

Elaine Quigley
London Borough of Camden
Planning Department
Town Hall
Argyle Street
London
WC1H 8NH

24 January 2013

Dear Ms Quigley



Scope of our comments and observations on the original (approved) proposal

We understand that the application relates principally to the *addition of a basement level* to a previously approved proposal for a single storey dwelling. Therefore our comments in this letter relate to the *additional impact* of the proposed basement addition, principally in relation to the additional impact on the peaceful and safe enjoyment of our home and garden area.

That said, we think it is important to note that although we are the current occupiers of the neighbouring property most likely to be affected by any development of the land adjacent to 1 Ellerdale Road, we never had the opportunity to comment on the approved proposal. This is a consequence of the fact that the proposal was submitted and approved many years ago, before we moved into the property. We understand that the developer has not acted on the approval for all that time. Given that we are the most proximate and most likely to be affected, yet have not had the opportunity to comment, we wish to request that any further extension of the approval be granted only following a re-consultation that would allow those that have moved into neighbouring properties in the interim to comment.

It is of some surprise to us that the proposal was ever approved given the evident over-development that even a single storey dwelling represents for the very small space of land that is available; land that would appear to have never previously been intended for a dwelling. The proposed addition of a basement to the originally approved proposal represents architectural gymnastics given the limited space available to the development. If the applicant considers the basement level to be necessary we think this calls into question whether the original (approved) proposal was ever a viable proposal given the limited land area concerned.

Concern for the peaceful and safe enjoyment of our home and garden during construction

We are extremely concerned about the proposed development including the addition of a basement level for the following reasons.

As mentioned, we have three children of very young ages (five and under). Children are present in our home all day every day. The one-year-old is at home all day every day with mum or with a nanny. All three children will be at home all day every day during school holidays. During school terms the three year old is at home after 12pm on Wednesdays, Thursdays and Fridays, and after 3pm on Mondays and Tuesdays. The five year old is at home after 3pm every school day. Inside our home, the children need peace and quiet when napping during the daytime and also at all other times in order to enjoy themselves without stress. We have extensive glass doors and windows facing the proposed development and the noise and vibrations from the construction will undoubtedly be heard and felt within our home.

Our small children will also make extensive use of our garden, which adjoins the proposed development, particularly in the spring, summer and autumn months, but also in winter. We have sited a trampoline at the very rear of the garden (against the party wall of the proposed development) as this is the only place that will allow us to combine a trampoline with enjoyment of the garden area. During the spring, summer and autumn months we use our garden extensively for games, for lunch and dinner time picnics and for free play. The children use the trampoline every day of the year. It brings them a great deal of joy and allows them to get much needed exercise – something city children with only small gardens can find difficult to do. There are no public parks or playgrounds within easy walking distance. Should their own garden be unavailable to them this would severely limit their ability to play and exercise outside.

Our home and garden environment are therefore comparable to a school environment (i.e. a place where children should be free to play and enjoy themselves and free from disturbance and stress) and the proposed development should be considered in that light.

The construction of a basement level right next to our garden and within ten metres of our house is likely to involve significant *additional noise disturbance* for a *long period*, affecting our ability to enjoy our garden and live peacefully even inside our home. It is also likely to result in *additional air pollution* entering our garden area and also our home, precluding us from enjoying the garden at all and our kitchen and living areas without closing doors and windows. Even if noise and air pollution were not issues (though we cannot see how that could be the case) the *risk of foreign objects* entering our property will mean that we will likely be compelled to keep the children inside the house at all times when construction is occurring. This will greatly impact their physical and emotional development and ruin our enjoyment of our property. The children will be unable to use the trampoline during the construction hours required to build the basement – and as they are very young, the normal construction hours of 8am to 6pm are all of the time that they have for play – due to concerns for their health and safety, being sited so close to the party wall of the proposed development.

With regard to noise levels, given the nature of our use of our home and garden, and the tender age of our children (which, again, likens our home and garden to a school environment) if the proposed development were to be approved a noise limit of 60dB should be imposed compared to the normal 70dB limit for residential receptors.

In summary, the proposed basement addition will impact on our children *significantly and unacceptably* in terms of at least noise and air pollution, and being forced to spend more time indoors than is reasonable. All of this will raise their stress levels and impact on their emotional and physical development. The addition of a basement will increase significantly the length of time required for the construction, extending the period of disturbance to ourselves and other neighbours.

Inadequate information has been provided in the application

We submit that inadequate information has been provided to enable informed comments and adequate consideration by the Council. In particular, the only assessment of the impact of the basement addition that appears to have been provided is a basement impact assessment (BIA). This does not cover construction management issues including noise, vibration and air pollution, risk of foreign objects entering neighbouring properties and the impact on residential parking spaces. We request that the application be considered incomplete and that prior to further consideration of the application the applicant should be required to submit a construction management plan (CMP) for comment and consideration. Among other things normally included in a CMP, the CMP should include at least:

- Details of the *anticipated timeframes* for the entire construction and for each phase, including the particular calendar months during which the different phases of construction will be undertaken. This is important for assessment of the impact since (as mentioned above) we would normally make extensive use of our garden area in the spring, summer and autumn months. It is remarkable that we were unable to find, anywhere in the application documents, any indication of the overall length of time that will be required for the construction or any plan as to the timing of the various stages of construction;
- An *independent noise and vibration assessment* for each phase of construction (including assessment of the peak noise conditions during digging and piling/underpinning and during use of basement sump pumps, and the lengths of time over which noise above normal levels will be experienced);
- An *independent air quality assessment* for each phase of construction detailing the likely composition and extent of dust and chemical pollution that will enter neighbouring properties;
- Consideration of the *risk of foreign objects* entering neighbouring properties during the construction;

- Details of the *risk of water seepage* into and other disturbances impacting on neighbouring properties (given that the proposal indicates the use of deep piling, which increases risks of flooding and waterlogging);
- Details of *who would be liable and how damage would be rectified* and at whose expense and with what compensation should there be an impact on neighbouring properties;
- Details of the *management of vehicles and building waste* and the *impact on residential parking spaces* in Ellerdale Road and elsewhere (we note that the addition of a basement will presumably require additional labour, equipment, trucks and skips to deal with the additional material that will need to be moved onto and off the site); and
- Details of the *degree of access* that will be required to neighbouring properties and the timeframes that will be required for such access. The site is very tight, and the proposed development appears to extend to the party walls on all sides – it is unclear how this can be done without some access to neighbouring properties.

It may be that a CMP was prepared and submitted as part of the earlier proposal for a single storey dwelling. If so, the applicant cannot rely on it for approval of the current application; it would need now to be revised and updated to account for the addition of a basement level with a swimming pool and jacuzzi. It is not possible that the construction of a dwelling with a basement – which will involve significant additional digging and piling/underpinning – can be managed in the same way (including the same timeframes, degree of noise and air pollutants, risks for water seepage; impact on parking spaces for vehicles/skips) as a single storey dwelling.

Comments on the Basement Impact Assessment

We first note the obvious: that the BIA has not been prepared by a truly independent third party, but for the developer (Mr G Gallberg) “in order to achieve planning approval” (para 1.2). As such, we trust that the Council will not take anything within the BIA as given and will apply a forensic eye to the evidence within it, in order to safeguard the area and the neighbours. If the Council does not possess the requisite technical ability itself, we urge the Council to engage independent auditors to assess the BIA prior to considering the application further.

We also note that much of the BIA is presented in technical terms, precluding a lay person assessment – it is unfortunate that the BIA is not presented in a way such that lay people can understand all the potential impacts. We are not engineers and are of modest means, comparatively, and do not have the resources ourselves to engage a consultant to review the BIA and comment on its veracity. We do, however, note the following.

The BIA is limited in scope to “the proposed scheme’s impact on local drainage and flooding and on the structural stability of neighbouring properties through its effect on groundwater conditions and ground movement” (para 1.3). It therefore does not substitute for a CMP and provides no information on the impact during construction on neighbouring

properties in terms of noise, vibration and air pollution, the risk of foreign objects, the impact on parking spaces or the degree of access required to neighbouring properties.

In terms of subterranean (groundwater) flow (para 3.1), the BIA acknowledges that the site lies above an aquifer (and that the basement may extend below the waterline – see para 3.2), that “the amount of hardstanding areas will increase as the new unit will replace soft landscaped area” and “the use of infiltration methods is not possible due to lack of external space”. This section of the BIA is not at all comforting regarding the potential impact on groundwater flow and neighbouring properties. The risk of underground water being diverted to neighbouring properties by a basement built below the waterline in the vicinity of an aquifer seems to us likely to be greater than acknowledged in the BIA.

With respect to surface flow and flooding (para 3.2), in response to the question whether surface water flows (e.g. volume of rainfall and peak runoff) will be materially changed from the existing route, the response is: “No, these will be unaffected as the lower ground floor is only 1m lower than ground level”. It is apparent from the plans that the basement is *considerably more* than 1m lower than ground level (since the basement level is at least 2.5m tall, not counting the pool depth, and the top of the basement will already be below ground level). The response therefore appears unreliable, calling into question the entire BIA. This section of the BIA needs reconsideration before any further consideration of the application can take place.

With respect to Appendix E (soil borehole records), the degree of concern expressed by the developer’s own consultants with regard to the potential for “elastic movement” and “heave” associated with the proposed swimming pool is notable. At page 10, the BIA states (emphasis added):

“The excavation of soil will result in a reduction in the overburden load to the underlying strata of approximately 20kPa. The suspended floor slab will ensure that any heave of the soils underlying the site will not represent an engineering problem. However, this figure is likely approach 40kPa should a swimming pool be incorporated at the new floor level - assuming a 2m deep construction. Evidently, it is likely that the pool slab can be constructed on the naturally occurring soils. This increased excavation may result in the development of elastic movement together with the potential for long-term heave under the revised stress conditions when the development is completed.

The magnitude of long-term uplift forces that may be applied to the swimming pool is difficult to predict. Computer programmes are available which attempt to model the problem. However, the complex nature of the proposed structure and difficulties in assuming the soil parameters would limit the validity of the calculations.”

It cannot be acceptable for the proposal to be approved with the inclusion of a swimming pool when so much uncertainty appears to remain regarding the potential impact on ground conditions. The applicant should be required to investigate this matter further before further consideration of the application.

We urge the Council to obtain an independent audit of the BIA before considering the application further if it does not have the required technical ability itself. If, after this, the application is subsequently approved, construction should not commence until a suitably qualified chartered engineer has been appointed to inspect, approve and monitor the critical

elements of the temporary and permanent basement works throughout their duration to ensure compliance with the design, which should be checked and approved by a building control body.

Failure to observe and comply with Camden's development policies

We urge the Council to consider the inadequacy of the application in its current form in relation to compliance with Local Development Framework (LDF) policy DP 26. The LDF states (emphasis added):

"Camden's Core Strategy seeks to sustainably manage growth so that it takes place in the most appropriate locations and meets our needs while continuing to conserve and enhance the features that make Camden such an attractive place to live, work and visit (see policy CS1). Promoting and protecting high standards of amenity is a key element in this and will be a major consideration when the Council assesses development proposals. Core Strategy policies CS5 - Managing the impact of growth and development and CS14 - Promoting high quality places and conserving our heritage set out our overall approach to protecting the amenity of Camden's residents, workers and visitors, a major factor in people's quality of life. Policy DP26 contributes to the implementation of the Core Strategy by making sure that the impact of a development on occupiers and neighbours is fully considered."

DP 26 itself states (emphasis added):

"The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures."

With respect to noise and vibration levels, the LDF states:

"Noise/vibration pollution has a major effect on amenity and health and can be a particularly significant issue in Camden given the borough's dense urban nature. More detail on how to prevent disturbance from noise and vibration, including the requirement for mitigation measures can be found in policy DP28."

With respect to odour, fumes and dust, the LDF states (emphasis added):

"Camden suffers from extremely poor air quality which has a harmful impact on health and the environment. More detail on how the Council is tackling poor air quality can be found in policy DP32. Camden Planning Guidance provides information on how developments should be designed to prevent occupants from being exposed to air pollution, including mitigation measures.

Odours, fumes and dust can be generated from commercial cooking, industrial process and construction and demolition. We will require all development likely to generate odours to prevent them from being a nuisance by installing appropriate extraction equipment and other mitigation measures. Further details on mitigation measures and Camden Development Policies 2010 where

extraction equipment should be located can be found in Camden Planning Guidance. Further details on limiting noise from extraction equipment can be found in DP28. The Council will limit the disturbance from dust due to construction and demolition by expecting developers and their contractors to follow the London Councils' Best Practise Guidance. The control of dust and emissions from construction and demolition. We will also expect developers to sign up to the Considerate Constructors Scheme. Details of how these will be implemented should be provided in a Construction Management Plan."

With respect to attenuation measures, the LDF states (emphasis added):

"Disturbance from development can also occur during the construction phase. Measures required to reduce the impact of demolition, excavation and construction works must be outlined in a Construction Management Plan. We will require Construction Management Plans to identify the potential impacts of the construction phase of the development and state how any potential negative impacts will be mitigated.

Construction Management Plans may be sought for:

- major developments;
- basement developments;
- developments involving listed buildings or adjacent to listed buildings;
- developments that could affect wildlife;
- developments on sites with poor or limited access; and
- developments that could cause significant disturbance due to their location or the anticipated length of the, demolition, excavation or construction period."

DP 27 (concerning basements and lightwells) states:

"the demolition and construction phases of a development can have an impact on amenity and this is a particular issue for basements. The Council will seek to minimise the disruption caused by basement development and may require Construction Management Plans to be submitted with applications."

In relation to DP 28 (noise and vibration pollution) the LDF states:

"Noise and vibration can have a major effect on amenity and health and therefore quality of life. Camden's high density and mixed-use nature means that disturbance from noise and vibration is a particularly important issue in the borough. Camden's Core Strategy recognises the importance of this issue for Camden's residents and policy DP28 contributes to implementing a number of Core Strategy policies, including CS5 - Managing the impact of growth and development, CS9 - Achieving a successful Central London, CS11 - Promoting sustainable and efficient travel and CS16 - Improving Camden's health and well-being."

DP 28 itself states (emphasis added):

"The Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for:

- a) development likely to generate noise pollution; or
- b) development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided.

Development that exceeds Camden's Noise and Vibration Thresholds will not be permitted.

The Council will only grant permission for plant or machinery if it can be operated without cause harm to amenity and does not exceed our noise thresholds.

The Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Where these phases are likely to cause harm, conditions and planning obligations may be used to minimise the impact."

We strongly suspect that, due to the noise that will be involved in constructing a basement level so close to our home and garden, the proposed development will exceed noise thresholds and be contrary to DP 28. There is no indication in the application that this will not be the case. For that reason alone the application should be rejected.

Other comments

Whatever the CMP (once it is submitted) may ultimately say, the proposed addition of a basement on the site represents gross overdevelopment of the site.

As a final observation, the risk of disturbance to the peaceful and safe enjoyment of our property and garden area (and those of our neighbours) from the construction of an additional basement level should be viewed in the context that the additional basement will serve only to provide the new dwelling with a swimming pool and jacuzzi, which are hardly necessities for any dwelling and were presumably not even contemplated in the originally approved proposal. These luxuries are being added to a previously approved plan at a significant risk to neighbouring properties and without any effort having been made by the applicant to identify the risks and properly inform the Council or neighbours of them. We submit that the peaceful and safe enjoyment by our young children of their home and garden should not be compromised by the construction of a basement to provide the applicant with pure luxuries.

Sincerely,

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