**APPLICATION REFERENCE: 2015/3753/P**

**ADDRESS**: **36 Flask Walk, London NW3 1HE**

**PROPOSAL: Creation of a new basement floor with front lightwell and alterations on rear grounds floor fenestration**

**OBJECTION**: **David and Francine Altaras, 46-48 Flask Walk, London NW3 1HE.**

**1. POLICIES**

1. Camden’s planning policies make it clear that the effect on local amenity and the highway network from construction and demolition is a material planning consideration.
2. Under the LDF, Core Strategy 5 provides: “*The Council will protect the amenity of Camden’s residents ……by: e) making sure that the impact of developments on their occupiers and neighbours is fully considered.*”
3. Development Policy 26 provides: “*The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity*.”
4. Paragraph 26.10 makes it clear that harm to amenity can arise during construction. Thus, “*disturbance from development can also occur during the construction phase*….”
5. Development Policy 27 provides: “*The Council will only permit basement and other underground development that does not cause harm to …… local amenity…….and will consider whether schemes harm the amenity of neighbours*….”
6. As with the previous policy, paragraph 27.4 clarifies that the harm to the amenity of neighbours can occur during the construction phase. “*Many potential impacts to the amenity of adjoining neighbours are limited by underground development. However, the demolition and construction phases of a development can have an impact on amenity and this is a particular issue for basements*….” (emphasis added).
7. The draft Local Plan is a material consideration to which some weight should be attached. Paragraph 6.119 advises: “*Basement development can also have significant construction impacts due to the need to remove spoil, and the complexities of excavation. The Council recognises the need to protect the environment and adjoining neighbours properties and buildings from these impacts*.”
8. By Policy A1 of draft Local Plan: “*We will require applicants to demonstrate that proposals for basements ……... do not harm the amenity of neighbours…*.”
9. Paragraph 6.130 further advises: “*The demolition and construction phases of a development can have an impact on amenity and this is a particular issue for basements. Many basement schemes are constructed in residential areas in close proximity to people’s homes, with the construction works often involving significant disturbance (including removing significant quantities of spoil) extending for many months*”.
10. Paragraph 4.1 of CPG 4 “Basements and Lightwells” once again forcibly highlights the potential impact upon amenity caused by basement 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.*”

**OBJECTION - Effect on local amenity and the highway network**

Flask Walk

1. Save for a short length by the Green, Flask Walk is very narrow. From number 50 to the parade of shops at the end, there are parking bays on the right hand side (looking toward the parade) and iron poles at the edge of the narrow pavement on the left. Passing width between legally parked vehicles and the pavement edge has been measured at 2.08m along the length between Lakis Close and Back Lane. That clearly does not give adequate clearance for HGVs to drive along Flask Walk without the risk of damage to parked vehicles.
2. In the past, there have been numerous incidents in Flask Walk in which HGVs attempting to negotiate its length became wedged between parked vehicles and the iron poles, taking considerable time to free themselves and leaving behind damaged parked vehicles. There have been even more incidents when the sides of parked vehicles have been damaged by passing HGVs. My own car has been damaged twice. On 2nd October 2013, I received an email about my car from my neighbour which read:

“*This morning about half an hour ago, a large lorry - Direct Home Delivery - drove up FWk and decided to take a chance - past a parked Jaguar just west of Lakis Close. Bad decision. They got stuck - reversed - badly damaged car and rear bumper. Police called by passer-by but not yet attended. Need to make road passable as bumper hanging off and obstructing*.”

That was a fairly typical incident.

1. Complaints, accompanied by photographs of various incidents, were made by the Flask Walk Residents’ Association to Camden’s Highways and Streets Department. Eventually, officers from that department, accompanied by local Councillors, visited Flask Walk and took measurements. As a result, a sign was erected by Camden at the entrance to Flask Walk from Willow Road showing a six foot width restriction.
2. Six foot is 1.8 metres, narrower than any of the construction vehicles shown in the CMP. Bizarrely, no mention is made in the CMP either of the width restriction or indeed generally of the width of Flask Road.
3. Flask Walk is two way and, although admittedly the majority of vehicles travel in the Willow Road – Back Lane direction, there are a number of journeys each day in the opposite direction.
4. As far as traffic using Flask Walk is concerned, the traffic count shown is the CMP is misleading. Flask Walk/Back Lane is used as an evening rat run by traffic driving north from the centre of London, so that frequently queuing cars are backed up from the Back Lane/Heath Street junction past our house at number 48. In the morning and the evening, there is considerable traffic doing the school run to the many schools in the immediate area. Additionally, in the morning between 8am and 9 am, there are many children (with parents) walking along Flask Walk to New End School, Heathside Prep School and UCS. We believe that there was an automatic traffic counter on Flask Walk at the time the traffic management measures between Willow Road- Flask Walk-Back Lane-Heath Street were being considered. The case officer is urged to obtain a copy from the Highways and Streets Department. The absence of HGVs in the developer’s traffic count is due to the width restriction.
5. Two other matters should be noted. First, the right hand turn from New End Square into Flask Walk is narrow and very tight. The CPM gives no swept path analysis of construction vehicles negotiating that corner. Similarly, the turn from Flask Walk into Back Lane is tight. In the CPM, the swept path analysis of construction vehicles making that turn is not extended along Back Lane. Even so, that analysis, limited though it is, shows an extremely tight turn. What is not mentioned is that vans are often illegally parked at the top of Flask Walk by the parade in order to service the shops.

Proposals

1. It is claimed by the developer that the proposed work will last just under one year, [[1]](#footnote-1)

of which demolition, excavation and concrete footing etc. will last some 5 months. That must be an optimum estimate from the developers’ point of view. There will inevitably be overrun.

1. The limited information in the CMP suggests:

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| **Vehicle** | **Frequency** |
| Delivery lorries – delivering building materials | 2 per week for 2 weeks.  Then 1 per week |
| Grab lorries for removing spoil | 1 per day for 18 weeks.  200 sq m (presumably cu m) of spoil to be removed. Only 10% bulking has been allowed which is insufficient. 30% is more appropriate.  It is said that 95% of the spoil will be removed with the balance remaining on site for landscaping purposes. Quite what landscaping on this very small site could require that volume of spoil is unclear. It is also unclear where it would be stored. |
| Concrete lorries | “*The above estimated movement of the trucks will increase on the days when the large concrete slabs are proposed to be poured in one continuous operation. The number of extra trucks will also depend on the size of the structural elements poured at the time.*” |
| Crane | No further information given |

1. According to the CMP: “*The nearest parking bay on the other side of the road will be suspended in order to let passing traffic through. After excavation a covered skip will be placed in the suspended bay for general builder’s rubble which will be exchanged once per week.*”Ignoring the width problem identified earlier in this objection, we make two comments as regards these proposals. First, it is utterly impractical to suggest that, even with the suspension of the parking bay, traffic would be able to pass along Flask Walk with an HGV parked outside number 36. The swept path analysis in the CPM shows an ideal situation with the HGV parked hard against the kerb directly outside number 36, but in real life that will not often happen. Second, after excavation, when a covered skip is in the suspended parking bay and concrete lorries are parked outside number 36, how is traffic to pass along Flask Walk?
2. The footpath outside number 36 would be closed requiring pedestrians to use the opposite footpath. However, that footpath has only occasional access to the road down flights of steps, awkward for buggies, the infirm or wheelchair users.

Other comments

1. The CMP suggests that the walls that surround the property will assist in acting as a noise barrier. There are walls only to the rear of the property. There is no front protection.
2. We repeat the observations of Councillor Currie as regards a temporary garbage chute “*to be used in construction if required*”.
3. We find it difficult to accept that materials – particularly bulky materials – would be taken up the outside steps, through the house and stored at the rear as shown on Appendix 5 of the CMP.
4. No indication is given in the CPM at Appendix 5 or anywhere else where waste, including spoil, would be stored. The CMP suggests that waste would be stored “*in a designated area within the identified compound away from site boundaries*”. There is and could be no designated area away from the site boundary. Sections of the CPM have clearly been lifted wholesale from a standard form CPM used by Amirilan and have no particular relevance to the present proposals.

Conclusion

1. This proposal is admittedly a fairly small scheme but it would be undertaken on a confined and inaccessible site. There is insufficient road width to permit the passage of HGVs of the size required for a basement construction of this nature.
2. Moreover, this would be development in a dense residential area, in close proximity to schools and with a very narrow and restricted site access. As such, it is likely to have significant impacts, in terms of:

* traffic congestion;
* lack of on-site space for plant, storage of materials, loading and unloading of construction vehicles, parking of cement vehicles and a crane, all of which will mean that construction effects will inevitably spill out on to the highway network;
* noise, dust and vibration.

1. The problems identified in this objection would have an adverse effect on local amenity and on the highway network. We emphasise that they cannot be cured by a fresh CMP or by giving conditional consent.

**OBJECTION - lightwell**

1. In a plot where the front garden is quite shallow, a lightwell is likely to consume much, or all, of the garden area. This is unacceptable in a street where lightwells are not part of the established character and where the front gardens have an important role in the local townscape: see para 6.146 of draft Local Plan.

**CONCLUSION**

1. For all these reasons the application should be REFUSED.

1. Less if the mechanical and electrical and internal finishes can be undertaken concurrently, which seems unlikely. [↑](#footnote-ref-1)