

[REDACTED]

From: Rob Hagemans [REDACTED]
Sent: 11 November 2014 10:56
To: Nelson, Olivier; Planning
Subject: Objection to 2014/5915/P and 2014/6018/L at 40 Froggnal Lane

Dear Mr Nelson,

I am writing to inform you of my objections to the applications for planning permission 2014/5915/P and for listed building consent 2014/6018/L at 40 Froggnal Lane.

The present applications for planning permission and listed building consent appear to be very similar to an earlier application that was granted on this site in 2011. The owners have chosen not to build those proposed developments within the time frame for which planning permission was valid. Planning law no longer allows for previous permissions to be extended, and a new planning and listed building application have therefore been put forward. These are new applications which should be judged by Camden's planning law as it is understood today. At the time of the 2011 planning permission, Camden's basement regulations were relatively new and not as well understood as they are now. Since then, understanding of what is required for an acceptable basement has improved. It is clear that the present proposal does not meet those requirements.

There is surprisingly little detail about the depth of the basement in the plan, perhaps because it would be clear that by its very function as a swimming pool it will have to be a rather deep excavation. In particular, the geotechnical and structural stability reports appear to have been drawn up without a knowledge of the depth of excavation, even as the depth of the basement ceiling below the garden and thickness of walls are both carefully indicated. However, it is specified that the basement's roof is at 1000 mm 'minimum' below the garden; another 2.5 metres are needed for a person to be able to comfortably stand up; and the pool would need to be perhaps 1.5 metres deep to be of any use at all. We can thus estimate that the development being proposed requires an excavation of at least 5 metres deep. Indeed, on the scale drawings (which, unusually, indicate no depth and height levels) the excavation depth appears to be at least two thirds of the height of the existing building. However, it really is the applicant's responsibility to clearly indicate for what development planning permission is being asked for, and this has been left disconcertingly vague.

Camden's planning law for basements requires the applicant to supply a basement impact assessment that gives a quantitative assessment of the amount of damage that is likely to occur to existing structures due to the underground construction. It is then for the planning authority to decide whether that level of damage is acceptable. The Geological, hydrogeological and structural stability reports provided together do not meet this bar. They contain vague assertions rather than quantitative estimates; they are based on estimates and assumptions that are known to be false or mutually inconsistent.

It appears that the development for which the geological and structural stability reports have given their blessing is of substantially smaller scope than the one that is actually being proposed. The Structural Stability Report assumes a 'shallow' excavation that does not extend below the water table. However, according to the Geological Survey, water has been found at 1 m and 2.8 metre deep, while the excavation is likely to be of about 5 metres depth, as discussed above. Furthermore, only a 'draft' structural stability report has been supplied while in item (4) of the foreword the authors explicitly disclaim responsibility for anything but a 'final' report.

Moreover, the structural stability report is extremely vague and qualitative. The report makes several convenient assumptions that are shown to be untrue in other reports and drawings, notably (1) that the water table will be 'some distance' below the basement where in fact the basement will extend into the water table, (2) that the basement will be 'shallow' where in fact it will be at least 5 metres deep, and (3) that the excavation is an (unspecified) 'sufficient distance' away from neighbouring properties to discount the risk to their stability, when in fact the site plans show excavation to within at most 2 metres of a building at 38 Frogal Lane, not just the boundary wall.

It is clear that the reports fall well short of what is an acceptable Basement Impact Assessment, the more so where a listed building is potentially endangered.

Furthermore, the risk to large and mature trees on the site is substantial enough that the tree report commissioned by the applicant can not avoid mentioning it. If these trees were lost substantial damage would be done to the ecological value of these gardens, which the London Plan seeks to protect. Their visibility or otherwise from the road is not relevant to this consideration.

Any planning decision rests on a balancing of benefits to risks and detrimental effects. The proposal appears to be of no public benefit; for instance no additional dwellings are provided, affordable or otherwise. This is purely a luxury development. By itself that is not a problem, but it provides no balancing benefits whatsoever to the risk this development poses to a listed building and its surroundings and to trees and green spaces.

To the application for Listed Building Consent in particular, no heritage assessment appears to have been submitted; it is not clear how the swimming pool would affect the heritage value of the listed building, apart from potentially endangering its stability. What have been the reasons for listing this building? Are the insides or the gardens mentioned or the outside of the building? How does this basement affect that? How does the presence of an underground swimming pool per se affect the heritage value of this building? In the absence of a careful assessment by the applicant, we do not know, and that should be enough to refuse listed building consent.

Please refuse these applications.

Yours sincerely,

Dr Robert Hagemans
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