



JP/NW/LN2923

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10 April 2015

Mr Jonathan McClue
Environment, Planning & Regeneration Service
London Borough of Camden
5 Pancras Square
London. N1C 4AG

Dear Mr McClue

**APPLICATION AT 29-35 FARRINGDON ROAD, LONDON, EC1M 3JF (REF: 2015/1026/P)
OBJECTION SUBMITTED ON BEHALF OF JD WETHERSPOON OF SIR JOHN
OLDCASTLE PUBLIC HOUSE**

I write on behalf of our client JD Wetherspoons Ltd occupier of the Sir John Oldcastle Public House, 29-35 Farringdon Road (an immediate occupier) to formally **object** to planning application ref: 2015/1026/P that has been submitted at 29-35 Farringdon Road:

“Erection of part 6, part 7 storey building to create 4x2 bed, 1x1 bed flats from 1st to 6th floor level with ground floor cycle/refuse storage, roof top terrace and external fire escapee to rear elevations.”

Having reviewed the documents submitted as part of the application. Our client strongly objects to the proposed development at 29-35 Farringdon Road and considers that the existing uses surrounding the development have not been fully considered. Our client objects to the proposed development on the following grounds

- Suitability of new residential uses to existing land uses adjoining the site
- Separation distances to adjacent properties
- Loss of light

Development Plan Documents

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The ‘Development Plan’ of relevance to the proposed development comprises the Camden Core Strategy and Development Policy Documents which were formally adopted on 8th November 2010. The draft Camden Local Plan (2015) when adopted will replace the current core strategy and Camden Development Policies as the basis of planning decisions. It is currently in draft format and going through public consultation.

Development Policy Document-

Policy DP12-Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses states that *“To manage potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions and obligations to address issues including noise”*

Policy DP26 seeks to manage the impact of development on occupiers and neighbours by only granting permission for development that does not cause harm to amenity. Policy DP26 lists a number of factors that the Council will consider at the planning stage, which include noise and vibration levels, sunlight, daylight and artificial light levels.

Policy DP28-Noise and vibration of the Camden Development Policies aims to ensure that noise and vibration is controlled and managed. DP28 states that *'planning permission will not be granted for development sensitive to noise in locations with noise pollution, unless appropriate noise attenuation measures are provided'*

Camden Core Strategy-

Policy CS5- Managing the impact of growth and development seeks to protect the amenity of Camden's residents and those working in and visiting the borough by making sure that *'the impact of developments on the impact of developments on their occupiers and neighbours is fully considered and ensure development contributes towards strong successful communities by balancing the needs of development with the needs and characteristics of local area and communities'* and requiring mitigation measures where necessary'.

Paragraph 5.7 Protecting Amenity recognises Camden's inner London location, the close proximity of various uses and the presence of major roads and railways can mean that privacy, noise and light can be particular issues in the borough.

Paragraph 5.8 recognises the importance of protecting amenity as part of successfully managing growth in Camden and expects development *'to take appropriate measures to minimise potential negative impacts'*

Draft Local Plan

Paragraph 6.3-Protecting Amenity- recognises Camden's high levels of amenity is a major factor in the quality of life in the Borough's residents, workers and visitors and fundamental to Camden's attractiveness and success. Paragraph 6.3 recognises the close proximity of various uses and the presence of major roads and railways can mean that privacy, noise and light can be particular issues in the borough.

Paragraph 6.4 recognises protecting amenity is a key part of successfully managing growth in Camden and ensuring its benefits are properly harnessed.

Camden Planning Guidance 6- Amenity (CGP6)

Chapter 4 'Noise and vibration' recognises the impact of noise and vibration can have on amenity and health and consequently seeks to ensure that noise and vibration is controlled and managed to *'limit the impact of existing noise and vibration sources on new development'*.

Paragraph 4.3 of CPG6 identifies 'entertainment uses' as one of the main sources of noise and vibration in Camden. Paragraph 4.4 identifies the use of construction materials including ways of minimising insulating and soundproofing doors, walls, windows, floors and ceilings, double glazing and sealing air gaps around windows as the London Borough of Camden's preferential method of controlling noise.

National Planning Policy

Camden's local planning policies are further backed by the National Planning Policy Framework (March 2012). Paragraph 17 sets out the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision taking. This includes *'always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*.

Paragraph 109 seeks to prevent *'new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.'* Paragraph 123 requires planning policies and decisions to *'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'*. Paragraph 126 seeks a desirability for new development to make a positive contribution to local character and distinctiveness. Furthermore, the Government attaches great importance to the design of the built environment. *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'* (paragraph 56). Paragraph 60 states *'It is, however, proper to seek to promote or reinforce local distinctiveness'*. Paragraph 61 further considers *'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'*. Paragraph 64 continues *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*.

Suitability of new residential dwellings adjacent to existing land uses.

Farringdon Road is a vibrant town centre within Camden and is home to a thriving night-life that forms an essential part of the local economy. A variety of public houses, clubs, restaurants and bars are located within this area.

Immediately opposite the development is 'The One Tun' public houses whilst 'The Sir John Oldcastle' is adjacent to the development in question. There are other public houses in close proximity to the site (less than 1 mile) including the Bleeding Heart Restaurant and Ye Olde Mitre Public House.

A full noise survey has been undertaken by Hann Tucker Associates and submitted as part of the application to determine the currently prevailing noise climate at the site. The noise monitoring was undertaken from approximately 16:00 hours on Monday 24th February 2014 to 16:00 on Tuesday 25th February 2014. The days chosen for the survey do not represent a 'worst case scenario' of the noise in the surrounding area. Traditionally, public houses and other entertainment premises busiest days are Fridays and Saturday evenings. This is when issues surrounding noise from these establishments is likely to be at its highest. Our client feels that further noise testing during peak times should be undertaken to properly assess the situation and determine the application.

Given the economic importance the existing public houses have within this area, it is plausible that future opening and licencing hours could be extended to ensure these establishments stay competitive with nearby similar establishments. Whilst we hope issues do not arise over noise affecting nearby residents, our client urges the London Borough of Camden to carefully consider whether this is the most suitable location for new residential dwellings given the close proximity to existing entertainment uses that could potentially impact upon the amenity of future residents. If permission is to be granted we would strongly recommend that conditions are attached to ensure the use sound proof materials to limit any impact.

Loss of light and Visual Privacy

Policy DP26- managing the impact of development on occupiers and neighbours states *'the council will protect the quality of life of occupiers and neighbours by only granting planning*



permission for development that does not cause harm to amenity' The factors included in assessment will included 'sunlight, daylight and artificial light levels'.

The daylight sunlight report submitted as part of the application identifies some windows at 37 Farringdon Road will be affected by the development and have reduced light levels as a result. It is important to ensure that developments do not significantly overshadow neighbouring properties, block daylight, reduce sunlight or result in a loss of privacy or outlook.

Chapter 7 of Camden Planning Guidance 6 'Amenity' requires development to be designed to protect the privacy of existing dwellings. Section 7.4 states *'development should be designed to protect the privacy of both new and existing dwellings. To ensure privacy there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other'*. The minimum requirement will be the distance between the two closest points on each building. Given the close proximity to Farringdon Point and 37 Farringdon Road we feel the proposed development should make greater consideration towards the design and proximity to surrounding uses.

Summary

It is clear that the proposed development is inappropriate in the context of the surrounding area on grounds of loss light, suitability of new residential uses to existing land uses adjoining the site and separation distances to adjacent properties.

Whilst new housing would be beneficial to the London Borough of Camden, the surrounding area is dominated by jewellery businesses and entertainment services (use class A4 and A3). Locating residential dwellings in a tightly constrained site in such close proximity to these uses could potentially lead to issues surrounding noise and loss of amenity to those occupying the new dwellings. The noise assessment that has been undertaken does not represent the worst case scenario. Our client feels you as the local planning authority should request that the applicant undertakes further noise testing during peak times in order to fully assess noise levels within the surrounding area at varying times.

If the London Borough of Camden is minded to grant planning permission we strongly urge that conditions are attached to require the use sound proofing materials in the design. The daylight sunlight report submitted as part of the application has identified that surrounding nearby uses are likely to suffer a reduction in light as a result of the proposed development and this would be contrary to policy DP26: Managing the impact of development on occupiers and neighbours.

We wish to be kept informed of the progress of this application. It should be noted that our client would wish to speak at Committee if necessary. If you require any further information at this time, please do not hesitate to contact me, via the contact details within this letter.

Yours sincerely
for Signet Planning

Julian Sutton
Regional Director.