

**ATTN: Rachel English**

**Planning Application 9-11 Mansfield Road NW3**

**Ref: 2014/1495/P**

**25<sup>th</sup> November 2014**

**Objection**

Dear Rachel,

I am writing on behalf of the two families that live in the property, 13 Mansfield Road, directly adjacent (on the Western side) to the proposed development at 9-11 Mansfield Road, NW3. Kristin Baybar's and ours are the properties most directly affected by the proposed basement excavation. To briefly reiterate what has been said in previous objections: the basement as now proposed at 9-11 Mansfield Road goes right up to and under the boundary and foundations running the full length of our house and garden. The proposed downthrust along the full boundary of 13 Mansfield Rd threatens the structural stability of our property.

We have serious concerns about how latest Basement Impact Assessment report has been verified. The assessor, MA Consulting Engineers, does not appear to have drawn upon the Stark report commissioned by properties neighbouring 9-11 Mansfield Road. The Stark report sets out in a great detail a number of inadequacies in the latest BIA. Why have these not been addressed in the assessors report? They are highly salient, and their omission very worryingly leaves these inadequacies in place. The Stark report shows in detail why the revised BIA is non-compliant. What is more, many of the areas of concern highlighted in the first Stark report on the original BIA remain outstanding. We are very relieved to hear that you plan to commission a new assessment.

We are alarmed that Camden plans to use a section 106 (planning condition) instead of implementing the BIA procedure, particularly as in your rejection of a previous application for this site dated 18<sup>th</sup> August 2013 (points 5.8 – 5.10) you stated that this was imperative. How can this be? It will basically mean that we, the neighbours affected by the plans, will have no voice or input. Instead, we are expected to place our complete trust in the developers and Camden's willingness/ability to enforce the conditions. It bears repeating that the developers have had ample time to carry out the required borehole tests since being asked to do so and that they have no access problems to the site as their son is currently living on it. They could easily by now have carried out further measurements on the single borehole they have already drilled and then drilled two more. Further, they have not conducted a single trial pit next to our property or that of our neighbours. To date there has been no laboratory testing of samples, no groundwater modelling and no mapping of nearby basements. We have previously asked for a flood risk report, particularly in light of the flood in Gospel Oak of 1975. We repeat this request.

Can you please also explain just what the developers proposed basement construction method would be? We note the continued inadequacy of attention to the following outstanding issues: the bearing capacities of the foundations; issues of ground movement; and the deepening of the foundations under the party wall. The Stark report highlights the need to deal more adequately with propping and monitoring details so as to avoid damage to neighbouring properties. In Appendix 3 of the Revised BIA, there is a worrying anomaly that MA Engineers have either missed or are endorsing.

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The developers are proposing a method of construction that will result in a tanked area completely different in shape to that of the basement proposed in the current application. Have MA Engineers overlooked this important detail? Have the developers submitted the wrong information? Or worse, is it the intention of the developers to excavate and tank a much larger area, once development is underway, than that required for the basement in the current application? Is it a coincidence that the proposed construction method plans amount to a tanked area the same as that proposed in a previously unsuccessful planning application for 9-11 Mansfield Road (2013/2970/P)?

How does all this give us confidence that a section 106 will suffice to ensure proper conditions are met and proper oversight maintained? Many of the aforementioned inadequacies are spelled out in the Stark report. You are basically asking us to drop these legitimate, evidenced and unaddressed concerns and take it on trust that the developers will do the right thing during the construction phase! In the following quote taken from a previous rejection of plans for 9-11 Mansfield Road by Camden planners, it is acknowledged, in terms, the inadequacy of using a section 106 for this purpose:

‘Policy DP27 is quite clear that the Council will only permit basement development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. As such, information in this regard is required at planning application stage prior to a decision being made by the Council. Such matters are unable to be adequately controlled via planning condition.’

The basic risk to neighbouring properties posed by this basement excavation has not lessened since then. Neither has the necessity for a proper assessment *prior to development* changed, including three boreholes monitored over the required period of time. Why is a section 106 sufficient in Nov 2014 when it was not in Aug 2013? Why has the Stark report with its detailed evidence been overlooked? We can only conclude that Camden’s decision to drop the stipulation that BIA procedures are followed, indeed, to accept the revised BIA despite the fact it is non-compliant, is being driven by expediency.

As local residents, most of who work full-time and/or have other pressing commitments, we have had to devote an undue amount of time, money and energy to monitoring the situation with 9-11 Mansfield Road over the last few years: studying plans, meeting, reading engineering reports and planning regulations, commissioning independent assessments, writing our own lengthy and detailed objections. This has not been in order to block the development but merely in order to protect our basic amenity and the structural safety and integrity of our own properties and we believe you should support us in this. We strongly urge you to return to the position set out in your rejection of August 2013, which was based on sound engineering advice and planning law. We repeat: *a proper assessment must be conducted prior to the development.*

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In conclusion, should this basement proposal be agreed in its current form and without the adequate prior testing, assessments, checks and oversights, this will create an extremely worrying precedent, suggesting that ill-thought through plans are receiving the green-light for reasons of expediency. It will convey the message that even where they make a concerted effort to contribute constructive advice and information, and to provide checks and balances on development - which in the end is to everyone's benefit - the voices of local people affected will be of no account.

Yours,

**Patrick and Sarah Turner**  
13 flat B Mansfield Road

- NW3 2JD



**Al Ashtiani and Michelle Treanor**  
13 flat A Mansfield Road  
NW3 2JD

