

## **PLANNING APPLICATION 2022/5492/P**

Dear Sir or Madam,

On behalf of the members of the Cresta House Residents Association [CHRA], who live directly above the proposed site, we are writing to raise the following objections to PLANNING APPLICATION 2022/5492/P:

We do not question whether these proposals would increase the value of the space the Applicant is trying to sell or let; our concern is that they will negatively impact the amenity of those who live above and around it.

The Applicant has not posted a notice of this Planning Application anywhere we can see on or near the site.

### **1. Conversion of Rear Flat Roof to Roof Terrace**

1.1 From Plan CTP/H7/13X/A/8468, it is not clear that the “rear flat roof” is demised to the applicant. Are Camden Planning Officers satisfied that it is?

1.2 In the event that it is demised to the Applicant, we make the following objections:

- i.) The creation of the roof terrace is intended for people to gather to chat, drink and smoke outside of the ‘office’ interior. The inevitable consequence of people gathering together is noise. Together the noise and smoke cannot but negatively impact the residents of Cresta House, who live directly above the roof.
- ii.) Under the present terms of this Planning Application, there is nothing to stop the Applicant from turning the existing office space into either one large restaurant, bar or nightclub or a conglomeration of several small restaurants, bars or nightclubs – if not right away – then in the future. This would lead to a large clientele who could drink, smoke, and dine on the terrace - all of which would negatively impact not only the residents of Cresta House but the neighbours in Dobson Close and Flats at 119 Finchley Road.
- iii.) *“An assessment of the proposed roof terrace has been undertaken and concluded a maximum permissible number of 20 occupants at one given time. [Para 9.0] While the Applicants currently conclude that permission to use the terraces must be limited to 20 patrons at a time between 9am and 6pm, how will this be monitored? How can an arrangement that relies on self-monitoring and enforcement be workable?*
- iv.) To the question “Are Hours of Opening relevant to this proposal” the Applicant ticked ‘No’. That is not correct. In the event that permission is granted, the opening hours could not be *more* relevant. The noise of people congregating outside [the whole point of Part 2 of their application] and cigarette smoke carrying up and out into the night would make matters even worse.
- v.) Bitter repeated experience has taught us that if Applicants are allowed to use, say, an outdoor terrace until 6pm, it is not long before they seek further permissions to extend the opening hours. If the Application is successful, can this be pre-empted?
- vi.) With the exception of a few trees drawn diagrammatically on the Planned Drawing, there are few details of the plantings on the North side of the proposed terrace. How

are they going to maintain the plants/trees, ensuring they do not over-grow and block the sights of Cresta House residents who live above them?

## 2. Proposed Plant Installation

2.1 The Applicant makes light of their plan to replace the “existing condenser units on the rear flat roof with a new consolidated acoustically attenuated dedicated plant area on the same flat roof.” - when the reality is that this ‘newly consolidated acoustically attenuated dedicated ‘plant area’ will likely be a very large unsightly box whose bulk, noise and heat emissions will adversely affect nearby residents who will see, hear and feel it.



photograph supplied by KP Acoustics on behalf of the Applicant

2.2. The Applicant claims they intend to limit the noise impact of the new plant room on nearby neighbours, and only focus on those “away from Swiss House and Station House (currently known as, Swiss Terrace), and not overlooked by 119 Finchley Road and –nearby residential buildings which are approximately 23 – 33m away from their proposed installations.” We are astonished that they did not explicitly mention limiting the impact on the flats in Cresta House which are much closer and directly above.

2.3. We question the relevance of what appears to be a “copy and paste” noise report for 125 Finchley Road, London when the Summary (page 1 of 13) from their Noise Impact Assessment Report refers not to the subject of this planning application but to “..the suitability of the site at **40 Broadway, London...**” and when the Noise Measurement Positions they claim they set up (page 3 of 13) do not match to the actual location description. (i.e. noise measurement positions 2 & 3 in depicted in Green and Blue do not match to the location descriptions)

In any case, the tests they claim to have conducted guaranteed that there will be **protection for the proposed office spaces** from external noise intrusion – but not for anyone else:

“... No further mitigation measures should be required in order to **protect the proposed office spaces from external noise intrusion.**” [Summary (page 1 of 13)]

2.4. The Applicant has provided no Mechanical & Electrical details or specs.

- i.) How large will the plant be? How much heat will it give off? And just how much noise will it generate?
- ii.) Why do they talk of just the one '*newly consolidated acoustically attenuated dedicated 'plant area'*' when they also say that the plant "... *is to be installed at up to **three** locations*"? [Para.7.4 of Noise report] does not match the description of the Planning Statement, Design & Access Statement and Planned Drawings.

2.5. In their application, they claim that "*the closest noise sensitive receivers*" are the residential windows located to the **north** (i.e. currently Swiss Terrace, previously Station House) and **west** (i.e. Dobson Close) of the building, located approximately 14 metres from the north of the building and 35m from west of the building (page 10 of 13).

- i.) "...*residential noise sensitive receivers **may** be located above the proposed plant installation location areas from the 3rd floor and above.*" [Para 7.5]

It is alarming to Cresta House residents to discover that the Applicant considers that we, the '*noise sensitive*' *residents who live on the 3rd floor and above the plant installation*' only '**might**' **be affected by the noise** from the new plant. They appear to have given little consideration to those living above the plant installation at Cresta House, who are the most affected. And appear to have left out Xinhua News Agency located to the North altogether.

#### 4. Historical Precedents

There are historical precedents on sites to either side of this Applicant's venue when Camden Council – sometimes only after over a sequence of many long drawn out applications and appeals – always ended up refusing developers permission to use their outdoor space for eating, drinking or smoking:

- i.) **MIA Lounge [135 Finchley Road]:** it took residents several years of objecting to MIA Bar and Restaurant [and its several predecessors: The Elbow Room; The Cube; D Den and Legacy Bar] but it was in the end refused planning permission to allow its clients to use its outdoor space.
- ii.) **Piano Bar and Restaurant [115 Finchley Road]** Over several incarnations and a great deal of effort on the part of the local community, the same scenario played out at 115 Finchley Road. In a succession of Decisions Camden Council eventually did not allow Le Voss Restaurant or The Piano Bar to serve meals and drinks on the forecourt of their property – or at the back.
- iii.) And, after residents' six-and-a-half-year ordeal with **Deliveroo at 115-119 Finchley Road**, Deliveroo, too, will shortly be honouring Camden's refusal of planning permission and will be vacating the site.

#### 5. Replacement of all windows at first and second floor to the front and rear elevation, and repositioning of the windows along a new line

We would ask for more detailed graphic representation as to the finished appearance of the proposed window design. It is difficult to visualise and assess how this will impact the overall appearance of both front and rear facades of the building from Planning Drawings.

## **6. Alterations and replacement of the entrance façade to the main entrance and adjacent retail / office space**

We would ask for more detailed graphic representation as to the finished appearance of the proposed entrance façade to the main entrance and adjacent retail /office space; and how the overall façade will appear in reality, as opposed from the limited view we can find on Planning Drawings.

We are concerned that this will result in a total mismatch of the front facade to the existing front entrance of Cresta House.

**In conclusion:** it is inappropriate and inconsiderate for the Applicant to try to increase the value of his property at the expense of his own leaseholders - the Cresta House resident/leaseholders who live directly above the proposed new roof terrace that extends the entire length of their apartments. The noise and cigarette smoking from a new outdoor dining/smoking/ drinking area right under their windows will destroy what has always been the calm, quiet, peaceful side of Cresta House overlooking the residential enclave of Dobson Close and the quiet streets beyond.

We ask the Council to refuse permission outright for the use of the proposed outdoor terrace.

We ask the Council to refuse permission outright for the placement of a large box to house the enlarged plant on that proposed roof terrace.

We have reservations about the proposed alterations/replacement of the windows and entrance facade because we have insufficient details to visualize how this will affect the overall appearance of the building. We ask that the Council refuse the planning application until the applicant can provide a more realistic understanding of what they have in mind.

Yours truly,

Edie Raff, Chair Cresta House Residents Association & Resident of Flat 37