

BY HAND
4/7/13 11:45



Comments Form

Name..... CHRISTINE KIMAN



Planning application address..... St Christophers Nursery

I support the application (please state reasons below)

I object to the application (please state reasons below)

Your comments

DIFFICULT TOLERATING NOISE S dgs 9-5! 27/7
NO CONSIDERATION OF PEOPLE LIVING UNDER/WITH OUTRAGES!

I AM OBJECTING ON THE GROUNDS OF **NOISE +** ^{Practicalities} ~~THE EFFECTS OF THIS CHANGE WILL BE LIFE CHANGING,~~ ^{FOR US UNDERNEATH NEXT TO THIS PROJECT}

ON A HEALTH & SAFETY PERSPECTIVE, IF THE NURSERY A ROOF ARE NOT SUITABLE FOR CHILDREN HOW CAN ORIGIN POSSIBLY SUGGEST TWO FAMILY FLATS WITH ROOF TERRACES! ALSO, HOW CAN ST CHRISTOPHERS NOT BE VIABLE, WHEN ORIGIN HAVE, IN THE NOT TOO DISTANT PAST, RENOVATED THE NURSERY ON TOP OF A TALL ONE HOUSE, KENHSH TOWN. THIS IS FULLY OPERATIONAL!

AS SOMEONE WHO LIVES DIRECTLY UNDER THE PLAYGROUND AND PROPOSED ROOF TERRACES. THIS IS MY GREATEST CONCERN. APART FROM THE NOISE HERE IS THE FACT THAT ORIGIN WILL HAVE RESTRICTED ACCESS TO THESE AREAS, HAVING SUFFERED OVER 30 YEARS FROM NOISE AND LEAKS I AM MOST UNHAPPY THAT 2 SEPARATE FLATS WILL HAVE ACCESS TO THIS AREA 24/7. GIVEN THAT SINCE 1931/2 NO TENANT HAS HAD THIS RIGHT I FEEL THIS IS SOMETHING THAT SHOULD BE CANCELLED NOW. ALSO, TO SAY THE SOUND TESTS PROVIDED POSITIVE IS RUBBISH. I WAS IN MY FLAT WHEN THESE WERE CARRIED OUT AND THE NOISE - NOT AIRBORNE WAS DREADFUL. MORE CONSIDERATION FOR EXISTING TENANTS NEEDS TO BE TAKEN AND THE SOUND PROOFING INTERNAL/EXTERNAL NEEDS TO BE OVER AND ABOVE

ie building regs: = People lower down in St Christophers / St Nicholas

Please continue on extra sheets if you wish clearly hear the noise and the nursery only in residence Monday - FRIDAY 09:00 - 5:00

The whole block's lines will be ruined if this proposed goes through. - and the current state of the Nursery no one will be able to use it.

Planning Application No: 2013/3375/P

Detailed comments to support my objection to the proposed conversion of the nursery.

Design and Access Statement p2 paral. "some additional discrete external storage will also be included on the roof terrace" - by this do they mean 'not visible from street level'?

Design and Access Statement p2 para 2. Reference is made to sound level insulation being "excellent, in fact well above current new build standards.". St Christopher's is an old building, and since the "modernisation" of the block, the existing soundproofing is virtually non-existent. I live in St Nicholas adjoining St Christophers. I can hear the neighbour in St Christopher's using the toilet and flushing such, that is the level of noise that is hear. Also, the children in the flat, again in St Christopher's on the same level as me, can hear them running around in their flat! I can assure you that the noise when the nursery was in residence, was not airborne and having spent 30 years living under the playground, was no joke - when they were in full swing playing I would either have to have my TV so loud or leave your home. Not in tune with Human Rights whereby the landlord should make sure that tenants have the right to reside peacefully in their homes!

Design and Access Statement p2 para 8. This is, of course, the big issue - "Both flats would have roof terrace gardens formed from the existing roof top amenity space". There needs to be a strictly enforceable restriction on the use, and times of use, for these areas. Not only should the times be limited to those in operation for the now-defunct nursery but the nature of the activities should be proscribed. However, we know from experience that while 'anti-social' behaviour' is held out to be a reason for terminating a tenancy, the reality is that the majority of H.A.s are weak in these circumstances and, with any termination process being protracted, the nuisance and disturbance continues often at a higher level.

Design and Access Statement p3 para 2. This relates directly to the above and is blatantly false. Evidently, only an accountant could conclude that "the proposed use would compare favourably with the existing redundant use" whereby income generation, at the cost of an unknown number of persons clumping and clattering over the heads of existing tenants 2/7 is preferable to the 'quiet enjoyment of their homes' to

which they are legally entitled. The record of Origin in respect of nuisance and disturbance is woeful.

Design and Access Statement p3 para 3. History does not record kindly the 'accidental' demolition or destruction of valuable artefacts or buildings by contractors. If these elements are to be retained, but "outside the proposed residential use", what measures will be in place to ensure that there is continued access to them? Will the "suitable temporary protection for the niche and statue during the progress of the works" be at the discretion of Origin and the contractor or, given the historic significance, should a third-party be involved in this? If so, who? In fact, does English Heritage know of the planned alterations to the premises? Given the Gilbert Bayes fireplaces and ceramic that exist inside the premises.

Design and Access Statement p3 para 7. "It is proposed to sensitively refurbish the existing building, to retain all viable existing elements of construction, and re-use, where appropriate, existing materials to achieve the desired 30 year life" Buried within the 'Energy Strategy' this could mean that anything could be removed permanently under the guise of it not being appropriate to retain. It is so non-specific that any heritage element - such as the Bayes fireplaces - could be lost under a constructors sledgehammer. This is even more likely given that Origin claim that they are copies. The onus is on Origin to demonstrate clearly that they are copies and, if so, who made them, when, where?

Jones Lang Lasalle Support Document p2 para 3. "The addition of low level external storage on the roof terraces" again is very unspecific and, therefore, un-prescriptive. At the very minimum the materials used in the construction of such storage units should be specified. For example, if they are not to be built-in during the conversion and are to be of brick or stone, they should not be of steel, aluminium or any other noise-generating material. Nor should they be secured into the floor with nails etc, as this would damage the roof of the tenants in St Nicholas, who permanently suffer from leakage from the damage caused to the roof by the nursery. This also needs bearing in mind when installing the dividing partition between the two roof terraces.

Jones Lang Lasalle Support Document p4 para 1&2. This goes again to the most contentious issue of the proposal. It is examining the 'Suitability of the Premises for a Nursery'. By definition, it is seeking to be a justification for the

failure to find a commercial operator for the premises and, by extension, validation for the change of use. "A significant part of the nursery floor area is in the form of an outside roof-level play area" (para 1.) "The nursery only operated between 09:00 and 17:00 for 48 weeks a year, and it is questionable whether the opening times could be extended without increasing disturbance to residents." It is ironic that, while citing the potential disturbance to residents caused by enhanced nursery hours, greater disturbance generated by 24/7 occupation of the premises is considered acceptable.

Jones Lang Lasalle Support Document p6 para 4. "The premises are not suitable for alternative community uses because of the same constraints that inhibit its use as a nursery. Existing residents would object to activities taking place outside office hours.....and residential amenity would be greatly reduced if a significant number of people required access.....or activities had the potential to generate significant noise." It does not seem to have occurred to Dominic Tombs that this contention can be held to be equally viable in the case of proposing inserting a 10 (2x5) person occupation in two three bedroom units. As an organisation responsible for situations such as where 2 adults and 6 children share 2 bedroom accommodation (not unique) and a track-record of failing to deal effectively with nuisance and disturbance, is it unreasonable to assume that Origin will fail to manage the letting and occupation in a manner that does not inhibit the 'quiet enjoyment of the property' of existing tenants? If the use of the premises as a place of worship or community meeting rooms, on an infrequent or occasional basis and with less overall hours of use as occurred with the nursery, is considered undesirable, then how much more so with 27/7 occupation by 10 adults and an unspecified number of children. Origin would hold up the corporate hands and declare powerlessness. By which time the situation and all the unwarranted consequences would have taken place.

Jones Lang Lasalle Support Document p7 para 7. "Each home also provides private outdoor amenity space in the form of a roof terrace. These roof terraces measure 27m² and 26.1m²." This is considerably in excess of the minimum standards set out in the London Housing Design Guide (2010). This is self-evidently so, as this document is designed to set out the standards for new-build or conversion on existing residential uses. To cite this under these circumstances would be similar to an application to build a penthouse on the roof of the

Member's Stand at Lord's and say that, with access to the pitch area, it would own an impressive lawn.

Jones Lang Lasalle Support Document - Overall

Citing previous correspondence with Neil McDonald (Planning Services, London Borough of Camden) and David Peres da Costa (unspecified but presumably similar) the document from Jones Lang Lasalle seeks to justify the application by specific reference to Development Policy 15 (Community and Leisure Uses) and Development Policy 5 (Homes of different sizes). In demonstrating that the premises are not currently suitable for use as a nursery, and that the loss of use of the premises as a nursery would not be detrimental to the community, the document from Jones Lang Lasalle is correct. Citing the documentary evidence contained within the Marketing Report showing the failure to market the premises as a nursery, although no mention is made of whether other use was actively considered (place of worship or community meeting rooms would appear to be speculative rather than factual), Dominic Tombs falls back to relying on 1. "where this (that the loss would not create, or add to, a shortfall in provision for the specific community use and demonstrate that there is no other suitable community use on the site) is successfully demonstrated, the Council's preferred new use will be affordable housing" (Development Policy 15) and 2. "this meets and indeed exceeds Core Strategy Policy CS6 (Providing Quality Homes) which seeks to provide 50% of new homes as affordable. The scheme proposes to provide 100% affordable housing."

It is all very well claiming that the policy criteria in Development Policy 15 have been met. It is true that the nursery has been closed for 3 years. It is equally demonstrated that the loss of the nursery has not, and would not in the future, be a quantifiable loss to the community. The Marketing Report shows that there has been a clear failure to market the premises as a nursery, but was there any wholehearted attempt to market it as anything else and could the refusal of the counter-offer to Origin by a potential letter be considered reasonable?

In the supporting letter from Jones Lang Lasalle, it is "considered that the change of use of the vacant nursery for affordable housing should be considered favourably. However it is equally evident that the negative consequences for the existing tenants would be considerably higher should 24/7 occupation take place in conjunction with unrestricted use of

the considerable roof-terrace areas. Far from being "considered favourably" the application should be rejected at this time and returned to the applicant for reconsideration of use unless suitable and effective restrictions are in place. (Time-locks for access to the roof-terrace?) Or no access to the roof whatsoever. Since the blocks were built, no ordinary tenant has had access to the roof and this should remain.