

Objection from Residents of 3 Britannia Street to the proposed development of Rear Of 1-3, Britannia Street, London, WC1X 9BN (ref: 2016/6356/P0)

In this comment of the proposed development of Rear Of 1-3, Britannia Street, London, WC1X 9BN (ref: 2016/6356/P0) I have outlined 8 key objections and issues with the proposed development, which will have a considerable detrimental effect and harm on the amenities of current residents. I have also suggested mitigating actions the developer can undertake to remove or lessen the detrimental effect the proposed development will have upon our property 3 Britannia Street, which is currently occupied by my five month pregnant wife Elizabeth Baccanello and myself Frederick Baccanello.

It should also be note that the revised plans show that the developer has failed in any meaningful way to listen to our (my wife and I) or any residents concerns raised over first set of proposals, with many changes actually making the situation worse, especially with respect to privacy and light pollution. Furthermore it should be noted that the developer has failed to engage with and respond to residents, including invites to visit their properties, meet with residents and correct inaccurate supporting documents, including lighting report.

The key issues are:

- Loss of Light and Inaccuracies of Daylight and Sunlight Report,
- Loss of Privacy,
- Waste Management Strategy will directly affect 3 Britannia street and create unsafe and unhealthy environment,
- Increased Noise and Evening usage from Development,
- Noise Pollution,
- Light Pollution,
- Detrimental Change of Character of Conservation Area
- Lack of Affordable housing within Development

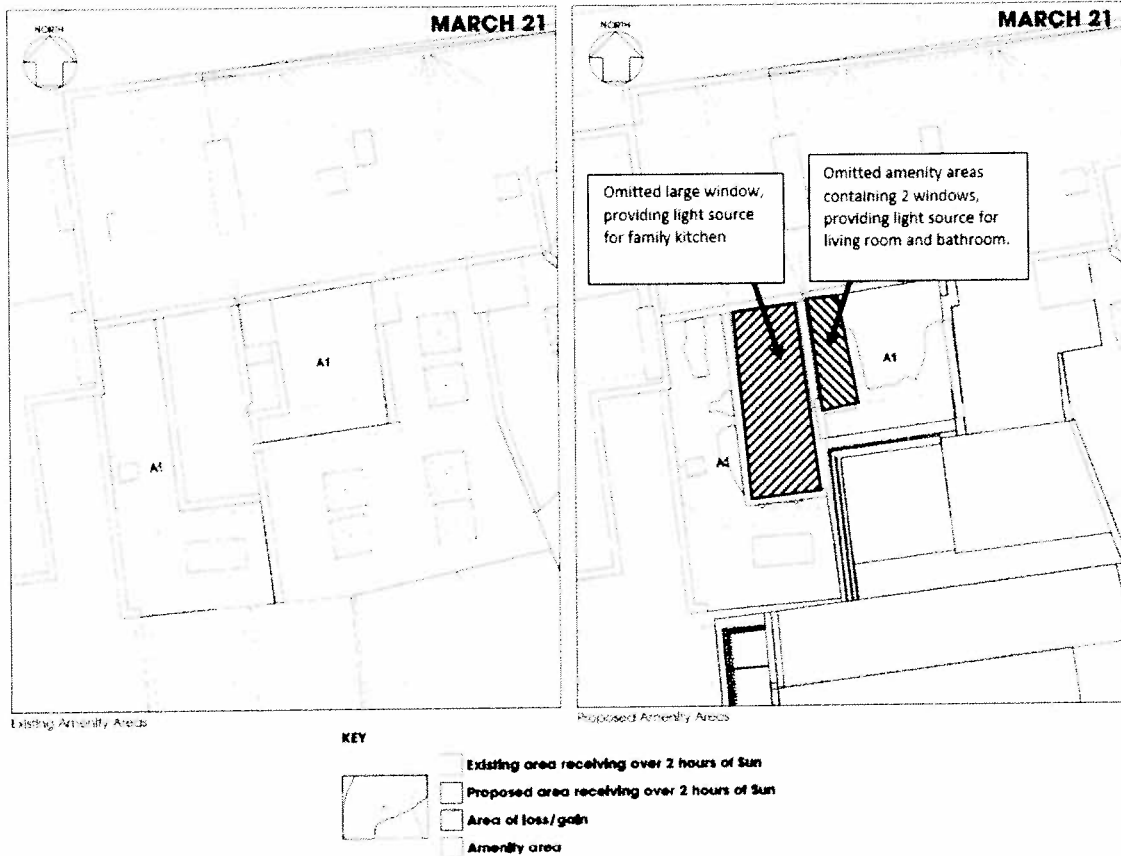
1) Loss of Light and Continued Inaccuracies of Daylight and Sunlight Report:

- The two main complaints regarding daylight are the inaccuracies within the Daylight and Sunlight Report (provided as a supporting document to the planning application) - which omits the existence of around 10 windows (that we can observe) and omits an outdoor amenity area, and assumes that we and our neighbours do not use outdoor areas in spring – and the loss of light to our property.

Inaccuracies within the Daylight and Sunlight Report

- For 3 Britannia Street a ground floor amenity area containing **two windows has been completely left off the Daylight and Sunlight report**, both for windows measurement and amenity areas. This area is clearly visible and it is inexcusable that it has been left off the report.
- The Amenity area is the **only outdoor area for the ground floor flat of 3 Britannia Street**.
- The two windows that are missing from the report are important to us. One is the only source of light for a bathroom and the other, more importantly, one is the only source of light for a living room for flat the below excepted from the Daylight and Sunlight Report has been edited to show the relevant missing areas.

Exhibit 1.1 from (see p43 on Daylight and Sunlight Report)



- These are one of numerous errors within the report. **For instance, very large and very visible window on 5 Britannia (circa 12ft by 6ft) is completely omitted.** The missing items lead me to question the validity of the report as, not only are they easily observable but they are also the areas of the properties (3 & 5 Britannia street) that stand to lose the most amount of light. It seems hard to conceive that a competent light report could accidentally omit these window; leading us to question the validity and bias of the report.
- Below show omitted windows:



Omitted Window of 5 Britannia Street



Omitted Windows of 159-163 Kings Cross Road

- The report **also omits or skylight windows on properties for 159 to 163 (p30 of lighting report)** are also missing, and these windows are likely the only source of daylight for the below rooms.
- For instance, applying the area loss and gain to A1 on the above diagram would mean that substantial daylight hours loss to the omitted amenity area. This would, with high certainty, that the proportion receiving at least 2 hour of sun on 21 March would fall below BRE target of 50%, given it is currently at a marginal rating of only 52%. Similarly, for 5 Britannia Street, given that most of the amenity area will lose light (only 9% with 2 hours of daylight), down from a large majority that the missing window would fall far below BRE requirements.
- The report also suggests that "It is conceivable that most amenity spaces are mainly used during the summer months." There is no basis to back this incorrect assumption. We, my wife and I, use the amenity area throughout the year, but also use it heavily in spring and March. We are at the stage were next year, health permitting, we will be parents; meaning need for outdoor area and sunlight will increase drastically. Likewise we constantly see our neighbour using his outdoor area.
- Additionally, we have planning permission and are starting building work on the amenity area such that it will be more pleasant for our use and more importantly safe for young person. Part of this development includes a skylight to provide additional light to the room below the amenity area. Both the amenity area and the window light would, on the basis of the provided Daylight and Sunlight Report, be adversely affected by the development.
- It should also be noted that when the developers exhibited the development to the local community. Myself and numerous others invited them to our properties (they even took down my name, address and contact details) so they could better judge the full impact of the development upon our lighting. After this meeting we had heard no contact. Had they wished to complete an accurate report with inspection of our properties they could have easily arranged it. This offer still stands.
- It seems hard to conceive that a competent light report could have accidentally missed the very large window and a whole amenity area. **Leading me to suspect either an incompetent, incomplete and therefore invalid light report, or that these areas have been deliberately left out to make the report appear better against BRE requirements (e.g. for at least 50% of areas receiving at least 2 hours of sunlight on March 21) which the development already fails to meet, though would do much worse if missing amenity and windows were included.**

Loss of Light:

- The report shows that we will suffer a significant loss of light, we object to. Above I have highlighted the serve loss of sunlight hours to amenities. We will also see a **46% decrease APSH in winter time** (when light is already rare) daylight hours, below 50%, on a first floor window (noted as W2 on report) which is a kitchen. According to **BRE guidelines a decrease of >40% is considered "substantial impact"**. This impact will greatly decrease the utility and enjoyment of the kitchen.
- It is clear that windows left off the report (as mentioned above) will be affected to an even greater extent, and will likely lose the remaining sunlight they get.

- We also consider the amount of light we lose on our outdoor amenities unfair. The report, which misses out a large area of the amenity, says our March 21st area receiving more 2 hours of sunlight will decline to 52%, barely considered "Adequate" under BRE guidelines. While the extent of the loss, **which is 23% (nearly a quarter), is in excess of the "20%" BRE guidelines state as noticeable**, while **our neighbours will suffer a loss of 39%, to only 9% of their space receiving 2 hours of sunlight** (see p 45 on Daylight and Sunlight report)

| Floor Ref. | Amenity Ref. | Amenity Area | Lit Area Existing | Lit Area Proposed | Pr/Ex | Meets BRE Criteria |
|--------------------|--------------|-----------------------|-----------------------|-------------------|-------|--------------------|
| 5 Britannia Street | | | | | | |
| First | A1 | Area m2 Percentage | 25.92 12.45 48% | 2.42 9% | 0.19 | NO |
| 3 Britannia Street | | | | | | |
| First | A1 | Area m2 Percentage | 14.5 10.91 75% | 7.5 52% | 0.69 | YES |

- The development, due to its excessive height, impinge and harm the use of our only outdoor space through serve curtailing of the sunlight it currently enjoys. This would be detrimental to all residents within the property (and even worse for 5 Britannia Street neighbours), which may soon include a child, and will severely curtail the ability to use and enjoy affected amenities and room.
- In the DAS the developers state that:
 "Collaboration with Malcolm Hollis from the early stages of design ensured that there will be no discernible loss. Furthermore working closely with the neighbouring residents through a series of public consultation have also ensured that there will be no adverse impact with regards to the daylight and sunlight enjoyed by the residents. Refer to Daylight/Sunlight report by Malcolm Hollis"

The above is clearly untrue, not only is there significant loss of light, the Daylight/Sunlight report by Malcolm Hollis illustrates that they fail to meet BRE criteria and there is a discernible loss of light. But there was no official consultant with the community (unless this was the event they termed an exhibition of the plans), but the plans have in no way been altered to reflect the view expressed by the local community during aforementioned "exhibition".

Suggested Mitigations:

- Lowering the height of the proposed structure:** When the developers presented their plans to the community, we were not told it was a consultation, numerous concerns were raised about the height of the proposed structure, however there was no alteration to the height of the building from exhibited plans to submitted plans. At the proposed height of the building it will inevitably and detrimentally restrict day light to existing residents. We suggest that the plans of the development be modified to keep the current height and profile of the existing building.
- New Daylight and Sunlight Report commissioned by Council planner recommended consultant:** The existing Daylight and Sunlight Report is incorrect to the extent of being negligent. We propose that a new report be commissioned, that accounts for all windows and amenity areas. Additionally, the developers have shown themselves unable to select a competent and/or unbiased Daylight and Sunlight consultant, as illustrated by the poor quality and numerous mistakes within the report. We propose that the Daylight and Sunlight consultant be chosen by the community or by the council planners.

2) Loss of Privacy:

- The new building will back onto our property with windows considerably less than the 18 meters required meter from our only outdoor amenity space, which is in constant use, and from windows to our bedroom and kitchen. This is less than the 18m required by BRE and Camden Planning Guidelines.
- As a result our privacy will be affected negatively, preventing us from enjoying reasonable privacy.**
- It should be noted that in the planning statement the developers demur from creating affordable housing because. *"In order to avoid an unreasonable degree of overlooking to nearby residential units the design of any new residential unit on the site would be designed in a manner that would unduly restrict the outlook of that property and would therefore impact on any future occupier, should housing be accommodated at the application site."* The developers themselves consider the building, if used for residential would create and *"unreasonable degree of overlooking to nearby residential units"*. We would

suggest that an office building, which would be in use at all hours of the day would also create an *"unreasonable degree of overlooking to nearby residential units"*.

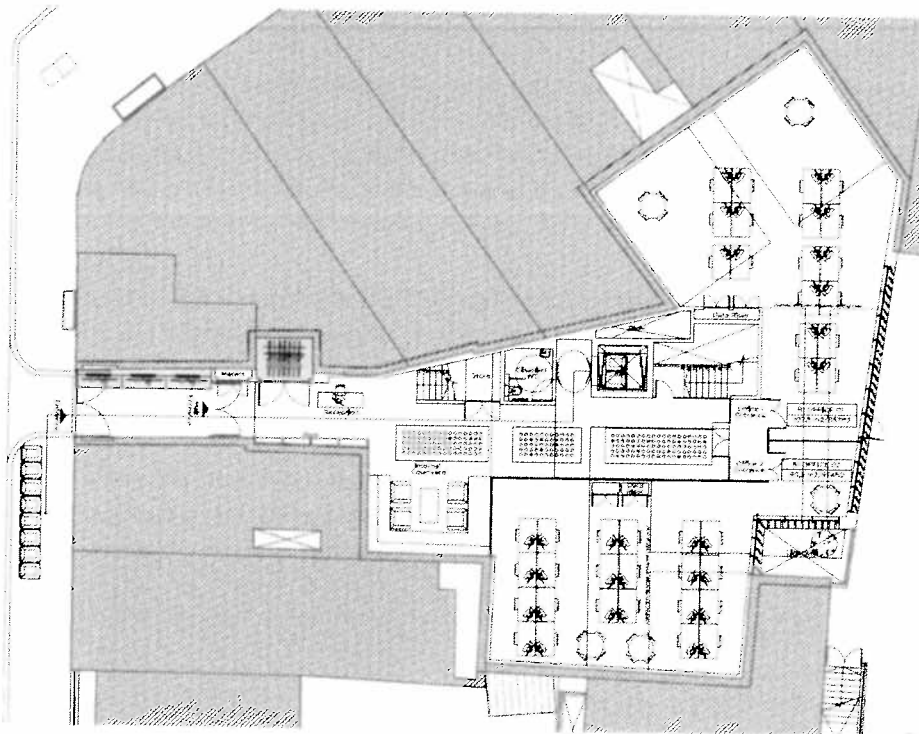
- Policy DP26 still requires measures to be taken to ensure that the privacy of residential occupants is maintained. The current development does not maintain our privacy but instead reduces it. We have no wish for the occupants of our property, especially children, to be subject to the stares of unknown strangers.

Suggested Mitigations:

- **Reduce Building Height:** Were the top floor of the proposed development removed from the plan then there would be a significant reduction in the privacy invasion and "unreasonable degree of overlooking" in adjacent residential properties.
- **Removal of large number of windows and installation of privacy solutions:** There are large number of windows that look directly into properties and are less than the required 18m, these should be removed from plans. Addental, the developers architect should suggest solutions that will prevent privacy breaches, little or not effort appears to have been expended in this area.

3) Waste Management Strategy will directly affect 3 Britannia street and create unsafe and unhealthy environment.

- The below diagram shows that for waste disposal 8 x 240 litre bins will be placed in front of 3 and 5 Britannia Street.



- While the DAS suggests that these will be placed on the street on the day of waste disposal and removed thereafter, they provide no plans or measure on how this is to be accomplished suggesting lack of research and knowledge of the surrounding area.
- Rubbish on Britannia Street is collected 3 times a week on Monday, Wednesdays and Fridays. It is typically collected early in the morning normally before office hours. This means the new development would have to leave 8 bins in front of our property of 3 Britannia Street from the close of business (17.00) until opening of business (9.00am) the next day.
- This means that rubbish will be amassed in front of our property for at least 16 hours three times a week, creating a potentially unsafe environment for residents, especially for children.
- Furthermore, the current Britannia Street residents are unable to use waste disposal bins, due to high crime levels, as all previous bins have been stolen. Currently waste is left for collection in bags, and, due to high local crime rate, they are often ripped open through by homeless people or miscreants, creating a further unsafe environment. Additional waste from 8 bins in front of our property will on increase this issue main fold.
- Having 8 bins outside our property also prevents us from enjoying the view from our ground floor window and would create unpleasant and unhealthy odours which would be servery detrimental to the enjoyment and health of our property, and be dangerous for our children.

- The fact that the developer chooses to place their waste in front of our property instead of theirs, shows that their lack of concern for the effect the development will have on local properties, putting their own concern to the fore, to such an extent that they are happy to put their waste in front of a house with children rather than their own property.

Suggested Mitigations:

- **Secure off street storage for collection with private collection:** The reasonable solution is for the development to plan to store waste from collection within their property, as opposed to on the street, and either have private waste collection recover it from there.

4) Increased Noise and Evening usage from Development:

- The existing light industrial concern within the development property was in regular daily use until the recent purchase of the property by the developers. However, this use ended at 5.00pm or earlier and had very light traffic and footfall with little or no discernible noise effect on us as directly adjacent neighbours.
- The new proposed development, with a proposed 55 office desks, will lead to considerably increased noise levels outside regular business hours; the hours in which we use our home.
- Office hour in London are no longer restricted to 9-5, this means that they will be constant entry and egress from the property. The opening and closing of entrance door, as given high crime rate they cannot be left open at night, will create additional noise: door banging and security cards beeping. Given a significant amount of this noise will be created in evenings and early mornings this will prevent us from the quiet enjoyment of our property.
- The proposal to use the basement and/or other areas as a gallery and exhibition space further exacerbates the problem. Galleries predominately hold exhibitions outside office hours and often in evenings or night. This will create extra traffic outside in the evenings and mean that people will congregate outside the building entrance (e.g. smokers) which is directly next to our front door and window. This will drastically increase noise and result in further loss of privacy and quiet enjoyment of our property.

Suggested Mitigations:

- **Lower Building Size:** The current proposal suggests and 55 full time workers, this will create unduly high levels of traffic. We suggest to mitigate the noise effects that such a large increase in local population that the size of people within the development be limited.
- **Restrict building use to reasonable 08.00-18.00 office hours, only:** Use of the building should be mandated to be restricted to reasonable office hours, such as 8.00-18.00.
- **Do not use basement, or other areas of the building, for uses that require and/or encourage night or evening time activity:** Social, leisure and night-time focused uses of the building be prohibited as a use in order to prevent undue disturbance to local residents, especially those adjacent to the property in 1 & 3 Britannia Street.

5) Noise Pollution

- The courtyard area within the developed is proposed is surrounded by residential building. This creates the effect of an echo chamber which magnifies noise.
- The development with an outdoor terrace, air conditioning and heating, and extractor fans from waste storage (which will pipe foul smelling waste gas into the courtyard) will all create on considerable and often constant noise, this is an issue the tenants of Derby lodge of previously raise with council.
- The development, in its current form, will further create increases to this noise which will likely render quiet enjoyment of outdoor space, such as our roof terrace impossible (e.g. without the background noise of constant air-conditioning fans and exhaust fumes), while also meaning it may become unpleasant for us to open our rear facing windows or use those rooms that back onto the development.
- The revised plans do little to address our concerns. In fact the inclusion of a large terrace with three doors opening on to it will further increase noise pollution, as office workers with little appreciation for the quiet residents are entitled to will be able to use the terrace through the day and evening.

Suggested Mitigations:

- **Removal of terrace and openable windows and doors (to courtyard) from plans:** The removal terrace and its access points would serve to reduce the issue of noise pollution considerably. In the terrace (and its access) current form the quiet use and enjoyment neighbouring properties would be impossible.
- **Restrict building use to reasonable 08.00-18.00 office hours, only:** The acoustic suggests that air conditioning units only be used during office hours, however the modern office hours often range far into

the night and people often work within weekends. Office workers cannot go without heating/air conditioning thus we propose that building use is limited to 8.00-18.00 in order that residents may have quiet enjoyment of their property.

6) Light Pollution:

- The building will be in use beyond normal working hours, including the necessity of cleaners cleaning offices. This means that strong office lighting will leak out of proposed windows into the shared courtyard through windows.
- In our, 3 Britannia Street, specific case light pollution will leak into an upstairs bedrooms, not a desirable effect for a room people sleep in.
- The **revised plan has not taken concerns of residents into account and will actually make light pollution worse**. As the addition of massive central skylights and the removal of louvres mean light will flow uninhibited into the shared area.

Suggested Mitigations:

- **Removal of rooftop skylights:** This would serve to cut light pollution significantly.
- **Removal of large numbers of windows:** This would serve to cut light pollution significantly.
- **Removal of Gallery in basement that will decrease night-time use of the building.**

7) Detrimental Change of Character of Conservation Area:

- Our property, 3 Britannia Street, is a grade 2 listed building. The majority of the buildings surrounding the property are also listed buildings.
- The design of the new development is highly modern and, thus, would destroy the unique characteristics of the area. Two aspects of the building are significantly detrimental to the character and stand out against the existing buildings: the 3 large glass doors leading to the terrace and the hyper modern aspect of the windows especially stand out against the current environment; for instance current residents must, when installing new windows, keep the same design aesthetics. Aesthetics the proposed development makes no concessions to.
- 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.

Suggested Mitigations:

- **Redesign of building to match current area, including terrace doors and ensuring windows are of similar design to existing area.**

8) Lack of Affordable housing in development:

- The area has a high proportion of affordable housing and the developers are neglecting their obligation to create affordable housing that would benefit the community.
- The Planning statement says that "the proposed development results in an increase in commercial floorspace of 371.7sqm GEA (310.3 sqm, GIA) providing a total GEA of 973.6 (878.6sqm GIA). As such, the proposal triggers the requirement of 50% of this additional floorspace to be provided as residential floorspace which results in 185.85 sqm GEA."
- The primary rationales provided by the developer for not fulfilling their obligation to create affordable housing is that they cannot create a split entrance, a highly questionable assertion given the width of the entrance, and that there would be "unreasonable degree of overlooking". However, later in report they contradictorily argue the building, as an office, would not create an infringement on current resident privacy (unreasonable overlooking), suggesting that either the office build would mean a significant loss of privacy to existing residents or that the privacy reason for refusing affordable housing is spurious.

Suggested Mitigations:

- **Build required affordable housing.**

