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29 September 2017

Dear Mr Thuaire,

RE: Application No. 2017/2885/P over the Garden House Vale of Health London NW3 1AN

Nexus Planning is acting on behalf of the City of London Corporation and makes the following representations in relation to Application No. 2017/2885/P over The Garden House, Vale of Health. The City of London objects to the proposed development on this site in view of the potential impacts on the adjoining Hampstead Heath, and particularly, to the Vale of Health pond.

City of London Corporation

The City of London Corporation ('the City') owns and manages over 10,700 acres (4,330 hectares) of Open Space in and around London, which are enjoyed by more than 23 million visitors each year. The open spaces owned and managed by the City include Hampstead Heath, the Hampstead Heath Extension, Golders Hill Park, Highgate Wood, Queen's Park, Epping Forest, and West Ham Park.

The open spaces managed by the City are important wildlife habitats but also provide many services and facilities, including outdoor swimming, sports pitches, tennis courts, play areas, fishing and much more.

This role was established in the 1870s, when the City was concerned that access to the open countryside was being threatened by development and therefore promoted two Acts of Parliament. The Epping Forest Act and the City of London (Open Spaces) Act received assent in 1878 and enabled the City to acquire and protect threatened Open Spaces from future development. Since this time, the City has acquired further open spaces, including Hampstead Heath.

The City is statutorily obliged, by virtue of various Acts of Parliament, and specifically by the provisions of the Hampstead Heath Act, 1871, to:

- for ever to keep the Heath open, unenclosed, unbuilt upon and by all lawful means prevent, resist and abate all encroachment on the Heath and attempted encroachment and protect the Heath and preserve it as an open space;
- at all times preserve as far as maybe the natural aspect of the Heath and to that end protect the turf, gorse, heather, timber and other trees, shrubs and brushwood thereon;
- not to sell, lease, grant or in any manner dispose of any part of the Heath; and
- to provide active and passive recreational facilities and information for members of the public.

The City took over title ownership and the responsibility for the management and protection of Hampstead Heath in 1989, and for making it available as open space. In addition, the Local Government Reorganisation (Hampstead Heath) Order 1989 establishes a Trust Fund, the proceeds of which may be used to defray, in part, the cost of enhancing or replacing amenities on the Heath. The balance is met out of the City of London funds, at no cost to the public.

Application Site Context

An indicative site location plan of The Garden House Vale of Health London NW3 1AN is shown below.

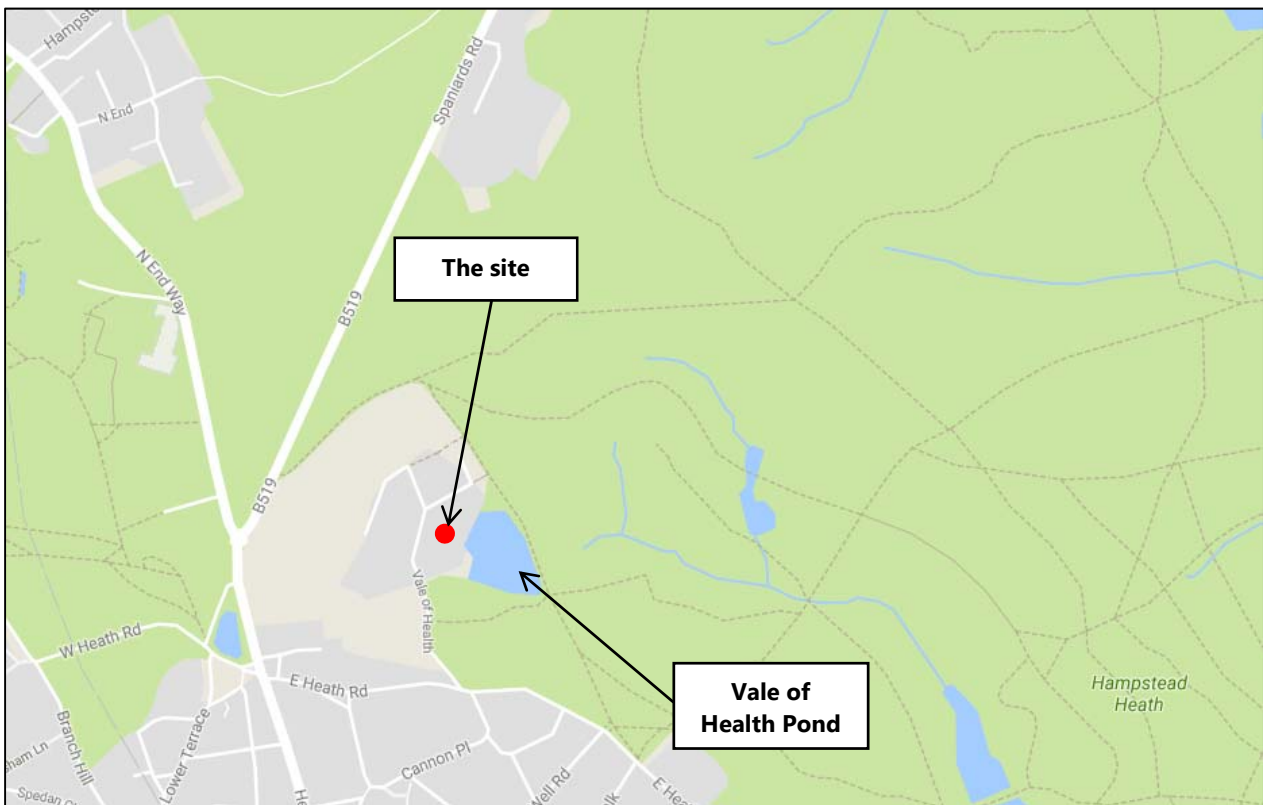


Figure 1: Site Location

The Garden House site is located at the rear of a row of terraced houses fronting the eastern side of the Vale of Health. The application site contains a detached, two-storey dwellinghouse, and is accessible through an existing archway onto the Vale of Health. It is understood that the existing access is pedestrian only. The rear of the site directly adjoins the Vale of Health pond and Hampstead Heath. The rear elevation of the existing dwellinghouse onsite is setback approximately 40m from the Vale of Health pond.

The topography of the site slopes down from a level of roughly 112.5 m OD in the north-western corner in a south-easterly direction, to a level of roughly 105 m OD on the edge of the Vale of Health Pond in the southeast of the site.

The site is located in the Hampstead Conservation Area, is within an Archaeological Priority Area, and is identified as an area of Open Space, and an area of Metropolitan Open Land under Camden's Planning Policy Map (Figure 2 below).

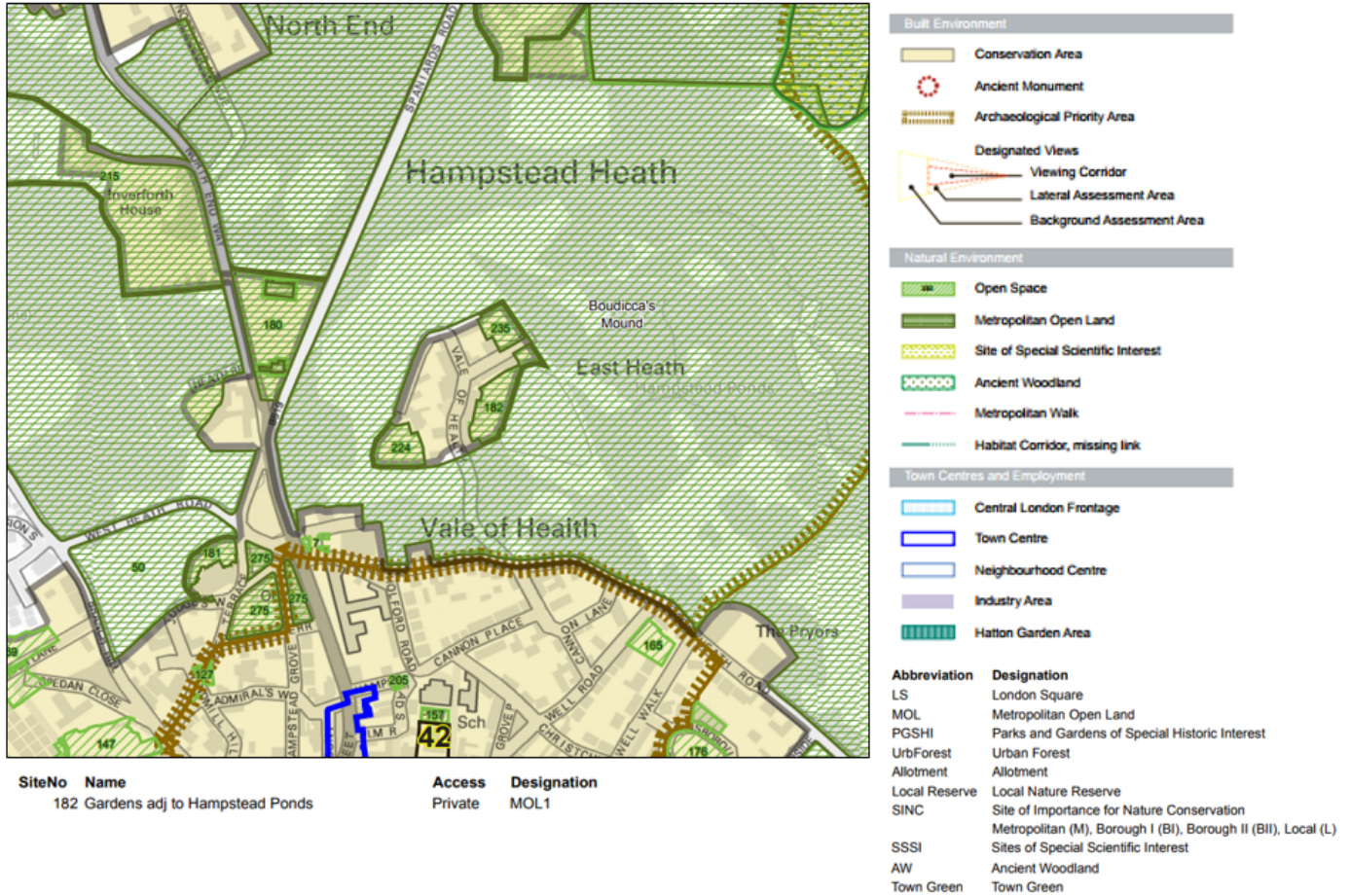


Figure 2: Extract of the Camden Council's Planning Policy Map

The application site benefits from a number of recent planning approvals, and has several applications currently undergoing assessment by Council.

Table 1 below provides an overview of applications that have recently been determined over the site.

Table 1: Determined Applications over The Garden House, Vale of Health NW3 1AN

APPLICATION NO.	PROPOSAL DESCRIPTION	DECISION	DATE
2005/1297/P	Demolition of the existing part 1, part 2-storey dwellinghouse with associated terraces and brick shed and erection of a part 2, part 3-storey dwellinghouse with associated landscaping. (Full Planning Permission)	Granted	23/01/2006
2005/1299/C	Demolition of the existing part 1, part 2-storey dwellinghouse with associated terraces and existing brick shed. (Conservation Area Consent)	Granted	24/01/2006

2008/5684/P	Erection of two storey dwellinghouse following the demolition of two storey existing dwelling house, plus associated landscaping. (NOTE- this involves development on Metropolitan Open Land and Private Open Space)	Refused	11/02/2009
2008/5685/C	Demolition of the existing dwellinghouse with associated terraces and brick shed, in association with the erection of a two storey dwellinghouse	Refused	11/02/2009
2008/5756/P	SCHEME B Erection of two storey with basement level dwellinghouse following the demolition of two storey existing dwelling house and associated landscaping. (NOTE- THIS INVOLVES DEVELOPMENT ON METROPOLITAN OPEN LAND AND PRIVATE OPEN SPACE)	Withdrawn	11/02/2009
2008/5758/C	Demolition of the existing dwellinghouse with associated terraces and brick shed.	Withdrawn	11/02/2009
2010/3118/P	Excavation to provide additional accommodation for dwellinghouse by extension of ground floor under footprint of house and creation of new basement storey. (Certificate of Lawfulness)	Granted	17/11/2010
2011/3054/P	Erection of 2 separate single storey rear extensions at ground and first floor levels (Areas A and C respectively) to dwellinghouse (Class C3).	Granted	28/06/2011
2011/6005/P	Various alterations and extensions to existing dwelling house (Class C3), including erection of a front roof dormer with 2 windows and a rear roof dormer extension; replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with slate on all elevations and roof; creation of front lightwell; removal of part of eastern embankment and raised terrace to provide ground floor verandah with terrace above at first floor level; installation of timber cladding on outhouse.	Refused by Council, Allowed on Appeal Appeal Ref: APP/X5210/A/13/2195530	21/12/2011
2013/1141/P	Various alterations to existing dwelling house (Class C3), including replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with brick walls and slate roof; creation of 2 front lightwells, one to basement floor in front garden and one to ground floor in raised embankment; installation of timber cladding on outhouse. (Variation 'D' involving internal split level floors at entrance with dropped level windows and entrance door on south and east elevations)	Withdrawn	12/03/2013
2013/1142/P	Various alterations to existing dwelling house (Class C3), including replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with brick walls and slate roof; creation of 1 front lightwell to ground floor in raised embankment; recladding of outhouse with timber walls and lead roof. (Variation 'F' involving no internal split levels or dropped level windows/entrance door) (REVISED SCHEME OMITTING BASEMENT	Withdrawn	12/03/2013

	LIGHTWELL- REVISED BIA, PLANS AND ELEVATION- PLUS EXISTING OUTHOUSE PLANS)		
2014/1059/P	Erection of 2 separate single storey rear extensions at ground and first floor levels (Areas A and B respectively) to dwellinghouse (Class C3).	Granted	11/02/2014
2016/2600/P	Various alterations and extensions to existing dwelling house (Class C3), including erection of a front roof dormer with 2 windows and a rear roof dormer extension; replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with slate on all elevations and roof; removal of part of eastern embankment and raised terrace to provide ground floor verandah with terrace above at first floor level; installation of timber cladding on outhouse.	Granted Subject to a Section 106 Legal Agreement	10/06/2016

Table 2 below provides an overview of the applications currently undergoing assessment (including Application No. 2017/2885/P to which this submission relates).

Table 2: Yet to be determined applications over The Garden House, Vale of Health NW3 1AN

APPLICATION NO.	PROPOSAL DESCRIPTION	REGISTRATION DATE
2017/3745/P	Temporary removal and subsequent reinstatement of original archway and gate piers to widen access to the Garden House and significantly expedite the construction process required to implement permissions for altering and extending the house.	06/07/2017
2017/3134/P	Erection of 2 separate single storey rear extensions at ground and first floor levels to dwellinghouse (Class C3), as granted planning permission ref 2014/1059/P dated 31/03/2014.	02/06/2017
2017/2885/P	Excavation to create an L-shaped basement lightwell at the southeast corner of the house.	01/06/2017
2017/2529/P	Details of tree protection required by condition 7 of planning permission dated 10.10.16 ref 2016/2600/P (for Various alterations and extensions to existing dwelling house (Class C3), including erection of a front roof dormer with 2 windows and a rear roof dormer extension; replacement and installation of new windows to all elevations, relocation of chimney to flank wall, re-cladding with slate on all elevations and roof; removal of part of eastern embankment and raised terrace to provide ground floor verandah with terrace above at first floor level; installation of timber cladding on outhouse).	15/05/2017

Proposal

The current application undergoing assessment by Camden Council seeks planning permission for the excavation of 16 sq m to provide a 4m deep L-shaped light well adjoining a basement floor level approved under Planning Application No. 2010/3118/P. The light well also seeks to provide an external staircase providing direct access from the garden to the basement.

To undertake these works, significant disruption is likely to the Vale of Health Road, and eastern parts of Hampstead Heath, including the Vale of Health pond, for the duration of the construction works. Furthermore,

the excavation works proposed have the potential to adversely impact structural stability and cause hydrological issues affecting ground water flows, which may be particularly detrimental considering the development's proximity to the Vale of Health pond.

Key Issues

The City is seeking to ensure that any development that occurs has minimal impacts on the adjoining Hampstead Heath, and particularly to the Vale of Health pond situated in close proximity to the application site.

Considering the subterranean nature of the proposal, the topography of the application site, and the proximity of the development to Hampstead Heath and the Vale of Health pond, Nexus Planning on behalf of the City, have commissioned an independent review of the Structural Report and Basement Impact Assessment submitted as part of this application (ref: 2017/2885/P). This review was carried out by Alan Baxter Ltd, and is attached in Appendix 1 of this submission.

The City's main concerns relating to the proposed development are identified below:

- Accuracy and completeness of the Structure Report and Basement Impact Assessment submitted;
- Potential adverse impacts on hydrological function and ground water flows;
- Potential adverse impacts on the structural stability of the site and surrounding area;
- Potential adverse impacts on Hampstead Heath and the Vale of Health during the construction phase;
- Conflict with Planning Policy relating to designated Metropolitan Open Land.

These issues are discussed in further detail below.

Structure Report and Basement Impact Assessment

The City's main concern with the Structure Report and Basement Impact Assessment submitted alongside application no. 2017/2885/P is that fewer ground investigations were carried out than were originally proposed by the geo-technical consultant (GEA). Furthermore, GEA has recommended that further investigations be carried out. Without undertaking the full suite recommended GEA investigations, it is considered the Basement Impact Assessment is incomplete.

Hydrological Function

The City is concerned that the proposed development poses a risk to existing hydrological function, which has the potential to detrimentally impact the nearby Vale of Health pond. In particular, there is a risk that the proposed subterranean works may impact on ground water flows to the pond. It is considered that further investigation should be undertaken to determine whether or not ground water flows would be able to pass around the basement through the Alluvium Deposits.

Furthermore, it is understood that in their geo-technical report, which forms an appendix to the submitted Basement Impact Assessment, GEA have recommended mitigation measures with respect to ground water flows. Notwithstanding, these mitigation measures are not evident on the drainage drawings.

Additionally, the City is concerned that the proposal includes the pumping of rain water from the basement and light well development into a storm water attenuation tank, prior to being discharged into the ground to make its way to the pond. Little detail has been provided regarding the discharge of rainwater into the ground, and it is considered more information should be provided before it can be determined what level of impact the proposal will have on the Vale of Health pond.

It is noted that Policy A5 of the recently adopted Camden Local Plan 2017, which states that the Council will only permit basement level development where it does not cause harm to *'the structural, ground, or water conditions of the area'*.

In line with the above, it is evident that insufficient information has been provided regarding hydrological function and ground water flows to determine whether or not the proposal will 'cause harm' on the nearby Vale of Health pond, and therefore, would be in conflict with Policy A5 of the Local Plan.

Structural Stability

With respect to structural stability, the City raises concern that the proposed development has the potential to cause 'slight damage' (Category 2) to neighbouring properties. The mitigation measures put forward by the applicant is to adopt a 'top-down' construction methodology. Notwithstanding, 'top-down' construction requires very careful consideration on sloping sites, such as the application site. Accordingly, in order to justify the use of this risky construction methodology, it is considered that the applicant should be required to demonstrate that using the top-down approach would reduce the predicted damage category from slight damage, to 'very slight damage' (Category 1) or less.

Construction Phase

Whilst it is acknowledged that a draft Construction Management Plan has been submitted as part of the application, this document is lacking in detail, and provides no information as to how the Vale of Health pond will be protected during the construction phase of development.

In particular, the application site is currently only accessible via a pedestrian pathway onto the Vale of Health road. The Construction Management Plan does not detail the manner in which vehicles will access the application site, and this poses a risk to Hampstead Heath and the Vale of Health pond.

Furthermore, there is little information provided within the Construction Management Plan regarding the removal of excavation spoil from the application site. This poses a huge risk, as spoil if left unattended, has the risk of contaminating the nearby Vale of Health pond. It is noted that paragraph 6.108 of the Camden Local Plan 2017 relates specifically to basement development, and states that *"Basement development can also have significant construction impacts due to the need to remove spoil and the general complexities of excavation. The Council recognises the need to protect the environment and adjoining neighbours properties and buildings from these impacts."* Considering the lack of information provided in the Construction Management Plan, and specifically the lack of detail regarding the removal of spoil, it is not considered that the Council can be satisfied that the proposed works would appropriately protect the environment of neighbouring properties, including that of Hampstead Heath and the Vale of Health pond.

Metropolitan Open Land

It is emphasised that the application site and proposed development falls on land designated as Metropolitan Open Land (MOL). MOL is given the same level of protection as the Green Belt under Policy 7.17 of the London Plan 2016, and the importance of protecting this land is emphasised under Policy A2 of the Camden Local Plan 2017.

It is emphasised that the proposal is located within MOL, and therefore, very careful consideration should be given to its assessment, and approval should not be granted until all evidence necessary to demonstrate the proposal will not detrimentally impact this land is provided.

As is evident from the issues outlined above, additional information is necessary, particularly with respect to hydrological function, structural stability, and construction, before it can be determined that the development will not have an adverse impact on the designated MOL.

Recommendations

A number of recommendations are made to the Council, should the proposal be supported, to ensure the development progresses in a satisfactory manner to avoid damage and disruption to Hampstead Heath, the Vale of Health pond, and the surrounding area. These recommendations are:

1. As fewer ground investigations were carried out than were originally proposed, it is recommended that further investigations, as recommended by GEA in their geo-technical report, be carried out prior to Council determining this application.
2. Following further ground investigations being undertaken, the Basement Impact Assessment and Slope Stability Assessment should both be updated, and submitted to Council for review. It is requested that this action should be undertaken prior to the determination of the application.
3. Despite recommendations in the GEA report, the drainage drawings submitted do not appear to show land drains around the basement and light well. It is recommended that drainage drawings be updated prior to approval to incorporate the mitigation measures as recommended by GEA in their geo-technical report.
4. The proposal is understood to involve pumping rainwater from the basement level into a storm water attenuation tank, prior to being discharged into the ground to move towards the Vale of Health pond. It is requested that further detail of ground water discharge be provided prior to the determination of the application.
5. The developer has proposed a 'top-down' construction methodology to reduce damage to neighbouring land. Notwithstanding, top-down construction needs to be undertaken carefully on sloping sites, and it is requested that the developer demonstrate this method would reduce the predicted damage category to 'very slight' (Category 1) or lower, so as to justify the approach. It is requested that this information should be submitted prior to the determination of the application.
6. A more detailed Construction Management Plan needs to be submitted to determine what level of impact the proposal would have on neighbouring properties in terms of trips generated and removal of excavation spoil. Ideally the Construction Management Plan should be submitted prior to determination, however, this matter could also be dealt with by an appropriately worded condition or through the S106 related to the previous planning approval.

Conclusion

The City of London objects to the proposed development on this site in view of the potential impacts on the adjoining Hampstead Heath, and particularly, to the Vale of Health pond.

In accordance with Alan Baxter Ltd's independent review of the applicant's Basement Impact Assessment (Appendix 1), it is requested that the six recommendations put forward above be accommodated in order to minimise the potential adverse impacts of the proposal.

The City requests that these recommendations are accommodated prior to the determination of the application through updated reports that will form part of the decision notice to ensure the development is implemented in accordance with these updated measures.

Yours faithfully,

A rectangular box with a light blue background containing the handwritten text "Nexus Planning" in a cursive, grey font.

NEXUS PLANNING

Appendix 1 – Alan Baxter Ltd review of the Structural Report and Basement Impact Assessment for the Garden House

The Garden House, Vale of Health

Structural Engineering Notes on a review of the Structural Report and Basement Impact Assessment for the Garden House

- 1 Alan Baxter Ltd are appointed by Nexus Planning to review the Basement Impact Assessment (BIA) submitted for the Garden House as part of a planning application for the construction of a basement lightwell.
- 2 As part of the documentation submitted in support of the planning application Eckersley O'Callaghan (EO'C) have produced a Structural Report and Basement Impact Assessment with associated appendices including :-
 - Structural plans and sections
 - A desk study and ground investigations report by GEA (with information on site investigations, contamination risk, ground movements, a Building Damage Assessment and an assessment of slope stability)
 - An assessment of the impacts on existing and neighbouring structures
 - A Construction Management Plan (using a Camden pro forma)
 - A proposed drainage strategy by EO'C

A design and access Statement by James Gorst Architects has also been included in the documentation.

- 3 It is clear from the BIA and structural drawings that the construction of the proposed lightwell forms only part of more extensive proposals for the refurbishment and extension of the existing house, which include a larger basement extension which already has planning approval under permitted development rights. Notwithstanding this report considers the construction of the whole of the basement in order that the lightwell construction is shown in context with the main basement development already approved.
- 4 The approach adopted appears sensible and appropriate as, in isolation, the impact of the light well is small in comparison to the main basement extension which is already approved.
- 5 In general the Structural Report and Basement Impact Assessment is comprehensive and covers the key issues expected and required under LBC Planning and Development policies and guidance documents.
- 6 Site investigation works were carried out in 2005, 2012 and 2017. The Desk study and Ground Investigations Report by GEA draws on the results of all of these investigations and records that the site generally overlies made ground, over Alluvium over the Claygate beds. The report records difficulties in accessing the site with a borehole rig in 2017 and window sampling equipment was used, which limited the depth of investigations. Consequently the report recommends further ground investigations and that "the extent and depth of the water bearing

Alluvium should be confirmed (by further site investigations) to the north and south of the proposed development (basement) and a review made to determine the capacity of the remaining Alluvium to support the existing groundwater regime from the west. Alternatively mitigation measures could be incorporated to ensure that groundwater flow is diverted around the basement to the pond" (which is located immediately to the east). No such mitigation measures are currently indicated on the proposed drainage layouts. We think that the developer should consider installing some land drains around the basement to help maintain ground water flows around the basement and to recharge groundwater levels if necessary. This could also be connected to the pumped stormwater attenuation tank which is currently proposed to collect stormwater from the basement and lightwell, prior to discharge towards the pond. Details of the arrangements for discharging into the ground should be provided.

- 7 The construction Management Plan indicates that during construction a temporary earth bund will be constructed to intercept any site surface water and prevent run off from entering the adjacent pond to the east. During construction this will be linked with temporary pumps to a silt buster separation unit to provide an outfall for ground and surface water discharges into the local mains drainage system. While this appears the correct approach to reduce the risks of contamination to the pond, it will also reduce ground water flows to the pond over this period.
- 8 The BIA analysis indicates that the predicted damage to neighbouring properties and garden walls may be negligible, very slight or slight (category 2 damage). GEA indicated that whilst these assessments are conservative they recommend "top-down" construction with the floor slabs cast prior to excavation and a stiffened capping beam to the lightwell to mitigate ground movements and reduce the damage category. Top-down construction needs care on sloping sites (because there is reduced passive pressure on the lower side) and the developer should therefore be asked to demonstrate that this will reduce the predicted damage category to very slight (category 1) or less. It is also recommended that the BIA analysis is revised and updated following further ground investigation (as noted in 6 above) to determine the strength profiles for the underlying Alluvium and Claygate and that movement monitoring is carried out (details of which are to be confirmed).
- 9 The overall slope stability assessment indicates a factor of safety of 1.52 following construction of the proposals, which GEA consider adequate. However, they recommend the analysis should be updated following the additional ground investigation suggested. A revised report should be submitted for review following updates of the BIA analysis and slope stability assessment.
- 10 The Claygate Member has some potential for seasonal, shrink- swell movement and GEA have recommended foundations are designed in accordance with NHBC guidelines and that some slope stabilisation is required to prevent further localised movement of the slope and to stabilise the existing main house. It is not clear on the drawings provided whether this recommendation has been followed. This should be clarified as the construction details are developed and finalised.