

<b>Address:</b>	Omega House 67 - 74 Saffron Hill London EC1N 8QX		
<b>Application Number:</b>	2010/0941/P	<b>Officer: Ben Le Mare</b>	
<b>Ward:</b>	Holborn & Covent Garden		
<b>Date Received:</b>	18/02/2010		
<b>Proposal: Retention of roller shutter doors with pedestrian gates on the front and side elevation and windows at the side elevation, and infill extension at side elevation over part of the service yard at ground floor level.</b>			
<b>Drawing Numbers:</b> Location Plan; 2923/01 B (Part 1); 2923/01 B (Part 2); 2923/02 A (Part 1); 2923/02 A (Part 2); 2923/03 B; 2923/04 A (Part 1); 2923/04 A (Part 2)			
<b>RECOMMENDATION SUMMARY: Grant Planning Permission</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Nyraff Ltd Omega House 67 - 74 Saffron Hill London EC1N 8QX		Raynond Stemp Associates Kingfisher House 19 Springfield Lyons Approach Chelmsford Business Park Chelmsford CM2 5LB	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing (Pre Extension Works) Ground Floor	B1 (office)		600 m <sup>2</sup>
Proposed (As Built) Ground Floor	B1 (office)		696.33 m <sup>2</sup>

## OFFICERS' REPORT

**Reason for Referral to Committee:** The Director of Culture and the Environment has referred this application for consideration after briefing members (Clause 3 (ix)) This application was deferred from the 06/03/2010 Development Control Committee due to lack of time.

## **1. SITE**

- 1.1 The application site is a four storey commercial building located within the Hatton Garden Conservation Area. The property has 4 different occupiers on the ground and upper floors, all of which operate within a Class B1 use. The basement is used by Cameron Mackintosh for the storage of clothing.
- 1.2 A residential building (Ziggurat Building) is located immediately to the south of the site, with a 4 metre wide lightwell/service yard separating the two buildings. The Ziggurat Building comprises 62 privately own residential apartments and a commercial unit on the ground floor.
- 1.3 An existing vehicle access into the site is located along Saffron Hill. Parking on the site is within the established service yard. This area also provides cycle parking. An area of parking for motorcycles is located along Saffron Hill, directly opposite the building's front entrance.
- 1.4 The property is located within a distinctly mixed use area, comprising; offices, research and development space, studios, light industrial units, public houses, shops, a multi-storey carpark and residential apartments.

## **2. BACKGROUND**

- 2.1 An enforcement complaint was logged with the Council on 30 September 2009 (Ref: EN09/0860). The alleged breach in planning control was registered as the unauthorised infilling of the ground floor and the insertion of a new roller shutter (with pedestrian access) and temporary ramp. Through a review of the property's planning history it was established that works to the building, undertaken between March 2009 and September 2009, did not benefit from planning permission and were therefore unauthorised.
- 2.2 Full planning permission (2010/0941/P) is sought to regularise this breach in planning control and therefore seeks to secure consent for the retention of a roller shutter doors with pedestrian gates on the front and side elevation and windows at the side elevation, and infill extension at side elevation over part of the service yard at ground floor level. The application also seeks to retain 6 Sheffield cycle stands within the service yard.
- 2.3 The infill extension on the ground floor of the building, recently occupied by a printing firm (Callprint), provides additional Class B1 (office) floor space (78 square metres) and new facilities in the form of 3 x male and 3 x female toilets (18 square metres).
- 2.4 Once Callprint had moved into the property, two internally illuminated projecting signs were erected on the ground floor front elevation of the building. The signage was approved on 13 May 2010 under application 2010/0938/A.

## **3. RELEVANT HISTORY**

- 3.1 **EN09/0860** - Enforcement case (logged 30/09/2010) relating to unauthorised works - the insertion of a roller shutter and associated infill extension on the south side

elevation of the property, a pedestrian door on the Saffron Hill frontage, the provision of cycle parking stands in the service yard and the erection of two box signs – Ongoing investigation.

- 3.2 **2010/0938/A** - Retention of two internally illuminated projecting signs at ground floor front elevation of office building – Approved with conditions 11/05/2010.
- 3.3 **PSX0204458** - Erection of fifth floor roof extension to be used as offices – Refused 06/03/2003, appeal dismissed 30/09/2003.
- 3.4 **PSX0104764** - Construction of new 5th floor to be used as offices – Refused 24/10/2001.
- 3.5 **PSX0005186** - Construction of new 5th floor – Withdrawn 06/12/2000.
- 3.6 **9000107** - Continued use as the Headquarters of the National Society for the Prevention of Cruelty to Children including offices meeting and teaching facilities and ancillary storage and housekeepers flat as shown on location plan (Ref:K205/P307/001/1) – Approved 26/06/1990
- 3.7 **8580026** - Projecting box sign (1300 x 300mm at height of 2.4m to the underside). (As shown on one unnumbered drawing) – Granted 13/03/1985

#### 4. **CONSULTATIONS**

##### **Statutory Consultees**

- 4.1 None require to be consulted.

##### **Conservation Area Advisory Committee (CAAC)**

- 4.2 There is no CAAC for the Hatton Garden Conservation Area.

##### **Adjoining Occupiers**

<i>Number of letters sent</i>	79
<i>Total number of responses received</i>	19
<i>Number of electronic responses</i>	18
<i>Number in support</i>	0
<i>Number of objections</i>	19

- 4.3 Objections have been received from the owner/occupiers of flat Numbers G.1, G.5, 1.1, 1.6, 2.7, 2.9, 3.6, 3.8, 3.9, 4.1, 4.7, 4.8, 4.9, 5.1, 5.7, 5.8, 7.1, 7.3 of 'The Ziggurat' building, and Ziggurat Freehold Ltd (Freeholders of the building), have raised objections around the following issues:-

#### 4.4 **Impact on residential amenity**

- *Noise and disturbance*  
Noise and disturbance resulting from the use of the roller shutters and pedestrian gates on the front and side of Omega House, and an increased level of activity within the service yard, is considered by the residents of the Ziggurat Building to harm their living conditions. The rattling of the roller shutter on the side elevation of the property is of particular concern to the residents.
- *Light pollution/light spill*  
The insertion of windows on the ground floor of Omega House is regarded to increase the amount of light pollution/light spill within the existing service yard/light well.
- *Odours, fumes and dust*  
The increased number of vehicle movements and new parking arrangements in the service yard are considered to result in a greater level of odours, petrol fumes and dust within the service yard/light, causing potential future health problems to the residents of the Ziggurat Building.
- *Overlooking/loss of privacy*  
The windows on the side elevation of the property and an increase in the usage of the service yard (movement and parking of vehicles and bicycles and use of a raised platform to access the roller shutter) by employees and contractors are considered to contribute to a greater level of overlooking and loss of privacy.
- *Loss of sunlight/daylight*  
The roller shutter on the front of the property and the infill extension on the ground floor are considered to reduce the amount of natural light within the existing service yard/lightwell.

#### **Transport**

- *Impact on highway safety*  
The increased number of vehicle movements resulting from Callprint's operations, together with a change in parking arrangements, is considered to have a detrimental impact on highway safety along Saffron Hill.
- *Use of the delivery yard*  
The newly built roller shutters and infill extension are considered to have resulted in an unacceptable increase in the use of the service yard for deliveries and collections.
- *Off-street parking for commercial vehicles*  
The infill extension, through reducing the number of off-street parking spaces, is considered to heighten parking pressures within the area and result in more vehicles being parked on the pavement along Saffron Hill.
- *Cycle parking provisions*  
The provision of Sheffield cycle stands below the windows of the Ziggurat Building is considered to result in a greater level of noise and disturbance to

neighbouring residents and have a detrimental impact on fire safety by partially blocking an exit from the service yard.

### **Impact on the Conservation Area**

The provision of a roller shutter and pedestrian gate on the front and side of the property is considered by neighbouring residents to visually harm the character and appearance of the Hatton Garden Conservation Area.

### **Other Issues**

#### **- *Fire Safety***

The insertion of a roller shutter on the front elevation of the property, together with the provision of Sheffield cycle stands within the service yard, is considered to impede on the resident's ability to exit the property in the event of a fire. The development is also regarded to prohibit the ability of firefighters access the service yard.

#### **- *Hours of operation of Callprint***

The residents of the Ziggurat Building are concerned about the noise and disturbance resulting from Callprint's hours of operations. Callprint advertise themselves as a 24 hour business.

#### **- *Waste disposal***

The roller shutter fronting Saffron Hill is regarded to hinder the removal of waste from the site. The roller shutter on the side of the Omega house is being used outside of office hours for the removal of waste from the ground floor by Callprint and is considered to cause noise and disturbance outside of office hours.

4.5 Councillor Fulbrook has also registered an objection to the application on the following grounds:-

- 1. 'The further possibility of a disruption of the quiet enjoyment of their property for the residents of the Ziggurat;*
- 2. The very substantial loss of light in this light well, which is an established feature of architecture;*
- 3. The clear invasion of privacy for a number of the flats;*
- 4. The very serious problem with fire safety.'*

## **5. POLICIES**

### **Replacement Unitary Development Plan 2006**

- 5.1 SD6 (Amenity for occupiers and neighbours),  
SD7B (Noise/vibration pollution),  
B1 (General Design Principles),  
B3A (Extensions and Alterations),  
B4b (Advertisements and signs)  
B7A (Conservation Areas),  
T1 (Sustainable Transport),  
T3 (Pedestrians and Cycling),

T9 (Impact on parking).  
E1 (location of business uses)

### **Supplementary Planning Guidance**

- 5.2 Hatton Garden Conservation Area Statement  
Camden Planning Guidance 2006

### **LDF Core Strategy and Development Policies**

*As the draft LDF Core Strategy and Development Policies documents have now been published they are material planning considerations particularly where they directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft LDF policies and members should always seek specific officer advice before considering voting for refusals on this basis*

- 5.3 CS1 (Distribution of growth), CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel), CS14 (Promoting high quality places and conserving our heritage), DP17 (Walking, cycling and public transport), DP19 (Managing the impact of parking), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours), DP28 (Noise and vibration),

## **6. ASSESSMENT**

- 6.1 The principal consideration material to the determination of this application are summarised as follows:

### **Impact on residential amenity**

#### *Noise and disturbance*

- 6.2 There are essentially two main issues relating to the noise and disturbance which result from this development that need to be addressed, these comprise; the use of the roller shutter and pedestrian gates, and the use of the service yard. The property is located within an area comprising a range of different land uses. It has been observed that there is a greater level of general background noise during the day time, which becomes quieter in the evenings/night time.
- 6.3 It has been alleged that service yard, and the roller shutters are being used outside of normal working hours. On visiting the site it was identified that the newly inserted roller shutter and pedestrian gate on the south side elevation of the building has a tendency to rattle when in use. In assessing the noise resulting from the roller shutter the Council's Environmental Health Officer visited the property on Thursday 25 March between the hours of 10.20pm and 10.40pm. It was observed that people exiting the building were solely using the main entrance. However, it is not inconceivable that employees could use the pedestrian access through the roller shutter outside of normal working hours.

- 6.4 The use of the roller shutter and pedestrian gate on the south side elevation of the building is considered to result in an element of noise disturbance within the service yard. When used outside of normal working hours it is considered to cause an element of noise disturbance to the occupiers of the neighbouring properties. In the interests of neighbouring amenity it is recommended that a condition limiting the use of the roller shutters outside of normal working hours be added.

*Light pollution/light spill*

- 6.5 The proposed development includes windows on the south side elevation of the building which face into the service yard/lightwell and the Ziggurat Building. It is alleged that these windows are resulting in light pollution/light spill in the service yard which is regarded to have a detrimental impact on the living conditions of neighbouring residents.

- 6.6 Given that four floors of windows on the south elevation of Omega House currently all face into the service yard/lightwell, the additional windows on the ground floor of the property are considered on balance not to make the situation significantly worse for the occupiers of the Ziggurat Building.

*Odours and fumes*

- 6.7 It is alleged by neighbouring residents that infilling the undercroft parking area on the ground floor of the Omega House has resulted in vehicles being parked closer to the Ziggurat Building and that the delivery operations of 'Callprint', has resulted in an increase in the level of odours, fumes and dust from the motor vehicles. Whilst the removal of the open undercroft parking could have resulted in vehicles being parked slightly closer to the Ziggurat Building, it is considered the total number of parking spaces for vehicles has been reduced and therefore the odours and fumes are unlikely to be significantly worse. A review of the planning history for the property has not identified any conditions which restrict the use of the service yard.

*Overlooking/loss of privacy*

- 6.8 There are no windows serving residential apartments on the ground floor north elevation of the Ziggurat Building which directly face the newly inserted windows on the ground floor Omega House. The windows on the first floor and upper floors of the Ziggurat Building directly face windows on the first floor of Omega House. In light of the existing situation, the windows proposed by this application are considered not to have a detrimental impact on the privacy of the occupiers of the Ziggurat.
- 6.9 There has always been a service yard on the south side of the Omega House site used by Class B1 occupiers. Whilst the operations of the new occupier might have increased activity in the service yard this is considered not to have resulted in an unacceptable loss of privacy.

## **Transport**

### *Impact on highway safety*

- 6.10 The property has an established vehicle entrance into the site, located along Saffron Hill. Whilst the application proposes a new pedestrian gate at this entrance into the site there have been no physical alterations, i.e. widening of the entrance. Although 'Callprint' are alleged to be using this entrance more than the previous occupiers (an increase in vehicle movements), there is no planning condition restricting its use. As identified above, Callprint are operating within the established Class B1 use of the site. It is therefore considered that the development has not had a detrimental impact on highway safety.

### *Use of the service yard*

- 6.11 As identified above, there is alleged to have been a general increase in the use of the service yard by delivery and other commercial vehicles associated with the operations of Callprint. However, as stated above, the operations of Callprint fall within the existing Class B1 use of the site. Therefore whilst there could be more activity in the area from the business operations of Callprint are authorised.

### *Off-street parking for commercial vehicles*

- 6.12 It has been identified that through infilling the undercroft parking area there has been a slightly different arrangement to vehicle parking in the service yard. However, as identified above there are no existing restrictions on in this area, so it is conceivable that the previous occupiers could have adopted a similar parking to what exists now if they had chosen to do so. In light of the fact the proposed development is considered not to have resulted in unacceptable use of the area.

### *Cycle parking provisions*

- 6.13 The provision of 6 Sheffield Cycle Stands (space for 12 cycles) on the south side of the service yard is considered to have a positive impact on the use of the property through encouraging a greater number of employees in Omega House to cycle to work. Creating a greater level of secure cycle parking is in accordance with Policy T3 of the Replacement UDP. Although the cycle stands are sited alongside the Ziggurat Building they are considered not to harm the amenity of the neighbouring residents. In addition, the relocation of the cycle stands further away from the Ziggurat Building will not materially change the current situation within the service yard.
- 6.14 It is also considered that the cycle stands in their current location do not harm the ability of the occupiers of the Ziggurat Building or the employees in Omega House to exit the site in the event of a fire.

## **Impact on the Conservation Area**

- 6.15 The infill extension, and associated roller shutter and windows, on the ground floor south side elevation of the property are considered to blend in with the existing architectural design of the building. In addition, this element of the proposal is visible from the street scene when the roller shutter on the front elevation of the property is open and is considered to preserve the character and appearance of the Conservation Area.



- 6.16 The main element of this application which is visible from the street scene is the roller shutter and pedestrian gate which front on to Saffron Hill. The design of the roller shutter is considered to be appropriate in its setting and therefore preserves the character and appearance of the Conservation Area.

### **Other Issues**

#### *Fire Safety*

- 6.17 Whilst not strictly a planning consideration, it should be noted that through discussions with the Council's Fire Officer it was established that the insertion of a pedestrian side door leading onto Saffron Hill is regarded not to have a detrimental impact on fire safety. If anything, the pedestrian side door improves fire safety as it has a Yale lock which can be opened from the inside, enabling people to exit the service yard when the roller shutter is down – the old roller shutter on the front of the property did not have this provision.

#### *Hours of operation of Callprint*

- 6.18 As identified above there are currently no planning conditions in place on the site which restrict Callprint's hours of operation. As Callprint operate within the existing established use of the site (Class B1 office use) there has been no change of use of the property and therefore this application can not reasonably propose any conditions which would restrict Callprint's hours of operation.

#### *Waste disposal*

- 6.19 The roller shutter with pedestrian side gate replaces an existing roller shutter on the front elevation of the property. There has been no change by this application to arrangements for commercial waste disposal from the building.

### **7. CONCLUSION**

- 7.1 Whilst it is acknowledged that the application is retrospective, and that the carrying out of works without planning permission is never encouraged, the development has to be assessed on its merits. Overall, the proposal is considered to safeguard the appearance of the host building and preserves the character and appearance of the Hatton Garden Conservation Area.
- 7.2 The development is not considered to significantly harm the living conditions of the occupiers of the neighbouring Ziggurat building as the site has an existing service yard and the use of the ground floor of the property has not changed from the established office use (Class B1).
- 7.3 The proposed development is therefore in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, in particular with policies SD6 (Amenity for occupiers and neighbours), SD7B (Noise/vibration pollution), B1 (General Design Principles), B3A (Extensions and Alterations), B7A (Conservation Areas), T1 (Sustainable Transport), T3 (Pedestrians and Cycling) and T9 (Impact on parking).

## **8      LEGAL COMMENTS**

8.1      Members are referred to the note from the Legal Division at the start of the Agenda.

### **Disclaimer**

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