

Delegated Report		Analysis sheet	Expiry Date:	16/06/2011
		N/A / attached	Consultation Expiry Date:	24/05/2011
Officer			Application Number(s)	
Hugh Miller			2011/1433/P	
Application Address			Drawing Numbers	
13 St Cross Street London EC1N 8UB			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a seven storey (plus basement) building to create eight self-contained residential units [1 x 1 bedroom, 6 x 2 bedroom and 1 x 3 bedroom] on existing vacant land (Class C3).				
Recommendation(s):	Refuse permission			
Application Type:	Full Planning Permission			
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				

Consultations

Adjoining Occupiers:	No. notified	77	No. of responses	08	No. of objections	08
				No. electronic	08	
<p>Summary of consultation responses:</p>	<p>Advertised in local press, 12/05/2011, expires 02/06/2011. Site Notice displayed on 03/05/2011, expires 24/05/2011.</p>					
	<p><u><i>Summary of Objections from neighbours (points 1,2- 69-71 Farringdon Rd, points 3-15- 44 Saffron Hill):</i></u></p> <ol style="list-style-type: none"> 1. Concern that the proposed development will impact on the “Rights of Light” for the tenants in the Flats on the 2nd, 3rd, 4th and 5th Floors of 69-71 Farringdon Road, and also for the Rights of Light for the Wholesale/Showroom tenant in the Basement, Ground and 1st Floors of 69-71 Farringdon Road. 2. Concern that the proposed will cause loss of privacy and overlooking from the proposed development windows, balconies and roof garden to occupiers at nos. 69 and 71 Farringdon Road. 3. Concern that the proposed will block the daylight from the main living space/kitchen of flat. There is currently an adequate space between the windows of Flat 8 of 44 Saffron Hill and those on the rear of the Farringdon Rd flats at a similar height which offers privacy and maintains the light. Presently very little artificial light is used in the main living space other than when dark because of the huge amount of light coming in. 4. Concern that the drawings of the proposed building do not show clearly the proximity of the new building to the existing windows on the east side at no.44. Given that there are east-facing windows at no.44, do not understand how a sensible sized building could be squeezed in without compromising space. 5. Concern that the materials of the proposed building will be out of character with the largely brick built adjacent buildings such as no. 44 Da Vinci House which is full of character with a stunning frontage and tall staircase window. This frontage is an important feature of the view down St. Cross St from Hatton Garden which will be compromised by this new development which is not keeping with the style. 6. Concern that the habitable rooms of Flat 3 are overlooked by occupiers at Farringdon Road properties and the proposed building being closer to no.44 will lead to an increase loss of privacy. 7. Concern that the height and proximity of the proposed building will result in a substantial loss of sunlight and amenity with occupiers having to stare at brick walls. 8. Concern that the small gap between the balconies of the proposed building and the balconies of Flat 4 would impact on security. 9. Concern about the quality of the proposed development and that it is as an over-development that does not fit in with quality of recent 					

	<p>developments in the area. The internal floor to ceiling height of 2.4m is not generous as noted in the DAS. If permission were granted, the development would be closer to no.44 than shown. If any development is to be permitted on this site a much higher quality of design should be realized.</p> <p>10. Concern that the gap between the development and Da Vinci House has been exaggerated on the sketch perspective drawing. The plans should clearly state dimensions, distances and include accurate 3d drawings so that any plans can be carefully scrutinised.</p> <p>11. Concern that a three bedroom flat located in the basement should not be considered desirable or viable.</p> <p>12. Aware of previous approved scheme for the site, with the most recent in 1991, and the applicant claims to have followed the building envelope then proposed. In 1991, no.44 was non-residential and now that it has residential use, different criteria should now be applied. There is no object in principle to development on the site; however any development needs to be of a much lower height and be kept further away from the windows of no.44.</p> <p>13. Concern about the quality of the applicant's drawings, inconsistencies and lack of information that is presented. It is unclear which materials are to be used where and whether or not there are windows on the west elevation.</p> <p>14. Concern that the proposed development will cause loss of privacy and overlooking of habitable rooms of Flat 4.</p> <p>15. Concern that the proposal is an over-development of the site.</p> <p><u>Councillor Response</u> Councillor Awale Olad – support the concerns raised by two residents at no.44 Saffron Hill (Da Vinci House).</p>
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>Hatton Garden Conservation Area.</p> <p>NB No active CAAC group in the local area.</p>

Site Description

The application site is a vacant plot of land located on the south side of St. Cross Street. It shares common boundaries with no.44 Saffron Hill (Da Vinci House) on the west side and on the east side buildings at nos. 69-73 Farringdon Road.

Number 44 is located on the east side of Saffron Hill at the junction with St Cross Street. A former warehouse building, it is now used for residential purposes (23 self-contained flats) and comprises basement car parking, 6 storeys plus roof terraces. The flank wall of this building has windows that provide views due north and east across the site. Numbers 69-73 Farringdon Road comprises basement, part 4 and part 5-storey buildings with a mix of retail use at ground floor level, office/workshops and residential uses on the upper floors. At the 4th and 5th floor levels, the side flank wall have two pairs of windows orientated due west that are located on the party wall boundary and provide views across the vacant site.

On the north side directly opposite the application site there are three buildings, a multi-storey car park, and two office buildings (nos.14b St. Cross Street and 75 Farringdon Road). The 6-storey NCP multi-storey car parking building has its main entrance and egress in St. Cross Street. It is partly bounded by Saffron Hill to the west and abuts no.14b that lies due east. No.14b St. Cross Street is a 5-storey office building and to its east is no.75 Farringdon Road a part 5-storey, part 6-storey office building of contemporary design that lies at the corner of Farringdon Road and St. Cross Street.

The surrounding area, falls within the Hatton Garden Conservation Area. The area comprises a cluster of large, deep plan mid-20th Century principally brick-built blocks. The height of the buildings in the area varies as do the form and appearance of the roofs and extensions. The application site is also located within an archaeological priority area, the Hatton Garden Area, the Central London Area, a Clear Zone Area and the Parliament Hill – St Paul's and Kenwood to St Paul's Cathedral viewing corridors.

Relevant History

August 2010, planning application **withdrawn** for erection of a basement plus seven storey building to create eight self-contained residential units [1 x 1 bedroom, 6 x 2 bedroom and 1 x 3 bedroom] on existing vacant land (Class C3); ref. 2010/1787/P. The application was withdrawn by the applicant due to insufficient information.

May 1991, planning permission was **granted** for the erection of a 6 storey and basement building comprising basement ground and first floor workshops and second to fifth floors offices; ref. 9000471. The applicant state that this approved scheme was briefly started on the site with foundation works (although this needs to be verified), but abandoned in 1992 due to lack of commercial interest. It remains unclear whether this permission remains valid as the extent of foundation works is not known.

December 1987, planning permission was **granted** for erection of a building comprising basement wine bar, ground floor restaurant with five upper floors containing a 5 x three room flats; ref. 8601926. This scheme was not implemented due to lack of commercial interest.

October 1985, planning permission was **granted** for the erection of building comprising basement (wine bar) ground floor (restaurant) and five flats; revised 25th October 1985; ref. 8501446. This scheme was not implemented.

July 1974 planning permission **was refused** for the demolition of 13 St. Cross Street, EC1 and the use of the site as a car park; ref. N16/12/A/18569

44 Saffron Hill/ Da Vinci House

July 1996 planning permission was **granted** for the conversion of an existing (light-industrial) business use building to 23 self-contained flats, with 23 car parking spaces, a roof extension and alterations; ref. 9501231.

July 2011 planning permission was **granted** for erection of replacement fifth floor and new sixth floor to provide additional accommodation for two existing fifth floor self-contained residential flats (Class C3) and associated works including external terrace areas with balustrades at sixth floor and roof level, two rooftop access enclosures and green roof following demolition of existing fifth floor; ref. 2010/5408/P

69-71 Farringdon Road

June 1998 planning permission **granted** for change of use of 2nd to 4th floor from employment use (Class B1) and the erection of a roof extension to provide 5 residential units; Ref. PS9704986R1.

Relevant policies

LDF Core Strategy and Development Policies

LDF Core Strategy

- CS1 (Distribution of growth)
- CS3 (Other highly accessible areas)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS8 (Promoting a successful and inclusive Camden economy)
- CS9 (Achieving a successful Central London)
- 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 and encouraging biodiversity)
- CS19 (Delivering and monitoring the Core Strategy)

Development Policies

- DP1 (Mixed use development)
- DP2 (Making full use of Camden's capacity for housing)
- DP5 (Homes of different sizes)
- DP6 (Lifetime homes and wheelchair homes)
- DP13 (Employment sites and premises)
- DP16 (The transport implications of development)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and limiting 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)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP28 (Noise and vibration)
- DP29 (Improving access)
- DP31 (Provision of, and improvements to, open space, sport and recreation)
- DP32 (Air quality and Camden's Clear Zone)

Supplementary Planning Policies

Revised Camden Planning Guidance 2011 & 2013.

- CPG1 – Design Sections 1-5; CPG”
- CPG2 – Sections 4 Residential development standards & 5 – Lifetime homes and wheelchair housing
- CPG3 – Sections 1 - 14
- CPG4 – Basements & Lightwells
- CPG5 – Town Centres, Retail & Employment – Section 7 / Employment sites & business premises,
- CPG6 – Amenity / Sections 1 – 12.
- CPG7 – Transport / Sections 1 -9.
- CPG8 - Planning obligations

Hatton Garden Conservation Area Statement

London Plan 2015

NPPF 2012

Assessment

Background

The proposal was amended during the course of the assessment and additional information was submitted for consideration and include: **a]** day/sunlight study, **b]** revised biodiversity study and green roof plan, **c]** updated Lifetimes Homes assessment; and colour brochure of materials.

The initial assessment of the application following revisions was that the proposal largely met some of the Council's policies. However, the proposal's exclusion of secondary uses which are considered necessary according to mixed use policies for the designated Hatton Garden Area, plus the applicant's failure to address the impact on occupiers' amenity at 69-71 Farringdon Road [blocked windows to habitable rooms], has meant that the proposal is now considered to be unacceptable and refusal is recommended as discussed below.

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

- overview – lawful use and previous approvals
- land use – loss of employment site and principle of the residential use/ mixed use development
- quality of the new residential accommodation
- urban design and impact on the conservation area
- impact on neighbour amenity.
- traffic and parking.
- other matters/ S106 legal agreement.

Overview – approved mix use development

1.1 This application follows a series of previous permissions, which have allowed the principle of redevelopment of the site (see history section above). Previous permissions for residential have foundered due to lack of interest. The latest 1991 permission likewise also failed due to lack of interest but was briefly started on site. However the applicant's claims of works on site have not been verified and it is not clear what these are or whether they are sufficient and acceptable in scope and detail to constitute a valid start of implementing the permission on site. The site has been vacant since 1982 when the original building (a vicarage converted into offices) was demolished, thus it can be argued that the site has a 'nil' lawful use due to nothing being here for over 30 years.

1.2 This current proposal is seeking to provide new residential accommodation comprising 8 self-contained flats in a new 601sqm building, similar in built envelope to the previous 1991 scheme.

1.3 The previous approved schemes comprised mixed commercial (restaurant, wine bar) and residential (self-contained flats) use. The most recent approved scheme (1991) however excluded residential use and comprised workshops (basement – first floor levels) and offices (second to fifth floor levels).

1.4 The 1991 approved scheme comprised basement part 2-storey, part plus 6-storeys. It included roof terrace at first floor level at the rear and at the side where it abuts no.44. The rear elevation also had small balconies plus fire escape stairs on all the levels between the roof and the first floor. The irregular footprint of the 1987 and 1991 approved schemes remain unaltered and are similar to the current proposal. The location of the communal staircase/ lift on the east side opposite no.44 is a key difference between the 1987 and 1991 schemes. The 1991 approved scheme therefore forms the template for the current proposal in terms of its height, footprint, layout and bulk.

1.5 It should be noted that in May 1996, planning permission was granted for the adjoining building at no.44 for the conversion from light-industrial use into 23 self-contained flats, after the host site was originally approved for redevelopment (1991).

Land use –loss of employment site and principle of the residential use

1.6 LDF policy CS8 seeks to support Camden's industries by inter alia: **b)** safeguarding existing employment sites and premises in the borough that meet the needs of modern industry and other employers. The supporting text indicates that the projected demand for office B1 floorspace can be met at the King's Cross & Euston growth areas and therefore there is potential for change of use of older office premises to provide housing and community uses as discussed in policy DP13.

1.7 Policy DP13 states the Council will retain land and buildings that are suitable for continued business use and resist a change to non-business unless: **a)** it can be demonstrated to the Council's satisfaction that a site is no longer suitable for its existing business use; **b)** there is evidence that the possibility of reusing or redeveloping the site for similar or alternative business use has been fully explored over a period of time. It further states that when it can be demonstrated that a site is no longer suitable for any business except B1a offices, the Council will allow a change to permanent residential or community uses except in Hatton Garden.

1.8 Due to a lack of information, the original use of the application site is not easily established. However the site has been vacant for over 30 years with no clearly implemented permission, so it could be argued that there is no lawful use to the site. The original building was in B1 use, previous permissions were for flats above a restaurant, and there is no likelihood of the last permission for B1 uses being ever carried out and completed (if indeed the claimed foundation works are deemed valid), given that this decision is over 20 years old. Thus in absence of a lawful use with an associated building on the site, the criteria of policy DP13 are not applicable in this instance. Similarly, as the site is vacant, it would not comply with the benchmarks identified by the CPG 5 with regards to the conditions related to an existing building and these are considered immaterial.

1.9 Policy DP1 states the Council will require a mix of uses in development where appropriate in all parts of the borough, including a contribution towards the supply of housing; in the Central London Area (except Hatton Garden) and the town centres where more than 200sqm (gross) additional floorspace is provided, we will require up to 50% of all additional floorspace to be housing.

1.10 As an exception, in the designated Hatton Garden area, where more than 200sqm (gross) additional floorspace is provided, we will require up to 50% of all additional floorspace in the form of secondary uses, including a contribution to Housing and a contribution to affordable premises suitable for the jewellery industry.

1.11 In considering whether a mix of uses should be sought, the Council will take into account:

- a) *the character of the development, the site and the area;*
- b) *site size, the extent of the additional floorspace, and constraints on including a mix of uses;*
- c) *the need for an active street frontage and natural surveillance;*
- d) *the economics and financial viability of the development including any particular costs associated with it;*
- e) *whether the sole or primary use proposed is housing;*
- f) *whether secondary uses would be incompatible with the character of the primary use;*
- g) *whether an extension to the gross floorspace is needed for an existing user;*
- h) *whether the development is publicly funded;*
- i) *any other planning objectives considered to be a priority for the site.*

1.12 The site has excellent public transport accessibility via road and rail networks. It is located at the east side, a few metres from the Farringdon Road rail station and bus routes. At the west side, St. Cross Street has a larger mix of retail uses which are well established when compared with the east side, which are largely offices and residential uses. Farringdon Road due east also provides residential and commercial/ retail uses. This mix of commercial and residential uses provides not only excellent transport accessibility but a fairly active frontage to the application site; and therefore an abundance of natural surveillance occurs and is satisfactory.

1.13 The proposal involves a purely residential scheme with a total uplift of 601sqm within the

designated Hatton Garden Area. It would have similar height, footprint and form to the 1991 approved mixed use scheme [with workshops and business floorspace]. The current proposal excludes secondary uses or any contribution to the jewellery industry. The Hatton Garden Area has a well-established mixed-use character and the Council seeks to extend this. Policy DP1 requires all schemes to have a mix of uses and, although the implication is that it refers to solely commercial developments due to the reference to include some housing, it does not explicitly exclude solely residential schemes. It requires schemes in Hatton Garden to include secondary uses in the form of contributions to housing and affordable jewellery industry premises. In this case, although housing is proposed, there is no workshop space.

1.14 It is acknowledged that para 1.23 of policy states that the Council may not seek secondary uses for solely housing schemes, as housing is the LDF's priority landuse. However this exception is not referred to in the actual policy nor does it take account of the special circumstances of Hatton Garden where other exceptions apply.

1.15 Owing to the varied characteristic of St Cross St, it is not considered that secondary uses would be incompatible with the character of the primary use. Therefore, subject to financial viability, it is considered that a mixed use scheme is possible on the site. No justification has been provided by the applicant to demonstrate why this is not possible here, noting that in 1991 workshop space had been proposed. In absence of a mix of uses, the proposal is considered unacceptable and would not be in compliance with policy DP1. This forms a reason for refusal.

New residential standards

1.16 With regards to new housing provision, Council policy CS6 states that the Council will aim to make full use of Camden's capacity for housing by **a]** maximising the supply of additional housing to meet or exceed Camden's target, and **b]** regard housing as the priority land-use. Similarly, LDF Policy DP2 (f) seeks to maximise the supply of additional homes in the Borough. This application proposes the provision of 8 new residential flats and is therefore in accordance with this policy.

Mix of units

1.17 Policy DP5 states the Council expects a mix of large and small homes in all residential developments and will seek to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT). The DSPT indicates that market housing with 2- bedroom units are the highest priority and most sought after unit size. The proposal is for 1x1, 6x2 and 1x3 bed units; 8 in total. This is considered an appropriate mix with a priority towards 2-bed units and the welcome inclusion of a large (family sized) unit.

1.18 The proposed 8 units and total floorspace of 601sqm are both well below the qualifying thresholds for affordable housing based on unit numbers and floorspace. This does not suggest that the applicant has artificially kept the unit numbers below 10 in order to avoid meeting the affordable housing threshold, as this is due to the site constraints.

Residential standards / Quality of new residential units

Table – Internal floorspace & unit size

Location	Flat	No. of Bedrooms Proposed	No. of Persons Proposed	Proposed Size (NFA)	CPG Minimum Standards	London Plan Minimum Standards
Basement/ Lower Ground floor	Flat 1	3	6 –persons	121.0sqm	93sq m	95sqm
Ground floor	Flat 2	2	5 - persons	89.0sqm	84sq m	70sqm
First floor	Flat 3	2	4 – persons	90.0sqm	84sq m	70sqm
Second floor	Flat 4	2	4 - persons	74.0sqm	61sq m	70sqm
Third floor	Flat 5	2	4 - persons	74.0sqm	61sqm	70sqm

Fourth floor	Flat 6	2	4 - persons	74.0sqm	61sqm	70sqm
Fifth floor	Flat 7	2	4 – persons	74.0sqm	61sqm	70sqm
Sixth floor	Flat 8	1	2 - persons	64.0sqm	48sqm	37sqm

1.19 As noted in the table above, the proposed flats would all exceed the Council's CPG minimum floorspace standards. It is considered that the units have appropriate layouts with adequate natural light and ventilation.

1.20 The proposed floorspace for the 1 x 3 bedroom flat at basement /lower ground floor level would have double bedrooms including generous kitchen floorspace (24sqm). It is considered that the unit has an appropriate layout with adequate natural light and ventilation. This unit would also benefit from external balcony floorspace at the front and terrace at rear.

1.21 The proposed floorspace for the ground and first floor flats comprises double bedrooms including separate kitchens. Their respective kitchen sizes are 10sqm and 19sqm and are considered sufficiently adequate for the units. Notwithstanding the CPG guidelines on the no. of persons acceptable, these units could provide more than adequate accommodation for 4 persons due to the size of the floorspace provision. Both of these units would also benefit from external space, a balcony at ground level and terrace at first floor level.

1.22 The remaining 2 x bedroom units (2nd – 5th floor levels) also comprise double bedrooms and they would provide combined living/ kitchen floorspaces of 28sqm per unit. As with the other 2 x bedroom units, their floorspace size are such that 4 persons could be accommodated satisfactorily without compromised to the CPG residential space standard. The units would also have external space in the form of a balcony to the front of the building; and dual aspect views.

1.23 Overall, it is considered that the proposed units have appropriate layouts but also acceptable stacking of habitable rooms with satisfactory natural light and ventilation. Moreover, they would provide acceptable accommodation in keeping with the Council's aspirations for residential occupiers.

Lifetimes homes

1.24 Policy DP6 states that all new homes should comply with Lifetime Homes criteria as far as possible. The applicant has submitted a Lifetime Homes assessment addressing the 16 points of the criteria, which is policy compliant.

2.0 Design and appearance

Features of existing buildings

2.1 The application site is a narrow vacant plot on the south side of the road for which a possibly extant permission exists for a contemporary designed building.

2.2 On the east side lies nos. 69-73 Farringdon Road and on the west sides is no.44 Saffron Hill. No.44 is a 1950's (former light industrial) building and comprises basement, ground floor and five storeys including external terraces at fourth and fifth floor levels. The building is use as self-contained flats and has dual aspect views due north (St Cross St) and east (Farringdon Road). The building is brick built and includes some attractive delicate steel framed windows, strong vertical and horizontal emphases. There is a set back at fourth floor and later addition at fifth floor.

2.3 In St. Cross Street the elevation of no. 73 Farringdon Road display a uniformity that is reinforced by the consistent horizontal lines, brickwork detailing and contrasting white detailing around the windows. Vertically, there is a hierarchy in the window sizes and decorative columns, as the building rises. The uppermost level is adorned with arched windows, recessed glazing and a prevailing cornice line.

2.4 On the west flank wall of 69-71 Farringdon Road and also the mansard roof extension are located 2 pairs of windows to residential flats. The building had a history of business floorspace use prior to June 1998 when permission was granted to change to residential units (see history section above).

2.5 The immediate area is made up of a cluster of large, tall buildings with deep plan dating from the mid-20th Century. They all have vertical emphasis and are predominantly faced in brickwork. The height of the buildings in the area varies as does the form, and appearance of the roof forms and extensions. However the narrowness of immediate streets coupled with the height of the buildings prevents view of the roof.

Height, Bulk and Mass

2.6 The height of the proposed building is consistent with the scheme approved in 1991. It also shares similar height of buildings within the immediate area. The overall height responds to the typography which rises south to north; the 5 storey building on the corner of Farringdon Road, and the 6 storey building on the corner of no. 44 Saffron Hill which is taller than the proposed development due to the greater floor-to-ceiling heights and the topography of the land.

2.7 Notwithstanding the acceptable building height, the depth of the building at the 4th – roof levels would need to be revised to avoid blocking the existing windows on the west flank wall at 69-71 Farringdon Road to enable the proposal to be acceptable. This information was related to the applicant who submitted written evidence on 'Rights of Light' and no revised drawings with alternative floor plans have been submitted for officers' consideration. This is discussed further below in the amenity section and para 3.14.

2.8 The constraints of the plot limit the scale of the development. This includes the necessity to retain a gap between its west elevation and the windows on the flank elevation of no.44. This provides a welcome break in an otherwise densely developed environment, where buildings are generally arranged in terraces of 5 or more storeys in height. This also results in a narrow building; however the area is made up of tall buildings which have a strong vertical rhythm. In this regard the slimness of the development is not of concern and is considered to sit comfortably within the street scene.

2.9 The top floors would be set back slightly from the front and rear elevations reducing the perceived height of the development. The fenestration pattern of this element matches the facades below to provide continued uniformity in terms of design. The use of light brick cladding would preserve the subordination of this floor whilst creating additional continuity to the facades as a whole

2.10 The proposed height would be lower than 25m OAD which is well below the 50m+ height of development plan threshold in the views toward St Pauls Cathedral.

Detailed design and materials

2.11 The development can be described in 4 distinct elements;

a) *The foyer entrance:* This is a two storey element with reception at ground floor and private kitchen at first floor level. The front façade reads as a dual height façade comprising glazed curtain walling surrounded with clad dark blue satin bricks. The foyer is set back from the main part of the building.

b) *Main block – Front:* The main body of the building would be clad in off-white satin bricks, punctured with 2 full height projecting bays. The bay to the left of the façade would comprise a 5-storey curtain wall bay window. On the right hand side would be equivalent sized balconies.

The vertical projecting cantilevered bays subdivide the front façade to create a coherent design and vertical emphasis and rhythm which is considered to respond to the existing character and appearance of buildings in the immediate vicinity. Moreover the bays would add visual interest and depth to the elevation. The use of brick relates to the buildings in the area and the slender curtain walling would be of appropriate quality. The details and samples of the materials would be dealt with by way of condition.

c) *Flank sides:* The design of the flank is understandably simpler than the front and rear elevation.

Nevertheless given the gap will be visible in glimpsed views, it retains the quality of the brick work on the front façade and has visual interest in the form of the projecting access compartment.

d) *Rear*: No views of the rear from the public realm and only limited views from neighbours. Nevertheless the windows are well proportioned and there is consistency of glazed brick and window units' style. In this regard there is no objection to the design of the rear which retains a consistent fascia treatment.

2.12 Apart from the floor depth concern noted in para. 2.7 above, the proposal would largely be acceptable in terms of design and bulk and would be in keeping with the varied architectural typology of the immediate locality, the urban grain also the rhythm and pattern of the neighbouring buildings. The proposed development would complement rather than detract from the character and appearance of the terrace and the conservation area.

New lightwell/ Impact on street scene

2.13 Unlike the west side of St. Cross Street, lightwells are not a common feature at this eastern end of St. Cross Street. Nevertheless, the applicant proposes to form a new basement lightwell including the installation of toughened glazed and brushed aluminium framed balustrade to semi-enclose the lightwell. The proposed lightwell would comprise reinforced glazed landing and part obscure glazed pavement blocks on the main St. Cross St. frontage and would be in compliance with CPG4. Whilst neither open/ enclosed lightwells are a feature of this streetscene, it is a necessary adaptation of the proposed building to enable access and egress at basement floor level; also it enables the provision of secondary lighting to the kitchen unit at basement level. The proposed glazed paviers would also function as a delineation feature to the entrance foyer and the public thoroughfare. Given that the site is vacant, it is considered that the introduction of the lightwell, glazed balustrade and glazed paviers would not be visually harmful to the appearance of the new building and streetscene and is considered an improvement to this section of St. Cross Street. This method of pavement alteration is also considered satisfactory as it would not compromise pedestrian movement along this public footpath due to the location of the glazed balustrade. A condition is attached requiring details/samples of the materials to ensure a satisfactory appearance and also in the interests of residential amenity.

3.0 Residential amenity

3.1 Core Strategy policy CS5 and Development Policy DP26 seek to ensure that the existing residential amenities of neighbouring properties are protected, particularly with regard to visual privacy, outlook, daylight and sunlight, noise and air quality.

3.2 The Council received written representations objecting to the proposal on the impact on residents' amenity. The concerns raised are summarised in the consultation section above.

3.3 No.44 Saffron Hill lies due west of the application site. Its footprint and east flank wall project approximately 10m due south beyond the proposed building and application site. Its residential occupiers closest to the proposed development have dual aspect views and outlook from windows on its north elevation (St. Cross Street) and east elevation. The gap between the proposed building and no.44 vary due to the buildings' irregular footprint on the west side. The closest point between the two buildings would be the curved staircase elevation (approximately 3.0m). The gap at the front would be approximately 4.8m and the rear 3.5m. On the east side, the proposed building would abut the rear flank walls of nos.69-73 Farringdon Road from the basement level through to the roof level. The building would obscure two existing windows at 4th floor and roof levels (details discussed below).

Daylight

3.4 The residential occupiers at no.44 (east side) are concerned about loss of privacy, day/ sunlight and the sense of enclosure that is likely to occur from the proposed building. It should be noted however that the site has planning approval (May 1991) for a 6-storey building of similar footprint and distance from no.44; at that time, amenity considerations were assessed and taken account of in the decision, but it is acknowledged that the building at no.44 was at that time in commercial use

(permission was only granted for conversion to flats later in 1996) and therefore it would not have been necessary to protect its amenity in terms of loss of daylight, sunlight, privacy or outlook. Nevertheless, the only directly affected habitable rooms at no.44 would be those at the front corner which are living/diner/kitchens with windows facing the street and double side windows facing the proposed flank wall. Due to their dual aspect [north & east views], views and light would be unaffected from the front and would compensate for any loss from the side. The rooms at the rear sides behind are bedrooms and do not directly face the proposed building.

3.5 To ensure that the habitable rooms at no.44 would be adequately lit, the applicant has submitted a Daylight/Sunlight Study report in support of the proposal. The report is somewhat incomplete as it should have measured the Vertical Sky Component (VSC) and No Sky Line of all affected rooms first before considering alternative criteria such as Average Daylight Factor (ADF) measurements. Any future resubmission of an application here should be supported by a more thorough daylight study. However it recognises that the worst affected front corner room, as discussed above, would not meet VSC standards due to its proximity to the proposed building, so the study went straight to considering compliance with an alternative minimum standard of daylight. It is widely recognised that the ADF analysis is a more sophisticated and accurate method of measuring daylight levels within a room, as it takes account of the room's size, shape, reflectivity of wall surfaces, and number and size of windows. It is also recognised that BRE recommendations are based on a typical suburban low-rise context and are not well suited to inner city densely built-up environments (such as this) where it has been proven to be very difficult to meet the minimum VSC standards.

3.6 Furthermore the study notes that the existing building is not a good neighbour, as it takes more than its fair share of daylight from the adjoining vacant land which is a development site, and that it would be unreasonable for this relationship of windows to jeopardise future development of this site. The BRE Guide specifically refers to this context as a consideration in assessing daylight levels and the need to ensure that an adjoining building is a 'good neighbour' and does not have windows which are over-dependent on light from an adjoining site.

3.7 The lowest front corner room (kitchen/diner/lounge) at 1st floor level is tested as it represents the worst-case scenario- in common with others on upper floors, it has 2 windows facing the street and 2 facing the development site. Undoubtedly the side windows will be significantly affected in terms of loss of daylight as the currently completely open aspect will be blocked by a building only a few metres away, thus it is anticipated that the scheme would not comply with BRE recommendations in terms of percent difference between existing and proposed VSC daylight levels (which should not exceed 20%). However it is noted that this method of analysis would not take account of the front facing windows which will be unaffected. The study shows that it achieves 2.46% ADF, which is substantially in excess of the BRE's minimum recommendation of 1.5% for the living area and 2% for the kitchen area. The room thus achieves the minimum standard of daylight using this criteria and thus in the circumstances, it is considered that the rooms here will not be seriously harmed in amenity terms.

3.8 The study also tests, using VSC analysis, the rear 1st floor level bedroom served by 2 small windows, one on either side of a projecting brick feature. One window would experience a significant loss of daylight (72%), well over the minimum recommendation of 20% difference between existing and proposed levels, which is partly due to the projecting feature. The rear window would only suffer a 15% loss, as it is behind the existing projection and the proposed flank wall, which is considered insignificant and acceptable. Furthermore a 'No Sky Line' analysis of the whole room (which indicates the amount of floor area at desk height being lit or in shadow) shows that the loss would be 16% which again is acceptable. It is thus considered overall that this room would not be seriously harmed in terms of daylight.

3.9 The occupiers of Flat 8 & 9, 2nd floor level have indicated that the internal layout differs from the submitted assessment [i.e. 1x bedroom and the living/ kitchen floorspace swapped places]. Notwithstanding this correction in the units' layout, the submitted BRE study has indicated that the room's ADF would be in excess of the BRE's recommendation for all types of rooms, whether

bedroom (1%) or kitchen (2%), thus the ADF would be acceptable.

Sunlight

3.10 In terms of sunlight, none of the affected rooms at no.44 face southwards, thus a sunlight analysis would not be required.

Outlook

3.11 As noted above, the dual aspect of the front corner rooms of no.44 means that views and outlook would be unaffected from the front and would compensate for any loss from the side. Although it is recognised that the occupiers have been accustomed to views across this vacant site now for over 30 years, so that their perception of increased sense of enclosure here will be significant, nevertheless it is considered that there will be still sufficient outlook enjoyed from the large front windows to this corner room.

3.12 In terms of Farringdon Rd, the bedroom in the rear flank wall has 2 windows facing south to the side which will remain unaffected, so that the blocking of the other 2 windows in the flank would not compromise its outlook.

Right of Light

3.13 With regard to 69-71 Farringdon Road, 4 windows have been positioned on the rear flank wall and mansard roof directly abutting the application site after the 1991 decision. These are on a party wall which raises doubt whether they had the legal right to be installed there. Nevertheless the owner has raised concerns about "Rights of Light" to the residential occupiers of the flat units. However the applicant has submitted written documents (Letter dated 21/6/2002; ref. BSB/LLC/SJ/LON 65) confirming that the Rights of Lights Registration against Farringdon Road was registered on 20/3/2002. Although this is largely a civil matter to be resolved between the parties, it is also considered to be of material consideration relevant to the outcome of the proposal; as noted above para. 2.7.

3.14 Notwithstanding the legal issues involved, the windows here would be completely blocked up by the proposal which would deprive all their current light and outlook. The 2 mansard windows serve a bedroom which would be completely blocked up. However the bedroom on the lower floor has 4 windows- 2 on the flank wall which will be blocked up and 2 others facing southwards on the rear return wall, which will be unaffected, thus it is considered that light and outlook to this room would not be seriously compromised. It is considered that the proposal in its current form would impact detrimentally on the mansard bedroom at 69-71 Farringdon Road and suggested that the proposal be amended to ameliorate the harm but to date no revision has not been submitted for consideration.

Privacy

3.15 On the west side facing no.44, the only windows will be serving a staircase so obscure glazing is proposed here to ensure there would be no overlooking to occupiers opposite. The small kitchen windows to the front of this are set forward of the adjoining building line of no.44, so that direct overlooking to the adjoining side living room window is not possible, especially given the likelihood of having units placed against the kitchen window (as shown on the plans) which would restrict views further.

3.16 The proposed rear windows (1st - 6th floors) are orientated due south at right angles to the existing windows in the flank walls of Saffron Hill and Farringdon Rd properties. Due to the oblique angle of view here, direct overlooking would be impossible. Additionally, the views of their balconies would be no more disadvantageous to the occupiers at no.44 Saffron Hill, given the existing visibility from both commercial and residential occupiers at Farringdon Road.

3.17 At first floor level rear, the proposed roof terrace would have a privacy screen installed on its side to minimise the impact on occupiers at no.44, particularly as the closest window lies approximately 3.0m from the proposed roof terrace. A condition would be attached to secure its installation.

Conclusion

3.18 It is acknowledged that the development of this site, which has lain vacant for so long, could lead to the perception of harm to neighbouring occupiers' amenity at no.44, in terms of loss of day/sunlight, privacy and outlook, as they have been accustomed to having uninterrupted views across open land. However, with the exception of the physically blocked windows at Farringdon Road, an analysis has shown that the proposal meets national and local guidelines and is considered acceptable in the circumstances of this specific site, and it is considered to not seriously harm neighbour amenity at no. 44 Saffron Hill.

Refuse facilities

3.19 The development would have communal enclosed refuse facilities provided at the ground floor level adjacent to the foyer. It would be accessed from St. Cross Street with separate access door and this is considered to be satisfactory.

Sustainability/Biodiversity

3.20 A Code for Sustainable Homes Pre-Assessment Report has been submitted to demonstrate that all 8 of the new units would meet Code Level 3 ['Very Good']. This has been the requirement of policy DP22 which expects new build housing to meet Level 3. The Code for Sustainable Homes has now been withdrawn by government through a Ministerial Statement in March 2015. Therefore, it is no longer necessary for a Code post-construction review to be secured through a Section 106 Legal Agreement.

3.21 In lieu of the above, the Energy Statement with its renewable technologies would be secured via legal agreement to demonstrate that the new development is in accordance with policies CS13, DP22 and DP23. The new units need to comply with London Plan policy 5.2 (35% reduction in carbon emissions beyond Part L building regulations) and must achieve water efficiency of 110 litres per day.

3.22 Four renewable sources (Solar PV, Solar Thermal, Biomass and Heat pump) were studied but Solar PV on the main roof was considered most suitable and would provide in excess of the 10% renewable provision for the development. The report includes the Encraft PV calculator tool to estimate the savings as shown in their PV benefit calculations diagram. As in such matters, the renewable energy requirement would be secured via s106 legal agreement that all ratings would be met in the final assessment via a design stage and post construction review.

3.23 The proposed biodiversity roof details are acceptable in principle; however, more detailed information and maintenance details would be subject to condition. Additionally, the principle of the bird bricks is acceptable but they would need to be re-positioned to better serve the birds. Their details and location would be subject to condition in the case of an acceptable scheme.

Basement impact

3.24 A rudimentary Basement Impact Assessment study has been submitted in 2012, after receipt of the planning application. It is very short and does not follow the recommended sequence of 5 stages (ie. screening, scoping, investigation etc) as recommended by CPG4, and it is considered a full study will be required for any future resubmission of an application for this site. Nevertheless the study concludes that the scheme will not harm hydrological conditions, The previous building existing here had a basement and the site is now cleared to basement level 3m below existing pavement level. The maps and boreholes show that the site is underlain by Taplow gravel and London Clay below, and that groundwater was found 6.5m below ground level, which is below the proposed new basement slab. The building will be built on bored piles and will use appropriate construction design to protect adjoining existing foundations. As such, it is considered that the proposed method of construction and the ground conditions mean that there will be minimal impact on groundwater movements beneath the site. The report does not specifically discuss land stability issues, although it is reasonable to assume in the circumstances of an existing basement here that adjoining properties will not be harmed if appropriate precautions are employed. It is therefore considered that the new basement will not harmfully impact local geology and hydrology conditions and would comply with policy DP27, and that a reason for refusal on this issue is not warranted. However in the case of a resubmitted application, a

more thorough investigation including a consideration of stability of adjoining buildings would be required.

4.0 Transport

4.1 The site has a PTAL score of 6b, indicating that it is highly accessible by public transport. The nearest station is Farringdon, located to the southeast of the site, whilst the nearest bus stops are located on Farringdon Road, to the east, Clerkenwell Road, to the north, and Gray's Inn Road, to the west. Given the site's location and in line with DP18, all of the proposed residential units would be designated "car free", i.e. the occupants will be unable to obtain on-street parking permits from the Council and the applicant has indicated willingness to this agreement. This arrangement would normally be secured by means of a Section 106 Agreement. However, as the proposal is considered unacceptable, it now forms a reason for refusal.

4.2 The proposal include the provision of 4 Sheffield stands (8 cycle parking spaces) at ground floor level, within the entrance foyer, and 2 stands within a basement vault beneath St Cross Street. The proposed level of parking meets the Council's standards and its provision would be secured by means of a condition. Post-submission, the Council has revised the cycle storage provision and it is not considered that the proposal would be compromised due to non-compliance.

4.3 The applicant will be required to make one-off financial contribution through a Section 106 legal agreement towards repaving the footway in front of the site from Farringdon Road, so as to mitigate any impact caused during construction and to ensure that the ground floor level of the entrance ties in with the adjacent footway. As the proposal is considered unacceptable, it now forms a reason for refusal.

4.4 Given the proximity of the site to Farringdon Road, a Red Route, the scale of the development and the likely impact of construction traffic, the applicant will be required to submit a Construction Management Plan. This would normally be secured by means of the Section 106 legal agreement; but the proposal is considered unacceptable and it now forms a reason for refusal.

4.5 Given the size of the proposed development, it is considered that a Travel Plan and a Servicing Management Plan are unnecessary in this instance.

Other matters / Section 106 legal agreement / Community Investment Levy [CIL]

4.6 The introduction of Camden's own CIL has superseded one-off financial contributions made to the Council for local infrastructure, provision or improvement [such as for education and open space] due to increase demand from new residential accommodation. Due to the implementation of Camden's CIL charges, a contribution towards the provision of public open space or education is no longer required as part of CPG8. The development is exempt from both of the above charges as they are liable for full CIL payment which includes these contributions as part of the charge.

4.7 The associated legal obligations in the case of a scheme that was otherwise acceptable are as follows:

- Car-free housing for all residential units.
- Financial contribution to repave footway (to be estimated).
- Construction Management Plan.
- Renewable energy provision.

5.0 Conclusion

5.1 Based on the previous planning permissions for this site, the principle of the site's development has been established. The proposed scheme is similar in scale and proportion to the 1991 approved scheme with a contemporary design, footprint and height.

5.2 The proposed scheme reflects the Councils land use policies in terms of the provision of new permanent residential accommodation, satisfactory mix of units, design and sustainable issues and is

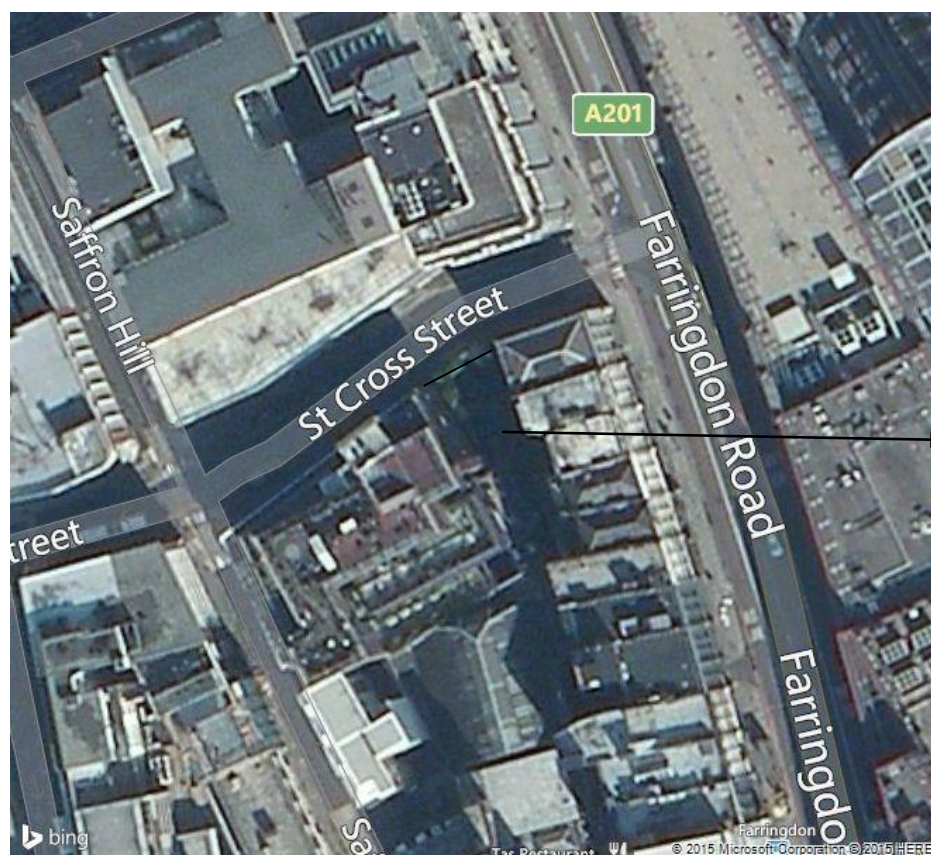
subject to S106 legal obligations. However the sole use for housing and the lack of secondary uses, with the failure to justify the lack of affordable space for the jewellery sector as required in Hatton Garden, means that the scheme does not comply with policy DP1.

5.3 With the exception of the impact of blocking up windows to the adjacent building, the massing, height and scale largely complies with LDF policies and CPG guidelines. The proposed development would make optimum use of a vacant site that is currently under-utilised; as well as having a positive impact on the mixed character of the area. For these reasons therefore, the proposed development is considered partially acceptable in principle.

5.4 At the time of the submitted application, the host site has been vacant for over 19 years and the proposal would limit the expanse of views enjoyed by occupiers at no.44. It is acknowledged that the site's development would result in a perception of harm to the occupiers' amenity. However, information submitted has demonstrated that the proposed building would have an acceptable impact on neighbour amenities at no.44 Saffron Hill. At nos. 69 – 71 Farringdon Road, the proposal to block up their windows would compromise residential occupiers' amenity to one room which has a seriously harmful impact which is considered unacceptable.

5.5 As a consequence, the proposed scheme will be refused on the lack of necessary S106 legal obligations referred to in para 4.7 above.

Photographs of application Site & neighbouring buildings



Aerial view of site



View – West flank wall 69 – 71 Farringdon Road



View – East & North elevations 44 Da Vinci House

View – Windows 69 – 71 Farringdon Road :



View – Inside Flat 4 in mansard of 69 – 71 Farringdon Road



View – Inside Flat in flank wall of 69 – 71 Farringdon Road



View – Application site -
Gap between no.44 Saffron
Hill (Da Vinci House) & 69 –
71 Farringdon Road.

NCP building opposite.

NCP & office buildings opposite.