

18th August 2014

Dear Mr Miller

Re: Application: 2014/4206/P

I am writing as a resident of Rosslyn Court, Ornan Courts sister building with which we share a party wall.

As you are probably aware the applicant first applied to build a basement on the site in 2007-8. The proposal was to build sui generis hostel accommodation with disabled access. The application received in excess of 100 objections and was only passed at a third committee hearing on the casting vote of the chair. The basement was never built as our party wall surveyor considered the proposed method of build to be unsafe to the structure of Rosslyn Court. In 2011 they applied to extend the planning permission but eventually withdrew the application after opposition.

I would first like to request a significant extension to the consultation period. The application has been submitted at the start of the school summer holiday, a time when the applicant is aware many people will be away and schools closed. Due to this being one of the largest proposed residential basement developments in Camden which will greatly impact on the local community it is only fair and reasonable to extend the deadline for comment by at least a month so all interested parties have a chance to respond. I have also had a look at your postal contacts list and this seems very limited. It excludes most of the people / parties that opposed the original basement application in 2007-8. Surely anyone that opposed the original basement application should be contacted and informed about the new application.

I wish to Object to the proposal for the following reasons

Flood risk and Water Table.

The proposed development is in an area of known flood risk as highlighted in DS23. The last time there was street flooding in Camden, Ornan Road was severely affected.

Flats on the Ground Floor Level in Rosslyn Court have encountered repeated damp problems requiring significant remedial works and installing damp courses. When Flat 1 Rosslyn Court (next to the party wall) was renovated evidence was found of an

underground spring and there is evidence in early maps of underground springs flowing through the area.

The Hydrology report submitted with the application seems limited and insufficient. According to the report only two boreholes were drilled and neither on the frontage of the property where flooding occurred in 2002. As this is the elevation where street flooding last occurred and the location where Ornan Court shares a party wall with Rosslyn Court it is surely necessary that borehole test should be taken on this elevation. In addition the hydrology report only covers the months March to August, samples were not taken during the wettest months of the year November – January and so the report is insufficient.

I would also like you be aware that as a long standing resident of Rosslyn Court I observed these borehole being drilled. I think you should be informed that a borehole was drilled in the front garden area adjacent to Rosslyn Court about 2-3 meters from the boundary. I observed the borehole being drilled and at a later date samples being taken. I believe I even took photos of the hole being drilled and I will try and find these photos if required. I do wonder why this borehole is not mentioned in the applicants report. Could it be that this borehole provided results that were not consistent with the other locations and would impact their application?

In summery the current Hydrology report is insufficient. Boreholes should be drilled on the front elevation where there is the greatest flood risk into Ornan Road. In addition new boreholes should be tested in all locations over at least a full year not just during the dryer months. As Ornan Road was significantly affected during the last incidence of flooding within the borough and the street is still deemed to be at risk, I would suggest such a development is inadvisable.

Substrata and Previous Excavations

In their BIA they state that the base substrata is London Clay. It should be noted that the land on which Ornan Court and Rosslyn Court stand used to be owned by the Midland Railway company and was later sold for residential development. There is a railway line (possibly disused) that runs from Kentish Town under the two properties in Ornan Road. As this area was excavated for such work it would be likely that the substrata contain refill materials that are less stable and of different densities to the original London clay. There is no mention of this in their application; to the contrary it clearly states that the site is not within 100 meters of a railway line. To date the only subterranean investigation is the drilling of two 5m borehole which is obviously insufficient.

In addition their BIA states that none of the area being excavated is hard standing or paved. This is incorrect, the area on the front and side of the building is a mixture of

hard surfaces nearest Ornan Court and then a built up garden. At the rear of the property to my knowledge almost all the area being excavated is hard standing.

As the nature of the substrata is undetermined (and many statements in their BIA are inaccurate) I would consider that due to the potential risks it would be inappropriate to approve such a development.

Risk to Neighbouring Properties

During the redevelopment of Ornan Court in 2007-8 many residents in Rosslyn Court reported new cracks in their walls near the Party Wall. The owners of Ornan Court have never accepted responsibility.

Rosslyn Court and Ornan Court both have shallow Victorian foundations. The ground in the area is known to move and the side of Rosslyn Court furthest away from Ornan Court had to be underpinned in 1996. The effects of the subsidence caused by ground movement can be clearly seen by a visual exterior inspection of the building.

In their basement impact assessment the applicant clearly state that the development will not significantly affect the differential depth with neighbouring properties and that most properties have subterranean levels. This is wholly inaccurate as most neighbouring properties do not have basement levels. The proposed development would also lead to Ornan Court having significantly different foundation levels of its sister property Rosslyn Court.

There is no doubt that the building of this basement and the movement of the subsoil and possible displacement of the water table in an area of known ground movement will have detrimental impact on Ornan Courts sister property Rosslyn Court and that many of the statements to the contrary in the BIA are inaccurate. I believe due to these known risks this development should be rejected.

Land Use Classification and Parking Amenity

The existing land use classification of Ornan Court is Sui Generis / hostel in multiple occupation. Historically this was the classification of the building when a Nurses Home owned by the Royal Free Hospital NHS Trust, the council at all times have insisted that this land use classification should remain. When the basement application was approved 2008 the council insisted that this classification would continue to be applied to all parts of the building and this was included in the section 106 agreement (section 2.9).

The current application is for 2x3 Bed Flats with a proposed land use of C3 Private Dwelling House. On the council website application page it says the current land use is a C3 Dwelling House, this is incorrect. As this proposal is for the extension of a building with an existing land use (sui generis) the new extension to the building should have the same land use classification as the existing building. The application is very unclear and it begs the question of whether the applicant, by way of oversight, is trying to reclassify the whole building as a C3 Dwelling House. In either eventuality the application should be rejected on these grounds alone.

In relation to the parking requirements for these dwellings the situation becomes even more confused. When Ornan Court was developed in 2008 it was agreed that due to the excessive parking congestion in the area residents parking permits would not be available to those living in Ornan Court. The stipulation that Ornan Court should be a car free building was also included in the 2008 Section 106 agreement (section 4.1). I would assume that this exclusion would continue to apply to all parts of the building and extensions to the building.

Habitability of Proposed Accommodation

There should also be concerns about the quality of the proposed accommodation. Their internal daylight report raises concerns over the quality of natural light in the proposed flats. Only one room over the entire two flats meets that basic recommended requirement for natural light. Both kitchens have only 70% of the recommended basic requirement, while the six bedrooms have on average only 30% the basic recommended requirement. Their report even states this already exceedingly low level of natural light is overstated in a number of bedrooms as this will be further adversely affected by the large fixed fire escape at the rear of the building. Due to the size of this development and the exceedingly low natural light levels in almost all parts of the flats, it would seem such a developed space would be more suited to be an underground storage facility than permanent residential living accommodation.

Tree Protection

I believe it would also be sensible for the council to undertake a fresh impact assessment on the surrounding trees. The council report being used for reference with this application is now seven years old and even back then the boundary of the development on the plans is encroaching on the possible tree root networks. We have particular concerns regarding a much loved Ash tree on Rosslyn Courts land near the party wall where the tree root network borders the proposed development.

Architectural Impact

It should also be considered that Ornan Court and Rosslyn Court fall on the edge of the conservation area and are almost matching sister properties. In 2007 the owners of Ornan Court applied to add a full additional story at roof level. This was rejected as it would be out of keeping with the area and would distort the appearance of Ornan Court when compared to its sister property Rosslyn Court. Excavating the entire footprint of the building, including removal of a large part of the gardens and introducing light wells and access ramps is likely to have a similar impact. These are two historic and prominent buildings that are visible from many points in the area and the main thoroughfare of Haverstock Hill. I believe it is important to defend not distort the traditional features of these buildings for the benefit of the wider community and for future generations.

Effect on Local Community During Works

The council should also consider the immense disruption that such a development will have on the local community. A project on this scale is likely to take anywhere between 12-24 months and will significantly affect local residents, businesses (including the hotel opposite that bring a lot of tourists to the area) as well as the Rosary primary school. Traffic and parking will be disrupted both on Haverstock Hill and Ornan Road, the dirt and noise from the works will also be considerable.

In summary there are many reasons why this basement development should be declined. Firstly there is the issue of the incorrect land use classification on the council's website, as well as the conflicting land use classification of the existing building and the extension. The application should be refused on these grounds alone.

In addition the applicant's BIA is littered with inaccuracies and does not stand up to scrutiny. The Hydrology and substrate report is insufficient and much more investigation needs to be undertaken to ascertain if the area is suitable for such a large scale development. The appearance of the neighbourhood as well as structural integrity of neighbouring properties is likely to be adversely affected. The works will also cause immense disruption to the community at large as well as those living nearby for a prolonged period. This would all be for very little benefit - the creation of two self-contained flats with natural light levels significantly below basic recommended levels.

There is only one conclusion, this application should be rejected

I would like to be informed of any committee hearing and be offered the chance to talk at committee.

Yours sincerely

Danton Hope

Dike, Darlene

From: Miller, Hugh
Sent: 04 September 2014 09:46
To: Planning
Subject: FW: Ornan Court 2014/4206/P - reply to confirm that comments are online, once they have been indexed, Darlene 18/9//14
Attachments: OC Objection.docx

Please log to M3

Hugh Miller
Planning Officer

Telephone: 020 7974 2624

From: Danton Hope [REDACTED]
Sent: 03 September 2014 22:16
To: Miller, Hugh; Markwell, Jonathan; Currie, Tom (Councillor)
Subject: Ornan Court 2014/4206/P

Dear Hugh

I have written to both Jonathan Markwell and yourself a number of times regarding the above application but have never received a reply. I understand you have both been away during parts of the consultation period but you have had enough time to respond. I am copying Tom Currie into this email in the hope that this will encourage a reply.

I can not see my submission opposing the application on the council website. I have emailed this to you twice. I attach a copy in case it has been mislaid.

I would like to highlight the following points of primary concern:

1. Consultation of local interest parties. This has proved insufficient for a number of reasons:

- a) The application has been submitted during the summer holidays when a large number of people are away and are unable to reply.
- b) One would assume that on such a large and contentious development the council would offer more than the statutory 3 weeks from the date of the letter. I have received advice from many parties that at least 6 weeks is normally offered when considering standard basement applications.
- c) Both yourself, Jonathan Markwell and many other officers from the planning department have been away during August / the consultation period. Because of this there has been no relevant person at the council that can assist in providing more information or discussing the application. We would have liked to meet with you to discuss the application but this has not been possible. The consultation period should be a period where local interested parties are able to discuss the application with officers, this has not been possible so the consultation has been inadequate.
- d) When the applicant first applied for a basement to be built on the site in 2007 over 100 local parties objected. This is to all extents and purposes the same application (albeit for private rather

than hostel accommodation). It would only seem reasonable that the council contact all these parties rather than a handful of local residents. The hotel opposite Ornan Court as well as the Rosary School (which is conveniently closed for the holidays) have not even been informed. To rely on all these parties to see a sheet of paper on a lamp post during a three week period when they are on holiday is clearly insufficient.

On such grounds I would think it is only reasonable that the consultation period be extended.

2. Land use classification

I am concerned about the following paragraph in your recent email to Tom Currie. It seems to try and sidestep an error in basic core information that effects both the legitimacy of the application and the consultation.

"2. The incorrect Use Class would not necessarily compromised the submitted application in this instance; although I agree the applicant should strive to provide the correct information at all times."

The application has been submitted with the incorrect land use classification. Whether this is a basic error, which should raise concerns about the accuracy of all other information within the application; or is a deliberate attempt to mislead both the officers, councillors and the public, the application should be rejected on these ground alone.

Of even greater concern is that the council has not checked such basic core information and seem to have trusted the applicant on the matter. The application on Camden councils website states the current land use is C3 Dwelling House, this is inaccurate it is Sui Generis / Hostel. Of grave concern is that you seem to imply that a change of use could be considered as part of the application. However as the Public and interested parties have not been invited to provide their comments on this proposed change of land use but simply the plans based on the incorrect information that the current land use is C3 Dwelling house the consultation is wholly illegitimate.

It is clear that on these grounds alone the application should be refused. You should be nowhere near the stage of considering an independent assessment of the BIA. Instead you should be investigating this basic error in the application and its impact on the application and consultation process.

The council over the past decade have been adamant that Ornan Court should retain a land use classification of sui generis / hostel. You need to be aware of the developers motives may not be as they seem. If the council agrees at any point to a change of land use for Ornan Court this will affect the entire building. When the applicant purchased the building their preferred use of the Ornan Court was to turn it into private residential accommodation. They were repeatedly told by the council that they would not consider loosing valued hostel accommodation and a change of land use would not be considered. They have for a number of years been trying to sell the building under its current land use. If they manage to get a change of land use their aim will be develop all the existing hostel accommodation that the council has been so keen to retain into private residential units. This will probably increase the value of Ornan Court three or four fold for the sole benefit of the applicant. It may well be that this application is simply a trojan horse and the applicant is primarily concerned with obtaining a change of land use so they can develop the existing accommodation for private sale rather than excavating the basement.

I look forward to your prompt reply.

Yours sincerely

