

**DESIGN, ACCESS
AND HERITAGE STATEMENT**

**ST JAMES HOUSE
10 ROSEBERY AVENUE
LONDON
EC1R 4TF**

Date: 22 May 2012
Ref: 8150

1.0 Introduction and Proposed Development

Introduction

- 1.1 Dalton Warner Davis LLP is instructed to submit an application for planning permission on behalf of Aberdeen City Council, seeking the change of use of the lower ground, mezzanine level, upper ground and first floor of the property from Class D1 to a dual Class B1(a) and Class D1 use.

Proposed Change of Use

- 1.2 The applicant, Aberdeen City Council, is the freehold owner of the property and is currently in the process of selling the building. Prior to doing so they wish to achieve a more flexible working space and are therefore seeking planning permission to obtain a dual Class B1(a) and Class D1 use across the property as is currently permitted on the second and third floors. This proposed change of use will not impact on the current tenant and their operations.
- 1.3 The property is currently occupied for Class D1 uses throughout. However it is considered the Certificate of Lawfulness which was granted consent in 2011 restricts future occupiers of the whole property to Class D1. This is despite the dual use which was granted consent for the upper floors as they cannot be used independently of the lower floors due to the layout and location of the entrance and reception area at upper ground floor level.
- 1.4 The current and future owners wish to be able to operate a dual use across the property in order to make the property more marketable and to ensure the occupancy of a Class B1(a) tenant if necessary. Without permission for a Class B1(a) use on the lower floors this is not possible as there is no separate point of access for the second and third floors.
- 1.5 It is also noted that the Certificate of Lawfulness also restricts the Class D1 use to Education and Training which places further limitations on any future marketing of the property.
- 1.6 The proposed dual use is not considered controversial and the principle is considered to already be supported by LPA officers by virtue of the recent approval of planning permission 2011/1587/P. The officer's report was also keen to stress that the office features should be retained in order to allow future occupation by an office use. Officers also considered internal alterations that had been made to facilitate the education and training use and stated that they could be removed to enable office use in the future. It therefore appears the LPA were keen not to lose the B1(a) use in this location. This application seeks to re-instate B1(a) officer use on the lower floors.
- 1.7 It is noted that the property is not suitable for B1(c) or B8 uses due to issues with accessibility and servicing and this application is not seeking either of these uses.
- 1.8 In planning policy terms the proposed dual use is not considered to be contrary to Camden's adopted Core Strategy (2010) or Development Policies (2011). Policy CS8 seeks to promote a successful Camden Economy with criterion B supporting Camden's industries and safeguarding employment sites.

- 1.9 Policy DP13 seeks to retain employment premises and sites which are suitable for continued employment use. This property is well located and has good transport links and it therefore well suited to a dual Class D1 and Class B1(a) use.
- 1.10 By granting consent for the dual use, the LPA will be safeguarding the future occupancy of the property. To be able to market the property as both a Class D1 use and Class B1(a) will make the property more appealing and ensure that a range of occupiers/companies could be interested in taking space. By having solely training and education use on the lower floors restricts the letting opportunities for the property and is likely to mean it remains vacant for an extended period of time which does not benefit Camden's economy.

2.0 Site Description

- 2.1 The application site comprises a 6 storey period property located on the east side of Rosebery Avenue close to the junction with Laystall Street. The main access to the building is from Rosebery Avenue at upper ground floor level but the lower ground floor can be accessed from Vine Hill which forms the northern boundary of the property. There is a difference in levels of some 4 metres between the Rosebery Avenue entrance and the Vine Hill entrance.
- 2.2 The 6 no car parking spaces are located to the eastern side of the property and are accessed from Vine Hill.
- 2.3 Following a successful appeal in August 1989 the property was substantially rebuilt in the early 1990's for B1 office use. The original façade was retained and the size of the property behind was increased to maximise available office/employment floorspace.
- 2.4 The application property is currently occupied by QA Learning services which has occupied the property for over 10 years. The company operates a business education and training facility at the property serving a number of different industries.
- 2.5 The site is location within the Hatton Garden Conservation Area, an archaeological priority area, a strategic viewing corridor from Parliament Hill to St Paul's Cathedral and the Central London Area. The property is not listed.

3.0 Existing Use and Planning History

- 3.1 QA Training applied to the London Borough of Camden in 2011 to formalise the use of the property as an education and training facility after having occupied the property unlawfully for a number of years.
- 3.2 A Certificate of Lawfulness was granted in May 2011 for the "Continued use of the lower ground, mezzanine, upper ground floor and first floor for education and training purposes (Class D1)" (LPA Ref: 2011/1304/P). The floors had previously been occupied as Class B1 office space post the 1989 redevelopment.

- 3.3 A further retrospective application for the change of use of the second and third floors of the property from Class B1(a) to a dual Class D1 and Class B1(a) was also approved in May 2011 (LPA ref: 2011/1587/P).
- 3.4 Whilst there was a general presumption to retain the office space it was deemed by officers that because QA Training had occupied the floors for more than 8 years and because the company employed approximately 50 people full and part time it was not reasonable to withhold planning permission and take enforcement action.
- 3.5 The change of use was further supported due to the nature of the application seeking a dual use which would permit the floors to revert to office use under the GPDO and the recent grant of the Certificate of Lawfulness for the lower floors which ensured continuity of the Class D1 use.

4.0 Heritage and Design

- 4.1 The property is sited in the Hatton Garden Conservation Area.
- 4.2 No external alterations are proposed to the property as such there is no impact on the character and appearance of the Conservation Area.

5.0 Access

- 5.1 Circular 1/2006 'Guidance on Changes to the Development Control System' under the section detailing requirements of a Design and Access Statement states that "*the requirement for the access component of the statement relates only to 'access to the development' and therefore does not extend to internal aspects of individual buildings*" (paragraph 100).
- 5.2 The Circular goes on to state that "*Statements should explain how access arrangements will ensure that all users will have equal and convenient access to buildings and spaces and the public transport network. The statement should address the need for flexibility of the development and how it may adapt to changing needs*".
- 5.3 The planning application is for a change of use only. The internal arrangements are already fully accessible to those with disabilities and there is level access from street level throughout the property.

6.0 Conclusion

- 6.1 In conclusion the proposed dual use is seeking planning permission to facilitate a flexible planning use at the application property. The current use is piecemeal and restrictive to all but the current occupier. The B1(a) floorspace cannot be utilised.
- 6.2 By permitting a dual Class D1 and Class B1(a) use the property will be more marketable to potential occupiers in the future whether it be for a community use or office occupier both of which are considered acceptable uses for the property in this location.
- 6.3 The proposed use is supported by Policy CS8 and Policy DP13 which seeks the retention of employment generating uses.
- 6.4 We trust the above is straightforward and that planning permission will be forthcoming. If you have any queries please contact Emma Mann at this office.