

**Hazelton, Laura**

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**Subject:** FW: Planning Application number: 2016/6356/P

**From:** Marcus O'Higgins [REDACTED]  
**Sent:** 13 April 2017 00:19  
**To:** Simpson, Jonathan (Councillor); Hayward, Sarah (Councillor); Hai, Abdul (Councillor)  
**Subject:** Planning Application number: 2016/6356/P

To Whom It May Concern:

I am very much in opposition to:

***Planning Application number: 2016/6356/P.***

I live on the ground floor of Derby Lodge, Britannia Street, and this application for a 4 - storey building will directly affect my quality of life for the worse.

This is the second application by the same developer. However, there would appear to be little or no difference between both applications apart from the height of the building's roof.

In addition to all that I have previously written in my first response to the original plan presented by Balcap RE Ltd about the negative effects of this invasive building construction plan (posted approx. 04.12.2017. Please see full transcript following these updated observations), I have some more observations relating to this new application.

#### **1. No more views of blue skies or clouds of grey.**

Every morning, as I sip my wake-up mug of lemon tea, I look out of my kitchen window at the sky – today it is bright powder blue – and meditate on the needs of the day before me. If planning permission for the current design of this commercial business complex is granted, this is a morning ritual I will never be able to enjoy again.

Because even though the project's architect has lowered the roof's design by 1.4.meters, this extended roof design will still all but obliterate the already partial view of the sky I have from my kitchen window. The shadow it would cast would also reduce the amount of ambient light available to me and my neighbours. Even on such a sunny summer's day as today (09.04.2017), I still need to use a desk lamp to illuminate my work. If this current application goes ahead, I will have to increase usage of electric light thereby increasing my electricity bill. I would, therefore, suggest that any future applications made by this commercial property developer, or others, should be modified to maintain the current height and profile of the existing building, with the added benefit of maintaining the historical integrity of the listed buildings that surround it.

It would also appear that the new Daylight and Sunlight report used for this application is wildly inaccurate, biased and misleading, and I would ask that a new up-to-date Daylight and Sunlight report be commissioned and carried out by an independent consultant selected by the local community.

And it is questionable for the developer to suggest that there is 'no discernible loss'. This misinformation needs to be removed from the planning application altogether as it even goes against Balcap's own findings.

They should also drop all reference to 'the Consented Scheme' from current and future applications as it is outdated and irrelevant to current planning law. Although I have been a resident since before 2008 when it was first commissioned (and since lapsed), I was unaware of this and therefore unable to object. Were the Consented Scheme to be resubmitted in the future, I would examine the facts presented very carefully and exercise my right to object, if necessary.

## **2. Noise Pollution.**

My bedroom window, which is on the opposite side away from the proposed new development, is overlooked by a first-floor balcony/veranda accessed by workers of the Westgreen building (We're Here To Help Musicians) 7-11 Britannia Street WC1X 9JS for cigarette breaks. Because of the unique echo-chamber layout of the backyard area and the buildings that surround it, whenever they use this veranda, their clearly audible speaking voices are greatly amplified and have woken me up.

If the green light is given to the current application number: 2016/6356/P, this will only add noise pollution from those workers within the building using the substantial roof terrace as a cigarette smoking area, client/staff rest area, parties/gallery exhibition openings, etc. Hot summers will necessitate workers having to open several windows for ventilation further adding to noise pollution.

Added to this would be the constant noise of the proposed air-conditioning and heating units, and extractor fans from waste storage, expelling foul smelling waste gas into the courtyard necessitating residents having to close their flat windows to escape the ensuing smell and pollution, none of which has been addressed in this application.

There is a real fear among residents that this commercial office complex could potentially be open for round-the-clock business and/or be maintained by cleaners 24hrs a day, 7 days a week, causing great concern and forever sleepless nights for residents who, heretofore, have lived and slept in relative peace.

Therefore the removal of this terrace and door access from the current design would reduce this infringement on the resident's rights to continue the quiet enjoyment of their homes. Restricting business hours of operation to normal working hours (9-5) and removing the proposed basement gallery from the plans would also enable residents to continue to benefit from the quiet enjoyment of their properties. Also limiting use of air-conditioning units to daytime use would reduce night-time noise pollution and allow residents to continue to enjoy the quiet enjoyment of our homes – there's already too much noise pollution as it is.

Apropos of the noise pollution caused by months and months of excavation and building work, etc., the comments made in my first letter of objection still stand and can be found further below (please see **Echo Chamber – noise and disturbance**).

## **Light pollution.**

Outside my bedroom window is an outdoor light (fixed to one of the walls of the resident association's meeting room) which has oft times been left on overnight for many weeks at a stretch. Unable to sleep with the light on, I had to buy a blackout blind. But the adjacent bathroom would still be bathed in light throughout the night.

There is also light pollution coming from the Westgreen building (We're Here To Help Musicians) 7-11 Britannia Street WC1X 9JS whenever they leave their office lighting on overnight. So I have a good idea of what would be to come should this current building design be approved.

As I occasionally have guests to visit and/or stay over on my sofa-bed, I would have to buy blackout blinds for both my kitchen and living room which face the proposed building complex if my guests and I wanted to escape the light pollution emanating potentially 24 hrs a day, 7 days a week. I would also be unable to open any windows to ventilate my flat in hot/warm weather because of the office noise pollution due to considerable night time use as outlined in the travel report. This lack of fresh air would not be healthy for me.

Removing the rooftop skylight and the large numbers of windows overlooking the residential shared courtyard would remove such infringement of our right to live peacefully.

#### **Wrong building – wrong location.**

It is now nearly midnight (10<sup>th</sup> April 2017), and as I look out of my living room window into the empty space of the communal courtyard, and the sky beyond, it is relatively peaceful apart from the constant hum of King's Cross traffic, and numerous air-conditioning units, and the shuddering vibrations of the underground trains that pass below, occasionally vigorously rattling windows and doors. It is dark-ish. Five windows from the flats opposite (Wicklow Street) softly illuminate the brick walls. I can see the pale grey sky. I can gaze into the middle-distance – sleepily thinking and unwinding - safe in the knowledge that I cannot be seen. This is comforting.

Now, five minutes later, I am 'imagining' how all this would look drowned in the stark office lighting projected out from the newly added rooftop skylights and enlarged windows of the proposed office building complex. As this harsh light hits my face and illuminates my flat interior, I feel exposed and vulnerable, and I wonder if anyone (the cleaner or late-night office workers?) might be watching me from the terrace and disturbing the quiet enjoyment and 'sanctuary' of my home. This feels invasive.

I am not against the development of this site per se, but I strongly feel that this commercial office block proposal is the wrong building for this location and would create an unnecessary degree of light & noise pollution, and 'overlooking' into nearby residential units. Our privacy is in no way being protected by this proposal. Quite the contrary. It feels uncomfortable to know that the potentially high turnover of complete strangers visiting this proposed office building will have an unrestricted view of residents and their children, and guests.

A residential development restricted to the current building's layout offering the recommended affordable housing quota would be of greater benefit to a family residential area such as Derby Lodge – a listed building of historic importance (please also see: **Window Tax – Daylight Robbery** paragraph further below).

#### **Detrimental Change of Character of Conservation Area.**

As I have written further below in my first letter of objection to *Planning Application number: 2016/6356/P*, Derby Lodge is a listed building and residents are forbidden to make adjustments to the building, i.e., install double glazed windows or even a lift, etc., to preserve the architectural integrity and historic quality of the immediate area.

The new building design is very modern and as such would contrast greatly with the period architecture of Derby Lodge (Britannia & Wicklow Streets) and the surrounding buildings, many of which are also listed.

The Camden Council's King's Cross / St. Pancras Conservation Area Audit notes that:

"New development should be seen as an opportunity to preserve or enhance the character or appearance of the Conservation Area. New development should respect the built form and historic context of the area, local views, existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings. Proposals should be guided by the UDP in terms of appropriate uses."

The current development proposed is clearly not in keeping with listed buildings within the area including, but not limited to, DL flats 1-48 and DL flats 49-144.

Any current or future planning applications should take this into consideration when designing buildings so as to blend in with the period architectural style of the area.

**My original letter of objection of 04.12.2017.**

I am very much in opposition to:

***Planning Application number: 2016/6356/P.***

I live on the ground floor of Derby Lodge, Britannia Street, and this application for a 4 - storey building will directly affect my quality of life for the worse.

**Window Tax – Daylight Robbery:**

Ambient daylight, principally for residents living on the lower floors of Derby Lodge, has always been limited in this sheltered courtyard environment, particularly during the Winter/Autumn months and when the sky is overcast throughout the rest of the year. It will diminish even further if such a project is approved. In fact, whatever time of year it is, it is always necessary to have a light on in my ground-floor kitchen during the day – thanks to the changeable English weather. This in turn has an effect on my electricity bill which would increase should this planning application be approved.

Derby Lodge is an English Heritage Listed Building, and therefore residents and Camden Council are forbidden to modernise and install noise-cancelling-heat-retaining double glazed windows, or elevators in order to preserve the architectural integrity of this historically significant building which was built as a direct consequence of the repeal of the Window Tax in 1851 – commonly referred to by many at the time as 'a tax on health' and 'a tax on light and air' - to legally clear the way for The Crystal Palace to be built for the Great Exhibition of 1851, at which the prototype for this building was first unveiled as a template for modern, improved housing 'with windows' for the poor working classes, etc., etc.

No such rule will apply to this new proposed development, which will most decidedly blemish the historic integrity of the surrounding area and will, ironically, bring new meaning to the term 'Daylight robbery', allegedly first coined during the days of the Window Tax. But this time, it won't be necessary to brick-up any windows as was done in the 1800's to avoid paying the Window Tax. The proposed 4 - storey building will do the job instead.

Another irony is that the building's architect has, as told to me by him personally, extended the height of the overbearing roof of the building's design upwards in order to maximize the ambient light entering the upper floors for the benefit of all those who will work within this commercial

building and, in so (thoughtlessly) doing, will further limit ambient light for its residential neighbours in Derby Lodge.

### **Residential area.**

People forget that King's Cross is a residential area, and Derby Lodge is a residential estate with approximately 100 flats (belonging to Camden Council, Circle 33 Housing association, and one other Housing Association) with in excess of 200 inhabitants and their children. Added to this there are, at a guesstimate, another 30-40 flats above the nearby shops on King's Cross Road, and also the residents of Numbers 1, 3, and 5 Britannia Street. All these properties and their residents will be adversely affected by the proposed **Planning Application Number: 2016/6356/P**

The proposed application is for a commercial office complex which we have been led to believe will be hired out for short-term lets & rentals (by the hour/week, potentially **24 hours a day**). This will result in a heavy turnaround of office workers and their clients using the building day and night.

These strangers will have access to the proposed building's roof terrace/garden which directly overlooks my flat giving them an unrestricted view of my kitchen interior which would result in my having to continuously use curtains or blinds to preserve my privacy, further reducing precious ambient daylight. However, this would not apply to users of the proposed building who will be shielded from our collective gaze by a trellis-like structure.

I spend up to 14 hours per day in my kitchen working and this invasion of privacy and subsequent loss of ambient daylight would be a big problem for me. This would equally apply to my living room - adjacent to my kitchen - where I spend whatever free time I have. I am prone to walk around my flat in the altogether or wearing shorts at any time of the day. Such personal freedom, and other more private activities would have to cease!

I also love to watch the sky at night from my kitchen and living room windows. This would be virtually impossible as the building's monolithic design structure would all but obliterate my view of it.

### **Echo Chamber – noise and disturbance.**

The Derby Lodge communal courtyard is, in essence, **one big echo** chamber.

Sound emanating from, in and around this area is greatly amplified because of the architectural design and recessed layout of the historic 3-5 storey buildings that completely surround and engulf it. As a result, all building work including building demolition, and excavation digging & drilling will cause great anguish for all residents within range of the epicentre of 18-plus months of busy building construction [The Shard, a significantly larger building, took only 36 months to complete by comparison. Added 11.04.2017], and also a lifetime of itinerant office workers and associated activity; potential road closures to deliver building supplies, and so on.

Whatever noise levels have been officially deemed acceptable for this site must now be re-evaluated because of this unique acoustic anomaly.

### **Building Works:**

Over the years, Derby Lodge residents have had to endure two very long, intensive and noisy building maintenance works which were very stressful for all concerned from the day the scaffolding was installed until completion many, many overdue months later. To have to endure yet another intense protracted building project so close by, followed by the ensuing noise pollution created by the commercial operation of the completed business centre; loud music - should a music and/or performance licence be granted for the 'flexible' gallery space; air conditioning units; the daily (and nightly) goings-on of staff and occupants and their varied modes of transport resulting in an increased demand for a dearth of suitable parking spaces; discarded cigarette butts and other litter from the roof top smoking area, etc., is wholly unacceptable.

We have also had to endure countless roadworks; 5 x 2-3 week road closures, traffic redirections, and reduced parking to accommodate the installation of Richard Serra's monolithic sculptures at The Gagosian Galley on Britannia Street; months of repair of gas pipes by the National Grid, and so on and so forth. The list just goes on, and on.

### **1-3 Britannia Street London WC1X 9BN**

Ever since I can remember, this site has been used as a low-key second-hand office furniture shop, also selling mirrors, and providing a picture framing & glass cutting service. The maximum number of employees on the site has usually been 3-5, and life has been relatively peaceful. However, the current tenant seems to be the only local who actively supports such an inappropriate volte-face in the change of use and design of this site. And with an almost evangelical zeal. Perhaps this is due to him having been given one year's free rent in lieu of him wholeheartedly backing the project.

A community or residential property with a more considerate and less intrusive design & building construction program, and not the frenetic hustle and bustle of a 24-hour commercial office complex, would be far more in keeping with the residential character of the area and better suit this particular site.

There are already far too many offices/hotels/hostels/student digs, with the increased footfall they produce, in the immediate area, and developers and the Council should respect the fact that Britannia & Wicklow Streets are a residential area with young families to take into account.

A fairer balance between the needs of commerce and the local resident's quality of life and privacy needs to be sought, and this proposal is not the answer.

Yours sincerely,

Marcus O'Higgins.  
Derby Lodge, Britannia Street.