as a mix of Class E and Sui Generis Uses for more than 10 years and that therefore this is the lawful use of the Site. The information provided also demonstrates that the hours of operation since 2010 have been until 02:00 on Friday and Saturdays.

Leases

The Site, known as Shaka Zulu, has been let out since 27 October 2010, for the following permitted use: **“a restaurant with ancillary bar and dancing or such other use within Classes A1 or A3 or D1 or D2 (Uses Classes) of the Town and Country Planning (Use Classes) Order 1987”**

Copies of the three leases have been submitted as part of this application. The most recent lease was signed between Triangle Upper Limited and Camden Icons limited on 18 April 2019 for a 3-year period. Camden Icons Limited remains in occupation. The leases have been included within the submitted evidence.

Premises Licence

A premises license (PREM-LIC\3081) was granted to the Camden Market Management Company Limited for the site on 12 January 2009.

The premises license authorises the carrying out of licensable activities at the site between 10:00 and 02:00 Monday to Sunday, with extended hours on Christmas Eve and New Year’s Eve permitted. The licences have been included within the submitted evidence.

Summary

This application for a Certificate of Lawfulness seeks confirmation of the lawful existing use of the Site and the operating hours. As the Council can see from the documentation the site has been operating under the mixed use (Use Class E and Sui Generis), with the operating hours of until 02:00 on Friday and Saturdays since 2010.

The application fee £234 (plus £32.20 Planning Portal service fee) has been paid online via the Planning Portal.



We trust that you have all the information you require to register this application. If in the meantime you have any queries, please do not hesitate to contact Anna Gargan or Anna Murray of this office.

Yours faithfully,

Gerald Eve LLP

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