

Application ref: 2022/0142/P  
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Date: 7 February 2022

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Andrew Jackson  
Gerald Eve LLP  
72 Welbeck Street  
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Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Grant of Non-Material Amendments to planning permission**

Address:

**Hawley Wharf Masterplan Site**  
**London**  
**NW1 8AH**

Proposal: Amendments (changes to opening hours of Buildings A1 and A2 rooftop units) to planning permission ref: 2020/0362/P dated 28/10/2020 which itself varied permission ref: 2018/1715/P dated 03/12/2018 for the 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, and education use (summary).

Drawing Nos: Submitted docs: Letter dated 13 January 2022 and Noise impact assessment addendum by Big Sky Acoustics dated 7th January 2022.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

For the purposes of this decision, condition no.11 of planning permission 2020/0362/P shall be replaced with the following condition:

### **REPLACEMENT CONDITION 11**

The following uses hereby permitted shall not be carried outside the following times:

Market Retail: 08:00 - 21:00 Monday to Sunday and on Public/Bank Holidays

[except on 12 days out of every year where the use shall not be carried out outside the following times 08:00 - 23:00 and these days shall first be agreed in writing by the Council].

Local Retail: 07:00 - 22:00 Monday to Sunday and on Public/Bank Holidays.

Produce Market: 08:00 - 21:00 Monday to Sunday and on Public/Bank Holidays, [days of operation are subject to community requirements as secured in the S106 Legal Agreement}.

Restaurants on roof top of Area A: 08:00 - 00:00 Sunday to Thursday and on Public/Bank Holidays and 08:00 - 00:30 Fridays and Saturdays [this includes no customers on the premises outside this time].

Cinema: 08:00 - 01:00 Mondays to Sundays 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 TC2, A1 and A4 of the London Borough of Camden Local Plan 2017.

For the purposes of this decision, condition no.13 of planning permission 2020/0362/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 13

The outdoor terrace area surrounding the rooftop restaurant uses shall be closed to restaurant customers between 22:00 and 08:00 hours, 7 days a week, and bank and public holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and TC2 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

##### 1 Reason for granting approval

The proposed amendments seek to extend the approved hours of operation of the Building A1 and Building A2 restaurants and their associated rooftop terraces. The changes would see the opening hours of the restaurants extended from 08:00 - 00:00 seven days a week to allow the restaurants to open half an hour later on Fridays and Saturdays until 00:30. The closing time on Sundays to Thursdays would remain as 00:00. The outside terrace areas would be open an extra hour, with hours of use increasing from 9pm to 10pm.

Comments were received from a local residents group and TRACT stating that they didn't object provided the hours were extended only for the terraced area surrounding the restaurants and not beyond that area.

The original permission demarked an area of the rooftop terrace to be used by the rooftop restaurants for outside seating. Subsequently, permission was granted for a reconfiguration of the roof terrace area by S73 amendment (2020/0362/P) to provide additional seating for the restaurants whilst allowing sufficient space for public access. The seating layout shown on drawing ref: AX\_(00)\_1231 rev P02 was listed as an approved drawing under condition 66 and the development would still be bound by this condition. This non-material amendment application is for changes to the hours of operation only, and does not propose any changes to the area of restaurant seating on the external terrace. The development would still be required to comply with the drawings approved as part of the S73 application and the proposed extension of hours would only be applicable for the area of outside seating already approved. An informative would also be added reminding the applicant that this approval applies only to the restaurant seating and not to the wider terrace.

The proposed amendments would see conditions 11 and 13 amended to take into account the new opening hours, but the development would still be bound by the requirements of these conditions in all other regards, namely, the opening hours for the other uses within the masterplan site.

A noise impact assessment has also been submitted in support of the application which demonstrates that given the location, style of operation, and proposed controls, noise from people using the terraces will be below the average background noise level. The noise assessment has been based on a worst-case scenario given the noise was measured against an unoccupied development.

Given the town centre location of the site and the hours of operation of many night time uses in the immediate area, the proposed extension of opening hours would be in line with the character of the local night time economy and would not result in excessive or undue disturbance to neighbouring residents. Given the minor increase in opening hours proposed, they are considered to constitute a non-material amendment to the approved scheme which would not result in additional amenity impacts.

Given the nature of the application as a non-material amendment to a previously approved scheme, no neighbour consultations were undertaken. The site's planning history was taken into account when coming to this decision. The full impact of the proposed development has already been assessed by virtue of the previous permission granted on 28/10/2020 under ref: 2020/0362/P).

- 2 You are advised that this decision relates only to the changes set out in the description and shall only be read in the context of the substantive permission granted on 28/10/2020 under reference number 2020/0362/P and is bound by all the conditions and obligations attached to that permission.
- 3 You are advised that this decision relates only to the hours of operation of the rooftop restaurants in buildings A1 and A2 and their associated seating areas, and not to the wider rooftop terrace. Similarly, this decision does not permit an increase to the area of coverage of the approved external seating.

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 2019.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DP', is positioned above a faint, light-grey rectangular stamp. The stamp contains some illegible text and a circular emblem.

Daniel Pope  
Chief Planning Officer

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