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FAO: Laura Dorbeck

Our ref: NFD/AKG/AMU/BWA/J10003

Your ref: PP-11706643

16 December 2022

Dear Sir/Madam

**Town and Country Planning Act 1990 (as amended)
Hawley Wharf, Buildings A1-A2 Rooftop Units
Application for Full Planning Permission**

On behalf of our client, Ground Gilbey Limited ('the Applicant'), we enclose the following application for planning permission in respect of the rooftop commercial units and the associated external amenity space at Buildings A1 and A2 within the Hawley Wharf Masterplan Site ('the Site') for the:

"Change of Use from Use Class A3 to Flexible Use Class E (Office/Restaurant)"

Site and Surroundings

The Site comprises the rooftop units of Buildings A1 and A2, which also includes a strip of outside amenity space demised to the restaurant units for outside seating. Buildings A1 and A2 are located to the north of the Regents Canal within the Hawley Wharf Masterplan and the Regents Canal Conservation Area. The site is bound by Chalk Farm Road to the west, the railway arches to the north and Regent's Canal to the south.

The Site is located within Camden Town Centre and is well served by public transport services and has a Public Transport Accessibility Level of 6b given its proximity to Camden Town Underground station which is located 350 metres to the south of the site; Camden Road Overground station located 450 metres to the east of the Site.

Relevant Planning History

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. 2022/0972/P) for the Site was granted on 12 July 2022:

"Variation of condition 11 (opening hours) of planning permission dated 28/10/2020 ref: 2020/0362/P"

which itself varied application 2018/1715/P dated 03/12/2018 and 2012/4628/P dated 23/01/2012 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, including change of use of 1 Hawley Road to educational, and associated works (summary), AMENDMENTS INCLUDE changes to Building A market retail operational hours.”

On 16 March 2022, a Non-Material Amendment application (ref: 2022/0671/P) was granted at the Site for the following:

“Amendments (involving extension to seating areas of Building A1 and A2 rooftop restaurant terraces, removal of planters and replacement of bi-folding doors with sliding doors) 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).”

During 2021, several pre-application meetings were held with Camden planning and design officers in respect of a prospective tenant’s proposals to install a canopy at the rooftop units to provide covered seating and support the function and vitality of the approved restaurant use. Camden officers raised in principle design concerns and the prospective tenant withdrew their offer to occupy the Site.

The Proposals

The proposals seek a change of use from Use Class A3 (restaurant) to Flexible Use Class E (Office/Restaurant) which would support the function of the town centre. The proposals are required as the spaces have remained unoccupied following the completion of Hawley Wharf. A Retail Report, prepared by LabTech, has been submitted in support of this application, which provides an update on the status of the Hawley Wharf development and includes a summary of the completed scheme’s land uses.

Background to Hawley Wharf

Hawley Wharf is a new town centre masterplan destination for Camden providing employment, market retail, retail, leisure and educational uses. The award-winning scheme was first conceived in 2005 and opened to the public in 2021. Since 2005, there has been a global recession, Brexit and the Covid 19 pandemic. Moving into 2023, the UK is facing a recession which means that landlords need to be able to adapt quickly to support the success of businesses and the places for which they are responsible.

Camden’s Markets have always been a place for start-ups – a place offering a low rent threshold- for businesses. It is a place which is constantly evolving to support the next big idea. As start-ups grow and become established, Hawley Wharf and the other markets will grow with them. The business model for the markets has been devised to support tenant needs as they mature and reach a wider audience. Hawley Wharf has been designed to provide grow on space for successful start-up businesses could add here that this creates a ‘turn over’ of sorts which opens opportunities for smaller businesses to move in.

The Camden Market draft Vision presented to Camden Council’s senior officers and Members in October 2022 sets out the need to support demand from businesses and seeks support for the flexibility of uses to harness the bravery of new and existing tenants to grow within the Markets. LabTech’s Vision for Camden Market is for free spirits. The Markets are rebellious, unconventional, unpredictable, unpolished and alive. To create a unique destination for fashion, music and food culture where people can live, work, stay, shop and play — a carefully curated family of four distinct and characterful markets where you move effortlessly

between daytime and night-time experiences. As part of the vision document, LabTech are setting up a sub-group for Adaptable Estate Group to establish a strategic approach and parameters to enable greater flexibility on land use, regulation and physical adaptability across the Camden Market estate including Hawley Wharf. This will be led by LabTech and the London Borough of Camden and the key objectives to creating an adaptable estate comprise of conserving heritage, physical changes and a new regulatory framework.

In respect of the top floor at Hawley Wharf, this space was originally envisaged as high-end restaurant space. The space has been marketed by Colliers for four years. There was interest from a high-end restaurateur, but their offer was withdrawn as they were unable to introduce covered outdoor seating. Furthermore, there is a global supply chain issue relating to staffing in the food and beverage industry.

Due to a lack of interest for restaurant use, Lab Tech is keen to apply for flexible Use Class E floorspace. It is important to recognise that if the roof top restaurant space was lawfully occupied on 31 August 2020, LabTech would be able to change the use to office or other Use Class E uses without permission. There has been interest from a media/content creation occupier who already has premises at Hawley Wharf. LABS specialises in providing workspace for SME businesses.

By providing flexible Class E space, in the long term, it would be possible to provide restaurant space in this location, as the masterplan originally intended, once the economic climate is more positive.

Whilst the application is being considered by the Council, LabTech is developing a Hawley Wharf Estate feasibility report and taking into account the Camden Market Vision document and the asset to set the direction of travel to ensure the business model is adapting to future challenges and the securing sustainable business operation.

The proposals would lead to the following land use floor area changes at the Site (GIA sqm):

Land Use	Existing (GIA sqm)	Proposed (GIA sqm)	Uplift (+/-)
Use Class A3 (Restaurant)	1,166	0	-1,166
Use Class E (Flexible Office/Restaurant)	0	1,166	+1,166
Total	1,166	1,166	0

Further details of the proposals are set out in the Design and Access Statement and submitted drawings, prepared by LabTech.

Local Development Framework

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires proposals to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan consists of:

- The London Plan (as amended, 2021); and
- The Camden Local Plan (2017).

Relevant supplementary planning guidance for the Site includes the Regent's Canal Conservation Area Appraisal and Management Strategy (2008).

Planning Assessment

Land Use – Loss of Restaurant (Class A3)

The proposals seek a change of use from Class A3 to Flexible Class E. Since the site has opened, there has not been any solid interest for lease of the site. It is important to recognise that if the rooftop units were lawfully implemented on 31 August 2020, it would have been possible to convert the space into flexible Use Class E floorspace without planning permission.

Local Plan Policy TC2 promotes successful and vibrant centres throughout the borough which will serve the needs of residents, workers and visitors. This will be achieved by protecting and enhancing the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located; 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 proposed loss of Use Class A3 and introduction of Use Class E is in line with local policies TC2 and TC6 by protecting the market by bringing the unused space back into use and will promote the area by providing variety within Hawley Wharf Market.

Land Use – Flexible Office/Restaurant (Use Class E)

Local Planning Policy TC4 of Camden's Local Plan states that "the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours".

Local Planning Policy E1 seeks to secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses.

The provision of Use Class E, as a flexible office and restaurant space will protect and enhance the role and unique character of Camden Town Centre, by bringing the site into use for the first time and therefore contributing vibrancy and choice within Hawley Wharf.

There has been interest in the Site from an existing media tenant who has successfully grown their business in Hawley Wharf. The tenant currently works with Camden Giving to better connect the skills, knowledge and resource within the business to the local community, supporting grassroots organisations through Camden Giving's network of grantees. Furthermore, Labs, the Applicant's co-working business who may also take the space if approved for Use Class E is engaged with Camden's STEAM initiative and this would continue as a result of this application. It is anticipated that this space could accommodate up to 100 new employees.

In land use terms, the proposed change of use would not cause harm to the character, function or vitality of the Town Centre or Hawley Wharf and are considered to be in accordance with policies E1, TC2 and TC4.

Access

Local Plan Policy C6 seeks to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.

The rooftops of Building A1 and A2 are easily accessible via stairwells and lifts, in line with the approved, as built situation. External gates are proposed to differentiate between private and public areas, the existing level of accessibility at the site will be unchanged as a result of the proposals.

Transport

In the submitted Transport Statement, prepared by Arup, it is confirmed that the proposed change of use will have a minimal impact on additional cycling trips and that there is considered to be little need to provide additional parking provisions beyond the current and ongoing planning agreements between the Applicant and LB Camden.

Sustainability

Arup has been appointed to prepare a Sustainability Statement in support of the application. Hawley Wharf was completed in 2020/2021 and has met the BREEAM standards of 'very good'. A Green Lease is required to ensure that the tenant fit out would meet the 'very good' standard. In respect of existing planning policy, policy CC2 requires minimum energy, material and water credits to be achieved. The Sustainability Statement states that these minimum credits would be exceeded for this proposal.

In respect of energy standards, Hawley Wharf has been built to meet the approved energy standards. The tenant would be responsible for fitting out the units.

Amenity - Noise

In respect of noise, there are existing planning conditions attached to the operative masterplan planning permission (ref: 2022/0972/P) restricting noise generated from the roof top space. The proposed flexible use would achieve these noise standards.

External Amenity Space

Camden Planning Guidance: Public Open Space, states that development is expected to include private amenity space for workers. Within the CPG, it states that 0.74 sqm is required per worker, which is being achieved by the proposals.

The proposals will provide 216 sqm of external amenity space for the office use at the rooftop of Buildings A1 and A2, without the loss of any approved public amenity space at this level, responding to the needs of existing tenants for more space for their business use whilst maintaining the public nature of the existing rooftops external space, and is therefore compliant with policy guidance.

Supporting the Existing Market Uses

The proposals are being brought forward to occupy an area of Hawley Wharf that has not been used since the site opened.

Policy TC2 of the LB Camden Local Plan states that LB Camden will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The proposal will enliven this part of Hawley Wharf and will provide a viable use for the rooftop units, drawing people up to the rooftop level, creating a footfall to this part of the masterplan throughout the day and adding to the diverse range of users at the masterplan site.

Local Plan Policy TC4 states that “the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours”.

Local Plan Policy TC6 sets out that the Council will consider the character of the existing market when assessing proposals for the refurbishment and redevelopment of markets.

The proposals are in line with Camden local policies TC2, TC4 and TC6 as they will support and improve the continued function of the Site within Hawley Wharf and secure its long-term future. The flexibility allows for restaurant use when there is an appropriate tenant, however the flexible proposals ensure that the site can remain in use and enhance Hawley Wharf.

The land uses would not cause harm to the character, function, vitality and viability of the Town Centre or Stables Market, and as such, is considered to be in accordance with policies TC2, TC4 and TC6 of the Camden Local Plan. Overall, the proposed use is considered acceptable in principle and is in line with Camden’s Local Plan policies.

Conclusion

The proposed change of use to flexible Class E (Office /Restaurant) will contribute to the diversification of the Market in line with Camden’s town centre and market planning policies by opening up and revitalising a currently unused area of the market, therefore supporting to the success of the market at large in line with Local Plan Policies TC2, TC4, TC6, E2 and C6. Furthermore, the proposal seeks to provide new job opportunities in line with policy E1.

It is considered that the proposal for which planning permission is sought complies with the local, regional and national planning policy. It is considered that there are no material considerations of sufficient weight to determine that the application is other than in accordance with the Development Plan, on this basis, planning permission should be granted.

Application Documentation

Alongside this covering letter, please find enclosed the following documents in support of this application:

- Completed Application Form, prepared by Gerald Eve;
- Completed CIL Form, prepared by Gerald Eve;
- Site Location Plan, prepared by Labtech,
- Transport Assessment, prepared by Arup;
- Energy and Sustainability Statement, prepared by Arup;

- Existing and Proposed Floorplans, prepared by Labtech;
- Report on Retail Performance & Building A Rooftop Strategy, prepared by Labtech; and
- Design and Access Statement, prepared by Labtech.

The requisite application fee of £462 (plus the £32.20 application fee) has been paid online using the planning portal.

We look forward to receiving confirmation of registration and validation of the application in due course. In the meantime, please do not hesitate to contact Anna Gargan or Bethan Warwick of this office should you have any questions regarding the above.

Yours faithfully



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