

Address:	36 - 38 Diamond House Hatton Garden London EC1N 8EB	
Application Number:	2012/2327/P	Officer: Hugh Miller
Ward:	Holborn & Covent Garden	
Date Received:	30/04/2012	
Proposal: Change of use of lower ground floor from office use (Class B1) to Pilates studio (Class D2).		
Drawing Numbers: Location Plan; 902. 200; 902.201.		
RECOMMENDATION SUMMARY: Grant planning permission subject to a Section 106 Legal Agreement		
Applicant:	Agent:	
Ms Juliana Velez 27 Whiteley Road London SE19 1JU	Ideal Planning and Design Ltd Hyde Park House 5 Manfred Street London SW15 2RS	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1 Business		248m ²
Proposed	D2 Assembly and Leisure		248m ²
Parking Details:			
	Parking Spaces (General)		Parking Spaces (Disabled)
Existing	0		0
Proposed	0		0

OFFICERS' REPORT

Reason for Referral to Committee: The Director of Culture and Environment has referred the application for consideration as it involves the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3 (vi)].

1. SITE

- 1.1 The application site comprises a basement plus six storey building located on the east side of Hatton Garden north of the junction with Greville Street and south of St Cross Street. The ground floor has jewellery A1 retail units with office use on the upper floors. The basement floor is currently vacant, but has been used in the recent past as B1 office floorspace. The building dates from the early 20th century and has a stone clad façade to the street frontage.
- 1.2 The site is located within Hatton Garden; London's pre-eminent jewellery sector. It is also located within the Hatton Garden Conservation Area, but is not a listed building. There are a variety of retail and related ground floor premises surrounding the site, together with commercial, and jewellery related uses on the upper floors.

2. THE PROPOSAL

Original

- 2.1 Planning permission is sought for the change of use of the basement floor of the premises from a business use (Class B1) use to become a Pilates studio (Class D2). For clarification no external alterations or extensions are proposed as part of this scheme; it is solely for the change of use of the basement floor of the premises.

3. RELEVANT HISTORY

- 3.1 32022 – April 1981 PP Granted - The provision of new glass doors to the front entrance and new roller shutters.
- 3.2 2006/5775/P – February 2007 PP Granted - Installation of new entrance doors to office building (Class B1).
- 3.3 2008/5315/P – Withdrawn application - Erection of glazed paving surface to infill the northern lightwell on the Hatton Garden elevation.
- 3.4 2009/3017/P – September 2009 PP Granted - Installation of two new windows to rear elevation, at first floor level, and infilling of a lantern rooflight to existing offices (Class B1).

4. CONSULTATIONS

Adjoining Occupiers

<i>Number of letters sent</i>	42
<i>Total number of responses received</i>	0
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

- 4.1 A site notice was erected on 17/05/2012 (expiring on 07/06/2012) and press notice published on 10/05/2012 (expiring on 31/05/2012). No responses were received as a result of the public consultation.

5. **POLICIES**

5.1 **LDF Core Strategy and Development Policies**

CS1 Distribution of growth
CS3 Other highly accessible areas
CS5 Managing the impact of growth and development
CS8 Providing a successful and inclusive Camden Economy
CS9 Achieving a successful Central London
CS10 Supporting community facilities and services
CS11 Promoting sustainable and efficient travel
CS14 Promoting high quality places and conserving our heritage
CS19 Delivering and monitoring the Core Strategy
DP13 Employment premises and sites
DP15 Community and leisure uses
DP17 Walking, cycling and public transport
DP18 Parking standards and the availability of car parking
DP19 Managing the impact of parking
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours

5.2 **Supplementary Planning Policies**

Camden Planning Guidance 2011
Hatton Garden Conservation Area Statement (05/08/1999)
National Planning Policy Framework (Adopted March 2012)

6. **ASSESSMENT**

- 6.1 The principal considerations material to the determination of this application are summarised as follows:

- Land use considerations – loss of business accommodation / provision of Class D2 Pilates studio
- Design / Impact on conservation area
- Amenity
- Transport

Land use considerations

- 6.2 The proposal involves the loss of 248sqm of business (Class B1) floorspace at basement floor level. In support of the loss of business floorspace the applicant has confirmed that the premises have been vacant for 16/17 months with no interest from prospective tenants for office use. The applicant submitted marketing information to demonstrate there is no demand for business use at basement level on this site. Additional information was submitted which identified 23 locations where office floorspace is available, the majority located in Hatton Garden and of better quality business floorspace than the basement of the application site.

- 6.3 The most recent occupier of the basement floor was a public relations company, which vacated in March 2011 and relocated to the first floor of the application building due to lack of natural light. The space has been marketed through a variety of means by local estate agents since March 2011 but to date it has remained vacant. The marketing information is considered to be sufficiently robust in the context of this site and the Council's employment policies.
- 6.4 Policy CS8 at paragraph 8.8 indicates that the future supply of office accommodation in the borough can meet projected demand and therefore the Council will consider proposals for other uses of older office premises if they involve the provision of permanent housing or a community use. In addition, policy DP13 indicates circumstances under which the Council may not resist a change to non-business use. The policy states that where premises are not suitable for any other purpose other than Class B1 (a) offices, the Council may allow change to residential or community use. There is an exception as it relates to the Hatton Garden area, where the Council will only permit the conversion of office premises where it can be demonstrated that they have been vacant and marketed for at least two years and are replaced by a mixed use development which includes residential and light industrial premises suitable for jewellery workshop space.
- 6.5 In this instance no jewellery workshop space is proposed and instead the entire Class B1 floorspace at basement floor level (248sqm) is proposed for a Pilates fitness studio. As indicated above, the applicant has demonstrated that the basement floor of the building has been vacant since March 2011, despite various marketing attempts. Due to the lack of natural daylight and single staircase involved in this case it is not considered to be practically possible for both jewellery workshop space and the proposed use to be provided at basement floor level. Moreover, it is acknowledged that the space at basement floor level is not practically suitable for Class B1c jewellery related uses owing to the lack of access to natural light, nor are the premises considered suitable for a Class B2 or B8 use in this location. Consequently it is instead considered that a financial contribution in lieu of direct jewellery sector workshop space provision on site is appropriate owing to this context.
- 6.6 Using a formula based on the average amount of jewellery contribution secured on schemes since 2008, the applicant has shown a willingness to make a financial contribution of £61,752 in this instance. This contribution will be secured via S106 Legal Agreement. The contribution is anticipated to be used by the Council's Economic Development service, working in partnership with jewellery sector manufacturers in Hatton Garden, to support initiatives to improve business and competitiveness within the Hatton Garden jewellery and allied industries. Examples of such initiatives include training and apprenticeship schemes for new recruits to the sector and various measures to continue the promotion of Hatton Garden as a jewellery hub and visitor destination.
- 6.7 The Pilates health studio is considered to align broadly with the policy aims of CS8/DP13 and CS10/DP15. More specifically DP15g-i specifies that new community uses should be close to the community they serve, accessible by a range of transport modes and located in the Central London Area. The applicant has indicated that the proposed Pilates studio would seek to cater for the local

populace, both residents and workers and would be likely to employ at least 3 full time and 11 part time jobs. Furthermore the site is within a highly accessible location within Central London. Thus the principle of a Pilates health studio use at the basement floor level of the premises is considered acceptable.

Design / Impact on the conservation area

- 6.8 As outlined previously, no external alterations are proposed and hence there are no design related considerations. In relation to the impact on the conservation area, it is considered that the change of use of this basement floor level of accommodation from business to a Pilates studio use would preserve and not harm the character of the area. Moreover, by bringing a currently vacant space back into active use it is considered to assist in enhancing the character of the conservation area at this point.

Amenity

- 6.9 In terms of the impact on existing occupiers of the application site building and neighbouring / nearby occupiers, the provision of a Pilates studio is not envisaged to result in any significant loss of amenity. It is proposed to arrange 14 classes per day with a minimum of 10 clients/ customers per class. The opening hours would be, weekdays: 6/6:30am to 8:30pm; Saturdays: 8:00am to 1:00pm and Sundays: 9:00am to 1:00pm. Thus the level of activity / noise and disturbance at the site is not considered to be any greater than that possible from the existing Class B1 use at the premises. Moreover, due to the change of use nature of the proposals, no overlooking, outlook or sunlight or daylight issues would arise as a result of the proposals.
- 6.10 Moreover, owing to the nature of the proposed operator, it is not considered necessary to impose a condition on the opening hours of the facility. Notwithstanding the above, it is however recommended that a condition is added to any permission denoting that the use is restricted to not allow otherwise lawful use changes within class D2, such as a place of worship, to require an application to be submitted to the Council for planning permission. This is considered to be necessary in order to protect the amenity of neighbours and occupiers.

Transport

- 6.11 In terms of transport matters, the proposed change of use is not envisaged to result in a significant change in the number of trips to and from the site. Furthermore the site is located within a highly accessible location and has a Public Transport Accessibility Level rating of 6b (excellent). With regard to cycle parking, the 248sqm of Class D2 accommodation is not large enough to trigger a requirement for cycle parking. As a result no transport related issues are raised.

7. CONCLUSION

- 7.1 It is acknowledged that the proposed change of use would result in the loss of Class B1 floorspace at basement floor level. However the applicant has satisfactorily demonstrated that the basement is not suitable for continued business

use, partly as a result of marketing and the availability of alternative floorspace elsewhere in the immediate area. Furthermore, the proposal would bring into active use this part of the building with potential to serve the local community in a highly accessible location. It is acknowledged that jewellery sector workshop space is not secured as part of a mix of uses at this part of the building, but this is considered to be impractical owing to the small scale nature of the proposals. Parts of the upper floors of the building are in active jewellery sector use and a financial contribution of £61,752 in lieu of direct provision is considered to be appropriate. This will fund initiatives associated with the jewellery sector in Hatton Garden and be secured via S106 Legal Agreement.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement to include the following head of term:-

- Jewellery Sector Financial Contribution of £61,752

8. **LEGAL COMMENTS**

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.