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To: Planning
Subject: FW: Planning Application - LU Garden Halls redevelopment (objection to 2012/1598/P)
Follow Up Flag: Follow up
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To be processed please



Principal Planning Officer

Telephone: 020 7974 2056

From: Emma Mann [Redacted]
Sent: 15 May 2013 14:03
To: McEllistrum, Richard
Cc: Planning
Subject: Planning Application - LU Garden Halls redevelopment

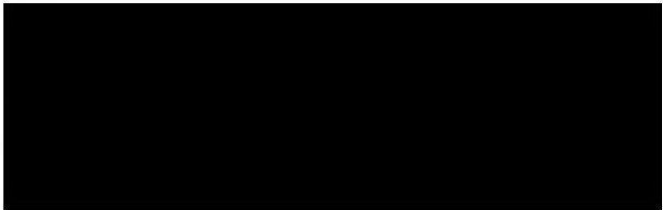
Dear Mr McEllistrum
I act on behalf of the Sinclair Sandwich Thanet Limited and SST Management Limited and have been instructed to review the application documents in respect of the above.

Please find attached our objections, observations and comments on the application for your attention. We appreciate that a lot of time has been spent by the applicant and their architects on the submission and we are grateful for the time they have taken to discuss the project with us. There are however a number of points on which we are seeking clarification and we would be grateful if these could be addressed by either the LPA or the applicant/their advisors.

If you have any queries in respect of the attached I would be happy to discuss them with you further.

Kind regards

Emma Mann



Date: 15 May 2013
Your Ref: 2013/1598/P
Our Ref: EM.8512

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Dear Sirs

**APPLICATION FOR PLANNING PERMISSION
UNIVERSITY OF LONDON GARDEN HALLS REDEVELOPMENT**

Dalton Warner Davis act on behalf of Sinclair Sandwich Thanet Limited and SST Management Limited, the freehold and management companies who represent the residents of Sinclair, Sandwich and Thanet Houses. We have been asked by the directors to review the application documents and highlight areas of concern and where it is considered further information is required in order to properly assess the impact of the re-development on the residents of Sinclair, Sandwich and Thanet Houses.

After reviewing all the documents our primary concerns relate to the bulk, scale and mass of the re-development along the Sandwich Street facade and the findings of the Daylight Report produced by GIA. However there are also further elements which we consider require clarification and these are set out below.

Bulk, Scale and Massing

It is acknowledged that there is a general need for the halls of residence to be upgraded and that more student bedrooms are needed for the collegiate system which makes up London University. However the general upgrade and need must be weighed up against the overall impact the new building will have on the existing and established residential amenity of surrounding occupiers not only by way of its use but in its built form (as per criteria d) and e) and paragraph 5.8 of Policy CS5 (Managing the impact of growth and development) of the Core Strategy and criteria b) of DP26 (Managing impact of development on occupiers and neighbours) which has residents' amenity in mind.

In this instance it is considered that the bulk, scale and mass of the proposed Sandwich Street facade is over dominant and will lead to a loss of outlook and create a sense of enclosure within the habitable rooms of those flats which will face the proposed new town houses to the north-eastern part of the site.

Whilst it is accepted that there is no right to a view residents have a general expectation that a development will not result in a loss of outlook and that the "cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties" (CPG 6 paragraph 7.9). The dominance of a new building on an existing adjoining occupier is made all the more apparent when the existing property is divided into flats where several are located at lower ground floor level.

At present there is a car park opposite parts of Sinclair and Sandwich House and whilst it is not an overly attractive outlook it acts as a buffer by lessening the impact of the halls of residence fronting Cartwright Gardens on those occupiers living in the ground and lower ground floors of Sandwich and Sinclair House. The new development will result in the loss of this buffer zone. Not only will the building fronting Cartwright Gardens be between 3 and 5 storeys higher than the existing building, it is proposed to construct a 5 storey building on the car park at a distance of approximately 16 metres from the façade of Sinclair and Sandwich Houses. This will undoubtedly lead to a detrimental impact on those residents' outlook which is contrary to policies CS5 and DP26 and Supplementary Planning Guidance CPG6.

After assessing the heights of the existing and proposed buildings we should like it noted that the datum information on the existing elevations (A10417 C0 200 P2 or A10417 C0 202 P2) is not comparable with that on the proposed elevations (A10417 D0 200 P2 or A10417 D0 202 P2). This is misleading when assessing proposed storey heights on the Sandwich Street elevation. Both the existing and proposed buildings are 7 storeys in height, however when one compares the existing plans with the datum on the proposed plans it is evident the central section is approximately 2.5 metres higher than the existing building.

It would also be beneficial to have a section through the development from Cartwright Gardens through to Sandwich House to get a better appreciation of how the new development compares in height and proximity to the buildings on Sandwich Street. At present the only section we have had sight of is the one which runs along Hasting Street, so Sandwich and Sinclair Houses are seen in the context of the tower block only. We would be grateful if those assessing this application would request this from the applicant and their architect to enable a proper assessment of the impact on our client's homes.

Loss of privacy and overlooking

We are concerned that the proposed development of the car park, the increased height on the central part of the development and the addition of an accessible green roof at 6th floor level (drawing A10417 D106 P2) will result in loss of privacy and overlooking to the residents of Sinclair and Sandwich Houses.

With regards the central section it is appreciated that it will be constructed on the existing building line which creates a separation distance of less than the prescribed 18 metres (paragraph 7.4 CPG6) however this will be one storey higher in real terms than the existing building and it is unclear whether or not the student bedrooms will face the habitable rooms in the properties opposite. As such we would like confirmation that the windows in the new building will be staggered so as to prevent direct overlooking into the Sandwich Street flats which are a combination of living rooms and bedrooms.

It is also noted that there is an accessible green roof on the central section of the proposed Sandwich Street building. We would like confirmation that this is not to be used as external amenity space for the students residing in the property. Should this be general amenity space it has the potential to lead to overlooking and loss of privacy together with general noise and disturbance which is wholly unacceptable as it has not existed previously and is also contrary to DP26, CP5 and CPG6.

With regards the development of the car park, as this is a new development and no precedent has been set in respect of the building line there is no reason why the proposed town houses cannot be set back the requisite 18 metres and this should be increased above the 3rd floor to reduce the potential for overlooking between habitable rooms. We would request that the applicant and their architects adhere to this guidance and amend the plans accordingly.

As above we would also like confirmation that the windows in the study bedrooms and communal areas are staggered with the habitable rooms in Sandwich and Sinclair house to prevent direct overlooking into private areas. If this has not been done so already it is requested that the plans are amended to reflect the guidance in paragraph 7.5 of the CPG6 and Policy DP26 criteria a) to ensure privacy of all existing residents is protected.

Loss of Daylight and Sunlight

We are currently seeking professional guidance on the submitted Daylight and Sunlight report by GIA and any comments our professional advisor has on the report will be submitted in due course.

We would however like it raised that on no occasion has GIA approached the SST management company or their managing agent to request if floor plans are available in order to make a proper assessment of the impacts on the SST residents. To say the project is of a sensitive nature is no excuse for this lack of request as SST are an acknowledged amenity group and have been party to all the public consultations put on by the University. We have also had a private meeting with the University's representatives to discuss concerns with the project so we have been fully aware of the proposals and been in open discussions with the applicant for some time.

There are a number of residents deeply concerned with the impact the development of the car park site will have on their daylight and sunlight, and to prepare a report based on presumptions which concludes that some of the rooms will have a severe loss of daylight light (30%) but that the block as a whole will only have a limited loss is concerning to them. It is our view the assessment and conclusions should look at the flats as individual properties and not as a whole block. For this reason we strongly object to the bulk, scale and mass of the proposed development and the impact it will have on daylight and sunlight to the flats in Sinclair and Sandwich Houses.

The university and their agents have all available contact details for SST and as such it is requested that GIA contact SST's managing agent for the plans and re-do the assessment with correct information rather than writing a report based on presumptions.

Opening hours of the townhouses fronting Sandwich Street.

Both the planning statement and the UPP student management plan state that the entrances to Sandwich Street will be closed off over night and the entrance to all the accommodation will then be from Cartwright Gardens. However only the draft student management plan confirms the opening times and the Crime Impact Assessment contradicts this and states that discussions regarding the opening times for these entrances is still on going.

We would like confirmation that that the advice contained in the student management plan regarding opening hours is adhered to and that the opening hours are protected by way of a condition in any grant of planning permission.

Noise Report by SRL

We have two concerns over this report. The first is that the noise readings were done at the beginning of October when students will only just have arrived at the property and are more likely to be indoors as the weather conditions in paragraph 3.1 were stated as being cool with a light breeze. As such it is not considered to give a full picture of noise activity. We would request this report is redone asap to get an idea of what the noise is like in the summer months when the weather is better and also in the summer holidays when the halls are open to foreign students or leased out for conferences. This should give a better understanding of year round noise impacts rather than at one point in time.

The second concern relates to the large amount of plant that is proposed in the new development. Much is proposed for the roof of the central section fronting Sandwich Street - there is none at present according to the existing floor plans.

The SRL report states that any plant will run at the relevant db below background noise levels but there is no indication of what plant is required, i.e. whether it is chillers or condenser units. As such we would like confirmation as to exactly what is proposed for this roof as chillers can operate at a significantly higher noise level than condenser units which are fairly quiet.

We would also like to know what manufacturers they are proposing to use as from experience we are aware the noise data manufacturers issue for their plant is not necessarily correct and claims to be quieter

than it is in reality. Should planning permission be granted we would like a condition added which requires the plant to be fully tested prior to occupation and if it is shown to be operating at above background noise levels then it is acoustically treated and tested again before the property is occupied.

We request that the plant is also tested on an annual basis to ensure it continues to meet background noise levels. That way it will be effectively monitored, if it is not dealt with in this way and it does start to operate at above background noise levels it can become a statutory noise nuisance.

Delivery and Servicing and Waste Management Plan by Cundall

Our main concern with this document is the comment in paragraph 4.1 which states that service vehicles will be directed to the site outside busy period and will take place outside local highway network peak hours. These peak periods are referred to elsewhere in the report as being the congestion zone hours, which raises concerns that servicing, but mainly deliveries, will be before 7 am and after 6pm so as not to get caught in the congestion charge.

This will create unnecessary noise disturbance to local residents at a time when they can expect more peace and quiet in their home. We are also concerned that, if deliveries are not allowed on site before a certain time, they will wait on the road outside Sinclair and Sandwich House which will lead to a noise nuisance and potentially an air quality nuisance if they wait with their engines running.

The Director of UPP Duncan Palmer confirmed at the last exhibition that delivery vans would not be allowed to wait on the surrounding streets if they arrived at the site before it was open. We would like confirmation that Sandwich Street, Thanet Street and Hastings Street will be no waiting zones together with confirmation as to how this will be enforced.

Air Quality by Air Quality Consultant

The report refers to construction buffers in section 5 and states the trees in Cartwright Gardens will act as a suitable buffer to the houses on the crescent. However there is no mention of what buffer there will be to Sinclair or Sandwich Houses which are much closer.

We would therefore like confirmation of the mitigation strategy there will be for this side of the development and how they will deal with inconvenience of the excessive dust that will be experienced by residents during the demolition and construction period.

Student Management Plan by UPP.

It is appreciated that this is very much a draft but the report refers to all the support staff being able to support the students and deal with issues that arise. From the structure included in the report many of the 50 onsite staff members will be cleaners, engineers, janitors etc and we would like to know if it is realistic they will be fully trained to deal with students' issues or if they get out of hand, we suspect not.

Those that strike us as being able to deal with students are the residence manager and the 2 security guards. This is simply not sufficient for 1200 students. I appreciate that UPP will be seeking to use mature students to help manage the students on a day to day basis, but there is no guarantee that they will take up bed space in the development so we would like to ascertain what contingency they have if there is a limited take up of student staff members.

We would like to see a better commitment to staffing levels, although it is commended that the University are seeking to properly manage the students unlike the adhoc basis they are dealt with at present. The director of UPP gave reassurances that the anti social behaviour that is currently experienced will not occur to the same levels and it is good to know that the company has a good track record on managing well run halls of residence.

Basement Impact Screening Study by Cundall

The report states there will be no impact on the properties on Sandwich Street due to the type of piling and because the foundations will be shallower than for the rest of the development. We have no reason to refute this as Building Control will ultimately have to sign off on the construction drawings.

It should be noted however that the basement under Sinclair House extends past the building line of the property and goes under the pavement. It is unclear from the report whether Cundall were aware of this when answering question 13 at paragraph 2.2.13 which refers to the impact of the new basement on neighbouring properties. As such we would be grateful if you make Cundall aware of this in case it has a bearing in their calculations. If they need the floor plans for this building we will be happy to supply them.

In conclusion whilst the use, the day to day servicing of the property and the proposed management of the redeveloped halls of residence are generally acceptable subject to the queries raised above being answered satisfactorily, we do object to the built form of the proposal being granted planning permission in its current format on the grounds that the bulk, scale and mass of the Sandwich Street elevation will have a detrimental impact on the residents in Sandwich and Sinclair Houses in terms of loss of outlook, daylight and privacy. As such until these areas are dealt with satisfactorily we request that planning permission be refused.

We would like acknowledgement that our concerns are being addressed and should you wish to discuss any aspect of this letter further please contact Emma Mann at this office.

Yours faithfully

Dalton Warner Davis LLP

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