

Objection to planning application 2017/4302/P

We continue to rely on the contents of our previous objection to this application, save to the extent that the revised application is addressed below. So that our previous objection is not overlooked, or its contents are mistakenly thought to have been addressed, we have attached it as Appendix 2 below.

Revised documents

Following our identification of the fact that the proposed development produced a figure of Burland Category 2 for damage to adjoining properties the developer has re-cast its application and submitted new supporting documents based upon methodologies that do not appear as part of the publicly available documentation.

Unsurprisingly, given that the scheme has not changed, the figures for predicted heave and settlement have also not changed.

Surprisingly, however, the Burland Category figure has changed. How has this occurred?

The answer is to be found in the assumptions that are now made to achieve the desired outcome (see Appendix 1 below containing the relevant extracts).

If the assumption is made that all unstable soil under the structures adjoining the development is solidified by the injection of high pressure concrete, then it is assumed that the adjoining land will not move as much as a result of the excavation (though nothing is said about the harm caused to adjoining land by the cement grouting).

This is much like saying that if the soil conditions that actually exist are ignored, and if the developer is allowed to harm adjoining properties by cementing the subsoil beneath those neighbouring properties, then the construction of a deep basement into waterlogged unstable contaminated soil will not cause as many problems by reason of the construction.

The proposed development sits in a conservation area next to listed buildings. What the developer wants to do is inject high pressure liquid cement into the subsoil of both the adjoining listed buildings and the adjoining mews houses in the conservation area.

The Council is being invited to assume in favour of the developer (i) that there is nothing wrong with changing soil conditions on neighbouring properties by concreting ("**Harm**"), (ii) that the process itself is risk free of any possible damage ("**Risk**") and (iii) that the owners of the adjoining properties are prepared to allow this to happen ("**Permission**"). Each is examined below.

Harm Camden Local Plan, Adoption version of June 2017, sets out Policy A5 "Basements" states that:

"The Council will require applicants to demonstrate that proposals for basements:

- n. ***do not harm neighbouring properties, including*** requiring a Basement Impact Assessment which shows that the scheme poses a risk of damage to

neighbouring properties no higher than Burland Scale 1 “very slight”.
(emphasis added)

The developer, by his very proposal, asks the Council to grant planning permission on the explicit basis that he will do harm to neighbouring properties by injecting cement into their subsoil. It is irrelevant that the resulting Burland Scale calculation would then produce the result desired by the developer, since the proposal fails on the first part of the two part test, in that the proposal of necessity will harm neighbouring properties.

The revised proposal is therefore **expressly contrary to Camden’s Local Plan**, and must therefore be rejected.

Risk Independently of the harm occasioned by injecting concrete into the soil under neighbouring properties, from past personal experience of a specific case that ended up in litigation, I can say that injecting high pressure liquid cement into weak made ground can have catastrophic consequences when the pressurised liquid cement finds a fissure and follows it to an unintended destination. In particular, drain and cable runs are at risk, as is any adjacent void, such as a manhole or basement, and these can quickly become unusable by being blocked with solidified concrete.

In addition, the developer continues to ignore the existence of (i) a listed party wall between 12-15 John’s Mews and 23 & 24 John Street, and (ii) listed structures running right up to, and in the case of 22 John Street, adjacent to the rear of 13-15 John’s Mews.

Permission For my part, I will not give permission for either consolidation or compensation grouting to occur to the soil on my listed property. I will not tolerate a change in the soil conditions under my property, not least because I do not know what I might want to do on my land in the future, and I do not want to have to be faced with the consequences of having concreted soil, whether it be sterility when considering bio-diversity, an inability to plant trees, or a change in the porosity of the soil so that rain-water run-off changes.

Appendix 1

Barret Mahony, who produce calculations based on a revised construction methodology that does not form part of the supporting documents for this application, state:

“The soil adopted here [for the modelling] is described as ‘stiff clay’ and the temporary support provided is stiff. Made ground is found over most of the dig depth, which is likely to be lower strength. To overcome these inconsistencies, the following construction methodology is proposed:

- It is necessary to increase stiffness of the soil prior to the works so that the ‘stiff’ setting is more appropriate. To achieve this, compensation grouting should be carried out in the area near the adjoining walls which are at risk.
- Following underpinning, temporary works providing lateral support to the underpins should be installed to ensure that support equivalent to a ‘high stiffness retaining wall’ is provided.”

In their revised BIA, Chelmer then rely on Barret Mahony and say as follows in the paragraph numbers identified:

“6.10 Several significant assumptions have been made in this assessment owing to a lack of appropriate published data sets for the ground conditions at this site, as set out in paragraph 6.16 below, so ground improvement works as also described in paragraph 6.16 will be essential before these excavations proceed, together with special working methods during the excavation process, in order for the actual displacements to be kept in line with these predictions.

.....

6.16 It should be noted that the XDISP data provided by Barrett Mahony are for high stiffness support of stiff clays, whereas the proposed works involve excavation of underpins in Made Ground, however no other published data exist which are more appropriate. So the Made Ground ***beneath the adjoining properties*** [my emphasis] will need to be grouted comprehensively, broadly as proposed by Barrett Mahony, though they will need to include an initial phase (or phases) of consolidation grouting prior to the compensation grouting or the latter probably would not work as intended. The temporary support then provided as the underpins are excavated must provide a high stiffness support system at all times.

.....

7.19 Use of best practice construction methods will be essential to ensure that the ground movements are kept in line with the above predictions.”

Appendix 2

Objection to planning application 2017/4302/P

As expanded upon below, we object to this planning application on the basis of three areas of direct concern to us, namely:

1. Its impact as a basement development in circumstances where the developer's own BIA confirms that the proposal does not satisfy Camden's Policy A5 on Basement Development;
2. Its impact on the conservation area in which the properties sit and to which they are currently identified as making a positive contribution, where the proposal is for the substantial demolition of effectively everything other than a part of the front wall and its replacement with a modernist form using new materials, thereby also directly affecting the setting of adjoining listed buildings; and
3. Its impact on our amenity in creating substantial new sliding clear glass doors and windows looking directly into the rear of our property and permitting access onto a new proposed grassed roof terrace at first floor level.

1 Basement development

Camden Local Plan, Adoption version of June 2017 sets out Policy A5 "Basements" states that:

"The Council will require applicants to demonstrate that proposals for basements:

- n. do not harm neighbouring properties, including requiring a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 "very slight".

The Applicant puts forward a Building Impact Assessment from Chelmer Consultancy Services dated July 2017 ("the BIA"). Paragraph 6.21 of that document confirms that the calculations for the proposed development produce a figure of Burland Category 2 for the structure to the South of the property.

Accordingly this application fails to satisfy Camden's policy for basement developments.

Further, at paragraph 6.22 the BIA acknowledges that other structures "have not been assessed in detail". This has occurred on the false basis that other "neighbouring structures" are further away.

Regrettably the statement that other structures are further away is untrue, and the diagram included in Figure 18 of the BIA is inaccurate.

24 John Street shares a (listed) party wall with 15 John's Mews, and our flank walls extend to that boundary (our South wall is a party wall with active office space to the South in 25 John Street extending almost to 15 John's Mews and our North wall includes the remnants of a huge chimney from a previous single storey extension that used to run almost to our rear wall, where the foundations are but a few metres from the proposed excavations).

There are further concerning features of the BIA.

First, paragraph 4.4.7 of the BIA refers obliquely to “the Chelmer (2016) Geo-Environmental Interpretative Report” which “addresses contamination issues, and that report should be noted by the contractors” but the report does not form part of the planning file for this application. However, as a constrained site immediately opposite St George the Martyr Primary School, the complete picture of the contamination present on this site (namely lead and other contaminants) should be explicitly disclosed by the applicant and should appear on the face of the record for this application.

Secondly, the BIA is based upon plans that were previously submitted with application 2014/3330/P, yet the figures shown in Table 4 “Summary of predicted heave displacements” within paragraph 5.4.2 of the BIA are now calculated at lower figures than those shown in Table 3 “Summary of predicted heave displacements” within paragraph 10.5.3.3 of the BIA report produced by Chelmer for the previous application. There is no explanation for this discrepancy. All one does find at the end of paragraph 5.4.3 of the current BIA is a statement that “differential displacements experienced by the slab after it has cured will be larger than the difference between the displacements at Stages 3 & 4, and possibly in the order of up to 10 mm.”, an observation that was not included in the BIA produced by Chelmer for the previous application.

Thirdly, the current BIA appears substantially less detailed than that produced for 2014/3330/P, where Chelmer went to great lengths to address the complex unstable nature of the soil in which this proposed excavation is to occur and produced detailed plans for the construction in order to address certain of the issues. Such detail should not be allowed to disappear or be assumed to be included: each application needs to have the same level of precision in the construction methodology.

Fourthly, the BIA appears to be based upon a structure that is not that for which permission is sought. Paragraph 5.1.3 records that the excavation depths for the basement has been modelled using drawing L14771-11-P2, yet section 4 on that drawing is for the old application (2014/3330/P) where the boundary wall between 13-15 John’s Mews and 23 & 24 John Street was to be buttressed by a concrete floor at ground level. Yet this structural detail is not present in the scheme drawings for the application. It therefore appears that the BIA has not been prepared on the basis of drawings for the scheme that is actually being proposed.

2. Heritage Issues

13-15 John’s Mews is identified as making a positive contribution to the conservation area in which it sits.

Contrary to what is said in the “Planning Statement” prepared by Montagu Evans in support of the application, it is accepted elsewhere that the buildings are original mews houses dating from the 1800’s, with the single storey rear extension to 15 John’s Mews being built in the rear garden to our property, 24 John Street, by no later than 1894 (see paragraph 3.1 of the BIA).

13-15 John’s Mews was occupied and in business use until around 2012. It was sold in or around 2013, since when it has been stripped out by the current owner, including the creation of substantial holes in the floor to the ground and first storeys, and allowing the roof to deteriorate, as a result of which it is now said to be incapable of further business letting.

As appears from drawing P_07, Demolition and Proposed Rear Elevation, substantially all of the remaining exterior of 13-15 John's Mews is to be demolished, and the historic form of the rear of the building is to be lost in its entirety.

Indeed, given the extent of the proposed remodelling of the front face and interior, the proposal amounts to the substantial demolition of the properties.

Camden Policy D2 Heritage provides that:

"The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;"

and

- "k. resist development that would cause harm to significance of a listed building through an effect on its setting."

As set out in paragraph 7.49 of the Camden Local Plan Adoption version of June 2017, there is a presumption in favour of retaining buildings that make a positive contribution to a conservation area and applicants will be required to justify the demolition of such buildings.

No such justification is provided for this application, nor indeed does any such justification exist.

Further, the profile and appearance of the proposed rear of 13-15 John's Mews is entirely out of character with its setting, introducing entirely new, alien features (such as a grassed roof terrace and modern full height sliding glass doors at first floor level) and destroying the historic rear profile of the building and altering its relationship with the listed buildings on John Street. It most certainly neither preserves nor enhances the character or appearance of the area.

Paragraph 7.60 of the Camden Local Plan Adoption version of June 2017 provides that "the setting of a listed building is of great importance and should not be harmed by unsympathetic neighbouring development. The value of a listed building can be greatly diminished if unsympathetic development elsewhere harms its appearance or its harmonious relationship with its surroundings. Applicants will be expected to provide sufficient information about the proposed development and its relationship with its immediate setting, in the form of a design statement."

The application does not provide sufficient information and what is proposed for the rear elevations is unsympathetic, out of character and damaging to the setting of listed buildings.

For these reasons the scheme proposed is therefore contrary to Camden's stated Heritage policy.

3. Amenity

Camden Policy A1 “Managing the impact of development” states that the Council will seek to ensure that the amenity of neighbours and will in this context consider visual privacy as a factor.

CPG 6 sets out factors that might be considered by a developer in relation to mitigating potential overlooking: none seem currently to be adopted. Indeed, the design appears wholly unconstrained by consideration of the extent to which it impinges on our amenity.

The applicant proposes new windows at ground floor level overtopping the height of the existing party wall between 15 John’s Mews and 24 John Street.

The applicant proposes new, clear glazed wide full height sliding doors at first floor level, opening onto a sedum roof, with no suggestion that there will be any impediment to that roof being used as a roof terrace.

The applicant proposes new windows in a new mansard development with no suggestion that any of those windows will feature obscure glazing.

The creation of windows exceeding the height of the rear party wall is objectionable.

The size and nature of the new openings proposed at first floor level is objectionable. They are too large, they must be obscure glazed, and they must not permit egress onto any roof area.

The windows in the proposed mansard roof must also be obscure glazed.

If the application is permitted in any way, it should be a condition of its grant that at no time in the future will external access be permitted onto roof or other external areas above basement level.