

Address:	104-105 Saffron Hill London EC1N 8HB		
Application Number:	2010/0949/P	Officer: Jonathan Markwell	
Ward:	Holborn & Covent Garden		
Date Received:	16/02/2010		
Proposal: Change of use from office (Class B1) at second, third and fourth floor levels to residential (Class C3) to create three self-contained flats (1x1 bed and 2x2 bed units).			
Drawing Numbers: Site Location Plan; 014.969.200; 014.969.201; 014.969.202; 014.969.203; 014.969.204; 014.969.205; 014.969.206; 014.969.207; 014.969.208; 014.969.209; Planning Statement.			
RECOMMENDATION SUMMARY: Grant Subject to a Section 106 Legal Agreement			
Applicant:		Agent:	
St Cross Securities Ltd Haskell House 152 West End Lane London NW6 1SD		Prime Building Consultants Ltd Prime House 1A Queen Anne Road Maidstone KENT ME14 1HU	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1 Business - Office		340m ²
Proposed	C3 Dwelling House B1 Business - Office		149m ² 191m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette									
Proposed	Flat/Maisonette	1	2							

OFFICERS' REPORT

Reason for Referral to Committee: The Director of Culture and Environment has referred the application for consideration as it involves the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3 (vi)]. 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 located on the west of Saffron Hill within close proximity to the junction with St Cross Street to the north and Greville Street to the south. The site comprises a part five, part six storey post-war building that is occupied by a jewellery trader on the basement and ground floors (for a number of years up to December 2007 by Metalor and presently by NTR Metals Ltd), with vacant office accommodation on the first to fourth floors. The building is faced in red brick above a rendered ground floor. Part of the fourth floor of the building comprises a mansard roof that is set back from the front façade of the building. There is also a lift overrun that is contained within the small roof structure at fifth floor level.
- 1.2 The site is mainly surrounded by commercial properties with residential accommodation to the east at No's. 41-43 Saffron Hill and No. 44 Saffron Hill. To the north of the site is a corner building that is part five, part six storey in height and comprises office accommodation. To the south is a three storey office building. To the west are similarly tall buildings fronting onto Kirby Street which are in office use.
- 1.3 The site is located within Hatton Garden; London's pre-eminent jewellery sector. It is also located within the Hatton Garden Conservation Area. The building is not listed, nor is it identified within the Hatton Garden Conservation Area as a building that makes a positive contribution to the conservation area. It is located within the Central London Area and a Strategic Viewing Corridor.

2. THE PROPOSAL

- 2.1 Planning permission is sought for the change of use at second, third and fourth floor level from office (Class B1) to residential (Class C3). This is to create three self contained flats, comprising 1x1 bed (at fourth floor level) and 2x2 bed units (at second and third floor level). The existing jewellery based use at basement, ground and first floor level will be retained as existing and is not part of this application, which concerns only the second, third and fourth floor levels. For clarification, the proposed scheme is merely for change of use and does not involve any external alterations to the building.
- 2.2 As means of context, an identical scheme (application 2008/0252/P – see relevant history section below) was considered at Development Control Committee on 30

October 2008, where permission was recommended to be granted subject to a S106 Legal Agreement, which included a head of term to secure 50% of the site as jewellery workshops. After a draft of the Section 106 Agreement was forwarded to the applicants setting out the terms of the agreement, it was advised that the applicant was no longer willing to enter into the S106 Legal Agreement on this basis. Thus permission was subsequently refused on the basis of not being in compliance with policies E2 and E3. Since this point in time the applicant has been in discussions with the Council and it is now sought to secure a financial payment in lieu of the provision of jewellery workshop space.

3. RELEVANT HISTORY

- 3.1 2007/3392/P - Demolition of part of the 4th floor and 5th floor and erection of a new part 4th and 5th floor, plus the change of use and works of conversion of the 1st to 4th floor levels from office use (Class B1) to residential use (Class C3) to create five self contained flats. Refused 31/08/2007.

Reasons for refusal: In the absence of adequate justification for the loss of the Class B1 business space on the upper floors, it is considered that the proposed change of use would reduce the overall provision of B1 premises available for the jewellery trade in Hatton Garden and would be harmful to the character and function of the area as a centre for the jewellery trade, contrary to the requirements of policy E2 (Retention of business uses) of the London Borough of Camden Replacement Unitary Development Plan 2006, and to advice in Supplementary Planning Guidance for Central London 2004 (Food, Drink and Entertainment and Specialist and Retail Uses).

The proposed fifth floor roof extension, by virtue of its bulk, height and design, would be visually prominent from street level and be harmful to the appearance of the building and its relationship to the adjoining buildings, and to the character and appearance of the Hatton Garden Conservation Area, contrary to Policies B1 (General design principles), B3 (Alterations and extensions) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006 and guidance contained within the Camden Planning Guidance 2006.

The proposed windows in the fourth floor front elevation, by reason of their detailed design, would be considered unsympathetic to the fenestration pattern of the lower floors of the main building and would be harmful to the character and appearance of the building and the conservation area, contrary to policy B1 (General design principles), and B3 (Alterations and extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006 and guidance contained within the Camden Planning Guidance 2006.

The proposed development, in the absence of a BREEAM EcoHomes assessment provided to demonstrate the energy efficiency of the proposed new flats, would fail to be sustainable in its use of resources, contrary to policies SD9 and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006.

The proposed development without onsite car parking provision, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T8 and 9 of the LBC RUDP 2006.

The proposed development, in the absence of a legal agreement securing educational contributions, would be likely to contribute unacceptably to pressure on the Borough's educational facilities, contrary to policy SD2 of the London Borough of Camden Replacement Unitary Development Plan 2006.

The proposed development, in the absence of a legal agreement securing public open space contributions, would be likely to contribute unacceptably to pressure on the Borough's open space facilities, contrary to policy N4 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3.2 2008/0252/P - Change of use from office use (Class B1) at second, third and fourth floor levels to residential use (Class C3) to create three self contained flats (one 1-bed and two 2-bed). Refused 13/08/2009.

Reasons for refusal: The proposed development, in the absence of a legal agreement to secure a proportion of the floorspace within the premises as jewellery workshops, would reduce the overall provision of B1 premises available for the jewellery trade in Hatton Garden and would be harmful to the character and function of the area as a centre for jewellery trade, contrary to the requirements of policies E2 (Retention of existing business uses), E3B (Light industrial uses in the Central London Area) and SD2 (Planning obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006, and to advice contained within the Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses 2007.

The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policies T8 (Car-free housing and car-capped housing), T9 (Impact of parking) and SD2 (Planning obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3.3 2009/4753/P - Installation of window at ground floor level on the north-east (front) elevation. Granted 30/11/2009.

4. **CONSULTATIONS**

Adjoining occupiers

<i>Number of letters sent</i>	53
<i>Total number of responses received</i>	0
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

- 4.1 A site notice was also erected on 09/03/2010, expiring on 30/03/2010. No responses were received.

5. POLICIES

5.1 Replacement Unitary Development Plan 2006

SD1	Quality of life
SD2	Planning obligations
SD6	Amenity for occupiers and neighbours
SD9	Resources and energy
H1	New housing
H7	Lifetime homes and wheelchair housing
H8	Mix of units
B7	Conservation areas
T1	Sustainable transport
T3	Pedestrians and cycling
T8	Car-free housing and car-capped housing
T9	Impact of parking
T12	Works affecting highways
E2	Retention of existing business uses
E3	Specific business uses and areas

5.2 Local Development Framework (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 Core Strategy Proposed Submission

CS1	Distribution of growth
CS5	Managing the impact of growth and development
CS6	Providing quality homes
CS8	Providing a successful and inclusive Camden Economy
CS11	Promoting sustainable and efficient travel
CS13	Tackling climate change through promoting higher environmental standards
CS14	Promoting high quality places and conserving our heritage
CS15	Protecting and improving our parks and open spaces & encouraging biodiversity
CS16	Improving Camden's health and well-being
CS19	Delivering and monitoring the Core Strategy

5.4 **Development Policies Proposed Submission**

DP2	Making full use of Camden's capacity for housing
DP5	Housing size mix
DP6	Lifetime homes and wheelchair homes
DP17	Walking, cycling and public transport
DP18	Parking standards and the availability of car parking
DP19	Managing the impact of parking
DP20	Movement of goods and materials
DP21	Development connecting to the highway network
DP22	Promoting sustainable design and construction
DP23	Water
DP25	Conserving Camden's heritage
DP26	Managing the impact of development on occupiers and neighbours
DP29	Improving access
DP32	Air quality and Camden's Clear Zone

5.5 **Other Relevant Planning Policies**

Camden Planning Guidance 2006

5.6 **Supplementary Planning Policies**

Hatton Garden Conservation Area Statement (Designated 05 August 1999);
Revised Planning Guidance for Central London: Food, Drink and Entertainment,
Specialist and Retail Uses. Adopted 4 October 2007.

6. **ASSESSMENT**

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

- Principle of development – loss of office accommodation / provision of residential accommodation
- Quality of residential accommodation
- Design
- Amenity
- Sustainability
- Transport

Loss of office accommodation

6.2 The Council's approach to the protection of business uses in the Hatton Garden area is outlined by policy E2 of the UDP. Business uses are generally protected on sites where there is potential for that use to continue. Moreover, a change of use from office space is only permitted in certain circumstances. For a stock of industrial premises suitable for the jewellery trade to be retained within the Hatton Garden Area, UDP policy states that the conversion of office premises will only be permitted where it is demonstrated the premises have been vacant and marketed for two years. Furthermore, the policy continues that the office premise will be replaced by a mixed-use scheme, including residential accommodation and light

industrial premises suitable for jewellery workshops (the latter amounting to a guidance figure of 50% of the existing employment space).

- 6.3 More specifically, policy E3b provides further support for the retention of uses contributing to the special character of the Hatton Garden area. In particular, this policy seeks to protect sites that contribute to the pre-eminent jewellery sector within the area.
- 6.4 In support of the proposed scheme, the applicant has specified that the upper floors of the premises have been vacant since September 2001 and suggest that there is an overabundance of vacant commercial premises in the immediate area. The previous application at the site (2008/0252/P) did not indicate the loss of office accommodation as a reason for refusal. Since this point in time the upper floors of the premises have remained vacant and therefore there is considered to be no objection to the principle of the loss of office accommodation.
- 6.5 Instead the most recent application was refused given the absence of a legal agreement to secure amongst other things a proportion of the floorspace within the premises as jewellery workshops, as required by policies B2 and B3b specified above. Prior to the submission of this application discussions between the Council and the applicant concluded that owing to the relatively limited amount of floorspace on the upper floors of the building (149m²) it is considered impractical to provide both jewellery workshop accommodation and residential accommodation on the upper floors of the building. In addition, the lower floors of the building are presently in jewellery related activity use.
- 6.6 Therefore the Council's Jewellery Sector Development Manager considers that a financial contribution, for a payment in lieu of the direct provision of jewellery workshop space on site, is appropriate in this instance. This would be secured through a S106 Legal Agreement. In line with the policy guidelines, a financial contribution of £45,000 has been sought and the applicant has indicated a willingness to enter into this obligation.
- 6.7 In light of the relatively limited size of the proposed development, viability issues and current economic conditions, the existing (and long term) vacancy of the upper floors of the premises and the vacancy levels of office premises in the local area, it is considered that such a financial contribution is reasonable within this context. The contribution would be used towards activities supporting the Hatton Garden Jewellery Industry as identified in the Jewellery Sector Investment Plan October 2005. This financial contribution is considered to overcome the first reason for refusal of the most recently refused application at the site.

Provision of residential accommodation

- 6.8 In terms of the proposed use, housing is identified as the priority land use of the UDP, as indicated by policy H1. The proposed change of use will therefore assist the Council to meet and exceed the strategic housing target for the Borough. This is on the basis of the residential accommodation proposed being of an acceptable standard. With this context the principle of providing residential accommodation at

this location, in the form of three self-contained flats, is considered to be appropriate.

Quality of residential accommodation

- 6.9 The scheme incorporates the provision of two separate two-bed units at second and third floor level, with a further one-bed unit at fourth floor level. The size of the units is identical to that proposed by application 2008/0252/P. When the application was taken to Development Control Committee in October 2008 no issues were raised regarding the quality of the residential accommodation proposed. In short, the proposed units include rooms of regular size and shape, providing adequate levels of outlook and natural ventilation and circulation space. Although no dedicated waste storage areas are provided, there is considered to be adequate space within the kitchen areas of each flat for such storage.
- 6.10 In terms of mix, it is acknowledged that the scheme does not include the provision of a three-bed unit. In light of the site context and the internal constraints of the upper floors of the building, the non provision of a three bed unit is considered to be adequate. Moreover, the proposals do include a range of units (in line with policy H8), in the form of one and two bed units. Such a mix is considered appropriate given the small scale nature of the proposals and the internal arrangements of the building.
- 6.11 In relation to lifetime homes standards, a statement provided by the applicant outlines how the proposals adhere to the lifetime homes standards established by policy H7. Given the constraints of the existing building, it is however acknowledged that not all standards will be able to be complied with in their entirety. However, where applicable, the applicant has demonstrated a willingness to adhere to the lifetime homes standards and this is welcomed. An informative will be added to any planning permission encouraging the applicant to utilise as many lifetime homes standards as possible when implementing the development.

Design

- 6.12 As outlined previously, no external alterations are proposed as part of this application for it only relates to a change of use of part of the building. Therefore no design issues are raised.

Amenity

- 6.13 Given that no external alterations are proposed, the proposed development would not result in any loss of outlook, sunlight/daylight or increase in sense of enclosure issues. In terms of overlooking/loss or privacy, the site visit undertaken on 23/03/2010 witnessed some office uses to the rear of the building (within buildings which front onto Kirby Street). However a c.10m distance between the two buildings was seen and moreover the office use of this building reduces the potential harm of overlooking/privacy for future occupiers. Similarly, other nearby buildings are situated a sufficient distance from the application site in order to reduce any potential harm to amenity. With regard to possible noise/disturbance

issues, building control regulations will specify required standards to ensure such issues do not arise to the detriment of nearby or future occupiers.

Sustainability

- 6.14 An Ecohomes Pre-Assessment report has been submitted as part of the application. This details that the development would achieve a 'very good' rating. Such an assessment is welcomed by the Council, although such an assessment is not statutory for a development of this size. Notwithstanding this, policy SD9 does state that sustainable design and construction should be considered for all schemes. With this in mind the provision of such an assessment is to be encouraged. This is however only a pre-assessment of the development. It is sought for a design stage and post construction sustainability appraisal to be provided to ensure that in a final assessment the materials, water and energy components of the development meet or exceed the CPG targets. This is to be secured via a S106 Legal Agreement, which the applicant has indicated a willingness to enter into.

Transport

- 6.15 The application site has a Public Transport Accessibility Level (PTAL) of 6b (excellent) and is within a "Clear Zone Region", denoting the whole surrounding area is considered to suffer from parking stress. Furthermore, the site is located within a Controlled Parking Zone (CPZ). King's Cross (CA-D) CPZ has a ratio of parking permits of 1.17:1. As such, the three units being created are to be made car-free. If this requirement is not implemented the development would increase demand for on-street parking in the CPZ. The car-free development will be secured by a Section 106 Legal Agreement.
- 6.16 Regarding cycle standards, Appendix 6 of the UDP states that 1 storage or parking space is required per residential unit created. As such, 3 cycle parking spaces are required in this scheme. However, the proposed flats are located on the upper floors of the building. Cycle parking cannot therefore be easily accommodated within the building. As a result, it is considered to be unreasonable to insist on cycle spaces being provided. Notwithstanding this, there is considered to be sufficient space to store a bicycle in the proposed living areas of each residential unit. Given that each unit is also accessed by a lift, (and so potentially has level access from the street) which is big enough to accommodate a bicycle with two wheels on the floor, the cycle parking requirement is considered to have been satisfied.

7. CONCLUSION

- 7.1 The proposed development will provide an additional three self-contained residential units within the Borough, contributing to an increase in the housing stock. The proposed accommodation is considered to be of a suitable quality, providing an appropriate standard of accommodation for future occupiers of the proposed flats.
- 7.2 Although the proposed scheme does not include the provision of jewellery workshop space within this Hatton Garden area, a financial contribution of £45,000

has been negotiated to be used directly towards activities supporting the Hatton Garden Jewellery Industry. This contribution, together with the three residential units being car-free and a design stage and post construction sustainability appraisal, will be secured via a S106 Legal Agreement.

8. LEGAL COMMENTS

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

9. RECOMMENDATION

9.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Car-free development for the three residential units created;
- A financial contribution of £45,000.00 towards affordable jewellery workshops provision, in-lieu of direct provision;
- All buildings works to be implemented in accordance with the submitted Ecohomes pre-assessment 'minimum' very good, and a commitment to ensure the materials, water, energy components meet/exceed the CPG targets and all ratings to be met in the final assessment via design stage and post construction sustainability appraisal.