

LDF

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Local Development Framework

- LDF Core Strategy: Proposed Submission Document and Proposals Map

29 June 2009 - 7 August 2009

Representation Form

All representations must be returned by 7 August 2009



Please refer to the guidance notes before completing this form. An electronic copy of the guidance notes and representation form are available at www.hackney.gov.uk/ldf

Part A: Personal Details	Agent's Details (if applicable)
First Name NICK WATSON, TONY EISEN	First Name SIMON
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Organisation [REDACTED]	Organisation GRAINGER PLANNING ASSOCIATES LIMITED

Part B. Please use a separate sheet for each representation

1. Which part of the Core Strategy are you commenting on?

Paragraph _____ Policy **16 and 17** Proposals Map **Yes**

2. Do you think the Core Strategy is:

Legally compliant? Yes No Please go to Question 4
 Sound? Yes No Please go to Question 3

3. Do you consider the core strategy is unsound because it is not:

Justified Effective Consistent with national policy

4. Please give details of why you consider the core strategy is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the core strategy, please also use this space to set out your comments.

Please see attached sheet.

5. Please set out what change(s) you consider necessary to make the core strategy legally compliant or sound. You will need to say why this change will make the core strategy legally compliant or sound. It will be helpful can to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see attached sheet

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination

6. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?
Yes No

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To adduce evidence to the inspector to support the case put forward in these representations in order to ensure the site is not sterilised for future development purposes.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

SIMON GRANGER PLANNING
Signature ASSOCIATES LIMITED

Date 31/07/09

Local Development Framework Core Strategy Submission Draft

Representation

Policy CSP16 & 17 and Proposals Map designation

Introduction

Policy CSP16 and the Proposals Map designate the site of Rosemary Works, Branch Place, London, N1 5PH as a Priority Employment Area (PEA). This is defined in the Glossary to the Core Strategy as "areas, sites and/or land in an around town centres and local centres and other areas of high public transport accessibility where clusters of employment uses exist or can be promoted to in a sustainable environment."

When the Council consulted upon the Core Strategy 2nd Stage – Preferred Policy Options in April – June 2008, the Property was not identified as a PEA on the Proposals Map. This designation has been introduced subsequent to the last round of consultation.

It is noted that this designation was not brought about as a consequence of a representation being made by a local objector or supporter that such a designation should be applied to the site. Reference to the Table of LDF Core Strategy Preferred Policy Options Consultation (April 2008 to June 2008) and Council Responses – Part 1 Written Submissions shows that no representations were received regarding designating Rosemary Works as a PEA.

Site Background

The existing site comprises a somewhat disparate collection of linked low rise buildings dating from the mid C19th to early C20th. One of the buildings is a locally listed building (building of townscape merit) and the whole site is within the Regent's Canal conservation area. The site is presently in mixed use with a large nursery (D1), a number of B1 uses, live:work units and approximately 800sq m of pure C3 (residential) use.

Planning History

The planning history of the site is relevant to this objection. On 3rd April 2009, the owners of the site submitted a full planning application to the Council following a series of detailed pre-submission consultation meetings with Council officers and a presentation to the Council's Design Review Panel. Planning permission was sought to retain the locally listed building but otherwise to demolish the remainder and to erect a mixed use development that proposed a 100% replacement for the commercial floorspace

(including the nursery) and a residential development comprising 86 flats, of which 21 would be affordable dwellings. Planning permission was refused on 3rd July 2009. A revised scheme is currently being worked up for re-submission. There was no reference in the refusal notice relating to the designation of the site as a PEA in the draft Core Strategy.

Representations on the Soundness of the Core Strategy

For a Core Strategy to be considered sound it is necessary that it is justified, effective and consistent with national policy (para 4.52 of PPS12). It is considered that the current draft of the Core Strategy is not sound for the reasons set out below.

1. The PEA Designation is not justified

The designation of the Property as a PEA is not justified as it is not supported by a robust and credible evidence base as required by paragraph 4.37 of PPS12. The evidence for that assertion is set out below.

The Council's draft employment policies set out in Chapter 6 – A Dynamic and Creative Economy – are underpinned by the Hackney Employment Growth Options Study – Final Report – produced on behalf of the Council in March 2006 by Atkins. This is part of the Council's published evidence base supporting the production of the Local Development Framework.

The Atkins Study assessed the existing supply of employment land within the Borough by identifying 107 "clusters" of employment land and premises. An appraisal of each cluster was undertaken assessed against a published range of criteria. The majority of these clusters were already designated within the UDP as Defined Employment Areas or areas for New Employment Development. The Study then assessed potential options for meeting future gross demand for employment floorspace. It confirmed that the potential capacity of existing employment land and premises was sufficient to fully meet the estimates of future gross employment floorspace demand.

The Study recommended that a robust set of criteria should be established for defining and justifying employment allocations contained within the typologies of employment sites and premises. The Study proposed a criteria-based policy designation for employment designations and introduced the PEA typology. For the purpose of the study, the PEA is defined as "Locally significant employment sites safeguarded for a diverse range of business, industrial and warehousing activities".

Paragraph 6.47 of the Hackney Employment Growth Options Study – Final Report – indicates that the extent of the PEA recommendations contained within the Study “reflect both the short term demand and strategic demand for industrial, warehousing and small-medium scale office activities”.

The Property was not identified within the Study as meeting the criteria laid down for designation as a PEA. This was clearly a recommendation the Council had accepted when it consulted upon the Preferred Policy Options in 2008 as the site was not identified.

The Atkins Study also assessed the quality of employment land within the Borough and it must be assumed that Rosemary Works formed part of that assessment, particularly as it lay opposite site No.109 (opposite meaning on the other side of the canal). Paragraph 6.48 indicates that the Study discounted sites as potential PEA sites if there were significant problems potentially compromising the operation of the PEA as an employment location as assessed against the following criteria:

- o If there were significant problems relating to the compatibility of adjoining land uses which could not be addressed over time through statutory development control, enforcement or environmental controls or through improved management/mitigation measures; or
- o If the area did not provide adequate parking and turning for goods vehicles.

In relation to the first criterion, the truly mixed use nature of the existing occupiers of the Property with both residential and commercial occupiers within the same building together with a children’s nursery mean that the site would be unsuitable for B2 and B8 uses. With regard to the second criterion, the site lies on a residential cul-de-sac and there are no turning facilities available for larger vehicles. Immediately due south of the site is the Colville Estate which itself is identified within the draft Core Strategy for significant residential development and intensification during the lifetime of the Strategy. As such the Council’s own evidence base does not support the designation of the Property as a PEA and the designation as a result has not been justified.

Furthermore, if one refers back to the Council’s definition of PEA in the Glossary to the draft core strategy, it is clear that the Property does not meet that definition as it is not

located in or near a town or local centre and only has a PTAL rating of 3. Consequently, even using the terminology in the draft core strategy the designation is not justified.

Clearly the previous drafts of the core strategy accepted the conclusion of the Atkins report that the Rosemary Works site should not be designated as a PEA. The recent designation therefore seems to have been made without any analysis as to how (i) the Property meets the criteria for designation as a PEA or (ii) any evidence to justify a departure from the Atkins study.

2. Both the PEA Designation and also Core Strategy Policy 17 are not effective

CSP17 defines a narrow band of land uses which will be the preferred land uses in PEAs. The inclusion of hotels and non-residential institutions as appropriate land uses within PEAs is not supported by the Atkins Study and historically are land uses that Hackney Council has not accepted as contributing towards the retention of land in employment generating use. Whilst the policy refers to the encouragement of employment-led mixed use development, it would appear that this is not the case for PEAs.

The Property is currently in mixed use with residential, live:work and B1-type uses together with a nursery. Designating the site as a PEA fails to acknowledge the present use to which the Property is beneficially put and fails to take account of the relationship between the Property and surrounding residential land uses. The designation of the Property as a PEA presents an inflexible policy framework and one which results in some of the existing, lawful land uses appearing vulnerable. Any redevelopment of the Property would have to exclude the residential component and thus would represent a net loss of housing to the Borough. This is contrary to the provision of the London Plan.

3. Both the PEA Designation and also Core Strategy Policy 17 are not compliant with national planning policy

The consultation draft PPS: Planning for Prosperous Economies – seeks to make the most efficient and effective use of land and buildings, especially vacant or derelict buildings (including historic buildings) (bullet point 9 of EC41 refers). The lack of explicit reference to the appropriateness of mixed-use development including a residential component for the development of sites within PEAs may result in the Government's sustainability objectives for the full and effective use of previously-development land

within existing urban areas being undermined. In this respect the designation of the Property as a PEA does not meet Government objectives for the planning system.

Conclusion and Recommendation

Taking these factors together, it is clear that both Core Strategy Policy 17 and also the very late designation of Rosemary Works as a PEA are unsound on the basis that they are not justified, effective or consistent with national policy. In particular, the PEA designation is not based on a robust and credible evidence base as it does not meet the criteria based approach set down in the Atkins Study or the Glossary definition set down in the draft Core Strategy.

It is therefore recommended that:

1. Core Strategy Policy 17 is amended to permit mixed use employment led development where this is the most efficient and effective use of land and buildings; and
2. the removal of the PEA designation from the site of Rosemary Works.