

Objection to Planning Application 2016/5923/P;
Frognal Court (flats 1-12), Midland Court and Warwick House

From: Agnes Kory, 6 Frognal Court, Finchley Road, NW3 5HL

I object to the above application (and I object to the planning officer's recommendation) on the following grounds:

1. The proposal compromises the structural safety of the building

Every time a train passes through the tunnel under the building, our block shakes. It certainly shakes considerably in my flat on the third floor. In spite of this, the Planning Statement by Savills makes no reference to the railway tunnels.

The building stands directly above the mouths of two railway tunnels dating from the 19th century, which at this point are very shallow and immediately below ground level. The lines in these tunnels are very intensively used. They take all Thameslink trains and East Midlands trains, as well as heavy goods trains.

The existing building stands on shallow foundations that pass directly over the tunnels.

Currently, each train passing through the tunnels induces vibration in these foundations.

This vibration is transmitted to the building above, in a pattern that magnifies them through the fabric and is particularly noticeable at the top floor, where I live.

Over many decades it is likely that this vibration has compromised the long-term stability of the building. The application proposes to add one more floor: an additional and very significant structural load that will bear on the existing foundations.

I can find no evidence in the application of any attempt to investigate the bearing capacity of the foundations. The planning officer's statement that 'A Structural Method Statement will have to be prepared separately to the planning process' does not address the potentially serious implications of increasing the loading on the foundations, directly above the tunnels. The Proposed Plan, Section, and Elevation drawings do not show the foundations or the positions of the railway tunnels. Whilst this may not be a deliberate oversight I believe that, without this information, the Application cannot be correctly assessed.

2. Loss of light, contrary to Camden's own policy

Par. 6.17 of the planning officer's report states that

Policy A1 advises that the Council will protect the quality of life of occupiers and neighbours by only granting permission that does not cause harm to amenity – including visual privacy and overlooking, outlook, sunlight and daylight, noise and vibration levels and dust (during construction, for example).

My concern about loss of light (in my first submission) appears to have been overlooked. Please note: the light to my back rooms, kitchen and bathroom has already been restricted by the new additional floor – now under construction – in our back block. With the proposed structure for the new fourth floor, above my flat, light will be further restricted in my bathroom, kitchen and main bedroom (because of the new terrace built above my kitchen and bathroom and because of the new floor added to Warwick House next to my main bedroom).

3. Health and safety issues in relation to the proposal

Par. 6.17 of the planning officer's report states that

Policy A1 advises that the Council will protect the quality of life of occupiers and neighbours by only granting permission that does not cause harm to amenity – including visual privacy and overlooking, outlook, sunlight and daylight, noise and vibration levels and dust (during construction, for example).

The currently ongoing roof development work on the back blocks (14 -54 Frogmal Court NW3) does not inspire confidence that ‘the Council will protect the quality of life of occupiers’ in our front blocks. For the past several months, top floors of the back blocks have been seriously damaged by ongoing water leaks from the work above. The leaks and dampness penetrated all the way to some of the bottom flats. The issue of leaks and damages continue.

A few years back cowboy roof workers above my flat drilled three big holes into the ceiling of my bedroom. Cement fell into my bedding, onto my computer and musical instruments. They patched up the holes but, judging by the currently ongoing roof development work at the back blocks, the chances of flooding through the patched-up holes during the proposed roof extension work are high.

Policy A1 states that the Council will protect the quality of life against noises. How?

The ongoing roof development work on our back blocks starts each day (including Saturday) by 8am – while our Leases prohibit noises before 9am – and the noise level, for top floor residents in particular, has proved unbearable. How would the Council protect vulnerable residents in their top floor flats if the application for the proposed new flats is approved?!

4. No provision of affordable or social housing; social housing requirements circumvented

According to Item 5.14 of the Planning Statement in relation to affordable housing, ‘the proposal does not incorporate 10 or more dwellings or more than 1,000 sqm of floorspace, [and] as such the proposed development is not required to make a contribution to the supply of affordable housing within the Borough’.

However a separate planning application has previously been approved for rooftop developments at the back blocks on our Estate. Taking these into account the truthful number of new flats is 16.

The back blocks (now under construction for the new flats on the roofs) and the front blocks now under consideration constitute one unit: Frogmal Estate. I am charged cleaning, building, legal and similar expenses for the whole Estate, not only for the front blocks.

Planning applications for roof developments at the back and at the front have been submitted (and approved) as if they were separate units. Thus the actual number of sixteen new flats has been shown as only eight flats (that is ‘for capacity for fewer than 10 additional dwellings’) in the application now under consideration.

On the basis of sixteen new flats in Frogmal Estate, the Applicant should be expected to include a significant proportion of social housing in the proposed development. Moreover, taking account of the London Mayor's strict new requirements for affordable housing, and his recent refusals of planning applications that did not meet these requirements, it is reasonable to suppose that any Section 106 Agreement should include for the provision of a proportion of social housing *within the development*.

Whether the applications for the front and back blocks were separated intentionally or coincidentally, the Applicant should not be allowed to circumvent the social housing requirements.

5. No lift access to the proposed new floor; accessibility denied to vulnerable people

The proposed new flats on the planned fourth floor will have no other access than climbing up on an external staircase. The absence of a lift would restrict the types of resident who could live in the proposed new dwellings, and would *de facto* constitute a form of discrimination against the elderly, the infirm, and families who need to use a pram.

6. Section 106 Agreement

It is not clear what exactly the section 106 Agreement would consist of and why it has not yet been signed. Transparency (beyond the Council and the Applicant) would be welcome. Assuming that the 106 Agreement would provide moneys for good causes such as schools and the like, the question arises whether the agreement should also cater for vulnerable people (such as elderly top floor owner-occupiers) who would suffer – as seen at our back blocks – from likely damages to their flats, to their belongings and to their health owing to the proposed roof development work.

Conclusion

For the above reasons **I submit that this Application should be REFUSED.**

Agnes Kory
Top floor owner-occupier leaseholder
6 Frogal Court, NW3 5HL