

Application No:	Consultees Name:	Received:	Comment:	Response:
2018/4230/P	Alexandra Banry & Joel Kuenzi	06/11/2018 11:00:43	COMMNT	Date: 06.11.2018

Object: 2018/4230/P_50 Oakley Square

Please find below our analysis of the current planning application for 50 Oakley Square (2018/4230/P) and reasons for objection:

1.Application Form:

1.1

(section 5) Description of proposal does not mention ancillary works to take place elsewhere than the roof-top including full height new lift shaft, new ground floor cycle store, remodeling of waste store and main entrance lobby. These ancillary elements are key to the viability of the proposals and cannot be ignored.

1.2

(section 9) Vehicle parking description omit existing car and cycle parking. On the basis the application site is the full extent of 50 Oakley Square, numbers should be included.

1.3

(section 10) New cycle store and remodeling of waste store is adjacent to existing trees. The development has therefore an impact on existing trees and an arboricultural statement demonstrating how the development can take place without harming those trees should be submitted.

1.4

(section 16) again, the development boundary and its impact covers the entire demise of 50 Oakley Square. As such, the number of existing residential units is 36 and not zero.

1.5

(section 23) We require that pre-application communication, minutes and letters are made available as per LB Camden policy and Freedom of Information Act.

1.6

(section 25) The applicant declares that Ownership Certificate B was served on 31.08.2018, the same date than the application was made. Notices are dated 03.09.2018 and were received two days later. The applicant"s declaration is therefore misleading.

2. CIL Form:

2.1

(section 1 - description) as per 1.1. above

2.2

Application No: Consultees Name: Received:

Comment: Response:

(section 6) as per 1.4 above, existing gross internal floor space cannot be zero.

3. Planning Statement:

3.1

Section 5.3 which justifies the principle of the development refers to paragraph 118 of the National Planning Policy Framework (2018) quoting: "e) support opportunities to use the airspace above existing residential and commercial premises for new homes [a]. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards [b]), and can maintain safe access and egress for occupiers [c]. "

[a] The principles of using air space for new homes is a way to contribute to housing supply for local residents in desperate need following years of under-provision of affordable, well designed homes. This application is for 5 market units that the vast majority of London residents will not be able to afford (whether as investment or rent) and therefore do not constitute adequate provision of new housing, in particular in an area where market housing supply is already above average considering Kings Cross and canalside's developments. Moreover, rooftop extensions have to be considered against the well-being during and post-construction of existing residents when the building supporting this extension is occupied 24/7. As explained, below, we consider that the proposals are not appropriate and will impact existing residents in such a way that they will be pushed out on safety, health and privacy grounds and, as a result, being made homeless.

[b] Local design policies are not complied with as follow:

The 2016 London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This requirement applies to the new dwellings created as they do not result from a conversion or change of use. Accordingly, all new dwellings should comply with M4 (2) and probably one of the new dwelling with M4 (3).

None of the new dwellings of the submitted scheme comply with the requirements. In addition, approach to the dwellings (approach to new lift shaft, existing stairs and new flight of stair) do not comply either.

We would therefore seek an addendum the Design & Access statement justifying non-compliance.

While we understand emerging Policy H2 of the future London Plan might permit compliance with M4 (1) only on upper floors, we do not accept that the application can be approved on the grounds of a document which is still in draft form following public consultation as it makes a mockery of the democratic process.

[c] This is key as none of the documents submitted proves that safe access and egress for occupiers of the existing part of the building can be maintained.

During construction of the new flight of stairs leading to the 5th floor extension, occupiers of the 4th floor will

Application No: Consultees Name: Received:

Comment: Response:

not be able to access the single escape stair and the lift cannot be relied upon in case of fire. Construction works for the new lift shaft including excavations will also be in the way of the existing final escape route (via car parking area).

Following construction, residents of 4th floor's flats 31 and 32 will not be able to access the escape stairs as existing. Their current route would be blocked by the new flight of stairs. Flat 31 will have a 16m travel distance to the single escape stair enclosure which will require a fire engineered solution for the whole floor relying on new Automatic Opening Vents (AOVs) and probably retro-fitted sprinklers in all 4th floor units; none of which are mentioned in the application or shown on the drawings.

According to the above, the application cannot be supported until a construction method statement and fire strategy detailing how safe access and egress for occupiers can be maintained during construction and at completion.

3.2

Sections 5.11 to 5.14 in relation to privacy and overlooking ignore the private amenity spaces of existing dwellings 31 and 36 (4th floor). These private amenity spaces are well established through continuous use as such by their occupiers since 1983 (lessee's underlease) and are the prime reason for their current owner/occupiers to invest in these properties. The proposed new dwellings' terraces and windows overlook onto flats 31 and 36 private amenity space and as such constitute a breach of their occupiers' privacy. Accordingly, we would require screens or parapets to be raised to head height to mitigate this. The new lift shaft's windows will overlook on all northern end existing units and Flat 36 amenity space. We require for the fenestration to be translucent or opaque.

3.3

Section 5.43 refers to 5 new air source heat pumps (ASHP) to be installed on the roof of the new dwellings. We require a noise impact assessment to demonstrate this equipment will comply with LB Camden standards. Moreover, the roof plan submitted as part of the application shows location of ASHPs but their size is likely to increase once sound proofing enclosures are added.

4. Design & Access Statement:

4.1

Introduction refers to installation of "new lift shaft to comply with DDA requirements". DDA (Disability Discrimination Act 1995) has been superseded by the Equality Act 2010. Page 17, there is mention of the existing lift not being compliant with "Building Control Part M requirements". The existing lift has a 1100x1400mm car and type of equipment which very much look like an Approved Document Part M compliant lift. However, its approach does not comply. Unfortunately, the new lift might be Part M compliant but the route leading to it does not comply as currently designed despite external improvements.

4.2

Drawings shown on pages 13 to 15 are labelled as "existing". They are drawings of the original building planning submission not "as existing". 1980s submission plans and current layouts differ in some ways, in

Application No: Consultees Name: Received:

Comment: Response:

particular landscaped area at the south of the building (including existing waste store), main entrance lobby arrangement, fourth floor's layouts and access to terraces.

4.3

p.16, reference to "8 new units" while the application is for 5 No.

4.4

Pre-planning process. While the design and development team have been engaged in a pre-planning process with LB Camden, it is notable that consultation with residents is only mentioned once in the document (p17). Elements referred to on p17 were gathered from a shareholders meeting who also happened to be residents. Shareholders were informed of the submission by Certificate B notification dated 03.09.2018 and an email from (freehold company) All Land Ltd's board on 10.09.2018.

Other residents who are not shareholders have only been informed by the sign fixed on the lamp posts outside the building entrance and we are still not sure they are all aware a development impacting their way of life in the near future may happen.

For this reason, we believe proper consultation has not taken place and that it has not informed the design.

4.5

p22 refers to the "London Housing Design Guide". The London Housing Design Guide Interim Edition August 2010 (LHDG) has been discontinued and superseded by the London Plan 2016 with appended SPGs. The LHDG is therefore not relevant.

There is also mention of "adjacent neighbours" privacy and amenity" which we discussed above; please refer to 3.2.

4.6

p37. It is proposed to use "offsite" timber frame technology as building method for the new extension (we assume it includes the new lift shaft). This modern method of construction is welcomed but has to be clearly conditioned as the method to be implemented when the proposals reach construction stage.

In any case, we would expect at this stage of the design and application that a Construction Method Statement is provided to understand better how every part of the scheme are to be constructed and sequenced so that residents can assess feasibility. In addition, we would expect the Construction Method Statement to include a "Construction Phase Noise Mitigation Plan" on the basis residents, in particular on the 4th floor but not only, are only separated by 150mm of concrete from the construction area.

5. Drawings:

5.1

Elevation E5 from drawing 2106-PL-117 (fenestration above flat 36) does not tie-up with plan view from drawing 2106-PL-113.

5.2

Proposed ground floor plan 2106-PL-112 does not show improvements to the main entrance lobby as discussed on DAS p16.

Application No: Consultees Name: Received:

Comment: Response:

5.3

Roof plan 2106-PL-114 does not show smoke control Automatic Opening Vents to ventilate the new floor's corridors.

6. Air Quality Assessment:

6.1

The assessment states that no demolition will take place. This is misleading as the existing brick enclosure to the waste store but more importantly the existing brick enclosure and structure of the lift overrun/machine room at roof level are to be demolished for the scheme to be viable as well as creating the opening to the existing concrete structure for the new flight of stairs. In addition, the existing roof cover (felt + insulation + loose gravel + accumulation of 36 years of dust and bird droppings) will have to be removed prior to the new structural deck and waterproofing can be put in place. All these items will create a significant amount of dust the report should take into account bearing in mind among residents are a number of asthma sufferers and children. The report should also refer to the need for residents to open their windows to avoid overheating and purge ventilation as this is a naturally ventilated building. Windows are likely going to stay open from June to September if the current climate change trend continues. According, building works creating dust pollution have to take place in accordance with the residents needs and health constraints. We seek clarification from Gabriel Berry-Khan, LB Camden Environmental officer on the matters and that the air quality assessment is updated according to the exact description of the works and impact on residents.

7. Sunlight/Daylight:

7.1

We would have expected the application to be accompanied with a Sunlight-Daylight Assessment as to assess impact on 50 Oakley Square's residents and amenity space. The new lift shaft and rooftop extension will impact:

- Flats 36 southern and western habitable space,
- Flats 31 and 36 amenity spaces.

According to above sections 1 to 7, we strongly oppose to submitted application 2018/4230/P until all corrections and concerns are positively resolved.

Yours faithfully,

Alexandra Banry & Joel Kuenzi