



ALLEN PLANNING Ltd  
Town Planning and Development Consultants

# Planning Statement

**Planning application for variation to condition  
3 imposed upon planning Permission  
2012/5417/P**

On land at

**23-27 Hatton Wall  
London  
EC1 8JJ**

## **1.0 Introduction & Proposed Amendments**

- 1.1 The application site comprises a four storey mixed use building located east of Leather Lane, mid-way along Hatton Wall, close to the junction with Hatton Garden. The building is situated within the Hatton Garden Area (which has been designated as an established centre for the jewellery industry), the Hatton Garden Conservation Area, and within the protected site line from Kenwood viewing gazebo to St Paul's Cathedral. It has been included in the (Conservation Area Statement) list of unlisted buildings that make a positive contribution to the special character and appearance of the area.
- 1.2 An extant planning permission exists on the site for the change of use of ground and basement floor levels from A3/A4 use to B1 office use, and of first floor from sui-generis to B1 office use under reference 2012/5417/P granted on 3<sup>rd</sup> December 2012.

- 1.3 Condition number 3 imposed upon this permission required: -

*The development hereby permitted shall be carried out in accordance with the following approved plans [Site Location Plan: HD517/ 4000; HD517/ 4001; HD517/ 4002; HD517/ 4003; HD517/ 4004. ]*

- 1.4 Further to this extant consent a further permission was granted by the LPA on the 17<sup>th</sup> July 2014 under reference 2013/5763 for: -

*“Change of use at first floor level from Sui Generis to residential (Class C3), and erection of a roof extension, including extension at second floor level rear, new third floor level to create an additional storey, in connection with the provision of 2 x 1 bedroom and 3 x 2 bedroom self-contained flats, and alterations to shopfront including new residential entrance.”*

- 1.4 This later application has been commenced.
- 1.5 These two extant permissions therefore provide the first floor of the building with two separate planning permissions the first to office use under class B1 (a) and the second as a residential apartment under class C3.
- 1.6 Work is we are advised nearing completion on the conversion of the first floor to a residential unit.
- 1.7 Our clients would however seek to provide office accommodation in the basement and ground floor of this building but given the fact that the existing planning permission which would permit such also grants the first floor under the same permission it would not be possible to complete the development in accordance with the approved plans for these reasons.
- 1.8 The approved plans were specifically identified under condition three of the 2012 planning permission and given that this remains extant until 3 December this year then it is we submit possible to submit a variation of a condition under section 73 of the Act to allow this development to be undertaken in accordance with the following set of drawings effectively removing the first floor from this permission

## **2.0 The Act**

- 2.1 Section 73 of the ACT applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

2.2 Subsection (2) states that on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*

### **3.0 The Variation Proposed**

3.1 This application seeks to effectively remove the permission granted for office use on the first floor of the building to allow the 2012 permission to be implemented on the ground and basement floors.

3.2 This application therefore seeks to amend the current condition 3 from: -

*The development hereby permitted shall be carried out in accordance with the following approved plans [Site Location Plan: HD517/ 4000; HD517/ 4001; HD517/ 4002; HD517/ 4003; HD517/ 4004.]*

To: -

*The development hereby permitted shall be carried out in accordance with the following approved plans [Site Location Plan: HD517/ 4000; HD517/ 4001; HD517/ 4002; HD517/ 4003; **HD517/ 4004 Rev A** ]*

3.3 The revised drawing *HD517/ 4004 Rev A* simply removes the first floor from the permitted scheme.

3.4 Policies CS8 and DP13 encourage business uses and, within the Hatton Garden Area, particularly those which may be suitable as jewellery workshops. This approach is also supported in CPG5.

3.5 The host building has a history of Class B1a use with the change from B1 use first granted in August 1996 to form bar and restaurant uses on the ground and basement floors and therefore the permitted return to a Class B1a use of the basement and ground floors would be in accordance with policy DP13, which states that the Council will retain land and buildings that are suitable for continued business use.

### **4.0 Conclusion**

4.1 The NPPF establishes a presumption in favour of sustainable development and local planning policy states that new office type accommodation will be allowed in this area subject to meeting certain criteria.

4.2 Paragraph 14 of the NPPF identifies that in decision-making the presumption in favour means approving development proposals that accord with the development plan without delay and the Applicant submits that this scheme is in accord with the development plan.

4.3 In addition paragraph 14 advises that where the development plan is either absent, silent or that the relevant policies are out of date permission should be granted unless either specific policies in the NPPF indicate that development should be restricted or that:

*“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole”*

- 4.3 The approval of this variation to the existing and extant 2012 permission would allow for the approved basement and ground floors to be occupied as office space and the omission of the first floor is entirely acceptable given that this has an alternative planning permission for residential use.
- 4.4 We therefore conclude that this variation of condition application is entirely acceptable and in accordance with the policies of the Framework, the London Plan and Camden's Development Plan Framework.