

Delegated Report		Analysis sheet		Expiry Date:		04/11/2011	
		N/A / attached		Consultation Expiry Date:		13/10/2011	
Officer				Application Number(s)			
Neil McDonald				2011/3927/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 selfcontained 2 bedroom flats (Class C3) plus relocation of roof level staircase hatch.							
Recommendation(s):		Refuse					
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	02	No. of objections	02
				No. electronic	00		
Summary of consultation responses:		Site notice displayed 13/09/2011 – 07/10/2011; press advert 22/09/2011 – 13/10/2011 2 objections from neighbouring commercial occupiers relating to noise and disruption affecting staff and customers during the construction period.					
CAAC/Local groups* comments: <small>*Please Specify</small>		N/A					

Site Description

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

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 impact of growth, CS6 – providing quality homes, CS8 - Promoting a successful and inclusive Camden economy, CS9 – achieving a successful central London, CS10 - community facilities and services, CS11- sustainable travel, CS13 - tackling climate change, CS18 – waste and recycling, CS19 – delivering and monitoring the Core Strategy, DP2 – making full use of housing capacity, DP5 – homes of different sizes, DP6 – lifetime homes and wheelchair housing, DP13 – employment premises and sites, DP17 – Walking and cycling, DP18 – parking standards, DP22 - sustainable design and construction, DP26 – impact on occupiers and neighbours, 29 – improving access, DP31 – open space and outdoor recreation, DP32 – air quality and clear zone.

Camden Planning Guidance 2011

Hatton Garden Conservation Area Statement 1999.

Assessment

1. The proposal is for the change of use of the upper floors of the building from vacant Class B1c jewellery workshops to residential. 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.

Change of use

2. It is not clear how long the premises have been vacant or how they came to be vacant but it is apparent from on-site inspection that the last occupied use of the premises was as jewellery workshops. This is 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.
3. Hatton Garden has been an established centre for the jewellery industry since the 19th Century and today the area is home to nearly 500 businesses and over 50 shops. The Council is committed to ensuring that this industry continues in the area both in the interests of protecting the area's strong identity and to support the contribution which this makes to the Borough's economy. Camden's LDF (Policy CS9-g) seeks to promote and protect areas of specialist activity such as Hatton Garden and Policy CS8, para 8.19 seeks to secure and retain premises suitable for use as jewellery workshops. As such the full requirements of policy DP13 should apply.
4. DP13 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.
5. In this case the premises would appear to display all the necessary attributes for occupation by jewellery workshops. The premises has 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.

6. However the applicant rests their case for change of use 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. They have provided correspondence from a local agent to back up this assertion.
7. 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).
8. The evidence provided by the applicant does not fully address the above requirements. Whilst marketing is stated to have taken place for a 3 year period, details of the rent or lease terms are not given. Also the premises are advertised as 'refurbished offices' rather than as workshop units and if being addressed at jewellery manufacture occupiers it would have been expected to see the premises let as smaller units since this is possible, rather than as whole floors of minimum 700sqft. This may explain the assertion that none of the enquirers were from the jewellery trade. Meanwhile, the 7 different parties that did come to see the premises during the last 3 years were seeking office premises, and who considered the premises unable to meet modern style open plan office requirements.
9. Furthermore the marketing information does not detail when or why the building came to be vacant in the first place. From the site inspection the majority of the company names mentioned on the doorplates are still existing in Hatton Garden so would appear to have chosen to stay in the area. This would appear to contradict the applicant's assertions as to lack demand. This also contradicts with the Council's own anecdotal evidence. Centa Business Services, which works in partnership with the Council in making available managed jewellery space at Arundel House on Kirby Street, report that they are oversubscribed to the extent that they have temporarily closed their waiting list with approximately 30 businesses waiting. They are actively seeking additional jewellery workshop space to manage. This evidence does need to be read in the context of the subsidised rent levels at Arundel House. Nevertheless, it is estimated by Centa that 26 businesses in the building are seeking larger workspace, which is indicative of potential demand.
10. It is therefore 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.
11. Notwithstanding the above, even if it were to be accepted that the premises were only likely to attract B1 office users but had failed to be let over the 3 year period, the proposed change of use to residential would still not meet the requirements of DP13. Para 13.7, which relates specifically to the Hatton Garden area states that in such instances 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 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.
12. The application is therefore considered to result in an unacceptable loss of jewellery workshop space contrary to policies CS8 and DP13.

Residential standards

13. The proposed accommodation would be arranged as 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 this unit size 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.
14. 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.

Transport considerations

15. 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.
16. 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.

Amenity

17. 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.

Sustainability

18. Council guidance in CPG3 requires that developments 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.

Education contributions

19. 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.

Recommendation: Refusal

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