I strongly object to the application 2023/0207/P for following reasons.

1. A Planning Enforcement has been submitted on 26NG for serious breach of Section 106 attached to Planning application 2019/1515. Camden has confirmed receipt of Enforcement submission and has committed to making a visit to the development by 31.3.2023. (Please see attachments of submission and reply of Camden). This new application should NOT be considered – and certainly not granted – until the Enforcement Officer has made its visit and the outcome is fully known to the Planning Officer and the owners of neighbouring properties. If the outcome of the visit results in remedial works to be undertaken by the developer to rectify the currently unsupported excavation towards 24a, this should be done to a satisfactory level and be subjected to approval by Enforcement Department and the Planning Officer. Only then should a consideration be given to this new application.

In summary, these are the main areas of breach by the applicant:

* 1. The developer has commenced works at 26NG without appointing a suitably certified engineer -who should be approved by Camden- whose task it is to provide a detailed Construction & Development plan which has to be approved by Camden BEFORE any works commence. This was a condition of the Section 106 agreement (point 2.13).
  2. The developer totally ignored the approved Excavation Methodology nor followed the approved Construction Design for the rear Retaining Wall as set out by the Engineering firm Sinclair Johnston. This approved method involved building a contiguous secant piled retaining wall deep into the slope, with a RC capping beam on the top, and the insertion of trench sheeting and struts for temporary support.
  3. The developer has excavated tonnes of soil without the use of piling, struts and trench sheets during excavation, and worse, has failed to construct any PERMANENT SUPPORT to retain the mass of soil that lays between the excavated area and the foundations of no 24a (and indirectly of 24), size of mass approx 1-2 meters from border with 24a and approx 3-4 meters high. These foundations are AT THE MOMENT totally UNSUPPORTED and at increased risk of collapse!!
  4. Instead of a secant pile wall, the developer has constructed a thin, totally inadequate concrete wall, of approx 3m height, with unknown footings, at a location 5 meters further into the slope than was approved.
  5. This unauthorised concrete wall has a length of estimated 14-15 meters, almost double the approved secant wall of approx 8 meters, as it now spans the width of the site of 26NG and goes across into the adjacent site, known as ‘Ames House, 26NG’, which is owned by the same company and being developed by the same developer. This wall in effect creates a **massive dam**, which will divert all ground and surface water coming from the top of Netherhall Gardens, towards the neighbouring, lower-lying houses of 24a and 24, whereas before this ‘dam’ was constructed, water used to run mostly Westwards underneath the houses 26NG and ‘Ames House, 26NG’ towards the road of Netherhall Gardens.
  6. By failing to perform the required and necessary/critical investigations into the structural foundations of 24a and 24 prior to excavation, the developer has failed to take into account the type, depth or exact span of these foundations. This new application assumes foundations of 24a are BELOW the proposed foundations (see later points). However, Sinclair Johnson highlights the assumed depth of the 24a and 24 foundations to be ABOVE the level of the excavated area, hence the CRITICAL need to use secant piling and trench sheeting!
  7. It is clear that both contractor and owner had hoped to get away building a totally different building ‘on the go’, with NO pre-approved construction plan. Their ‘ad-hoc’ excavation so far has proven totally inadequate and of great risk to the surrounding ground stability. The developer had a legal duty to notify the neighbours and Camden of the commencement of the works, but failed to do so.
  8. The developer has acted in deliberate disregard of the Planning laws, the approved Planning Application 2019/1515, and Section 106 Planning Agreement, and breached these laws in multiple aspects. The structural integrity of neighbouring properties has been impaired as a result. The development has to stop, remedial works need to start by constructing proper retaining walls around excavated area TO PREVENT LAND SLIDES. The owner has now submitted retroactively this new application. Meanwhile builder and owner have **acted illegitimately for the last 3months or more**, and should be hold to account.

1. Regarding the new application 2023/0207/P, the applicant states in the Planning Statement that a Construction Method Plan (CMP) is NO longer needed, as a basement is no longer proposed in the new application. On the contrary, below reasons demonstrate this new development will require an even more robust and detailed Construction Methodology than required for the existent application:
   1. First, the approved 2019/1515 application allowed for a 1.89 meters gap between development and 24a. The new application, however, is pushing **the development to within just 1.4 meters of 24a. A CMP in fact will be more needed than ever, and** should include full comprehensive practical details of temporary works, permanent support structures and the phasing of the work designed to safeguard the structural stability of 24a and its connectivity with 24. **Building a new flank wall at 1.4 m from the flank wall of 24a, will require excavation to within inches of 24a! At a minimum it should include the temporary and permanent structures proposed in the** **2019/1515 CMP, which involves the use of secant piling, reinforced capped beams, inserting temporary trench sheeting, struts, etc.**
   2. Second, the footprint of the newly proposed development is larger in terms of length of the building compared to the existent application: the proposed protrudes **more forward towards the road (approx 0.5 meter) and more backwards into the rear slope (approx 1.0 meter)** to provide a large rear lightwell serving the lower ground floor. Again, this application is more aggressive and risky than application 2019/1515 with regards to these aspects.
   3. The rear Retaining Wall in the new proposal will be of simple RC, of smaller height (3.5m) and weaker construction than the 2019/1515 application. **Yet the proposed wall will retain a higher load** as i. the wall will be built deeper in to the steeply-sloped garden (to accommodate the large rear lightwell), and ii. the wall now takes on the additional load of the terrace that is built above the lightwell. This all indicates **the wall should at minimum conform to the Construction Design as proposed by Sinclair Johnston in the 2019/1515 application.** This approved method involved building a *contiguous* secant piled retaining wall deep into the slope, with a RC capping beam on the top, and the insertion of trench sheeting and struts for temporary support – See attachment Word Doc- Sinclair Johnston 26NG - Drawing for Proposed Section A-A, dd 18.02.2019.
   4. Third, the lower ground floor storey of the new proposed development is unquestionably **subterranean and substantially below the ground level. Its foundation will be BELOW the depth of foundations of 24a, its direct neighbour on the south side.** For this reason, the 2019/1515 application proposed the use of secant piling, trench sheets, struts, etc. Not doing so will put the neighbouring properties of 24a and 24 at risk of potentially serious structural damage. The absence of a CMP is regarded as wholly unacceptable.
   5. Lastly, it is wrong to state by the applicant that the proposed development does no longer have a “basement”, as if implying that the 2019/1515 application proposed a ‘full‘ basement. This is intentionally misleading to any person concerned in this project to make believe the 2019/1515 application proposed a full basement, where in fact it was only a small, ½ basement, covering only ½ of the footprint of the lower ground floor storey. This ½ basement was on the western side of the development, where there is no gradient, no slope, thus requiring relatively and proportionally less excavation on a square meter basis.

Let’s remind ourselves of Section 106 of application 2019/1515 and the very detailed Construction Method Plan and Engineering construction method that was proposed and agreed by Camden, using secant piling - capped with RC beams – trench sheeting and struts as temporary support and as permanent retention wall at the back of the development. **This application is more ambitious with regards to the rear retention wall and the smaller gap with 24a, so why can this developer get away without a CMP?**

3.0. Instead, the applicant has provided a very simple ‘Development Plan’ by SR Brunswick, which is totally inadequate as it is based on incorrect assumptions as to the depth, proximity and nature of neighbouring foundations, and devoid of any investigations as to the ground movement to be experienced during construction. It merely proposes *general* design criteria and form description to the construction.

* + Stated assumption re Foundations ‘The [new] retaining wall is of varying height up to 2.5m high with its base *above* the foundations to the adjacent property’. This depth is totally hypothetical- yet forms the foundation of their Development Plan. It is contradicted by the Engineer Firm Sinclair Johnson who assumed in the 2019/1515 application that the depth of 24a foundations are ABOVE the level of the excavated area, hence the CRITICAL need to use secant piling and trench sheeting!!! See attachment Word Doc - Sinclair Johnston 26NG – Drawing for Proposed Section C-C, dd 08.03.2019.
  + Stated assumption re foundations ‘ The foundations of the party/boundary wall to the rear of the property extend some 2.5 m below existing ground level … so are well below the level of the new traditional strip footing foundation of the new development’. Again totally hypothetical assumed depth with no investigation to back this number, yet the assumption underlies the foundation of their Development Plan.
  + Without knowing the true depths, promixity and type of foundations of 24a and 24, the massive excavation will most likely undermine the foundations to No. 24a and 24. (the latter through its interconnectivity with the former). The proposal is therefore incomplete and inadequate.
  + SR Brunswick structural report does not establish the extent of ground movement likely to be experienced, and a Finite Element analysis is required. It appears that this computer modelling of ground movement consequential to ground excavation has not been undertaken.

4.0. The developer has not proposed **any proper mitigation measures to account for the increased groundwater and surface water flows** that will now run down to the lower-lying properties of 24a and 24 as a result of the massive retaining wall and massive development.

1. As mentioned in the Enforcement submission, the applicant has already built a non-approved retaining wall in the back. This unauthorised concrete wall has a length of estimated 14-15 meters, almost double the approved secant wall of approx 8 meters, as it now spans the width of the site of 26NG and goes across into the adjacent site, known as ‘Ames House, 26NG’, which is owned by the same company and being developed by the same developer. This wall in effect creates a massive dam, which will divert all ground and surface water coming from the top of Netherhall Gardens, towards the neighbouring, lower-lying houses of 24a and 24, whereas before this ‘dam’ was constructed, water used to run mostly Westwards underneath the 26NG towards the road of Netherhall Gardens.
2. The existent application 2019/1515 included the proposal of an attenuation tank. The applicant has simply proposed a wall with a heel to be backfilled with granular fill material to allow ground water to drain away via the land drain at the base of the wall. **This is insufficient and totally unacceptable given the vast amounts of increased and altered flows that will be created by this development:** 
   * 1. The rear Retaining wall will create an effective ‘dam’ which will divert all ground and surface water flows coming from the top of Netherhall Gardens. This water will start running towards the neighbouring, lower-lying houses of 24a and 24, whereas currently the water runs mostly Westwards, underneath the buildings on towards the road of Netherhall Gardens (this slope is 7%).
     2. Compared to the existing footprint, the proposed development will increase the ratio of hard vs soft surfacing 5-fold, from today’s ratio of approx 1.2 to a staggering 5.4 ratio (or more than 80% of this development will be taking up by hard surface). Sustainable drainage guidelines suggest that impermeable surfaces should be replaced with permeable material, allowing rainwater to drain into the ground.

The developer has to present a feasibly solution that can cope with these extra demands.

1. The applicant has not provided any hydrogeological assessment in support of the application. This should have been included.

5.0. Since the previous permission of 2019/1515 was granted, Camden has published a new Conservation Area Character Appraisal & Management Plan for the Fitzjohns/Netherhall Conservation Area (FNCACA), dated December 2022. **On this basis, the new application’s request to narrow the gap between proposed development and 24a from 1.89m (approved in 2019/1515 application) to 1.4m proposed in this application, should be rejected.**