



Application No. 2014/3330/P 13-15 John's Mews

Executive Summary

By its original application, the developer of 13-15 John's Mews ("the properties") sought permission to excavate to the fullest extent of the footprint of those properties to a depth of 3.7 metres below their existing basement level (which, in fact, is 4.7 metres below the ground level of the adjoining properties on John Street) and beneath the very walls of the adjoining properties.

However, now that the developer has undertaken a site specific Geo-environmental Interpretative Report and a Basement Impact Report (The Chelmer Report) it has established that the assumptions that it had made and upon which the original planning application was based are invalid.

The properties have now been found to sit above an aquifer with foundations onto unstable London Made Ground. According to the Chelmer Report, this means that it is not technically possible for the basement to be built in the manner for which planning permission has been sought.

Yet apparently no amended planning application has been submitted, nor has the developer sought to address any of the issues that are required in order to comply with Camden's Planning and Development Policies. Further comments in respect of the failure to address planning policy are set out at Section 2 below.

Indeed, the developer's intention to build in accordance with the requirements of the Chelmer Report is confirmed by the fact that the developer's Party Walls Appointee is seeking to agree an award on the basis of the Report and not on the basis of the planning application.

The developer therefore appears to be pursuing one development proposal with the Council and an entirely different proposal with the owners of the adjoining properties.

We therefore assume that the developer intends to build in accordance with the specification in the Chelmer Report, yet from Camden's Planning Portal this scheme does not appear to have been submitted and as such it appears unlikely that the true impact of the proposed development will be the subject of scrutiny.

In particular, the extent and depth of the now-proposed development gives rise to justifiable concern because of the absence of any evidence from the developer of appropriate methodologies to achieve the considerations identified within Camden Development Policy 27 and whether the development can, in fact, be achieved without substantial demolition of the existing structure which is specifically identified as making a positive contribution to The Bloomsbury Conservation Area.

Section 1

Expert's Critical Concerns

Irrespective of what is to be built, the Chelmer Report identified significant impediments to the construction of the basements (as set out below) and the viability of any future construction is heavily caveated. Unless otherwise stated the references brackets are to paragraphs in the Chelmer Report.

- (a) The existence of an aquifer beneath the properties (7.2 1a) and London Made Ground to a depth of at least 5 metres below ground (10.1.1) means that a different, more technically difficult method of construction must be used whereby the whole basement must be supported on a piled slab (10.4.13).
- (b) The basement slab will need to be set at a depth of 3.5-4 metres below ground level, which is beneath the ground water table. In order to achieve that, the slab will have to be supported on piled foundations (para 6.13 Geo-environmental Survey). The drilling of these piles is a specialist operation and no details of the depth of piling (or any other specification) have been

provided (para 6 Geo-environmental Survey). Chelmer stress that the excavation and construction of a basement on this site will require highly skilled and experienced contractors whose workmanship is crucial to the control of the ground movements. Equally important is the requirement that the temporary support systems are installed in a timely manner and using best practice (10.4.2). In a further qualification Chelmer states that it is "essential that the contractor employed has completed other projects successfully" (10.4.5). Yet this development is taking place in a conservation area adjacent to listed buildings built in the Georgian era on foundations that will, at the very least, be subjected to vibration over a long period from drilling and piling and which are potentially at risk from these works. No consideration at all has been given to the impact of the development on the fragile nature of the foundations of these adjoining buildings.

- (c) The extent of the ground movement is dependent on variables that are yet to be properly investigated (10.5.3.7). London Made Ground is inherently unstable and the nature of the underlying geology of the site, which has not yet been assessed, will affect the level of ground movement (10.4.2) and the nature of both the temporary and permanent support that the excavations will require (8.3). The existence of an aquifer and the need to pump ground water adds to the general instability of the ground and the potential for damage to neighbouring properties particularly during the excavation stage (10.3.1). Further, the founding level of the property and, importantly, the level of the existing footings are not known and will need to be established (10.1.1).
- (d) The instability of the ground means that the basement must be supported on piled foundations. No detail has been provided as to the depth of the piled foundations as this is a specialized undertaking yet to be commissioned. This means that there can be no definitive plans and hence no proper assessment of the impact of the excavations until these significant details are ascertained. A level of 8-10 metres below ground is given as an indication of the general depth of piled foundations but this important detail remains outstanding (6.22 Geo-environmental Report). This has particular relevance as ground

movements have been shown to extend to a distance of up to 4 times the depth of the excavation (10.4.9).

- (e) The ground level of the properties at 23 and 24 John Street is approximately 1 metre higher than the mews houses (2.1) so the excavations at John's Mews will substantially increase the differential depth of the foundations of the mews' properties relative to the (Grade 2 listed Georgian) properties at John Street. (7.3(qn13), 8.3 & 10.4). Crucially, this means that the founding depth of 3.8 metres measured for the front of the Mews' properties is 4.7 metres below ground at the rear (10.2.2). The potential impact of this differential depth of foundations is the loss of support to the ground beneath the foundations to neighbouring properties (8.3.13).
- (f) The existence of an aquifer beneath the mews properties (7.2 1a). The ground water table readings of 3.39m & 3.27m (para 4.7 Geo-environmental Survey) were recorded in the Summer (July & August 2014) over a short monitoring period and may still be rising (9.12) and therefore it has been acknowledged that a more accurate measurement will be required. Water levels are expected to be "more onerous than those indicated in the current investigation" (para 6.15 Geo-environmental Survey) and as a result will require dewatering by the installation of pumps below the excavation (and therefore the ground water) level during the construction phase (para 6.34 Geo-environmental Survey & 7.2, 8.3 10.2 & 10.3). We understand that these pumps would be noisy and would need to be run continuously, 24/7, throughout the excavation and construction of the basement.
- (g) Further, this need to install sumps to pump groundwater raises other significant issues.
 - a. Chelmer state that, *"An appropriate discharge location must be identified for the groundwater removed by the sump pumping (10.3.1).* The process of dewatering creates a risk of destabilizing the already unstable ground leading to greater movement that may affect neighbouring walls and buildings (10.3) and the public footpath at the front of the properties (8.3.12).
 - b. The site is contaminated. The presence of a "pungent sulphuric smell" (9.4) found at a test borehole dictates that the contractor treat the

site as contaminated and as such it must follow strict guidelines to contain the risks. The exact nature and the extent of the pungent smell have not been identified. Risks that have been identified include the possibility of downward migration of contaminants (6.27) as well as the risk of airborne contamination (6.46). Those listed as at risk from contamination extend beyond workers on site to include neighbours and passers by. It follows that this would include the children and parents accessing St George the Martyr Primary School. Further, Chelmer notes that in addition to the risk during the construction stage, the presence of this odour means that the basement will need to be gas tight (9.4).

As a result of these findings Chelmer concludes that it would be impossible to construct the basement in accordance with the plans as submitted. Instead, a far more complex excavation and construction method is required key details of which need to be provided by specialist contractors. Throughout their report Chelmer stress that it is vital that those contracted to undertake the basement excavations are specialists with a proven track record in similar projects and at all times comply with the highest industry standards and employ best practice throughout the process (10.4. 2, 10.4.5, 10.4.8, 10.4.10). All of Chelmer's calculations assume that these assumptions are met.

Section 2

To date there is no publicly available evidence that the developer has provided any indication of how or by whom the work is to be undertaken or details of how the construction will comply with the relevant Camden planning policies and guidance. Nor is it possible to assess whether these proposals have been subject to appropriate scrutiny against the relevant planning requirements, specifically those detailed at Section 2 below which are of particular importance here.

Furthermore, there has been no consideration, by reference to site specific factors, of the impact of the development upon neighboring properties, notably absent is any consideration of the fragility of the foundations of the Grade 2

listed Georgian houses at 23 & 24 John Street or the fact that the site is located in a Conservation Area.

Failure to Comply with Camden Planning Policy

Camden has a comprehensive matrix of planning policies set out in its Core Strategy, Development Policies and Planning Guidance. There are specific and detailed criteria against which applications for planning permission for the construction of basements are required to be tested. Where planning permission is sought for basement excavations in a Conservation Area or where Listed Buildings are affected, more rigorous tests must be met. The policies are there for good reason and are there to be complied with. The common thread throughout these policies is that due regard is had to the protection of amenity and neighbouring properties.

Permission is sought in this application for a development on contaminated land, opposite a primary school, in a Conservation Area in extremely close proximity to neighbouring listed, residential properties. It is reasonable that as Camden residents we can expect Camden's planning department to ensure that the developer complies with all relevant planning guidance, and that we as residents can see that compliance has been achieved (transparency is a core requirement of Camden's Constitution).

So far as we can tell from the publicly available information there is insufficient detail to assess whether or not permission ought to be granted. Certainly there has been no compliance with the following eight relevant planning policies, strategies and guidance all of which are stated to be material in the consideration of planning applications:

(1) Core Strategy 5 – Managing the Impact of Growth and Development, particularly at (e) making sure that the impact of developments on their occupiers and neighbours is fully considered);

- (2) Development Policy 24 Securing a High Quality Design;
- (3) Development Policy 26 Managing the Impact of Development on Neighbours;
- (4) Development Policy 27 Basements & Lightwells;
- (5) Development policy 28 Noise and Vibration;
- (6) Camden Planning Guidance 4 Basements and Lightwells;
- (7) Camden Planning Guidance 6 Construction Management
- (8) Planning Policy Statement 23: Planning & Pollution Control (governing procedure required for development on Contaminated Land)

It is worth noting the following from Development Policy 24 (2.48)

"Impacts to neighbours from demolition and construction

Some of the worst problems affecting amenity are experienced during the demolition and construction phases of a development, and this is particularly so for basement development. Although this is temporary, it tends to create noise, vibration, dust, air and light pollution, and can last for lengthy periods of time.

Full care and consideration should be given to neighbouring properties, as the works can be particularly intrusive to immediate neighbours... Where basement works are proposed in conservation areas or adjacent to a listed building, the Council will seek the submission of a management plan for demolition and/or construction."

And from Camden Planning Guidance 6 Construction Management Plans,

"Construction management plans are required for developments that are on constrained sites or are near vulnerable buildings or structures; They are essential to ensure developments do not damage nearby properties or the amenity of neighbours."

To date no Construction Management plans are available and nor has the developer undertaken any mitigating actions, such as consultation with neighbours, as outlined in CPG6.

We would be grateful if you would look into this matter with a view to ensuring that all information is made publicly available and that that information is fully scrutinized, not just by the public and the officers, but ultimately that the residents have the opportunity to make submissions before the Development Control Committee rather than have this application pass under delegated powers before the Members Briefing Committee.

