

Delegated Report		Analysis sheet		Expiry Date:		27/12/2017	
		N/A		Consultation Expiry Date:		24/11/2017	
Officer				Application Number(s)			
Obote Hope				2017/5159/P			
Application Address				Drawing Numbers			
3 Hargrave Place London N7 0BP				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Variation of condition 3 (the ground floor commercial premises shall only be used for light industrial purposes (Class B1c) and no other uses within the B1 use class) of planning permission 2014/3714/P dated 18/11/2014 for: erection of 4 storey building comprising light industrial unit (Class B1(c) on ground floor and 6x flats on upper floors following demolition of existing light industrial unit. namely, the use of the ground floor to include all uses within B1use class, (retrospective).							
Recommendation(s):		Refused and Warning of Enforcement Action to be taken					
Application Type:		Variation or Removal of Condition(s)					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:				No. of responses	03	No. of objections	03
				No. electronic	03		
Summary of consultation responses:		<p>Site Notice 03/11/2017/2017 – 24/11/2017.</p> <p>The owner/occupier of No 48 Rochester Place have objected to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. The proposal was not built in accordance with the approved plans, and; 2. The ground floor conforms with CPG guidance at 2014 of acceptable B1c commercial build criteria only in floor to ceiling height; <p>The owner/occupier of No 22c Huddleston Road have objected twice to the application on the following grounds:</p> <ol style="list-style-type: none"> 3. The applicant had no intention to build B1c floor space, they have built poor office space and now want to change; 4. The proposal would not be in accordance with E1 a), b), g) and i). 5. The proposal would be contrary to E2 of the local Plan 2017 resist development of business premises unless it demonstrated...that the possibility of retaining, reusing the site has been fully explored, and; 6. No evidence of suitable marketing efforts were undertaken. <p>The owner/occupier of No 27 Shepherd House have objected to the application on the following grounds:</p> <ol style="list-style-type: none"> 7. The application intends to re-organise the property and demolish the light industrial area with the aim of constructing new residential flats in its place; 					

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|---------------------------|--|
| | <p>8. There is a shortage of B1c space and the use should be protected, and;</p> <p>9. The applicant had no intention of building light industrial building;</p> |
| Conservation Area: | N/A. |

Site Description

The property is 4-storey building comprising a light industrial workshop with an associated service yard on the south side of Hargrave Place, a cul-de-sac off Brecknock Road. The site is located between a public house, on the corner of the road, and the rear of 23-25 Brecknock Road. Opposite the site is 2/2a Hargrave Place, a four storey building in residential and live-work use, and Landleys Field a four storey residential building, which forms part of a larger housing estate. To the south of the site is Brecon Mews, a three storey residential development arranged around a parking area in a gated development, accessed from Brecknock Road and Hargrave Place.

The site is not within a conservation area and there are no listed buildings in the vicinity. The property now forms part of the Kentish Town Neighbourhood Plan adopted in September 2016.

Relevant History

1-7 Hargrave Place (application site)

2014/3714/P – Erection of 4 storey building comprising light industrial unit (Class B1(c)) on ground floor and 6x flats on upper floors following demolition of existing light industrial unit. Granted planning permission subject to s106 legal agreement on 18.11.2014.

2014/7872/P - Details pursuant to condition 10 (ground investigation report) of planning permission granted on 18/11/14 (reference 2014/3714/P) for erection of 4 storey building comprising light industrial unit on ground floor and 6x flats above following demolition of existing light industrial unit. Granted approval of details on 25/02/2015.

2015/1908/P - Alterations to front and side ground floor elevations and upper floor windows, and conversion of ground floor servicing and parking yard to internal floorspace in building approved under planning permission 2014/3714/P dated 18/11/14. Granted Non-Material Amendment on 10.06.2015

2015/7240/P - Details of photovoltaics and green roof as required by conditions 5 and 6 of planning permission 2014/3714/P dated 18.11.2014. Granted approval of details on 13.05.2016

2017/5162/P - Installation of 2 x external air conditioning condenser units (retrospective). Granted retrospective consent on 25.01.2018

EN16/1044 - Check if built as B1 according to approved PP 2014/3714/P dated 17/10/2016

Relevant policies

National Planning Policy Framework 2012

London Plan 2016

The Camden Local Plan 2017

DM1 Delivery and monitoring

E1 Promoting a successful and inclusive Camden economy (paragraphs 5.28 and 5.34),

E2 Employment premises and sites (paragraphs 5.41 and 5.46)

Camden Planning Guidance (2015 to 2017)

CPG1 Design

CPG3 Sustainability

CPG5 Town centres, retail and employment (section 7.3)

CPG6 Amenity

CPG8 Planning Obligations

Kentish Town Neighbourhood Plan 2016

Assessment

1.0 Background

1.1 Planning consent is sought to vary condition 3 to allow the ground floor to be used within all B1 use classes associated with planning permission 2014/3714/P for: Erection of 4-storey building comprising light industrial unit (Class B1c) on ground floor and 6x flats on upper floors following demolition of existing light industrial unit on 18.11.2014. An application for a Non-Material Amendment (2015/1908/P) was granted 10.06.2015 for reconfiguration of the internal floor space. The works proposed resulted in the loss of the covered service yard which measures approximately 65sqm was reduced 20sqm to provide additional office area. It noted that the parking area was removed and new cycle & refused storage provisions were introduced. As such, the proposed works resulted in significant changes to the primary function of the light industrial unit. Consequently, the changes undertaken resulted in the restriction of the movement of goods and material to and from the site. This element was discussed on site and the applicant suggest that the lack of a service area and the low ceiling height contributed to the unauthorised change of use. The overall layout and built form is current under investigation by the enforcement team ref: EN16/1044.

2.0 Land use:

2.1 The original permission (2014/3714/P) included a condition, which restricted the use of the ground floor to B1c only. This is due to the limited supply of sites and premises suitable for light industrial, storage and distribution uses, determined under Local Development Framework and re-enforced under the Local Plan 2017. Which seeks to protect such sites above the normal protection of general office space of which there is no shortage of in the borough. Moreover, during the course of the application it was agreed with the applicant that the proposed commercial floorspace would be light industrial (Class B1c) only. The existing building currently provides approximately 235sqm of commercial floorspace over a single storey with an adjacent 15sqm outdoor storage shed.

3.0 Principle of the Change of use:

3.1 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 Light Industrial use by promoting and protecting the Kentish Town Industrial units.

3.2 Of particular importance is paragraph 5.28 of the Local Plan. The plan makes specific references to the limited industrial and warehousing stock in Camden, the policy document further emphasise the importance of warehouse and light industrial areas which states "*Employment Study 2014 found that the cost of industrial locations in Camden is high, indicating that supply does not meet demand.*" It is important to main B1c use as Once an industrial or warehousing use is developed for an alternative use it is unlikely that it will be returned to such use.

3.3 Policy E1 of the local plan also emphasise the importance of light industrial use which often represent a unique section of the workforce, the document states that "*premises suitable for industrial, manufacturing and warehousing businesses provide jobs for people who would otherwise be at relatively high risk of being unemployed*". It should also be noted that *the skills required for these sectors are fundamentally different from other sectors with similar qualification level requirements, such as retail, leisure and hospitality.* In light of the above the propose change of use to offices would be contrary to Policy E1 of the Local Plan 2017.

3.2 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:

- a. the site or building is no longer suitable for its existing business use; and;
- b. that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.

3.3 The accompanied Marketing report suggest that notification was given on November 2015 to find potential tenants with Marketing of the site undertaken on 30th March 2016. However, Genesis Architects prior to an application with the covering letter commissioned this, which states, "*Our client has approach a number of agents with a view to begin marketing the ground floor Class B1(c) light industrial unit. On their inspection of the approved plans, it is their suggestion that the unit would benefit from additional internal floor space. This could be achieved by the loss of the vehicle undercroft (Yard) which in turn has the benefit of avoiding vehicles*

crossing over the public footpath. This would increase the gross internal floor area from 160sqm to 235sqm". The marketing evidence suggest that four offers (three were for office use) were received between April 2016 to November 2016. The lease for the Industrial use (class B1c) was aborted on August 2017 and the office lease for Great Big Events was signed on the 24th February 2017.

3.4 The council contents that the level of marketing that was undertaken was not sufficient to satisfy the loss of the Light Industrial unit. Supplementary planning guidance (CPG 5) on Town centres, retail and employment is material consideration and identify the property as within category 2 (protected unless there is very strong marketing evidence). Which, protects the light industrial use and the document stipulates that at a minimum the marketing exercise should include:

- Use of a reputable local or national agent with a track record of letting employment space in the borough;
- A visible letting board on the property (constant throughout the marketing period);
- Marketing material should be published on the internet, including popular online property databases such as Focus and should include local or specialist channels where appropriate – e.g. jewellery-specific press in Hatton Garden, through Business Improvement Districts, the GLA's Open Workspace Group or other workspace providers;
- Existing lawful use of the advertised premises should be included in the marketing materials;
- Continuous marketing over at least 2 years from when the letting board is erected and the property is advertised online (i.e. not simply from when agents were appointed) to the date of the submission of the planning application;
- Advertised rents should be reasonable, reflecting market rents in the local area and the condition of the property;
- Lease terms should be attractive to the market:

3.5 Camden's economic development team reviewed the marketing evidence provided. The Agent suggested that the existing floorspace is 'inherently unsuitable' for light industrial use. It was also acknowledged through discussions with the agent 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 these requirements. For instance, the marketing report suggests that the current exercise lasted just over a year and report does not provide any kind of evidence to support the various marketing exercise undertaken. The marketing exercise also omit the various level of rent scheme that were undertaken or supplied supplementary information to collaborate whether the advertised rents reflect current rent levels within Kentish Town Area. 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 Kentish Town Area the Council would have to conclude that the existing floorspace is suitable for continued B1(c) use and would seek to protect it.

3.6 Amenity

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

3.7 Transport

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

3.8 Conclusion

3.9 It is considered that the site is suitable for a continued workshop use and that there is demand for such accommodation in the area. The applicant has failed to acknowledge the importance of the light industrial unit and the special protection it is afforded by the Camden Local Plan 2017. Thus, the proposal does not promote or protect the existing provision of B1(c) floorspace is considered unacceptable.

4.0 Recommendation

4.1 It is recommended:

- a) that the application is refused;

b) that the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) and officers be authorised in the event of noncompliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

4.2 The Notice shall allege the following breach of planning control:

Breach of condition 3.

4.3 The notice shall require a period of 3 month of the notice taking effect:

4.4 The Notice shall specify the reason why the Council considers it expedient to issue the notice:

4.5 The proposed variation of condition, in the absence of sufficient justification demonstrating that the premises is no longer suitable for continued B1c use, would result in the unacceptable loss of light industrial employment floorspace, contrary to policies E1 and E2 of the London Borough of Camden Local Plan 2017.