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PROJECTS TOWN PLANNERS

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Camden Planning Department
Letter lodged by email to:
planning@camden.gov.uk and
rachel.english@camden.gov.uk

31st May 2017

Dear Sirs,

RE: 2017/1759/P FOR 133-136 HIGH HOLBORN & ADJACENT PROPERTIES: LETTER OF OBJECTION

We act for a number of residents of Lytton Court, 14 Barter Street, which lies immediately adjacent to the site concerning planning application **2017/1759/P**. This application includes changes to the use of the car park behind 133-136 High Holborn, London WC1 and alongside Lytton Court (a residential block), as is described below. To clarify, this letter is written on behalf of: Flat 1: Brian Oliver and Dominic Lam; Flat 2: Chris Newton (ground floor with living room window opening directly onto Monarch Yard); Flat 4: Stephen Reynolds; Flat 5: Eileen Cobb; Flat 6: Nicholas Barber; Flat 7: Peter Cooke; Flat 8: John Tattersall; Flat 9: Neil Bradman; and Flat 10: Terry Keefe.

THE EXTERNAL AMENITY SPACE - A HIDDEN DEVELOPMENT

The proposed changes include placing food carts in the car park to the rear of the High Holborn elevation and immediately adjacent to Lytton Court, and using this area for **'events'** and as an outside meeting space. The application also appears to include opening entrances in Hogarth House on Bloomsbury Court, which also runs alongside Lytton Court. At present, the only entrances to 133-136 High Holborn are off High Holborn.

It is obvious that a change of use of the car park is being proposed but it is very surprising that this aspect of the development is hidden in the application documentation.

There appears to be no mention of the external amenity space in the application drawings and no mention in the planning statement. We can only guess that this is because the applicant has considered that the placing of movable furniture and **'food carts'** does not require planning permission, but it does since the nature of the area's use will be very greatly changed, and especially since there is a condition to retain the area as a car park.

The proposal with drawing though is mentioned at page 6, Part 2 of the D&A Statement, as follows:



THE EXTERNAL AREA PROPOSAL & ITS DISADVANTAGES

It is proposed that the car park is used for **'better public use'** by allocating 4 parking bays to food carts and 1 bay for cycle racks, but the proposal does result in the loss of all of the parking spaces. There would be **'loose furniture'** with the proposals making the car park a **'central focal point for people using the workspace'**. There might also be **'an occasional events space'**.

This use represents the establishment of an external amenity space for use by a very great number of people, which will have the following disadvantages:

AN INACCURATE PLANNING APPLICATION: The application drawings show 6 parking spaces when there are in fact 7. This needs to be amended.

THE INTENSIFICATION & THE MATERIAL CHANGE OF USE: The car park will be changed into a busy area, which might even have **'events'** and would be full of constant activity for long periods of the day. When considering the quiet back-street character of this area at the moment it is clear that a very great intensification is proposed, this representing a material change of use.

THE ADVERSE AMENITY IMPACT: The intensification will create noise and disturbance directly to the adjacent residential properties. In addition, Flat 2 will suffer a serious privacy problem, with it having ground floor windows facing out onto the car park. The presence of **'food carts'**, the use of four pieces of **'loose furniture'** and the eating of cold and hot foods in the area will create an odour, as well as a noise problem. In addition, the opening of the car park to greater public access will also attract more people, to an area that is currently very quiet. Put together, these issues will generate a very significant adverse amenity impact. The scheme should clearly not be permitted on amenity grounds.

THE CURRENT UNDERUSE OF THE PARKING SPACES: The Planning Department is requested to note the reasons why the car parking is not used more frequently by residents. This is because the landlord charges too much for the rent of the parking spaces, and by doing this the landlord company uses the area for themselves. With a condition linking the use of the car park to the use of the residential occupiers, it is questionable that such large sums should be charged for the parking spaces, and it is no surprise that residents' parking needs have had to be satisfied elsewhere.

THE 100% LOSS OF THE PARKING SPACES: Letters of termination of the parking leases have been sent out to some of our clients, so it is obvious that the applicant is preparing for a 100% loss of the parking facilities on the site. Yet, having regard to the last point above, it follows that the area should be retained as a car park, with the potential parking loss harming the facilities of the adjacent residential occupiers. Such a scenario was envisaged in the original consent for the scheme, ref: **PL/8800104/R2**, which included the following planning condition: **"The whole of the car parking accommodation shown on drawing number AL/1484/61 shall be provided and retained permanently for the parking of vehicles of the occupiers of the residential accommodation hereby approved."** Presumably, this condition remains in force and it should not be removed without very careful thought as to the implications to residents. It is perhaps telling that the applicant's submissions do not refer to the condition, or give a justification as to why it should be removed. **Please note that our clients wish to have the car park condition retained in the current consent, if it is granted.**

THE NEED FOR A LOCAL CONSULTATION: We urge that this application should not be considered for approval before a proper consultation is undertaken with local residents, including all residents with properties backing onto the car park and/or overlooking Bloomsbury Court. The implications of this application should be brought out into the open and not hidden under layers of documentation.

PLANNING POLICY & GUIDANCE: It is all very well for the applicant to quote supporting planning policy on town centre and central London matters but they have wholly ignored the issue of amenity and how this needs to be balanced against the planning policy they have referred to.

Guidance **CPG6, section 4** and **policy DP28**, aim to ensure that noise is controlled and managed, which is not a key feature of this open ended use of the car park, even to the performing of ‘**events**’. **Section 4.4.** refers to the need to locate noise sensitive areas and rooms away from noise sources...it is clear that the Council’s noise related development does not support the proposed external amenity space. It is noted that ‘**poorly designed schemes will not be acceptable**’. The development is not a high quality design as required by **policy DP24** and the requirements of Dev Plan **paragraph 24.7** have not been met, especially that on assessing ‘**the suitability of the proposed design to its intended use**’. The following has also not been successfully applied:

24.11 Given the highly built-up nature of Camden, careful consideration of the characteristics of a site, features of local distinctiveness, and the wider context is needed in order to achieve high quality development which integrates into its surroundings.

Section 7 of **CPG6** seeks to design development to protect the privacy of existing dwellings. With the application ignoring the adverse amenity impact of the development, the issue of overlooking into flat 2 has been ignored. There will also be upward views into the front parts of the rooms on the first floor, making the adjacent accommodation less pleasing to live in.

Most importantly, the development wholly fails the requirements of **policy DP26**, which is as follows:

DP26 – Managing the impact of development on occupiers and neighbours

The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures.

We will also require developments to provide:

- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;
- i) facilities for the storage, recycling and disposal of waste;
- j) facilities for bicycle storage; and
- k) outdoor space for private or communal amenity space, wherever practical.

And on **policy DP28**:

DP28 – Noise and vibration

The Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for:

- a) development likely to generate noise pollution; or
- b) development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided.

Development that exceeds Camden's Noise and Vibration Thresholds will not be permitted.

The Council will only grant permission for plant or machinery if it can be operated without cause harm to amenity and does not exceed our noise thresholds.

The Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Where these phases are likely to cause harm, conditions and planning obligations may be used to minimise the impact.

In addition, **policy DP32** would support measures to prevent odour generation in the parking area.

The proposed external amenity area is also not supported by the objectives of Camden's **adopted Core Strategy**, especially policy **CS5**.

The **NPPF** is clear that great importance should be attached to good design (**Para 56**). The poorly designed external area fails this and also the following, with direct advice given that the application should be refused:

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 66 is also of relevance, in that the external amenity space proposal has not been consulted with local people.

The amenity area proposal also fails the policy objectives of the **London Plan**, in particular **policy 7.6**, part of which states that buildings should:

d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

With the very great proposed amenity impact of the external amenity space, it is contended that, on balance, the development plan and **NPPF** are not supported and the development should therefore be refused planning permission, unless a consent can be granted which includes the car parking condition and thus retains 100% use of the car park.

We look forward to your comments on the above.

Yours Sincerely,



**PETER D KYTE MRTPI
TOWN PLANNER
ENABLING PROJECTS**