



4th March 2019

For the attention of Mr C Thuaire,
Regeneration and Planning Development Management
London Borough of Camden
5 St Pancras Way
London N1C 4AG

by e-mail 

Dear Sir,

55 Fitzroy Park, London N6 6JA
Planning Application ref : 2018/3672/P

OBJECTIONS TO APPLICATION

My wife and I have lived here since 1992.

For reasons I set out in detail below, I object to the application.

Preamble

- 1.1 There are certain issues arising from the application which would directly affect me.
- 1.2 There are other issues arising from the application which are of wider relevance and concern: for the neighbourhood, the environment and the local and wider community.
- 1.3 I have read, as best I can, all the material presented on behalf of the applicants appearing on the planning portal.
- 1.4 I have waited until now to reach my decision because I also wished to take account of the responses of immediate neighbours to the property and from the professionals instructed by them (Bowhill Planning Partnership); as well as the responses from the professionals instructed by the City of London Corporation (Nexus Planning) and instructed by Fitzroy Park Residents' Association (Apcar Smith Planning, WSP, Alan Baxter and Landscape Planning).
- 1.5 Having done so, in my opinion all such responses appear to be measured, factual, and non- emotive; draw attention to deficiencies, omissions and inaccuracies in the application; and all lead me to the conclusion that the proposed development fails to comply with relevant national, strategic and local policies and should be rejected.
- 1.6 I support all their objections: regrettable as it is to have to disagree with the applicants: who I know and frequently speak with.
- 1.7 I can appreciate Lynne and Richard Turner-Stokes' wish to improve and upgrade the condition of their current building and to provide housing for other family members .I can equally appreciate Geoff and Elaine Springer's proposal of providing the Turner- Stokes with that opportunity in return for a division of the plot for the building of 3 self-contained properties for the Turner-Stokes and of 2 self-contained properties for the Springers. But those admirable familial wishes have to be resisted and opposed if – as it would appear here

to be – the nature, size and consequences of such proposed constructions would damage the character of the area and be in breach of relevant planning policies.

1.8 The overall impression I have been left with is that the applicants have been badly advised by their professional advisors, who have presented an application that is both excessive and unrealistic.

1.9 The planning officer will not be assisted by mere repetition by me of other people's responses. What follows, therefore, are mainly details which others may not have referred to or not in the same detail; and in particular concerning issues Mr Springer and I discussed when we met on 20th June 2018 (see paras 2.3 and 2.4 below.)

Public Consultation – North London Bowling Club – 7th June 2018
Meeting with Mr Springer – 20th June 2018

2.1 I do not accept the premise within the Statement of Community Involvement filed on behalf of the applicants by Quattro (see p 13 – para 7) that because only 7 people of the 30 people attending the public exhibition left feedback. *"This suggests that most people were at ease and satisfied with the proposals and that any questions they may have had were answered at the exhibition"*. Nor am I certain what weight can be given to any such spontaneous feedback at a time when, as we later learn, so much was missing from the required application documentation or was, so it would appear, inaccurate.

2.2 I was at that public exhibition. I left no "feedback" nor expressed views; having decided that a project of such scale and complexity warranted a measured assessment of a complex planning application and documentation rather than an immediate or spontaneous response.

2.3 For personal domestic reasons I was unable to stay long. (As Mr & Mrs Springer and many of our other neighbours are aware, following a series of strokes my wife requires 24 hour live-in care here at home, supported by me and by other carers attending during the day). Mr Springer kindly came to see me at my home on 20th June and further discussed the project with me.

2.4 The main comments I made and main concerns I expressed to Mr Springer of 20th June were:

2.4.1 that I had no way of knowing, at that stage, whether the proposals met with relevant planning regulations and that I would, in great measure, take account of assessments of the application conducted by the City of London and Fitzroy Park Residents' Association ("FPRA") as well as by local organisations with an acquired knowledge of the area and of relevant policy and regulations.

2.4.2 my concern, nevertheless, at what appeared to be a significant increase in build to plot ratio and the potential for over-development and of "setting a precedent".

2.4.3 that in the event of a 5-fold increase of housing on the site there should be no extra parking on Fitzroy Park than already provided to the one household living at no. 55

2.4.4 that I anticipated that FPRA, having considered the implications of the application, would seek conditions necessary to protect and repair any damage done to the road and verges - terms that I anticipated would be similar to those agreed by the owners of Fitzroy Farm for that development - and that I would wish to know that the applicants accept.

2.4.5 that in view of my wife's clinical condition I would need to be satisfied that any construction plan would ensure that emergency vehicles would be able to gain immediate access to and from our home at any time without increased obstruction or delay caused by the construction work.

Build-plot ratios/ Over-development

3.1 My concerns about build-plot ratios and over-development are – I now see - mirrored within the reports of Bowhill Planning Partnership, of Nexus Planning and of Apcar Smith Planning

3.2 Bowhill Planning Partnership – 3rd October 2018 – para 15 – pp24/28, including

- para 15.7 – “...a relatively large plot with a single house is being sub-divided and will present a different atmosphere and site cover to that currently existing and to individual houses nearby. Plot ratios will, inevitably, differ and the scheme is, inherently, ill-conceived as it completely obliterates the existing tree/hedge cover which is the site’s unique attribute”

-para 15.9 – “The schedule of floor areas shows that these will be large dwellings ranging from 281 sqm to 402sqm excluding basements.”

- para 15.10 – “Such sizes are contrary to the Local Plan 2017 ..”

3.3 Nexus Planning – 17th December 2018 – p12 –* the City considers the proposed development to amount to over development of the site, particularly given the context of the site which is situated in a Conservation Area that is characterised by large plot ratios and low densities. In addition it is noted that the proposed development is seeking a substantial increase in habitable floorspace from 425sqm to 1,344 sqm. This is a significant increase in density that will be detrimental to the character and appearance of the Conservation Area, partially the openness of the Private Open Land of Fitzroy Park”

3.4 Apcar Smith Planning – 18th February 2019 – paras 4/ 5 – pp3/8

- p5 - “LB Camden Local Plan Policy D2 refers to the council not permitting the loss of or substantial harm to any designated heritage asset , or harm that is less than substantial to the significance of the designated heritage asset, unless the public benefits outweigh the harm that would be caused. In this respect, the desires of two families to redevelop part of the Conservation Area for private residential purposes does not provide any public benefit “

- p6 – “ It is noted that there have been a variety of plot ratio figures put forward on behalf of the Applicant ...The Design and Access Statement refers to plot ratios having been calculated on the basis of a site area of 4,720sqm. However, when the five plot areas are added up they equate to a total of 4,554 sqm ...On this basis, the overall proposed plot ratio would be 14.6%, not the 14.1% referred to in the Design and Access Statement ...We have also undertaken the calculation if the pond is excluded from the site area .On that basis, the existing plot ratio is 8.5% and the proposed 18.5%...It is considered that this very significant increase in plot ratio on the site, with the resultant loss of designated and protected Private Open Space is wholly unacceptable”

3.3 on this basis alone I submit that the application should be rejected.

Parking

4.1 Others have already expressed concerns about the consequences of an increase in vehicles “serving” 5 houses and 5 households and regardless of whether or not a single parking place per house within the plot were to be allowed.

4.2 I too wish to express my concerns: both in relation to an increase in traffic volume and the absence of any information from the applicants’ advisors as to where additional vehicles of owners of the 5 plots would be parked, or vehicles of their guests, maintenance or service providers and for deliveries.

4.3 Fitzroy Park, as is known, is a private road. Although there are historic rights of way to pass along that road, it is my understanding that the only permanent right to park on the road is limited to the right of owners of properties fronting Fitzroy Park to park on their owned frontage (provided that no obstruction is caused). It follows that those who own properties that do not front onto Fitzroy Park have no permanent legal rights at all to park on Fitzroy Park. Such would also be the position in relation to the proposed Plots 4 and 5 within no.55. And according to Apcar Smith Planning (para 8.2 – p12) the proposed construction of

driveways " means that the occupants of the 3 frontage houses would not be able to park more than 1 car on the street".

4.4 In fact, given the narrowness of Fitzroy Park outside no.55 (see paras 7.7 to 7.9 below) the parking of even 1 vehicle outside no.55 may not be possible if there is potential for obstruction by such a vehicle of the rights of way of others (whether in vehicles, or not) to pass along Fitzroy Park.

4.5 The applicants or their advisors would therefore, I suggest, be under a misapprehension were they to think that there would an entitlement of owners of proposed Plots 1 to 5 to park their vehicles, or that their guests, service, house maintenance and delivery providers would be entitled to park their vehicles, elsewhere on Fitzroy Park. Quite separate from the limitation of rights referred to at para 4.3 above, such parking would also subvert and undermine both content and purpose of " limiting the opportunities for parking within the borough " within the Development Plan , as referred to by Bowhill Planning Partnership at paras 10.1 to 10.3 (at pages 15/16) of their Report of 3rd October 2018.

4.6 Whatever the historic demographics of Fitzroy Park's residents might once have been, properties in Fitzroy Park are now sold for £multi-millions, and therefore are now bought by those with capital, incomes and an expectation of a "type of" life-style to match. Such owners are unlikely to be voluntarily "surrendering" ownership and use of their cars.

4.7 Were information to be sought by the planning officer of car ownership of current Fitzroy Park residents it would likely show that the majority of households own/use 2 or 3 cars and some own/use more; that many such cars are towards the "higher" range of vehicles and large is size; and that where an electric or a hybrid car is owned it is more likely to be in addition to, not in replacement of, their other cars.

4.8 It is also self-evident that the bigger the house and larger the number of bedrooms, then not only the greater number of cars used by such household but also the greater number of vehicles – usually vans - arriving to deliver food or other supplies, for house maintenance or to provide services, ranging from electricians, plumbers and gardeners, to (increasingly in this area) experts for alarm or security systems.

4.9 My observations are not directed at, let alone intended to be critical of, the applicants personally. The lifestyle of the current owners of no.55 and the number of vehicles they own may be modest, and their desire to create homes for other family members commendable. But properties outlive their original owners and it is necessary to consider the consequences.

4.10 Looking at the Design and Access Statements the number of rooms proposed to be used as bedrooms do not appear to be identified in the written narratives. The plans, however, appear to show

Plot 1 – 4 bedrooms

Plot 2 – 4 bedrooms

Plot 3 – 5 bedrooms

Plot 4 – 3 bedrooms

Plot 5 - 5 bedrooms

4.11 As indicative means of identifying the likely vehicle numbers used by the households of the 5 proposed plots with 21 bedrooms I would invite the planning officer to request, and the applicants to provide details of, the number and type of vehicles currently owned/used by (i) Lynne and Richard Turner-Stokes (ii) the households of the 2 other family members who, it would be proposed, would live at proposed Plots 1, 2 or 3 (iii) Geoff and Elaine Springer and (iv) the household of the other family member who, it would be proposed, would live at proposed Plot 4 or 5 , and, based on those vehicle numbers, where they propose those vehicles would be parked and where the cars or vans of their guests or service suppliers would park.

4.12 As a simple statement of fact, and without being pejorative, on passing The Lodge at around 8.30am on 25th and 27th February whilst out walking I observed 5 cars associated with that address parked outside or close by, and 4 cars on 1st March.

4.13 I regret to have to say that those advising the applicants appear to have failed to address these issues

Increase in traffic volume – Credible risk of accidents

5.1 The importance and responsibility of retaining the unique character of Fitzroy Park has been referred to by many of those who have already submitted responses opposing the application and the planning officer will be familiar with the Conservation Area strategy statements referred to by Apcar Smith Planning at para 4 of their Report of 18th February 2018.

5.2 It will also be known that the nature and location of Fitzroy Park causes it to be popular with pedestrians moving to and from Highgate Village , Kenwood, the womens pond and the Health in general. Pedestrians of all ages and various states of health. Families with children. People with dogs not on leads. Runners. Cyclists (in increasing numbers). Allotment users too.

5.3 There are no pavements along Fitzroy Park other for a short stretch outside Fitzroy Lodge.

5.4 Some of the narrowest road widths of Fitzroy Park are outside Fitzroy Lodge and no.55 as well as at the southern entrance of Fitzroy Park . See para 7.9 below.

5.5 Vehicles have no greater or predominant rights of way over the road than individuals who are walking, running or riding bikes.

5.6 The particular location of the site, the limited width of Fitzroy Park at that particular and specific location, absence of pavement and restricted vehicular access to the site on which the applicants seek a 5-fold increase of dwellings should not be ignored.

5.7 The intended locations of the driveways to proposed Plots 1 to 5 and increased number of vehicles that would access or leave proposed Plots 1 to 5 ; the likely size, width and length of many of those vehicles and manner in which they would access or leave, together with the narrowness of the road at this particular section of Fitzroy Park and number and variety of pedestrians and cyclists and absence of pavement all combine to create a real and credible risk of accidents.

5.8 A 5-fold increase in dwellings, and occupancy potential (with 21 bedrooms - see para 4.10 above) and increased number of vehicles of owners or of those serving and delivering proposed Plots 1 to 5 will surely also increase occurrences of "blocked" traffic along this stretch of Fitzroy Park and its junction with Merton Lane and exacerbate the problem.

5.9 These concerns are eloquently and accurately described by Mrs Abrams (her submission dated 12th December 2018) and by Kathy and Bruce Lambie (their submission placed on the planning portal on 30th January 2019) who, in view of their locations, are best able to observe and comment on the vehicle and traffic problems they describe and the realistic assessment of an increase in such problems were 5 houses containing 21 bedrooms be located on this site.

Protecting Fitzroy Park: including agreeing suitable terms to repair any damage done

6.1 I refer to WSP's report of 18th December 2018

- (page 4) – " A review of the CMP has identified that the applicant has not assessed or considered the necessity for any measures to mitigate the risk of pavement damage from the traffic through the construction period...."

- (page 5) – " If not properly assessed and suitably established at the outset, over time the use of Fitzroy Park by construction vehicles may lead to the compression of the underlying

pavement layers. We note that Steve Cardno of LBC echoed this concern with his statement "The proposed works are also likely to lead to the Fitzroy Park sustaining damage in the vicinity of the site" in correspondence provided by the applicant.

We would recommend that the applicant includes mitigation measures in the CMP in the form of the following

- Baseline pre-commencement condition survey undertaken by suitably qualified and independent individual(s) appointed by the developer
- We expect a structural assessment of the road to be undertaken to review the suitability of the road for the proposed construction loadings and identify any strengthening works that may be required prior to construction
- A commitment or undertaking to provide a reasonable bond, exact figure to be agreed, so that any damage caused by construction vehicles can be rectified and not financially burden or penalise the FPRA
- In addition to such bond FPRA also requests the council to include an obligation on the developer to insure third parties and their property
- The developer provides assurance that they will be responsible for rectifying any damage to Fitzroy Park from construction activity in an acceptable and prompt manner, and
- Post completion survey undertaken by suitably qualified and independent individual(s)"

6.2 I also refer to the Apcar Smith Planning report of 18th February 2018

-(para 9.1 – page 14) – "Concern primarily relates, once again, to insufficient information having been submitted with the application for (Construction Impact Concerns) to be assessed. There is no schedule of condition of Fitzroy Park itself; no repair/reinstatement conditions proposed...."

6.3 The Transport Statement Report of 1st August 2018 prepared by Royal HaskoningDHV on behalf of the applicants states at para 1.1.3 that –

" The preparation of this TS follows pre-application advice provided by the local highway authority, the London Borough of Camden(LBC), on the 6th February 2018. The pre-application response is provided at Appendix A"

6.4 In Appendix A at page 2 (page 21 of the Report) the pre-application advice on transport matters from LBC's Principal Transport Planner, Steve Cardno, is that

- " The proposed works could lead to the public highway sustaining damage in the vicinity of the junction of Merton Lane and Millfield Lane. Camden would need to undertake highway remedial works following completion of the proposed development and a financial contribution for highway works would be secured as a Section 106 planning obligation.... The proposed works are also likely to lead to the Fitzroy Park sustaining damage in the vicinity of the site. It is acknowledged that Fitzroy Park is a private road which is managed and maintained by ..FPRA. The developer would therefore be required to enter into a legal agreement with the FPRA with respect to repairing any damage to Fitzroy Park to the requirements of the FPRA"

6.5 It is therefore of further concern that those advising the applicants appear to have failed to address the issue of repair/reinstatement of the road and verges.

6.6 The absence of information or proposals within the applicants' experts' documentation gives me no comfort or assurance that repair would be assured: which suggests that the applicants and their advisors consider it to be legitimate that the cost of repair of damage caused by their contractors be met in substantial part or in full by other residents within Fitzroy Park.

6.7 On this ground alone, and unless suitable enforceable conditions can be put in place to safeguard the road and require the applicants to meet all costs associated with the surveying of the road in advance of construction, of the repair of the road after construction and the legitimate fees of experts instructed on behalf of FPRA to survey, inspect and monitor, I submit that the application should be rejected.

6.8 I would invite the planning officer (i) to state whether he considers that the mitigation measures recommended by WSP are appropriate and if so (ii) to enquire of the applicants whether they will voluntarily agree to comply with the measures recommended and if the applicants will not volunteer to agree then (iii) to recommend to the planning committee that, were this application to reach the stage of a CMP, conditions be imposed obliging the applicants to comply and that if prior agreement cannot be reached between the applicants and FPRA on the level of a reasonable bond, that the planning authority will set the figure, to be paid prior any construction commencing.

Emergency access

7.1 I have referred (at para 2.3 above) to my wife's state of health. Her complex and serious health care needs are dependent on 24 hour live-in and other support care.

7.2 There have been a number of occasions since 2014 when emergency ambulances and other health personnel vehicles have been called to the house. On two such occasions ambulances were given the highest of alerts and it was only because they got to her within minutes of being called, and then able to depart at speed to reach a hospital hyper-acute unit that her condition was stabilised and her life saved.

7.3 The information – or, rather, absence of information - within the applicants' experts' documentation gives me no comfort or assurance that during the construction programme proposed emergency access to and departure from this address could be assured and safeguarded at all times.

7.4 I refer to WSP's report of 18th December 2018

- at page 2 – *"Without any layout plans or swept path analysis demonstrating how the building would be demolished, the required earthworks constructed, and a turning circle provided, we assume the extent of reversing on Fitzroy Park is likely to continue for most of the demolition phase, ie up to 12 weeks.*

Each reversing movement requires vehicles to turn left on to Millfield Lane and reverse over 120m down Fitzroy Park to manoeuvre into site...all traffic will be halted by traffic marshals on Fitzroy Park whilst each manoeuvre is completed

...Our concern is the applicant is underestimating the potential disruption to....vehicular users of Fitzroy Park caused by the proposed reversing movements..."

- at page 4 – *" The discrepancies would lead us to believe that the applicant has not fully considered the traffic volumes generated by the development construction and this should be reviewed and corrected to determine the true impacts and any reasonable mitigation. The volume of HGV traffic proposed by the application is ..a significant increase on the current baseline and assessment of the impacts of this additional traffic should be considered and mitigation measures proposed"*

7.5 I also refer to Apcar Smith Planning's report of 18th February 2019

- at para 8.6 at page 13 – *" Traffic numbers on Fitzroy Park are known (to) have been understated. Data collected by Tracis (on behalf of FPRA) in June/July 2018 recorded an average of almost 500 vehicle movements at the junction of Fitzroy Park and Merton Lane per day – approximately 60% higher than stated on behalf of the Applicant. This equates to some 40,000 movements every 3 months at Merton Lane which the reversing HGVs will have to interact with for 12 weeks of anticipated demolition works – as referred to in the Appendices to the Construction Management Plan (albeit these Appendices are contradicted within the narrative of that document).*

- at para 9.1 at page 14 – *" Concern primarily relates, once again, to insufficient information having been submitted with the application for (construction impact concerns) to be assessed."*

7.6 I refer, too, to the response from Kathy and Bruce Lambie, placed on the planning portal on 30th January 2019

- (at page 2) – "...already Lynne and Richard ...reverse their cars onto the road. This at busy times can be difficult and often involves the use of our driveway to facilitate other traffic passing. I have a lot of CCTV footage of a typical traffic jam at our end of Fitzroy Park and the aid provided by Kenview Drive.."

7.6 As the planning officer will be aware, on entering Fitzroy Park from Merton Lane, two properties on the left precede no.55, namely Apex Lodge and Fitzroy Lodge. Kenview is on the right.

7.7 The CMP prepared by Montway on behalf of the applicants (placed on the planning portal on 9th November 2018) includes the following at page 29

- " Fitzroy Park measures between 3.6m and 5.0m between the junction with Merton Lane and the construction site."

7.8 I am not certain at what point the road measures 5.0m wide.

7.9 Measurements that I have taken show that the width of the road

7.9.1 – at its entrance from Merton Lane is 3.7m

7.9.2 - at one of the narrowest points outside Fitzroy Lodge is 3.6m

7.9.3 - at 2 separate narrow points between no.55 and Kenview is 4.2m

7.10 I know from personal experience (driving an Audi A1 – width incl. mirrors 1.9m, width excl. mirrors 1.74m) of occasions even during "light" use of the road when, entering or about to enter Fitzroy Park from Merton Lane, I have either had to reverse out again or (if further along) have had to manouvre into the entrances of either Kenview or of no.55 , or onto the forecourt of Apex Lodge, to allow a vehicle, of even modest width, being driven in the opposite direction to exit Fitzroy Park . Or vice versa.

7.11 I also understand that the following are the widths of

- a Large SUV/4x4 - 2.00m

- an Ambulance - 2.41m

- a Fire Engine - 2.55m

7.12 I do not know the widths of the construction vehicles proposed but I anticipate that they will be of similar widths if not more

7.13 Road widths, statistics provided by Tracis and the CCTV footage from Kathy Lambie can, no doubt, be checked and verified by the planning officer if need be. If correct – and such statistics are without having to take account of realistic and accurate construction traffic figures and statistics concerning type, width, and length of associated vehicles – then I do not consider that the application and supporting reports have given proper consideration to the risk of emergency vehicles being unable, within an acceptable time frame, to access and drive along Fitzroy Park.

7.14 Until such time as the applicants can provide accurate and realistic statistics and mitigating suggestions and which can then be independently verified as being accurate and sufficient, then I am of the view that my wife – and others in Fitzroy Park who from time to time have been in need of emergency ambulance or other medical service – would be at unacceptable risk.


Bernard Carnell