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| Delegated Report | | Analysis sheet | | Expiry Date: | | 15/11/2017 | |
| | | N/A / attached | | Consultation Expiry Date: | | 19/10/2017 | |
| Officer | | | | Application Number(s) | | | |
| Alyce Keen | | | | 2017/3650/P | | | |
| Application Address | | | | Drawing Numbers | | | |
| 26-29 St Cross Street LONDON EC1N 8UH | | | | Refer to decision notice. | | | |
| PO 3/4 | | Area Team Signature | | C&UD | | Authorised Officer Signature | |
| | | | | | | | |
| Proposal(s) | | | | | | | |
| Variation of condition 2 of planning permission PS9904721 dated 21/07/2000 to allow for uses falling within business use (Class B1) across all floors. | | | | | | | |
| Recommendation(s): | | Refuse variation of condition | | | | | |
| Application Type: | | Variation or Removal of Condition(s) | | | | | |
| Conditions or Reasons for Refusal: | | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | | |
| Consultations | | | | | | | |
| Adjoining Occupiers: | | No. notified | 00 | No. of responses | 00 | No. of objections | 00 |
| | | | | No. electronic | 00 | | |
| Summary of consultation responses: | | Site Notice – 27/09/2017 – 18/10/2017 Press advert – 28/09/2017 – 19/10/2017 No consultation responses were received for this application. | | | | | |
| CAAC/Local groups* comments: <small>*Please Specify</small> | | N/A | | | | | |

Site Description

The application site contains a five storey building (plus basement). The building comprises office space (Class B1(a)) on floors basement, ground, first and fourth floor with light industrial (Class B1(c)) on the second and third floors.

The building is not designated as a listed building or positive contributor however the property is located within the Hatton Garden Conservation Area.

Relevant History

PSX0204106 - The installation of windows to the rear elevation, together with the installation of 2 air conditioning condenser to the rear at second floor level and 1 at third floor level. Granted 11/03/2003.

PS9904721 - External alterations including the replacement of existing shutters and existing entrance with new glazed entrances and a folding security grille in association with the use of the property as offices (class B1) for the basement, garage, ground and first floors together with the change of use of the third floor from the assembly and sale of diamond jewellery to light industrial (class B1c use). Granted 21/07/2000.

PS9905039 - The lawful use of the first floor for B1 use. Granted 16/11/1999.

PS9905040 - The lawful use of the second floor for a use falling within B1 of the Use Classes Order. Granted 16/11/1999.

PS9904722 - Change of use of the ground and mezzanine floors to restaurant (A3) use and the continued use of the remainder of the building for offices (class B1) purposes. Refused 14/09/1999.

Relevant policies

London Plan 2016

National Planning Policy Framework 2012

Camden Local Plan 2017:

G1 Delivery and location of growth

E1 Promoting a successful and inclusive Camden economy

E2 Employment premises and sites

Hatton Garden conservation area appraisal and management plan 2017

Assessment

Proposal

Variation of condition 2 of planning permission PS9904721 dated 21/07/2000 to allow for uses falling within business use (Class B1) across all floors.

Condition 2 of planning permission PS9904721 is extracted below:

'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting that provision with or without modification, the use herein permitted for the third floor shall be restricted to light industrial purposes falling within Class B1 (c) of the above order and no other use in Class B1 of that order.'

Suggested re-wording of condition:

'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those Orders with or without modification), the use of the premises shall be restricted to uses falling within class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no other use unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.'

In addition to a condition of approval as part of the decision, a S106 legal agreement secured the use of the third floor for B1(c) purposes only as extracted below:

USE OF SECOND AND THIRD FLOORS

Save with the written consent of the Council given in accordance with the requirements of this Agreement (i) to surrender and discontinue all existing lawful use rights to use the Second Floor and the Third Floor for any use currently within Class B1(a) or B1(b) of the Use Classes Order and (ii) not to permit the use of the Second Floor and the Third Floor for any use except a use for an industrial process currently falling within Class B1(c) of the Use Classes Order ALWAYS PROVIDED that the Council in considering whether to grant its consent to any waiver of this Sub-Clause in respect of the Second Floor shall have regard to whether comparable floor space in the Basement has been secured for use within Class B1(c) of the Use Classes Order.

Please note that this application is solely considered to vary condition 2, which restricted the third floor only. As for the second floor restricted under the S106 legal agreement this would have to be considered under a deed of variation.

Assessment

Land Use

Policy E1 (Economic development) of the Camden Local Plan states that the Council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. As well as to support Camden's industries by promoting and protecting the jewellery industry in Hatton Garden.

Policy E2 (Employment premises and sites) discusses how Camden will consider redevelopment of premises or sites that are suitable for continued jewellery workshops provided that:

- j. the level of jewellery workshop space is increased or at least maintained;
- k. the redevelopment retains existing businesses on the site as far as possible; and
- l. the relocation of businesses will not cause harm to CAZ functions or Camden's local economy.

The Hatton Garden Conservation Area Appraisal and Management Strategy states that the Council recognises that there are commercial pressures for change of use, e.g. to workshops, restaurants and offices. In determining applications for change of use the Council will have regard to the effect on the balance of uses in the Area and on the distinctiveness that stems from the continuation of traditional activities associated with the Area, particularly jewellery manufacture.

In short, our policies seek to protect existing employment floorspace that is suitable for jewellery use.

Paragraph 5.49 of policy E2 states that in the Hatton Garden area the conversion of employment premises will only be permitted where it can be demonstrated that they have been vacant and marketed for at least two years and they are replaced by a mixed use development that includes premises suitable for use as jewellery workshops as well as other appropriate uses.

Camden's economic development department reviewed the marketing evidence provided. It was noted that it was suggested that the existing floorspace is 'inherently unsuitable' for jewellery uses. It was also acknowledged that the applicant, and the marketing evidence provided, highlights a lack of demand for the B1(c) floorspace. However both the suitability of the existing floorspace, and the demand for that floorspace, would need to be evidenced. There are a number of expectations and requirements that Camden would expect to be addressed within any marketing exercise. The current marketing report provided does not fully address the requirements. For instance, the marketing report suggests that the current exercise has lasted around half a year and does not provide information on rents (nor any indication as to whether the advertised rents reflect current rent levels within Hatton Garden). Without strong evidence which outlines the unsuitability of the premises for continued B1(c) use, particularly considering the current level of demand for affordable B1(c) floorspace within Hatton Garden, the Council would have to conclude that the existing floorspace is suitable for continued

B1(c) use and would seek to protect it.

The second and third floor premises is considered to be suitable for the continuation as jewellery workshop use as these floors are large open spaces with fenestration that affords considerable natural light to enter the floors and there is also a separate entry from the street frontage.

Recent Section 106 agreements have resulted in newly built jewellery workspace (e.g. Arundel House in Kirby Street, The Record Hall in Baldwin Gardens). Intelligence from jewellery trade and manufacturing businesses in Hatton Garden, often received via the Hatton Garden Business Improvement District, highlights that there is increasing pressure on the supply of jewellery workshops in the area. The loss of this jewellery workspace is likely to add to that pressure.

The proposal to vary the condition to be restricted to uses falling within Class B1 is not considered acceptable as this could result in the building not including premises for use as jewellery workshops all together.

It is considered that the loss of the B1(c) use would further erode and undermine the jewellery industry which the planning policy seeks to promote and protect. The evidence provided by the applicant is not sufficient to demonstrate that the B1(c) use is no longer suitable for continued use; therefore, the change of use would adversely impact the jewellery industry and as such the proposal is unacceptable.

Amenity

The Council does not have any concerns in regard to amenity as a result of a variation to change of use.

Transport

The Council does not have any concerns in regard to transport as a result of a variation to change of use.

Conclusion

It is considered that the site is suitable for a continued jewellery workshop use and that there is demand for such accommodation in the area. The applicant has failed to acknowledge the unique character of Hatton Garden and the special protection it is afforded by the Camden Local Plan, and as the proposal does not promote or protect the existing provision of B1(c) floorspace it is considered to be unacceptable.

Recommendation: Refuse variation of condition.