

Ref: 2016/1345/P

10 Crabtree Place
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Members Briefing Panel

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12 March 2017

Dear Sir / Madam

Re: Planning Application Reference 2016/1345/P
At: 28 Charlotte Street London W1T 2NF

This letter is to comment on the assessment by Ms Kate Henry Planning Solutions Team Camden Borough Council who has granted conditionally the planning permission to the application 28 Charlotte Street London W1T 2NF. Ref 2016/1345/P.

This letter is in two parts.

1. A formal complaint against the process.
2. Reply to the assessment by Ms Henry report to Members Briefing Panel.

1. Formal Complaint against the process.

I wish to inform the panel of the following issues that are of concern to me.

On 5 March 2017 submitted my letter of objections along with objections which included the objections from:

Crabtree Place, Houses 2, 3, 4, 5, 6, 7, 8 and Crabtree flats 1, 2, 3, 4, 9, 10 and Crabtree Freehold Ltd which has the freehold for the entire block including the social housing and the basement offices.

Ms Henry in an email to me stated that she will accept this letter as she is undertaking her report on Monday 6 March 2017.

Ms Henry did not upload my 5 March 2017 objections letter onto the Camden Planning Website where the applicant's documents, reports and objections are listed. I asked Ms Henry on several occasions to upload my letter. Ms Henry didn't upload my letter until I made a formal complaint to Councillor Roger Freeman.

Ms Henry stated to me that she had taken into consideration the letter of 5 March 2017.

After reading the report to Members Briefing Panel by Ms Henry I am of the opinion that this Ms Henry did not take my letter into consideration.

Why is my letter of 5 March 2017 important?

My neighbours and Crabtree Freehold Limited undertook professional advice and retained the services of a chartered town and country planning consultant Martin Lee to investigate and assess the application and report back to Crabtree Freehold Limited. The detailed letter submitted by me is the result of the professional advice and work by Mr Lee including my own analysis of the application. The letter encompasses the entire objections of the residence of Crabtree Place.

Ms Henry has failed to report, assess and discuss the points raised in this letter dated 5 March 2017. That letter is now available for viewing on the council planning website for this application.

There is also in the planning website notes and comments regarding discussions with planning officers and the applicant.

What are these discussions? Notes and comments? If we are in an open process of decision making then these notes, comments and discussions need to be revealed immediately. This includes emails and notes of telephone calls with planning officers and the applicant.

Thirdly and more importantly Ms Henry in a telephone call to me some months back stated that she did not believe that this application will go to the Planning Committee for a vote.

I was shocked at her comment to me.

How Ms Henry can have such a view is extraordinary.

The 'Members Briefing Panel' is not a 'rubber stamp group.'

'Members Briefing Panel' is elected by the voters in Camden to democratically represent them.

How can a senior planning officer believe 'Members Briefing Panel' can approve this application and that the application will not go to the Planning Committee?

2. Reply to the assessment by Ms Henry report to Members Briefing Panel.

Firstly I refer to omissions in Ms Henry report.

1.3 Ms Henry makes no mention of the office basement which is at the foot of this development under Crabtree Place. This office basement has never been mentioned by Ms Henry or the Basement Impact Assessment (BIA) by Campbell Reith.

My letter to Ms Henry on 5 March 2017 quoted from the BIA report that:

'an appropriate services search should be undertaken. The potential influence should be instigated should such infrastructure be identified'

There is a large office block in the basement of Crabtree Place who a large amount of services which are 1 metre from the rear of the proposed development and excavation. None of this is referred to in Ms Henry report or in BIA report. If Ms Henry took my letter into consideration that this point would have been discussed in her final assessment.

Other important points made by BIA REPORT have not been assessed or commented on by Ms Henry in her final report and these were in my letter of 5 March 2017 and include:

i. Foundation Depth:

BIA REPORT: "*foundations will need to be deepened to encounter the Lynch Hill Gravel below*"

This means the current foundation design is flawed as it is not currently shown deep enough and has thus not taken proper account of the ground conditions prevailing. In being deepened to 'encounter' the Lynch gravel this means the foundations will actually meet the groundwater levels which unsurprisingly lie within that gravel bed.

ii. Groundwater Levels:

BIA REPORT: "*groundwater data indicates the groundwater level to be at least 1.0m below the basement slab*"

No account has been taken of the impact the extended foundations required will have upon ground water contained within the Lynch Hill Gravel. No details have been given by the applicant regarding the water table with respect to the excavation for the basement.

iii. Pedestrian Right of Way:

BIA REPORT: *"a pedestrian right of way is located near the rear of the property, although this has been identified and proposed actions are considered adequate"*

No details have been given by the applicant regarding the right of way/public highway located within the proposed development. What are the proposed actions? They are not specified in the BIA nor does the BIA contain a reference as to where these actions are listed. Where precisely is the pedestrian right of way referred to as, again, no detailed reference has been provided on where this is located?

iv. Conditions Surveys of Neighbouring Properties:

BIA REPORT: *"it is agreed that condition surveys of the neighbouring properties should be commissioned and a programme of monitoring the adjoining structures should be established before the work starts. The movement monitoring strategy should be continued during excavation and construction"*

No one has asked anyone in our Crabtree Development for views regarding this proposal and no one has seen a neighbouring properties report. No conditions surveys have been undertaken and no residents have been approached in order that such might be undertaken. No proposed monitoring programme has been presented as part of the current application.

v. Basement Impact Assessment:

BIA REPORT *"it should be noted that the Local Authority may require submission of a 'basement impact assessment' in connection with the proposed development, and that this report, in itself, will be insufficient for satisfying this requirement. This report does not consider the stability of existing foundations during the excavation and underpinning works"*

There is no sign of any BIA having been completed by the applicant. Has the required BIA been completed by the applicant? Has it been updated on each occasion the drawn proposals have been revised?

vi. Underground Services Search:

BIA REPORT *"an appropriate services search should be undertaken. The potential influence should be investigated should such infrastructure be identified"*

There is a large office block in the basement of Crabtree Place with a large amount of services which abut onto the back of the proposed excavation which is not referred to and thus raising the question as to whether its presence has been considered.

vii. Man-Made Cavities

BIA REPORT *"There are no known man-made cavities (e.g. tunnels) in the vicinity of the proposed basement"*

This statement reinforces the most astounding conclusion, that the Local Authority's own consultants and the applicant and his agents have failed to undertake the most basic of checks to determine that a very large, commercial, office basement already exists and abuts the proposed basement for the new development and that accordingly the proposed development's potential impact upon same has not been taken into account at all. No details have been given by the applicant regarding the excavation which would abut the large basement and subbasement complex next door to the proposed development.

x. Unsubstantiated Conclusions:

BIA REPORT *"this has been borne out in the vast majority of past projects on similar properties. The design and construction methodology, as described above, deals with the potential risks and ensures that the excavation and construction of the proposed basement will not affect the structural integrity of the property and adjoining property"*

How does this project compare to what other projects? There has been no similar project in the area and so what is the comparator? What is the report referring to? What similar

projects? This is a worryingly vague and generalized statement which provides no reassurance as it concludes a report which not only insists that further information is required in order to make a property assessment but also fails to identify either the presence or proximity of the very large, commercial office basement abutting the development.

Conclusion: The BIA by Campbell Reith highlighted the above points I to X. Ms Henry in her report states that the impact of the basement excavation is considered and identified potential impacts of the proposed development and describes sufficient mitigation. This is not the case. The BIA report highlights the above points I to X as of concern.

In the report by Ms Henry I would like to comment on the following paragraphs:

9 letters of support for the applicant.

None of these supporters of the applicant live at the rear of the proposed application.

None of these supporters are nearby neighbours of the applicant. How these supporters can be considered in this report is beyond belief?

Ms Henry has stated that the comments from the supporters are that there will be NO IMPACT ON NEIGHBOURS?

How do the supporters know what the impact to the neighbours is?

The supporters are:

1st Floor 68 Charlotte St.
20 Maple Street.
Flat 18, 19 – 23 Fitzroy St
31 Britton St
78 Albert St
40 Charlotte St
91 Charlotte St
25a Gosfield St
116 Middleton rd.

None of these supporters live near 28 Charlotte St, They are not immediate neighbours and they have no knowledge of what the impacts on neighbours are. The impact is immediate to the rear of the application to Crabtree Place Neighbours first and foremost.

I reject this naïve opinion in the report.

With respect to the views of the applicant onto the Crabtree Playing fields Ms Henry states that there is a small degree overlooking the wider park from surrounding properties and some natural surveillance is welcomed.

What is the small degree overlooking the wider park?

There is not a small degree overlooking the park.

The park is an enclosed park. There is no other window that is a party wall and 1.5 metres from the playground that overlooks the playground directly.

This comment by Ms Henry is not true.

If my letter had been read by Ms Henry she would assess that as a neighbouring property the impact of this development is totally unacceptable.

The perforated Bricks revised plan concept is 'splitting hairs'. There are still openings viewing the Crabtree Fields Playground. Many objections have been raised including one from Councillor Madlani.

There is no difference in perforated brick openings viewing the playground or a window in the brickwork. An opening is an opening and it does not matter what that opening is dressed up or what design features exist. The point here is that the perforated bricks still provide a view of the playground.

It is the opinion of Ms Henry alone that windows using the Crabtree Fields Playing Field as a party wall and viewing the playing area as close as 1.5metres is acceptable and welcome surveillance. There is no research or background details to the conclusion and thinking reached by Ms Henry in her conclusions I regard to this point.

Demolishing walls of Studio.

No mention has been made that all the walls of the studio will be demolished to build the rear flats area. No mention at all.

Construction Vehicles.

Crabtree Place Pavement: Nothing has been submitted to address the lack of structural capacity within the roof of the adjoining basement office to cope with the additional loading of construction traffic, machinery and equipment.

The report by Ms Henry states points 7.1 to 7.5 the report then details 7.1 to 7.2 this seems to be an error an 7.1 and 7.2 should read 7.6 and 7.7.

I disagree with this part of the report that deals with the bulk at the rear of the development and the characteristic of the area. It is noted in the report that it is architecturally deferential and this according the report is acceptable. However many objections have been put forward how this development at the rear is large, bulky, development is uncharacteristic of the neighbourhood. There is no other comparable development in existence at the rear of any other property in the entire block of terraced houses. This development will create a precedent which will destroy the character of the Fitzrovia area and enable many others to proceed in a similarly aggressive, over-scaled and ill-conceived manner as this applicant has.

The applicant has created a look and a design, and photographs and stated the proposed use of similar brick style and colour claiming this is sufficient to demonstrate a matching character to the neighbourhood. This is a fundamentally flawed approach. The issue with this proposed development is not about the look of the brick of the oversized extension or the roof top dormers to which no-one has any objection. The issue is the overly bulky, brutalist design of the rear extension which is wholly uncharacteristic of the area and the

key design cues of the rear of all the other terraced houses in Charlotte Street. The applicant has shown nothing in its revised plans that address the large bulk design at the rear.

8.0 Impact on neighbouring residential properties.

In 8.2 the report states that the likely properties to be affected by the proposal are Charlotte St (no's 26 and 30). This comment is ill conceived. How about No 9 and No 10 Crabtree Place which are 1.5 metres from the development and share party wall with the proposed development? This Ms Henry forgets these neighbours? In fact there are other neighbours in Crabtree Place which this development will have an impact on and these include:

Crabtree Place, Houses 2, 3, 4, 5, 6, 7, 8 and Crabtree flats 1, 2, 3, 4, 9, 10 and Crabtree Freehold Ltd which has the freehold for the entire block including the social housing and the basement offices.

No mention in the report about these neighbours.

8.2 Ms Henry states:

All other nearby and neighbouring properties are considered to be sufficiently removed from the application site so as not to be unduly affected by the proposed works.

This assessment is incorrect and I have stated the reasons above.

8.7. The report states that the new height of another 2.3 metres taller than the existing side wall will make no impact as there is already a wall that the residence of Crabtree Place overlooks. This is a poor assessment of the situation. It is correct that No 9 and No 10 Crabtree Place overlook a wall but why should this be a reason to extend the wall further? The issue here is the build-up, the bulk and the loss of lighting to No 9 and No 10 Crabtree Place which are 1.5 metres from the development.

8.11 I disagree with the daylight and sunlight assessment and seek another opinion? No 9 and No 10 Crabtree Place will have significant reduction in lighting as a result of this development.

Disabled Resident 80 years of age.

The large and extensive proposed basement will be 1.5 metres from the bedroom of my property at No 10 Crabtree place. This bedroom will be used by my 80-year old disabled mother when she returns home following a stroke in February 2017. I am the legal carer of my mother and this development will have an impact on her wellbeing and recovery. The report has made no mention of this point.

Conclusion

I would like an investigation into the comments made by Ms Henry in relation to the fact that this application will not go to the Planning Committee.

How does she know that?

My letter of objection on 5 March 2017 has not been considered by Ms Henry.

Her final report to 'Members Briefing Panel' does not mention the points I raised in my letter.

Moreover this application has had significant objections from neighbours, groups and others including Camden Councillor Madlani.

I hope the Members Briefing Panel use uncommon sense to refer this application to the Planning Committee for a vote and representations by objectors at a hearing.

This would be the correct course of action that I recommend.

Yours Sincerely

Signatory: **Edward Aydin**

Occupant of: 10 Crabtree Place

Supporting Signatory: **Dan Fitz**, for and on behalf of Crabtree Freehold Ltd.

Occupant of: 4 Crabtree Place