

Application ref: 2022/5298/P
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Iceni Projects
Da Vinci House
44 Saffron Hill
London
EC1N 8FH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
5 St Cross Street
Hatton Garden
London
EC1N 8UB

Proposal:

Variation of condition 2 (approved plans) of planning permission reference 2021/4246/P, dated 09/03/2022 (for: creation of 4th floor roof terrace), namely to increase the size of the roof terrace and to convert an existing window into a door

Drawing Nos:

Approved:

1985-JRA-00-04-DR-A-0114 Rev P07; 1985-JRA-00-XX-DR-A-0120 Rev P05; 1985-JRA-00-XX-DR-A-0122 Rev P06; 1985-JRA-00-XX-DR-A-0152 Rev P03; 1985-JRA-00-XX-DR-A-0153 Rev P04; 1985-JRA-00-XX-DR-A-0153 Rev P04

Superseded:

1985-JRA-00-04-DR-A-0114 Rev P04; 1985-JRA-00-XX-DR-A-0122 Rev P04; 1985-JRA-00-XX-DR-A-0125 Rev P04; 1985-JRA-00-XX-DR-A-0125 Rev P05; 1985-JRA-00-XX-DR-A-0151 Rev P07; 1985-JRA-00-XX-DR-A-0152 Rev P02; ; 1985-JRA-00-XX-DR-A-0153 Rev P02

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original permission, reference 2021/4246/P, dated 09/03/2022.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1985-JRA-00-04-DR-A-0000 Rev P02; 1985-JRA-00-04-DR-A-0014 Rev P02; 1985-JRA-00-XX-DR-A-0020 Rev P02; 1985-JRA-00-XX-DR-A-0022 Rev P02; 1985-JRA-00-XX-DR-A-0025 Rev P02; 1985-JRA-00-04-DR-A-0114 Rev P07; 1985-JRA-00-XX-DR-A-0122 Rev P06; 1985-JRA-00-XX-DR-A-0125 Rev P05; 1985-JRA-00-XX-DR-A-0152 Rev P03; 1985-JRA-00-XX-DR-A-0153 Rev P04; Design & Access Statement, dated 27/08/2021; Design Statement Amendments, dated 27/10/2022.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The decorative balustrade on the north elevation shall accord with the details approved under application reference 2022/3699/P, dated 21/12/2022, or other such details which have been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the first use of the roof terrace hereby approved, details of the landscaping (including indicative furniture locations and permanent planter locations to reduce overlooking) shall be submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented as part of the development and thereafter retained and maintained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, D2, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the first use of the roof terrace hereby approved, details of a lighting strategy shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented as part of the development and thereafter retained and maintained.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies D1, D2, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 The roof terrace shall be used in accordance with the management plan approved under application reference 2022/4793/P, dated 21/12/2022, or other such details which have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise or disturbance, in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 The roof terrace hereby approved shall be used by the occupiers of the host building and neighbouring building only and shall not be used outside the hours of 08:00 and 21:00 Monday to Friday and at no time during the weekends.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise or disturbance, in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting

This application seeks to vary condition 2 (approved plans) of planning permission reference 2021/4246/P, dated 09/03/2022, namely to increase the size of the roof terrace and to convert an existing window into a door for additional access thereto.

The approved roof terrace measures 16.7 metres long by up to 6.1 metres wide (approximately 95 sqm) and solely occupies the main flat roof above No. 5. The proposed amendment involves the roof terrace also occupying the flat roof at the rear of No. 5, which links No. 5 to the Johnson Building (77 Hatton Garden) and incorporates the lift overrun. The resultant roof terrace would measure approximately 113 sqm.

Insofar as the part of the flat roof involved is not visible in the public realm as it is located on the courtyard side of the host building, it is not considered that the proposed amendment would cause undue harm to the character and appearance of the host building or the wider area, and it is considered that the proposals would preserve the character and appearance of the Hatton Garden Conservation Area. The proposed balustrade would match the balustrade on the approved part of the terrace, which is acceptable.

Similarly, due to the location of the extended roof terrace (on the courtyard side) it is not considered that the proposed amendment would cause undue

harm to the residential amenities of nearby and neighbouring properties, over and above the impact caused by the approved roof terrace.

A management plan for the roof terrace has already been approved pursuant to condition 7 of the original permission (application reference 2022/4793/P) and would also apply to the extended terrace. A further condition limits the hours of use.

No objections have been raised in relation to the works. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with Policies A1, A4, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021; and the provisions of the National Planning Policy Framework 2021.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town

Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer