

48 Dartmouth Park Road
London NW5 1SN

16th March 2015

BY HAND

Mr. Simon Vivers,
Planning Officer, Camden LBC,
Town Hall,
Judd Street,
London WC1H 8ND

Dear Mr Vivers,

**Planning Permission Application No 2015/0369/P
44 Dartmouth Park Road NW5**

1. We object to this application, because of the effects of the construction of a basement on adjoining properties. The Council's policies DP23 (Water), DP26 (Managing the Impact of Development on Occupiers and Neighbours) and DP27 (Basements and Lightwells) indicate that the application should be refused.
2. We are appalled that the Council has been asked to approve so substantial a development with so little accurate information.

Subsidence

3. The houses in Dartmouth Park Road are built with fairly shallow footings on London clay. Many of them have undergone remedial work related to subsidence, including numbers 46, 48 and 50, the three houses immediately uphill from number 44. The developer has not investigated the potential effects of the basement on the stability of the soil in the adjoining area.

Flooding

4. Many, if not all, of the houses uphill on the same side of the road as number 44 were constructed with cellars under the hallway from front to back of the house. At least at the lower end of the slope, these cellars are prone to flooding after heavy rainfall. Typically, ours lets in water 4 or 5 times a year, usually one day after the rainfall. These cellars are not inhabited rooms, but are used as storage space. The effect of the development on flooding of these cellars has not been investigated.
5. We do not know whether the water coming into the cellar is classified as groundwater or surface water; perhaps it is best described as shallow groundwater. It is probably rainwater that has seeped below the topsoil but cannot so easily drain through a less permeable layer below cellar floor level, and the level of this water rises after heavy rain to above cellar floor level. If left to its own devices in an untanked cellar, the water disappears over a few days until the next heavy rainfall. The flow is at a relatively slow rate and most likely follows the topography - downhill towards number 44. This is not a new phenomenon - the previous owner of our house, who lived in it for well over fifty years, told us that the cellar had always flooded and that the further down the slope between Dartmouth Park Hill and York

Rise you were, the worse the flooding; only 44 and 46 on the slope are lower, though it appears from the plans that 44 was built without a cellar.

6. We accept that flooding is likely to get worse anyway in the future (section 6.5.1 of Camden's Strategic Flood Risk Assessment), but we don't want it made yet worse still by the proposed basement at number 44.

The Application

7. Obviously, basement development can impact on the water environment beyond the site where it takes place (para 23.12 of Camden's Development Policies and para 6.4.4 of Camden's Strategic Flood Risk Assessment). The construction below ground level of an underground concrete "wall" 3.2 metres deep and over 9 metres long has implications for any water travelling downhill below ground level, since it presents a physical barrier that is not there now. One possibility is that it would make the water drain more slowly from further up the street. We disagree with the assertion in the Design and Access Statement that "the property is detached so apart from construction work there is no adverse impact on neighbouring properties", but we disagree even more with the fact that no evidence is produced to support it.

8. The Council's Policy DP27 says that "The Council will only permit basement and other underground development that ... does not result in flooding or ground instability. We will require developers to demonstrate that schemes (a) maintain the structural stability of ... neighbouring properties; (b) avoid adversely affecting drainage and run-off ... ; (c) avoid cumulative impacts upon structural stability or the water environment in the local area." So it is plain that the onus is on the developer to demonstrate the absence of these adverse effects. Yet this has not been done.

Basement Impact Assessment (BIA)

9. The Screening stage of the BIA is intended to identify matters of concern that should be investigated (Camden Planning Guidance CPG4, para 2.12). We consider that the correct application of the Screening Flowcharts in CPG4 reinforces what common sense dictates - that, as a minimum, the Scoping Stage of the assessment should have been undertaken for several matters, which, as envisaged by para 2.19 of CPG4, would include some site investigation and study.

10. Section 2.2 of the BIA says that the site lies approximately 115 metres east of the river Fleet. This is a significant misunderstanding. The BIA cites Nicholas Barton's excellent book "The Lost Rivers of London", which does not describe this stretch of the Fleet at all, and the map at the end of the book is merely indicative on a very small, non-exact scale. The generally accepted course of the Fleet is that shown on Stanford's 1863 map at a scale of six inches to the mile. This shows the river passing down what is now York Rise and right against what is now 44 Dartmouth Park Road. This is confirmed by earlier maps (eg see Camden History Review, Number 11 (1984), page 11). Paragraphs 88 and 208 of the Camden Geological, Hydrogeological and Hydrological Study ("ARUP Study") warn specifically about the difficulties of localised ancient river channels feeding into the River Fleet, yet this warning appears to have been completely ignored.

11. Section 2.3 of the BIA deals with topography. Yet it fails to mention that the site is near the bottom of a slope of roughly 5 degrees from Dartmouth Park Hill at the top to York Rise at the bottom. This is by far the steepest slope in the vicinity of the site.

12. Section 2.7 of the BIA summarises borehole records from around the district. None of these is close to the development, and the one thing these records show is a lack of consistency about the top ten feet or so of the soil (see, for example, the difference between the results at the Chetwynd Road/ Highgate road junction and those in nearby Gordon House Road). They are no substitute for site-specific tests in different weather conditions at and around 44 Dartmouth Park Road itself.

13. The error in section 2.2 and the omission in section 2.3 are reflected in section 2.8. Surface water (and shallow groundwater) will follow the slope from the north-east and will drain towards number 44 in a south-westerly direction. From there they have hardly any distance to travel until the watercourse.

14. Section 3.2 of the BIA answers the questions in CPG4 about Groundwater.

15. Question 1a asks whether the site is located directly above an aquifer, and the answer given is "no". But this is unsubstantiated. As section 2.8 says, designation of aquifers by the Environment Agency (EA) is based on their importance for potable water supply. So the EA having designated London Clay as unproductive does not mean there is no aquifer. And section 3.2 of the BIA even acknowledges that "shallow perched groundwater may be ... resting above the surface of the London Clay Formation". This seems to us similar to the definition of "perched aquifer" in the ARUP Study. Since the relevant stretch of Dartmouth Park Road slopes, the conclusion that the groundwater "is not expected to be laterally pervasive" appears to defy the laws of gravity. At the very least, the answer to question 1a should have been "Unknown", attracting the requirement for the scoping stage.

16. Question 2 asks if the site is within 100 metres of a watercourse. If this includes an old watercourse, the answer should have been "yes", attracting the requirement for the scoping stage.

17. Section 3.3 of the BIA answers questions in CPG4 about Slope/Land Stability.

18. Question 7 asks whether there is a history of shrink/swell subsidence in the local area. The answer given is "Unknown. The London Clay is shallow so there may be shrink/swell, however the basement will not be affected by or be influenced by this." In fact, there is a considerable history of shrink/swell subsidence in the area. And while the basement itself may not be affected when built, existing neighbouring properties might be. Since the correct answer to this question is "yes", the developer was required to proceed to the scoping stage (subsidence).

19. Question 12 asks whether the site is within 5 metres of a highway. The answer acknowledges that this is so, yet states that "construction works are unlikely to impact the highway", despite the fact that the proposed basement extends right up to the edge of the pavement of York Rise. In the light of the correct answer given, "yes", the developer was required to proceed to the scoping stage (proximity to the highway).

20. In Section 4, Table 5, Item 4, it is said that "There are no recorded basements directly adjacent to the proposed basement, and as groundwater flow would not be expected within the London Clay, it is expected that cumulative impacts from the construction of the basement may be negligible". There may well be no cumulative effect from new developments, but there are cellars in the vicinity through which water moves unless they are effectively tanked. The potential impacts for these properties as to flooding and subsidence have not been investigated.

21. Apart from the Flood Risk Assessment, the entry "none" is given for "Action required" for every matter in each of screening assessment. It seems impossible to conclude that stability and groundwater issues have been properly addressed. Indeed, if the audit process at para 318 of the ARUP Study is followed, the only conclusion to which the Council can reasonably come is to refuse the application.

22. Number 44 is in a conservation area, yet there is no assessment of the impact of the development on the roots of trees in the area, eg the horse chestnut tree at number 46 and the two nearby street trees in York Rise. Para 27.10 of DP27 says that where trees are adjacent to the site, the Council will require an arboricultural report as part of a planning application, yet there is no such report with the application.

23. There is no non-technical summary of the evidence at the first stage of the Assessment (para 2.10 of CPG4). There is anyway little evidence, only supposition.

Flood Risk Assessment

24. The Flood Risk Assessment does not address the issue of flooding of neighbours' basements, only the issue of flooding above ground level.

The development generally

25. We appreciate that this development would provide additional large (and expensive) market-rate housing. But, apart from the inadequacy of the application, this seems an especially inappropriate site for a basement development. It is within 20 metres of an area at high risk of flooding from surface water (map at Appendix B, Figure 3 to Camden's Strategic Flood Risk Assessment) and is also the lowest house on a 5 degree slope, right beside an ancient river course.

26. The north east side of York Rise is a very busy route for children going to and from Brookfield and La Sainte Union schools - the shops are on that side of the road. So the construction work would be exceptionally disruptive if any of the pavement had to be closed off. But we are given no indication of what is proposed for the construction work, despite paras 2.50 and 2.61 of CPG4 indicating that a Construction Management Plan is required because the development is in a conservation area.

27. We acknowledge the Council's wish to see more 2-bedroom units in the borough. But this should not be at any cost; and the basement development is to provide 3-bedroom units, which are not in the Council's "very high" priority category.

yours sincerely,


Allan Roberts


Irene Roberts