

Attn Patrick Marfleet  
Regeneration & Planning  
Development Management  
Town Hall  
Judd Street  
WC1 9JE

4.4.2020

**Planning application no 2020/0928/P**

**Site Address - 89-91 West End Lane, London NW6 4SY**

Applicant – Empiric (Francis Gardner) Ltd

Application date 19.02.2020

Proposal – 'Redevelopment of the existing site to involve the demolition of existing building (student accommodation) and the erection of a seven storey (plus basement) purpose built student accommodation development (88 bed spaces) with associated access, landscaping and all ancillary and associated works.'

*Please note that an email request was made by me on 23.02.2020 for a formal extension to the statutory response time frame which highlighted reasons for the extension request. However, this has been recorded as a consultation response **rather** than a request for an extension on a public consultation return date. The reasons stated are now contained in the formal consultation response below*

I write as an adjoining resident in respect of this application. I have been a resident in Camden at my current address for circa 40 years. My freehold property is approximately 20m away and at 90° (obliquely) to the rear wall of the application site. The oblique view and the level of unobstructed skyline can be seen on the attached photos taken at first and second floor of my property. I know the application site well along with the existing building and its historic occupants.

I have examined the submitted application and supporting documents in detail anticipating strong reasons offering support to the application. Regrettably some key fundamentals are lacking detail or are omitted completely. It is for these inconsistencies that I strongly object to the application and pending Committee consideration recommend that it be refused.

*Any alternative of withdrawal by the applicant or deferral by LBC would not serve any purpose other than to perpetuate indecision amplified by the applicant taking three years (after acquisition) to apply for a full planning application. My reasons for objecting are as follows:*

**Loss of Amenity, Privacy, Overlooking, Overbearing mass (on rear Elevation.)**

Both the development design strategy and the following massing are very much focused on the streetscape and the solutions to the front elevations. It appears from viewing the existing plans that Francis Gardner Apartments favoured putting its single person units towards the front whilst the cluster flats are located at the rear. The proposals somewhat reverse this approach and with the introduction of increased storey heights at the rear of the building has increased. The increased mass adds to the overbearing nature of the proposed rear elevation. The rear elevation is far from sympathetic to its neighbours. Adding the increase in beds paces to the rear building mass, through additional storey heights, along with no articulation whatsoever and at the most sensitive point with its immediate neighbours is unacceptable. The existing rear elevation windows shown on the applicants as existing drawings has 26 with direct overlooking on its neighbours and 16 in bays at an oblique angle. The applicant proposes 42 with direct overlooking this is totally unacceptable. The increase in storey height mass also impacts on my properties south facing rear windows and my small amenity terrace on the 2nd floor. (refer to attached photographs)

***This matter is the most significant objection to the application and warrants refusal at the LBC Planning Committee meeting.***

**Consultation with adjoining neighbours.**

The Keeble Brown Statement of Community Involvement (SCI) has a level of repetitive supporting statements BUT fails to satisfy the guidelines contained in the following:

1. NPFF section 4 Pre application guidelines and front loading.

Para 39 *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties*

2. The Planning Report

para 1.2 *'The applicant has engaged in lengthy pre application discussions with the Borough LBC prior to the submission of this application further details are provided in this planning statement'*

3. LBC SCI guidelines

Para 3.7 *'We strongly encourage all applicants to consult any neighbours who may be affected by their proposals before they submit a planning application it concludes It is especially important to undertake consultation on a wider scale for major, or potentially controversial, proposals were;*

*The proposals are likely to have a significant impact on the environment or on the local community and the nature of the development is likely to attract significant local interest.'*

*Paragraphs 3.8 to 3.11 are in addition relative to supporting timely detailed consultations.*

The applicant in all three of these consultation requirements has failed to have meaningful discussions with their neighbours. It is misleading for the applicant through any of its agents to suggest the one and only public meeting held in Late December 2019, which failed to contain any real details for neighbours, satisfied the strong directives in the three National local and applicant led directives above. I have referred previously to the misleading email advice I was given suggesting the applicant was in early development processes and would respond to my specific inquiry later. Surprisingly, no response was made by KB. Refer to my exchange of emails with KB. My consultation period extension request was added in (incorrectly in my opinion) as a formal response in the consultation period by LBC - when it was clearly a request for the possibilities for an extension. I did not receive any acknowledgement from LBC to my request. In any case my reasons for further detail contained in my email to KB remain.

There is reference to a pre consultation meeting recorded as 2017/5875/PRE which is not accessible by adjoining neighbour's, yet its relevance is quoted in the applicants Application Form and both the KB SCI and the applicants Planning report. However, no detail is given or included to influence the thrust of the proposed development strategy. However, a statement is made in relation to the calculation of the quantum of affordable levels of accommodation in relation to the Mayors London Plan. I accept that Pre application notes are private between LBC and the applicant but some output from them should have been available to neighbouring residents at the December meeting. It is one of the elements I questioned at the meeting and in my follow up email to KB

This is a major redevelopment in a dense residential enclave of freeholders' leaseholders and tenants both private and Public sector, and yet the level of consultation on its initial development strategy of demolition is taken as granted. This dismissive 'fait accompli' approach (for me and my adjoining residents) is somewhat divisive and unacceptable.

***I strongly object to the lack of detail and timing of the consultation process related to the planning submission.***

***Affordability issues***

The applicant through references to the 2017 pre application meeting has emphasised the view that the affordable units will ONLY be calculated on the proposed increase of 16 bed-spaces. This assumption seems to be based on discussions with LBC at the pre application meeting at a time when The Mayor's office accepted lower levels of affordable content subject to viability tests. Current London Plan requirements are at 35% (awaiting adoption-with the SPG adopted) The SPG fast track approach on determination of affordable levels can only be utilised with an output at 35% and if not delivered at 35% would require viability testing prior to or at Committee stage. If the basis of calculations is solely on the increased bed-space number, it is questionable in relation to the Mayors directive. This questionable benefit is perhaps included to support the density increase. If affordable levels are required at 35% on 86units then project viability will be affected more robustly and perhaps the mass of the building will have to be reduced and may even require a design strategy review which excludes demolition. No positive statements on the 2017 pre-app are indicated anywhere in the Applicants proposals nor has the applicant referred to any viability tests. Furthermore, the Planning Report suggests that the 35% threshold (but only on the 16 bed-space increase) will be secured through a s 106 agreement but no further detail is offered leaving the affordable content unanswered. Unanswered affordability requirements are in my opinion a material consideration for refusal. The applicant has stated a 'no nominations' approach whilst the Mayors directive requires one. This further emphasises an opposing view to that directed in the Mayors SPG.

***I object on the grounds of insufficient compliance on the fundamental London Plan SPG requirement.***



### **Density and layout**

The applicant has suggested that the increase of 16 bed-spaces from 70 to 86 is making a meaningful contribution to LBC student accommodation needs. The increased quantum at 16 bed-spaces represents an increase of circa 22% on this site BUT represents a minute 1.4% addition to LBC annual requirement.

The Mayors Affordability assessment would normally take place before or at planning application stage. No mention is made regarding any viability assessment nor is it included for consideration under the headings requiring s106 agreement. If the proposal at 86 bed-space is implemented through a demolition approach it would impact disproportionately on the immediate neighbours as their visual amenity objections would be overtaken by the increased bed-space density supported by a consented scheme. My objection to the mass proposed and the overlooking/loss of privacy and visual amenity particularly on the rear elevation is based on the application details on affordability or the factual lack of it.

The applicant has not adhered to the existing Building Line established by deed on the land Registry. No mention is made of this or if this requirement has been discussed with LBC. If no formal documentation is available, then my objection to the building line not being adhered to stands. The design arguments on the frontage would be irrelevant as the proposal does not maintain the Established Building Line.

The application seeks a demolition re-build option and dismisses any alternative on the basis that the existing building is not fit for purpose related to current day standards. No detail of any conditional surveys is included in the application to allow adjacent neighbours to make a judgement on this. Surely in 2020 the advances in construction technology and methods would offer alternative solutions rather than the applicant's draconian approach of demolition, no matter what.

***I strongly object to the massing increase being required on undisclosed viability details which are required from the Mayors SPG***

### **Land use**

The submitted application is made on the assumption of established land use. No documented use establishing student use at 89-91 is provided nor is there any proof on the planning register. LBC have recorded land use of 'Sui Generous' in its validation. The last recorded entry at Land Registry at 4.08.1927 states that 89-91 West End Lane is filed as 1-12 Carlton Mansions (presumably 12 residential units in C3 classification). This use over time has been altered to hostel use (planning ref 2003/3484/P in 2003 for units on roof and basement extension) This was approved provided a s106 agreement was signed up with LBC relating to parking requirements. The use on site post 2004/5 was then specifically to student accommodation under the title of Francis Gardner Apartments- no planning reference for this. From available records it is not clear how long FGA maintained the student accommodation use. I would suggest that there would be a marked difference between Hostel use and student use.

The reason for including this objection as material until LBC (as suggested in the applicants reports) establishes whether a change of use is required. If left in an unresolved state (IE the Filed Carlton Mansions 12 unit C3 (may even be C4) residential use would apply and it would mean that LBC is not getting any benefit to its core strategy of increased homes in Camden (land use being stated to be 'Sui Generous'. The Planning Report further confuses matters by suggesting that 'the application through undisclosed pre app meetings allows an opportunity to formalise the use while providing a high- quality building.'

***My objection to the application centres on the unresolved use class particularly as the application made is for student accommodation based on existing use.***

### **Conservation Area and Heritage**

89-81 West End Lane is in the South Hampstead Conservation Area and located on the south boundary. It is one of several buildings that have been classified as neutral in SHCA. Neutral classification does not necessarily mean that the conservation area asset can be demolished without any further consideration under section 72 of the Planning (listed buildings and Conservation areas) act 1990 and LBC policy D2(Heritage) which states 'The Council will not permit the loss of or any substantial harm to a designated Heritage asset, including conservation areas and Listed buildings unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.' In this application the gain promoted is not substantial and cannot be substantiated. My objection centres on demolition based on the asset being designated neutral.

***I object on the grounds that the applicant has not considered the s 72 details or LBC Policy D2 (Heritage)***

#### **Construction Management Plan, Student Management Plan**

Both these submissions lack any conclusive statements and along with the above-mentioned reasons give any adjoining resident no option other than to object strongly on the basis of lack of crucial information IE The CMP gives a guide to timing for the project but fails to even estimate demolition and the SMP fails to provide any detail on how it will deal with the London Plan SPG requiring student accommodation to have a nominations agreement with a recognised Academic Institution. There is also inconsistency regarding 24/7 management and employee attendance on site. The application states that no employment will be required whilst the Planning report states otherwise. detail on the CMP and the non- compliance with the Mayors SPG.

***I object on the grounds of the CMP not stating any demolition time scales and the SMP inconsistencies on site employment.***

#### **Other supporting reports**

Several accompanying reports such as Sustainability Bream ETC, Air quality, Noise, BIA, are informative and will be reassessed after consent and prior to a start on site. However, if conditioned on the consent should be put back to full committee rather than officer approval giving adjoining residents the confidence of delivery. The applicant relies on the use of s106 agreements as identified in their letter of intent but provides scant detail on the parameters which they will be prepared to negotiate on yet again promoting ***uncertainty for the residents and hence my objection.***

Much is made in directives from Central Government regarding meaningful involvement of adjoining residents in sensitive developments. It reminds Local Authority Council Members that their involvement in any development process is vital in representing the needs of residents. It is evident in this application that some minimal standards have been met and a major proportion dismissed.

***I strongly object to this application based on the reasons given above and urge Members to REFUSE this at Committee.***

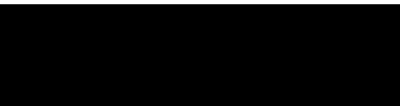
Please note that my objections refer solely to this development proposal. Every effort is taken to present accurate information for Committee Members. I do not accept any responsibility for unforeseen errors /omissions. LBC should satisfy itself of any facts before reaching a decision.

My thanks,

Yours faithfully

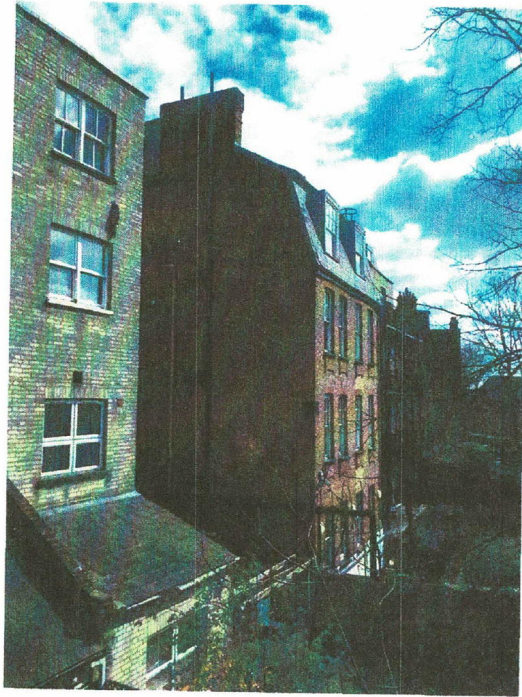


"Sonny Karanjia.



Also refer to photograph on following page





RELATIONSHIP OF REAR ELEVATION 89-91 TO 93 WEST END LANE



RELATIONSHIP OF REAR ELEVATION 89-91 WEST END LANE TO SMYRNA MANSIONS

## 89-91 WEST END LANE REAR ELEVATION RELATIONSHIPS