

Address:	Saffron House 6 - 10 Kirby Street & 118-124 Saffron Hill London EC1N 8TS	
Application Number:	2009/0301/P	Officer: Elaine Quigley
Ward:	Holborn & Covent Garden	
Date Received:	09/01/2009	
Proposal: Change of use of lower ground and ground floor from office (Class B1) to an alternative use of either offices (Class B1) or non-residential institution (Class D1).		
Drawing Numbers: Site Location Plan; Site Location Plan; 7798-ALG Issue A; AG Issue A; A1 Issue A; A2 Issue A; A3 Issue A; A4 Issue A; A5 Issue A; Planning Application Support Statement; Covering Letter received 17/02/09; Covering letter dated 11/02/09 (ref LMM/jgx); Schedule of Interest February 2009; Marketing extract from Atisreal; email dated 24/04/2009.		
RECOMMENDATION SUMMARY: Grant planning permission subject to S106 Agreement		
Applicant:	Agent:	
Zurich Assurance Ltd 6 - 10 Kirby Street London EC1N 8TS	Indigo Planning Limited 42 Brook Street London W1K 5DB	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1 Business		2424m ²
Proposed	D1 Non-Residential Institution B1 Business		2424m ² (dual use)

OFFICERS' REPORT

Reason for Referral to Committee: Clause 3(vi) involving the making of a planning obligation under Section 106 of the Town and Country Planning Act.

Members are advised that the application is a "Major Development" and should be determined within 13-weeks, the expiry of which is the 22nd May 2009.

1. SITE

- 1.1 The application site is located on the eastern side of Saffron Hill in close proximity to the junction with Greville Street. It comprises a 6 storey plus basement and

lower ground floor level building that was refurbished in 2002. It is known as Saffron House and has an authorised use for office accommodation on all floors of the building (Class B1 use).

- 1.2 The main entrance to the building is from Kirby Street, with the lower ground floor benefitting from an additional access onto Saffron Hill. The lower ground and ground floors of the building which are the subject of this planning application were previously occupied by Erinaceous Group for their administrative centre (Class B1 use). These floors have been vacant since June 2008.
- 1.3 No external alterations are proposed as part of this application.
- 1.4 The site is surrounded by a mix of commercial and residential developments. To the west lies Arundel House, 36-43 Kirby Street that is a recently constructed mixed use building occupied by workshops and student accommodation. To the north is Arlidge House, 11-14 Kirby Street and 116-117 Saffron Hill that is occupied by residential flats and maisonettes. To the east is 29-31 Saffron Hill that comprises commercial units on the ground floor with residential flats above.
- 1.5 The building is not listed however the site is located within the Hatton Garden Conservation Area and the Central London area.

2. THE PROPOSAL

- 2.1 Planning permission is sought for the change of use of the lower ground and ground floors of the building from office (Class B1) to an alternative use of either offices (Class B1) or non-residential institution (Class D1). The reception area on the ground floor would not form part of the proposal.
- 2.2 The applicant has advised that it is envisaged that the lower ground floor part of the floor space may be used for professional educational purposes. However an end user has not yet been identified. Consequently no information is available relating to the following (i) the exact use and layout of the floor levels (ii) the number of employees (iii) hours of operation (iv) the number of pedestrian and vehicular movements. It would only be possible to provide this information on the implementation of any planning permission.

3. RELEVANT HISTORY

- 3.1 Planning permission was granted on 16/06/1993 for the change of use of the second floor of the building from office use (Class B1 use) to educational use (D1 use) (ref no: 9300723).
- 3.2 Planning permission was granted on 24/11/1994 for the change of use of part of third floor from business (Class B1) to educational use (Class D1) (ref no: 9401563).
- 3.3 An appeal was lodged against the Council on 07/12/2000 for non-determination of a planning application and conservation area consent for the full demolition of existing post war office building and replacement with new B1 business building

with atrium, roof terraces, basement car parking and primary entrances from Kirby Street and Saffron Hill (PSX0004584 and CSX0004585). This appeal was subsequently withdrawn.

- 3.4 Planning permission was granted 29/10/2002 for the refurbishment of the existing building, the demolition of fourth and fifth floor plant rooms, the erection of new fourth and fifth floors, together with extensions to the existing building at lower levels including the change of use from a mixed use Class B1 (business), Class B8 (warehousing) and Class D1 (a non-residential institution) building to an open Class B1 office use (ref no: PSX0204076). The permission was subject to a legal agreement for financial contributions towards the jewellery sector, the provision of affordable housing, highways and environmental works and a green travel plan.
- 3.5 Planning permission was granted on 21/05/2007 for the installation of canopy over main entrance to existing office building (Class B1) (ref no: 2007/0945/P)

4. CONSULTATIONS

Statutory Consultees

- 4.1 The Community Development and Regeneration Officer within the Council has raised no objections to the proposal.

Adjoining Occupiers

<i>Number of letters sent</i>	34
<i>Total number of responses received</i>	3
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	3

- 4.2 Site notices were displayed from 17/03/2009 to 07/04/2009, and a press notice was displayed within the 'Ham and High'. Three letters of objection have been received from representatives of businesses who are tenants of the application building. They have raised the following objections:

- Companies leased floors within the building on the basis that it would be occupied by professional businesses;
- Potential increase in noise levels and traffic congestion and general disruption due to footfall of parents, infants or students;
- Internal work already commenced within the building;
- Tenants have not been informed about the works in advance;
- Security risk to other users if large increase in numbers of people coming through the reception area (i.e. tail gating);
- Why not use the entrance to the building on the Saffron Hill elevation rather than Kirby Street; and,
- Question what the evacuation procedures will be in the event of an incident.

5. POLICIES

5.1 London Borough of Camden Replacement Unitary Development Plan 2006

S1-S3	Strategic sustainable development
SD1	Quality of life
SD3	Mixed use development
SD6	Amenity for occupiers and neighbours
SD9	Resources and energy
B7	Conservation areas
T1	Sustainable transport
T3	Pedestrians and cycling
T4	Public transport
T8	Car free housing and car capped housing
E1	Location of business uses
E2	Retention of existing business uses
E3	Specific business uses
C1	New community uses
C2	Protecting community uses
Appendix 6	Parking standards

5.2 Supplementary Planning Documents

- Camden Planning Guidance 2006
- Hatton Garden Conservation Area Statement

6. ASSESSMENT

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

- Land use – the principle of development;
- Impact on amenity;
- Impact on the conservation area;
- Sustainability;
- Transport, access and parking; and
- Other matters.

Land use – the principle of development

Retention of business uses/mixed use development

- 6.1 The approach to protection of business uses in the Hatton Garden area is set out in Policy E2 and in Paragraph 7.22 of the sub-text of the Replacement UDP. This policy seeks to protect business uses on sites where there is potential for that use to continue, and will only permit a change of use from office space in certain circumstances. In order to retain a stock of industrial premises suitable for the jewellery trade within the Hatton Garden Area, UDP policy states that the conversion of office premises will only be permitted where it is demonstrated that they have been vacant and marketed for two years and are replaced by a mixed use scheme including housing and light industrial premises suitable for jewellery workshops.

- 6.2 By virtue of the limited basement access within the building (i.e. no goods lift) and the limited floor to ceiling heights, the space would be restricted to certain types of light industrial use only. Marketing information has been submitted with the application outlining that the lower ground and ground floors of the building have been marketed from June/July 2008 to the current date. Although this exercise has only been undertaken for 9/10 months a schedule of interest has also been submitted identifying 16 companies and organisations who considered the floor space inappropriate for various reasons including the lack of natural light into the space and the unsuitable floor layout. The agent has also submitted additional information indicating interest from three training and vocational users looking for over 22,000 sq. ft of floor space that are based in the location.
- 6.3 It is acknowledged that the proposal may result in part of or all of the loss of existing B1 office floor space. However it would involve a dual/alternative use that includes the potential for the retention of the B1 space. It must also be noted that the proposal relates to the lower ground and ground floors only of the purpose built six storey office building. The upper floors of the building would remain in office use. The potential loss of business use if the D1 use were to be implemented would equate to approximately 34% of the floor space of the building, and would retain a significant sized business floor plate within the upper floors. Given that the scheme proposes flexible use for either B1 or D1 uses, the flexible nature of the application means that the option to return the premises back to office use is available.
- 6.4 Taking into consideration the fact that the building is a purpose built office building and the fact that the floor space has the potential to revert back to B1 use it would be difficult to insist on providing either physical floor space or a financial contribution towards the jewellery sector. This is further justified in terms of the recent permission (ref. PSX0204076) that secured a significant financial contribution towards the jewellery sector.

Principle of D1 use

- 6.5 With regard to the use of the floor space for D1 use, Policy C1c encourages the development of community uses in suitable locations. In particular, it states that community uses should be located in close proximity to the catchment areas they serve, and that facilities that are likely to attract large numbers of people should be easily reached by public transport. This site is in a central location, close to Farringdon underground station and within easy reach of other modes of transport. The proposal would comply with the requirements of this policy.
- 6.6 The agent has confirmed that part of the floor space will be used for professional educational purposes. However an end user has not been identified. There are a range of users within the D1 use class including places of worship, and independent primary schools that can be significant generators of private car movements. It is considered that given the location of the site, the lack of dedicated parking and the fact that the building is already occupied on the upper floors by office uses, the type of users who would be interested in the floor space would be limited. In light of the potential for certain users to occupy the space within the Class D1 use class that may give rise to a loss of residential amenity and

highway safety it would be considered appropriate to attach a condition to restrict the uses within the overall D1 use class to professional educational purposes only.

Protection of D1 uses

- 6.7 Generally the Council protects D1 uses once established through policy C2. The flexible permission sought would allow D1 elements to be established at any time subject to the usual timescale conditions, and at any time within 10 years from a grant of permission, would allow the D1 element to change to B1.

Impact on amenity

- 6.8 The proposal would not include any external alterations to the building. In terms of loss of daylight, sunlight, overlooking or a sense of enclosure the proposal would not have an adverse impact on the amenity of the adjoining occupiers.
- 6.9 Concerns have been raised from other tenants within the building advising that internal works have already commenced. As the building is not a listed building any internal works can be carried out by the freeholder without the need for planning permission. Any issues relating to these matters would be enforced under the building regulations.
- 6.10 The site is surrounded by residential flats in Saffron Hill and Kirby Street. It is acknowledged that D1 use class permits a range of uses that have the potential to generate significant volumes of people and traffic that may harm the amenity of the adjoining occupiers in terms of noise generation and additional traffic movements. It is also acknowledged that the use of the both floors of the building by a D1 use would increase the intensity of the use of the building at certain times of the day however this would not be out of character within the street. It is noted that there are no restrictions on the hours of operation of the existing office space, and given the restriction of the use for professional educational purposes only, it is not considered that there would be any undue conflict with the D1 use that would warrant restricting hours of operation. It is however considered appropriate to restrict the playing of any music within the premises that may be audible to upper floors of the building or to adjoining premises. This would ensure that any future occupiers that fall within D1 use class would not harm the amenity of the adjoining occupiers.
- 6.11 Concern has been expressed regarding the use of the main entrance to the building from Kirby Street and the possible safety issues this may raise. The agent has advised that it is envisaged that the education provider would occupy the lower ground floor and would use the Saffron Hill entrance. This would result in the future occupier operating separately from the remainder of the building with minimum disturbance to the office users.

Impact on the Conservation Area

- 6.12 The proposal would not include any alterations to the external elevations of the building. It is considered that the proposed change of use would not have an adverse impact on the character or appearance of the Hatton Garden Conservation Area and would be considered acceptable.

Sustainability

- 6.13 The CPG expects all proposed developments (including refurbishments, conversions, extensions and alterations and new builds) to incorporate sustainability principles. The scheme would relate to over 1000 sq .m of floor space. Normally a BREEAM assessment would be required to be submitted with any proposal over 1000 sq. m in order to ensure that consideration is given to the design of buildings to maximise their function and performance with regards to sustainability.
- 6.14 The proposal would include 2,424 sq. m of floor space that would be converted to an alternative use of either offices (Class B1) or non-residential institution. As the use of the floors has not yet been established it would be difficult to insist on the submission of an initial design stage BREEAM (non-residential) assessment as it is not clear how much of the floor area would be used for D1 use and how much would remain as B1 office use. Given that an assessment would only be required if the D1 use is implemented, it would appropriate to require the submission of a BREEAM only prior to the occupation of any part of the lower ground and/or ground floor of the building for D1 use to achieve at least a rating of Very Good. This would be secured through a section 106 agreement.

Transport, access and parking

Cycle parking

- 6.15 The Council's standards require the provision of secure cycle parking which are set out in Appendix 6 of the replacement UDP. For a D1 use, this would require the scheme to provide 10 cycle parking spaces if all of the lower ground and ground floor space were converted to D1 use. The proposal does not identify any cycle parking spaces. A condition would be attached to ensure that the submission of details for cycle parking spaces would be provided relative to the amount of floor area converted to D1 use, prior to occupation of a D1 use.

Car-free development

- 6.16 Policy T8 advises that the Council will expect housing development to be designated as car free in areas of on-street parking control. The proposal would also be accessed against the London Plan Consolidated with Alterations since 2004 (February 2008). This seeks developments to be car free not only for housing schemes but for developments in general and should be secured by Boroughs in areas of high public transport accessibility. To this regard, the site has a Public Transport Accessibility Level (PTAL) of 6B (excellent) and is within a Controlled Parking Zone. King's Cross, Brunswick and Gray's Inn (CA-D) CPZ operates Monday - Friday 08:30 – 18:30, Sat 08:30 – 13:30 and has a ratio of parking permits to available parking bays on 1.17:1. This indicates that more parking permits have been issued than spaces available. Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ). The development would be required to be car free. This would be secured through a section 106 agreement.

Work travel plan

- 6.17 The site is in an area of high public transport accessibility with a PTAL level of 6B (excellent). The proposed D1 use has the potential to result in an increase in the number of pedestrian movements to and from the site. As such, the scheme provides an opportunity for increased use and promotion of public transport as well as walking and cycling. A work travel plan that informs any potential future D1 users about public transport options along with walking and cycling routes is recommended to be secured through a section 106 agreement and will ensure people are fully aware of all transport options available to them. Such a plan would be required to be submitted and approved prior to the activity within D1 use class commencing and will be secured by section 106 agreement.

Other issues

- 6.18 Concern has been raised by other tenants that only one company within the application building were notified about the application. The Council is required to notify adjoining occupiers about planning applications through individual letters and the display of a site notice. In this instance both these methods of consultation were undertaken. The onus is also on the freeholder of the building to notify tenants directly.
- 6.19 The potential security risk due to the increased number of people using the front entrance from Kirby Street has also been raised by the occupiers of the upper floors of the building. This is not a planning matter and would fall to the responsibility of the freeholder of the building who is the applicant to ensure appropriate security measures are in place.

7. CONCLUSION

- 7.1 The principle of the change of use of the office building to an alternative use of either offices (Class B1) or non-residential institution (Class D1) is considered acceptable.
- 7.2 The use of the lower floors of the building would not significantly conflict with the residential amenities' of the neighbouring occupiers, the general character of the area or the conservation area subject to condition and planning obligation controls to address various management, sustainability and highway objectives

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 That planning permission be granted subject to conditions and to the satisfactory conclusion of a section 106 Planning Obligation covering the following heads of terms:

- The submission of a work travel plan (guidance is provided by TFL called Guidance for workplace travel planning for development (March 2008) that should act as a guide for the content of the travel plan).
- The proposal is to be designated as car-free
- An initial design stage BREEAM (non-residential) assessment, or equivalent, must be carried out and submitted to the Council prior to the occupation of any part of the lower ground and/or ground floor of the building for D1 use to achieve at least a rating of Very Good.

9.2 In the event that the applicant fails to conclude the Section 106 Planning Obligation within the 13-week period, that it be delegated for permission to be refused on the grounds relating to the failure to enter into an undertaking for a car free agreement, work travel plan, and sustainability works.