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**FAO: Laura Hazelton**

4 March 2022

**Our ref: LJW/NFD/AKG/AJA/J10003**

**Your ref: 2020/0362/P // PP-11025894**

Dear Madam

**Hawley Wharf Masterplan Site**

**Minor-Material Amendments to Planning Permission ref: 2020/0362/P**

We have been instructed on behalf of our client, Stanley Sidings Limited, to apply for Minor-Material Amendments to the planning permission for the Hawley Wharf masterplan site (ref: 2020/0362/P, dated 28 October 2020).

This application seeks approval to amend condition 11 only in respect of the Building A market retail operational hours. The proposed, extended market retail operational hours are as follows:

- 08:00 – 23:00 Mondays to Thursdays;
- 08:00 – 23:00 Fridays and Saturdays; and
- 08:00 – 22:00 on Sundays and Public/Bank Holidays.

**Background**

Planning permission (ref. 2012/4628/P) was originally granted for the mixed-use redevelopment of the site on 23 January 2013. There have been various minor-material and non-material amendments to the scheme since this time.

The operative planning permission (ref. 2020/0362/P) was granted on 28 October 2020 for the following:

**“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 (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), 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 A2 roof terrace seating, variation of condition 10 (cinema plan) and conversion of four market residential units to intermediate residential units and associated works.”**

A series of condition discharge applications and other standalone small-scale applications related to the Hawley Wharf masterplan Site have also been approved.

On 7 February 2022, an NMA (ref: 2022/0142/P) was approved at the site which amended the wording of condition 11 in respect of the rooftop restaurant opening hours only.

The buildings on site are now fully constructed but large parts of the Site remain vacant and not fully occupied. This application seeks changes to the opening hours of the recently occupied market retail to support the market traders who have lobbied the Applicant for the hours to be extended to support their businesses and ensure that they are successful and sustainable in the long term.

**Pre-Application Discussions**

The principle of the proposals and the appropriate procedural route have been informally discussed with planning officers at Camden. Officers confirmed that the proposal to extend the market retail operational hours were acceptable in principle and could be dealt with as a minor material amendment to the extant planning permission for the masterplan site (ref: 2020/0362/P).

The proposed market retail operational hours were discussed with the Community Liaison Group (CLG) at a meeting on 16 December 2021 and 18 February 2022. The hours of operation have been reduced during the pre-application stage to respond to the concerns of residents as set out in the table below.

<b>Day</b>	<b>Hours Previously Proposed During Pre-Application Discussions</b>	<b>Hours Now Proposed / Applied For</b>
Mondays to Thursdays	08:00-23:30	08:00-23:00
Fridays and Saturdays	08:00-24:00	08:00-23:00
Sundays and Public/Bank Holidays	08:00-22:30	08:00-22:00

Letters of support have been received from six traders occupying the market retail floorspace, dated 27 January 2022 – 1 February 2022. These letters have been submitted in support of this application and state that the traders need the hours extension to allow them to recover from the Covid-19 pandemic and allow them to compete with restaurants on the High Street.

**Proposals**

Since occupation of the Market Hall buildings (Buildings A1 and A2), the Applicant has been working closely with the tenants to ensure that the conditions at the development, including footfall rates, enables them to sustain their businesses. At present many of the tenants are struggling due to the reduced trading hours caused by the approved market retail operational hours set out in condition 11 of the planning permission. To support their tenants and ensure the sustainable activation of the Market Hall building in the long term, LabTech are proposing to extend the approved hours of operation.

As approved, tenants can open until 21.00 Monday – Sunday and up to 12 times a year until 23.00 (see Condition 11 of planning permission ref: 2020/0362/P).

The applicant is seeking to vary condition 11 of the planning permission (ref: 2020/0362/P) in the following way:

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

**Market Retail: 08:00 – 23:00 Mondays to Saturdays and 08:00 – 22:00 on Sundays and Public/Bank Holidays.**

**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.”**

The proposed hours are in accordance with the Market Hall licence, which was given resolution to grant on 24 February 2022, which permits its use from 08:00 – 23:00 Mondays to Saturdays and 08:00 – 22:00 on Sundays and Public/Bank Holidays.

## **Planning Assessment**

### Supporting the Town Centre

Local Plan Policy TC2 states Camden will seek to protect and enhance the role and unique character of each of Camden’s centres and will seek to provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.

The proposals are in line with Camden Local Plan Policy TC2 as they will support and improve the continued function of the Site within the Hawley Wharf market. The extension of the market retail hours will enhance the vitality and activity within this part of the market. The proposals will also act as a draw for people throughout the daytime and into the evening, attracting a wider range of visitors which will help contribute to securing the function of the Hawley Wharf Market in the long-term.

### Amenity

Through Local Plan Policy A4, Camden seek to ensure that noise and vibration is controlled and managed.

Big Sky Acoustics prepared an Acoustic Note in support of the licencing application for the extension of the Market Halls hours. The Acoustic Note confirms that the extension of hours of the market halls would not give rise to public nuisance as the noise levels created would be well below background noise levels. The note was prepared for licencing purposes, but we consider the Note to be valid because it tests a ‘worst case’ in terms of potential operating hours and this application seeks permission for shorter hours, therefore lessening any harm. Additionally, the Acoustic Note provides a robust assessment of the Site and has been approved as part of the licencing process.

On this basis, it is considered that the proposed variation of condition 11 would have no impact on amenity of nearby residents and are therefore considered to be in line with Local Policy A4.

### **Conclusion**

Overall, extending the market retail opening hours as proposed is considered acceptable as it will drive footfall, support the tenants and therefore help maintain the occupation of the units within the Site which will continue the long-term sustainability of the market retail and the activation of this important part of the masterplan site. This would also have wider positive impacts, contributing to the success and function of the Camden markets ecosystem, in line with Camden Local Plan Policy TC2. The proposals have been discussed with the local community whose comments have been responded to through the reduction in the proposed hours, as set out above, and several tenants have submitted letters of support for the proposals.

### **Application Documentation**

As part of the submission of the application on the Planning Portal, we enclose the following documents:

- A copy of this cover letter;
- Application form and notices;
- Acoustic Note, prepared by Big Sky Acoustics;
- Excerpt of CLG Meeting Minutes (18 February 2022), prepared by London Communications Agency; and
- Six letters of support from current market retail tenants at the Site.

The requisite planning application fee of **£234** has been paid concurrent to the submission of this application.

We trust that you have everything required to progress with the determination of this minor material amendment application.

In the meantime, should you have any questions, please do not hesitate to contact Anna Gargan or Andrew Jackson of this office.

Yours faithfully



**Gerald Eve LLP**

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