

48 Dartmouth Park Road
London NW5 1SN

5th July 2015

Mr Raymond Yeung
Planning Officer, Camden LBC
Town Hall
Judd Street
London WC1H 8ND

Dear Mr Yeung,

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

1. We have seen the material posted on the Council's website on 12th June. Much of it should have been submitted with the application in the first place. This is progress, but there are still unanswered questions.

2. Sections 2.2 and 4.1 of CGL's June report are far too ambivalent about the location of the river Fleet. The developer needs to say specifically whether it still prefers to rely on an unscaled indicative sketch map covering Highgate to Tooting in fourteen inches rather than on detailed scale maps; whether it now agrees that the proposed development is indeed very close to the course of the old River Fleet; and if it does not, why it does not. Those residents taking an interest in the immediate area and its history know where the River Fleet ran, and it is crucially relevant to this application. This factor may come as a disappointment to the developer, but it cannot be swept under the carpet.

3. We believe the situation which must be specifically tackled by the developer is that mentioned in Paras 88 and 208 of Camden's Geological, Hydrogeological and Hydrological Study ("ARUP"), ie that of a flow pattern of water underground towards the old river course under York Rise which might be interrupted by the presence of a basement. CPG4, para 2.36 says that given the nature of the ground in those parts of the borough where streams once flowed "basement development may have the potential to divert or displace groundwater, which can cause a rise in groundwater, and cause flooding, upstream of the development".

Our basic objection

4. We are worried about the effect of the basement on our property, as set out in our letter of 16th March. Any water found underground after periods of heavy rainfall and which may currently drain slowly downhill towards the south-west might be hindered in doing so by the concrete wall of the new basement. We are upstream from No. 44 and this is the problem described in para 2.36 of CPG4. It's not just about flooding; the impact of any potential for changes in the moisture content of the soil is of particular concern to residents in an area with a history of subsidence/heave.

5. CGL's latest assessment doesn't make us less worried. Section 2.2 says that, as you would expect, surface water will drain down the slope towards the south-west, ie from our property towards 44 Dartmouth Park Road. It is reasonable to suppose that the same might apply to water near the surface but underground (see, by analogy, ARUP para 290, sixth indent). Our problem is touched on obliquely at section 7 of CGL's assessment, in connection with surface water. Runoff to the properties higher up the slope than No. 44 is said to be controlled by properties even higher up the slope. That is the very point we are making in reverse - the rate at which the water leaves our property is controlled by properties down the slope. No. 44 is at the bottom and there is an even greater potential problem for No. 46 than there is for us. Saying that properties uphill of the basement won't be affected is quite contrary to both ARUP and CPG4. The unanswered question is how much we will be affected.

6. The latest assessment recites the earlier screening assessment without any acknowledgment of which bits of that earlier report, which disregarded the proximity of the old watercourse, are now considered mistaken. It doesn't answer directly and specifically the questions posed by ARUP and CPG4 relating to the watercourse. Is the possibility of more permeable channels in the clay feeding towards the old watercourse being definitively ruled out and, if so, why? One of the boreholes found water at a depth not found in the others, which suggests inconsistency, as is expressly acknowledged at 5.4.6. There are "frequent sand laminations" (5.4, Table 1) in the clay, including above proposed basement floor level, with the sand varying from fine to coarse. To a layman this suggests some degree of permeability. The non-technical summary on page 32 does not address para 2.36 of CPG4 at all. So it's no wonder we aren't reassured.

Monitoring

7. We don't believe that the developer has yet carried out the degree of monitoring that the Council's policy quite rightly requires, since special care is needed with a proposed development right beside an old watercourse.

8. Paras 2.21 and 22 of CPG4 explain that site investigation includes monitoring and that the monitoring should reflect conditions not only on the development site but also beyond the site's boundary. Para 287 of ARUP acknowledges that a standard investigation carried out for geotechnical and structural design purposes may not address potentially significant effects of the development beyond the site's boundaries. We don't think sufficient attention has been paid to those effects. ARUP makes it clear that sometimes permission may have to be sought from adjoining landowners for subsurface investigations to be carried out. If permission is refused, then this can be noted as a risk in the assessment. The documents do not say whether such an approach was made or whether it was considered unnecessary.

9. Para 291 of ARUP explains that the frequency of measurement and duration of monitoring must be chosen with reference to the specific effect being investigated. Our concern about water is related to rainfall, and the one monitoring visit undertaken on 30th April, whilst no doubt valuable for the other purposes for which it was carried out, hardly assists an assessment of possible increased levels of water in the ground shortly after periods of heavy rain. Indeed, it doesn't really amount to monitoring at all. Meteorological Office statistics show that in the south-east of England April has,

averaged over the last ten years, been the second driest month of the year and that only seven months in those entire ten years (fewer than 6%) have been drier than April 2015.

Noise, vibration, disruption etc

10. Constructure's document "Construction Method Statement – Rev A" allows us to see for the first time an outline of what is proposed by way of building work.

11. First, we note that there is no proposal to close off any of the footway in York Rise and this is welcome because of safety issues. Presumably all the work is proposed to be done from within No. 44 itself, even if the foundations of the flank wall extend under the footway and permission is needed from the highway authority.

12. Secondly, we note section 8.3 of Constructure's Statement about the disruption caused by the building work. We welcome this too, but the developer's performance to date leads us to doubt it will do any more than the bare minimum specifically required. We are not aware of any of the neighbours having been notified, let alone consulted, before the application was made; and the documents accompanying the application itself were both inaccurate in material respects and woefully lacking in the detail and analysis required by the Council's policies and necessary for those affected to evaluate the application. That is not an approach which inspires confidence.

13. So if there were any possibility that this application may ultimately be granted, we would ask the Council to ensure that the developer's stated intentions about minimising disturbance to neighbours are incorporated in a detailed Construction Management Plan and made legally enforceable by the Council, if possible with automatic built-in financial compensation payable to the Council for any time it has to spend ensuring the obligations are met.

Next steps

14. We realise that the Council may wish to refuse this application for reasons not related to our property specifically - the cumulative effect of several aspects of the development on No. 46 alone makes this more than possible. But if the Council isn't minded to refuse the application at this stage, we ask it at least to require further monitoring of water in the ground over a period of months, including in very wet conditions, before deciding the application. If proper longer-term monitoring shows the risk to our property to be acceptable, which is what the developer must demonstrate, our concerns about flooding and soil instability would be allayed. But we certainly do not believe the Council could grant permission at this stage without consideration by the Development Control Committee itself (Terms of Reference 3.vii and the policies in CPG4).

yours sincerely,


Allan Roberts


Irene Roberts