

Planning Statement

Minerva House, 26-27 Hatton Garden, London

Planning application for extensions to office
building and associated external works



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Executive Summary

Planning permission is sought on behalf of Wittington Investments (Properties) Ltd in respect of proposals to extend and upgrade the existing office building at Minerva House, 26-27 Hatton Garden.

The proposals comprise of infill extensions to the existing lightwells along the north and south (side) elevations, and a new fourth floor roof extension to the rear portion of the building. Other external works are proposed, including the creation of a second entrance along the Hatton Garden frontage; upgrading of the existing windows; the provision of mechanical plant; and the creation of a two roof terraces (at fourth and fifth floor level).

The planning submission has been preceded by pre-application discussions, during which planning officers stated their support for the proposals, which will enhance Camden's office floorspace provision, which is identified as a priority locally. The design of the fourth floor extension is of a modern style which does not seek to compete with the character of the original building. The proposed side infill extensions are in keeping with the host building.

The applicant is aware of the Council's mixed use policy in Hatton Garden which seeks to accommodate the jewellery sector, and considers that an in-lieu financial contribution through Section 106 towards such premises is applicable. This matter is discussed in detail within this Planning Statement.

The application is supported by a range of supplementary reports and statements, which demonstrate the acceptability of the proposed development. The proposals are also found to comply with national and local policy, and represent sustainable development, for which the National Planning Policy Framework states a presumption in favour.

Introduction

- 1.1. This Planning Statement is written on behalf of the Applicant, Wittington Investments (Properties) Ltd, in support of a planning application for extensions to the existing office building, Minerva House, and associated external refurbishment works.
- 1.2. Minerva House is a part six and part four storey building, which sits at 26-27 Hatton Garden, within the Hatton Garden Conservation Area. It is neither statutorily nor locally listed, however is identified in Camden Council's Hatton Garden Conservation Area Statement as a positive contributor to the Conservation Area.
- 1.3. Minerva House is currently in Class B1 office use. The proposals seek to retain and enhance the existing office floorspace to meet modern standards. Principally, the proposals comprise of lightwell infill extensions at first, second and third floors, and a new fourth floor extension to the rear portion of the building.
- 1.4. Other external alterations requiring planning permission include the introduction of a new access door along the Hatton Garden frontage, and the replacement of all external windows as part of aesthetic and energy performance improvements.
- 1.5. The application submission has been preceded by pre-application discussions with Camden Council's planning and policy officers. A site visit with officers took place in September 2015, and formal written comments were received in January 2016. A further meeting with officers took place in February 2016. Support from officers was given to the principle of extending and enhancing the existing office building, thus enabling Minerva House to make a stronger contribution to the Borough's provision of office floorspace.
- 1.6. This Planning Statement sets provides a description of the site and the surrounding area; describes the application proposals in detail; and provides a full assessment of the material planning considerations associated with the application. It should be read alongside the Design and Access Statement produced by Ben Adams Architects and the Heritage Statement produced by Heritage Collective.
- 1.7. In summary, the proposals are found to comply with both national and local planning policy, and represent sustainable development, which the National Planning Policy Framework (NPPF) states a presumption in favour of at paragraph 14. It is respectfully requested that planning permission is granted accordingly.

2. Application Site and Surroundings

- 2.1. Minerva House is a part six storey and part four storey plus basement building. The front portion of the building is the six storey element, fronting onto Hatton Garden, with the four storey element behind. The building was originally designed as a hospital and has difficult floor plan arrangements.
- 2.2. The main entrance to the building is from Hatton Garden, and there is a second entrance via the small frontage onto Greville Street.
- 2.3. The building is used as office units of varying sizes, and falls within Class B1 Use. It sits within the London's Central Activities Zone.
- 2.4. The building dates from the early 20th century. Its front elevation comprises of Portland stone with decorative detailing including two stone canopied doorways to either side of the front elevation.



Image 1: Minerva House, Hatton Garden frontage

- 2.5. The side and rear elevations are plainer, being comprised of yellow stock brick. The Greville Street elevation includes a canopied stone double doorway at ground floor and red brick to the first and second floors.
- 2.6. Minerva House is unlisted, although sits within the Hatton Garden Conservation Area. With the Hatton Garden Conservation Area Statement, the building is identified as making a positive contribution to the special character and appearance of the local area.

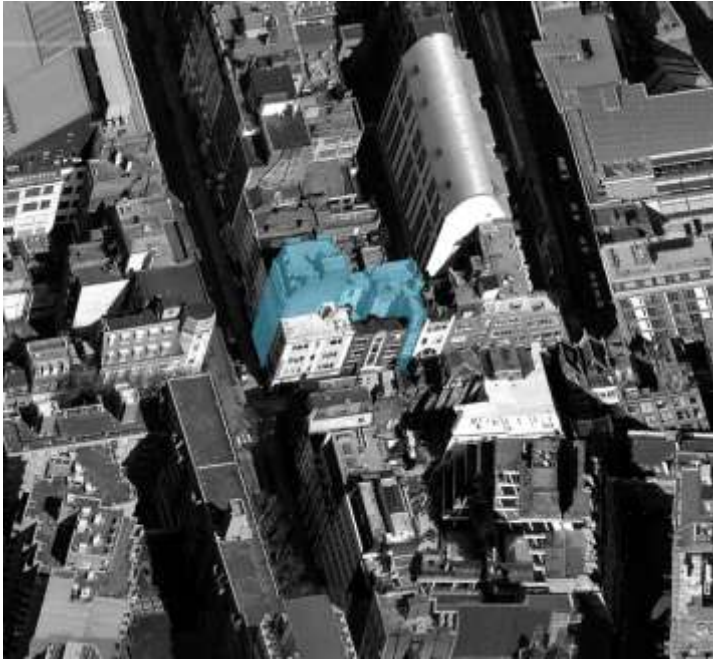


Image 2: Aerial view of Hatton Garden

- 2.7. The Conservation Area Statement references the varied nature of spaces within Hatton Garden, and also the high urban density. The area contains a variety of buildings and uses, and the character is not dominated by one particular period or style of building, but rather by the combination of styles that make the area of special interest.
- 2.8. The Conservation Area Statement also references the fact that Hatton Garden has traditionally been the centre of the jewellery and diamond trade, originating from the 1870s. In association with this trade, typically the ground floors of buildings were occupied by retail and offices uses, with the upper floors occupied by workshops. It also notes that in recent years the jewellery industry has suffered a decline in Hatton Garden.
- 2.9. There are several listed buildings in the immediate vicinity of the application site including the Grade II Listed Treasure House, at 19,20 and 21 Hatton Garden; and Grade II Listed Discount Jewel, at 10-11 Greville Street.
- 2.10. Minerva House also falls within the foreground Vista No. 2A1 from Parliament Hill to St Paul's Cathedral.
- 2.11. There appears to be no relevant planning history related to the site.

3. Application Proposals

- 3.1. The application proposals comprise of lightwell infill extensions at first, second and third floor levels. At first floor, two infill extensions are proposed, and four individual infill extensions to the second and third floors. The areas affected by the proposed infill extensions are denoted on the existing and proposed floorplans.
- 3.2. The extensions will deliver improved floorplans at each floor level, and significantly increase the functionality of the office floorspace. The existing floorspace at first to third floor levels is compromised by the irregular floorplan of the rear portion of the building. The infilling of existing lightwells is a logical way of improving the space. The lightwells that provide separation between neighbouring properties at 25a and 28 Hatton Garden will be retained.
- 3.3. The infill extensions will be built in a style to match the existing fabric of the rear portion of the building, of yellow stock brick.
- 3.4. The total quantum of floorspace proposed through the lightwell infill extensions is 179 sqm gross internal floorspace, including 48 sqm at first floor, 66 sqm at second floor and 65 sqm at third floor.
- 3.5. In addition, a new fourth floor extension is proposed to the rear portion of the building. This extension will create an additional 175 sqm gross internal floorspace, resulting in 337 sqm of new floorspace (GIA) in total.
- 3.6. The proposed fourth floor extension is of a predominantly glazed style, designed to be subordinate to the host building, and will clearly differentiate with the original building fabric. It will be an unobtrusive structure in an enclosed area of the site, and will not be visible from street level along Hatton Garden or Greville Street.
- 3.7. It is proposed to introduce a second entrance along the Hatton Garden frontage to provide a dedicated access to the ground floor and lower ground floor. The existing entrance will lead into a reception / lobby area servicing the first floor upwards. The new entrance will be of a sympathetic style to integrate with the traditional front façade, which is noted as contributing positively to the character and appearance of the local area.
- 3.8. It is proposed to supplement the high quality office floorspace with a roof terrace at fifth floor level, accessible from the rear of the fifth floor of the building. The terrace is intended as a break-out area for use by office occupiers, offering communal amenity space. This fifth floor roof terrace is proposed to be supplemented by a smaller south-facing terrace at fourth floor, above the existing Greville Street frontage.
- 3.9. Other external alterations include improvements to external windows, in order to improve their thermal efficiency. The style of the upgraded windows will be similar to the existing appearance, and will not harm the character of the building.
- 3.10. Existing mechanical ventilation plant will be upgraded and rehoused on the flat roof at fifth floor level, within a louvered screen provided for acoustic mitigation. A riser and extract fan will be located to the rear of the new fourth floor extension. The plant will not be visible from street level.

4. Planning Policy Position

- 4.1. The London Borough of Camden's adopted development plan comprises of the Camden Core Strategy, adopted in November 2010. The Council's Development Policies Document was also adopted in November 2010.
- 4.2. The Council is currently preparing a new Camden Local Plan. Upon adoption, the Local Plan will replace the current Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the Borough.
- 4.3. The development plan is supported by a number of supplementary planning documents. In respect of the application proposals, these include CPG1 (Design) and CPG 6 (Amenity).
- 4.4. The Hatton Garden Conservation Area Statement, adopted in August 1999, is also relevant to the application proposals.
- 4.5. The National Planning Policy Framework (NPPF), adopted in March 2012, provides a national policy context and is supplemented by the National Planning Practice Guidance (NPPG).
- 4.6. The London Plan, updated in March 2015, also forms part of the Council's Development Plan.
- 4.7. A review of relevant planning policy is provided at **Appendix 1**.

5. Material Planning Considerations

Principle of Development

- 5.1. The principle of making physical improvements to Minerva House and the creation of new office floorspace is strongly supported by the Government, and national planning policy is fully committed to facilitating economic growth. At paragraph 19, the NPPF states that *“planning should operate to encourage and not act as an impediment to sustainable growth”*. Paragraph 20 also states that, *“to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century”*.
- 5.2. Local planning policy is similarly supportive of such development. Development Management Policy DP13 seeks the retention of land and buildings that are suitable for business use. The application proposals will deliver modern and fit-for-purpose office accommodation, comprehensively improving the existing employment floorspace provision of Minerva House.
- 5.3. The proposed extensions to the lightwells and at fourth floor level will create an additional 337 sqm of office floorspace. During pre-application discussions, planning officers noted their support for the development proposed.
- 5.4. The Council's desire to promote employment floorspace across the Borough is particularly apparent in light of the Government's introduction of new permitted development rights in May 2013, which facilitate the change of use from B1 (office) use to C3 (residential) use without the need for planning permission.
- 5.5. Although the Central Activities Zone, which the application site sits within, has always been exempt from the permitted development right, the impact on the remainder of the Borough on the existing office floorspace has been severe. The Council's *Office to Residential Permitted Development Rights Impact Study* (July 2014) notes that 257,000 sq ft of Class B1a office floorspace has been lost to residential use. This mirrors the impact of the rights in neighbouring Local Authorities such as Westminster. It is also the case that the full impact of the permitted development right on reducing office floorspace may not yet be fully understood, as not all prior approval consents have been implemented.
- 5.6. While the generation of new residential floorspace helps to address housing need, it leaves the Borough with an office floorspace deficit that it must proactively address. This new policy priority is reflected in the Council's emerging Core Strategy revisions, which are at Submission Draft stage. The wording of emerging Policy E2 (Employment premises and sites) encourages the provision of employment sites in the Borough, rather than simply seeking to retain such sites.

It is considered that new build development cannot solely be relied upon to generate the necessary uplift in employment floorspace required. The extension to and refurbishment of Minerva House represents office investment, reflecting local policy aspirations. The proposals therefore represent sustainable development in accordance with paragraph 14 of the NPPF.

Land uses in Hatton Garden and Consideration of Policy DM1

- 5.7. Within Hatton Garden, Camden's local policy seeks to protect land uses associated with the jewellery sector. Hatton Garden is the historical location of the jewellery and diamond trade, and has historically housed a range of associated retail, office and workshop premises.
- 5.8. Paragraph 1.13 of the Development Policies Plan states that the Council seeks to *"preserve and enhance the special character of the Hatton Garden, and to secure and protect a stock of premises available for small jewellery workshops and related light industry"*. Emerging Local Plan Review Policy E2 also reinforces the current policy position.
- 5.9. Although the economic characteristics of Hatton Garden are considered worthy of safeguarding, it is the case that the demand for particular land uses locally has evolved over a number of years. The Hatton Garden Conservation Area Statement notes that *"in recent years the jewellery industry has suffered a decline in Hatton Garden and most of the jewellery sold in the retail outlets is no longer made locally"*. Changing trends are noted as contributing to the emergence of new uses, with less demand for dedicated manufacturing floorspace for example.
- 5.10. The shifting status of Hatton Garden's local economy is reflected in the number of premises available for letting locally. Although the Council's preference is for the jewellery sector to be enhanced, wider employment floorspace occupiers should also be encouraged to safeguard its long term viability, and ensure that Hatton Garden remains an attractive destination for investment.
- 5.11. The issue of demand for specialist accommodation for the jewellery sector was a pertinent point of the Planning Inspectorate's decision to grant planning permission for change of use from B1 office use to C3 residential use at 84 Hatton Garden in September 2013 (Appeal Ref. APP/X5210/A/13/2196094 – see **Appendix 3**) The Appellant presented evidence suggesting a decline in jewellery manufacturing locally and the fact that the building had been unoccupied for a significant period.
- 5.12. The Council remains committed to ensuring that an adequate supply of suitable premises for the jewellery sector are available. The Council's Development Management Policy on mixed use development (DP1) affords special dispensation to Hatton Garden in respect of its land use priorities. It states that *"in the designated Hatton Garden area, where more than 200 sq m (gross) additional floorspace is provided, we will require up to 50% of all additional floorspace in the form of secondary uses, including a contribution to housing and a contribution to affordable premises suitable for the jewellery industry"*. The requirements of Policy DP1 have been discussed at length with policy officers prior to the submission of the application.
- 5.13. The refurbishment and extension of a declining and inefficient office building represents a significant opportunity to breathe new life into Hatton Garden's employment sector. Significantly, the application proposals do not preclude the jewellery sector, and the new floorspace could indeed be occupied by office occupiers in the jewellery sector. The proposals do not undermine the wider intention to retain the jewellery industry in Hatton Garden.

- 5.14. However, given the general acknowledgement of the shifting characteristics of the local economy, the applicant considers that the provision of better quality B1 office floorspace best meets current demand for employment floorspace. It is therefore considered that the ability of the proposals to provide dedicated jewellery workshop premises (Class B1c), for example, should not be to the detriment of delivering wider policy-compliant benefits. In this regard, paragraph 21 of the NPPF states that *“investment in business should not be over-burdened by the combined requirements of planning policy expectations”*.
- 5.15. In considering the application proposals against the contributions to other land uses set out in mixed use Policy DP1, it is important to note that the applicant has reduced the scale of development proposed following pre-application discussions. Originally, it was intended to extend the rear portion of the building by two storeys. However, in light of comments from the Conservation Officer, only a single additional storey is now proposed.
- 5.16. The reduction in new floorspace being proposed limits the ability of the applicant to provide dedicated jewellery floorspace (including workshops) on site, which might otherwise be provided within a larger new build developments, with greater scope for providing a mix of uses.
- 5.17. Notwithstanding the above, the applicant is committed to providing a quantum of B1 office floorspace at competitive market rates. The applicant’s property agent, Colliers, have analysed lease transactions in Hatton Garden from 30th May 2015 to the present. The average rent for basement transactions over this period is £21.85 per square foot, compared with £49.41 per square foot for the upper floors. The applicant is also able to provide a significant differentiation between the cost of accommodation at basement level compared to upper floors.
- 5.18. The applicant expects to engage in further discussions regarding Section 106 matters following submission. As outlined at pre-application stage, in respect of the provisions of Policy DP1, the applicant considers that an in-lieu financial contribution would be most appropriate, given the scale of development proposed.
- 5.19. We are aware of other development proposals in the vicinity in which a significant quantum of dedicated B1c floorspace has been secured via Section 106 Contributions. Likewise, we are also aware that in approving application 2015/1925/P at 84 Hatton Garden (for mixed use serviced-apartment led development), the applicant was required to provide 60 sq.m of dedicated B1c accommodation – notwithstanding the loss of 737 sq.m of Class B1a office floorspace through change of use. It is therefore clear that Section 106 contributions are negotiated on the basis of the individual context of each application, and a literal application of policy is not always appropriate.
- 5.20. As referenced above, the proliferation of letting advertisements in the vicinity suggests that there is an adequate supply of accommodation to satisfy existing demand from the jewellery sector, and the recent appeal decision at 84 Hatton Garden supports this observation.
- 5.21. Therefore it is considered to be most appropriate for the applicant to provide a financial contribution to support existing jewellery industries, in lieu of providing dedicated floorspace on site.

- 5.22. Through discussions with the Council, the applicant has been made aware of various ways in which in lieu financial contributions could be allocated to support existing businesses and organisations which promote and seek to improve Hatton Garden's jewellery sector. The applicant is willing to engage in further discussions to best establish how an in-lieu financial contribution can help to consolidate such groups, and provide funding to meet their objectives. This is considered to be a more efficient use of Section 106 contributions, which would not undermine the clear benefits of the proposals positively contributing new and improved office floorspace.
- 5.23. The potential for the application proposals to make a contribution to housing, in line with mixed use Policy DP1, has also been discussed with policy officers. Given that Minerva House is entirely in Class B1 office use, it is unrealistic for the application proposals to deliver new residential floorspace. It would materially alter the internal layout of the building, and would not neatly relate to the established office floorspace. In this regard, paragraph 205 of the NPPF states that "*where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled*".
- 5.24. It is also noteworthy that the emerging Local Plan Revisions do not seek housing contributions from developments which increase gross internal floorspace by more than 200 sqm. Pre-application discussions have also confirmed the adequacy of an in lieu financial contribution for housing, secured under Section 106. The financial contribution in lieu of providing dedicated workshop and housing floorspace will be provided in accordance with the Council's adopted policy.

Impact of proposals on the Hatton Garden Conservation Area

- 5.25. The planning application is supported by a Heritage Statement by Heritage Collective which describes the significance of the heritage asset affected by the proposals, including any contribution made by its setting, as required by paragraph 128 of the NPPF. The Heritage Statement concludes that the proposals will have no impact on the Hatton Garden Conservation Area, and therefore paragraphs 132-134 of the NPPF are not engaged by the proposals.
- 5.26. Pre-application discussions with the Council's Conservation Officer confirmed that the proposed fourth floor extension and lightwell infill extensions would preserve the character and appearance of the Conservation Area. The proposed extensions are concealed from public view at street level, and will therefore not affect its character or setting.
- 5.27. In summary, the proposals will not compromise the positive contribution that Minerva House makes to the local area. The proposed extensions will be of high quality, and do not affect the principle frontage onto Hatton Garden, which enables the building to contribute positively to the local streetscene. The installation of a new entrance door to the front elevation has been designed sympathetically, and follows discussions with the Conservation Officer.
- 5.28. The proposals comply with Development Management Policy DP25 (Conserving Camden's heritage and Core strategy) and Policy CS14 (Promoting high quality places and conserving heritage / conservation areas).

Design

- 5.29. The scale and massing of the proposed extensions has been discussed at length with planning officers, and the application proposals reflect the outcome of these discussions.
- 5.30. The proposed lightwell infill extensions are considered to be proportionate and logical opportunities to enhance the floorplate at first, second and third floor levels. Officers have acknowledged the benefit of delivering a consistent and uniform building line, which nonetheless retains the substantive lightwells between the application site and neighbouring buildings at nos. 25a and 28 Hatton Garden.
- 5.31. In respect of these side extensions, the written pre-application comments state that *“due to the location, it is considered that the extensions are acceptable as they would not have any negative impact on the appearance of the host building or the Hatton Garden Conservation Area”*.
- 5.32. Given that the front Hatton Garden-facing portion of the building is two storeys taller than the rear portion, the applicant has recognised the opportunity to provide an additional storey of office floorspace in a discreet location. Mindful of the fact that the Council are seeking to resist excessive increases in building mass, the additional storey extension is considered to be appropriate. Planning and conservation officers have stated their support in principle for this extension.
- 5.33. As shown by the proposed drawings, the rear roof extension does not seek to compete aesthetically with the host building and is clearly subordinate in style and appearance. The predominant use of glazing promotes a visually lightweight appearance, which clearly differentiates between new and original building fabric.
- 5.34. The proposed extensions will represent high quality design standards and are thus compliant with Core strategy Policy CS14 (Promoting high quality places and conserving heritage / conservation areas), and also Development Management Policy DP24 (Securing high quality design).
- 5.35. The proposed increase in floorspace amounts to 337 sqm and therefore falls below the standard policy threshold of 500 sqm for when BREEAM standards could be applied. However, the replacement and upgrading of existing windows will improve the energy performance of the building, and therefore make Minerva House more environmentally sustainable.
- 5.36. While the internal alterations will significantly enhance the functionality of the office floorspace, and its commercial attractiveness to potential occupiers, these works do not require planning permission themselves.

Transport Matters

- 5.37. As agreed with planning officers prior to submission, the application proposals do not trigger the need for transport assessment. Minerva House has long been established as a commercial premises, and the increase in floorspace will not materially alter the impact of the building on the local highway network and is thus compliant with Development Policy DP16.
- 5.38. Currently, the building does not have dedicated private car parking, and no change is proposed in this regard. Nonetheless, the application site benefits from

the highest possible PTAL rating of 6a, emphasising the close proximity of a range of frequently used public transport facilities.

- 5.39. Development Management Policy DP17 promotes walking, cycling and public transport use, and therefore the development is ideally placed to encourage such practices. Similarly, Policy DP18 (Parking standards and limiting the availability of car parking) states that the Council will seek to ensure that developments provide the minimum necessary car parking provision.
- 5.40. Eighteen dedicated cycle facilities are to be provided at lower ground floor level to the rear of the premises, which comply with the Council's adopted parking standards at Appendix 2 of the Development Policies Document.

Amenity

- 5.41. During pre-application discussions, the Council raised concern with the impact of the originally proposed two storey extension on the neighbouring property at 35 Greville Street, in terms of the occupiers' outlook and sense of enclosure.
- 5.42. The upper floors of the building are in residential use, although a planning application for change of use does not confirm that residential use has previously been permitted at the premises. The most recent indicator of the lawful use of these floors is the 1973 approval of planning permission for *"the rear extension, on two floors for light industrial use"* (ref. 15918).
- 5.43. The reduction in height of the proposed roof extension since pre-application discussions took place is considered to overcome the concern raised above.
- 5.44. Furthermore, an Acoustic Assessment undertaken by RBA Acoustics provides an assessment of the acoustic impact of the relocation of mechanical plant to the roof of the six storey element, and a toilet extract fan to the rear of the new fourth floor.
- 5.45. It concludes that the atmospheric noise emissions from the plant are within the criteria required by the Council providing a louvered fence is erected around the plant, and the extract fan is selected to achieve the noise limit referenced. In addition, noise emissions from occupants of the proposed terraces have been assessed and are considered to have a negligible impact on adjacent residences.
- 5.46. The Daylight and Sunlight Assessment concludes that the proposals will not be the cause of an adverse effect to daylight and sunlight availability as defined by BRE Guidelines, and would therefore comply with Camden's local policies and the relevant parts of the London Plan.
- 5.47. Overall the application proposals will not result in significant harm to the amenity of neighbouring occupiers, and are therefore found to comply with Core Strategy Policy CS5 (Managing the impact of growth and development), and Development Policy DP26 (managing the impact of development on occupiers and neighbours).

6. Conclusions

- 6.1. Planning permission is sought for lightwell infill extensions to the side (north and south) elevations, and roof extension at fourth floor level, at Minerva House, 26-27 Hatton Garden. Other external alteration works to the building are also proposed.
- 6.2. The proposals are designed to enhance and extend the existing office floorspace provided within the building, which is in need of upgrading. The locations of the proposed extensions are logical and proportionate to the scale of the existing building, enabling the building to make a better contribution towards high quality office floorspace in the Borough.
- 6.3. Camden, along with other London Boroughs, has seen the Government's office to residential permitted development rights adversely impact on office floorspace provision, and the creation of new floorspace is a significant benefit of the proposals.
- 6.4. Noting the Council's desire to safeguard the Hatton Garden locality as an area suitable for the jewellery sector and associated land uses, the applicant has engaged in pre-application discussions regarding the provisions of Development Policy DP1. The applicant is willing to provide an in-lieu financial contribution towards affordable premises suitable for the jewellery industry.
- 6.5. Having been made aware of the various mechanisms by which a financial contribution can support established businesses and organisations, the applicant is of the view that this represents the best way of meeting the policy requirements.
- 6.6. Following positive pre-application discussions in respect of design, the nature of development proposed is considered to be acceptable in principle. The proposals comply with both national and local planning policy and it is requested that planning permission is granted accordingly.

Appendices

1. Planning Policy Review

National Planning Policy Framework (2012)

The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies and how these should be applied, and states a presumption in favour of sustainable development at paragraph 14.

Paragraph 17 sets out the Government's core planning principles. These state that planning should:

- Proactively drive and support sustainable economic development to deliver the business and industrial units...that the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Conserve heritage assets in a manner appropriate to their significance.

Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 20 states that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

Paragraph 21 states that investment in business should not be over-burdened by the combined requirements of planning policy expectations.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 58 states that planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area; optimise the potential of the site to accommodate development; and respond to local character and history.

Paragraph 204 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Paragraph 205 states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Camden Core Strategy (November 2010)

Policy CS1 – Distribution of growth – states that the Council will focus Camden's growth in the most suitable locations, and manage it to make sure that we deliver its opportunities and benefits and achieve sustainable development, while continuing to preserve and enhance the features that make Camden such an attractive place to live, work and visit.

The Council will promote the most efficient use of land and buildings in Camden by seeking development that makes full use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site.

Policy CS5 – Managing the impact of growth and development – states that the Council will manage the impact of growth and development in Camden. Particular consideration will be given to:

- a) providing uses that meet the needs of Camden's population and contribute to the borough's London-wide role;
- b) providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the borough;
- c) providing sustainable buildings and spaces of the highest quality; and
- d) protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.

The Council will protect the amenity of Camden's residents and those working in and visiting the borough by making sure that the impact of developments on their occupiers and neighbours is fully considered.

Policy CS9 - Achieving a successful Central London – states that The Council will support and promote the Central London area of Camden as a successful and vibrant part of the capital to live in, work in and visit.

Part B states that the Council will support Central London as a focus for Camden's future growth in homes, offices, shops, hotels and other uses; and part G states that they will promote and protect areas of specialist activity, such as the Museum Street area and Hatton Garden.

Policy CS11 - Promoting sustainable and efficient travel – states that the Council will promote the delivery of transport infrastructure and the availability of sustainable transport choices in order to support Camden's growth, reduce the environmental impact of travel, and relieve pressure on the borough's transport network.

CS14 - Promoting high quality places and conserving our heritage - states that the Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:

- a) requiring development of the highest standard of design that respects local context and character;

- b) preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;
- c) promoting high quality landscaping and works to streets and public spaces;
- d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;
- e) protecting important views of St Paul's Cathedral and the Palace of Westminster.

Camden Development Policies (November 2010)

Policy DP1 – Mixed use development – states that the Council will require a mix of uses in development where appropriate in all parts of the borough, including a contribution towards the supply of housing.

In the designated Hatton Garden area, where more than 200 sq.m (gross) additional floorspace is provided, we will require up to 50% of all additional floorspace in the form of secondary uses, including a contribution to housing and a contribution to affordable premises suitable for the jewellery industry.

Where inclusion of a secondary use is appropriate for the area and cannot practically be achieved on the site, the Council may accept a contribution to the mix of uses elsewhere in the area, or exceptionally a payment-in-lieu.

Policy DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses - states that The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. The Council will consider:

- c) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
- e) noise and vibration generated either inside or outside of the site.

Policy DP16 – The transport implications of development – states that the Council will seek to ensure that development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links.

Policy DP17 – Walking, cycling and public transport – states that the Council will promote walking, cycling and public transport use.

Policy DP18 - Parking standards and limiting the availability of car parking – states that the Council will seek to ensure that developments provide the minimum necessary car parking provision.

Policy DP22 – Promoting sustainable design and construction – states that the Council will require development to incorporate sustainable design and construction measures.

Policy DP24 – Securing high quality design – states that the Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;
- b) the character and proportions of the existing building, where alterations and extensions are proposed;
- c) the quality of materials to be used;
- d) the provision of visually interesting frontages at street level;
- e) the appropriate location for building services equipment;
- h) the provision of appropriate amenity space; and
- i) accessibility.

Policy DP25 – Conserving Camden’s heritage – states that In order to maintain the character of Camden’s conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas; and
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;

Policy DP26 – Managing the impact of development on occupiers and neighbours – states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors they will consider include:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- g) the inclusion of appropriate attenuation measures.

They will also require developments to provide:

- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;
- i) facilities for the storage, recycling and disposal of waste;
- j) facilities for bicycle storage; and
- k) outdoor space for private or communal amenity space, wherever practical.

Camden Planning Guidance (2011/2013)

The Council provides additional guidance on design (CPG1); Amenity (CPG6); and planning obligations (CPG8).

Hatton Garden Conservation Area Statement (1999)

The Statement provides a detailed account of the character and appearance of the Conservation area. Paragraph 5.10 describes the prevailing building types and notes that character is not dominated by one particular period or style of building. Paragraphs 4.14 and 4.15 describe the role of the jewellery trade in Hatton Garden and paragraph 4.22 notes the changing characteristics of land uses associated with the trade.

Minerva House is noted as an unlisted building which makes a positive contribution to the character and appearance of the area.

Camden Local Plan Submission Draft (2016)

Emerging **Policy E2 Employment premises and sites** - states that the Council will encourage the provision of employment premises and sites in the borough.

In respect of Hatton Garden, the Council will seek to secure and retain premises suitable for use as jewellery workshops and related uses in Hatton Garden. They will also resist development of business premises and sites for a non-business use.

They will expect the proposals to provide a mix of uses that include premises suitable for use as jewellery workshops.

They will consider redevelopment of premises or sites that are suitable for continued jewellery workshops provided that:

- j. the level of jewellery workshop space is increased or at least maintained;
- k. the redevelopment retains existing businesses on the site as far as possible;
and
- l. the relocation of businesses will not cause harm to CAZ functions or Camden's local economy.

Where proposals in Hatton Garden would increase total gross internal floorspace by more than 200 sq. m, we will seek to negotiate up to 50% of the additional floorspace as affordable premises suitable for the jewellery sector.

2. Pre-application advice – ENQ/2015/4969/PRE

Date: 26 January 2016
Our Ref: ENQ/ 2015/4969/PRE

Contact: Hugh Miller: 020 7974 2624

Email: hugh.miller@camden.gov.uk

Development Management
5 Pancras Square
London
N1C 4AG

Tel 020 7974 4444
www.camden.gov.uk/planning

Mr. Paul Galgey
Magdalen House
148 Tooley Street
London
SE1 2TU

Dear Mr. Galgey,

Request for Planning Pre-Application Advice
Planning enquiry regarding: Minerva House, 26-27 Hatton Garden, London
EC1N 8BR

Thank you for your email request of August 2015 for written pre-application advice about the following proposal:

Erection of side extensions within the existing lightwell areas at first, second and third floor levels and a 2-storey extension at rear 3rd floor level; including external works of refurbishment and upgrading of existing office space.

Set out in the attached document is my observation on the proposal as related to the principal issues and what you need to do in order to submit a valid planning application for your proposal.

Please be aware that this is an informal officer opinion, which cannot prejudice any decision of the Council following the submission of a formal application.

I trust this answers your query.

Should you require any further information please contact me on the above telephone number.

Thank you for using Camden's pre-application advice service.

Yours sincerely

Hugh Miller –Planning Officer
For Director of Culture and Environment

Pre-Application advice 2015/4969/PRE
Minerva House, 26-27 Hatton Garden

Proposal:

- *erection of side extensions within the existing lightwell areas at first, second and third floor levels;*
- *erection of 2-storey extension at rear 3rd floor level;*
- *replacement of all windows to the building.*

The host building Minerva House has an 'L' shaped floorplate and it is a part 3, part 5-storey building with basement. The 5-storey element fronts onto Hatton Garden, with a 3-storey element at rear that fronts onto Greville Street. The principal access is via Hatton Garden. The building is in use as offices and workshop space operating within the jewellery trade. The building is not fully occupied. The site is within the Central London Area and Hatton Garden Conservation Area. Minerva House is not listed but is identified as a positive contributor to the conservation area.

History

There appears to be no relevant planning history related to the site.

Relevant Policies LDF Core Strategy

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS9 - Achieving a successful Central London

CS11 - Pedestrians and cycling

CS14 – Promoting high quality places and conserving heritage / conservation areas

Development Policies

DP1 Mixed use development

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP13 (Employment sites and premises)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and limiting the availability of car parking)

DP22 (Promoting sustainable design and construction)

DP22 Promoting sustainable design and construction

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011/2013:

CPG1 (Design): Section 4: Extensions, alterations and conservatories.

CPG6 - Amenity

Hatton Garden Conservation Area Management Strategy

London Plan (2011)
NPPF 2012

Assessment

The main planning issues associated with the proposed development have been identified as the following:

a] creation of additional office floor space b] design, principle of 2-storey extension and impact on the appearance of the host building and on the Conservation Area; c] neighbour amenity.

The applicant state that the lawful use of the host building is business use Class B1(a) and that no change of use is proposed at this time. It is occupied by offices and jewellery workshops.

1.0 Land Use

The proposal would not include a change of use and would not result in any loss of floorspace. The proposal would create additional 486sqm of new office floorspace; increasing from 932sqm to 1,433sqm.

The creation of additional office floorspace would comply with DP13. Supporting paragraphs 13.7 and 13.8 of DP13 addresses the Council's policy position relating to Hatton Garden. Section 7, Paragraphs 7.6 and paragraph 7.7 of CPG5 (*Town Centres, Retail and Employment*) gives additional information specifically relating to Hatton Garden.

Policy DP1 requires all proposals resulting in more than 200sq.m of additional floor space within the Hatton Garden Area to provide up to 50% of all additional floor space in the form of secondary uses, including a contribution to housing and affordable premises suitable for the jewellery industry. This proposal would provide more than 200sq.m of additional office floor space. It would not provide any new floorspace for housing and affordable premises suitable for the jewellery industry and therefore fails to satisfy this policy requirement.

The Council will require secondary uses to be provided on site. Where inclusion of a secondary use is appropriate for the area but cannot practically be achieved on site, the Council may accept a contribution to the mix of uses elsewhere in the area or exceptionally a payment in lieu. It would be essential to provide written evidence to demonstrate that you have gone through the tests sequentially.

New residential development should reflect housing policies; CS6 (Providing Quality Homes – which relates to a wide range of housing, including permanent self-contained housing. DP5 – Homes of Different Sizes – which seeks to provide a range of unit sizes to meet demand across the borough. DP26 - Managing the impact of development on occupiers and neighbours – which seeks to minimise

harm. Please view the Council's policies and guidance via this link: <http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-policy/>

2.0 Design

Side extensions

The host building is not listed but is identified as making a positive contribution to the character and appearance of the conservation area. The building also falls within viewing corridor from Parliament Hill to St. Paul's Cathedral.

1.1 Except for the replacement of all the windows and for which no information was submitted for assessment, no alterations are proposed to either building frontage on Hatton Garden.

1.2 The building can be divided into 3 sections; a] the 6-storey unaltered section fronting Hatton Garden; b] extension to the 3-storey rear section; and c] the 3-storey narrow building fronting Greville Street (no.35) to remain unaltered. Specifically, the proposed extensions would infill relatively small recessed areas of the building on the 1st 2nd and 3rd floor levels, providing a uniform building line, which would align with the existing footprint below at the ground floor level.

1.3 On the Hatton Garden frontage, the footprint of the host building although irregular is well defined at the basement and ground floor levels through to the 5th floor level. The existing lightwells are located on the south and north sides with varied sizes between the 1st and 3rd floor levels. On the north and south sides the proposed extensions would match the existing floorplate of the ground and basements floors whilst retaining the substantive lightwells between the host and neighbouring buildings at nos. 25a and 28 Hatton Garden.

1.4 The table below shows the increase in floor area per floor created by the proposed extensions. The proposed extensions on the 1st to 3rd floor levels are relatively small and would be hidden from view from the public realm by the surrounding buildings. Due to the location, it is considered that the extensions are acceptable as they would not have any negative impact on the appearance of the host building or the Hatton Garden conservation area.

Floors	Area	Existing sqm	Proposed sqm	Changes sqm
Infill-extensions				
1st floor	NIA	147	229	82
2nd floor	NIA	162	229	67
3rd floor	NIA	149	229	80
4th floor	NIA	104	222	118
5th floor	NIA	76	222	146

2-storey Rear roof extension

On the Hatton Garden frontage, the host building is taller by 2-stories to the adjacent nos. 25a (junction of Greville Street) and 28 Hatton Garden. On the south side (Greville Street) the buildings are lower and largely of uniform height; 3-storey.

The applicant submitted photographic montages post the site visit and comments are added below.

Comments on the original design

The 2-storey roof extension would match the footprint of the floors below inclusive of the new extensions and mirror the lightwell openings on the north and south sides. As a consequence, and with the exception of the section within Greville St, the extension would align with the existing host building line setting back on the Greville Street frontage. The applicant indicates that the choice of materials would provide contrast and not compete aesthetically with the masonry as existing. Notwithstanding, it is noted that the submitted photomontage (section 3.5) shows a bulky extension rising above the terrace of buildings in Greville Street and being visually prominent from the street (Hatton Garden & Greville St junction) on the south-west side. In this location, the extension at roof level should be design to be subordinate in scale and proportions to its host, so as not to detract from the appearance or harm the conservation area. It is acknowledged that the main building (Hatton Garden frontage) is prominent within the streetscene; and whilst there may be scope for an extension to the rear of the building, the submitted proposal is considered to sit uncomfortable here. Should the view shown be a correct reflection of the proposed extension then it would be considered unacceptable and would not be in accordance with policy DP24 or DP25 or guidance contained within CPG1 on roof extension.

Comments on the design following the submission of additional information

Post site visit, the applicant submitted 2x supplementary photomontages to provide alternative views of the proposed 2-storey roof extension. Both montages proposed different material and appear to show much less of the additional building bulk at the roof level when compared with the original photograph submitted. Officers acknowledged that there is uniformity and variety in the buildings height but consider that the proposed additional 2-storeys in this location would not be subordinate in scale and proportions to its host and would detract from the appearance of the host building and harm the conservation area.

Replacement windows

The pre-application does not include any drawings detailing the replacement windows. It is therefore difficult to provide a comprehensive response on this matter.

Amenity

The applicant states that there is no evidence of residential use in the neighbouring buildings. The building orientated due north-east at 36-43 Kirby Street provide accommodation for students; and is approximately 5m away. No.35 Greville Street includes flats on the upper floors and lies to the rear of the site; and the buildings share boundaries and is partially separated by the lightwell. With regards to 36-43 Kirby Street, the increase in business floor space is considered to be located at a sufficient distance not to cause additional harm from loss of privacy, daylight and

outlook. In terms of 35 Greville Street, I have concerns about the impact on occupiers' outlook and sense of enclosure that would occur from the proposed 2-storey roof extension. As a consequence, it is considered that the proposed roof extension would harm neighbour amenity and not in compliance with DP26 and is unacceptable.

Transport/ other matters

The host building is within walking distance to a number of underground stations and various bus routes and the site has a 6b Public Transport Accessibility Level which is the highest rating.

Please note the Council would require monies for environmental improvements if any damage to the pavement/highway as a result of the works; and secured via s106 legal agreement.

Community Infrastructure Levy (CIL)

The Council introduced its CIL on the 1st of April 2015. This is in addition to the London's Mayoral CIL introduced on 1st April 2012. Any permission granted after these dates which add more than 100sqm of new floorspace or a new dwelling will need to pay the CIL charges. For more details please refer to the link below:

<http://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-applications/making-an-application/supporting-documentation/community-infrastructure-levy.en>

Conclusion:

- More than 200sq.m of floor space would be added with no provision for affordable housing or premises suitable for the jewellery industry which would fail to satisfy Policy DP1.
- 2- storey roof extension: Due to the height, bulk, scale and relationship of the additional storeys would neither preserve nor enhance the character and appearance of the Hatton Garden Conservation Area. Unfortunately, the submitted photo montages did not demonstrated that its visual impact would be less severe; and the 2-storey extension is considered unacceptable.
- Extensions to lightwells: The proposed extensions due to their sizes and location would not have any negative impact on the host building or the conservation area. Subject to satisfactory design and materials, there is no objection in principle.
- I have concerns regarding the impact of the proposed extension on occupiers at no.35 Greville Street.

3. Appeal Decision – 84 Hatton Garden – Ref. APP/X5210/A/13/2196094

Appeal Decision

Hearing held on 3 September 2013

Site visit made on 3 September 2013

by Alison Lea MA (Cantab) Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2013

Appeal Ref: APP/X5210/A/13/2196094
84 Hatton Garden, London EC1N 8JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the 1990 Act) against a refusal to grant planning permission.
 - The appeal is made by Uniheights Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/4290/P, dated 15 August 2012, was refused by notice dated 10 October 2012.
 - The development proposed is the conversion of the upper floors from vacant B1 to 5 two bedroom residential flats.
-

Procedural Matters

1. At the hearing a Unilateral Undertaking dated 3 September 2013 and made under Section 106 of the 1990 Act was submitted. However, as it became apparent during the hearing that the appeal property was subject to an outstanding mortgage, the appellants subsequently submitted a further Unilateral Undertaking dated 13 September 2013. This is in the same terms as the Undertaking dated 3 September 2013 save that it is also executed by the Mortgagor. In the interests of ensuring that all interests in the land are bound by any relevant covenants I shall, as requested by the appellant, treat the Undertaking dated 3 September 2013 as superseded, and take the Undertaking dated 13 September 2013 (the Undertaking) into account in considering this appeal.

Decision

2. The appeal is allowed and planning permission is granted for the conversion of the upper floors from vacant B1 to 5 two bedroom residential flats at 84 Hatton Garden, London EC1N 8JR in accordance with the terms of the application, Ref 2012/4290/P, dated 15 August 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1024.01, 1024.02, 1024.03, 1024.04, 1024.05, 1024.06, 1024.07, 1024.08, 1024.P.01, 1024.P.02, 1024.P.03, 1024.P.04, 1024.P.05, 1024.P.06, 1024.P.07 and 1024.P.08.

- 3) No residential flat shall be occupied until the lifetime homes features and facilities shown on the approved plans have been provided in their entirety.
- 4) No development shall take place until details of space for the parking of 5 bicycles has been submitted to and approved in writing by the local planning authority. The approved spaces shall be provided prior to first occupation of the residential flats.

Main Issue

3. The main issue in this case is whether the proposal would result in the loss of employment floorspace with a reasonable prospect of occupation by the jewellery industry contrary to the aims of development plan and national planning policy.

Reasons

4. The appeal property is a 6 storey plus basement commercial building located on the west side of Hatton Garden, an area recognised as a focus for the jewellery trade. The front part of the ground floor is occupied by a jewellery shop; the rear of the ground floor, the basement and all of the upper floors are vacant. I was informed at the hearing that the basement and rear of the ground floor have been vacant since early 2008, the 4th floor has been vacant since December 2007 and the remaining 4 floors have been vacant since late 2010/early 2011. Although the previous occupants had all been within the jewellery trade, the majority of the premises had been used as offices with only part of the 2nd floor having last been used as a jewellery workshop. The proposal would convert the 5 upper floors to residential use.
5. Core Strategy Policies CS8 and CS9 of the Local Development Framework state, amongst other matters, that the Council will promote and protect the jewellery industry in Hatton Garden. Development Policy DP13 states that the Council will "retain land and buildings that are suitable for continued business use and will resist a change to non-business unless:
 - a) it can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; and
 - b) there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time."
6. The policy goes on to state that where a change of use has been justified to the Council's satisfaction, the Council will seek to maintain some business use on site and that where it can be demonstrated that the site is not suitable for any business use other than B1(a), the Council may allow a change to permanent residential use, except in Hatton Garden where a mixed use development would be expected, which would include light industrial premises suitable for use as jewellery workshops.
7. The supporting text to Policy DP13 contains details of the marketing exercise, sustained over at least 2 years, which the Council would expect to see. Further details are contained within the Council's supplementary planning guidance

CPG5, which has been adopted by the Council following public consultation and therefore attracts significant weight.

8. The Council's reason for refusal states that the marketing had been insufficient. However, at the hearing further details of the marketing which had been carried out were provided. These included the various matters set out in CPG5 including a visible letting board, publication on the internet, and reasonable rents and lease terms. All of the vacant floors of the property have been marketed for in excess of 2 years, and some parts for in excess of 5 years, and although the Council suggested that marketing had been aimed at B1 uses in general rather than specifically referring to jewellery workshops, it is clear that at least for the last 2 years the particulars for the property have referred to jewellery workshops. Furthermore, although the Council referred to the needs of Centa Business Services, which I am informed is a body which makes managed jewellery workshop space available at subsidised rents, I have been provided with copies of letters from the appellant to Centa which do not appear to have led to any interest in the property. The appellant also referred to repeated attempts to contact Centa by telephone but to no avail.
9. At the hearing the Council agreed that the marketing measures appeared reasonable although pointed out that some of the details were not available when the application was determined and had not therefore been considered by the Council's economic development team. In my opinion it is difficult to see what further marketing measures the appellant could have taken.
10. The Council also points to the supporting text to policy DC13 and guidance in CPG5 which refer to 50% of the application floorspace being provided for the jewellery sector. However, in this case no change of use is proposed for the vacant parts of the ground floor and basement and the fact that these parts of the building have also been marketed unsuccessfully over a lengthy period suggests that requiring part of the upper floors to be retained for jewellery workshop use would not result in the occupation of those floors. To the contrary it would be likely to result in further sterilisation of the building. Furthermore, I note the proliferation of estate agents boards in Hatton Garden and have no reason to doubt the appellant's evidence that there is an over-supply of available premises. The appellant suggests that this is due to a decline in jewellery manufacturing and an increase in importing from other countries and I note that this view is reflected in the Hatton Garden Conservation Area Statement where it is stated that most of the jewellery sold in the retail outlets is no longer made locally.
11. The supporting text and CPG5 also state that where the provision of workspace is not possible a financial contribution, related to the area of workspace which would otherwise be expected, will be sought towards support for the jewellery industry. The Council referred to a number of properties in the area in relation to which a contribution has been made and has sought a contribution of £50,000 in this case. The appellant submits that as the contribution would not be related to the use of the property as residential it in effect amounts to a tax on the change of use. Although the Undertaking provides for a financial contribution to the jewellery sector, the covenant is drafted to ensure that if I consider that no contribution is required then it will not be payable.
12. The financial contribution is not required by Policy DC13. Similarly there is nothing in the National Planning Policy Framework (NPPF) which is supportive

of such a contribution. Although paragraph 21 of the NPPF refers to supporting existing business sectors, this is qualified by reference to taking account of whether they are expanding or contracting and by paragraph 22 which makes it clear that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The evidence shows that to be the case here. Given that it has been demonstrated that there is no reasonable prospect of the premises being used by the jewellery sector, and in the absence of any demonstrable demand by the jewellery sector, it is difficult to see how a financial contribution to the jewellery sector is justified. Furthermore, other than referring to established practice, the Council was unable to clarify on what basis the figure of £50,000 had been calculated.

13. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) provides that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. For the reasons given I consider that an obligation requiring the making of a contribution of £50, 000 would fail these tests.
14. In my opinion the marketing demonstrates that the property is no longer suitable for its existing business use and that the possibility of retaining, reusing or redeveloping it for that use has been fully explored over an appropriate period of time. Some business use will be retained on the site and the proposal does not conflict with Policy DP13. Although there is some conflict with the supporting text to the policy and to CPG5, which could be met by the payment of a financial contribution, I consider that such a contribution is not required in order to make the development acceptable in accordance with Regulation 122 of the CIL Regulations.
15. Similarly although I acknowledge that taking account of the different roles and character of different areas is a core planning principle and that the Council views Hatton Garden as an area with a specific role there is no overriding principle which would prevent a change of use in this case. Indeed paragraph 51 of the NPPF states that applications for change of use to residential use from buildings currently in the B use class should normally be approved where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. There is no suggestion that additional housing is not needed and the evidence demonstrates that there are no economic reasons why this change of use should not be allowed. I conclude therefore that the proposal does not conflict with the NPPF.
16. Accordingly I conclude that the proposal would not result in the loss of employment floorspace with a reasonable prospect of occupation by the jewellery sector and that it does not conflict with the aims of development plan or national planning policy.

Other Matters

17. The Undertaking contains covenants relating to the payment of financial contributions in respect of the provision of open space and educational facilities, in accordance with Policies DP31 and CS10 of the Local Development Framework. The Council confirms that the reasons for refusal relating to these

matters are addressed by the terms of the Undertaking and I am satisfied that the contributions are necessary to make the development acceptable in planning terms.

18. The appellant has submitted an Ecohomes pre-assessment report which indicates that the development would achieve an Ecohomes rating of "very good". The Council has confirmed that this complies with Policies CS13 and DP22, albeit that supplementary planning guidance encourages higher scores. The Undertaking contains a covenant to the effect that the residential units will not be occupied until a Post Development Sustainability Report certifying that the measures have been achieved and will be maintainable has been submitted and on this basis I am satisfied that the Council's aims with regard to incorporating sustainable development principles in design will be met.
19. The Undertaking also contains provisions relating to car free housing which the Council confirms satisfy its reason for refusal relating to parking congestion and air quality. The Undertaking contains a covenant to the effect that neither the appellant nor any future resident of the residential units will be entitled to apply to the Council for a car parking permit and that if any permit is wrongly issued it will be surrendered to the Council within 7 days of receipt.
20. The appellant acknowledges that this covenant is similar to that which was the subject of *Westminster City Council v Secretary of State for Communities and Local Government and Acons*. In that case the Secretary of State conceded that the undertaking was not a valid planning obligation, and the judge stated that in her view the undertaking did not meet any of the requirements of Section 106(1)(a)-(d) and therefore did not have the character required for a planning obligation. She also found that it was not enforceable and did not run with the land.
21. Counsel for the appellant submitted at the hearing that the weight of the judge's view is reduced as a result of the concession made by the Secretary of State, and furthermore, that that concession was wrongly made. In his opinion the covenant falls within S106(1)(a) as it is a restriction on the use of the land. However in the judgement the judge expressly states that in her view the concession was correctly made and there is nothing which distinguishes the wording presented to me from that considered in that case. I am therefore unable to conclude that the covenant is a valid planning obligation and accordingly I give it no weight.
22. The Undertaking also contains a covenant requiring a prominent notice to be erected within the common parts of the development stating that residents are not entitled to apply for a parking permit and that if wrongly issued such a permit would have to be surrendered. The appellant submits that this falls within S106(1)(b) as it is an operation required to be carried out on the land. I agree that requiring the erection and maintenance of a notice could fall within that sub-section. However, the Council stated that the undertaking may be difficult to enforce and although the appellant pointed out that the Council would become aware of a breach if anyone applied for a permit, the actual breach would occur by a failure to erect and maintain the notice which, as stated by the Council, would require regular visits to the premises. Furthermore the erection of the notice would not in itself prevent applications being made or permits being issued. In my view the covenant is not an enforceable planning obligation and accordingly I give it no weight.

23. Policy DP 18 states that the Council will expect development to be car free in the Central London Area and that in such areas it will not issue on-street parking permits and will use a legal agreement to ensure that future occupants are aware that they are not entitled to on-street parking permits. I accept that given the location of the appeal site in a congested area of central London and in a sustainable location in close proximity to many services and facilities and to numerous public transport routes it is important that the development is car free.
24. The Council explained at the hearing that applications are made to the Council's parking department who then have the responsibility of finding out if there are any restrictions relating to the address of the applicant, which is normally done by referring to the land charges department. It seems to me however that there is no reason why other measures could not be taken to ensure that the parking department is made aware that permits should not be issued. The lack of an enforceable undertaking in this respect is not therefore crucial and I consider that the aims of Policy DP18 can be met by the Council by other means.

Conditions

25. Although the appellant has suggested that a condition be imposed relating to car free housing, no wording has been proposed to me and I am not satisfied that such a condition would be necessary, reasonable and enforceable. I accept however that in the interests of encouraging cycling in accordance with Policy DP18 a condition relating to cycle storage is reasonable and necessary and that in the interests of sustainability, a condition should require the provision of the lifetime homes features shown on the plans prior to occupation. For the avoidance of doubt and in the interests of proper planning I shall also impose a condition requiring the development to be carried out in accordance with the approved plans.

Conclusion

26. Subject to these conditions and for all the reasons given I conclude that the appeal should be allowed.

Alison Lea

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr A Tabachnik	Counsel
Mr E Pick	E M Pick Planning
Mr J Levy	Formerly of Copping Joyce
Mr B Blair	Managing Agent

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Tulloch	Planning Officer
Mr W Bartlett	Solicitor

DOCUMENTS HANDED IN AT HEARING

- 1 CPG5 Town centres, Retail and Employment
- 2 CPG8 Planning Obligations
- 3 Unilateral Undertaking dated 3 September 2013 subsequently replaced by Unilateral Undertaking dated 13 September 2013