



Objections to: Planning Application - 2015/4373/P

**Site Address:** 13 Kemplay Road London NW3 1TA

Dear Mr Tulloch,

**Executive Summary:**

The content of this email dated 10<sup>th</sup> June 2018, replaces and supersedes my previous objections submitted to your services on 2<sup>nd</sup> June 2018.

The current application is still faulty and deficient on many counts:

- 1.Clear risk of internal and external sewer flooding.**
- 2.No adequate soil above proposed basement.**
- 3.The BIA is deficient on many counts.**
- 4.No proper Heritage consideration.**
- 5.No proper demonstration that trees will be not be damaged.**

This application must be refused in its entirety. It breaches on many counts the NPPF, Camden Local Plan and guidance and the policies of the Hampstead Neighbourhood Forum which it does not even refer to.

**1. Clear risk of internal and external sewer flooding:**

The proposed building would more than double the proportion of hard surface. The existing building has an external footprint of 40.7 sq meter. The proposed scheme would have a building footprint of 86.6 sqm therefore increasing the amount of hard standing on the site by 45.9 sq meter. This exacerbates the risk of surface flooding.

The property is located on a slope and close to the street. The application curiously state that "no SUDS are considered necessary". Furthermore, the BIA admits in its paragraph 6.1.2 entitled "Surface Water Flood Risk" the following: "As detailed on Figures 2 and 3 with reference to Camden's Strategic Flood Risk Assessment (SFRA) the property lies in an area which is at risk of internal and external sewer flooding. From the SFRA it is apparent that four properties located in close proximity to the site have previously been affected by interior sewer flooding whilst one property has been affected by external sewer flooding and given that a basement is proposed, this increases the risk."

The location is in an area classified as "critical drainage area" as per reference to the report commissioned by Camden to URS and as reported in the "London Borough of Camden Strategic Flood Risk Assessment" Drawing Figure 6, dated 04/06/2014, URS reference 47070547.

<http://hampsteadforum.org.uk/evidence/Basement%20evidence/Hydrology%20evidence/London%20Borough%20of%20Camden%20Strategic%20Flood%20Risk%20Assessment.pdf>

Thames Water should also have been consulted but it has not. Furthermore, the application states that: "at present the drainage details for the scheme have not been finalised however it is understood that surface water will be directed to the local sewer network on Kemplay Road". This is wholly unsatisfactory and clear details for the drainage for the scheme should have been provided. The applicant has been given plenty of time to provide this sort of information but has totally failed to do so.

**2. No provision for adequate soil above the proposed basement development:**

Comparing drawing 1155P 100 (proposed basement) and drawing 1155p 102 (proposed ground floor,) it is clear that the proposed basement will extend beyond the footprint of the house, yet the applicant has failed to provide for 1 meter of soil above basement.

Camden Local Plan states in article 6.141 "Basement developments should mitigate any loss of storm water infiltration capacity or biodiversity habitat caused by that development through the planting of vegetation above the basement and other appropriate measures. This will usually take the form of a soft landscaping or retention pond on the top of the underground structure, which is designed to temporarily hold a set amount of water while slowly draining to another location. The Council expects that a minimum of 1 metre of soil is provided above the basement development, where this extends beyond the footprint of the building, to enable garden planting and for rainwater runoff and flood mitigation."

Article 3.2 of the Guidance on basement also states: "it will be expected that a minimum of 1 meter of soil be provided above basement that extends beyond the footprint of the building, to enable garden planting and to mitigate the effect on infiltration capacity".

This is clearly not the case if one looks at the proposed rear elevation and side elevation plan 1155P 111.

### **3. Deficient revised BIA:**

-there is hardly any difference between the latest proposed basement plan of May 2018, reference 1155-p 100 and the previous one submitted in 07/2015 reference 5085 (P) 100. The two are substantially the same.

The revised BIA of October 2016 in page 5, paragraph 1.2, makes references to obsolete guidance and Policies:

. CPG4 July 2015 has been replaced by CPG Basements March 2018.

. The Development Policy (DP) 27 Basements and Lightwells has been replaced by the Local Plan 2017.

. Even more striking is the total absence of reference to the Hampstead Neighbouring Plan ("HNF") and its many relevant Policies. (e.g. Basements, trees, heritage). The HNF has now been approved by Camden.

As a result several HNF basement policies have not been complied with e.g. Policy BA1 - 1, neither have the required survey documents specified in the HNF been provided, reference HNF 5.12 - e as well as many other policies.

#### **Deficient borehole lay out:**

The BIA breaches the procedures specified in page 64 of the Arup report of November 2010 commissioned by the London Borough of Camden:

[file:///C:/Users/Oliver/Downloads/ARUP%20hydro-geological%20report%20text%20\(6\).pdf](file:///C:/Users/Oliver/Downloads/ARUP%20hydro-geological%20report%20text%20(6).pdf) which stipulates:

" • A minimum of three boreholes or trial pits is usually required in order to determine the groundwater flow direction. The three locations should be arranged in a triangular pattern. For larger plots more locations will be needed."

The BIA violates this since only two boreholes have been conducted. This is another cause for rejection of the BIA and therefore of this application.

#### **Improper ground water measurements:**

The same Arup report of November 2010 commissioned by Camden, states:

" • The water table rises and falls seasonally. Broadly speaking, it will be highest (closest to the surface) in March or April, and lowest at the end of October.

7.2.3 Monitoring, page 65. For example, if the matter of concern is the potential for groundwater flooding, measurement should be taken during the period of the year when groundwater levels are naturally at their highest (March or April). If the impact being considered is related to increased disposal of rainfall to the ground, a measurement should be taken frequently, e.g. daily, during periods of contrasting rainfall intensity. "

Yet there the monitoring has been conducted on only the following three days: 21/10/2015, 29/10/2015 and 09/11/2015.

There has been no hydrological modelling either contrary to procedure 5.12 – h of the HNF.

In paragraph 2.5 of the BIA, page 9, item 8, it is wrongly stated that the site is not within 100m of a watercourse or a potential spring line.

A report compiled by Arup (see enclosure) shows the existence of two wells within less than 100 meters of the property. This has not been mentioned either.

The BIA also does not comply either with paragraph 5.12 subparagraphs a, requiring boreholes measurements to be conducted over a period of several months and e, specifying the submission of two reports as mentioned in the Hampstead Neighbourhood Forum ("HNF").

#### **4. Violation of Heritage considerations and breaches of NPPF, Camden's policies, HNF's policies:**

Despite numerous objections by residents e.g. on 4<sup>th</sup> December 2017, 4<sup>th</sup> November 2017, the Heritage Impact Assessment of Andrew Derrick dated Dec 2017, the report of Hollins Planning dated Nov 2017, the applicant has still not submitted an adequate Heritage Assessment as is required under the NPPF's paragraph 128.

The applicant has still not identified any public benefit as per paragraph 134 of the NPPF. The application still breaches Camden's Core Strategy. It also breaches the HNF's Policies as the new proposed extension still encroaches on the front view.

Furthermore, the applicant has totally ignored the HNF Policies # 3 on Design and Heritage.

#### **5. Trees:**

As previously pointed by local residents, there are two substantial sycamores on the side that contributes greatly to the leafy aspects of Kemplay road. Furthermore, the analysis of the impact on the root protection areas is inadequate and flawed. For example, to excavate the basement would necessitate preparatory excavations beyond the intended footprint of the proposed basements hence further encroaching on the root protection area. No drawings on the impact of the required excavations beyond the proposed basement have been submitted either, and the impacts on the root protection area.

Furthermore, as mentioned in the BIA there is a clear need for an extensive SUDS but the location and the basic layout have been omitted in the application. This is likely to impact various root protection areas. This information is missing.

This application does not either take into account the Hampstead Neighbouring Forum policies e.g. NE12 neither NE2 .1, REF 4.14, 4.23, 4.24, 4.32....

**Conclusion:** Most of the previous objections have not been properly dealt with. Furthermore, we now have the HNF policies that have been adopted by Camden and yet the applicant does not take them into account or refer to them at all whilst breaching them right and left.

This application is also contrary to paragraph 187 of the NPPF, does not improve the economic, social and environmental conditions of the area.

Furthermore, there has been no proper pre-consultations despite the government guidance strongly recommending so as well as Camden and the HNF.

This application has been outstanding for 2 years and 10 month, there have been copious and very well documented objections from residents and experts on many counts. The applicant has been given many opportunities and, on many occasions, to address these numerous objections which have still not been addressed at all.

This application continues to copiously violate or totally ignore all sorts of Planning Policies at the NPPF, Camden and HNF level. This application must be refused once for and for all.

Please keep me informed.

Regards,



Chair of CRAAC

*CRAAC, the Camden Residents' Association Action Committee consists of over 30 Resident Associations and related organizations, representing several thousand residents throughout most of the wards of Camden. We are apolitical and aim to protect the residents against unwarranted damages caused to neighbours because of aggressive and inconsiderate basement developments.*

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