

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2014/4206/P	John R Chamberlain	5 Rosslyn Court Ornan Road London NW3 4PU	13/08/2014 02:41:00	OBJ	<p>Re: Application 2014/4206/P – Ornan Court, Ornan Road, NW3</p> <p>The application for this significant development has apparently been timed to coincide with school holidays, when many local residents are away. With so many people in the area who would be adversely affected by this proposal, please could you re-schedule the deadline for objections to late September or October so that concerned residents have time to respond fully.</p> <p>I am one of 11 property owners from Rosslyn Court and which directly abuts Ornan Court. I wish to object to application 2014/4206/P – Ornan Court, Ornan Road, NW3 on several key grounds:</p> <ol style="list-style-type: none"> 1. In the Developer's Basement Impact Assessment report, (BIA), we learn that the boreholes to measure the groundwater were drilled and then measured at a low rainfall time of the year (March – August), and therefore cannot give you an accurate picture of the water table year-round. In London the highest rainfall typically occurs November-January, meaning that ground water measurements should have been recorded by the applicant during those times and a little beyond to get a truer picture of year-round groundwater conditions, but this was clearly not done. This should be performed so a true assessment can be made of the year-round water table. 2. The borehole measurements presented in the BIA report relate to heights below the front door of Ornan Court. This front door is raised 1.5-2.0 meters above street level. Therefore if translating those results to a street level reference, the new basement, which appears to be noticeably below street level, would likely be encroaching into the water table, meaning this application should be rejected. 3. On pages 8 & 9 of the BIA there are several sections where the answers to the questions do not appear wholly accurate: <p>Subterranean (Ground Water Flow): Q1a. Is the Site located directly above an aquifer? (BIA answer "No")</p> <p>The fact that an underground spring was discovered directly underneath Rosslyn Court during building work suggests a water source underneath or in the area, yet the applicant does not mention this, despite it having been mentioned in objections to their previous applications, so this answer is not clear cut and gives cause for concern.</p> <p>Subterranean (Ground Water Flow): Q1b. Will the proposed basement extend beneath the water table surface? (BIA answer "No")</p> <p>As above - this fact can only be determined by taking borehole measurements from the wettest parts of the year (Nov-Jan), so meaning taking measurements Oct-Mar, and not only during the drier part of the year as submitted by the applicant. Since the proposed basement extends a good distance beneath street level, there is a likelihood that it could encounter the water table.</p> <p>Subterranean (Ground Water Flow): Q4. Will the proposed basement development result in a change</p>

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					<p>in in the proportion of hard surfaced / paved areas. (BIA answer “No” – “The site is currently all hard standing”).</p> <p>From the applicants own photographs submitted in its Tree Survey, the site does not appear to be “all hard standing” at all, but shows substantial areas of grass, as also shown in the applicant’s Site Analytical’s Sketch Site Plan on page 39 of the BIA. Such contradictions give cause for concern about the accuracy of the applicant’s other statements or answers.</p> <p>Slope Stability Q1. Does the site include slopes, natural or man-made greater than 1 in 8? (BIA answer “No”)</p> <p>The existing front stairs are man-made and slope greater than 1 in 8. The front garden of Ornan Court appears to slope at greater than 1 in 8, and an area on the east side also – see picture on the front of the applicant’s “Tree Survey”.</p> <p>Slope Stability Q5. Is the London Clay the shallowest strata at the site? (BIA answer “Yes” “This properties (sic) of the London Clay below the site must be investigated”).</p> <p>Rosslyn Court and Ornan Court sites are raised above street level. It was reported that some of the raised material may have been “fill” or “spoil” soil from the excavation of the railway tunnels which lie approximately below Rosslyn Court and Ornan Court. It is unclear whether this was an open excavation which got refilled or not. The land under Rosslyn Court has been subject to “easements, covenants, restrictions and stipulations” the “Midland Railway Company”, which may have owned or built the tunnels underneath, and perhaps this applies to Ornan Court's land too. Since the BIA then goes on to say in Q9: “Made ground has been encountered at the site”, this may contradict the statement above that London Clay is the shallowest strata – at least across the whole site, and the BIA admits that the properties of the London Clay below the site "must be investigated". It is worrisome that the applicant's replies on the soil make-up and properties are ambiguous and lacking in this way, and on these grounds alone the application should be rejected.</p> <p>Slope Stability Q9. Is the site within an area of previously worked ground? (BIA answer “Yes” – “Made ground has been encountered at the site”)).</p> <p>This answer to Q9. may in essence be contradicting the answer above of “No” to Q5, and so may need noticeably further investigation as described above.</p> <p>Slope Stability Q8. Is the site within 100m of a watercourse or potential spring line? (BIA answer “No”)</p> <p>An underground spring was discovered during renovations to Flat 1 Rosslyn Court which lies within 1-15 metres of Ornan Court. This reply was given to the applicant’s previous applications, yet their answer does not reflect it, and gives further cause for concern.</p>

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Slope Stability Q13. Will the proposed basement significantly increase the differential depth of foundations relative to neighbouring properties? (BIA answer “No” – “The majority of surrounding properties already have subterranean basements”).

I find this answer potentially misleading. I am not aware of the “majority of surrounding properties” at all having subterranean basements /below street level. The council can check this quite easily.

Slope Stability Q14. Is the site over (or within the exclusion zone of) any tunnels, e.g. railway lines (BIA answer “No” – “The nearest tube line is located over 100m from the site”).

Looking at <http://streetmap.co.uk/postcode/NW3> , it clearly shows a railway tunnel passing almost directly underneath Rosslyn Court and Ornan Court. The line appears to run from Kentish Town and Gospel Oak to West Hampstead (Thameslink). The railway tunnel is also shown on the applicant’s own submitted site plan as running underneath the Premier Inn Opposite, so probably within 20 metres of its site... This fact was completely omitted from the applicant's BIA report, which is surprising and gives cause for concern. This ties in with the title of the land for Rosslyn Court which has been subject to “easements, covenants, restrictions and stipulations” by the “Midland Railway Company” which presumably built the tunnels, and perhaps Ornan Court’s land has the same annotations. The fact that the developer is either unaware of the fact of the railway tunnel being almost directly underneath its proposed development or is choosing not to reference it in their submissions, despite it being on published maps and plans gives further cause for concern.

These answers were just the ones we picked up on. I wonder if the applicant’s other answers convey an accurate picture, or whether there are other key issues which we are not informed about? Just on the basis of several of the answers above being like this the application should be rejected.

4. As mentioned in earlier objections to such a development, Rosslyn Court has poorer quality Victorian foundations, and the ground heaves and swells with the seasons, with cracks often appearing in the stairs or retaining walls as well as inside the building. With such a shallow water table, such a massive proposed basement could place a large impermeable mass in the way of any existing underground water flows, and potentially causing further swelling, heaving and erosion under Rosslyn Court. This would be unacceptable for all its residents and this application should be rejected.

5. According to the Camden Flood Risk Assessment Maps and DP23, Ornan Road is already at serious risk of flooding and has been noticeably flooded in the past 15 years. Such a basement could also give greater risk of flooding if groundwater was displaced underneath Ornan Court’s new large subterranean development, and had nowhere else to go except the street. This would be completely unacceptable to the residents of Rosslyn Court and people living in the area, and this application should therefore be rejected.

6. Prior building work in Ornan Court in around 2008, even without any excavation taking place or a Party Wall Award caused noticeable cracking to the walls and ceilings within my flat, and photographs of this cracking were submitted to the council regarding a prior application. The damage was not at all

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agreed by me as being “historic”, it only occurred after construction work commenced in Ornan Court, and in the end was repaired at my own expense, with the developer offering no contribution. Similar cracking occurred in other Rosslyn Court flats during the same construction period.

It is clear that any excavation work to Ornan Court for such a large basement would be much further reaching and would create much greater vibrational, shear, pressure and shock forces on Rosslyn Court’s 120 year old structure, potentially causing damage to its integrity. This would be completely unacceptable to its residents and this application should be rejected.

7. In addition, the use of piled foundations and the resultant noise and heavy shocks and vibrations could make this a lot worse for the residents of Rosslyn Court and so should be rejected.

8. It is clear that Ornan Court is in a dense built-up urban area of Belsize Park/ Hampstead. It would be misleading to say that it is “on the edge of a built up area” as the prior application did, and yet this was re-asserted by the applicant in the current BIA. Potentially misleading statements like this should not be acceptable for an application to Camden Council.

9. The Planning, Heritage and Design Access Statement (PHDAS) section 5.02 refers to a document describing Ornan Court currently as “four storeys”. In reality it is already 5 storeys. The proposed basement would therefore make it “6 storeys”.

10. Parking. This application is for two large 3-bedroom basement flats. In the PHDAS it states that the application “is aware of the need to enter in to a Legal Agreement remove the rights of future residents of these two flats to obtain parking permits”. This statement is highly ambiguous. It should clearly state that they will do this, but does not, which is concerning.

Furthermore in the applicant’s “Lifetime Homes Assessment” submitted at the same time, it talks instead in some detail about providing car parking on the street via permit spaces for the new flats! This is in clear contradiction to the above statement. It implies that somehow car parking will get provided. Such contradictory statements are unacceptable, and the application should be fully rejected.

It seems apparent that most future residents of large three bedroom flats (rather than hostel accommodation) may well wish to own their own cars and seek to park somewhere locally, thus increasing traffic congestion nevertheless. This application should be rejected since the area cannot accept further cars and parking like this, whether ‘officially’ allowed or not. The applicant’s contradictory statements help reinforce this understanding.

Overall this application contains a significant number of omissions or errors and noticeable causes for concern, and thereby suffers from a potential lack of integrity. It should be rejected by the council as unacceptable on all the above counts. This proposed development would be potentially damaging to its neighbour Rosslyn Court, to the area and could give rise to greater danger of flooding and car congestion, is quite unacceptable due to all the above points, and should be rejected in full.