**Application 2014/5054/P … 1-8 College Yard, London NW5 INX**

**Objection on grounds of Impact of Development on Occupiers at 54/56 Highgate Road and 9 College Yard**

We refer to the specific paragraphs below taken (in italics) from the Design and Access Statement (D&A) submitted by the Proposers.

1. **Vehicular Access to rear of 54/56 Highgate Road and 9 College Yard**

*D&A 3.8 The existing building has a footprint which covers most of the site and its south west, northwest and north east elevations form the boundary with College Lane, and the properties on Lady Somerset Road and Evangelist Road respectively. There is a small clear area to the south east of the building for parking and vehicle turning. Access to an adjacent car repair business (to the south east) is gained across this yard.*

*D&A 8.3 Suitable space would be provided within the yard to allow vehicles to enter and egress in a forward gear, and to allow the continued operation of the adjacent car repair business, in accordance with Policy DP21 “Development connecting to the highway network”.*

At no place in the Design and Access Statement is reference made to unimpeded vehicular access to the car park at the rear car of 54/56 Highgate Road and 9 College Yard.

1. **Construction Management Plan and Section 106 Agreement**

The planning application is silent with respect to the impact of the construction programme per se of the proposed development. The application is devoid of a Construction Management Plan.

The car park to the rear of the property 54/56 Highgate Road & 9 College Yard is in use 24hours every day and this should be reflected in the Construction Management Plan.

It has been suggested that the proposer consider alternative parking arrangements for the users of the car park for the duration of the construction works. Such a measure which would give the contractor unrestricted access to the site and would mean that vehicle users of the car park would be less inconvenienced.

Tenants have expressed concern about the dent of use of large heavy vehicles over College Yard. The tenants’ consensus is that that precautionary measures should be taken to delimit damage, for example temporary re-siting of street lighting and protection of external facades, in addition to there being a requirement that the developer makes good all surfaces on completion of the development.

We would recommend that a Construction Management Plan be drafted to include and to include and address these concerns.

Furthermore, we would deem a Section 106 Agreement to be fit and appropriate and recommend that it includes an undertaking (or charge) for making good any damage caused during and/or consequential to the construction of the development.

1. **Daylight**

*D&A 4.3 The north west and north east boundaries face onto the gardens of the residential*

*properties on Lady Somerset Road and Evangelist Road respectively. The south west*

*boundary faces onto the rear elevations of the residential properties fronting Highgate Road. Ensuring that the privacy, aspect and amount of daylight received to these properties is adequately maintained is an important consideration.*

*D&A 8.2 Unlike previous schemes, the proposed frontage would be set back from College Lane to open up this space by 1-2m and minimise any potential for overlooking into the rear of the Highgate Road properties (and vice versa). It is also proposed to set back the rear elevation by 3m from the north east site boundary. This will minimise any loss of privacy from the Evangelist Road properties. The building layout will help to ensure 1-8 COLLEGE YARD, KENTISH TOWN 122672/LR/NT20140708 Planning and Design & Access Statement compliance with Policy DP26 “Managing the impact of development on occupiers and neighbours”, particularly criteria a) and b), and Policy CS5*

*D&A 9.2 The existing building has a right height of 7.7m. The scheme refused earlier this year*

*had a maximum height of 10.0m. The flat roof part of the proposed building would be only 7.35m. The screen and roof structure surrounding the roof terraces would have a maximum height of 9.0m. This additional height would be concentrated within the centre of the roof, set back from the boundaries, and hence would help to reduce the building’s perceived scale. It has also helped to ensure that there will be no unacceptable sunlight/daylight effects on the surrounding properties, in accordance with criterion c) of Policy DP26.*

*D&A 9.3 The ‘before and after’ 3D visuals submitted in support of this application illustrate that the proposed building would have less scale, bulk and mass than the existing building and substantially less than the previously refused schemes. This would substantially improve the outlook from the properties and gardens of Evangelist Road, in accordance with criterion b) of Policy DP26. At the request of the Residents’ Association, it is proposed to retain the existing building’s north east wall as a boundary treatment for the proposed development. Approximately 80cm would have to be removed from the top of the wall owing to the building’s existing internal construction*

Despite previous representation to the Proposer, the tenants are not disposed to the assurances received that there will be no adverse impact on their daylight. The proposed development is taller than the existing building and the tenants (on the ground floor fronting College Yard) are not convinced that this will not significantly affect them and that bedrooms are treated the same as living rooms.

Also, previously, the rooms on 9 College Yard (facing 1- 8 College Yard) were identified as bedrooms, whereas they are living spaces. Contrary to the response received, Dixon Payne, in their communication with the Proposer, states that there is a requirement for living areas which is different to bedrooms:

*“The criteria against which internal illuminance is considered is detailed within Appendix C of the BRE Guidance which is used in conjunction with BS 8206-2 Code of practice for daylighting and the CIBSE Lighting Guide LG10 Daylighting and window design. The guide states that where a predominately daylit appearance is required, the ADF should be at least 5% or more if there is no supplementary electric lighting or 2% or more if there is. In respect of kitchens, living rooms and bedrooms there are additional recommendations of 2%, 1.5% and 1% respectively. BS8206-2 further advises that achieving 2% in living room will give an improved daylight provision whilst 3% - 4% would improve the situation further.”*

(DIXON PAYNE CHARTERED BUILDING SURVEYORS’ letter of 15th July 2014 to Martin Robeson Planning Practice)

1. **High Quality Design**

*D&A 8.11 The windows serving the habitable rooms at the first floor would be angled perpendicular to the elevation. This would allow only oblique views of the bottom ends of the Evangelist Road gardens. In terms of the views from the front, canopy upstands have been positioned and sized to provide adequate outlook, but prevent views into the rear windows of the Highgate Road properties. These various views are considered in detail within drawing P/033. These measures will help to ensure that the proposal complies with criterion a) and b) of Policy DP26. These measures will help*

We refer to paragraph D&A 8.11 above and, in particular, to the proposed property signage (“1-8 College Yard”) on the SW elevation of the development. Whilst the signage, being disproportionately large, serves to prevent views into the rear windows of the neighbours, it is deemed an unsightly carbuncle and negates the ‘high quality design’ status the proposal assumes to portray.

A standard street name sign affixed at the entrance of College Yard would suffice to demark and identify the street.

With regard to privacy protection, we would suggest a louvre effect screen might be more ascetically pleasing.

1. **Representation**

*D&A 4.7 Given the constrained environment within which this site sits, we have engaged with*

*the Evangelist Road Residents’ Association which represents many of the residents*

*adjacent to the site on Evangelist Road, Lady Somerset Road, and Highgate Road. An*

*exhibition was held on site on 6th May 2014 to gather ideas from the Residents’*

*Association and other residents. This resulted in the Residents’ Association providing*

*informal written feedback which we have sought to incorporate throughout the design process.*

*D&A 9.4 In terms of the elevation facing onto the gardens of the Lady Somerset Road properties, we are currently proposing to retain the existing building’s end wall. This was indicated by the residents as their preference in order to retain the planting which has grown up this wall, and maintain the privacy of their gardens. Prior to the submission of this application, we provided to the Resident’s Association the illustration below which superimposes the outline of the proposed building behind the retained north west wall. It is our opinion that removing this wall would significantly improve the in aspect and outlook, and amount of natural light that these properties and their gardens receive. We are yet to receive confirmation of the Residents’ Association’s preference, but this element of the proposal could be subject to change during the application determination period.*

The Representation, as cited in the supporting documents, is somewhat misleading. The tenants at 54/56 Highgate Road and 9 College Yard are not members of the Evangelist Road Residents’ Association.