

| Application No: | Consultees Name: | Consultees Addr: | Received: | Comment: | Response: |
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| 2014/3330/P | Richard Morgan | 24 John Street WC1N 2BH | 07/04/2016 00:34:05 | OBJLETTE R | |
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Dear Sir,

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

We write to object to this application in relation to the yet further iteration of the documentation posted publicly on Camden's Planning Portal.

We lodge this objection without prejudice to our position that this application has been, and continues to be, materially mishandled in a manner that is both procedurally improper and contrary to Camden's professed position that planning applications are dealt with transparently. Our position is that nothing that is now purportedly done to remedy those deficiencies can correct the flaws now present in relation to the handling of this application.

This objection is also lodged without prejudice to our position that the Development Control Committee deferred this application on 25th February 2016 solely for the purposes of requiring the production of further information (see the minutes of the Development Control Committee of 25th February 2016). The Development Control Committee has not released this application back to the Planning Department for further consultation on the basis of further material belatedly disclosed on the Planning Portal. In the circumstances the Planning Department is functus officio – i.e. without mandate – and cannot properly re-run the process now that the Development Control Committee is seized of the application for the purposes of a decision. The relevant planning officer has twice recommended this application for approval on the basis that the process had been properly followed (despite the fact that it had not been) and it is not now open to the Planning Department to re-open the process without specific direction being given to it by the Development Control Committee, which it has not done.

Contamination

Despite lead contamination having been revealed to the applicant in a report dated September 2014 and despite the applicant having a positive obligation to ensure that contaminated land issues are considered at the planning application stage (see CPG 6, para.3.8) the existence of lead contamination on this site continues not to be acknowledged publicly on the Planning Portal, nor has it apparently been disclosed to Anona Arthur, the Environmental Health Officer, whose report is apparently based on a desktop study rather than the actual information available to the applicant and Planning Department.

As we have now said on numerous previous occasions, Chelmer Consultancy Services produced a Geo-Environmental Interpretative Report dated September 2014 ("the Report"). That Report identified lead concentrations in 3 soil samples from the site which exceeded the ATRISK Contaminated Land Screening Values, in two cases being 65% higher than the relevant value.

The Report previously appeared on the Camden Planning Portal for a short time sometime in Spring 2015. However, for reasons that are at best unclear, at some point thereafter someone decided to remove the ability to review the Report publicly online.

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The Report is still not available online and no satisfactory explanation has been offered for its removal from public sight.

Our concerns are only heightened by the assurance given to us in writing by the Senior Planning Officer, Mr Whittingham, that “We have checked to ensure that all documents submitted as part of this application are available online for viewing and the Council have as measure [sic] to allow all members of the public an appropriate opportunity to response [sic] agreed to a further 21 day period of formal consultation”.

We cannot reconcile that statement with the existence of the Report, a copy of which we have tried to lodge with the Development Control Committee and continue to try to lodge with the Borough Solicitor, although neither of these attempts has yet resulted in the Council accepting delivery of the Report from us.

In the circumstances there is directly relevant information that is available to the applicant and certainly was at one point publicly available, yet that information is no longer publicly available. It has not been addressed by the Environmental Health Officer and it appears highly unlikely to be drawn to the attention of the Development Control Committee, as the Planning Department has failed to mention it in either of the two previous reports to the Development Control Committee recommending this application for approval and does not acknowledge its existence.

Accordingly we consider that the process by which this application has been pursued is fundamentally flawed, the information currently available to the public is incomplete and, on the basis of the stated position that all documents are now available online, material information identifying specific contamination will not be reviewed or reported on by the Environmental Health Department unless someone at Camden now acknowledges the existence of the Report.

If the existence of the Report is now acknowledged, it will then be incumbent on Camden to provide an explanation for the Report’s alleged “non-existence” to date in a way that does not call in to question the accuracy and integrity of the entire Planning Portal generally, or the handling of this application specifically.

Further Missing Documents

Along with the missing Report, it is readily apparent that there are other documents that form part of the necessary assessment of this application but to which the public are being denied access, contrary to the express representation of the Planning Department that all documents submitted as part of this application are available online for viewing.

In their letter of 9th February 2016, Geotechnical and Environmental Associates (“GEA”) make reference to Chelmer’s Ground borne Gas (and Groundwater monitoring) results sheet dated 20th

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January 2016. Plainly that is a document. Plainly that document was provided to GEA, as “independent auditors”, by the Planning Department as they considered it relevant to the process that GEA was meant to undertake.

Yet plainly, as at the date of this letter, that document is not available on line for public viewing.

Since this is a further example of a document that is not publicly available, contrary to the express representation of Mr Whittingham that all documents are available, we wonder what other documents have been submitted that are not publicly available online.

Nevertheless, in circumstances where relevant documents relied upon in support of the application have been withheld from public scrutiny, we object to the process by which this application is being addressed, not least as we are deprived of the opportunity of undertaking our own review of the material available and making properly informed comments on the application.

Construction Management Plan

Although there is a document entitled “Construction and Traffic Management Plan” shown on the Planning Portal and dated 15th May 2014, this document relates to a proposed development that has long since been abandoned and further and more importantly the document does not address the issues that are identified in paragraphs 3.37 and 4.3 of CPG 4 and paragraph 8.12 of CPG 6 (amongst others).

As is made clear in the GEA letter of 9th February 2016, “It is acknowledged that satisfying the council’s requirements for this project relies on a particularly high standard of workmanship and monitoring and timing of any mitigation measures that are indicated by the monitoring to be necessary.” Plainly from the text of the remainder of their letter GEA consider that there are certain critical minimum requirements that need to be complied with in order to achieve a satisfactory outcome.

Given the depth of excavation (4.2 metres) and the complexity of the piling (to 5.9 metres) and underpinning processes that need to be undertaken on a constrained site between existing buildings in a conservation area, adjacent to listed buildings and opposite a primary school involving the excavation of tonnes of contaminated soil, as the documentation presently stands there is no evidence to suggest that this application minimises the harmful impacts of construction on the building and local amenities, as articulated in paragraph 4.5 of CPG 4.

That paragraph of CPG 4 emphasises that the Council will refuse permission for plans which do not minimise the harmful impacts of construction, yet in the absence of demolition, excavation and construction management plans meeting the minimum requirements and high standards of workmanship identified by GEA, there is no evidence to suggest that this requirement will be met.

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Basement Impact Assessment (the “BIA”)

We have tried on numerous occasions to engage by email with the Planning Department in relation to the BIA and the work conducted by GEA in relation to it in order to address residual concerns about the accuracy of the BIA.

Regrettably the Planning Department has failed even to acknowledge receipt of those emails, far less engage with their content.

In the circumstances we now set out below some of our residual concerns.

Accuracy of Text in BIA

The 5th Revision of the BIA continues to refer to erroneous factors (see, for example, paragraphs 10.2.10 and 10.4.16 referring to a proposed development at 27 John Street stating, incorrectly, that planning permission had been granted for a basement development) despite those having been drawn to the attention of the authors on a previous review of the BIA. This, and the matters identified in the next few paragraphs, suggests that the BIA is not being re-evaluated comprehensively on each revision and we are therefore unclear as to which parts of the BIA are current and which are now merely historic.

Heave/Settlement Assessment

Paragraph 3.4 of the BIA identifies the depth of excavation required as being 4.2 metres BGL, yet the passage dealing with Basement Geometry and Stresses (at paragraph 10.5.1 et seq) continues to rely on the out of date figure of 3.8 metres that was originally given in BIA revision 1 in September 2014, despite that scheme long since having been superseded.

This suggests to the reader that parts of the report, including material calculations, have not been re-worked or checked. Indeed Table 2 at paragraph 10.5.1.2 is identical in revision 5 to that produced for revision 1, despite the changes in the scheme in the meantime.

Accordingly we have doubts as to the accuracy of the calculations for heave and/or settlement.

Calculation of the Burland Category

The calculation of the Burland Category in paragraph 10.4.9 in the BIA is made on the basis of an allowance for 2mm of heave, with that figure said to be taken from paragraph 10.5.

Yet the 2mm allowance for heave referred to in paragraph 10.4.9 is the minimum projected heave identified in paragraph 10.5.3.3, whereas one might have expected the calculation to be undertaken by reference to the maximum projected heave, which is in the order of 9mm to the rear wall of our

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property, even on the basis of the historic depth of excavation of 3.8 metres rather than the current proposal of 4.2 metres.

We would like to know why the minimum figure for heave is used for calculation of the Burland Category, whether the use of a minimum projected figure is indeed the correct approach to a calculation such as this, and if it is not, what the Burland Category would be if allowance were made for the 9mm of heave projected as a possible outcome?

We would also like to know whether Georgian properties can be so confidently assumed to be as equally robust as the other buildings adjacent to the site. We question whether this assumption holds good when calculating a Burland Category without considering the type of building and the stability of the underlying ground affected by the angular distortion? We question this because, as the BIA records, the soil conditions are so inherently variable (see paragraph 10.4.13) such that “one SPT recorded a zero blowcount, which indicates extremely weak or voided conditions locally in the Made Ground” (paragraph 10.4.2).

Minimisation of Damage to that predicted

Paragraph 10.4.10 of the BIA confirms that best practice methods will be essential to ensure that ground movements are kept in line with even the optimistic predictions made in paragraph 10.4.9. We again observe that the applicant has not produced any Demolition, Excavation and Construction Management Plans, far less plans sufficiently detailed as to give any confidence that construction will be carried out so as to achieve those predictions or avoid damage to property and local amenity during the demolition and construction phases.

Inconsistencies in Drawings

Although the description in the Application Notice does not refer to it, the front page on the Planning Portal suggests that the applicant intends to create two new courtyards for these properties.

Regrettably, and despite having identified this issue in our original objection as long ago as June 2014, the applicant continues to seek permission on the basis of inconsistent plan and elevation drawings in relation to the rear of the properties where the courtyards are meant to be.

A consequence of this inconsistency is that it is impossible for us (or indeed anyone looking at the drawings) to form any clear idea of the extent to which the proposed courtyards will impact on the conservation area generally, the properties themselves as buildings specifically identified as making a positive contribution to the conservation area, the setting of the listed buildings on John Street, and the impact on the amenity of us and others as adjoining owners.

Consultation with Conservation Officer

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Given the absence of any drawing of the rear elevation identifying what the properties would look like if rear courtyards were included, it is impossible for anyone to test the applicant's proposals against the statutory provisions relating to conservation areas, and Camden's own policies relating to conservation areas, listed buildings, and the impact of proposed developments on the amenity of neighbours.

Further we note that there is no written report posted online from any conservation officer on the impact of the proposed development on the conservation area and the adjacent listed buildings. We suggest, therefore, that either there is no report (in which case the application still seems not to have been considered completely), or it is another "missing" document, in which case we can express no view on the basis upon which any opinion might have been given, other than to say that it would seem to have to be entirely speculative in the absence of any drawing of the proposed rear elevation.

In any event, the publicly available information suggests that there has not yet been proper consideration of this application in the context of its impact on the conservation area, the buildings themselves and the adjacent listed buildings.

Yours faithfully,

Richard Morgan and Monica Coombs

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| 2014/3330/P | Richard Morgan | 24 John Street WC1N 2BH | 07/04/2016 00:30:52 | OBJLETTE R | Please see our comments contained in the attached .pdf document entitled "7th April Objection". |
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