

**23A Churchill Road, Official Notes & Objections to PLANNING APPLICATION
REFERENCE NO: 2018/0522/0 – 24 Churchill Road**

Dear Ms Kristina Smith,

We live adjacent to the proposed property within a one bedroom, terraced, basement flat located to the right of the proposed development site and are writing to ask that Camden Council refuse this planning application from Mr & Mrs Dan and Sophie Benedict/ Andrew Dust Structural Engineers.

Please note we are not legal experts and do not have the resources to get any advice but we have done our best to outline the detrimental effects this will have on our lives. Apologies if this is not the right format, we wanted to try and make it as clear as possible.

Herein are our comments and objections relating to this planning application:

Please note that this property is located within Dartmouth Park Conservation Area.

We would like to note that we have had no communication from anyone in relation to this application. We believe that the application is unclear and misleading and has allowed the impression that this is not an application request to change the structure of the building to create a new basement but an underground excavation with the assumption this framework is already there. However as there adjoining wall neighbours we completely disagree and believe that there request to excavate down to create new dwellings underneath their ground level is a request for subterrean excavation which should be considered as a basement or major underground works. We object to these basement proposals in its entirety.

We would also like you to note that we welcome renovation at this property as we feel it is needed however not to the detriment of our life. We welcomed the previous agreed 2016 planning decision, which has now drastically changed.

We are social housing tenants who are married, work full time, a key worker nurse who works 12 – 14 hour night shifts and a manager working within a national charity and I am classed as a carer for my disabled mother. For us there is no choice and we feel utterly helpless within this situation. Our housing association has just merged from Circle 33 to Clarion Housing. We believe that the property next door is taking advantage of the Circle and Clarion merger, fully knowing there are wider bigger teething problems that are being resolved internally within their organisation and that this may have slipped. Our housing association has not made us aware of any communication past investigation stage.

Adjacent Neighbouring Property (23A)

- i. We are not wealthy property developers with resources to provide lawyers and professional opinion and we ask that Camden accept that the planning objection process should be a level playing field not weighted in favour of those financially privileged. It should be an accessible process for all.
- ii. We are not structural engineers however this is an extensive basement excavation that is way beyond original plans and will cause a level of disruption and causative harm disproportionate to need to develop property in this manner.

- iii. This type of development is not only not needed within this local area but does nothing to enhance local housing provision as is targeted for wealthy purchasers who have the means to purchase any number pre-existing basement property. Whereby this level of property development of serious harmful disruption can be avoided. (Please see attached estate agent details of proposed basement 2 bedroom properties within the local area)
- iv. In reference to 23a as being a basement property setting precedent ignores the fact that this is **social housing provision** already built in situ for many years and as such cannot be used as precedent as **not like for like** in either lay out or proportionality of need. Social housing has statutory role in meeting need of local population and as such meets community priorities in a way this development doesn't. The development being proposed is solely for commercial profit and as such the added social capital and actual community need is negligible to non-existent.
- v. The level of disruption to rights to a peaceable life is so severe that very real potential for serious causative harm to physical and mental health of both tenants. No remedy to the human or financial cost to us as neighbours has been considered at any point and no remedy considered. There has been no risk assessment of damage to our wellbeing has been undertaken. It concerns us greatly that the developers propose to not only continue in the disruptive and selfish manner adopted thus far but plan to exacerbate the noise, disruption and harm to us to a level unsafe.
- vi. Article 8 of the Human Rights Act is about respect for the home .We have a right not to have our home life interfered with. Whilst limitations can apply they must balance the competing interests of an individual with those of the community as a whole. The need of the property developer as an individual does not override the needs of us as individuals nor those of the community affected. There are no applicable proportionate limitations arguable. We ask that the committee give significant weighting to this need.
- vii. We are personally affected as husband is a key worker, nurse. This is an essential worker who will be unable to afford relocation and shouldn't be required to because of intrusive and harmful building works proposed. As a nurse you are expected to work shifts. I am a manager within a national charity and work from home 2 days a week due to caring commitments. This will affect our work and personal life considerably. This loss of earnings will result in associated personal distress and disproportionate loss of income with no recourse to challenging or asking for financial recompense through court as this route not available to the ordinary person in the street without the personal assets to instruct counsel. We ask that the council consider this.

- viii. When building work and investigations, drilling and machinery started on the house last year we experienced a huge vermin problem, which our neighbours 23C had to pay privately to exterminate, our Housing Association does not take responsibility with vermin infestation. There is also a huge sound insulation issue between properties, the sound volumes are tremendous. We can hear everything to a penny dropping and general conversations. There have been no sound investigations or tests. This level of intrusion in life now has not been recorded and the failure to communicate that these issues exist now has not been recorded, we anticipate that this will get significantly worse.
- ix. These proposed plans will have a severe impact on our lives as well as affecting my mother's life, who has additional care needs costs and respite, costs for this will be need to be absorbed by Camden as the situation will be unsustainable.
- x. In addition in any/all planning permission granted LB Camden should give serious consideration to needs of residents affected and insist that the developers pay or pay their social housing landlords to move to an equivalent property for a period of 6 months – 12months, depending on time scales, in the same location whereby the rent and all moving costs are covered in advance and fully indemnified and that this is a condition of any planning permission given.
- xi. We have had absolutely no timescales given, as if the works are ever ending. We believe that due to the severity and level of work, planning permission given must be subject to time limitations whereby LB Camden apply fines for each and every day that goes over to minimise serious disruption.

Structural Stability

- i. After reading the proposed plans we believe there is a real risk of permanent structural damage to the adjacent houses and local neighbourhood. We believe these proposed plans will cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage and flooding problems, create a hazardous living environment, cause a vermin problem and damage the character of areas and the natural environment. We would like the principal impacts of lower excavation to consider groundwater flow, land stability, surface flow and flooding and the impacts on neighbours of demolition and construction.
- ii. The structural stability and risks for the neighbouring properties are immense. The proposed excavation is on a hill, opposite a railway track and secondary school whilst being surrounded on both sides by adjacent terraced properties. We believe that the proposed excavation would not maintain the structural stability of the building and neighbouring properties, and would adversely affect drainage and run-off, causing other damage to the water environment and cumulative impacts upon structural stability or the water environment in the local area contrary to policy A1 (Managing the impact of development), A5 (Basements) and CC3 (Water and flooding) of the Camden Local Plan 2017.
- iii. After viewing the documents it is made apparent that the sewage and drainage is an issue for the proposed property. We believe that we are at a **huge risk** of flooding and vermin infestation, which is already present. We do not believe the plan has demonstrated that the additional works of excavation would safeguard

the structural stability of the application property and adjacent properties, nor that the development would prevent an unacceptable impact on the water environment in the surrounding area, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and light wells) of the London Borough of Camden Local Development Framework Development Policies.

- iv. We would also like you to take into consideration the increased noise, smell, dust and loss of light. Our air vents are extremely limited and we see no plans on how our ventilation levels will be kept safe throughout this application.

We also would like to state in writing that we would like to act under our full rights under the Party Wall Act and obtain a surveyor that acts for us as tenants.

We feel there is a lack of information to demonstrate the proposed excavations would not have significant adverse impacts on the structural stability of the application site and adjacent properties.

Levels of Noise and disturbance and the detrimental affect to the adjacent properties

There are already outstanding noise issues surrounding the proposed property. Complaints have been made to our landlord and environmental health on the poor sound insulation within our property and adjoining properties resulting from poor stacking arrangements on these previously erected post World War 2 properties.

- i. The proposed application is planning to drill, through concrete, excavating adjacent to the top of our head and above our bedroom and living area with nowhere to escape the noise. Resulting in unacceptable noise conditions. We believe that the proposed application will expose us to intense levels of noise and vibrations for long periods that may damage our health permanently.
- ii. Due to already outstanding sound insulation concerns and the very nature of the building, poor sound insulation with major works on a terraced property like this will fail to protect the adjoining neighbours from both external and internal noise. We also believe we have the right to quiet enjoyment of our homes.
- iii. We believe this is a major excavation and there will be large level of heavy machinery needed to excavate this level of work. There has been no independent noise level survey on how this will affect us, bearing in mind the proximity of these properties and the already outstanding noise issues surrounding them. This application does not take into account the potential noise impacts on residents of the proposed flats in a way that we feel is legal and we believe these plans are procedurally flawed and irrational. It is extremely important that the development of new noise sources close to residential premises or other vulnerable receptors, but more often to the residential development near existing noise sources such as roads and railways should be taken into account.
- iv. We believe there are major risks associated with inadequate sound insulation allowing penetration of excessive levels of noise or vibration from the proposed application from other parts of the building outside the dwelling, or from one part

of the dwelling to another. We have had no indication of level of a realistic independently assessed, noise impact and the associated level of decibel sound. We require an independent noise assessment, acting on behalf of the tenant, outlining the noise and vibration, taking into account the decibels expected.

- v. The planning application does not take into account anti vibration measures, although proposes to excavate down towards our property. Before any development commences we want full details of anti-vibration measures and sound insulation to windows, walls, floors and ceilings, or other parts of the building directly adjacent to our property. We are extremely concerned about the proposed living dwelling adjacent to our bedroom area and living room, our only areas to rest and do not believe a kitchen should be placed near or next to the connecting wall.

We believe there is potential to cause major disturbance to our property and our neighbours, we would like the Council to seek legal agreement (Section 106 agreement) with the developers to set up a forum with local residents and council officers to discuss a range of impacts and improve relations.

Loss of light or overshadowing - an added sense of enclosure

- i. We already have a very restricted light stream coming into our basement flat, with a sense of enclosure, we believe this proposal will unacceptably close us in. If the proposed plans go through we will have next to no light coming into our bedroom area or kitchen, we will be totally enclosed and hemmed in.
- ii. We believe the proposed development by reason of the loss of outside space, loss of outlook and loss of light would be detrimental to the amenity of the adjacent occupants of the property especially within 23a Churchill Road, 23B Churchill Road and 23c Churchill Road. Please refer to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- iii.
- iv. The proposed development by reason of its effect on sunlight and daylight and added sense of enclosure to 23 A Churchill Road in particular would have a detrimental impact upon the amenities of neighbouring residential properties contrary to policy CS5 (managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

We are also extremely concerned about the lack of privacy for our adjacent property within his proposed application. We believe there should be no windows on the wall facing our kitchen or bedroom area.

Conservation Area

- i. The property is located in a Dartmouth Park Conservation Area. We believe the structural damage, loss of outside space without justification, noise pollution and proposed look would harm the character and appearance of the Dartmouth Park Conservation Area.
- ii.
- iii. Due to the mass of minerals and building works require to build this project we believe the proposed development by reason of its detailed design and materials is considered to have a detrimental effect upon the street scene contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

The Effect on the neighbours, street and pedestrians;

Please take into to consideration the impact of the construction on the street, adjacent properties and neighbourhood. Demolition material from the existing ground floor and any other internal demolition, tunnelling and excavated ground from within the new underground area, would need to be removed. Excavation underpins and the internal lower ground excavation space would lead to a huge volume of earth material. There would be noise and potentially dust associated with the works. At the moment there is no concern for public safety, looking at adjacent property ventilation and we request a project plan is put in place.

- i. We believe that the removal of so large a quantity of minerals would consist of a **mining operation** followed by an **engineering operation**, which would create an **uninhabitable situation** for adjoining properties and the neighbourhood.
- ii. There is no Construction Management Plan. In the absence of a legal agreement to secure a Construction Management Plan and a service managements plan, we would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development), T3 (Transport infrastructure), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
- iii. There is also an absence of a financial contribution secured to cover the costs of reviewing the Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development), T3 (Transport infrastructure), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
- iv. Churchill road is an extremely narrow road that only allows of one car to pass through at a time, leading to traffic. This planning application has not considered

the lack of space and parking already an issue on Churchill road. We believe the proposal of 4 spaces would rise conflict and create a lot of highway safety risks.

- v. Due to the location of the secondary schools in proximity to the proposed property, the street has a high footfall of students aged 11yrs – 18yrs walking past every morning and evening. We believe this level of work would place their access and safety at risk. We encourage you to attend the property between hours of 8am – 8.30am or 3.30pm to see the level of children walking past. There are no risk assessments shown within this application that indicates this level of safeguarding.
- vi. After reviewing, the planning application we believe it has not taken into consideration the environmental protection (Dartmouth Park Conservation Area), highway safety and community liaison measures proposed to mitigate potential impacts of the works; how the health effects and amenity of local residences and others are to be ameliorated and monitored; and traffic measures, including procedures for notifying residents in advance of major operations. After reading the application we believe the proposed development, in the absence of a legal agreement securing necessary contributions towards highway works would fail to make provision to restore the pedestrian environment to an acceptable condition after the contrary to policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.
- vii. As this street is adjacent at a Secondary School and other schools within the local area we believe that this type of development would fail to secure adequate safety provisions where legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies A1 (Managing the impact of development), T3 (Transport infrastructure), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017
- viii. The proposed development has not taken into consideration road access and the consideration and the adequacy of loading, parking turning and in the absence of a legal agreement securing necessary contributions towards highway works would fail to make provision to restore the pedestrian environment to an acceptable condition after the contrary to policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.
- ix. We believe that the proposed development, in the absence of a service management plan, would be likely to give rise to conflicts with other road users, pedestrians and local residents contrary to policies CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and DP16 (transport implications of development) and

DP20 (movement of goods and materials) of the London Borough of Camden
Local Development Framework Development Policies.

Disabled persons' access

I care for disabled mother and am extremely concerned about her level of access, parking and safeguarding needs.

Reference to other bodies in the local community who support our position:

We have support of our neighbours who will be independently objecting, local councillor, local MP. We will also be bringing this to the attention of the media.

Recommendations

We believe the council should refuse this planning application due to the above grounds and considers a similar planning permission to 2016 with no lower ground excavation.

We would recommend that all affected neighbours are given realistic timescales of work and communicated to appropriately in order for them to acknowledge whether they need to take action in moving out of their current one.

Request that the Council decide to place the application before the Development Control Committee for determination subject to a 106 Agreement whereby the applicant agreed not to begin development until the Council had approved the Construction Management Plan. We believe there is potential to cause major disturbance and risk to health, we want the Council to seek legal agreement (Section 106 agreement) with the developers to set up a forum with local residents and council officers to discuss a range of impacts and improve relations.

Please note our property is on one floor, below ground, with no access to any other areas above or below with limited air ventilation. Therefore there is nowhere to escape the sounds, vibrations and dust that have been proposed within this application. LB Camden should give serious consideration to needs of residents affected and insist that the developers pay for us to move to an equivalent property for a period of 6 mnths – 12mnths in the same location whereby the rent and all moving costs are covered in advance and fully indemnified and that this is a condition of any planning permission given

Therefore we recommend a management plan for all residents if structural damage is caused with full compensation for all residents affected by this proposal and a proposal to rehouse residents if there is any significant risk to their health and wellbeing.

We believe that there is a real risk arising from underground water, flooding, sewage and vermin infestation. We ask that a flood risk assessment is required and any previous flooding within properties is taken into consideration.

We believe that environmental protection, highway safety and community liaison measures need to be proposed to mitigate potential impacts of the works; how the health effects and amenity of local residences and others are to be ameliorated and monitored; and traffic measures, including procedures for notifying residents in advance of major operations. We need reassurance that this construction phase of the development can be carried out safely

and with minimal possible impact and disturbance to the surrounding environment, neighbours and highway network.

We welcome renovation at this property as we feel it is needed however not to the detrimental and life threatening affects listed above to the adjoining properties and neighbourhood. We welcomed the previous planning decision in 2016 and was in agreement with the previous owner for work to not happen on the weekends.

Considerations: No work before 8am or after 4pm and **no work at all within property on weekends** due to proximity of dwellings and the level of disruption and life threatening harm this will cause to the neighbourhood.

We are social housing tenants who are married, work full time, a key worker nurse who works 12 – 14 hour night shifts and a manger working within a national charity. For us there is no choice but to stay at this residence, we cannot just up and sell or move.

Our housing association has just merged from Circle 33 to Clarion Housing. We believe that the property next door is taking advantage of the Circle and Clarion merger, fully knowing there are wider bigger teething problems that are being resolved internally within their organisation.

Please note the personal note that I am also a carer for my disabled mother who needs open and clear access to this residence.

Please can we make a formal request to speak at the local planning authority committee meeting at which the application may be decided, some local planning authorities require respondents to planning applications to give notice, in their response, of their wish to speak at committee meetings:

Therefore, we ask that Camden Council refuse this Planning Application and encourage Mr & Mrs Dan and Sophie Benedict/ Andrew Dust Structural Engineers to resubmit a building design that is less intrusive on neighbouring properties, and more sensitive to the neighbouring properties.

We invite you to visit our home to verify that these objections are valid.

Should you require any additional information, photos, clarification of any comments made, or would like to arrange a visit to our home; please do not hesitate to contact us on

[REDACTED]

Yours Sincerely,

[REDACTED]

Basement Flats to buy within Dartmouth Park/Tufnell Park/Kentish Town and Highgate Area

Please see below a snapshot of basement two bedroom properties that are available within this area to purchase on 12th Feb 2018. This took me less than five minutes to find, we are not in any way shape or form lacking basement flats within this vicinity.

1.

<http://www.rightmove.co.uk/property-for-sale/property-65824700.html>

2.

<http://www.rightmove.co.uk/property-for-sale/property-49376427.html>

3.

<http://www.rightmove.co.uk/property-for-sale/property-70196933.html>

4.

<http://www.rightmove.co.uk/property-for-sale/property-71199575.html>

5.

<http://www.rightmove.co.uk/property-for-sale/property-69218285.html>