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BY RECORDED DELIVERY

6th July, 2012

Dear Stuart,

KLIPPAN HOUSE, 50 WELL WALK, LONDON, NW3 1BT
SUBMISSION OF BASEMENT IMPACT ASSESSMENT IN RELATION TO APPLICATION
REFERENCES: 2011/3636/P; 2011/3639/L AND 2011/3641/P

We are writing to submit, on behalf of our client Mr. Daniel Harris, a full Basement Impact Assessment prepared by Taylor Whalley Spyra in relation to three planning applications (Ref: 2011/3636/P; 2011/3639/L; 2011/3641/P) currently awaiting determination by Camden Council. The reference numbers relate to two separate applications for the extension of time for implementing an existing planning permission (and related listed building consent) at Klippan House, 50 Well Walk, London.

We note that each application has an elaborate history with various different documents previously submitted. Therefore to provide clarity, we have set out below a brief history of each application and an explanation as to why each document has been provided, including the feedback which we have already received from Camden Council.

However to summarise, we consider the submission of a full Basement Impact Assessment fully meets the requirements of Camden Council and will provide sufficient justification to positively determine each application.

Background to Applications

The basement aspect of the proposal was originally granted planning permission at appeal on the 10th November, 2008, with the accompanying Listed Building Consent. The replacement single storey garage and basement link was granted planning permission by Camden Council on the 26th May, 2009. However, the owner of Klippan House was unable to implement either application within the required timeframe. Therefore, in July 2011 the following applications were submitted to Camden Council to extend the time limit for implementation. These are set out as follows:

- **2011/3636/P:** Renewal of planning permission granted on appeal dated 10/11/2008 (ref. APP/X5210/E/08/2081610 & 2007/4759/P) for the creation of a new underground swimming pool with ancillary plant and gym rooms next to 8 East Heath Road, connected to the main building via a basement corridor link.



- **2011/3639/L:** Renewal of listed building consent granted on appeal dated 10/11/2008 (ref. APP/X5210/E/08/2081611 & 2007/4761/L) for the demolition of garage adjacent to 8 East Heath Road and creation of a new underground swimming pool with ancillary plant and gym rooms connected to the main building via a basement corridor link.
- **2011/3641/P:** Renewal of planning permission granted on 26/05/2009 (ref. 2009/1621/P) for the erection of new single storey garage plus staircase link at rear to approved underground swimming pool (following the demolition of the 2 existing garages).

The applications were subsequently registered by Camden Council on the 26th July, 2011 and Mr. Charles Thuairé was appointed as the Case Officer.

Submission of Basement Impact Assessment

We note that as part of the originally permitted application, geotechnical evidence had been provided by CJ Associates to demonstrate that the proposed construction would have a negligible impact upon surrounding properties.

However following submission, we were informed by Mr. Thuairé that additional guidance had since been adopted by Camden Council which would now be taken into consideration. This included the Camden Core Strategy (adopted November 2010) and CPG4 Basement and Lightwells (adopted April 2011) which placed a requirement on applicants to submit a Basement Impact Assessment as part of any basement proposal.

A Supplementary Planning Note was submitted to Camden Council on the 5th August, 2011 to explain the work which had previously been undertaken as part of the original application sufficiently addressed the policy requirements of the Core Strategy and CPG 4 and that a BIA would not be necessary.

However, in an e-mail dated the same day it was confirmed by Mr. Thuairé that the Supplementary Planning Note did not address the issues raised and that a BIA would still need to be submitted. This was duly noted and SLR Consulting were instructed to undertake the BIA.

We note that prior to the submission of any additional documentation, Mr. Thuairé confirmed in an e-mail dated the 16th August, 2011 that there were no other planning issues which were considered relevant. Although this has been expressed in subsequent e-mails and telephone conversations, we have highlighted the original comments below:

"Meanwhile I have visited the site and there are no other planning issues that I am aware of in respect of amenity, trees, landscape etc."

Therefore the sole issue discussed since this e-mail has been focused on the submission of a Basement Impact Assessment to accord with Policy DP27 of the Core Strategy.

Submitted BIA Screening Report, prepared by SLR Consulting (28th September 2011)

Following a review of the methodology set out within CPG4, there are three main components to a Basement Impact Assessment - Land Stability, Groundwater Flow and Surface Flow and Flooding. After discussing the matter with SLR Consulting it was considered that sufficient geotechnical work had been provided as part of the original application and that the BIA would focus on the groundwater and surface water components. However for clarity, the geotechnical work prepared by CJ Associates was submitted alongside the BIA with a brief explanation provided by SLR Consulting.

In the absence of any specific guidance within CPG4 relating to the extension of time for implementing an already extant permission for a basement development, this was considered to be an appropriate approach.

Furthermore once the BIA had been submitted, Camden Council provided no advice as to whether our report was deficient in any manner. In particular we note Mr Thuaire's comments of the 29th September:

"The report at first glance appears to be thorough and follows our recommended formats for BIA's. However I will study it in more detail later.

In the meantime we have re-consulted all interested parties on this giving them until 18th October to comment."

It was not until Mr Thuaire's email on the 21st October, 2011 that we were made aware of neighbouring objections to the proposal in which the reliability of the SLR report was questioned. The most pertinent objection to the proposals was from neighbours at 8 East Heath Road who had commissioned their own hydrologist, 'Hydrock', to review the report prepared by SLR Consulting.

Following the submission of the report prepared by Hydrock, Mr. Thuaire provided the following advice:

"As you can see, it [the Hydrock Assessment] makes several detailed criticisms of your report [BIA prepared by SLR Consulting] and I would be grateful if you or your advisors could comment on this and if necessary undertake the suggested additional research before I can take the matter further. Clearly Members will want conclusive advice as to what the consensus of expert opinion is regarding affect on underground stability and geology in order for them to make an informed decision and of course I would want this in order for me to reach a balanced recommendation; it does not help anyone if there are areas of dispute between separate sets of engineers or inadequacies in evidence which prevent a robust conclusion being reached.

In the meantime, I will be reviewing your report in the light of these criticisms when I return from leave next week."

We note the robustness of the SLR Report was not brought into dispute by Camden Council and that it was merely the difference of opinion between consultants which needed to be resolved.

As a result, we informed Mr. Thuaire in an e-mail dated the 31st October, 2011 that SLR Consulting were preparing a rebuttal to the comments raised by Hydrock. This was confirmed to be acceptable by Mr. Thuaire who did not elaborate any further on any specific areas in which we would need to focus.

Furthermore, to alleviate any concerns which either local residents or Camden Council may have had with the proposed development, we proposed to meet with Mr. Thuaire in an e-mail dated the 14th December, 2011. The e-mail included a Fluid Structures Structural Work Specification, produced in May 2009, which related to the original planning application. This was unfortunately not re-submitted alongside the BIA Screening Report but provided further guidance on the anticipated temporary and permanent works.

However, Mr. Thuaire considered that a meeting was unnecessary and would not be required to resolve the issues raised.

Submission of Addendum to Basement Impact Assessment Screening Report, prepared by SLR Consulting

The Addendum to the Basement Impact Assessment Screening Report was prepared by SLR Consulting and submitted to Camden Council on the 1st February, 2012. We were informed that the Case Officer had since changed and that we were to send any additional information to Mr. Andrew Forrest.

The purpose of the report was to address the issues raised by the Hydrock Hydrological Report and in particular, the questions raised within Table 1 of the report.

The SLR report concluded that the Basement Impact Assessment Screening Report, in conjunction with the Geotechnical Assessment and Structural Work Specification provided an adequate framework for potential impacts to be robustly assessed and mitigated.

However following a telephone conversation with Mr. Forrest on the 9th February, 2012, we were informed that the documents prepared by SLR Consulting, including the previous geotechnical work by CJ Associates was insufficient in meeting the requirements of Policy DP27 of the Core Strategy and that a 'full' Basement Impact Assessment would need to be submitted

In response, we highlighted Paragraph 2.15 of the BIA guidance which sets out the requirements for when applications should move from the 'screening stage' to the 'scoping' stage. The paragraph refers to the questions raised in Figures 1, 2, and 3 of the guidance and states:

"Where a respondent answers "yes" or "unknown" to any of the questions in the flowcharts these matters will need further investigation. "No" answers will require written justification"

We noted that as our screening report was produced retrospectively with the majority of the technical work having already been undertaken, SLR Consulting were able to provide robust justification to the questions which answered 'yes'. Therefore, it was not considered necessary to move onto the 'scoping' stage, as the guidance suggests, because any question which had answered 'yes' had already been scoped and investigated in preparing the original (now approved) applications.

Furthermore, this was the first time we had been asked by the Council to provide a 'full' BIA assessment since our original report was submitted in July 2011.

We made a second request for a meeting with Camden Council to discuss which Questions from Fig 1, 2 and 3 of CPG4 would require further clarification, however we were informed that this would not be necessary and were simply asked by Mr. Forrest to submit a 'full' Basement Impact Assessment.

Therefore, in the absence of any specific guidance from Mr. Forrest as to the areas which our submission was lacking, the completion of a 'full' Basement Impact Assessment was considered unnecessary and that Camden Council has already been provided with sufficient material to consider the applications favourably. Subsequently, we requested in an e-mail dated the 27th March, 2012 that the applications be determined with the information available.

Change of ownership to Klippan House

During this period the ownership of Klippan House changed and Mr. Daniel Harris became the new owner. As a result of the change in ownership we now act on behalf of Mr. Harris rather than the previous owner, Mr. Paul Cowan.

We note that we discussed our situation with Mr. Forrest via telephone on the 5th April, 2012 who agreed that the applicant name could be changed from Mr. Paul Cowan to Mr. Daniel Harris due to the change in ownership. We confirmed the arrangements made via telephone in our e-mail dated the same day.

Furthermore, we confirmed that despite our view that Camden Council had been provided with sufficient evidence to positively determine the application, Mr. Daniel Harris wished to undertake a 'full' BIA Assessment.

However once this was confirmed, we were informed by Mr. Forrest in an e-mail dated the 13th April that he was no longer our Case Officer and that our applications would be reallocated to another officer.

Since that date, the 'full' Basement Impact Assessment has been completed and is the subject of this letter.

Basement Impact Assessment, prepared by Taylor Whalley Spyra

In light of the above, we write to formally submit a Basement Impact Assessment and Construction Management Plan prepared by Taylor Whalley Spyra, on behalf of Mr. Daniel Harris.

The BIA consolidates all of the previous work which has been submitted with the applications and includes further detailed analysis of the ground, ground water and hydrogeological conditions of Klippan House.

As you will see at Figure, 1, 2 and 3, the BIA makes the same screening assessment as the previous SLR Consulting Report however, provides additional guidance on each component - in particular the questions which are answered 'yes'. Furthermore, the BIA makes the following points:

- The BIA highlights that there is to be no increase in surface water run-off from the site or any significant change in the subterranean water flow and the design will keep to the existing site condition. With the surface water drainage and external permeable paved area being designed to maintain the existing flow and infiltration volumes. This will minimise any changes to the existing conditions along the adjoining property and surrounding area.
- The areas of hard and soft permeable areas will remain similar to the existing so there is no change in surface water runoff from the site effecting adjacent properties.
- Soil investigation and associated studies have demonstrated that the development will not have an adverse effect on local geology or surface water regime.
- The Hydrock Consultants Ltd report mainly refers to the ground water comments which have been clarified above and responded to directly within Geotechnical Consulting Group's letter at Appendix D.

To summarise, the BIA states that the project as currently envisaged is feasible in terms of the general construction process, structural stability, long term integrity of adjacent buildings, the existing property and surrounding infrastructure.

Summary

We are pleased to submit a Basement Impact Assessment and Construction Management Plan, on behalf of Mr. Daniel Harris.

In light of the evidence submitted to Camden Council, we consider the proposed development to fully comply with Policy DP27 - *Basements and Lightwells* of the Camden Council Core Strategy. For ease of reference we have highlighted the policy below:

Policy DP27 - Basements and lightwells

In determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding groundwater conditions and structural stability, where appropriate. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity, and does not result in flooding or ground instability. We will require developers to demonstrate by methodologies appropriate to the site that schemes:

- a. Maintain the Structural Stability of the building and neighbouring properties;**
- b. Avoid adversely affecting drainage and run-off or causing other damage to the water environment;**
- c. Avoid cumulative impacts upon structural stability or the water environment in the local area;**

And will consider whether schemes:

- d. Harm the amenity of neighbours;**
- e. Lead to the loss of open space or trees of townscape or amenity value;**
- f. Provide satisfactory landscaping, including adequate soil depth;**
- g. Harm the appearance or setting of the property or the established character of the surrounding area; and**
- h. Protect important archaeological remains.**

The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding.

In determining applications for lightwells, the Council will consider whether:

- i. The architectural character of the building is protected;**
- j. The character and appearance of the surrounding area is harmed; and**
- k. The development results in the loss of more than 50% of the front garden or amenity area.**

We note that criteria (a), (b) and (c) have been addressed through the submission of a Basement Impact Assessment, as set out within CPG4 *Basements and Lightwells* and following the Arup methodology.

Criterion (d) has been considered within the attached BIA which includes a comprehensive review of the objections raised by residents of 8 East Heath Road and concludes that the proposed development will have no adverse impact on neighbouring occupiers.

Furthermore, criteria (e), (f), (g) and (h) were previously considered acceptable when the applications were originally granted planning permission. There has been no significant shift in local policy in relation to the issues raised within these criteria; therefore we consider the proposal to remain policy compliant. We note that Mr. Thuairé has expressed a similar opinion in his e-mail dated the 29th September, 2011.

Lastly criteria (i), (j) and (k) relate to the construction of lightwells and are therefore not relevant to the applications.

We therefore consider that the submitted information should allow the positive determination of applications 2011/3636/P; 2011/3639/L and 2011/3641/P.

We look forward to your response and would be grateful if you could please confirm receipt of this letter and clarify which Officer will be taking over from Mr. Forrest and what the likely timescales will be for the determination of each application.

In the meantime should you have any questions please contact the writer.

Yours sincerely,



ALASTAIR BIRD
Planner

Encs.