

Planning and Built Environment,
Camden London Borough Council,
5 Pancras Road,
King's Cross
London
N1C 4AG

My reference:

Your reference:

For the urgent attention of Charles Thuaire

By email to:
Charles.thuaire@camden.gov.uk

3rd January 2018

Dear Sirs,

ROYAL FREE HOSPITAL DETAILED BASEMENT IMPACT ASSESSMENT REVIEW (DBCP)

We write on behalf of the St. Stephen's Restoration and Preservation Trust, The Hampstead Hill School and the Hampstead Green Neighbourhood Group to express our profound concern regarding the Detailed Basement Construction Plan for the proposed extension to the Royal Free Hospital.

The Development Control Committee Members acknowledged the important and critical issues raised by this application in the interests of St. Stephen's, the School and people living nearby. Members were also unwilling to leave such issues wholly up to officers to determine, taking what they admitted was a very unusual step in demanding that Members must have the opportunity to properly scrutinise the DBCP for themselves.

The intention was that the DBCP would provide enough detail, with a rigorous and science-based approach to give Members certainty and comfort that the works would not cause harm to neighbours, including the Grade I listed Church, or put at risk the welfare or endanger the health of the children, staff and parents associated with the School. As Higginbotham J commented on the 27th July 2016 in the context of my clients' application for judicial review:

"In the event the Council resolved to grant planning permission but subject to a section 106 agreement which provided for approval of both a Construction Management Plan and Detailed Basement Construction Plan ("DBCP"), before implementation of the permission and works commenced respectively. The final submission of the DBCP was required to be accompanied by evidence of appropriate consultation with local interested persons. This was all to ensure that "there is no possibility of the development being commenced until the Council is satisfied that no harm will be caused by the proposed basement works..."

Therefore, the Court intended that a very high and virtually absolute level of certainty should be established that there would be no harm whatsoever as a result of the proposed works and that consultation with all local interested persons has been carried out to a degree which is appropriate, especially with regard to the degree of harm that might be suffered.

Furthermore, as ruled by Higginbotham J, it was intended that:

“the Section 106 Agreement ensures that there is no risk to the adjacent historic buildings.”

It is clear from the above where we have added emphasis, that there can be no margin for error in this case given the extreme sensitivity of St. Stephen's and the School and their buildings, in terms not only of stability and their use, but also for the significance of their national heritage value.

Unfortunately, we and our client's Engineering, Geotechnical and Geological Experts cannot support the DBCP at present as it falls significantly and worryingly short. In summary our concerns are as follows:

1. **SEVERE DAMAGE TO GRADE I LISTED ST. STEPHEN'S:** Very real threat of collapse of parts of St. Stephen's without warning as a result of further weakening of the structure of the church hall without proper understanding of the ground and soil conditions.
2. **SIGNIFICANT DAMAGE TO POND STREET HOUSES:** Complete ignorance of the structural conditions of the properties in Pond Street, which might also be damaged by the works. There has been no structural assessment or survey of the conditions or foundations to these properties as part of the DBCP, such that the possibility of no harm whatsoever arising to these properties as a result of the works cannot be assured.
3. **HAMPSTEAD HILL SCHOOL.** St Stephen's hall is home for nearly 400 small children for up to 10 hours a day, 51 weeks of the year. The development works would inflict prolonged construction noise, fumes, dirt and vibration, on the lives and learning of these children, their parents and 100 school employees, endangering the health of children and staff and causing complete disruption to the functioning of the School, teaching and activities.
4. **ENDANGERMENT TO THE LIVES OF CHILDREN AND STAFF:** the applicant proposes to block up established and critically important fire assembly points and safe escape routes with no alternative in place and has not consulted with the School at all.
5. **LOSS OF COMMUNITY EVENTS AND INCOME TO ST. STEPHEN'S:** The proposed works would cause such severe and complete disruption to community events and activities held by St. Stephen's, such as weddings and concerts that bookings would dry up, forcing it to close and the buildings to fall into disrepair.

We and our clients feel as though we have been very badly let down by the applicant, and would humbly appeal to Members not to allow the development to proceed. The current DBCP fails to provide critical information and the applicant's development team have no proper understanding of the ground movement and structural conditions of St. Stephen's or of other properties in Pond Street, and have not undertaken appropriate consultation.

Members have stretched the flexibility of the Council's own planning policy on basements as far as it can to give the applicant the opportunity to look properly into these issues. However, this should not be seen as a rubber-stamping exercise. Children's and others' lives are potentially at risk and the Community is looking to Members to protect their heritage, their Schools and their children's welfare and well-being.

We would ask that this entire representation be shown to Members along with a full list of the documents that will be shared with Members that were provided by my clients' expert consultants. Furthermore, we wish to be shown in advance a full copy of the list of documents from our clients' experts, along with a full summary of what will be presented to Members, in advance of the Members Panel Briefing.

As very experienced Councillors, especially in local planning matters, you have no doubt sought to ensure that your concerns to date have not been based on unreliable and incomplete information. Therefore, as the DBCP is not at present 'fit for purpose', we would implore you not to approve it as it does not fully incorporate and properly address the contents of the technical engineering reports that we have shared with officers, and no further development work should commence on this site, particularly given the dangers and concerns highlighted above.

Yours faithfully,

David Kemp BSc(Hons) PGDL MRICS

Director

DRK Planning Ltd