

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2017/2885/P	Zlatina Loudjeva	Lea steps Vale of Health Hampstead NW3 1AN	27/06/2017 22:38:57	OBJLETTE R	<p>Re: THE GARDEN HOUSE, VALE OF HEALTH, LONDON NW3 1AN LONDON BOROUGH OF CAMDEN APPLICATIONS 2017/2885/P</p> <p>Objections from leaseholder Lea Steps, Vale of Health, NW31AN</p> <p>The proposed works and excavations are immediately adjacent to my property and this objection aims to alert the Council to likely significant negative impacts that are not addressed in the application.</p> <p>This is the second application for a basement light well by the Garden house– the previous one was withdrawn after residents' objections based on professional advice from the engineering company ARUP and legal counsel (2013). The concerns raised almost four years ago remain valid in relation to this application that does not address them adequately. In particular, the application does not address the matters raised at the time in relation to ground water and soil composition on the site.</p> <p>The works if granted will have significant negative impact on the immediately adjacent properties, on a Metropolitan Open Land site and the Vale of Health overall (VoH).</p> <p>1. Negative impact on adjacent properties</p> <p>The Basement Impact Assessment (BIA) included in the application states in no uncertain terms that groundwater has been found very close to the surface. This is consistent with previous professional advice commissioned by residents and with the assessment made by ARUP. The application fails to explain how the issue will be dealt with during construction.</p> <p>The Council needs to ask for professional advice on the BIA, or return the application for further analysis, as the exact implications of significant digging accompanied by pumping ground water next to a pond are currently unexplored. Professional advice I have sought states that the ground water will have to be pumped out and disposed of regularly as the digging progresses.</p> <p>The location of the Garden house limits how and where the ground water can be disposed of. The pumped ground water cannot be disposed in the Vale of Health (VoH) pond; nor in the drains of the Garden house. The Garden house drain is shared with my leasehold and the terms of use rule this out.</p> <p>The common drains in the VoH have a history of blockage that has led to the flooding of neighbouring properties. This happens when a heavy rainfall occurs, including recently (29.05.17) and there are a number of historic examples of flooding. Camden officers are welcome to come and examine the damage caused by recent heavy rains when the street drains became blocked.</p>

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The application has failed to answer a basic question raised by the BIA in relation to ground water management and as such should be considered incomplete and inadequate. The application needs to be rejected on the basis that it does not specify how ground water will be disposed of during the excavation that will take place near a pond, on a Metropolitan Open Land (MOL) site and in the vicinity of a row of houses built without foundations.

## 2. Overall water management issues:

I appeal to the Council to reject the application due to the unsatisfactory consideration of overall water impact and the required management. The proposed works are next to a pond, at a lower than the pond level. The evidence that even minor construction can affect the pond water levels is obvious to see on the VoH pond public path where the pond project alterations went wrong and it is now an area of regular overflows. On the side of the Garden house, such spills and alterations will flood neighbouring properties – many lower than the Garden house.

A long –term consideration should also be given to the changes to groundwater recharge, surface water infiltration and runoff that will result from the proposed development. The impact of disrupting ground flows and intensive disposal of ground water during construction is untested. This year for example, the VoH pond is completely covered by algae partially due to lower water levels. This is now taking a lot of effort and resource for the City of London to resort to aeration to try to mitigate the impact. These are the kind of impacts Camden needs to demand be studied by the application.

The CPM indicates that a temporary earth bund formed of site strip topsoil and turf will be installed to ensure that surface water runoff does not enter the adjacent VoH pond. We can find no calculations or discussions in the BIA of the dimensions of the bund or to its structural integrity and its likely effectiveness. Camden must demand that key questions are answered: is this solution going to be effective and on what basis is the calculation made; what are the options in case it is not effective; what are the likely impacts.

A particular concern is the potential flooding of the pond and seepage of soil that is known to have high lead content into the pond. Most concerning is the apparent lack of attention to these issues and the lack of detail regarding the proposed solution.

The Garden house has been granted previous basement applications that combined together represent a significant engineering operation. It is not possible to disassociate the PD basement excavation from the light well excavation in relation to its environmental impacts and impacts on neighbouring properties. The combined effect of the two is significant and as such the present application with respect to the light well aspect of the proposal should be dismissed.

## 3. Setting a precedent for disproportionate enlargement

The proposed site lies in the Hampstead Conservation Area and is both designated as

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Metropolitan Open Land and protected under Camden Council's LDF citing the London Plan policy 3D.10 . With an estimated increase of just under eighty three percent, the multiple applications relating to development of the Garden House already appear to constitute a clear breach of permitted extension to the original building. The current application further extends the disproportionate addition to the original dwelling. This development has to be stopped as a principle or it sets a precedent that multiple applications can add up to a disproportionate enlargement.

4. Land/Ground Management. The BIA indicates a requirement for ground investigations and related calculations to ascertain the likelihood and real level of structural damage to our and adjacent properties. I object to the proposed order and appeal that planning permission should not be granted until such time as that work and those calculations have been undertaken and an addendum report submitted.

5. Impact upon Neighbouring Amenity during Construction. The effect on local amenity and the highway network from construction and demolition is a material planning consideration. In this respect, we draw attention to the following policies: namely policy CS5 at paragraph (e) (Managing the impact of growth and development); policies DP26 and DP27; policy A5 of the draft Local Plan; and Paragraph 4.1 of CPG 4 "Basements and Lightwells" in relation to the following objections.

a. Serious danger to residents due to blocked emergency services access. The only access to the Application Site is via a small arched entrance. This is accessed from the narrow residential street of the Vale of Health. The passage proportions are insufficient to permit the access of most construction vehicles to the proposed development site. The Vale of Health itself is a narrow single-lane dead-end street surrounded by Hampstead Heath, with very limited space for vehicles to stop, manoeuvre and turn. It is currently subject to frequent traffic movement problems during peak usage times and during deliveries to households. It is inherently unsuitable for large vehicles or stationary vehicles loading or offloading for lengthy periods of time.

b. The Garden House is one of the first houses in the street and difficulties caused by large vehicles would have a knock-on effect on all properties further along - some 70 dwellings and well over a hundred people for whom there is no other means of access to their properties. Because of the restricted access, the work is likely to be a fundamental barrier to emergency services should access be needed. A fire track cannot fit alongside a track and reverse a track out of the VoH taking considerable time even for the experienced rubbish collecting vehicles who know the area and are purposefully trained.

The applicants should have considered these issues and submitted a plan for the location of the necessary pumps and machinery so that the impact on traffic and access can be assessed.

Camden is also aware that another major construction has been allowed in immediate vicinity- Hillview. This in itself will have a significant impact on access to the VoH. Any further

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applications needs to be considered in relation to the cumulative impact. Blockage of access for emergency services can have tragic consequences.

6. Incorrect Statements: The application includes incorrect statements, some of them of significant impact:

- The answer to Question 16 is wrong. Hillview has been granted planning permission and it is expected that work there will soon commence. The cumulative effect of work on the two sites, were they to proceed simultaneously, would be to cause an intolerable impact upon residential amenity. This is particularly relevant to impact on traffic and the cumulative impact on the structural soundness of the row of houses between Hillview and the Garden house. This row of houses is now affected by both constructions, within meters of each other, and Camden is exposed for not having sought a cumulative impact assessment.
- the Design and Access Statement notes that the building was constructed in the 1960s. This is incorrect. It was constructed in the 1950s.

7. Appeal for a working group to be called. The CMP indicates that the project is not of sufficient scale to warrant setting up a working group. Given the nature of the site and the impact of the proposed development on a large number of people over an extended time period it is very apparent that a working group is essential and the CMP should not be approved until this is in place.

8. The CMP is based on incomplete information: it indicates that Light Goods Vehicles will be used for deliveries to site. It is also stated that all materials "could" be manually handled on and off the site to/from the road. It is entirely likely that this may be necessary given the location of and access to the site. The CMP should not be approved until the height and width restrictions of the extant structure allow for a definitive decision on the use of vehicular transportation of materials and/or plant.

The draft CMPs estimate of a total of 1146 vehicular movements over a construction period of up to 61 weeks is a likely underestimate and does not take into account the physical requirement of using very small machinery to remove site spoil. Without a review of the amount of spoil (currently estimated at 1200-1500t ) and a realistic calculation number of the number of journeys with vehicles appropriately sized to the passage, this planning permission should not be granted.

The limited access will also restrict the size of the piling rig to be used on site. As it is doubtful that such a rig would be able to form the secant wall to the sizes and depths required the CMP should specify the piling plant to be used.

The CMP should also consider the size of the steelwork required for the secant piled wall propping. The section sizes needed for that operation could be long (over 5m), heavy and

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					therefore difficult to handle without lifting equipment. That issue is not currently addressed.
					9. Immediate structural impact on my property: As yet there has been no structural survey of our property to ascertain the capacity of the passage way in any of its structural aspects (walls, ceiling, floor, piers) to support the weight and repeated vibrations of construction vehicles, plant and materials. Without this survey planning permission should not be granted.

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2017/2885/P	Ellen Solomons	Atheneum Hall Vale of Health Hampstead NW3 1AP Camden	28/06/2017 20:27:03	OBJLETTE R	<p>On behalf of myself and the Athenaeum Hall Residents Association which represents the interests of the owners of Flats 1,2,3 and 4 Athenaeum Hall, Vale of Health, NW31AP, I wish to object to the above application.</p> <p>I have seen the letter of objection sent to you by John Kleeman of 12 Heath Villas and adopt the contents thereof.</p> <p>In addition I wish to make some comments which concern Athenaeum Hall. It seems to me that the position of Athenaeum Hall has been marginalised and given insufficient consideration in the BIA and accompanying documents.</p> <p>Para 2.4 of the Eckersley O'Callaghan report of 18.5.17, headed Neighbouring Buildings says:-</p> <p>'The neighbouring 'villas' which border the Vale of Heath were constructed in the 18th and 19th Centuries. The existing Victorian buildings are constructed with load bearing stone and masonry walls, with likely timber floors and joisting. The buildings have been well maintained and are generally believed to be in sound structural condition.'</p> <p>There is no reference as such to Athenaeum, a block of flats built in circa 1959, with 4 main storeys, a basement garage and storerooms/boiler, and a further upper storey approx. half the footage of the main structure.</p> <p>The Desk study and Ground Investigation report notes:-</p> <p>"The site is located in the London Borough of Camden, approximately 620 m northeast of Hampstead London Underground station. The site is located behind properties that front onto Vale of Health to the west, and is bounded by the private gardens of houses on Vale of Health to the north and south. The rear garden of the property is open to the Vale of Health Pond to the east. The site may be additionally located by National Grid Reference 526512, 186407 and is shown on the map extract below</p> <p>Again no reference to Athenaeum. At another point in the report Athenaeum is referred to quite wrongly as 1-4 Heath Villas which are completely different properties near the fairground sites. However if one looks at the photo at 1.1 of the report one can just see Athenaeum in the top right hand corner. The report also notes:-</p> <p>'It is understood that it is proposed to redevelop the existing house to include a cutting into a slope with associated new retaining walls, to enable the extension of the ground floor across the whole footprint. A new single level basement will extend towards the southeast, away from the existing house footprint, in order to form a new lightwell. There will be a new single level extension to the north of the house and a veranda area to the east of the house'</p>

If one looks at the drawings submitted with the planning application and in particular the

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					<p>drawing of the proposed East elevation one can see the footage of the proposed lightwell and note how the removal of soil necessary to construct the lightwell might have, in lay terms, a knock on effect to the east and potentially cause the much higher soil forming the Athenaeum site to fall away.</p> <p>We are far from convinced that the report has sufficiently considered potential problems in relation to Athenaeum Hall, which to the North, is only a few feet away from the Garden House. It seems to us that in the light of the above there could potentially be very serious consequences if the substantial removal of soil required, in an area where water levels are a real issue, caused movement of the soil / heave in the direction of Athenaeum</p> <p>We also note that the report states</p> <p>'The lightwell area will not be formed by means of top-down construction, however it is understood that the capping beam to the lightwell will be adequately stiffened such that the deflections will be controlled in the same manner as a wall constructed within a top-down sequence.</p> <p>In view of the Category 2 – 'Slight' movements, it is recommended that further ground investigation is carried out at the site to determine the strength profile of the underlying Alluvium / soft Claygate and underlying Claygate proper. It is also recommended that the foundation depths of nearby structures are confirmed. The analysis should be updated with the results of the additional investigation.'</p> <p>In the light of the above we are firmly of the view that Camden's intention that the BIA will be reviewed by its external engineering consultants, Campbell – Reith, at the developer's expense is the correct approach. This should ofcourse precede consideration of the issue of planning permission for the lightwell.</p> <p>Yours sincerely</p> <p>Ellen Solomons</p>

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2017/2885/P	Marianne Nix Griffiths	9 heath villas vale of health	28/06/2017 21:17:15	OBJ	<p>THE GARDEN HOUSE, VALE OF HEALTH, LONDON NW3 1AN LONDON BOROUGH OF CAMDEN APPLICATION 2017/2885/P</p> <p>OBJECTIONS OF MARIANNE NIX GRIFFITHS OF 9 Heath Villas, Vale of Health, London NW3 1AW, 28th June 2017</p> <p>Together with a group of Vale of Health neighbours I have sought legal advice and based on that legal advice submit my objections below. In addition I would like to make the following comments;</p> <p>A. Our house was build in the 1860s. When updating the property in 2008/09 we discovered the property rests on sand and had no ‘foundations’. I imagine the same applies to the whole terrace of housing making up Heath Villas 7-12 as well as other properties in the Vale of Health. I would not be surprised if the rather strange siting of the boundary wall with its substantial buttresses and so close to the terrace of houses, is there to stop the houses moving down towards the pond. There seems no other reason for putting such a substantial wall so close to a row of terraced houses. The earth on our side of the wall is raised a few feet above that of the Garden House in many areas.</p> <p>There have been incidents in the Vale of Health where leaking water pipes have caused the earth under to road to be displaced and the road has collapsed.</p> <p>I fear the disruption of water flow by structures being inserted below ground and within meters of our house will cause the Alluvium/sand deposits to move and cavities to open up below our house. I do not think the BIA has investigated sufficiently the earth below the terrace of houses and the possible impact of water flows changing direction and eroding the Alluvium/sand in difficult to predict areas and inadvertently causing the unstable Alluvium/sand to move down the hill or worse still, cause underground cavities that eventually collapse. We have not been assured that everything has been taken into consideration to prevent damage to our houses.</p> <p>B. In addition I would like to comment on the lack of consideration for Camden's Biodiversity Action plan 2013-18 in the planning applications 2017/2885/P, 2017/2529/P, 2016/2600/P, 2014/1059/P, 2013/1142/P withdrawn, 2013/1141/P withdrawn.</p> <p>There is a real risk that the works proposed in the above applications will damage the valuable habit on the edge of Hampstead Heath unless proper and retrospective action is taken in relation to the removal of plants and trees, the possible lead contamination of the pond, protecting birds and bats and the creatures that sustain them as well as obtaining assurance from the applicant that green roofs will be installed on all flat roofs. If we are not able to help planet earth locally how can we expect to hope that others do not to cut down a single tree in the Amazon rainforest?</p>



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Camden BAP states it applies to:

'The built environment includes buildings, developments, streets, public realm and infrastructure. The main opportunities for providing biodiversity enhancements in the built environment are:

- living roofs and walls;
- biodiversity enhancing landscaping;
- installation of artificial nesting and roosting sites;
- sustainable drainage systems (SuDS);
- trees

....'The current planning policy environment requires that developers consider biodiversity in their proposals and contribute to an overall biodiversity enhancement. '

...'This BAP seeks to work with existing planning policy (see Table 1) and provide further direction on what the priorities are in Camden and how enhancements can be delivered. The BAP also seeks to encourage retro-fitting of biodiversity enhancements within the existing built environment."

....'All developments to include living roofs wherever feasible, in line with Camden Development Policy 22.

75% of living roofs should be biodiverse extensive roofs, in line with best practice and guidance from the Environment Agency."

There are also "more than 500 individual records of bats in Camden from at least nine different species, all of which are afforded legal protection. Camden is also home to a variety of insects, including .....a number of BAP priority butterflies.....The BAP mentions developments need to "include installation of species features such as bird and bat bricks".

The Vale of Health Pond is an important site for bats and the wildlife that sustains them. There is a real risk of contaminating the pond.

The Vale of Health Pond is shown as part of "Sites of Importance for Nature Conservation in Camden' in Camden's BAP (Biodiversity Action Plan) page 14.

Camden's Development Policy DP22 states that: "Schemes must incorporate green and brown roofs and green walls unless it is demonstrated that this is not possible or appropriate. This includes new and existing buildings. Special consideration will be given to historic buildings to ensure architectural and historic features are preserved"

This is supported by Camden Planning Guidance 3: Sustainability.

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The implementation of living roofs also contributes to the aims of Camden Core strategy policy CS15:

protecting and improving parks and open spaces and encouraging biodiversity.

#### Application Site

The Application Site lies within an extremely sensitive area, on the fringe of Hampstead Heath and within 50m of the Hampstead Heath Pond to the east. It is within the catchment of the pond chains on Hampstead Heath. The underside of the proposed basement construction would extend to a depth of approximately 1m below the water level of the Hampstead Heath Pond. The area is one of hydrological sensitivity.

The Site is within Metropolitan Open Land. Policy CS15 of Camden's LDF refers to the protection of MOL. Paragraph 15.7 provides:

"Camden's designated open spaces include Metropolitan Open Land. This is open space of London-wide significance that provides a break in the built up area and receives the same presumption against development as green belt land. There are four main areas of Metropolitan Open Land in Camden, which are of great importance to the borough and its character - Hampstead Heath and adjoining areas.....These will be protected in accordance with London Plan policy 3D.10. Guidance on Metropolitan Open Land and extensions to existing buildings within it is set out in government Planning Policy Guidance (PPG) 2 - Green Belts."

London Plan policy 17.7B provides:

"The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL."

Paragraph 89 of the NPPF states that the construction of new buildings should be considered inappropriate in the Green Belt except for "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building" (underlining added). Annex 2: Glossary defines "original building" as "a building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally".

The Site also lies within the Hampstead Conservation Area.

9 Heath Villas lies immediately to the west of the Application Site at section B on the plans and behind the thick boundary wall that appears to support the bank of Alluvium earth that the row of terraced houses is build upon. Some of the rear windows of the house overlook The Garden House. When undertaking building works in 2008/2009 it was discovered that the

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building rested on sand and was without 'foundations'.

The Garden House was built in the early 1950s. It is a split level house, part two storey and part one storey (at first floor) with no basement.

OBJECTION TO 2017/2885/P

(a) Increased size of the proposed building

The comparison under paragraph 89 of the NPPF must be between the size of the original building and its size with the proposed extensions, including (on that side of the equation) any earlier or other development whether permitted by the LPA or by the GPDO: see Brentwood BC v SETR (1999), 78 P&CR 301. The extensions permitted under the GPDO cannot be ignored. To do so would be as erroneous as suggesting that previous extensions permitted by the LPA must be ignored. A comparison between the original building plus the permitted extensions and the proposal would be wholly to ignore the clear words used in the NPPF including the definition of "original building" and the fact that the previous extension(s) will already have impacted on the openness of the MOL.

In his letter of 2nd May 2017, the developer's planning consultant argues that "the proposed lightwell is not an extension to the house". He is wrong. It is an extension -on his own case adding some 16 sq. m to the house. In any event, it is an alteration in itself and forms part of a larger alterations to the original dwellinghouse. He goes on to argue that "there can be no considerations of whether the proposal would represent a 'disproportionate addition' to the original house in relation to MOL and NPPF policy". Again, as a matter of law, he is wrong. The relevant passages in paragraph 89 of the NPPF must be considered by the LPA, as with any case involving an extension or alteration of an existing dwelling house within MOL.

No matter how small the extension or alteration may appear to be when viewed entirely in isolation, there will inevitably come a time when, properly considering all that has gone before, the decision maker is entitled to say: "Enough is enough." That position has been reached in the present case.

The precise figures for the overall increase in size are not included in the application documents so that it is not possible to undertake the necessary calculation from the information provided in the application papers. In a previous case (2011/6005/P) that went to appeal, the case officer suggested that the increase in volume comparing the original building and that proposed would be 82.4%. We suggest that there would be a similar increase as regards the present application. Such an increase in size, it is submitted, would be disproportionate. We repeat that the appropriate exercise cannot, and should not, be undertaken simply by considering in isolation the figure of 16 sq. m given in the planning consultant's letter. To do so opens up the possibility of "death by a thousand cuts" or as Sullivan J remarked in R (on the Application of Heath and Hampstead Society) v Camden LBC [2007] 2 P&CR 19, "salami slicing".

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(b) BIA

It is submitted that it is neither possible nor desirable to disaggregate the PD basement excavation from the lightwell excavation. If the combined effect of the two is unsatisfactory, then the present application with respect to the lightwell aspect of the proposal should be dismissed.

We do not have the technical skills to assess the accuracy of the BIA, although we note with some concern that the previous BIA advanced by the same developer in respect of application 2011/6005/P (also involving a new lightwell) was subject to trenchant detailed criticism by Arups, who were then instructed by the owner of 8 Heath Villas. We understand that, in the present case, Camden intends that the BIA will be reviewed by its external engineering consultants, Campbell – Reith, at the developer's expense and we fully support that approach.

We highlight the following concerns which we trust Campbell – Reith will consider with care and we request that these objections be forwarded to them:

We note that groundwater was found at a relatively shallow depth. Accordingly, it appears that the basement excavation will be carried out below groundwater level. We wish reassurance that the developer has taken appropriate steps to deal with this problem both during and after construction.

Does the BIA present an informed assessment of the totality of the potential impact of the proposed underground development on the local groundwater environment?

We do not believe that the BIA provides a sufficient appreciation of the typical annual fluctuation in groundwater levels and spring flows. Nor do we believe that it appropriately assesses the potential changes to groundwater recharge, surface water infiltration and runoff that will result from the proposal.

It does not appear that any or any proper consideration has been given to the following local information, namely that there has been previous surface water flooding at surrounding properties, including Hillview, or that there have been incidents of subsidence in the local area.

We note that soil contamination revealed an elevated concentration of lead. We are naturally concerned that there should be no risk to human health, particularly our and neighbour children's health, during excavation.

It is said in the CPM that a temporary earth bund formed of site strip topsoil and turf will be installed to ensure that surface water runoff does not enter the adjacent Vale of Health pond. There seem to be no calculations or discussions in the BIA as to the appropriate height of

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					<p>that bund, whether the proposed materials would be sufficient, where precisely it should be located and whether it would be effective in preventing pollution of the pond particularly having regard to the lead contamination found in the soil. In this respect, we are surprised that the City of London has not been formally consulted.</p> <p>We note that calculations of the likely ground level movements during the basement construction reveal some predicted damage to the Heath Villas properties, including number 9. We are anxious that there should be rigorous review of those calculations, including the methodology and assumptions adopted. We draw particular attention to the fact that the capping beam in the proposed lightwell area has been modelled as a permanent prop and we question whether such modelling is appropriate. We should make it clear that any damage to our property is completely unacceptable.</p> <p>On the issue of the construction of the lightwell, we note from paragraph 10.3.1 of the BIA that "The lightwell area will be not be formed by means of a top down construction" but that "the capping beam to the lightwell will be adequately stiffened such that the deflections will be controlled in the same manner as a wall constructed within a top down sequence." We ask Campbell-Reith to consider whether that method of construction is satisfactory and whether those assumptions are accurate.</p> <p>The existing slopes are greater than 7°. Has the BIA appropriately considered the possibility of slippage and slope instability?</p> <p>In a number of places, the BIA requires that additional work and calculations be undertaken. Thus:</p> <p>"The lightwell area will not be formed by means of top-down construction, however it is understood that the capping beam to the lightwell will be adequately stiffened such that the deflections will be controlled in the same manner as a wall constructed within a top-down sequence. In view of the Category 2 – 'Slight' movements, it is recommended that further ground investigation is carried out at the site to determine the strength profile of the underlying Alluvium / soft Claygate and underlying Claygate proper. It is also recommended that the foundation depths of nearby structures are confirmed. The analysis should be updated with the results of the additional investigation." (para 10.3.1)</p> <p>"A further review should be made to determine the capability of the remaining Alluvium to support the existing groundwater regime from the west." (para 11.1)</p> <p>"Consideration should also be given to the practicalities of constructing the basement with the known presence of groundwater." (para 11.1)</p> <p>"Monitoring of the standpipes should be continued to determine equilibrium groundwater levels and to establish any seasonal fluctuations. Ideally, trial excavations extending to as close to</p>

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					<p>the full depth of the proposed basement as possible should be carried out to determine likely groundwater inflows into the basement excavation. It would be prudent to carry out a deep borehole in the east of the site, in order to determine the depth of Alluvium in this area." (section 12)</p> <p>We submit that planning permission should not be granted until such time as that work and those calculations have been undertaken and an addendum report submitted.</p> <p>(c) Unacceptable impact upon Neighbouring Amenity during Construction 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. In this respect, the objectors draw attention to the following policies: namely policy CS5 at paragraph (e) (Managing the impact of growth and development); policies DP26 and DP27; policy A5 of the draft Local Plan; and Paragraph 4.1 of CPG 4 "Basements and Lightwells".</p> <p>In particular, paragraph 6.119 of the draft local plan provides: "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."</p> <p>The only access to the Application Site is via a small arched pedestrian entrance within a terrace of buildings which fronts onto a narrow residential street. It is not big enough to permit a vehicle to access the Site. Above and below the passage are the cellars and rooms of neighbouring properties. The Vale of Health itself is a narrow single-lane dead-end street surrounded by Hampstead Heath, with very limited parking. It is unsuitable for large vehicles. There are few places in which even two normally-sized vehicles can pass each other. The impact on traffic congestion of large works vehicles and suspended parking bays (apparently 3 in number) would be considerable and would pose a safety risk by unacceptably restricting access for emergency services, as well as causing difficulties for neighbours, particularly those who are disabled or have young children. The Garden House is one of the first houses in the street and difficulties caused by large vehicles would have a knock-on effect on all properties further along - some 70 dwellings and well over a hundred people for whom there is no other means of access to their properties. Because of the restricted access, the work is likely to be extremely disruptive to neighbours and have an unacceptable impact upon neighbouring amenity for all Vale residents.</p> <p>We submit that the impact on neighbouring amenity could not be ameliorated by a section 106 agreement.</p> <p>A draft CMP has been submitted. We comment on it as follows:</p> <p>The draft CMP estimates a total of 1146 vehicular movements over a construction period of up to 61 weeks. (It is suggested that in practice the number of vehicle movements would</p>

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					<p>inevitably be greater and the construction period longer. In any event, there would be long periods in late autumn and winter when work could not possibly proceed). During the basement excavation, said to continue for some seven weeks, there would be an average of 11.4 vehicle movements per day.</p> <p>There is little discussion given to the removal of excavation spoil from site. The basement excavation is not insignificant, about 500 cu ms for the basement box and possibly up to another 150 cu ms for the secant wall piles with more from the terrace excavation and the lightwell. All spoil would have to be taken off site. It is estimated that a total of 1200-1500t of spoil would need to be removed.</p> <p>Often conveyers are used to handle spoil on similar projects within buildings, but there is no mention of that in the CMP. A conveyor at this site may not be practical as there would then be little room left in the passageway for people or plant movements.</p> <p>Given the limited access, the document correctly identifies the resulting constraints on plant size. It should be possible to get a small 'basement type' piling rig through the access, but the depth of the basement and nature of the ground is such that it is doubtful whether such a rig would be able to form the secant wall to the sizes and depths needed in these ground conditions where casing would be required. Given the site constraints, it is surprising that there is no statement in the CMP confirming the piling plant to be used.</p> <p>It is stated that all materials could be manually handled on and off the site to/from the road. That would have to include the steelwork required for the secant piled wall propping. The section sizes needed for that operation could be long (over 5m), heavy and therefore difficult to handle without lifting equipment. That issue is not addressed.</p> <p>It is suggested in the CMP that the project is not of sufficient scale to warrant setting up a working group. We vehemently disagree. Given the sensitive nature of the site and its surroundings, a working group is manifestly required.</p> <p>The answer to Question 16 is wrong. Hillview has been granted planning permission and it is expected that work there will soon commence. The cumulative effect of work on the two sites, were they to proceed simultaneously, would be to cause an intolerable impact upon residential amenity.</p> <p>Conclusion Planning permission should be refused.</p>

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2017/2885/P	John Kleeman	12 Heath Villas Vale of Health NW3 1AW	28/06/2017 13:16:25	OBJ	<p>THE GARDEN HOUSE, VALE OF HEALTH, LONDON NW3 1AN LONDON BOROUGH OF CAMDEN APPLICATION 2017/2885/P</p> <p>OBJECTIONS OF JOHN KLEEMAN OF 12 Heath Villas, Vale of Health, London NW3 1AW, 20th June 2017</p> <p>Application Site</p> <ol style="list-style-type: none"> <li>1. The Application Site lies within an extremely sensitive area, on the fringe of Hampstead Heath and within 50m of the Hampstead Heath Pond to the east. It is within the catchment of the pond chains on Hampstead Heath. The underside of the proposed basement construction would extend to a depth of approximately 1m below the water level of the Hampstead Heath Pond. The area is one of hydrological sensitivity.</li> <li>2. The Site is within Metropolitan Open Land. Policy CS15 of Camden's LDF refers to the protection of MOL. Paragraph 15.7 provides: "Camden's designated open spaces include Metropolitan Open Land. This is open space of London-wide significance that provides a break in the built up area and receives the same presumption against development as green belt land. There are four main areas of Metropolitan Open Land in Camden, which are of great importance to the borough and its character - Hampstead Heath and adjoining areas.....These will be protected in accordance with London Plan policy 3D.10 . Guidance on Metropolitan Open Land and extensions to existing buildings within it is set out in government Planning Policy Guidance (PPG) 2 - Green Belts ."</li> <li>3. London Plan policy 17.7B provides: "The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL."</li> <li>4. Paragraph 89 of the NPPF states that the construction of new buildings should be considered inappropriate in the Green Belt except for "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building" (underlining added). Annex 2: Glossary defines "original building" as "a building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally".</li> <li>5. The Site also lies within the Hampstead Conservation Area.</li> <li>6. 12 Heath Villas lies immediately to the west of the Application Site and adjacent to the narrow passageway leading to the Site. Some of the rear windows of the house overlook The Garden House.</li> </ol>



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7. The Garden House was built in the early 1950s. It is a split level house, part two storey and part one storey (at first floor) with no basement.

#### OBJECTION TO 2017/2885/P

(a) Increased size of the proposed building

8. The comparison under paragraph 89 of the NPPF must be between the size of the original building and its size with the proposed extensions, including (on that side of the equation) any earlier or other development whether permitted by the LPA or by the GPDO: see Brentwood BC v SETR (1999), 78 P&CR 301. The extensions permitted under the GPDO cannot be ignored. To do so would be as erroneous as suggesting that previous extensions permitted by the LPA must be ignored. A comparison between the original building plus the permitted extensions and the proposal would be wholly to ignore the clear words used in the NPPF including the definition of “original building” and the fact that the previous extension(s) will already have impacted on the openness of the MOL.

9. In his letter of 2nd May 2017, the developer’s planning consultant argues that “the proposed lightwell is not an extension to the house”. He is wrong. It is an extension -on his own case adding some 16 sq. m to the house. In any event, it is an alteration in itself and forms part of a larger alterations to the original dwellinghouse. He goes on to argue that “there can be no considerations of whether the proposal would represent a ‘disproportionate addition’ to the original house in relation to MOL and NPPF policy”. Again, as a matter of law, he is wrong. The relevant passages in paragraph 89 of the NPPF must be considered by the LPA, as with any case involving an extension or alteration of an existing dwelling house within MOL.

10. No matter how small the extension or alteration may appear to be when viewed entirely in isolation, there will inevitably come a time when, properly considering all that has gone before, the decision maker is entitled to say: “Enough is enough.” That position has been reached in the present case.

11. The precise figures for the overall increase in size are not included in the application documents so that it is not possible to undertake the necessary calculation from the information provided in the application papers. In a previous case (2011/6005/P) that went to appeal, the case officer suggested that the increase in volume comparing the original building and that proposed would be 82.4%. We suggest that there would be a similar increase as regards the present application. Such an increase in size, it is submitted, would be disproportionate. We repeat that the appropriate exercise cannot, and should not, be undertaken simply by considering in isolation the figure of 16 sq. m given in the planning consultant’s letter. To do so opens up the possibility of “death by a thousand cuts” or as Sullivan J remarked in R (on the Application of Heath and Hampstead Society) v Camden LBC [2007] 2 P&CR 19, “salami slicing”.

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(b) BIA

12. It is submitted that it is neither possible nor desirable to disaggregate the PD basement excavation from the lightwell excavation. If the combined effect of the two is unsatisfactory, then the present application with respect to the lightwell aspect of the proposal should be dismissed.

13. We do not have the technical skills to assess the accuracy of the BIA, although we note with some concern that the previous BIA advanced by the same developer in respect of application 2011/6005/P (also involving a new lightwell) was subject to trenchant detailed criticism by Arups, who were then instructed by the owner of 8 Heath Villas. We understand that, in the present case, Camden intends that the BIA will be reviewed by its external engineering consultants, Campbell – Reith, at the developer's expense and we fully support that approach.

14. We highlight the following concerns which we trust Campbell – Reith will consider with care and we request that these objections be forwarded to them:

(a) We note that groundwater was found at a relatively shallow depth. Accordingly, it appears that the basement excavation will be carried out below groundwater level. We wish reassurance that the developer has taken appropriate steps to deal with this problem both during and after construction.

Does the BIA present an informed assessment of the totality of the potential impact of the proposed underground development on the local groundwater environment?

(b) We do not believe that the BIA provides a sufficient appreciation of the typical annual fluctuation in groundwater levels and spring flows. Nor do we believe that it appropriately assesses the potential changes to groundwater recharge, surface water infiltration and runoff that will result from the proposal.

(c) It does not appear that any or any proper consideration has been given to the following local information, namely that there has been previous surface water flooding at surrounding properties, including Hillview, or that there have been incidents of subsidence in the local area.

(d) We note that soil contamination revealed an elevated concentration of lead. We are naturally concerned that there should be no risk to human health, particularly our and neighbour children's health, during excavation.

(e) It is said in the CPM that a temporary earth bund formed of site strip topsoil and turf will be installed to ensure that surface water runoff does not enter the adjacent Vale of Health pond. There seem to be no calculations or discussions in the BIA as to the appropriate height

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of that bund, whether the proposed materials would be sufficient, where precisely it should be located and whether it would be effective in preventing pollution of the pond particularly having regard to the lead contamination found in the soil. In this respect, we are surprised that the City of London has not been formally consulted.

(f) We note that calculations of the likely ground level movements during the basement construction reveal some predicted damage to the Heath Villas properties, including number 12. We are anxious that there should be rigorous review of those calculations, including the methodology and assumptions adopted. We draw particular attention to the fact that the capping beam in the proposed lightwell area has been modelled as a permanent prop and we question whether such modelling is appropriate. We should make it clear that any damage to our property is completely unacceptable.

(g) On the issue of the construction of the lightwell, we note from paragraph 10.3.1 of the BIA that "The lightwell area will be not be formed by means of a top down construction" but that "the capping beam to the lightwell will be adequately stiffened such that the deflections will be controlled in the same manner as a wall constructed within a top down sequence." We ask Campbell-Reith to consider whether that method of construction is satisfactory and whether those assumptions are accurate.

(h) The existing slopes are greater than 7°. Has the BIA appropriately considered the possibility of slippage and slope instability?

15. In a number of places, the BIA requires that additional work and calculations be undertaken. Thus:

"The lightwell area will not be formed by means of top-down construction, however it is understood that the capping beam to the lightwell will be adequately stiffened such that the deflections will be controlled in the same manner as a wall constructed within a top-down sequence. In view of the Category 2 – 'Slight' movements, it is recommended that further ground investigation is carried out at the site to determine the strength profile of the underlying Alluvium / soft Claygate and underlying Claygate proper. It is also recommended that the foundation depths of nearby structures are confirmed. The analysis should be updated with the results of the additional investigation." (para 10.3.1)

"A further review should be made to determine the capability of the remaining Alluvium to support the existing groundwater regime from the west." (para 11.1)

"Consideration should also be given to the practicalities of constructing the basement with the known presence of groundwater." (para 11.1)

"Monitoring of the standpipes should be continued to determine equilibrium groundwater levels and to establish any seasonal fluctuations. Ideally, trial excavations extending to as close to

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					<p>the full depth of the proposed basement as possible should be carried out to determine likely groundwater inflows into the basement excavation. It would be prudent to carry out a deep borehole in the east of the site, in order to determine the depth of Alluvium in this area." (section 12)</p> <p>We submit that planning permission should not be granted until such time as that work and those calculations have been undertaken and an addendum report submitted.</p> <p>(c) Unacceptable impact upon Neighbouring Amenity during Construction</p> <p>16. 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. In this respect, the objectors draw attention to the following policies: namely policy CS5 at paragraph (e) (Managing the impact of growth and development); policies DP26 and DP27; policy A5 of the draft Local Plan; and Paragraph 4.1 of CPG 4 "Basements and Lightwells".</p> <p>17. In particular, paragraph 6.119 of the draft local plan provides: "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."</p> <p>18. The only access to the Application Site is via a small arched pedestrian entrance within a terrace of buildings which fronts onto a narrow residential street. It is not big enough to permit a vehicle to access the Site. Above and below the passage are the cellars and rooms of neighbouring properties. The Vale of Health itself is a narrow single-lane dead-end street surrounded by Hampstead Heath, with very limited parking. It is unsuitable for large vehicles. There are few places in which even two normally-sized vehicles can pass each other. The impact on traffic congestion of large works vehicles and suspended parking bays (apparently 3 in number) would be considerable and would pose a safety risk by unacceptably restricting access for emergency services, as well as causing difficulties for neighbours, particularly those who are disabled or have young children. The Garden House is one of the first houses in the street and difficulties caused by large vehicles would have a knock-on effect on all properties further along - some 70 dwellings and well over a hundred people for whom there is no other means of access to their properties. Because of the restricted access, the work is likely to be extremely disruptive to neighbours and have an unacceptable impact upon neighbouring amenity for all Vale residents.</p> <p>19. We submit that the impact on neighbouring amenity could not be ameliorated by a section 106 agreement.</p> <p>20. A draft CMP has been submitted. We comment on it as follows:</p> <p>(a) The draft CMP estimates a total of 1146 vehicular movements over a construction period of up to 61 weeks. (It is suggested that in practice the number of vehicle movements would</p>

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					<p>inevitably be greater and the construction period longer. In any event, there would be long periods in late autumn and winter when work could not possibly proceed). During the basement excavation, said to continue for some seven weeks, there would be an average of 11.4 vehicle movements per day.</p> <p>(b) There is little discussion given to the removal of excavation spoil from site. The basement excavation is not insignificant, about 500 cu ms for the basement box and possibly up to another 150 cu ms for the secant wall piles with more from the terrace excavation and the lightwell. All spoil would have to be taken off site. It is estimated that a total of 1200-1500t of spoil would need to be removed.</p> <p>(c) Often conveyers are used to handle spoil on similar projects within buildings, but there is no mention of that in the CMP. A conveyor at this site may not be practical as there would then be little room left in the passageway for people or plant movements.</p> <p>(d) Given the limited access, the document correctly identifies the resulting constraints on plant size. It should be possible to get a small 'basement type' piling rig through the access, but the depth of the basement and nature of the ground is such that it is doubtful whether such a rig would be able to form the secant wall to the sizes and depths needed in these ground conditions where casing would be required. Given the site constraints, it is surprising that there is no statement in the CMP confirming the piling plant to be used.</p> <p>(e) It is stated that all materials could be manually handled on and off the site to/from the road. That would have to include the steelwork required for the secant piled wall propping. The section sizes needed for that operation could be long (over 5m), heavy and therefore difficult to handle without lifting equipment. That issue is not addressed.</p> <p>(f) It is suggested in the CMP that the project is not of sufficient scale to warrant setting up a working group. We vehemently disagree. Given the sensitive nature of the site and its surroundings, a working group is manifestly required.</p> <p>(g) The answer to Question 16 is wrong. Hillview has been granted planning permission and it is expected that work there will soon commence. The cumulative effect of work on the two sites, were they to proceed simultaneously, would be to cause an intolerable impact upon residential amenity.</p> <p>Conclusion</p> <p>21. Planning permission should be refused.</p>