

24 John Street,
London WC1N 2BH
18th November 2015

Dear Sir,

Planning Application 2014/3330/P - 13-15 John's Mews

Introduction

We note that new material and plans (“the revised plans”) have recently been supplied by the developer in relation to the above-referenced planning application.

Having now had a brief opportunity to review the revised plans, it is quite clear that the revisions amount to a wholly new and different application (“the new application”) to that lodged in May 2014.

Further, the developer is no closer to addressing the multiple aspects in which the proposals fail to meet Camden’s stated development policies. Those failures are so numerous and serious that we, as individuals, cannot adequately summarise them in a document such as this, but we trust that as a result of these failings (which an independent professional planning consultant, and Camden itself, should be able to identify) the revised application will be dismissed, as any approval would itself have to sanction explicitly the non-observance of core planning guidelines, only a few of which are identified below. In the event that this application continues to be pursued but those further deficiencies are not addressed, then we shall have to raise them ourselves at an appropriate point.

Overview

By way of outline only of the objections, the new application now seeks permission for substantially the complete demolition of an original 19th century building identified specifically in the local conservation area report as making a positive contribution to the conservation area, followed by excavation for an unnecessary, out of character residential basement that extends to the fullest extent of the property boundaries beneath listed walls next to listed buildings to a depth below the water table into unstable made ground on the basis of incomplete data on ground acknowledged to be contaminated (whilst next to a primary school) and where the developer’s own experts caveat their advice as to the ability even to construct the basement by saying that construction will require, at the very least, an extremely high level of expertise if only to minimize the risks that are inherent in the proposal. Coupled with this the developer now wants to create over-height modern glazed rear walls with sliding doors facing directly into the adjacent listed Georgian properties, thereby completely destroying the original setting of those listed buildings.

No doubt if any relevant officer considers that this development should receive any form of consent, even if limited by conditions, they will obviously have to produce a fully reasoned report explaining why each and every one of Camden's stated planning and conservation policies that is being breached can be disregarded, if only so that any challenge to that decision can be addressed to the purported reasons for such.

However, given the scale, complexity and unsuitability of the development, its impact on the conservation area, both in the context of the adjacent residential properties and businesses and, perhaps more importantly, the junior school that will be immediately affected by the character and extent of the works, coupled with the level of opposition to the original plans, if consent is even being contemplated then this application should be considered by the full planning committee.

Core Objections

The following points are identified by us only as examples of the deficiencies in process and lack of observation of planning policy represented by the new application. By identifying these examples, we do not in any way condone or agree that any and all the other deficiencies in the revised application can or should be disregarded.

New Application

1. The revised application is, literally, a completely new application, not an acceptable reduction in the previous application. It is not in substance that for which permission was originally sought, and it is different in significant and material respects, including that it now seeks demolition of substantially all of the original building (which is specifically identified as making a positive contribution to the conservation area), it seeks to include substantial new glazed rear walls and sliding doors over one storey in height fundamentally changing the setting of adjacent listed buildings and their historical context, and it seeks permission for substantially and materially different excavations and piling for a more extremely engineered basement.

Such an application needs to go through the formal process required of any new application and the effort to avoid this by purporting to amend the existing application is an impermissible attempt to avoid scrutiny, not only by the Council but also by those directly affected and those persons interested in the area generally, none of whom will be on notice that a new application has been received by any formal publication or formal consultation.

If this application is allowed to advance to the stage of permission being granted, it will be susceptible to judicial review by the High Court on the grounds of procedural impropriety alone, and leaving aside all other impediments to its grant.

Substantial Demolition

2. The revised plans relate to buildings in a Conservation area that are specifically identified by the Council as making a positive contribution to that Conservation area and which fall squarely within the description of the modest mews developments identified in CS 14 and its description of the Southern part of the borough.

DP25 states that the Council will prevent the total or substantial demolition of such buildings unless “*exceptional circumstances*” are shown that outweigh the case for retention.

In the revised plans, paragraphs 1.12 and 1.13 to the Method Statement notes for phase 1 to drawing 710, issue T1, in a change from the original application, now show that the entire building is to be demolished save for the boundary walls. This means that the entirety of the current rear elevation of the buildings above ground floor level will be demolished (these are not party walls), as will the roof structure from the rear boundary, as will the original rear wall of the building at ground floor level (as this is set back from the party wall and is intended to be replaced with a glazed wall and sliding glazed doors). Further the entirety of the building, floorboards, joists and everything else, is to be stripped out. The only thing remaining will be the front wall, and even that is to be altered significantly.

Yet the new application does not even attempt to identify exceptional, or indeed any, circumstances for this demolition, far less circumstances that outweigh the case for retention of a building whose origins lie before 1875, with it probably being the original mews house.

Camden’s policy (which is to be found on its own website at <https://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/conservation-and-listed-buildings/listed-buildings/>) is to “require that applications for listed building consent and planning permission to demolish a building in a conservation area must be accompanied by a heritage statement, which should provide a description of the significance of the heritage assets affected, and the contribution of their setting to that significance. It should also provide clear and convincing justification for any harm to the building or conservation area.” Absent such a heritage statement and the chance to comment on it, this application is fundamentally deficient.

New Glazed Wall and Doors

3. The new application includes the proposed creation of substantial glazed walls and doors looking into 23 and 24 John Street. Along with the change in dimensions of windows at first floor level and new windows in a new, higher roof line, this changes both the relationship between the Mews houses and the listed Georgian buildings behind and significantly and detrimentally alters the setting of those listed Georgian buildings.

The proposed glazed wall/doors to the rear of John's Mews not only alter the setting of the Georgian buildings on John Street but also alter the dynamic between the main houses and their subordinate mews houses by creating a disparity in scale and a substantial glazed area in the Mews houses dominating their appearance and overlooking the rear of the listed buildings in a way completely out of character with the historic scale and hierarchy of the cityscape. DP25 is clearly engaged, and in particular 25.15.

The grant of planning permission for the proposed development would also run contrary to the National Planning Policy Framework and the related guidance given in the National Planning Practice Guide as identified and explained in Historic England's Historic Environment Good Practice Advice in Planning: 3: the Setting of Heritage Assets.

Overlooking

4. The proposed creation of substantial glazed walls and doors looking directly into 23 and 24 John Street, along with the new (larger) proposed windows at first floor and roof levels also engages DP26.

Good Practice Guidance in part 7 of CPG 6 provides that there should normally be a minimum distance of 18 metres between the windows of habitable rooms of different units. The revised drawings indicate that the developer now intends to create a wholly new glazed wall/doors to the rear of the property directly overlooking not only our rear garden but also our rear rooms, the closest of which is only around 3 metres from the boundary line. Not only will the new proposed glazed areas look directly into our rear windows from a distance of as little as 4 metres to our closest point, there will be substantial light pollution from parts of the proposed building that are intended to form living and cooking areas and general substantial overlooking of the rear of our property from what is plainly intended to be a feature window in the rear façade of the Mews houses.

Insufficient Investigation of Ground Conditions

5. This application, in now revised form, has been before the Council since May 2014. During that time a number of professionals have indicated that further steps need to be taken to establish the true amount of water present on site and the degree of seasonal variance.

It is noticeable that the developer has deliberately chosen only to undertake site specific investigations during the driest time of the year and has failed to undertake any follow up investigations over the wetter months. Even the summer investigations have indicated that, once opened up, water entering boreholes has continued to rise during the period of examination, reaching as high as 3.18 metres below ground level (Revised BIA, paragraph 9.9) or 2.7 metres below ground level (Revised BIA, paragraph 10.2.8).

From this failure to instruct follow up investigations it is reasonable to infer that there are concerns by the developer that such investigations would reveal the true nature of the site, which is that the water table sits very close to the surface and the works proposed by the developer will disturb it significantly, to the detriment of surrounding properties. Such disturbance may well be exacerbated by the backfill in service trenches and granular pipe bedding (Revised BIA, para 10.1.1) which we are concerned may effectively channel water away from the site to be discharged into the basements of adjacent properties.

Further concern is aroused by the fact that the developer acknowledges that the presence of so much water will necessitate extensive, continuous dewatering by numerous pumps during any construction, carrying with it both the risk of extensive soil contraction immediately under the adjacent listed Georgian buildings, as well as continuous noise pollution over the entire duration of the project, a period that the developer has been unable or unwilling to indicate.

As a result of the failure of the developer to conduct sufficient site specific investigations, the Revised BIA is necessarily hedged in terms of providing a “recommended provisional design groundwater level”, thereby leaving open the possibility that even what is proposed may turn out to be inadequate because of the speculative nature of the report. This is not a satisfactory way to proceed with a detailed design for planning permission on a site such as this where the consequences to the adjoining premises may be significant.

Damage to Adjacent Properties

6. The houses on John Street are listed and John’s Mews lies in a conservation area. The proposed development of 13-15 John’s Mews, if granted permission, involves continuous dewatering of the site throughout the construction process, which itself involves substantial undermining and underpinning works to the listed rear walls of the houses on John Street (for which listed building consent is required, but which has not been sought) even before one begins to consider the impact of the works on the wider environment of the adjacent listed buildings.

As Camden’s own material states:

“Underground construction will always – inherently and unavoidably – cause some movement in the surrounding ground. A basement scheme that is poorly designed and/or constructed is likely to cause greater ground movement and have greater potential for damaging adjacent structures and facilities than would a well-designed and well-executed scheme for which ground movements have been minimised and controlled through good design and construction procedures. Basements close to the public highway affect both buried services and the road surface. The implications of damage induced by ground movements, including the potential for legal proceedings arising from damage to

third-party property and structures, are significant.” (Paragraph 164, section 3.3.3 of the ARUP Hydro-Geological Report, Guidance for Subterranean Development)

That Report then goes on to explain the inevitability of differential movement between properties when one property has a new basement constructed where dewatering and piling are necessary, and that there will be subsequent settlement of the other surrounding properties.

At paragraph 177 the same Report states:

“Extending downwards beneath an existing building, especially old, masonry-built properties that were not designed to contemporary engineering standards and modern Building Regulations, is a challenging and potentially hazardous undertaking. Although collapses are rare, they do sometimes occur.”

Both 13-15 John’s Mews and the adjoining listed John Street properties are old, masonry-built properties.

Camden Development Policy DP27, at paragraph 27.1 states that LB Camden:

“will only permit [basement and other underground development that] does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability”. LB Camden “will require developers to demonstrate by methodologies appropriate to the site that schemes:

- maintain the structural stability of the building and neighbouring properties;
- avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- avoid cumulative impacts upon structural stability or the water environment in the local area;”

However one reads the developer’s supporting engineering documentation from Chelmer Consultancy Services (and it all states how exceedingly difficult and extreme the project is in the context of the prevailing unstable, waterlogged soil conditions, and is therefore hedged around with “ifs’ and ‘buts” and the absolute necessity of utmost best practice to minimize damage) it is inevitable, and apparently accepted by the developer’s engineers, that there will be differential movement, there will be damage to adjacent structures and the prevailing condition of the water table will be affected.

Indeed paragraph 10.7.1 of the Revised Basement Impact Assessment specifically identifies the fact that there will be “structural crack damage in the walls to be underpinned” (these must include the listed party walls) as these “will have weakened the building’s structural integrity”.

The inevitability of damage is emphasized in paragraph 2 of the Report of TSC Consulting Limited which identifies the potential for heave, both immediate and residual, and the fact that even if best practice is observed during construction the damage to adjacent (listed Georgian) properties is anticipated to result in horizontal and vertical movements of 5 mm.

The proposed development involves the excavation to extend to a depth of around 5 metres below the existing internal ground-bearing floor slab of the Mews houses (BIA, paragraph 3.4), which is well below the depth of even the ambient water level at the driest time of the year (which is the only period during which the developer has been prepared to risk taking measurements). That existing floor slab is itself around 1 metre below the ground level of adjoining properties to the rear on John Street.

The developer further needs to excavate and pile below the proposed basement to an undefined depth.

The Mews houses sit in an area defined as “Minor Aquifer High” groundwater vulnerability (Revised BIA para.6.3). Similarly the Georgian properties on John Street adjacent to the proposed development sit on the same ground with “Minor Aquifer High” groundwater vulnerability. The susceptibility to groundwater flooding in the area is already classified by the BGS as “Potential at Surface”. The adjacent listed Georgian properties have original basements that extend to a depth of approximately 3 to 4 metres below ground level. As Georgian properties, they were constructed on foundations of unknown depth and they do not benefit from modern tanking and damp-proofing. Any change in the historic levels of ambient groundwater will therefore have a disproportionate effect on them.

The proposed basements for the Mews houses would not only extend below the depth of the existing water table but would also involve significantly deeper piling into deep Made Ground to an as yet undetermined depth (Revised BIA, para 8.4) where multiple obstructions have been encountered in the developer’s trial pits. Although not explicitly stated (because the developer has consistently avoided providing any detailed construction plans, even though this was identified as a critical failing in paragraph 3 of the report prepared for Camden by Geotechnical and Advisory Services), one imagines that the piling and the removal of any obstructions encountered during that process can only be achieved through mechanical processes that result in significant subterranean vibration and percussive shock.

Leaving aside the heave caused by dewatering, the ground movement caused by excavation, and the noise pollution of the works generally, the effect of such vibrations and shocks on neighboring listed Georgian properties has nowhere been addressed by the developer.

Indeed the report of Geotechnical and Advisory Services states explicitly that the developer’s proposed methodology “does not provide sufficient confidence in the protection provided to the surrounding structures.”

Consistent with LB Camden's stated positions in DP27 and DP25 to protect the structural stability of neighboring properties and listed buildings and only to permit development that preserves the character of a conservation area, it is apparent that this application still fails to satisfy the appropriate tests.

It is our position that the prevailing geotechnical features of this site are such that DP25 and DP27 can never be satisfied: the location of the site is, and always will be, unsuitable for a basement excavation.

Inaccurate Statements in the Revised Basement Impact Assessment

7. The Revised Basement Impact Assessment relies repeatedly and positively on the grant of planning permission for a basement between 27 John Street and 21 John's Mews as supporting the construction of a basement for 13-15 John's Mews (see paragraphs 10.2.10, 10.4.16 10.6.11 of that report).

Regrettably, for whatever reason, the authors of the Revised Basement Impact Assessment are mistaken in their statement that planning permission has been granted for such a basement.

The relevant Decision Notice for 27 John Street is dated 14th May 2015 (well before the Revised Basement Impact Assessment) and is found at Application Ref: 2013/5685/P. That Decision Notice identifies the plans for which permission was given, including elevations on plans 2300 rev H and 2301 rev H, neither of which includes any basement.

In the circumstances, the accuracy, and indeed the conclusions, of the Revised Basement Impact Assessment are called into question. At the very least a proper, accurate report should be required to form the basis of an application such as this.

Contaminated ground

8. The Addendum Factual Report produced by Chelmer again makes reference to a pungent smell (paragraphs 9.6 and 10.2.7). This apparently alludes to the concerns expressed in their original Geo-environmental Interpretive Report of September 2014 at paragraphs 6.27 and 6.38 to 6.64 about ground contamination. In the executive summary at paragraph 1.0 of that original report it is stated that the soil analysis evidences contaminants and that the sample is classified as "hazardous material" and accordingly the risk is "high".

The Addendum Factual Report now includes a soil analysis certificate produced by QTS Environmental. That document is highly technical and, without any narrative explanation, we, as lay people, are unable to analyse it. We are therefore concerned that it should at least be considered by an appropriately qualified expert on behalf of Camden because, at present, there

seems to be no explanation or method statement for dealing with the contamination originally identified.

However, even after all this time, the apparent contamination identified initially has not been definitively identified or addressed, despite the fact that this was specifically identified as a moderate risk to ground workers and neighbours (which necessarily includes the Council's own adjacent primary school) as long ago as September 2014.

Revocation of existing permission

9. Section 23 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that "If it appears to the local planning authority that it is expedient to revoke or modify any listed building consent granted on an application under this Act, the authority may by order revoke or modify the consent to such extent as they consider expedient." Section 74(3) of the same Act gives affect to that section to Conservation Areas.

The Revised Basement Impact Assessment now accepts that the structure on 15 John's Mews predates the earliest historic Ordnance Survey maps from 1875 (paragraph 2.2). Further the buildings are specifically identified as making a positive contribution to the conservation area. No justification is put forward for their loss of form.

The response of Bloomsbury CAAC pithily encapsulates the problem with the proposed development:

"....this cannot be considered an enhancement as the original scale of the buildings will be lost and dominated by the new roof extension".

It is in these circumstances that, whilst rejecting the current application, we would also invite the planning authority to revoke the consent originally granted under 2013/4967/P.

In all the circumstances we invite you not to permit amendments to be made to the current application, to refuse permission for this application, whether on the basis of the previous plans or the proposed amendments, and to revoke the permission previously granted.

Yours faithfully,

Richard Morgan and Monica Coombs