

Objections to application 2014/2623/P: 3 Downshire Hill.
Detailed comments:

Summary: This application, if it were to be approved, would have a severe detrimental impact on the neighbouring properties and the natural environment and would put the TPO trees at very severe risk of dying. We are in conservation area. Please reject.

Tree report is totally inaccurate:

The report published by Lizard Landscape Design, reference LLD622, is so blatantly inaccurate and full of mistakes that it should be totally discredited.

For example, regarding the tree, reference T03 Prunus sp., the tree stands at 9.5 meters tall; has a mean radial crown spread of 5.2 meters and is firmly in the B category. Please see paragraph 10 of the Forbes-Laird Arboriculture Consultant of 28th May 2013. The writer of our report is an eminent expert in his field having been technical editor of several British Standards on tree matters.

So why is it that this tree is shown at a height of approximately 3 meters only in the report (ref LLD622)? This is less than one third its actual height! Furthermore, it is also wrongly classified as a C1 tree when it should be a B tree. Please note that this classification of trees in this type of lettered categories is set out in BS5837: 2012, table 1 and which was co-authored by Mr Forbes-Laird, the very consultant that gave us his report as described above.

The Prunus cerasifera and the Leyland Cypress trees are shown as having the same height of approximately 18 meters. In fact, a simple visual comparison shows that the Leyland Cypress tree (reference TO1 in page 1 of LLD622 – existing tree schedule) is approx., at least, twice the height of the Prunus cerasifera (reference TO2). So how can you put any trust whatsoever in this report? Furthermore, these trees are clearly in the A category and not the B category.

The Leyland Cypress can be seen in the Autumn and Winter months from half a dozen streets in Hampstead and from a distance of more than 200 yards. Please note that the Leyland Cypress has currently no minor browning contrary to paragraph 2.1 and appendix no 1 in the report provided by the applicant. I enclose a photo taken on 10th May 2014 that demonstrates this.

TPO trees at severe risk of dying:

Contrary to what is written in section 3.2, the proposed scheme proposals are located inside the tree root protection area. This is further confirmed by paragraphs 5.1 and 5.2 of the same report that recommends a methodology for performing operations within the specified root protection areas!

Furthermore the report commissioned by the applicant to their arboriculture consultants, Lizard Landscape consultants, specify under paragraph 5.2 that: “ All excavations, cultivation and grading beneath the canopy of existing mature trees and within the specified root protection areas of the existing trees and vegetation

shall be carried out using hand tools, taking care not to damage or disturb any existing tree roots.”

This is contrary to British Standard 5837 paragraph 7.4.2.1 that “makes clear that design should not require excavation inside the RPA”

The document entitled “tree constraint plan” provided by the applicant’s tree consultants clearly show that there would be excavation inside the RPA for both the Leyland Leighton Green tree and the Prunus Pissardi tree and therefore breaches BS 5837.

No mechanisms and section 106 obligations or other means have been put in place to ensure that this is going to be the case. There should be an independent expert paid by the applicant but reporting to the neighbours to ensure that this is the case. No mechanisms have been provided where these recommendations would be enforced on an ongoing basis. Please note that in a previous application ref 2010/2628/T, the applicant applied to have these trees felled and that was refused by Camden.

Nothing is said, either, about the existing four other trees: two on the east side of the property and two along Downshire Hill. They would also not be preserved as no details have been given on how the excavations would take place next to these trees and also the roots of the trees along Downshire Hill would be totally severed. Please note that the applicant had already previously applied to have these trees removed (ref Application 2010/4729/T in 2010) and this had been refused by the tree officer for the following reason: “The trees are considered to provide a significant level of visual amenity within the streetscape and to make a positive contribution to the character of this part of the conservation area. They are healthy, established specimens and no valid reasons have been submitted to support their removal, A Tree Preservation Order has been served on the trees to protect the visual amenity they provide and to preserve the character of this part of the conservation area.” The applicant had also made a previous attempt to fell these trees previously (ref 2010/2625/T) and that was also refused by Camden for similar reasons.

The report and the graphs supplied by the applicant and his consultant make no mention of the 2 trees on Downshire Hill either.

BIA is incorrect:

GW2 in stage 1 & 2 Screening and Scoping states the site is not within 100m of a watercourse or a spring. This is false. I will refer you to the BIA produced by Arup, “the Arup BIA”, in the application by 8 Pilgrim’s Lane 8th August 2012 – Planning Application 2012/5825/P.

Please refer to page 12 no 4, paragraph 3.1.2, of said BIA. Please note that 8 Pilgrim’s Lane garden sits right at the border of 3 Downshire Hill. In the referred BIA, Arup states that “the Junction between the London Clay and the Claygate Member is shown on the geological maps as crossing the site”. Furthermore, there is a well underneath

my property at 10 Pilgrim's Lane and that is within 20 meters of the proposed excavation.

Therefore the answer on page 10 of the BIA submitted by the applicant under stability #8 is also false.

I would like, also, to bring to your attention page 12, point 6 of the Arup BIA that states "the outcrop of the junction between the Claygate Member and the London Clay appears to be within this site" and point 5 of the Arup BIA (page 13 paragraph 3.1.3) states that "the junction between the London Clay and the Claygate Member is shown on the geographical maps as crossing the site."

Furthermore the BIA by the applicant has failed to mention that the site is within 100m of a watercourse or a potential spring line (reference page 13 point 8 #3.1.3 of the applicant's BIA).

Page 6 of the Arup BIA mentions that "The 1920's Geological Map (Figure 5) shows a tributary of the Fleet passing approximately 200m north of the property. It is likely that this feature was inferred from the local topography, and from the outcrop pattern of the boundary between the London Clay and the Claygate Member."

Page 6 of the applicant's BIA erroneously states that "the existing trees are to be retained and the basement is beyond the root protection of any trees that have to be retained" This is a false statement on both counts: how can the existing trees on Downshire Hill be retained whilst the intended excavation will take place at the same location? As explained in our comments as per above under tree matters, the basement will impact the root protections of two large and healthy trees that are under TPO's.

Boreholes investigations do not comply to CPG4:

Boreholes measurements are wholly improper when carried out under dry weather conditions and for a short period of time.

Page 5 of the report on ground investigation prepared for Train & Kemp mentions that boreholes measurements were carried out on 13th & 27th February and on 13th March 2014 where each time water was encountered at a level of respectively 4.1 meter, 1.90 meters and 1.93 meters respectively below ground level.

This corresponds to dry period. For example, the water measurements of 13th March 2014 took place during the longest dry spell of the year: 16 days of no rain between 4th and 19th March 2014. The 13th February corresponds also to a day with no rain.

The BIA does not, therefore, abide by paragraph 2.27 of CPG4 which requires the monitoring of water over a longer period of time, e.g. 6 months, from a particular time. CPG4 recommends that measurements should be made under different weather conditions over a long period of time. This BIA has clearly failed this test and is not representative of what the ground level conditions could be under a sustained period of alternate dry and wet weather conditions and the corresponding soil measurements and characteristics.

The report on Ground Investigation is faulty

As mentioned in paragraph 1.6 of this report "it should be noted that ground water levels vary owing to seasonal or other effects". As noted above, the report is based almost exclusively on dry weather conditions and for a short period of time. Therefore the results of the Ground Investigation are inherently bias and statistically unreliable.

No Drainage :

Impervious volume:

It is stated in 5.2 of the BIA that the impervious area will remain unchanged. This is a misleading statement because the impervious volume will be drastically altered. The present car park consists of a pavement that is less than 0.2 meters (i.e.7 inches) thick; the current pavement rests on soil.

The soil under the current car park would be replaced under this proposal by a concrete structure several meters deep. So, although the surface area will change little, the underground impervious volume will radically change.

This will profoundly alter the water flow as 3 Downshire Hill is located at the bottom of a sloppy terrain significantly lower for example than the ground level of the next street Northwards of Pilgrim's Lane. Furthermore, recent boreholes measurements conducted on the ground of the bordering property located at 8 Pilgrim's Lane, have found water at a depth of only 1.15 meters under particularly dry weather conditions. These boreholes were located within approx.10 meters from the proposed excavation.

A recent planning application for 8 Pilgrim's Lane was proposing to have underground water drainage to cope with the water overflow recognized by Arup. This application was refused on 3rd April 2014.

The applicant does not even offer any underground water mitigating remedial apparatus.

In a period of sustained heavy rain the lack of such mitigating drainage set up will likely result in rain overflow in the neighbouring properties of Downshire Hill and potential rain overflow into Downshire Hill.

Furthermore, the applicant has not proposed any SUDS.

There are no plans and no explanations on where and how the existing drainage would cope with the diverted water flows during periods of heavy rain.

Other objections:

- Close to Keats practice, a NHS surgery located only 30 meters away and also, close to businesses that would be affected by the noise and vibration.

. Gas Generation:

As mentioned in page 6, paragraph 6.11.4 of the report from Ian Farmer Associates, the readings for the gas generation does not follow the recommended guidelines.

- Please note that the applicant had filed an application ref 2010/0731/P on March 2010 and that I never received the notification for comments from Camden and as a result, the Planning extension for a rear extension went ahead and I have suffered significant loss of amenity and my house is constantly overlooked.
- We are in a conservation area and this gives further reason to conserving Camden's Heritage.
- No detailed construction impact plan.
- No detailed construction management plan.
- No detailed traffic Management Plan despite the proposed excavation taking place at border of and along the sidewalk of Downshire Hill.

Conclusions:

The likely death of the TPO trees and the elimination of trees on Downshire Hill would be harmful to the visual amenity it provides and harmful to the character and appearance of the conservation area, contrary to CS 5 (Managing of growth and development), CS 13 (Tackling climate change through promoting higher environmental standards) and CS 15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and policies DP 24, DP 25 (conserving Camden's Heritage).

This application breaches DP 27 (Basements), 23 (Water) of the London Borough of Camden Local Development Policies.

The proposed development, along Downshire Hill and in the absence of a legal agreement to secure the submissions and implementation of a Construction Management Plan and traffic Management Plan, would be likely to contribute to hazards for pedestrians, cyclists and would be detrimental to the amenities of the area generally, contrary to policy CS5, CS11, CS 19, DP 26 (Managing the impact of development on occupier and neighbours).

Please refuse this application.

Thank you.

Oliver Froment

[REDACTED]

Sent: 04 July 2014 12:34
To: Planning
Subject: FW: Attention: Nick Bell: objections to 3 Downshire Hill 2014/2623/P: 3 Downshire Hill, NW3 1NR.
Attachments: Objections to 3 Downshire Hill (2) (2).doc; FLAC 33-1019 8 Pilgrim's Lane.pdf; JFL-FLAC-QandE-2012.pdf; photo of tree taken on 10th May 2014.jpg; BIA 2012 Supporting Documents-3086012[1].pdf

[REDACTED]

Sent: 03 July 2014 10:15
To: Bell, Nick
Subject: Attention: Nick Bell: objections to 3 Downshire Hill 2014/2623/P: 3 Downshire Hill, NW3 1NR.

Objections to application 2014/2623/P: 3 Downshire Hill, NW3 1NR.

Dear Mr Bell,

I understand that you are taking over from Tom Little, as Tree officer at Camden. I would like to bring to your attention the below and would be grateful if you would object to this application.

I would like to bring to your attention some of the content of my strong objections to the application 2014/2623/P: 3 Downshire Hill, NW3 1NR brought to the attention of the Planning Officer Mr Hugh Miller regarding trees

The tree report is totally inaccurate and the TPO trees would in all likelihood die.

Furthermore, four other trees would disappear. All in up to 6 trees could disappear as a result of this socially irresponsible application

This application contravenes Development Policies 23, 25, 26, 27 and CS 5, CS 11, CS15, CS 19 of the London Borough of Camden.

I enclose herewith detailed comments on the above and the reasons why this application should be rejected.

Thank you

Regards,

Oliver Froment

Enclosure: objections to 3 Downshire Hill, Tree report and BIA 10 Pilgrim's Lane