

Gentet, Matthias

From: [REDACTED]
Sent: 04 September 2013 12:45
To: Gardiner, Paul; Planning
Cc: Rhodes, Maya; Callaghan, Patricia (Councillor); Pietragnoli, Lazzaro (Councillor); Christopher Naylor, Pam White
Subject: For Paul Gardiner: 60 Regents Park Road application 2013/4844/P
Importance: High
Follow Up Flag: Follow up
Flag Status: Orange

Dear Mr. Gardiner,

I am forwarding these e-mails to give you some background on the problems we had regarding the tiny alleyway that I assume will be used, and the problems we had on the street as a result of the deliveries that were made.

The Planners now have a chance to make good on the mistake they made when granting permission for the basement excavation without considering how the garden would be restocked or what effect it would have on the lives of many people.

I look forward to hearing from you.

Yours sincerely,

Linda Seward

Begin forwarded message:

From: Linda Seward [REDACTED]
Date: 11 September 2012 10:56:03 BST
Subject: get ready for the disruption

Greetings:

Just to bring you up to date on what's been happening:

The house at 60 Regents Park Road is now finished and the builders are getting ready to put all the earth back on top of the now completed basement. And as I suspected, they are going to use the tiny alley that runs along the side of my house to do this, which means trucks will be delivering earth to Kingstown Street for the foreseeable future. It looks like they are starting work tomorrow, as they have taken over the parking space outside number 45 Kingstown Street. This is going to take weeks, and I only hope that the residents of Kingstown Street and Auden Place are not going to be disrupted too much.

Let's just hope for the best and endure what is going to be a very difficult time.

All best wishes, Linda

I have to say that Maya has been extremely helpful, as has Pat Callaghan.

Begin forwarded message:

From: [REDACTED]
 Date: 11 September 2012 10:32:46 BST
 To: [REDACTED]
 Cc: [REDACTED] noli"
 <[REDACTED]>
 Subject: Fwd: 60 Regents Park Road

Dear Maya,

While I appreciate your considerable help on this, I still believe that this fiasco has been a real oversight for the Camden Planners-- how could they not have considered how that massive basement excavation was going to be filled in? I find it incredible how the local people have been left in the lurch with a shrug of the shoulders and some quotes about exemptions. I thought the Traffic Management Order was supposed to protect the local residents-- not the builders.

These exemptions basically give these builders free rein to do whatever they want. I notice they are planning to start work tomorrow so I'm sure this is all too late. I also note that their assurances that the local neighbours would be told about what was going to happen have not materialised. There is a sign on a pole outside--that's how I found out.

I am just wondering, however, whether **used for purposes as stipulated in the title deeds** includes this type of work. "Restocking" a garden refers to plants and a few bags of earth--not weeks and weeks of filling in an excavation that should never have been made in the first place. I am very disappointed in how this has all been accomplished, with all rights given to the wealthy people building this house and destroying their garden, and no consideration given to the neighbours or the environment.

It is an absolute crime that we have not been protected by the people who are supposed to be looking after our best interests.

Yours sincerely,

Linda

Begin forwarded message:

From: [REDACTED]
 Date: 7 September 2012 15:44:22 BST
 To: "Linda Seward" <lsecward@btluwonder.co.uk>
 Cc: [REDACTED]
 Subject: RE: 60 Regents Park Road

Dear Linda

Thank you for your email and I apologize for delayed response.

Having previously liaised with the Planning Officer on this matter unfortunately, a section 106 legal agreement, under Planning Act 1990 was not appended to form part of this planning application where a Construction Management Plan would be recommended. The aforesaid agreement would have afforded us legal recourse and allowed prior comment, on the development, by the

Environmental Health Department and other services to regulate potential nuisance from dust, noise, vibration and vehicle movement. Such comments and or, conditions would be contained in a CMP. For reasons beyond my jurisdiction, this was not implemented during the initial appraisal of this application and therefore, we have little scope to regulate traffic movement or, works to the rear garden.

As such, I have since discussed the matter with colleagues in the Council's Road Traffic department. I was advised that vehicles working in association with any building, demolition and or, excavation are exempt in accordance with the Councils current 'Traffic Management Order'. These exemptions are provided here under;

16.2.2 for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the road, the maintenance of street furniture or trees or the cleansing of gullies in or adjacent to the parking place,

The subsequent section below is an additional exemption that sits in the controlled parking zone areas, that allows for the vehicles to be parked within resident or permit bays within the zone for the activities contained therein.

8.1.2 while the vehicle is being used in connection with any building operation, demolition or excavation in or adjacent to any such street, the removal of any such obstruction to traffic in any street, the maintenance, improvement, reconstruction, cleansing or lighting of any street, the laying, erection, alteration or repair in or adjacent to any street of any sewer or of any main, pipe or apparatus for the supply of gas, water electricity or any electronic communications network, or the placing, maintenance or removal of any traffic sign, if the vehicle cannot conveniently and lawfully be used for that purpose in any street not being a restricted street or outside the prescribed hours.

Finally, with regards to use of the alleyway and possible damage to neighbouring properties, I sought the opinion of colleagues in the Building Control Service. Unfortunately, as the land is deemed private and used for purposes as stipulated in the title deeds, it becomes a civil matter where we have no enforcement powers.

The only viable alternative to mitigate the potential impacts from the use of the alleyway is for continued dialogue with the appointed contractor(s) to ensure they employ best practice.

While I'm not entirely sure if Knowles & Associates have been appointed to complete the works to the rear garden, I will contact Mr Everett to check the status of these works and his intentions.

Regards

Maya Rhodes
Environmental Health Officer

Telephone: 020 7974 2652

From: [REDACTED]
Sent: 07 September 2012 12:55
To: [REDACTED]
Cc: [REDACTED]
Subject: 60 Regents Park Road
Importance: High

Dear Maya,

Further to my previous e-mail regarding the replacement of tons of earth to the garden at 60 Regents Park Road, I am attaching a scan of

the letter I received from Alan Knowles, the builder. NB: have not attached letter as it is under their copyright.

As you can see, they are definitely planning to use that tiny alley beside my house for this job. I am wondering whether the Council has decided upon the regulations and permission for this process, and whether the members who will be making this decision have visited the site to see exactly what is going to happen to our tiny street.

This must be addressed as soon as possible as I believe they will be wishing to put the earth back in very soon. Obviously the "holiday season" is now over, so the inconvenience to our street is going to be huge. I cannot see how the movement of tons of earth is going to be accomplished, and feel that not addressing this has been a serious oversight in the planning process.

Many thanks for your help.

Yours sincerely,

Linda

From: [REDACTED]
Subject: Re: 60 Regents Park Road
Date: 7 September 2012 13:02:34 BST
To: [REDACTED]
Cc: [REDACTED]

Maya

I would ask that if members don't come out to view the precise size of this 'alley'-which is minute- Can either Cllr Pietragnoli or myself be present when the planning officer assess's the actual size (the mind boggles at the thought of taking building supplies and debris to/from the site)

Cllr Patricia Callaghan
Cabinet Member for Adult Social Care & Health
Labour Councillor for Camden Town & Primrose Hill Ward
London Borough of Camden

Telephone: 020 7974 5707

From: [REDACTED]
Subject: Re: 60 Regents Park Road
Date: 5 September 2012 17:17:17 BST
To: [REDACTED]
Cc: [REDACTED]
Bc: [REDACTED]

Dear Maya,

I understand that the residents of 60 Regents Park Road have now moved in. The builders have started to bitumen the concrete slab which will form the floor of the new garden. That means that before too long they'll start to deliver the earth. I don't know how they're going to deliver it because it looks as if they've made the front area pristine and finished. That means that they must plan to bring it in down our tiny alley.

My front door was entirely blocked this afternoon by a large van taking away metal materials from the site via the alley. It was parked on top of the pavement that was carefully laid by Camden last year and marked with double yellow lines to indicate that no parking should take place there. I could barely get out of my front door. I am hugely concerned about the implications of this garden replacement and would like to know if Camden has

been able to ascertain the legal position on this as I feel it is imminent.

Yours sincerely,

Linda

From: [REDACTED]
Subject: Re: 60 Regents Park Road
Date: 9 August 2012 10:39:24 BST
To: [REDACTED]
Cc: [REDACTED]

Dear Maya,

Thank you so much for all your help in this matter.

I fully understand what you have written about the title deeds granting certain permissions for the use of a shared alley, but I do think that the delivery of literally TONS of earth is not what they had in mind when that was written. Surely the owners should have taken this into consideration when they decided to remove their garden in order to build a cinema and gym.

I cannot tell you how much we appreciate having someone at Camden who is willing to investigate this for us.

Yours sincerely,

Linda

From: [REDACTED]
Subject: RE: 60 Regents Park Road
Date: 8 August 2012 23:33:53 BST
To: [REDACTED]

Dear Councillor Callaghan,

Thank you for your inquiry and I apologise for the delayed response to you and your constituent.

While I have requested a copy of the construction management plan, my assumption is the proposed works to the garden may not form a part of the document. Conversely, if the works are indeed documented, this will allow some recourse to recommend suitable times for deliveries and or, an alternate point of delivery, control of dust and debris.

However, I must also advise that any stance I may take in this matter may be impeded by the legal entitlements contained within the connivance of

the title deeds, which permits certain uses for a shared alleyway.

Nevertheless, as I'm now on duty tonight, from 21:00 - 04:00am (as part of the Council's Olympic 'Out of Hours' Service) my colleague and I will revisit the area, to view the alleyway and the point of access, to consider the feasibility of the proposed use.

Furthermore, while the Environmental Protection Act 1990 can be used to regulate adverse noise from deliveries unfortunately, the legislation falls short of controlling noise from garden works and plant used for that purpose.

However, once I've conducted a full inquiry into this matter, I will provide a more concise update and of the legal position.

Finally, once again, please accept my apologies for the late response. However should you wish to discuss any aspect of the above, please do not hesitate to contact me. Due to the 'Out of Hour's Olympic rota, I will be back in the Office tomorrow by 14:00.

Regards

Maya Rhodes
Environmental Health Officer

-----Original Message-----

From: Callaghan, Patricia (Councillor)

Sent: 07 August 2012 19:47

To: 'Linda Seward'; Rhodes, Maya; Pietragnoli, Lazzaro (Councillor)

Maya

As both Cllr Pietragnoli and I both live in the immediate area-we are astounded that anyone would even think of conducting garden maintenance and the materials involved through this small opening. Please advise

Thank you

Cllr Patricia Callaghan
Cabinet Member for Adult Social Care & Health Labour Councillor for
Camden Town & Primrose Hill Ward London Borough of Camden

Telephone: 020 7974 5707

-----Original Message-----

From: [REDACTED]
Sent: 07 August 2012 14:47
To: Rhodes, Maya
Cc: Callaghan, Patricia (Councillor)
Subject: 60 Regents Park Road

Dear Maya,

Many thanks again for your help in July regarding the noise at this site. I'm now writing to you for another reason. I recently met with Alan Everett who is the Director of the basement company working on the site. He has informed me that the Morris family are planning to move in soon, and that they are going to be restocking their garden through the small alley that adjoins my house. This will involve the delivery and movement of tons of earth through a tiny narrow passage.

I envisage Kingstown Street being blocked and terrible noise and disruption for myself and all my neighbours throughout this process.

I believe that when the Building Management Plan was conceived there was some reference to the fact that Kingstown Street would not be used for the delivery of materials to this site. Indeed, the entire garden was removed through the front of the house onto Regents Park Road so that this did not occur. The residents of Kingstown Street were led to believe that the garden would be restocked in the same way, but clearly this is not what the new owners have in mind.

I would be extremely grateful if you could find out what position we have on this very serious situation. I have tried to find the Building Management Plan online, but for some reason I cannot gain access to the site.

Yours sincerely,

Linda

47 Kingstown Street
London NW1 8JP