



Appeal Decision

Site visit made on 16 August 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/U5360/W/24/3341609

Units E and F, 2-8 Anton Street, London E8 2AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Reverie Estates AS Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1522.
 - The development proposed is the change of use of two commercial units on the ground floor from Use Class E (Commercial, Business and Service) to Use Class C3 to create 2 dwellinghouses.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Reverie Estates AS Ltd against the Council of the London Borough of Hackney. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - i) the effects of the proposal on the supply of employment space in the borough, and
 - ii) whether the proposal would make an acceptable contribution towards the supply of affordable housing in the borough.

Reasons

Supply of Employment Space

4. The appeal premises comprise a pair of adjacent commercial units, that are situated on the ground floor of a 4-storey building comprising a mix of commercial and residential accommodation. The units are located at the rear of the building and face a car parking area that is accessed from Anton Street via an under-croft. The 2 units are accessed from this area. The information before me indicates that the building was extended and converted about 20 years ago to create commercial units on the ground floor and live/work units on the upper floors, and the latter have subsequently become flats.

5. The appeal premises are situated within the Anton Street Priority Industrial Area. Priority Industrial Areas (PIAs), together with Priority Office Areas and Locally Significant Industrial Sites are described in the Hackney Local Plan (2020) (LP) as "Hackney's core reservoir of employment land" and are the focus of the Council's aim to deliver a minimum of 118,000sqm of new office floorspace by 2033. I note that PIAs have been designated based on reasonably recent evidence on employment needs in the borough and there is nothing before me to demonstrate that this need has changed. Whilst not explicitly stated, the thrust of LP Policies LP26 and LP28 is to protect existing employment floorspace in PIAs and maximise the delivery of more space in these areas.
6. The proposal would comprise the change of use of 2 good quality and easily accessible ground floor office units into a pair of 2-bedroom flats, together with the removal of car parking spaces to create small gardens. The proposal is accompanied by marketing evidence. However, Policy LP28 only supports the loss of employment space outside PIAs where robust marketing evidence demonstrates there is no demand for the space. As the appeal premises is within a PIA the proposal conflicts with the aims of the LP.
7. For these reasons the proposal would have an unacceptable effect on the supply of employment space in the borough and is contrary to LP Policies LP26 and LP28. There is also conflict with the aims of Policy E7 of the London Plan (2021).

Affordable Housing Supply

8. Policy LP13 and the Council's Planning Contributions Supplementary Planning Document (2020) (SPD) indicate that schemes which fall below the 10-unit threshold will be required to provide on-site provision or payments in lieu up to the equivalent of 50% of housing delivered as affordable housing, subject to viability. Alternatively, such development can provide a payment of £50,000 per unit in lieu of an affordable housing contribution.
9. The appellant has provided a s106 agreement but this is in draft form, unsigned and not dated. The proposal before me does not therefore accord with Policy LP13 or the SPD.

Other Matters

10. I note that the proposal would make a contribution, albeit small, to housing supply in the borough and the dwellings would benefit from amenity space and be situated in a reasonably accessible location. These benefits are not however sufficient to overcome the clear harm identified above.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR