

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/3230/P	Zoe Hersov	4 Downshire Hill London NW3 1NR	26/07/2016 10:03:03	OBJ	<p>I am an owner and occupier of 4 Downshire Hill and have had notice of the application to dismiss condition 5 to the planning consent for the basement development at 3 Downshire Hill.</p> <p>I have to say that I am confused in that I did not find any consent on the council website, and was therefore referred to the s106 agreement – this shows condition 5 as being a restriction on commencement before a chartered engineer reports on matters relating to structural stability etc of neighbouring buildings. Something may have changed somewhere, but not been disclosed to ‘the public’. I am therefore assuming that this has not happened but that an error on the part of the applicant means they are seeking to remove condition 6.</p> <p>This is, frankly, a mess, and I do not see how the original timetable can stand until someone like me is fully informed. Alternatively, I presume the application must be abandoned and replaced with an application re condition 6, and the timetable start again?</p> <p>My comments in any event relate to the drainage condition. Equally it goes without saying that if by any chance condition 5 as I have above indicated is known to me is intended, then I object to the application being granted. To do otherwise would be to put my own property, for instance, at speculative risk as to potential for damage and lasting problems of instability. (I assume condition 5 has not already been released, moving what I think is condition 6 to condition 5?)</p> <p>The issue of water featured large in the objections to the original permission. Even a quick look at the first items in the officer’s report at the time make this clear. The issue of SUDS was specifically raised at another point and the officers report says quite simply “a condition will be attached to ensure that this is met”.</p> <p>The Heath and the area around it are full of underground streams.</p> <p>My own property lies below 3, but only in the past days I have heard of a recent flooding of a basement further down the hill. I am attempting to gather information as to the circumstances. I will write further as and when I have such, but I believe that the excavation went down to 8 meters.</p> <p>I note the condition relates to run off rather than subterranean water issues, but I am not sure how the two can be completely separated. Clay begins, it seems, a little over a meter below the surface, and the depth of the proposed basement is 3.3 meters deep (the officer’s report) it is clear that there is a substantial interference with any flows that might currently exist, whether seasonal or otherwise, and a walk on the Heath will show that when it is wet weather, even on higher ground the underground waters make themselves quickly known, so I do not expect anything better in the vicinity of 3 and 4. In short, it is my view that with the limited knowledge of underground waters and none as to reports put forward by the applicant, it is not possible to know absolutely what the outcome of the development might be in terms of surface water.</p> <p>I wonder whether the council officers have carried out any independent work to assess the report they have had?</p>

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In any event, the (draft) planning consent attached the (draft) s 106 in the section “reasons for conditions” refers to policies CS13 and CS 16 of the London Borough of Camden Development Framework Core Strategy and to policies DP22 DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies. This makes apparent the intention of the local authority as does the officer report. The applicant could have appealed, but did not. He seeks now to take advantage of an obvious error by the planning department.

It is clear from the policies mentioned that they are required to be implemented to ensure run-off has been properly and fully attended to.

In any event, I believe a 5 litre per second flow has to be used as basic where (a) there is no ‘urban creep’ (b) the site is flat and (c) before taking into account soil type. This means that a minimal flow of this rate has to be factored in, and the condition is not pointless. Indeed, there is no demonstration of what in the particular climatic conditions affecting the development site is suitable as an uplift for this minimal flow figure. Nor is there any work done on the impact of the basement in place on such flow.

A gut assessment by the applicant based on what I believe to be a misreading of the condition in any event is put in place, and if there is doubt about which alternative applies, it must of course be that which yields the higher flow. The whole point is to keep flow under control so far as possible, and I would ask that the application be refused.
