

Delegated Report		Analysis sheet		Expiry Date:		10/10/2012	
		N/A / attached		Consultation Expiry Date:		20/09/2012	
Officer				Application Number(s)			
Rob Tulloch				2012/4290/P			
Application Address				Drawing Numbers			
84 Hatton Garden London EC1N 8JR				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of first, second, third, fourth and fifth floors from vacant jewellery workshops (Class B1c) to create 5 self-contained 2 bedroom flats (Class C3) plus relocation of roof level staircase hatch.							
Recommendation(s):		Refuse Planning Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	45	No. of responses	00	No. of objections	00
Summary of consultation responses:		Site notice 22/08/2012-12/09/2012 Press advert 30/08/2012-20/09/2012 No responses received					
CAAC/Local groups* comments: <small>*Please Specify</small>		N/A					
Site Description							
The site comprises a five-storey plus basement commercial building with ground floor shop, located on the west side of Hatton Garden. The building is currently vacant except for a jewellery shop occupying the front part of the ground floor. The site is located within Hatton Garden Conservation Area. It is not listed.							
Relevant History							
2011/3927/P Change of use of first, second, third, fourth and fifth floors from vacant jewellery workshops (Class B1c) to create 5 self-contained 2 bedroom flats (Class C3) plus relocation of roof level staircase hatch. Refused 04/11/2011							
2010/2161/P - Installation of a new shop front and security shutter including removal of cladding material to existing shop (Class A1)./ Granted 29/06/2010.							

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development
CS6 Providing quality homes
CS8 Promoting a successful and inclusive Camden economy
CS9 Achieving a successful central London
CS10 Community facilities and services
CS11 Promoting sustainable and efficient travel
CS13 Tackling climate change and promoting higher environmental standards
CS18 Dealing with our waste and encouraging recycling
CS19 Developing and monitoring the Core Strategy

DP2 Making full use of Camden's capacity for housing
DP5 Homes of different sizes
DP6 Lifetime homes and wheelchair homes
DP13 Employment premises and sites
DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of car parking
DP22 Promoting sustainable design and construction
DP26 Managing the impact of development on occupiers and neighbours
DP29 Improving access
DP31 Open space and outdoor recreation
DP32 Air quality and Camden's Clear Zone

Camden Planning Guidance 2011

Hatton Garden Conservation Area Statement 1999

Assessment

1 Proposal

1.1 The proposal is for the change of use of the upper floors of the building from vacant Class B1c jewellery workshops to five flats. There are no external changes proposed to the building apart from relocating the existing stair exit enclosure to the party wall side of the roof as a result of rearranging the lower floor staircases. The ground floor shop will be retained and rear offices retained for workshop use. The basement would be used in association with the proposed upper floors for refuse stores and other storage.

1.2 The application is identical to a previous application which was refused on 04/11/2011 (ref 2011/3927/P). The first reason for refusal was:

The proposed development would result in an unacceptable loss of employment floorspace capable of continued occupation by the Jewellery Industry, contrary to policies CS9 (Achieving a successful Central London), CS8 (Promoting a successful and inclusive Camden economy), and DP13 (Employment premises and sites) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.

1.3 The lack of an EcoHomes/BREEAM assessment was referred to in reason 2:

The proposed development, in the absence of measures to incorporate environmental sustainability measures in its use of energy, water and resources, including the submission of a preliminary stage assessment demonstrating that the conversion can achieve a BREEAM EcoHomes 'Very Good' score, would fail to ensure proper standards of sustainability in the development, contrary to policies CS13 (tackling climate change) and DP22 (sustainable design and construction) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.

1.4 The remaining three reasons for refusal related to the absence of a legal agreement for car-free housing, and financial contribution to education and open space, which the Council would have expected to secure if the scheme had been acceptable.

1.5 There have been no material changes to local policy or guidance, and the applicant has not submitted any additional information other than a revised design and Access Statement which states that the premises have been unsuccessfully on the market for a further eight months, and copies of correspondence between the applicant, the Council and Centa Business Services.

1.6 The National Planning Policy Framework was introduced in March 2012. It requires the planning system to perform a social role by providing housing to meet the needs of present and future generations, but also requires local authorities to support existing business sectors, and only seeks to avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

1.7 The main issues are

- Land use
- Residential development standards
- Transport
- Amenity
- Other planning obligations

2 Land use

2.1 There is a general presumption in the LDF to protect commercial floorspace, however due to the historic nature and worldwide reputation of Hatton Garden, the LDF affords the area

additional protection.

Loss of employment floorspace

- 2.2 In line with policy DP13, the Council will resist a change of use to non-business use unless:
- a) it can be demonstrated that the site is no longer suitable for business use; and
 - b) there is evidence that the possibility of retention, reuse or redevelopment for similar or alternative business use has been fully explored.
- 2.3 The officer's report for the previous application stated that it was apparent from on-site inspection that the last occupied use of the premises was as jewellery workshops. This was deduced both from the name plates at the stairwell entrances and the internal fit-out of the premises entailing heavy duty safes and compartmentalised workbenches. The premises were considered to have all the necessary attributes for continued occupation by jewellery workshops with a central stairwell with lift access with well proportioned accommodation arranged to the front and rear of the building on each floor that can readily be let as independent units of approximately 30sqm each. All the upper floors benefit from large windows providing brightly lit accommodation.
- 2.4 As noted during the site inspection, the majority of the company names listed on the doorplates are still operating in Hatton Garden so would appear to have chosen to stay in the area. This was considered to contradict the applicant's assertions of a lack of demand for jewellery workshops. This also contradicts the Council's own anecdotal evidence. The previous report referred to Centa Business Services, which works in partnership with the Council in making available managed jewellery space, albeit at a subsidised rate, at Arundel House on Kirby Street and being unable to meet demand. The applicant has provided evidence of limited email correspondence with Centa, but this has not produced a definitive outcome.
- 2.5 DP13 enables consideration to be given to marketing evidence in determining whether there is any likely prospect of demand to use the premises for an employment use. Further guidance as to what is expected in this regard is set out in Camden's SPD on employment - CPG5 (para 6.18) which requires evidence of marketing over a continuous two year period at rents and lease terms which reflect market expectations to be accompanied by a commentary on the interest shown, including any details of why the interest was not pursued and why measures could not be taken to address any issues raised from this (e.g. updating or improving the condition of the premises).
- 2.6 The evidence provided by the applicant does not fully address the above requirements. The applicant's justification for the change of use is still based on an apparent lack of demand from the jewellery industry, or indeed any other business occupier(s) for the premises despite long-term marketing having taken place. Whilst marketing was stated to have taken place for a 3 year period, details of the rent or lease terms were not given and the same information has been submitted with the current application, again lacking details of rental levels or leasing. Also the premises are advertised as 'refurbished offices' rather than as jewellery workshop units, although the applicant contends that advertising the premises as B1 floorspace is enough to attract jewellery interest. The applicant has provided correspondence from a local agent to back up the assertion that there is no demand for commercial floorspace in the area and has also provided a list of B1 sites in the area that are currently for let, but this only contains addresses and names of agents and provides no details of the marketing.
- 2.7 The LDF accepts that demand for office provision (Class B1a) in the Borough may be met, and if a site is not suitable for a continued business use other than B1a office use, the Council would consider a change of use to residential. However, It is considered that the applicant's marketing evidence fails to satisfactorily confirm a lack of demand for the premises, or its unsuitability for the purposes of occupation by the jewellery industry, and therefore does not meet the full requirements of policy DP13. It is not considered that the applicant has provided

any additional information with the current application to justify the loss of workshop floorspace.

Hatton Garden Area

- 2.8 As mentioned in the previous report, it is not sufficient just to demonstrate two years unsuccessful marketing of commercial premises; DP13 additionally specifies that in Hatton Garden a change of use from offices specifically requires the provision of jewellery workshop space.
- 2.9 Para 13.7 of policy DP13 specifically relates to the Hatton Garden area and states that the conversion of offices will only be acceptable in the context of a mixed use scheme that includes light industrial premises (B1c) and that planning obligations and conditions would be used to ensure that premises are suitable for jewellery uses in terms of design, layout and affordability. This approach has been taken before in relation to a scheme at 32-33 Hatton Garden for the change of use of a fifth floor office unit to two residential flats (application ref. 2008/2476/P granted 17/02/2010). A section 106 agreement secured a roughly equivalent amount of floorspace in the same building as workshop/office area designated for the jewellery trade. In respect to the current application, the retention of the ground floor jewellery shop and workshop space would not be seen as an acceptable provision in a mixed use scheme.
- 2.10 Camden Planning Guidance CPG5 6.6 also highlights the different approach the Council takes to development in Hatton Garden stating that the conversion of office premises to residential or D1 use will only be permitted where 50% of the floorspace is provided as affordable B1c space. If the provision of jewellery workshop space is not possible the Council will require a financial contribution to the jewellery industry related to the area of workspace that would otherwise have been expected.
- 2.11 The building is advertised as having 557sqm of floorspace with 400sqm being converted to residential. Therefore in line with the above policies and guidance the Council would expect at least 200sqm of B1c floorspace to be provided. The proposal provides for the retention and refurbishment of just 60sqm at the rear ground floor level which is not in line with the aforementioned policies and guidance.
- 2.12 The application is therefore considered to result in an unacceptable loss of jewellery workshop space contrary to policies CS8 and DP13.

3 Residential standards

- 3.1 The proposed accommodation would provide one flat per floor from 1st – 5th. Each flat would be laid out identically with 2 bedrooms to the front and living room to the rear, with bathroom, kitchen and related services centred towards the core. This layout is considered the most practical and provides a good standard of accommodation with well proportioned, brightly lit rooms. The principle of having all the same unit size (i.e. 2-bedrooms) is acceptable in this case given the practicalities of the existing building and the fact that DP5 identifies two bedroom units as highest priority for market housing. The number of units (5) and the total net floorspace (400sqm) are both well below the threshold levels for triggering policy DP3 (affordable housing). No external amenity space is provided as there are no opportunities for such provided by the existing building. It would therefore be appropriate under policy DP31 for a contribution towards public open space provision to be secured as part of a section 106 agreement if the proposal were found acceptable in all other respects.
- 3.2 The internal layout would afford a reasonable standard of accessibility and is acceptable given the constraints of a converted building. A Lifetime Homes assessment has been provided with the application. The various features and facilities recommended for inclusion in this statement would need to be secured by condition.

4 Transport considerations

- 4.1 The site is within the Central London Clear Zone where all measures must be taken to prevent proposals from generating additional private car trips in the interests of protecting air quality. Being in Central London the site also has excellent access to public transport. It would therefore be considered essential for the development to be car-free and a section 106 agreement should be entered into to secure this in an otherwise acceptable scheme.
- 4.2 There is no provision specifically indicated in the proposals for cycle parking; however this could readily be accommodated within the basement storage area. A condition would be needed to ensure that suitably secure arrangements for storing cycles be provided and retained.

5 Amenity

- 5.1 The proposed residential accommodation and repositioned roof-top stair exit would not be expected to generate any significant impacts on neighbour amenity. However neighbouring occupiers have raised concerns about impacts from the construction process. The works of conversion are not considered to be on such a scale as to warrant a construction management plan but protection for neighbours is afforded under the Environmental Health Acts and relevant informatives could be attached to draw attention to the requirements of these.

6 Sustainability

- 6.1 Council guidance in CPG3 requires that residential developments (except new build) involving the creation of 5 or more dwellings will be expected to be accompanied by an EcoHomes Assessment achieving at least 40% of available credits in the 'materials' category and 60% in "energy" and "water". No EcoHomes assessment has been provided with the application meaning that the Council is unable to assess whether the scheme would take sufficient measures to mitigate its impacts on the environment. This is unacceptable and contrary to policies CS13 and DP22.
- 6.2 The lack of an EcoHomes Assessment was a reason for refusal and the applicant has been reminded it is a policy requirement for a scheme of this size. The applicant has referred to the submission of a Lifetime Homes statement, but Lifetime Homes supports the changing needs of a family's lifecycle and is entirely separate from the aims of policies CS13 and DP22 which require development to incorporate sustainable design and construction methods to tackle climate change.

7 Education contribution

- 7.1 Policy CS10 requires schemes providing 5 or more dwellings to contribute towards the provision of education in the Borough. This would be secured as part of a section 106 agreement for an otherwise acceptable scheme.

8 Community Infrastructure Levy

- 8.1 Were the proposal acceptable it would be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

9 Conclusion

- 9.1 This application is identical to the previously refused scheme. The applicant has submitted more or less the same supporting evidence to justify the loss of commercial floorspace, there is not even any evidence that the site has been marketed in the intervening period other than the

reference to it in the revised design and access statement. Whilst it is accepted that older premises may only be suitable for office use, and demand for office floorspace may be met, 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 LDF, and as the proposal does not provide the required provision of B1c floorspace it is still considered to be unacceptable.

10 Recommendation: Refuse Planning Permission

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