

Delegated Report		Analysis sheet		Expiry Date:	20/07/2023
		N/A / attached		Consultation Expiry Date:	08/07/2023
Officer			Application Number		
Laura Dorbeck			2023/2140/P		
Application Address			Drawing Numbers		
Market Square Hawley Wharf London NW1 8AA			Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Extension of temporary permission (Ref. 2022/4251/P) for a Merry Go Round within the Market Square for a further 1 year until 31st May 2024.					
Recommendation:		Refuse planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>The application was advertised by site notices displayed on 14/06/2023 until 08/07/2023.</p> <p>Three responses were received from neighbouring residents which related to the local farmers / produce market which was approved to be located within the location of the merry go round. A summary of their comments is provided below:</p> <ul style="list-style-type: none"> • When the market was set up there was little to no advertising, signage, stalls were not varied. The offer should be interesting and well priced – it should be possible to buy produce to make a meal with. • The stalls were not selling the necessities we would shop for in a produce market. • A great deal of time and effort was put into consideration of produce to be sold by the Hawley Wharf consultative committee. The initial market offering was disappointing, when there are really useful farmers' markets a bus ride away. There was nothing I wanted to buy. The overall offer at Hawley Wharf has nothing to do with local residents. <p>One response was received from the Labtech Asset Manager in support of the proposals:</p> <ul style="list-style-type: none"> • We would like to support the application since we are currently unable to offer a farmers' market at the application site. • Various factors including lockdown meant that there were not initially the levels of customers that we had hoped for. • After initial opening, lack of footfall meant the number of traders reduced each month and it was not financially viable for the operator 'The Spread' to keep trading. • A replacement has not been secured date. In our opinion it would take another 10-12 months for the footfall to increase in the area to make a produce market feasible and would seek to retain the Carousel as an interim attraction. 					
Tenants and Residents Association Camden Town (TRACT) objection	<p>TRACT submitted the following objection to the proposals:</p> <p>We object to the extension of the temporary permission for this awful merry-go-round. This space was supposed to provide a farmers' market. The applicant has made little effort to provide a reasonable farmers' market and the approved temporary awning that would support a farmers' market in the autumn / winter has not been installed. It appears they have no intention of moving forward with the farmers' market and are most likely to extent the awful fairground installations including the ridiculous train. Please refuse this application and enforce the required farmers' market.</p>					

Site Description

Planning permission was granted in January 2013 for the redevelopment of the Hawley Wharf site to create a mixed-use development to provide employment, housing, retail market, cinema, produce market, and associated works. The Hawley Wharf site is bound by Castlehaven Road, Chalk Farm Road, Hawley Road, Kentish Town Road and Regents Canal.

The application site incorporates a triangular piece of land bounded by Buildings C1 and C2 and the railway to the south.

The site is not located within a conservation area and does not contain any listed buildings, although nearby nos. 57 – 63 Kentish Town road and 1 Hawley Road adjoining the site to the east are Grade II listed.

Relevant History

2022/4251/P - Installation of a Merry Go Round within the Market Square for a temporary period of 6 months until 31st May 2023. Granted 14/11/2022.

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). (This application is accompanied by an Environmental Statement and is a redesign of a scheme that was refused on 4 May 2012 [Ref: 2011/4932/P]. Key revisions include: increase in size of public open spaces across the site, reduction in height/bulk/massing to some buildings, reduction in floor space, and new facade designs, particularly along the canal frontage). Granted subject to S106 legal agreement 23/01/2013.

2018/1715/P - Variation and removal of various conditions of planning permission dated 23/01/2013 ref: 2012/4628/P (for the mixed use redevelopment of the site), to reflect various physical amendments to permitted scheme, to provide temporary solution for retention of coal chute, and to refer to previously approved drawings and planning conditions; these include variation of Variation and removal of various conditions of planning permission dated 23/01/2013 ref: 2012/4628/P (for the mixed use redevelopment of the site), to reflect various physical amendments to permitted scheme, to provide temporary solution for retention of coal chute, and to refer to previously approved drawings and planning conditions; these include variation of". Granted 03/12/2018.

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 (for the mixed use redevelopment of the site), 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 2 A2 roof terrace seating, variation of condition 10 (cinema plan) and conversion of four market residential units to intermediate residential units and associated works. Granted 28/10/2020.

Relevant policies

National Planning Policy Framework 2021

The London Plan March 2021

Camden Local Plan 2017

Policy G1 Delivery and location of growth

Policy A1 Managing the impact of development

Policy A4 Noise and vibration

Policy D1 Design

Policy TC2 Camden's centres and other shopping areas

Policy TC4 Town centre uses

Policy TC6 Markets

Camden Planning Guidance

Design 2021

Amenity 2021

Town centres and retail 2021

Regents Canal Conservation Area Statement 2008

Assessment

1.0 Background and Proposal

1.1 Planning permission was previously granted on 14th November 2022 (reference 2022/4251/P) for the installation of a merry go round within the market square for a temporary period of 6 months.

1.2 The current application is again seeking temporary permission for an additional year until 21st May 2024. The merry go round would remain in the same location as previously approved, within the triangular area between the railway line and Buildings C1 and C2 which is the area dedicated within the Hawley Wharf masterplan to providing a local farmers market.

2.0 Assessment

2.1 The principal considerations in the determination of this application are as follows:

- Land use and principle of development
- Design – Impact on the character and appearance of the host building and the wider Regent's Canal Conservation Area)
- Amenity - Impact on amenity of neighbouring residents in terms of outlook, daylight, privacy and noise disturbance

3.0 Land use and principle of development

3.1 Temporary permission is sought for the installation of a merry go round within the Hawley Wharf masterplan site until 21st May 2024. The location of the merry go round is within a triangular shaped area of public open space enclosed by Buildings C1 and C2. The officers report for the original masterplan application (ref. 2012/4628/P) notes that this area of public open space would be aimed for local use and potentially used as a farmers/produce market. There is a large 'skewed arch' underneath the railway which allows access from this space into the canal open space within Area A.

- 3.2 The proposals would extend a previous temporary permission which allowed the installation of a merry go round for a period of six months for another one year. That permission (ref. 2022/4251/P) was granted subject to the condition that the structure was removed on or before 31 May 2023, with the reason being that the structure is not such as the local planning authority is prepared to approve, other than for a limited period, in view of its appearance, and that the permanent retention of the structure would be contrary to the requirements of policy D1 of the Local Plan.
- 3.3 Planning Practice Guidance sets out that under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period, but that it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.
- 3.4 In this instance, temporary planning permission has already been granted once. The applicant is now seeking a further temporary permission because they suggest that the trial run demonstrated that the development activated the square and increased foot traffic, providing a family activity that has been popular with locals and tourists. The applicant's planning statement goes on to suggest that providing additional activation targeted at families during the quieter winter months will ensure the traders benefit from the increased footfall. However, no evidence or data demonstrating that this is the case has been provided with the application.
- 3.5 Furthermore, no information was submitted as to the impact of the development on the use of the local open space within which it sits. The approved use for this area is as an area of public open space aimed for local community use which as the officer's report describes, was proposed in response to a strong desire from the local community. The intention was that when the market was not in operation, the stalls could be removed and the space would 'retain a true plurality and flexibility for many community-related uses, whether it is for market, amenity, outdoor seating or for locally organised events and functions', as described in the officer's committee report.
- 3.6 To further ensure this area remained as a local space for use by residents rather than tourists and visitors to the wider markets, the report describes how the design of the north-south routes were deliberately de-emphasised to present less of a visual draw to tourists and market retail customers. This was to help maintain a more local and residential character to the north and retain the town centre activity to the south of the viaducts. To try to prevent movement through the viaducts into the local market space, a condition also required further details of the 'skewed arch' limiting northward pedestrian movements from the market open space into the local open space.
- 3.7 When questioned on this, the applicant suggested that the farmers market had not raised the expected community interest, and that the landlord had relocated the market traders to the front of Building A1 to attract more footfall. This goes against what is set out in the applicant's planning statement that 'Being situated within the Farmers Market will ensure that the traders benefit from the increased footfall'. In addition, the applicant's intention to drive visitors through to this area and increase footfall goes against the original masterplan principle to preserve this space as one serving a local community function, and to limit movement through the skewed arch from the public spaces in area A into what was envisaged to be a quieter local space serving the needs to the local community. The full-time installation of a merry go round in this location also limits the use of the space for community-related uses as was the original intention. As such, it is not considered that there is sufficient justification for a further temporary permission for the retention of the structure, and the proposals would be contrary to policies C2 (community facilities), A2 (open space) and TC6 (markets) of the Camden Local Plan.

4.0 Design

- 4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Camden's Local Plan is supported by CPG (Design).
- 4.2 As already discussed, the previous application was only granted on a temporary basis with a condition requiring the removal of the structure after a six month period because the 'type of structure is not such as the local planning authority is prepared to approve, other than for a limited period, in view of its appearance'. The permanent retention of the structure was considered contrary to the requirements of policy D1 of the Camden Local Plan. However, given the proposals were temporary and reversible in nature, they were not considered to impact the appearance of the area in the long term.
- 4.3 Given the current application is again seeking permission for a temporary period, the same assessment is considered to apply, and this therefore does not form an additional reason for refusal. However, were permanent permission being applied for, the harmful impact of the structure on the character and appearance of this area would form a reason for refusal.

5.0 Amenity

- 5.1 Policies A1 and A4 seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight, and construction impacts.
- 5.2 Details of the management of the ride have been provided, which set out that a maximum of 24 customers can be accommodated per ride, with each ride lasting two minutes. One employee would operate and supervise the ride at all times. Hours of operation would be 10am to 7pm on Mondays to Thursdays and 10am to 8pm on Fridays to Sundays which are reasonable for this location, and no music would be played.
- 5.3 Although the site is overlooked by residential apartments within the Hawley Wharf site, the small size of the ride in combination with the hours of operation and lack of music are considered sufficient to ensure there would be no undue impact to neighbouring amenity by way of noise disturbance. Due to the location and nature of the proposals they would not harm neighbouring amenity by way of loss of outlook, daylight or privacy.
- 5.4 The management and operation of the ride would be as per the previous permission, and the applicant has stated that no complaints have been received from local residents further suggesting these measures are sufficient to ensure residential amenity was protected. The proposals are therefore considered to comply with policies A1 and A4 in this regard.

6.0 Conclusion

- 6.1 The ongoing retention of the proposed merry go round in this location is considered to detrimentally impact the success, viability and long-term use of the site for local community-focussed uses in accordance with the approved use of the site. As such, the development is contrary to policies C2 (community facilities), A2 (open space) and TC6 (markets) of the Camden Local Plan 2017. Given the previous temporary permission required the removal of the merry go round by 31 May 2023 and it is still in place, it is also recommended that enforcement action is taken to secure its removal.

7.0 Recommendation

Recommendation 1: Refuse planning permission

Recommendation 2: That the Borough Solicitor be instructed to issue a Breach of Condition Notice under Section 172 of the Town and Country Planning act 1990 as amended to **remove the unauthorised structure**, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.