
From: Ewan Campbell
Sent: 14 May 2024 14:00
To: Planning
Subject: FW: Objection from Ziggurat Freehold Limited
Attachments: ZFL objection 14.5.24.pdf

Can this be uploaded as an objection please?

Ewan Campbell
Senior Planning Officer
Supporting Communities
London Borough of Camden

Web: camden.gov.uk



From: Calum Lamont KC
Sent: 14 May 2024 13:06
Subject: Objection from Ziggurat Freehold Limited

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

Dear Ewan

Please find attached an objection from Ziggurat Freehold Limited to application 2024/1364/P.

You will see the document refers to a report by Maddox Planning, which in turn will exhibit reports from DPR (sunlight/daylight matters) and Rendered Image. I have asked that the consultant (Anthony Frendo) emails you his report and exhibits separately for inclusion on the website.

Many thanks

Calum

ZIGGURAT FREEHOLD LIMITED

14 May 2024

Dear Ewan,

14 St. Cross Street

We write with regard to the planning application 2024/1364/P.

Ziggurat Freehold Limited (“ZFL”) is the freeholder of the Ziggurat Building, at 60-66 Saffron Hill. The block is comprised of 62 residential apartments, all let on separate leases. The shares in ZFL are held by 50 of our 62 apartments, so our freehold is enfranchised.

ZFL, together with many of its affected leaseholders, objects to the development of the NCP car park on the present scale.

ZFL welcomes sympathetic development of the car park site, but the reality is that the car park is too high, and introduces significant negative amenity impact in the form of unacceptable enclosure, overlooking, overshadowing, intrusion of privacy and loss of sunlight/daylight.

ZFL directs Camden to the comments of its own officers at pre-application stage, which make clear that development at the proposed massing would not be acceptable if it impacts the amenity of the residents of the Ziggurat Building, who are the most impacted by the proposals in view of the proximity of the residential apartments.

Those concerns have not been addressed.

ZFL has procured a planning consultant (Maddox Planning) to summarise the impact of the development for affected apartments (“the Maddox Report”). The Maddox Report has been submitted separately and ZFL invites officers to read this carefully.

ZFL notes that despite comments of the planners, the developer has not provided verified views of the development from the affected levels of the Ziggurat. In view of this, ZFL has procured those verified views from Rendered Image, a specialist firm of verified view consultants, which are attached in the form of a report appended to the Maddox Report. The impact of the development on the affected flats from floors 5 upwards is stark. All flats currently enjoying sky view and uninterrupted sunlight will be impacted with serious enclosure, overlooking, and loss of sky view.

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8.1 The Ziggurat
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London EC1N 8QX
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The developer answers this as follows:

We appreciate that the introduction of two additional floors plus the acoustic plant enclosure to the existing building height will alter the current views of a few Ziggurat residents. However, the proposed massing has been sculpted as a contextual response to the Site and heavily informed by daylight and sunlight considerations.

Frankly, that does not address the point at all. Views will not be “altered” – they will be irreparably damaged by a building that is too close and too high, and which introduces unnecessary and widespread disturbance.

As regards enclosure, the developer states:

During the design process we have made the conscious decision to maintain the existing relationship of the existing distances between the buildings wherever possible. For the lower levels, the proposed development even seeks to improve the proximity. For the mid to upper levels we allowed for minimum distances from 10m on Level 5 up to 23m on Level 08, ensuring a respectful relationship between the buildings. We further agreed to reduce the massing in the centre of the plan on Level 5, creating a more generous relief between the proposal and central floors of the Ziggurat building. More details can be found in the Applicant Response Chapter: existing vs. proposed height explained, Pages 139-144 of the Design and Access Statement (DAS), the link for which is at the end of this email

The developer has not maintained existing distances at upper levels. It has pulled the development closer than the existing office storeys on the top of the car park. There is no reason why it needs to do this other than to maximise its floor space. The development could easily be set back further. It has also introduced four further storeys where none currently exist.

As regards height, the developer continually states that it is only adding two further storeys. That is not true. It is adding four additional storeys of over 30m in height, comprising 3 floors of office space and 1 floor of plant. The developer answers:

The proposed massing mirrors that of the Ziggurat building but we remained committed to remain lower than the Ziggurat’s highest point. Camden and Greater London Authority Officers, and the Camden Design Review Panel have advised that the proposed building sits comfortably within the conservation area and surrounding townscape.

That is not what Camden has said. Camden has said that the massing is not acceptable if it impacts amenity of residents in the Ziggurat Building, which it does.

The developer has also failed to provide a sunpath analysis, instead asserting that sunlight is not impacted to amenity areas. ZFL has procured its own sunpath analysis from Delva Patman Redler (“DPR”), which shows that numerous flats will not only lose sky view but will lose all of the direct sunlight that they enjoy in the winter months. The DPR analysis is appended to the Maddox Report.

Hand in hand, the developer has also failed to provide an overshadowing assessment, which ZFL has also procured. That is also included in the DPR report, appended to the Maddox Report. It shows

that the upper floors of Ziggurat Building will be plunged into shadow for many months over winter as the new development unacceptably blocks the sunpath.

The developer answers as follows:

It is acknowledged that any form of redevelopment on the NCP Car Park site is likely to give rise to alterations to existing daylight/sunlight levels to neighbouring properties, given the tight streets and close building relationships characterised by this part of London. Point 2 Surveyors have been heavily involved in the design development process, helping to inform the massing in response to daylight and sunlight considerations, whilst also taking account of the various relevant contextual factors at play.

That statement is regrettably misleading. There is a form of development which would not alter daylight/sunlight levels. If the developer stuck to the existing footprint and massing of the current structure, which still leaves a very large office development, the transgressions in question (which are major in many instances) would not occur. Nor would the building block the sunpath. It is not inevitable that these transgressions would occur simply because of development. They occur because of the disproportionate and excessive massing of the proposed structures.

The developer has also not fairly presented the impact in BRE terms on the Ziggurat Building. It is keen to emphasise that c75% of the windows are unaffected, but that overlooks the fact that the remaining c25% of windows that are affected are all concentrated in flats in the Ziggurat Building with south facing windows. Numerous flats are affected (15 flats are affected by BRE transgressions in terms of VSC, and 9 in terms of APSH). We refer officers to DPR's report in this regard, appended to the Maddox Report. Development which leads to major transgressions of BRE guidelines should not be accepted. However the BRE guidelines only paint part of the picture. When viewed with the sunpath and overshadowing assessments, the true magnitude of the amenity impact is exposed. It is a wholly unacceptable proposal.

Over the past few months, ZFL has continually requested details of the proposed plans from the developer, but these were all largely rebuffed, save for sharing of some sunlight data after significant chasing, yet even then the model was not shared, and nor were the developer's plans which it has now submitted.

The developer has held only one meeting, on February 19th 2024, again after significant pressure from ZFL, at which the plans, which have been under development for many months, were presented. Yet it has become apparent that the developer has no interest in listening to our concerns.

A good example of this is as follows. At the meeting, the developer queried whether removal of terracing facing our apartments would be welcomed; residents from the Ziggurat said it would (obviously). Yet the developer has refused to remove terraces. Presently there is no external access to the spaces which already exist opposite our apartments, and new terraces are to be added where previously there were none. The terraces are not necessary and will cause additional overlooking, loss of privacy, and noise, where no material impact is presently felt.

As was made clear by us at the meeting with the developer, ZFL is keen to engage in dialogue with the developer over a more acceptable quantum of development. The developer is likely to find residents in support of the principle of development provided that residential amenity is not

impacted. However the roadblock remains the developer's refusal to consider a more acceptable massing of the proposed design. It has refused to confirm that it will drop the height or massing.

Finally, it is material that ZFL, together with the leaseholders who own properties with windows facing south onto the proposed development, enjoy prescriptive rights to light in private law, which the proposed development interferes with to a significant extent. The studies undertaken by ZFL and its advisors indicate that the proposed development will cause significant loss of sky views from numerous apartments, and directly block the sunpath (particularly in winter), leading to both unacceptable overshadowing to the Ziggurat Building, and loss of light. ZFL and the leaseholders will enforce private rights to light in Court if necessary. There seems little practical point in giving permission to a development which will immediately be subject to legal action.

As the owner of the building which will be disproportionately affected by this proposed development, ZFL considers that its views, those of its advisers Maddox Planning and DPR, and of the affected leaseholders, ought to carry significant weight.

Yours faithfully,

Richard Hopkin (Director)
Calum Lamont (Director)
Henrik Knudsen (Secretary)

For and on behalf of Ziggurat Freehold Limited